Nelson City Council
te kaunihera o whakatū

AGENDA

Ordinary meeting of the

Planning and Regulatory Committee

Thursday 25 May 2017
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson

Membership: Councillor Brian McGurk (Chairperson), Her Worship the Mayor Rachel Reese (Chairperson), Councillors Luke Acland, Ian Barker, Bill Dahlberg, Kate Fulton and Stuart Walker and Ms Glenice Paine

M2576

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.

Nelson City Council
te kaunihera o whakatū

Planning and Regulatory Committee

25 May 2017

Page No.

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

4.1 Kerry Neal

Kerry Neal will speak about the confusion attached to the Nelson Plan - Natural Hazards and the financial implications of this plan, and the urgent need to look at certain construction methods in Nelson City, due to an urgent message from Wellington engineers to encourage other localities to look at this problem.

5. Confirmation of Minutes

5.1 13 April 2017 **8 - 11**

Document number M2503

Recommendation

That the Committee

<u>Confirms</u> the minutes of the meeting of the Planning and Regulatory Committee, held on 13 April 2017, as a true and correct record.

6. Status Report - Planning and Regulatory Committee 25 May 2017 12 - 15

Document number R7689

Recommendation

That the Committee

<u>Receives</u> the Status Report Planning and Regulatory Committee 25 May 2017 (R7689) and its attachment (A1736802).

7. Chairperson's Report

REGULATORY

8. Timing of the Navigation Safety Bylaw review 16 - 20

Document number R7331

Recommendation

That the Committee

<u>Receives</u> the report Timing of the Navigation Safety Bylaw review (R7331); and

<u>Decides</u> to commence the review of Navigation Safety Bylaw 218, noting it will be completed by 1 December 2019.

9. Speed Limit Bylaw Amendment - Main Road Stoke 21 - 24

Document number R7710

Recommendation

That the Committee

<u>Receives</u> the report Speed Limit Bylaw Amendment - Main Road Stoke (R7710); and its attachment (A1758273); and

<u>Approves</u> amendments detailed in report R7710 to the following schedules of the Bylaw No 210, Speed Limits (2011):

- ***Schedule I: 80km/h***
- ***Schedule G: 60km/h***

- ***Schedule A: Urban Traffic Areas Map 6.***

10. Strategy and Environment Report for 1 January - 31 March 2017 — 25 - 40

Document number R7433

Recommendation

That the Committee

<u>Receives</u> the report Strategy and Environment Report for 1 January - 31 March 2017 (R7433) and its attachment (A1737726).

Recommendation to Council

That the Council

<u>Approves</u> that the following amounts in the Nelson Nature budget are being carried forward to the 2017/18 Financial Year:

- ***$60,000 for Dun Mountain wilding conifer control***
- ***$20,000 for the Department of Conservation animal and plant pest advisor***
- ***$10,000 for the Taiwan Cherry feasibility study.***

ENVIRONMENT

11. Marine Biosecurity — 41 - 87

Document number R7408

Recommendation

That the Committee

<u>Receives and notes</u> the report Marine Biosecurity (R7408) and its attachment (A1735275).

12. Small-Scale Management Programme for Mediterranean fanworm 88 - 120

Document number R7409

Recommendation

That the Committee

<u>Receives</u> the report Small-Scale Management Programme for Mediterranean fanworm (R7409) and its attachment (A1753714); and

<u>Approves</u> the notification of a Small-Scale Management Programme for Mediterranean fanworm (Sabella spallanzanii) within the entire coastal area of Nelson City and coming into force on 1 July 2017.

Recommendation to Council

That the Council

<u>Approves</u> $36,000 per year for a three year period, commencing 2017/18 to fund the operational implementation of a Small-Scale Management Programme for Sabella.

POLICY AND PLANNING

13. Options for Extending Smokefree Policy 121 - 131

Document number R7725

Recommendation

That the Committee

<u>Receives</u> the report Options for Extending Smokefree Policy (R7725) and its attachment (A1741198).

Recommendation to Council

That the Council

<u>Approves</u> extending its smokefree policy to include Council-funded events, and working with partners to promote a smokefree message; and

<u>Approves</u> an allocation of $3,500 unbudgeted operational funding in 2017/18 to the New

Zealand Cancer Society Nelson Centre in support of a trial of smokefree outdoor dining in the city centre.

Note:

- **Youth Councillors Emily Rais and Cassie Hagan will be in attendance at this meeting.**

Nelson City Council
te kaunihera o whakatū

Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 13 April 2017, commencing at 9.29am

Present: Her Worship the Mayor R Reese (Co-Chairperson), Councillor B McGurk (Co-Chairperson), Councillors L Acland, I Barker, M Courtney, B Dahlberg, K Fulton, P Matheson, G Noonan, M Rutledge, T Skinner and S Walker

In Attendance: Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Corporate Services (N Harrison), Senior Strategic Adviser (N McDonald), Manager Administration (P Langley), Manager Communications (P Shattock), Team Leader Roading and Solid Waste (M Parfitt), Team Leader Administration Advisers (R Byrne), Administration Adviser (S Burgess), and Nelson Youth Councillors (L Ly and E Edwards)

1. Apologies

There were no apologies.

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

There was no public forum.

Attendance: The meeting was adjourned from 9.29am to 1.15pm, during which time a Council workshop was held.

5. Confirmation of Minutes

5.1 23 February 2017

Document number M2353, agenda pages 6 - 14 refer.

Resolved PR/2017/014

That the Committee

Confirms the minutes of the meeting of the Planning and Regulatory Committee, held on 23 February 2017, as a true and correct record.

McGurk/Barker Carried

5.2 23 March 2017 - Extraordinary Meeting

Document number M2438, agenda pages 15 - 16 refer.

Resolved PR/2017/015

That the Committee

Confirms the minutes of the extraordinary meeting of the Planning and Regulatory Committee, held on 23 March 2017, as a true and correct record.

McGurk/Barker Carried

6. Status Report - Planning and Regulatory Committee -13 April 2017

Document number R7466, agenda pages 17 - 20 refer.

Resolved PR/2017/016

That the Committee

Receives the Status Report Planning and Regulatory Committee 13 April 2017 (R7466) and its attachment (A1736802).

McGurk/Fulton Carried

7. Chairperson's Report

Councillor McGurk updated the Committee on the Freshwater Management Unit's recent workshops on fresh water, terrestrial, coastal and plants that would feed into the next biodiversity forum.

REGULATORY

8. Freedom Camping Bylaw - Refer Powers to Council

Document number R7385, agenda pages 21 - 24 refer.

Resolved PR/2017/017

That the Committee

Receives the report Freedom Camping Bylaw - Refer Powers to Council (R7385) ; and

Refers to Council all powers of the Planning and Regulatory Committee relating to a Freedom Camping Bylaw.

Barker/McGurk Carried

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

Document number R7218, agenda pages 25 - 38 refer.

Team Leader Roading and Solid Waste, Marg Parfitt presented the report. She advised of a change to item 4.1.1 – Greenhill Road whereby as a result of consultation, work-related vehicles would no longer park on the road and an amended proposal allows parking outside number 4 Greenhill Road.

Resolved PR/2017/018

Receives the report Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules (R7218) and its attachment (A1730339); and

Approves amendments detailed in report R7218, including further amendments made at the Committee meeting on 13 April 2017, to the following schedules of the Bylaw No 207, Parking and Vehicle control (2011):

- ***Schedule 9: No stopping***
- ***Schedule 14: Give Way Signs***

Walker/Dahlberg Carried

There being no further business the meeting ended at 1.29pm

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

REPORT R7689

Status Report - Planning and Regulatory Committee 25 May 2017

1. Purpose of Report

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

1. Recommendation

That the Committee

<u>Receives</u> the Status Report Planning and Regulatory Committee 25 May 2017 (R7689) and its attachment (A1736802).

Julie McDougall
Administration Advisers

Attachments

Attachment 1: A1736802 - Planning and Regulatory Committee - Status Report - 25 May 2017 ⇩

Status Report - Planning and Regulatory Committee – 25 May 2017

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
25 June 2015	Land Development Manual Review	Resolved PR/2015/015 THAT the report Land Development Manual Review (R4261) and its attachments (A1365598) be received; AND THAT the Committee nominate Councillors Ward and McGurk to be members of the Land Development Manual Steering Group; AND THAT 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; AND THAT those nominated Councillors provide regular reports back to the Planning and Regulatory Committee on progress with the Land Development Manual alignment and review; AND THAT where possible both Tasman District Council and Nelson City Council use the same Hearing Commissioners to hear and make recommendations on submissions; AND THAT a draft aligned Land Development Manual be brought back to the Planning and Regulatory Committee for consideration by December 2015.	Lisa Gibellini	The Land Development Manual review is progressing on track and will be aligned with the Nelson Plan workshops. **Ongoing**

Status Report - Planning and Regulatory Committee – 25 May 2017

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 will be bringing a report to the July meeting recommending that a non-regulatory approach is maintained. **Ongoing**
23 February 2017	Progressive Implementation Programme for Freshwater	Resolved PR/2017/007 That the Committee Approves for public notification the revised progressive implementation programme (Attachment 2 (A1693614)) to give effect to the National Policy Statement for Freshwater Management 2014; and Approves the 2016 summary of implementation report (Attachment 3 (A1693618)) which details the extent to which the programme has been implemented during 2016 in Nelson, for publication on Council's website; and Approves the Freshwater Working Groups' revised terms of reference including duration of establishment (Attachment 4 (A1694507)), noting that clarification is required as to whether the Freshwater Working Group is to provide recommendations to elected members or feedback.	Diana Worthy	It is anticipated that the freshwater working groups will provide feedback that will be considered at the Nelson Plan freshwater workshop with Councillors on 12 September. **Ongoing**

Status Report - Planning and Regulatory Committee – 25 May 2017

23 February 2017	National Policy Statement Urban Development Capacity	Resolved PR/2017/009 That the Committee Receives the report National Policy Statement Urban Development Capacity (R7054); and Notes that infrastructure projects needed to support residential and business growth in the Asset Management Plans, Long Term Plan and Infrastructure Strategy will be influenced by the capacity requirements undertaken under the National Policy Statement Urban Development Capacity with Tasman District Council; and Directs Her Worship the Mayor to write to the Ministers for the Environment, Transport and Business, Innovation and Employment, raising concerns that not including the state highway, active transport and public transport infrastructure within the National Policy Statement Urban Development Capacity undermines the benefit of integrated land development.	Lisa Gibellini	A joint Council workshop on Urban Development Capacity is scheduled for 20 June 2017. The Nelson and Tasman Mayors will write to the Minister when further work is completed on Nelson urban area growth projections. Officers are working with Tasman District Council to bring back a draft capacity analysis to Council for consideration in July 2017. Officers advise that the NPS UDC covers 'land transport' that is controlled by local authorities as development infrastructure. The definition of land transport includes public and active transport. **Ongoing**
23 February 2017	Nelson Plan - Draft Regional Policy Statement	Resolved PR/2017/011 That the Committee Receives the report Nelson Plan - Draft Regional Policy Statement (R6958); and Notes that the next iteration of the draft Regional Policy Statement will be provided to the April 2017 Planning and Regulatory Committee meeting on the completion of a planning peer review.	Matt Heale	Item deferred to August with agreement **Ongoing**

REPORT R7331

Timing of the Navigation Safety Bylaw review

1. Purpose of Report

1.1 To consider delaying the review of Navigation Safety Bylaw 218 (the Bylaw) by two years to enable better alignment with the draft Nelson Plan coastal provisions.

2. Summary

2.1 The Local Government Act 2002 requires bylaws are reviewed five years from the date on which the bylaw was made. The Navigation Safety Bylaw is due for review by 1 December 2017 but can remain in force until a review is completed by 1 December 2019. The later date for the review is considered beneficial to better align the Bylaw with the draft Nelson Plan coastal provisions and to enable consultation with stakeholders to occur for both instruments at the same time.

3. Recommendation

That the Committee

Receives the report Timing of the Navigation Safety Bylaw review (R7331); and

Decides to commence the review of Navigation Safety Bylaw 218, noting it will be completed by 1 December 2019.

4. Background

4.1 The Navigation Safety Bylaw 218 came into effect on 1 December 2012. Section 158 of the Local Government Act 2002 requires that bylaws are reviewed no later than five years after the date on which the bylaw was made.

4.2 Section 159 requires that any second or subsequent review occurs no later than ten years after the last review.

4.3 Section 160A states that if a review under s158 or s159 did not occur then the bylaw is revoked two years after the bylaw should have been reviewed (as long as the local authority had not already revoked the bylaw).

4.4 In effect a bylaw can remain in force up to two years past the date it should have been reviewed. If the review is not commenced within the first five years the following review is within five years. If the review is commenced within five years (and completed within seven years) the next review is due within ten years.

5. Discussion

5.1 The Nelson Plan is likely to have specific provisions to control swing moorings in the Coastal Marine Area (CMA). It is considered that the Nelson Plan is potentially the better instrument to control the effects of swing moorings rather than the Bylaw. The Bylaw is focussed on the navigation of vessels and identifies activity priority areas to minimise potential conflicts between the various users of the CMA.

5.2 The Bylaw already refers to resource management instruments by stating that a coastal permit is required to be obtained under the Resource Management Act prior to placing a mooring. To reduce duplication it is proposed the swing mooring activity could be entirely controlled by the Nelson Plan and be removed from the Bylaw.

5.3 The swing mooring priority activity areas identified in the Bylaw are full. A Bylaw review would involve as a minimum the identification of potential new areas for swing moorings as well as some wording changes to update the Bylaw and to be more consistent with the Maritime Transport (Infringement Fees for Offences - Nelson–City Council Navigation Safety Bylaw 2012) Regulations 2015. Instead of undertaking separate consultation with the same stakeholders for both the Bylaw review and the draft Nelson Plan coastal provisions it is considered more efficient to delay the review of the Bylaw so that consultation can occur together and any potential Bylaw changes are aligned with the draft Nelson Plan coastal provisions.

6. Options

6.1 The preferred option, Option 2, enables the Bylaw to be aligned with draft provisions of the Nelson Plan and stakeholder consultation to occur once for both the Plan and the Bylaw. There are no aspects of the Bylaw requiring more urgent changes.

Option 1: review the Bylaw by 1 December 2017	
Advantages	• Meets the timeframe described in section 158 of the Local Government Act 2002
Risks and	• May be inconsistent with Nelson Plan

Disadvantages	provisions • Consultation with stakeholders will likely need to commence before Nelson Plan consultation occurs resulting in inefficient use of staff and stakeholder's time
Option 2: review the Bylaw by 1 December 2019	
Advantages	• Meets the timeframe described in section 160A of the Local Government Act 2002 so the Bylaw remains in force • Enables the Bylaw to be altered to be more aligned with the Nelson Plan draft provisions • Enables consultation with stakeholders to occur for both Bylaw and coastal Nelson Plan provisions to better inform the drafts for both instruments, avoiding any confusing duplication.
Risks and Disadvantages	• Bylaw provisions are not updated sooner

7. Conclusion

7.1 Proceed to undertake the review of Navigation Safety Bylaw 218 by 1 December 2019 to ensure alignment with the Nelson Plan provisions can be achieved.

Mandy Bishop
Manager Consents and Compliance

Attachments

Nil

Important considerations for decision making

1. Fit with Purpose of Local Government

The recommendation is the most cost-effective option to perform the regulatory review of this Bylaw as it combines consultation requirements and reduces staff resource costs.

2. Consistency with Community Outcomes and Council Policy

The recommendation aligns with a number of community:

- Our communities are healthy, safe, inclusive and resilient;
- Our communities have access to a range of social, educational and recreational facilities and activities;
- Our Council provides leadership and fosters partnerships, a regional perspective and community engagement; and
- Our region is supported by an innovative and sustainable economy.

3. Risk

Delaying the Bylaw review will achieve better alignment and less duplication between two instruments (the Bylaw and the Nelson Plan) that each have a role in controlling activities in the CMA. There are no urgent matters that need to be addressed in a Bylaw review so it is unlikely there will be an adverse consequence arising from the delay.

4. Financial impact

The recommendation will align two processes that will potentially save staff and stakeholder time. No unbudgeted costs will occur as a result of the recommendation.

5. Degree of significance and level of engagement

This matter is of low significance because the community will benefit from better alignment between these instruments. Both instruments will still follow formal public consultation procedures but will have been drafted based on a single engagement of stakeholders rather than the engagement occurring twice.

6. Inclusion of Māori in the decision making process

No consultation with Māori has occurred in the drafting of this report. Māori are considered to be stakeholders for activities in the coastal marine area and will be engaged prior to the draft documents going out for public consultation.

7. Delegations

The Planning and Regulatory Committee has the responsibility for considering maritime and harbour safety and control matters and a responsibility for Bylaws. The Planning and Regulatory Committee has the power to make a decision on its areas of responsibility that are not delegated to Council officers.

For the Bylaw review Special Consultative Procedure the Committee has the power to hear and deliberate on submissions to the proposed changes to the Bylaw, the power to recommend the statement of proposal for Bylaw consultation and the power to recommend final decisions on any Bylaw changes.

REPORT R7710

Speed Limit Bylaw Amendment - Main Road Stoke

1. Purpose of Report

1.1 To adopt alterations to the Speed Limit Bylaw (2011), No. 210, resulting from work completed and reported through Works and Infrastructure Committee.

2. Recommendation

That the Committee

Receives the report Speed Limit Bylaw Amendment - Main Road Stoke (R7710); and its attachment (A1758273): and

Approves amendments detailed in report R7710 to the following schedules of the Bylaw No 210, Speed Limits (2011):

- ***Schedule I: 80km/h***
- ***Schedule G: 60km/h***
- ***Schedule A: Urban Traffic Areas Map 6.***

3. Background

3.1 The Speed Limit 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 maintained and current.

3.2 The bylaw schedules require updating for the speed limit change at Main Road Stoke and subsequent to alterations to the Elm Street intersection.

3.3 This is a procedural report. The speed limit change and associated works have been previously consulted on and agreed through Works and Infrastructure Committee, May 2016 (Resolution WI 2016/034).

3.4 The Elms Street/Main Road Stoke intersection safety improvements and associated speed reduction measures were completed in April 2017.

4. Discussion

4.1 Schedule I – 80km/h. DELETE: Main Road Stoke from 100m southwest of Orphanage Creek to 100m north of the Salisbury Rd / Main Road Stoke intersection.

4.2 Schedule G – 60km/h. ADD: Main Road Stoke from 100m southwest of Orphanage Creek to 100m north of the Salisbury Rd / Main Road Stoke intersection.

4.3 Speed Restriction Bylaw (210) Schedule A Map 6 is amended as shown in Attachment 1.

Options

4.4 There are limited alternative options as the majority are procedural updates to the bylaw required for safety and efficient traffic movement.

Kayleen Goldthorpe
Asset Engineer Transport

Attachments

Attachment 1: A1758273 - Speed Limit Bylaw (210) Amendment Main Road Stoke Map 6 ⇩

Important considerations for decision making

1. Fit with Purpose of Local Government

The report recommendation meets current and future needs of communities in contributing to safe use of the road network in the City.

2. Consistency with Community Outcomes and Council Policy

The content and recommendation of this report is consistent with Council's Community Outcomes – "Our infrastructure is efficient, cost effective and meets current and future needs". In particular that we have good quality, affordable and effective infrastructure and transport networks.

3. Risk

To ensure that the Bylaw is enforceable it is important to ensure that the Schedules are updated on a regular basis. Failure to update schedules will open enforcement to challenge.

4. Financial impact

Costs are within allocated annual budgets for road maintenance or capital projects.

5. Degree of significance and level of engagement

This matter is of low significance because consultation has already been completed and reported to the Works and Infrastructure Committee in 2016 (R5622).

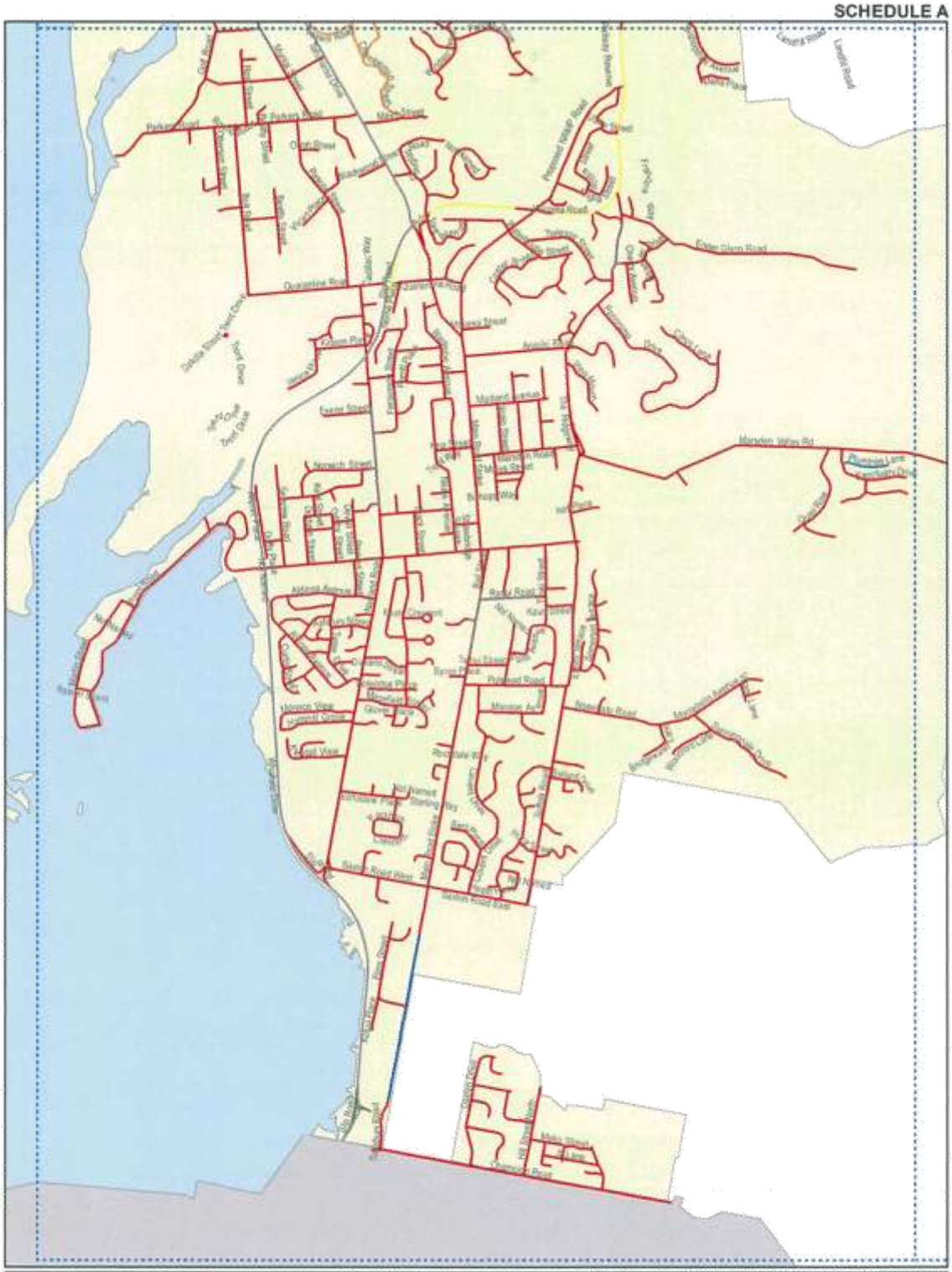
6. Inclusion of Māori in the decision making process

No consultation with Māori has been undertaken.

7. Delegations

Amendments to schedules of the Speeds Limit Bylaw fall within the delegated authority of the Planning and Regulatory Committee.

SCHEDULE A



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REPORT R7433

Strategy and Environment Report for 1 January - 31 March 2017

1. Purpose of Report

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

2. Summary

2.1

Activity	Level of service needed	Achievement
Building	Achieve and maintain International Accreditation New Zealand (IANZ) accreditation. Compliance with statutory timeframes.	Work in progress to ensure the Building Control Authority's (BCA) accreditation is maintained for the IANZ audit scheduled in June 2017. Statutory time limits continue to be achieved. The alignment of the BCA to industry standards continues through the GoShift initiative.
Consents and Compliance	Delivery of all statutory regulatory functions. Compliance with statutory timeframes.	The delivery of regulatory services continues to meet requirements.
Science and Environment	Compliance and reporting against relevant policy statements and standards. Delivery of all non-regulatory programmes.	Environmental monitoring programmes are on track, including recruitment of a water quantity scientist. Non-regulatory programmes have been successfully delivered to date, including cover for three team vacancies.
Planning	Resource management plans are current and meet all legislative requirements.	The Nelson Plan review is on track with three of the 11 workshops completed to date.

3. Recommendation

That the Committee

<u>Receives</u> the report Strategy and Environment Report for 1 January - 31 March 2017 (R7433) and its attachment (A1737726).

Recommendation to Council

That the Council

<u>Approves</u> that the following amounts in the Nelson Nature budget are being carried forward to the 2017/18 Financial Year:

- ***$60,000 for Dun Mountain wilding conifer control***
- ***$20,000 for the Department of Conservation animal and plant pest advisor***
- ***$10,000 for the Taiwan Cherry feasibility study.***

4. Background

4.1 The report and attachment detail the performance monitoring of the Council's regulatory and non-regulatory activities, how these activities have changed over time and identifies their strategic direction.

5. Discussion - Building

Achievements

5.1 The Nelson City Council BCA is working with the Tasman District Council to align processes.

5.2 Both Councils are collaborating on 'Let's Get it Right' seminars with local designers, architects and builders.

5.3 The pilot for the GoShift online building consents submission portal is due to commence on the 28th of April. This pilot includes Tasman District Council and four selected design companies.

5.4 The BCA has worked closely with designers and contractors to issue the building consents for the Nelson Airport Terminal building, the Port Company Warehouse (largest building in Nelson) and issuing the Code Compliance Certificate for the Suter Art Gallery redevelopment.

5.5 The successful implementation of the electronic inspections module is allowing for real-time reporting and feedback to builders, contractors, customers and project managers.

Trends

5.6 Building Consent applications are up by 30.85% (Attachment 1), with 89 domestic alterations and 49 new domestic structures. Building consent inspections have increased by 131 over the last quarter.

Strategic direction and focus

5.7 Continued focus on aligning with the GoShift initiative.

5.8 Work is in progress in collaboration with Tasman District Council to review and procure a complete digital solution for building consent processing and inspecting.

5.9 Works to align with the Ministry of Building Innovation and Employment's (MBIE) 2017 'regulatory guidance on the BCA accreditation scheme'.

Risks

5.10 The BCA continues to manage its risks daily through processing, inspecting and issuing Code Compliance Certificates on building consents.

5.11 Should building consent activity levels remain high resources will need to be reviewed.

6. Discussion – Consents and Compliance

Achievements

6.1 In addition to application processing and monitoring, the engagement and education aspects of regulatory activities have been very successful over summer.

6.2 The harbourmaster duties were helped by the Coastguard undertaking safety checks of vessels at boat ramps and on the water. Over 500 checks have been conducted resulting in noticeable improvements in carrying and using safety equipment and behaviour on the water. The information obtained will help inform which areas to focus education programmes on for future campaigns.

6.3 Maritime New Zealand were present at an oil spill exercise held at Port Tarakohe in conjunction with Tasman District Council. Maritime New Zealand gave a positive report.

6.4 Fire hazard letters or notices were sent to 58 properties with only one property requiring further action by the Council.

6.5 Nineteen licensed premises were visited in a controlled purchase operation with two failing.

6.6 All premises that have to transition to a Food Control Plan in year one of a three year transition have done so.

6.7 Progress is being made to enable dog owners to register their dogs online. A campaign to neuter high risk dogs has commenced in conjunction with the Society for the Prevention of Cruelty to Animals (SPCA).

6.8 A variety of development will soon commence with consents being granted for the waka prow sculpture, Big Save operating a furniture store in the old motorcycle museum building on Haven Road, the trampoline park at Tahunanui Beach and the redevelopment of the Green Gables retirement village.

6.9 The Council obtained consents to upgrade Neale Park pump station and the Cawthron Institute obtained consent to research how nutrients and sedimentation affects estuaries.

Trends

6.10 Resource consent application numbers are still averaging higher than last year with larger consents resulting in more limited or publicly notified consents. Reliance on external consultants is still needed but at a lower level than last quarter (22% of decisions were processed externally this quarter compared to 30% last quarter).

Strategic direction and focus

6.11 The navigation safety campaigns will finish on ANZAC weekend and will commence again at Labour weekend in October.

6.12 The Resource Legislation Amendment Bill is gazetted and some procedures will need adapting to these changes.

Risks

6.13 Should activity levels remain high staff resources will need to be reviewed for consent processing and monitoring.

7. Discussion – Science and Environment

Achievements

7.1 The Almond Tree Flat ford was removed to support the ecosystem health of the Maitai River. A rare Lamprey Eel was found near the ford attempting to migrate upstream. This is the first record of a Lamprey in the Maitai River since fish monitoring began.

7.2 The public were invited to learn more about their local streams and participate in projects to improve freshwater health through stands at

Race Unity Day and the Isel Night Market for World Water Day. Thirty people registered for projects to improve the health of York Stream (Te Wairepo).

7.3 Monitoring for shorebirds through Nelson Nature took place in the first quarter of this year. Fernbird were found at all sites with suitable habitat, but Banded Rail were absent from some potential sites.

7.4 Nelson Nature, together with Parks and Reserves, supported the Nelson Mountain Bike Club and the Marsden Valley Trapping Group to control wasps in areas with high visitor numbers including the Marsden Valley and the Dun Mountain and Codgers Bike Trails. This was part of a successful wasp wipeout programme throughout the Region.

7.5 A strategic long term plan to guide the control of wilding conifers to protect the fragile, and nationally important, mineral belt ecosystem of Dun Mountain was completed for Nelson Nature by Department of Conservation (DOC) technical experts. The plan recommends the control of coning trees in the area as soon as possible as this will save considerable costs for future control.

7.6 Window blinds were installed in the customer services centre Halifax Street windows highlighting Nelson Nature and Project Maitai/Mahitahi. These blinds can be used when the windows are not booked for other window displays. Both of these projects contribute to the Clean and Accessible Water level of service in the Long Term Plan.

7.7 An animation promoting the 'Only Rain Down Drains' message was developed by an NMIT student and is playing at the State Cinema for the next 6 months.

7.8 There were no known toxic algae incidents over the summer and toxic algae levels remained below the alert level. Four Dog's Breakfast events were held to raise public awareness and teach dog owners to recognise the toxic algae so that they feel comfortable about using the river.

7.9 A fish ladder and baffles were installed in the lower Brook Stream and Nile Street culvert. This work will complement the fish passage alterations to the Brook concrete channel scheduled for the 2017/18 year.

7.10 Approximately 160 primary school students and their teachers took part in the Enviroschools Moturoa Mission Environmental Challenge at Rough Island. Activities included a Clean Air Good Wood challenge designed and delivered by Council, as well as topics such as estuarine environments, biosecurity and coastal care. The Challenge is a collaborative exercise supported by organisations such as the Cawthron Institute, Forest and Bird, and Department of Conservation.

7.11 Second-hand Sunday was delivered on 11 March, with 30 plus households participating across the Nelson/Tasman region.

7.12 The Big Beach Clean, coordinated by DOC with support from Nelson City Council, Tasman District Council and Nelmac, was delivered on 4 March with excellent community participation. Approximately 4.7 tonnes of waste was collected.

7.13 Support for zero waste events has been provided to schools to reduce waste to landfill. An example is the recent gala at Clifton Terrace School, where students were closely involved in reducing waste to landfill from 10kg in 2016 to 5.5kg in 2017. The story about this created by the students and their teacher can be found here: https://drive.google.com/open?id=1wsbwWgDPnSXiSA8XGmDzkw3MRF9VR0tFQdkMjJtaRa0

7.14 Applications for the 2017/18 round of the Heritage Project Fund closed on 31 March. 20 applications were received seeking a total of $355,000. The Fund allocated in the draft Annual Plan for 2017/18 is $100,000. Decisions on the applications will be made by the end of June.

Strategic direction and focus

7.15 A science roadmap is to be developed to provide strategic direction to the science and monitoring programme, and ensure all upcoming and future monitoring and reporting obligations are met.

7.16 A review of Environmental Education Service delivery has been completed.

7.17 The focus for non-regulatory programmes for the next quarter will be completion of 2016/17 project delivery, annual reporting, and project planning for the 2017/18 year.

7.18 The Environmental Programmes team will become the Science and Environment team with a team leader reporting to a business unit manager.

Nelson Nature: Budget Transfers

7.19 The Nelson Nature programme has 11 separate budget lines relating to 11 project areas. Two of these project areas are: Dun Mountain and Significant Natural Areas (SNAs). Approval is sought for an additional $60,000 to be targeted at wilding conifer removal, which would be taken from the budget for SNAs and moved to the next financial year to enable contractors to complete work effectively.

7.20 The reason for this is that it will enable a greater number of wilding conifers to be controlled earlier, thus saving significantly in the longer term as the cost of removal grows exponentially the longer wildings are left to grow.

7.21 In addition to points 7.19 and 7.20 above, approval is sought to carry over $20,000 from the budget line allocated to DOC for Project Management and Technical Advice to the 17/18 financial year. This amount is forecast to be unspent in 16/17 due to the DOC Ranger 0.5

FTE position being vacant since January. The transfer into the next financial year would enable significant headway to be made on the animal pest and weed control aspects of Nelson Nature in the 17/18 financial year.

7.22 Approval is sought to carry over $10,000 from the Nelson Nature General Biodiversity budget line into the next financial year to enable a Taiwan Cherry eradication feasibility study to be completed in August, when the cherry are flowering. Taiwan Cherry have been controlled for a number of years and the study will review the control work and current location data to determine feasibility and long term costs of eradicating the pest from the Nelson Region.

Risks

7.1 On 20 March the air quality monitor at Blackwood Street recorded a 24 hour PM_{10} concentration of 116 micrograms per cubic metre (µg/m3), the highest ever recorded at the site and breaching the National Air Quality Standards for air quality (NES) of no more than 50µg/m^3. Under the NES Council can have no more than one breach per year in any airshed. It is difficult to determine the cause of this exceedance as there were no noticeable industrial discharges. Dust is the most likely contributor, due to relatively dry, sunny conditions and the SW winds of 25km per hour which were blowing for most of the time when readings were high. Council enforcement staff have been working with contractors working in the areas to ensure dust is being managed well, dampening down and sweeping when work is completed.

7.2 The Environmental Programmes team has had three key vacancies for the January to March quarter. This has been a risk for full programme delivery, and has meant a reduction in scope for some projects over this period.

7.3 Environmental monitoring and reporting requirements have grown, driven by national policy statements and environmental standards. Consideration is being given to the implications of this.

8. Discussion - Planning

Achievements

8.1 Three Nelson Plan workshops have been held with Councillors in the quarter.

8.2 The first workshop on 23 February considered Plan structure and biodiversity provisions.

8.3 The second workshop on 14 March included an update on natural hazards and designations and considered draft landscape and noise provisions.

8.4 A workshop was held with Councillors on the 14 March giving an overview of Nelson's natural hazards. A key focus was to present the

new flood modelling data for all of Nelson's key rivers and streams. Community engagement will occur in April and May on the new flood modelling, and liquefaction and fault hazards within the community. Letters have been sent to 7710 ratepayers/owners of properties. Further information can be found on Council's website: http://nelson.govt.nz/environment/nelson-plan/natural-hazards/

8.5 Staff are continuing to work with iwi and the three freshwater working groups in the development of the freshwater section of the Nelson Plan. Meetings were held with these groups in mid-March and one of the key focuses was a discussion on the Ministry for the Environment's (MFE) Clean Water Package and regional councils' requirements to ensure that 90% of New Zealand's rivers and lakes are 'swimmable' by 2040. The technical work is ongoing and will inform Plan drafting, and will be presented at a Councillor workshop in mid-September.

8.6 Letters were sent out to approximately 400 heritage building owners and around 150 notable tree owners. To date around 150 responses related to buildings and trees have been collected, with a number of themes emerging. Responses are currently being processed. Council will be given a summary of the feedback prior to the Heritage Workshop in August.

Risks

8.7 Recruitment for key positions is occurring.

8.8 The Resource Legislation Amendment Bill includes a national plan standard officers are considering any impact of this.

8.9 The timing of Proposed National Environmental Standards for Plantation Forestry and changes to the NES Air Quality will impact the Nelson Plan.

9. Other Matters

9.1 The Government recently called for submissions on the "Clean Water Package 2017" The package includes four main elements:

1) Swimability and recreational values

2) Te Mana o Te Wai

3) A national staged approach for excluding stock from waterways

4) Further changes to the National policy Statement for Freshwater.

9.2 Local Government New Zealand (LGNZ) has made a comprehensive submission. Consideration will be given to these potential future directions as part of the Nelson Plan work.

10. Options

10.1 The Planning and Regulatory Committee has the option of receiving the report or seeking further information.

Mandy Bishop
Manager Consents and Compliance

Attachments

Attachment 1: Building and Consents and Compliance Statistics 1 Jan - 31 Mar2017 (A1737726) ⇩

Important considerations for decision making

1. Fit with Purpose of Local Government

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

2. Consistency with Community Outcomes and Council Policy

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.

3. Risk

The high level of building and resource consent application numbers continues to put pressure on meeting statutory timeframes. Team vacancies have the potential to impact work programmes.

4. Financial impact

No additional resources have been requested.

5. Degree of significance and level of engagement

This matter is of low significance.

6. Inclusion of Māori in the decision making process

No consultation with Māori has been undertaken.

7. Delegations

The Planning and Regulatory Committee has the responsibility for performance monitoring of Council's Regulatory activities.

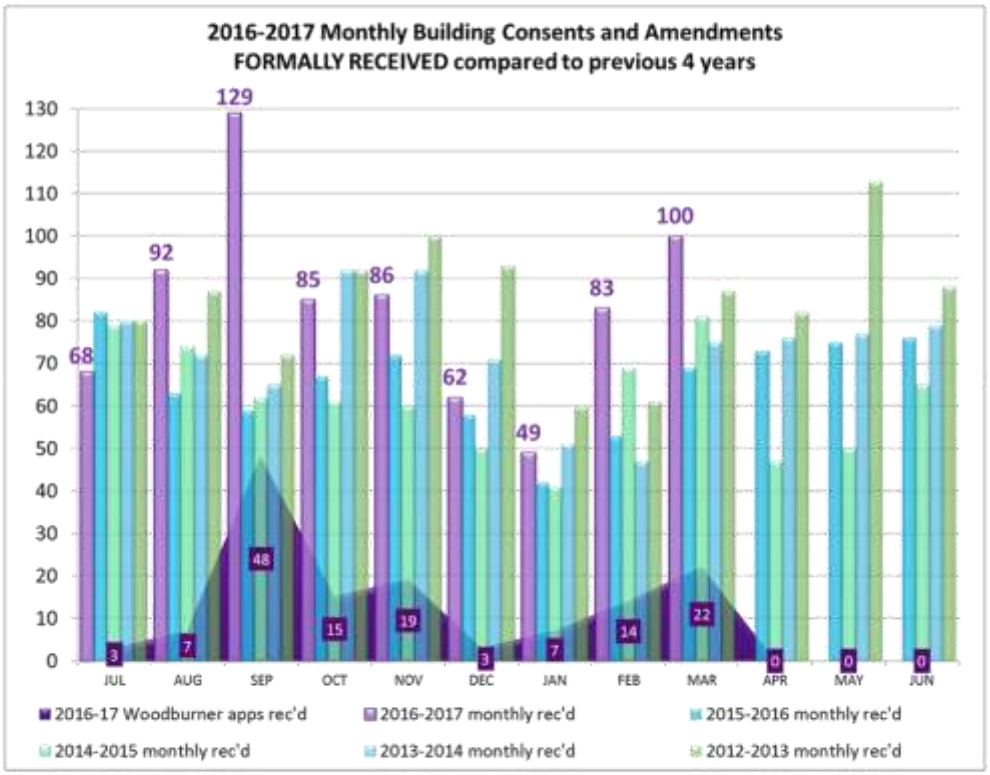
Attachment 1

Building Unit Statistics 1 January – 31 March 2017

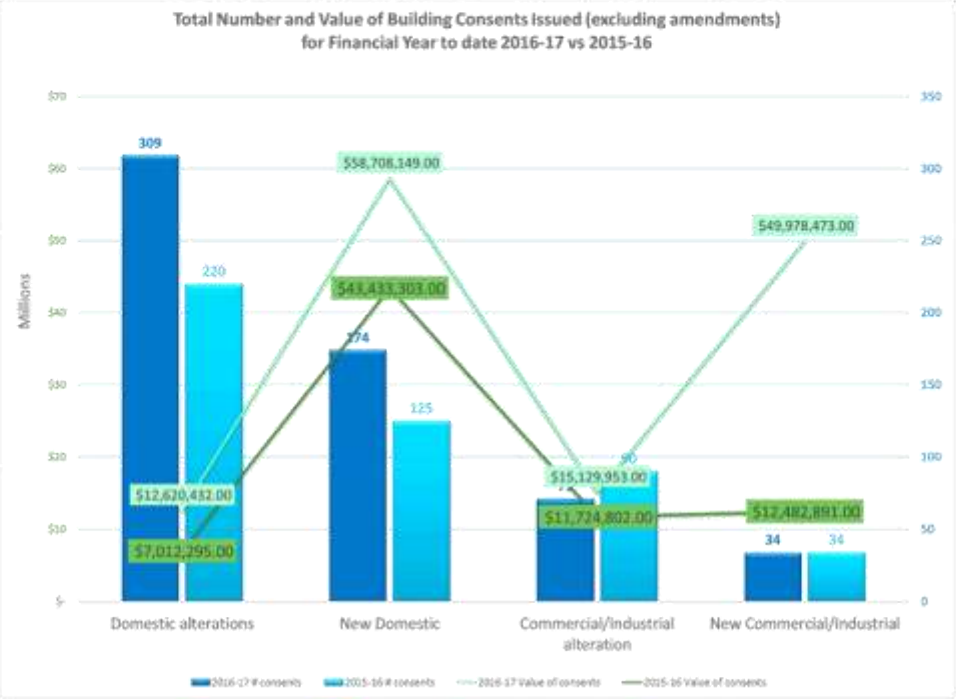
1. Consent Applications Received

There were 30 more Building Consent (and Amendment) Applications received for both February and March than the previous year. This makes the number of applications (Year to date) higher than they have been since 2011-12.

Year to date 2016-17 = 654 applications compared to 2015-16 = 496 applications. This is an additional 153 applications to date, i.e. **an increased workload of 30.85%**



2. Building Consent Applications Granted



The 'new development' element of building consents ISSUED for the third quarter of this financial year totalled:

- **46** new dwellings (exactly the same as for the same time period last financial year)
- **14** new commercial buildings (17 for the same time period last financial year)

This quarter, the number of domestic alterations have increased by **47%** from **68** last FY to date, to **100** this financial year to date.
Whilst commercial alterations have dropped from 26 last FY to date, to 20 this FY to date.

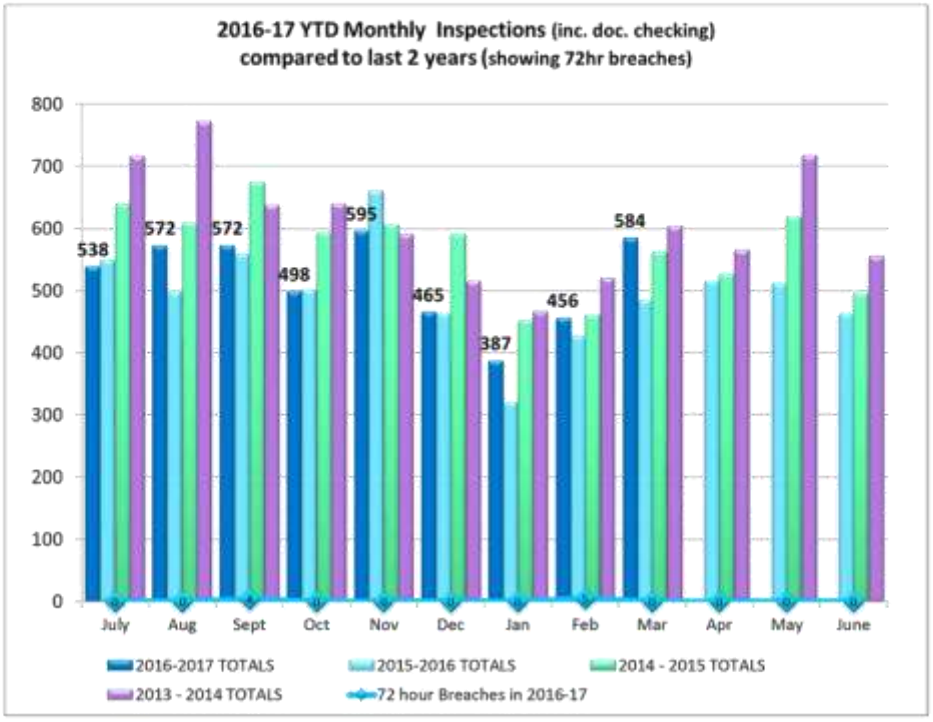
- The total value of work for consents received so far this financial year is $140,684,613 compared to $76,653,291 last financial year to date – i.e. almost doubled.

3. Building Inspections undertaken

The total number of Building Inspection undertaken in this quarter were **1427** compared to **1558** in the second quarter of this year.

There were five 72 hour breaches in February due to staff sickness.

> Note: The 72 hour target is merely an internal target where we monitor if a customer has to wait more than 72 hours from the requested inspection time and date to when we can actually provide the inspection.

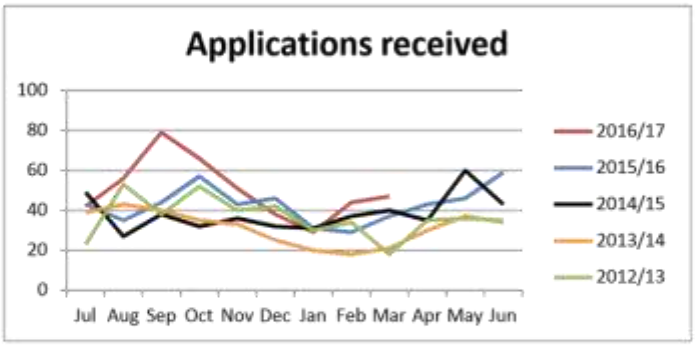


Consents and Compliance Statistics 1 January – 31 March 2017

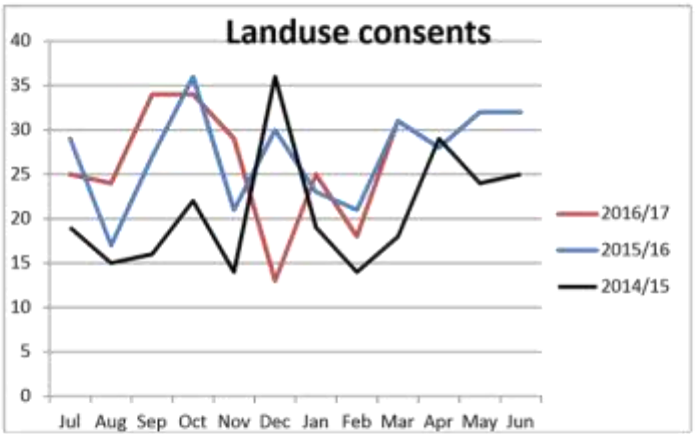
4. Resource Consent Processing Times

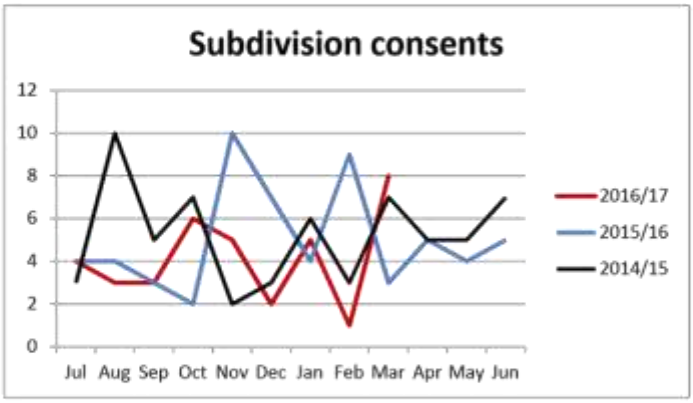
Month	NON NOTIFIED				NOTIFIED AND LIMITED NOTIFIED		
	% processed on time	Average process days	Median process days	Consent numbers	% processed on time	Average process days	Consent numbers
January	90	14	13	29	100	106	6
February	100	15	14	27			0
March	98	15	13	45			0
Average from 1 July 2016	**98**	**15**	**13**	**37**	**100**	**101**	**1**
Total from 1 July 2016				**332**			**9**
2015/16 average	100	12	12	38	100	67	1
2015/16 totals				450			9

5. Resource Consent Application Numbers



6. Land use and subdivision consent numbers granted





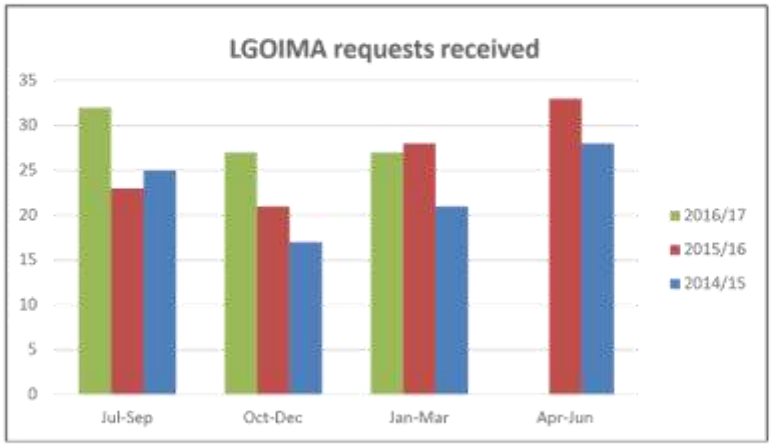
7. Parking Performance

Activity	January	February	March
Enforcement			
Safety	140	137	156
Licence labels /WOF	235	203	317
Licence labels/WOF (Warnings)	90	83	150
Meters/Time restrictions	1102	1072	1405
Total Infringement notices issued	**1567**	**1494**	**2028**
Service Requests			
Abandoned Vehicles	33	25	51
Requests for Enforcement	64	57	70
Information /advice	24	25	44
Total service requests	**121**	**107**	**165**
Courts			
Notices lodged for collection of fine	179	373	308
Explanations Received	**144**	**166**	**186**
Explanations declined	42	42	54
Explanations accepted	102	124	132

8. Environmental Health and Dog Control Activities

Activity	Responses			Total 2016/17 To Date	Total 2015/16
	January	February	March		
Dog Control	154	171	178	**1461**	1712
Resource consent monitoring	115	145	153	**1549**	2139
Noise nuisance	94	108	66	**678**	926
Bylaw / Building / Planning	85	92	86	**788**	555
Alcohol applications	26	44	54	**370**	390
Alcohol Inspections	7	10	32	**125**	165
Pollution	13	24	20	**166**	257
Stock	2	7	10	**77**	59

9. Official Information Act Requests



10. Summary of Legal Proceedings

Party	Legislation	Matter & date of initial action	Status
Jenny Walker	Dog Control Act 1996, section 57	Prosecution after dog attacked person 12 October 2016	Decision to destroy the dog being appealed, to be heard 11 April

REPORT R7408

Marine Biosecurity

1. Purpose of Report

1.1 At the request of the Planning and Regulatory Committee this report sets out for information purposes the Council's responsibilities for marine biosecurity and how these are being met.

2. Summary

2.1 This report outlines the Council's responsibilities for marine biosecurity and actions taken to meet them.

2.2 There is a separate report to be considered by this Committee which proposes a Small-Scale Management Programme for Mediterranean fanworm, *Sabella spallanzii*.

3. Recommendation

That the Committee

Receives and notes the report Marine Biosecurity (R7408) and its attachment (A1735275).

4. Background

4.1 In considering an annual report on Biosecurity (R6995) at its meeting on 23 February 2017 the Planning and Regulatory Committee requested further information on the Council's legal requirements for marine biosecurity, relevant issues and how they are being managed. This report provides this information.

4.2 Once introduced, marine pests have the potential to impact on the region's natural environment, human health and Māori values and cause serious harm to Nelson's and the Top of the South's economy; in particular aquaculture, fishing, and tourism industries. Marine pests can be difficult to detect (more so than pests on land) and can easily spread through a fluid environment. Both this difficulty in detection, and the limited number of management tools available make effective marine pest management challenging.

Legislative context

4.3 The legal responsibilities of Council stem from both its role as a regional council, where it must manage biosecurity matters, and as a city council as owner or manager of public assets.

4.4 The legislative regime governing the management of pests in New Zealand is primarily regulated by the Biosecurity Act 1993 (BSA), Resource Management Act 1991 (RMA), New Zealand Coastal Policy Statement 2010 (NZCPS), Local Government Act 2002, and Maritime Transport Act 1994. The Resource Management (Marine Pollution) Regulations 1998, and Import Health Standard for Ships' Ballast Water, and Craft Risk Management Standard 2016 also provide direction to the management of marine pests within New Zealand regions.

Biosecurity Act 1993

4.5 The Biosecurity Act (1993) is New Zealand's main piece of biosecurity legislation and provides a legal basis for excluding, eradicating and managing pests. The Biosecurity Law Reform Act 2012 requires regional councils to provide biosecurity leadership regionally, and they are encouraged to coordinate pest management between regions. In the marine environment, regional councils are generally responsible for managing "existing and established" pests, with the Ministry of Primary Industries (MPI) responsible for "new" unwanted organisms.

4.6 The enabling regime of the Biosecurity Act gives Councils a wide range of tools, including the Regional Pest Management Plan, Pathways Plans, Small-Scale Management Programmes, and enforcement powers to go with these. In all cases, the Council can choose to act or not to act, depending on how regional interests may be affected.

4.7 The Biosecurity Act also imposes obligations on the owners, occupiers, and managers of places to manage pests recognised in regional or national pest management plans, or notified as "unwanted organisms" by a Chief Technical Officer. For marine pests, this means that it is an offence to knowingly transport unwanted organisms. These include three harmful organisms established in the Nelson region (the edible seaweed wakame, the clubbed tunicate and the Mediterranean fanworm, *Sabella spallanzanii*). Whether these pests should also be controlled at places is a matter for the Regional Pest Management Strategy/Plan. At present the Tasman-Nelson Regional Pest Management Strategy does not impose any obligations to do this although the Council has resolved to do so for assets within its management (see below in relation to the Top of the South Marine Biosecurity Strategy).

Resource Management Act 1991

4.8 The general duties of councils to manage marine biosecurity conferred by the Resource Management Act are articulated further in the NZ Coastal Policy Statement 2010, and include:

4.9 Policy 12 Harmful aquatic organisms:

1) Provide in regional policy statements and in plans, as far as practicable, for the control of activities in or near the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be released or otherwise spread, and include conditions in resource consents, where relevant, to assist with managing the risk of such effects occurring.

2) Recognise that activities relevant to (1) include:

- *(a) the introduction of structures likely to be contaminated with harmful aquatic organisms;*
- *(b) the discharge or disposal of organic material from dredging, or from vessels and structures, whether during maintenance, cleaning or otherwise; and whether in the coastal marine area or on land;*
- *(c) the provision and ongoing maintenance of moorings, marina berths, jetties and wharves; and*
- *(d) the establishment and relocation of equipment and stock required for or associated with aquaculture.*

4.10 The Council has not yet revised its Coastal Resource Management Plan to respond to these requirements, but has included marine biosecurity provisions in recent resource consents.

Local Government Act 2002

4.11 The Council, in October 2012, made the Navigation Safety Bylaw 2012 (No 218) under the Local Government Act 2002 that includes a marine biosecurity provision: *No person shall anchor, berth or moor, or allow to remain anchored, berthed or moored, within the Harbour (including within any marina) any vessel which is subject to significant fouling with marine growth.*

5. Discussion

How Council manages marine biosecurity risks

5.1 The Council has been engaged in managing marine biosecurity risks since at least 2008. The principal ways it does this are:

- Participation in the Top of the South Marine Biosecurity Partnership
- Responding to incidents and incursions
- Enforcing the Navigation and Safety Bylaw
- Supporting education and awareness
- Creating rules for users of moorings and marina berths

- Providing facilities for cleaning boats
- Commissioning supporting research

Top of the South Marine Biosecurity Partnership

5.2 The Top of the South Marine Biosecurity Partnership (Partnership) is a regional partnership, consisting of the Tasman, Nelson, and Marlborough regions. In 2009, the Partnership produced a Strategic Plan (attached) which "provides guidance and principles for better coordination of marine biosecurity action in the region". This is a non-statutory plan that aligns policy commitment by the three councils, Ministry for Primary Industries and other parties such as the Port companies and marine farming industry. It states that the purpose of the Partnership is to:

Prevent the introduction, and minimise the spread of damaging marine species throughout the Top of the South region by coordinating the action of all partners committed to its implementation.

5.3 The Strategic Plan says that the relevant regional partners will:

- *Use regional powers of regulation under the Resource Management Act, Biosecurity Act and Local Government Act to support regional marine biosecurity.*
- *Use the role of partners as owners and managers of local ports, marinas and other areas of intense marine activity to enhance marine biosecurity.*
- *Provide funding according to legal responsibility, capacity to pay and agreed priorities.*
- *Use such other powers and resources (e.g. Harbour Master roles) as appropriate to support regional marine biosecurity.*

5.4 The Nelson City Council has been active in implementing these policies and has conformed to the principles set out below. The principles in the Strategic Plan are:

1. *Acting constructively and promptly in the face of uncertainty.*

2. *Taking a cautionary approach in making decisions to allow for the limits to our understanding of environmental complexity.*

3. *Taking action by those best placed to act with the resources that are available.*

4. *Acknowledging the kaitiakitanga of tangata whenua iwi and Crown commitments under the Treaty of Waitangi relevant to this strategic plan in so far as these commitments are consistent with partner's obligations under their relevant legislation.*

5. *Rigorously assessing costs, benefits and risks, including social, economic, cultural and environmental effects to enable best use of limited resources.*

6. *Apportioning costs equitably taking into consideration legal obligations, roles and responsibilities, contribution to risk, and benefit received.*

7. *Encouraging community involvement, individual responsibility and full participation.*

5.5 The primary way the Council implements the Strategic Plan is by co-funding the work of a regional marine biosecurity coordinator, for the last six years. The Council's commitment to this work is $20,000 per year with that funding being matched by Tasman District Council, Marlborough District Council, and the Ministry for Primary Industries (MPI). No provision has been made for cost increases since the initial allocation was made eight years ago, while the funding from MPI has been reduced from $60,000 per year to $20,000 per year. The contract provides for coordination services, communications including industry networks, a website and bimonthly newsletters, science advice, policy advice, marine surveillance and initial incident response. The contract has been tendered three times and the current contract that expires in June 2017 and has a right of renewal for a further two years. It is intended to renew this contract for the next two years.

5.6 The Partnership meets once a year with the next meeting planned for 26 May 2017.

Responding to incidents and incursions

5.7 Over the eight years since the Partnership was formed Nelson has had between one and four significant marine biosecurity incidents each year that involved the Council and one new incursion by a harmful organism. These incidents all involved vessels that were highly fouled or were found to have a harmful organism on the hull.

5.8 The contract Coordinator maintains an incident response manual for all three councils that is approved by MPI. This conforms to both the national Coordinated Incident Management Systems (CIMS) model and MPI practice.

5.9 The additional incursion was the establishment of the Mediterranean fanworm, *Sabella spallanzanii*. This cannot be eradicated, but the Council contracts divers to remove it twice a year to suppress a breeding population developing to a level where vessels are becoming infected. This diving cost the Council $11,000 each year.

5.10 Where an incident involves the national border, the response is led by MPI. Such responses usually involve the Council, but direct costs are met by MPI.

Enforcing navigation and safety bylaws

5.11 The navigation and safety bylaws are enforced by the Harbour Master. In this role, the Harbour Master has had highly fouled abandoned vessels

removed from the harbour with the costs of removal and storage being met by the Council. The Harbour Master has also refused entry to the harbour by some larger risk vessels.

Supporting education and awareness

5.12 The primary activity of raising public awareness is delivered through the coordination contract and Council communications capability is also involved in publications, website information and press releases.

Creating rules for users of moorings and marina berths

5.13 As owner of the Nelson marina the Council has included marine biosecurity provisions in the standard berth agreement for marina berths. This requires marina users to keep vessels free of conspicuous fouling and of harmful marine organisms. Regular enforcement of these provisions is required by Nelmac.

Providing facilities for cleaning boats

5.14 The Council owns the travel lift and hard stand where most recreational vessels in Nelson are cleaned of fouling organisms. It also shares ownership of Port Nelson which provides services for larger vessels. These services are vital to keeping vessels free of unwanted organisms and treating risk vessels when they arrive.

Commissioning supporting research

5.15 The Council has supported marine biosecurity capability by using its access to Envirolink grants to commission research on marine pests and treatment methods.

Complementary activity

5.16 The Council's efforts are complemented by marine biosecurity risk reduction from other Partners to the TOS Marine Biosecurity Partnership which are outlined below.

5.17 The Ministry for Primary Industries:

- Co-funded the preparation of the Strategy and the operation of the Partnership
- Manages the risk at the border and pre-border
- Takes the lead on new to NZ pests and for diseases
- Provides guidance on the application of the National Policy Direction
- Provides public awareness materials including pest identification guides, signs and web resources including the marine biosecurity portal

- Operates a hotline for reporting issues and a Marine Taxonomic Service through NIWA to identify suspect organisms
- Funds the NIWA port surveys that come to Port Nelson twice a year.

5.18 Other Councils

- Marlborough District Council and Tasman District also fund the Partnership and contribute policy advice
- Northland, Bay of Plenty and Southland Regional Councils have all provided resources to Nelson free of charge.

5.19 The Department of Conservation has assisted in responses with divers and with surveillance boats and skippers.

What else could the Council do?

5.20 Until the Regional Pest Management Plan process is completed no change is suggested except for consideration of a Small-Scale Management Programme for Sabella, which is dealt with in a separate report (R7409).

6. Conclusion

6.1 It is recommended that this report be received.

Richard Frizzell
Environmental Programmes Officer

Attachments

Attachment 1: Top of the South Marine Biosecurity Strategic Plan (A1735275) ⇩

Important considerations for decision making

1. Fit with Purpose of Local Government

This report and recommendation informs the Council about how marine biosecurity responsibilities are being managed in a cost-effective way. The service is a valuable one for the Nelson community, ensuring environmental and economic risks from marine pests are effectively addressed.

2. Consistency with Community Outcomes and Council Policy

The report details responsibilities the Council has for marine biosecurity and what is being done to meet them, including the principles in the Strategic Plan for and aligns with the following Community Outcomes:

Our unique natural environment is healthy and protected;

Our infrastructure is efficient, cost effective and meets current and future needs;

Our communities are healthy, safe , inclusive and resilient;

Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.

3. Risk

The report outlines how Council addresses biosecurity risks to the marine environment and economy of the Top of the South Island and to other locations.

4. Financial impact

As the report is to inform Council only there are no immediate or long term costs associated with the recommendation.

5. Degree of significance and level of engagement

This matter is of low significance in terms of the Council's Significance and Engagement Policy.

6. Inclusion of Māori in the decision making process

Iwi are represented on the Tops of the South Marine Biosecurity Partnership Management Committee. There has been no consultation with Maori in relation to this report.

7. Delegations

The Planning and Regulatory Committee has the responsibility for considering Biosecurity. The Planning and Regulatory Committee has the power to decide this matter.

Top of the South Island Marine Biosecurity Strategic Plan

Prepared for the Ministry of Agriculture and Forestry
on behalf of the
Top of the South Marine Biosecurity Partnership
By The Lawless Edge Ltd

August 2009

Foreword

Kia ora

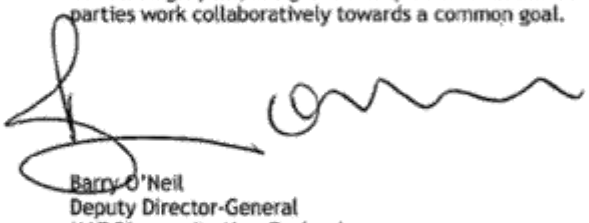
Internationally the field of marine biosecurity is in its infancy. While that is also true for New Zealand, there is an increasing awareness of the potential risks posed by marine pest species - essentially marine organisms relocated outside their native range and spreading unchecked in a new environment. As well, there is a greater understanding of the need to protect marine biodiversity and cultural and economic values in the marine environment.

MAF Biosecurity New Zealand has focused on opportunities to build local marine biosecurity capability through a regional partnership approach. Amongst the first of these regional partnerships was the "Top of the South", encompassing the Tasman, Nelson and Marlborough regions. This partnership has brought together a number of organisations and individuals who share an interest in marine biosecurity, including central and regional government, industry groups, iwi and other stakeholders.

In developing this strategic plan the "Top of the South" partners have set out a clear vision and action plan for building capability and improving coordination of marine biosecurity activities in the region. I am particularly encouraged by the collaborative approach of the partners, and the recent appointment of regionally based coordinators for the partnership.

I would like to acknowledge the contribution of funding for the partnership from Tasman District Council, Nelson City Council and Marlborough District Council. With a matching contribution from MAF Biosecurity New Zealand and offers of in kind support from other partners, we now have a solid platform from which to build into the future. This approach is a first for New Zealand, and one I hope will be repeated in other regions. I now look forward to seeing this partnership grow and strengthen through the ongoing energy and commitment of the partners and increasing support from other organisations and the wider community.

Finally, I would like to thank all of those individuals and organisations that have been involved in the development of this strategic plan and the work of the partnership generally. The "Top of the South" marine biosecurity partnership, and this strategic plan, are great examples of what can be achieved when interested parties work collaboratively towards a common goal.



Barry O'Neil
Deputy Director-General
MAF Biosecurity New Zealand

Contents

Top of the South Marine Biosecurity Strategic Plan 2009 to 2020

Principles

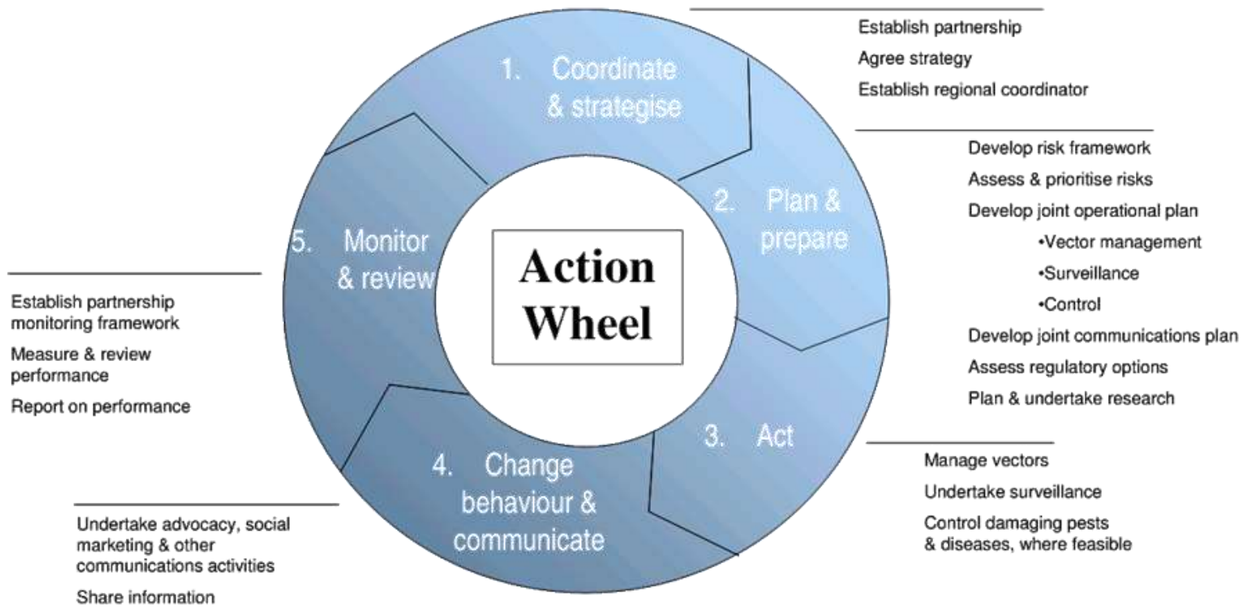
1. Acting constructively and promptly in the face of uncertainty.
2. Taking a cautionary approach in making decisions to allow for the limits to our understanding of environmental complexity.
3. Taking action by those best placed to act with the resources that are available.
4. Acknowledging the kaitiakitanga of tangata whenua iwi and Crown commitments under the Treaty of Waitangi relevant to this strategic plan in so far as these commitments are consistent with partner's obligations under their relevant legislation.
5. Rigorously assessing costs, benefits and risks, including social, economic, cultural and environmental effects to enable best use of limited resources.
6. Apportioning costs equitably taking into consideration legal obligations, roles and responsibilities, contribution to risk, and benefit received.
7. Encouraging community involvement, individual responsibility and full participation.

Our vision for 2020

A marine environment where the Top of the South Island is protected from damaging marine pests and diseases. The mauri of our marine environment has been sustained and enhanced. We have rich, healthy ecosystems where opportunities abound to sustain the needs of present and future generations. The whole community is cooperating to minimise new introductions and control the spread of damaging marine organisms. All parties have confidence in the marine biosecurity system in the Top of the South Island. Partnerships between agencies, industry and other stakeholders are effective in dealing with the issues. Demonstrated successes of the marine biosecurity system are celebrated by an informed community and the reputation of the top of the South for a clean and protected marine environment has been enhanced. Over-regulation has been avoided, while agencies have acted effectively and efficiently to preserve all valued social, cultural, economic and natural aspects of the marine environment.

The Top of the South Partnership

- Undertakes coordinated marine biosecurity education and advocacy activities.
- Works with central government agencies - MAFBNZ, DOC, MFish - to coordinate regional marine biosecurity activities.
- Provides integration of regional with national marine biosecurity systems.
- Provides partners with access to regional intelligence, resources and organisational structures.
- Provides operational resources for nationally-led activities (e.g. personnel, boats, etc).
- Coordinates local surveillance programmes including stakeholder involvement.
- Uses regional powers of regulation under the Resource Management Act, Biosecurity Act and Local Government Act to support regional marine biosecurity.
- Uses asset management authorities of partners as owners and managers of local ports, marinas and other areas of intense marine activity to enhance marine biosecurity.
- Provides funding according to legal responsibility, capacity to pay and agreed priorities.
- Uses such other powers and resources (e.g. Harbour Master roles) as appropriate to support regional marine biosecurity.



1. Purpose

The purpose of this strategic plan is to prevent the introduction, and minimise the spread, of damaging marine species throughout the Top of the South region by coordinating the action of all partners committed to its implementation.

2. About this strategic plan

This is a regional strategic plan prepared within the framework of national biosecurity led by MAF Biosecurity NZ (MAFBNZ). This strategic plan was initiated and developed by the members of the Top of the South Marine Biosecurity Partnership coordinated by MAFBNZ. The process included representation from Tasman District Council, Nelson City Council, Marlborough District Council, Ministry of Fisheries, Department of Conservation, the aquaculture industry, port companies, tangata whenua and other stakeholders.

This strategic plan provides guidance and principles for better coordination of marine biosecurity actions in the region. It identifies priority actions and provides a framework for determining who is best placed to undertake each of those actions.

While this strategic plan does not directly address border control, which is the responsibility of MAFBNZ, actions taken under the plan will make a significant contribution to preventing the introduction of new damaging organisms to New Zealand. The area of action for the plan is restricted to the Territorial Sea due to current limitations on legal powers of the partners. However, in practical terms actions beyond this area may have significant effects on the marine biosecurity of the Top of the South region.

The geographic area of interest for the strategic plan is that portion of the New Zealand coast administered by the Tasman, Nelson and Marlborough Councils. It includes all of the associated marine area below the limit of high spring tides within the Territorial Sea and contiguous areas that affect the biosecurity of this area of interest. The area spans from Kahurangi Point on the west coast to Willawa Point on the east coast (see figure 1 and Appendix 6). The strategic plan deals with management of all damaging marine organisms from viruses to plants and animals. This strategic plan takes into account management at and beyond the New Zealand national border but provides only for coordinated action within the Top of the South Island region.

Appendix 1 to this strategic plan provides greater detail on context in which the strategy was formed. A review of technical information on marine biosecurity issues in the Top of the South region can be found in

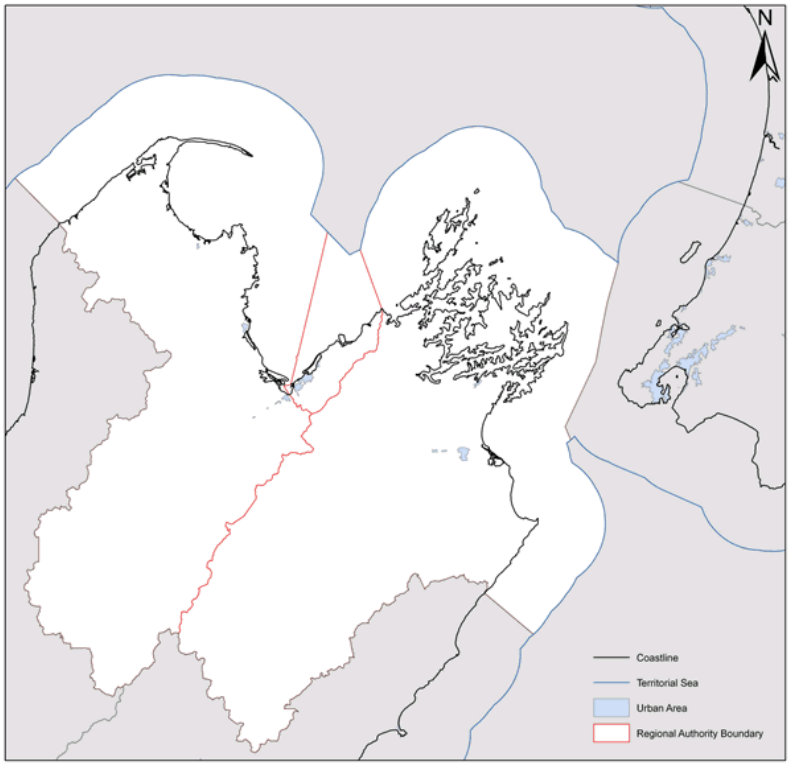
the NIWA report (Morrisey and Miller, 2008) commissioned as a stand-alone document for this project.

3. About the Top of the South region

The Top of the South Island, Te Tau Ihu o Te Waka a Maui, is a place of great environmental diversity and of immense cultural and economic value.

This marine area shares ecological characteristics of both northern and southern New Zealand. It spans the exposed West Coast, the sheltered waters of Golden and Tasman Bays and the Marlborough Sounds, and the narrows of Cook Strait to the open waters of the Pacific on the east coast. This area also has its own unique environments and species.

With two regional ports and some of the best recreational boating areas in New Zealand, the area experiences significant vessel traffic. It also has the largest concentration of marine farming in New Zealand and in Nelson has New Zealand's busiest commercial fishing port.



Top of the South Marine Biosecurity Strategy Area of Interest

Figure 1

4. Vision for 2020

A marine environment where the Top of the South Island is protected from damaging marine pests and diseases. The mauri of our marine environment has been sustained and enhanced. We have rich, healthy ecosystems where opportunities abound to sustain the needs of present and future generations. The whole community is cooperating to minimise new introductions and control the spread of damaging marine organisms. All parties have confidence in the marine biosecurity system in the Top of the South Island. Partnerships between agencies, industry and other stakeholders are effective in dealing with the issues. Demonstrated successes of the marine biosecurity system are celebrated by an informed community and the reputation of the Top of the South for a clean and protected marine environment has been enhanced. Over-regulation has been avoided, while agencies have acted effectively and efficiently to preserve all valued social, cultural, economic and natural aspects of the marine environment.

5. How this strategic plan works

This strategic plan works by recording the commitment of responsible organisations to agreed operating principles and aligned action to improve marine biosecurity in the top of the South Island. In signing up to the strategic plan organisations agree to participate in preparing detailed plans and undertaking actions to implement the vision of this strategic plan.

6. Principles

The seven principles for action by the parties to this strategic plan are:

1. Acting constructively and promptly in the face of uncertainty.
2. Taking a cautionary approach in making decisions to allow for the limits to our understanding of environmental complexity.
3. Taking action by those best placed to act with the resources that are available.
4. Acknowledging the kaitiakitanga of tangata whenua iwi and Crown commitments under the Treaty of Waitangi relevant to this strategic plan in so far as these commitments are consistent with partner's obligations under their relevant legislation.

5. Rigorously assessing costs, benefits and risks, including social, economic, cultural and environmental effects to enable best use of limited resources.
6. Apportioning costs equitably taking into consideration legal obligations, roles and responsibilities, contribution to risk, and benefit received[1].
7. Encouraging community involvement, individual responsibility and full participation.

7. The Top of the South Marine Biosecurity Partnership

The goals of the Partnership are to enable the integrated management of marine biosecurity through:

1. Clear leadership and role clarity.
2. Consistent and coordinated operations.
3. Efficient, effective and sustained action.
4. Wide public support and community engagement.

The Partnership relies on, but is not part of, the national border control regime.

The brief of the Top of the South Marine Biosecurity Partnership is to:

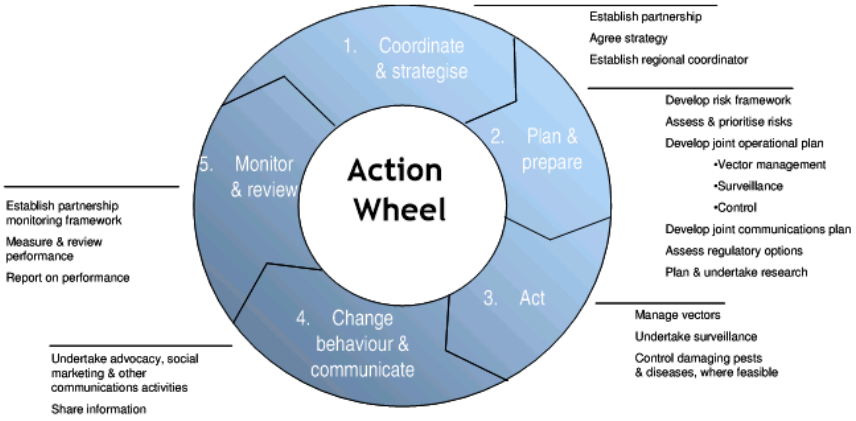
- Undertake coordinated marine biosecurity education and advocacy activities.
- Provide integration of regional with national marine biosecurity systems.
- Provide partners with access to regional intelligence, resources and organisational structures.
- Provide operational resources for nationally-led activities (e.g. personnel and boats).
- Coordinate local surveillance programmes including stakeholder involvement.

The relevant regional partners will:

- Use regional powers of regulation under the Resource Management Act, Biosecurity Act and Local Government Act to support regional marine biosecurity.
- Use role of partners as owners and managers of local ports, marinas and other areas of intense marine activity to enhance marine biosecurity.
- Provide funding according to legal responsibility, capacity to pay and agreed priorities.
- Use such other powers and resources (e.g. Harbour Master roles) as appropriate to support regional marine biosecurity.

[1] See decision framework in Appendix 3.

8. Priority actions



The regional partnership is committed to the following actions to implement this strategic plan. Wherever possible these aim to enhance and develop existing assets and programmes and strengthen existing institutions and systems rather than replace them. The following table lists possible timeframes for the key priority actions within the strategy. This is not intended as a static timeline of events. As indicated in the action wheel above the partnership process is a continuous cycle where partners evaluate and act adaptively according to current needs.

Goal 1 - Coordinate and strategise		
	Priority actions	**Possible timing**
1	Agree the strategy amongst partner organisations and agree to support the priority actions proposed.	December 2008
2	Collectively create an ongoing coordinating body *Top of the South Marine Biosecurity Partnership* that is open to any organisation that has signed up to this strategic plan. Engage Iwi through a body mandated to act for Iwi on marine biosecurity issues.	March 2009
3	Establish a regional marine biosecurity coordinator, whose responsibilities would include: • Coordinating the partnership. • Developing and implementing advocacy programmes. • Developing and promoting surveillance programmes. • Developing standard procedures. • Engaging with marine users and other stakeholders.	April 2009

Goal 2 - Plan and prepare		
	Priority actions	**Possible timing**
4	Develop a risk management framework to target high risk marine biosecurity pathways, vectors and species. This would include: • Identifying priority sites for protection within the region, and site-specific vectors and pathways. • Developing a tool to quickly assess risks and manage events, including further developing and piloting systems to "manage" NZ internal traffic. • Developing a process to enable rapid decisions on marine biosecurity actions where these are required.	2009 (subject to resource allocation by partners)
5	Assess and prioritise risks and actions for the region.	
6	Develop joint operational plans for: • Vector management plans for recreational vessels (on moorings and in marinas), barges, marine farms, fishing vessels and merchant vessels (including oil rigs). • Surveillance of vectors (organisms and vessels). • Control of damaging organisms.	
7	Develop joint communications and information management plan.	
8	Assess regulatory options.	
9	Plan and undertake research.	

Goal 3 - Act		
	Priority actions	**Possible timing**
10	Implement the operational plans.	Interim actions 2009 with full implementation of plans in 2010 (subject to resource allocation by partners).

Goal 4 Change behaviour and communicate		
	Priority actions	**Possible timing**
11	Implement the communications and information management plan.	Interim actions 2009 with full implementation of plans in 2010 (subject to resource allocation by partners).

Goal 5 Monitor and review		
	Priority actions	**Possible timing**
12	Establish a monitoring framework to include the following indicators: • Number of vectors with reduced risk profile regionally due to improved management regimes. • Increase in knowledge of, and support for, marine biosecurity in the community. • Incorporation of effective marine biosecurity measures in industry and other stakeholder practices. • Area and number of species under effective surveillance. • Number of recently arrived damaging organisms as an indicator. • Number of groups and organisations involved in the strategy. • Number of response plans prepared.	Interim actions 2009 with full implementation of plans in 2010 (subject to resource allocation by partners).
13	Measure and review the progress of this strategic plan every year in September.	
14	Report on performance.	

9. Roles and participation in marine biosecurity

New Zealand's pest management system is well advanced compared to many overseas countries. This is illustrated by case studies from the United States and Australia in a recent report by the Law and Economics Consulting Group. However, a key issue highlighted in this same report is that overall roles and responsibilities in the pest management system are not clear. The lack of clarity around roles and responsibilities is an issue across the entire pest management sector, not just within marine biosecurity.

MAFBNZ's "Future of pest management" work programme

MAF Biosecurity is leading a consultation process, involving other central government agencies, iwi, Regional Councils and other pest management stakeholders, to discuss issues and solutions in the pest management sector. These discussions, the LECG report referred to above, and a separately produced Regional Council review (Enfocus, 2008) will all help to inform development of a national strategy to guide pest management activity in New Zealand.

The LECG and Enfocus reports consider issues with the current system and options for improvement. They call for more clarification of roles and responsibilities, and suggest prescribing these in legislation.

Both reports can be accessed through the MAF Biosecurity New Zealand website at http://www.biosecurity.govt.nz/pests/surv-mgmt/mgmt.

Where can partners participate in the biosecurity system?

The following diagram provides an overview of activities in the biosecurity system and the interaction between MAF Biosecurity, regional partners and individual stakeholders across six marine biosecurity management scenarios. It is not intended to represent the policies of MAFBNZ or any other agency, and does not reflect every situation or scenario.

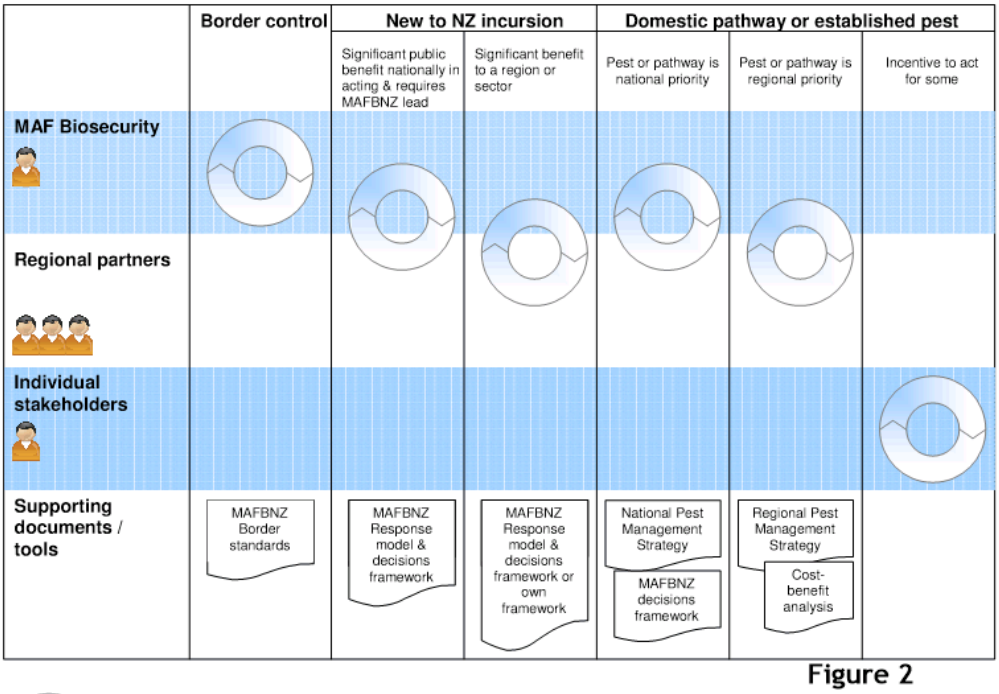


Figure 2


This symbol represents the cycle of decision-making, action and review, within any particular scenario. The positioning of the symbols indicates where effort is likely to be focused, for example border control is a MAFBNZ activity whereas management of a national priority pest includes effort from both MAFBNZ and regional partners.

Regional partners may include other central government agencies, regional councils, iwi and industry.

The term "established pests" is used here to describe any pest which is already found in New Zealand, i.e. not new to New Zealand.

Examples of supporting documents and decision-making tools are shown. The diagram does not include industry guidelines, hygiene protocols or communications material which are used across the system.

Regional partners and individual stakeholders are expected to support the system by reporting and notifying biosecurity risks or new finds. Partners are also expected to assist in dissemination of information and local education.

MAF Biosecurity will undertake a response where it determines the response will have significant public benefit. In some cases it may be more appropriate for another agency or for industry to lead. In some cases MAFBNZ may decide not to act, and instead industry or other agencies lead and act themselves.

MAFBNZ will lead where the organism is subject to a national pest programme. Where there is no national pest programme other partners may choose to lead (see Appendix 4 on national pest programmes).

10. Glossary

Biosecurity is not defined in legislation, but the NZ Biosecurity Strategy defines it as the exclusion, eradication or effective management of the risks posed by pests and diseases to the economy, the environment and human health.

Central government refers to the legislature, executive and public service on the New Zealand national government.

Coastal marine environment is defined in the Resource Management Act 1991 as the foreshore, sea bed, and coastal water, and the air above the water:

(a) of which the seaward boundary is the outer limits of the territorial sea

(b) of which the landward boundary is the line of mean high-water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of -

(i) one kilometre upstream from the mouth of the river; or

(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

CIMS is a set of management rules that is common to all emergency service providers. Basic principles in CIMS include:

- Common terminology
- Modular organisation
- Integrated communications
- Consolidated Incident Action Plans
- Designated incident facilities.

Didemnum vexillum is a leathery or spongy textured, light mustard coloured sea squirt which often presents like a yellowish wax dripping over a structure such as a rope or mussel line.

DOC is the Department of Conservation, the government agency charged with protecting and preserving native species, managing wild animals, and administering public conservation lands.

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

EEZ is the Exclusive Economic Zone of New Zealand. It lies between 12 and 200 nautical miles from the coast. (see also Territorial Sea).

Environment as defined in the Resource Management Act1991 includes—
(a) Ecosystems and their constituent parts, including people and communities; and
(b) All natural and physical resources; and
(c) Amenity values; and
(d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

Exotic species are those that have evolved elsewhere and have been brought by people to this place or by natural spread from another location.

Iwi form the largest everyday social units in Maori populations and in the context of this strategic plan refer to the tangata whenua of Te Tau Ihu: Ngati Tama, Ngati Rarua, Te Atiawa, Ngati Toa Rangatira, Ngati Koata, Ngati Kuia, Rangitane and Ngati Apa and to Ngai Tahu.

Kaitiakitanga is an inherited responsibility of tangata whenua to look after the mauri (life force) of nga taonga tuku iho. It includes protecting biodiversity and the maintenance of resources for present and future generations.

Local government in New Zealand comprises regional, district and city councils but in the area of this strategic plan all three councils are unitary authorities with all the functions of both regional and territorial local authorities that apply within the limits of the Territorial Sea.

MAFBNZ is Biosecurity New Zealand a business group of the Ministry of Agriculture and Forestry responsible for leading a fully integrated, transparent and efficient biosecurity system for the country.

Mauri is the life force of places and natural things.

MFish is the Ministry of Fisheries, the government agency responsible for all aspects of fisheries management.

National Pest Management Strategy is a legally binding plan established at a national level for managing a pest and identifies (among other things) the powers to be used and how the strategy will be funded.

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

Regional Pest Management Strategy is a legally binding plan established at a regional level by a regional council for managing pests.

Residual Risk is the risk that remains after specified risk reduction management actions have been taken.

Stakeholder is a person or group with an interest in the issue under consideration.

Surveillance in biosecurity is the process of systematically collecting and analysing information about the presence (and distribution) or absence of pests and diseases. In plain language, biosecurity surveillance means looking for pests, diseases, animals, plants and other living things (which either don't belong in New Zealand or can cause problems for animals, plants or the environment) - to find out whether they're already here - if they are, where exactly they are - and if they're not, to pick them up early should they arrive.

Territorial Sea of New Zealand is the area of sea within 12 nautical miles of the baseline, where the baseline is mean low-water mark except where it takes a straight line across the mouth of bays less than 24 nautical miles across.

Te Tau Ihu o te Waka a Maui, literally the prow of Maui's canoe.

Vector in biosecurity management refers to things that can transport damaging organisms into and within our environment.

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

Wairua means spirit.

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12. Acknowledgements

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Appendix 1

Issues and Opportunities

To establish a basis for effective action over the next ten years, current strengths, weaknesses, opportunities and threats in regional marine biosecurity were reviewed.

Strengths

The partners have recognised the following regional strengths in 2008 that can contribute to realising the vision of this strategic plan in the top of the South Island:

1. Overall there is a strong base of community and organisational support for effective biosecurity action in the region. Local people interact strongly with the sea and recognise the marine environment as important. There is national recognition of the importance of the regional marine environment and its unique features. Iwi are becoming more formally organised and active in the protection of their treasured resources in the seas of Te Tau Ihu o Te Waka a Maui. The marine farming and fishing industries have a limited number of players to work with in key sectors for marine biosecurity.
2. Local agencies and industries are willing and motivated to act and have a good knowledge of the marine environment of the region. They have a history of partnering in biosecurity action built up through the *Didemnum vexillum* Working Group. There is an effective operational presence on the water and collective skills in action under the Coordinated Incident Management System (CIMS). This is matched by a track record in communal funding of biosecurity responses and the availability of marine farming vessels and divers for field work. Local industry has developed voluntary codes of practice in the marine farming sector to encourage behaviours which reduce the risks posed by marine pests.
3. There is a developing knowledge base for marine biosecurity action in the region. There is marine science capacity available locally at NIWA, Cawthron, DOC, and MFish. There is growing marine biosecurity expertise both nationally in MAFBNZ and regionally amongst agencies and industry. There is a local history of marine biosecurity tool development, e.g. pile wrapping for control of *Didemnum vexillum*. MAFBNZ and partners have raised awareness and encouraged boat-cleaning in the region via marine biosecurity communications programmes.

Weaknesses

The partners have recognised the following regional weaknesses in 2008 that need to be corrected for effective marine biosecurity action in the top of the South Island:

1. A lack of awareness in both the recreational and commercial sectors about the consequences of hull fouling and a lack of bio-secure de-fouling facilities that reduces people's motivation to act responsibly. This is compounded by informal structure of the recreational fishing sector that makes it hard for agencies to communicate effectively with recreational users.
2. Uncertainty about future funding due to: a regionally small rating base, recognised national and local funding limitations (including the use of local bodies revenue sourced from land-based rates), and a history where there was no immediate funding to deal with past incursions.
3. The large geographical area involved, including more than a fifth of the NZ coastline and the largest areas of sheltered water in the country. The consequent ecological diversity creates problems as the range of habitats increases the risk of exposure to new organisms. The region has a number of large high value sites including the Abel Tasman National Park coast, the Marlborough Sounds, Farewell Spit, four marine reserves and nationally important geo-preservation features. The large area of sheltered water creates an "accessible remoteness" where vessels can enter the area in poorly controlled conditions and be present for some time before authorities are aware of their presence and action
4. Present organisational responsibilities hamper effective marine biosecurity responses in the region. There is no formal structure involving MAFBNZ, local authorities, industry and the community, and the roles and responsibilities in the marine environment lack clarity. There are several iwi authorities to deal with and these have overlapping areas of authority.
5. Regional agencies lack confidence in national border security and this undermines motivation to act locally. There is divided jurisdiction between the Territorial Sea and the Exclusive Economic Zone with the latter lacking effective national legal control for management of biosecurity. There are technical and legal difficulties in controlling national and international vectors and a lack of effective international biosecurity agreements in relation to ship management.
6. The lack of enforceable rules, and delays in creating new ones, hinders regional ability to engage effectively in marine biosecurity vector control. There is little regulation or licensing of recreational marine users and no legislation/rules regarding hull cleaning. The Resource Management Act and Regional and National Pest Management Strategy planning processes in the Biosecurity Act are too slow to deal with emerging biosecurity issues. There is limited monitoring of permitted baseline conditions under the Resource Management Act and difficulty in achieving pest status regionally without active MAFBNZ support. Experience in the top of the South region has shown that biosecurity

operational models derived from terrestrial models don't work in the marine environment.

7. Limitations in knowledge hinder effective marine biosecurity responses due to: limited taxonomy capacity to identify damaging organisms, limited tools to deal with incursions, and a lack of knowledge of existing species and likely pest species.

Opportunities

The partners have recognised the following regional opportunities in 2008 that need to be taken up to realise the vision of this strategic plan in the top of the South Island:

1. Actively fostering more effective local organisation by:
   - Supporting Iwi to become better resourced.
   - Taking advantage of the rapidly developing aquaculture industry - (especially Golden and Tasman bays) by building on the increasing awareness of risks (primarily to aquaculture) while utilising the additional eyes on the water and the increasing expertise in national bodies (e.g. Aquaculture NZ), and stakeholder groups and organisations.
   - Supporting an enhanced local skill base for development of control tools (e.g. Cawthron, NZ Dive Services, NIWA).

2. Developing more effective use of regulation and voluntary codes of practice. This might include: marine bylaws to control hull fouling, conditions within occupancy agreements in marinas to require hull cleaning, use of Resource Management Act policies and plans - coastal permits (structures, moorings, aquaculture), creating simplified process to establish legal pest status, extending and enforcing industry Codes of Practice and early and active implementation of international agreements on hull fouling and ballast water.

3. Becoming more effective in surveillance, and control of established pests. This might build on use of CIMS methodology, actively increasing our knowledge of vectors and organisms, extending surveillance, early identification of possible pests and threats that exist elsewhere and using decision making and detection tools already developed.

4. Proposed changes in the NZCPS - although these are subject to an ongoing process. The two key policies are Policy 9 (Biosecurity) and policy 24 (coastal occupation charging). The latter may provide opportunities for improved funding of council's marine activities.

Threats

The partners have recognised the following regional threats in 2008 that need to be countered to realise the vision of this strategic plan in the top of the South Island:

1. Increasing presence of vectors due to the rapidly developing marine farming industry and lots of other vessel movement - fishing, coastal, recreational, international including oil rigs. Added to this there is a history of old vessels and structures being brought into the region and being abandoned.
2. At present there is a lack of funding for local authorities to undertake marine biosecurity activities and there is no established mechanism for partners to provide long term funding for regional partnership activities. Changes to the level of economic activity at a national and regional level may affect the level of risk and behaviours, for example reduced economic activity may result in less regular cleaning of vessels, structures and equipment. Conversely increased economic activity may result in increased activity into and within the region and therefore increased risk of pest introduction or spread.
3. In the period before agencies agree to something like this strategic plan, there is no effective regional structure to react to any new incursion.
4. Environmental instability including climate change with warmer water could increase the biosecurity risk profile for the region.

Appendix 2

Context

Marine environment

Straddling the Top of the South Island and including western Cook Strait, the Marlborough, Nelson and Tasman regions have a diverse array of marine ecosystems. Broad interacting environmental gradients traverse the wider Top-of-the-South region, notably: wave exposure (inner bays and sounds to outer exposed coasts), depth, sea temperature (generally increasing from east to west), tidal influence (currents, tidal height and water exchange), turbidity, sedimentation and salinity. These, along with variable geology and substrates, combine to create a highly variable marine environment.

Key highlights within the wider top-of-the-south region include:

- Very exposed coasts flanking the western and eastern sides of the upper South Island, with rocky reefs and mobile sand and/or gravel.
- The semi-sheltered and sediment-dominated expanses of Tasman and Golden Bays.
- Tidal flats and numerous estuaries including: Waimea Inlet and Whanganui Inlet (the two largest estuaries in the South Island); Vernon Lagoons; Kaituna/Pelorus Estuary; and Farewell Spit (a RAMSAR site of international significance for wading birds).
- Sheltered granite shores of the Abel Tasman National Park.
- Separation Point "coral beds".
- Nelson Boulder Bank habitats.
- The convoluted network of waterways of the Marlborough Sounds, ranging from the sheltered inner Sounds to the more exposed outer reaches; including numerous bays, channels, headlands, high and low current areas, and various islands and offshore rocks and stacks.
- The comparatively deep and strongly tidally influenced waters of Cook Strait.
- Four marine reserves (Westhaven, Tonga Island, Horoirangi and Long Island - Kokomohua).
- One taiapure.

Ports, marinas and shipping

There are two major ports at Nelson and Picton, minor ports at Tarakohe, Motueka and Havelock and many, many small wharfs and jetties in the top of the south, particularly in the sheltered waters of the Marlborough Sounds. The ports at Nelson and Picton are operated by port companies owned by the local councils.

There are large marinas at Nelson and at Waikawa Bay and smaller marinas at Port Tarakohe, Motueka, and Havelock together with many swing moorings in sheltered areas. There are plans for extending facilities at many of the ports and marinas.

Marine farming

There are two predominant marine farming areas in the top of the South. By far the largest area is the Marlborough Sounds which produces around 75% of New Zealand's aquaculture products. The industry in the Sounds comprises some 565 marine farms (around 478 of which are mussel farms). The area occupied by marine farms is approximately 2,800ha (total Sounds area 150,000ha). The principal species farmed are green lipped mussels and king salmon. Other species include scallops, pacific oysters and paua. Some algae farming also takes place along with a small harvest of seaweed to feed farmed paua.

In Golden Bay, long line mussel farming is the only permitted aquaculture activity. At present some 80ha are occupied by mussel farms and for seasonal scallop and mussel spat catching. It is anticipated that the area of marine farming in Golden Bay and Tasman Bay will grow steadily over the coming decade.

Export sales resulting from marine farming efforts in the Top of the South exceed $230m with a further $50m of national sales. Marine farmers are aware that, in most cases, their farming structures make for ideal settlement structures for damaging marine organisms and the industry has been keen to see the development of a coherent biosecurity strategy for the region.

High-value areas

High value areas are defined on ecological, commercial or cultural criteria, or a mixture of all three. Obvious areas of conservation or ecological value in the region include the Westhaven (Te Tai Tapu) Marine Reserve and Westhaven (Whanganui Inlet) Wildlife Management Reserve in Whanganui Inlet, Tonga Island Marine Reserve, Horoirangi Marine Reserve, Long Island - Kokomohua Marine Reserve and other features such as the Separation Point bryozoan beds. Areas of commercial value include fishing grounds in Golden and Tasman Bays and the Marlborough Sounds, the marine farming areas in Golden and Tasman Bays, the Marlborough Sounds and Port Underwood, areas of recreational and tourism importance, and shipping channels and facilities.

Definition of high value areas can serve as a focus for characterising human-mediated pathways for the spread of non-indigenous species, helping to make definition of such pathways more manageable at a regional or larger scale. It also allows priorities to be identified for the allocation of resources in identifying and managing pathways. In this respect, identification of high value areas is complementary to programmes for the management of incursions of introduced species.

At present, however, there is no formal list of high value areas based on conservation/ecological or other criteria for New Zealand nor is there any agreement on what areas should be included (informal lists have been developed for some regions in relation, for example, to the development of regional coastal plans).

High-risk areas

High risk areas within ports and marinas include berths for the introduction and spread on non-indigenous species include high-volume commercial ports and marinas that are first-entry points for international vessels and domestic shipping hubs. In the top of the South Island these include the ports of Tarakohe, Motueka, Nelson, Havelock and Picton, the marinas at Tarakohe, Motueka, Nelson, Havelock, Picton and Waikawa, and the mussel-farming facility at Elaine Bay. In 2005, a proposal was put forward for a coal-transfer facility in Golden Bay. This would consist of a moored structure carrying equipment for transferring coal brought up by barge from the west coast of the South Island on to international bulk carriers. A preliminary assessment of potential environmental effects from this operation identified the risk from introduced marine species carried in ballast water or as hull fouling to marine farms in Golden Bay and to local natural habitats. At the time of writing, the proposal appears to be on hold. Golden Bay and Tasman have also provided shelter for international vessels including oil rigs and servicing vessels for short periods of time. Tasman Bay was recently used (inappropriately) for removal of biofouling organisms from an oil rig before being moved to Australia.

Within ports and marinas, high-risk areas include berths, slipways and areas where hull cleaning occurs. Organisms attached to the hull may be dislodged during berthing or slipping, or may discharge larvae while the vessel is berthed (perhaps in response to changes in light regime, salinity or temperature) or thrown overboard. Areas where hull cleaning occurs pose an obvious risk of release of non-indigenous organisms but may be managed to minimise release of material (both biological material and dislodged antifouling paint) to the environment. For example, boats taken out of the water on the travel-hoist at Dickson Marine Ltd in Nelson Marina are cleaned over an area draining to a holding tank.

High-risk species

Non-indigenous marine species can have a range of adverse impacts through interactions with native organisms. These include competition with native species, predator-prey interactions, hybridisation, parasitism or toxicity and modification of the physical environment. Assessing the impact of a non-indigenous species in a given location ideally requires information on a range of factors, including the mechanism of their impact and their local abundance and distribution. To predict or quantify their impacts over larger areas or longer time scales requires additional information on the species' seasonality, population size and mechanisms of dispersal.

A number of non-indigenous species with known adverse ecological and/or economic effects already occur in the coastal marine area of the top of the South Island. These include the saltmarsh cordgrass *Spartina anglica* the Pacific oyster *Crassostrea gigas* (both of which were deliberately introduced), the kelp *Undaria pinnatifida*, and the ascidians *Didemnum vexillum* and *Styela clava* (at present the adverse effects of *S. clava* on marine farms are inferred from their effects in Canada[2]).

[2] See http://www.biosecurity.govt.nz/files/pests/seasquirt/styela-clava-oia.pdf

The Ministry of Fisheries identified six additional species not yet present in New Zealand but considered to be of relatively high risk of introduction and adverse effects on New Zealand core values (responsibility for their management was transferred to the Ministry of Agriculture and Forestry Biosecurity New Zealand (MAF BNZ) in 2004). These species (the seastar *Asterias amurensis*, the macro alga *Caulerpa taxifolia*, the crabs *Carcinus maenas* and *Eriocheir sinensis*, the bivalve *Potamocorbula amurensis* and the polychaete worm *Sabella spallanzanii*) were declared "Notifiable Organisms" under the Biosecurity Act Notifiable Organisms Order 2002 and, together with *Undaria* and *Styela*, were declared "Unwanted Organisms" under the Biosecurity Act 1993 in 2000. Each of the unwanted species has a prior history of invasion outside New Zealand, is known to have significant impacts on native ecosystems or economic values in the regions it has invaded, and is capable of surviving in New Zealand coastal waters.

Relevant legislation

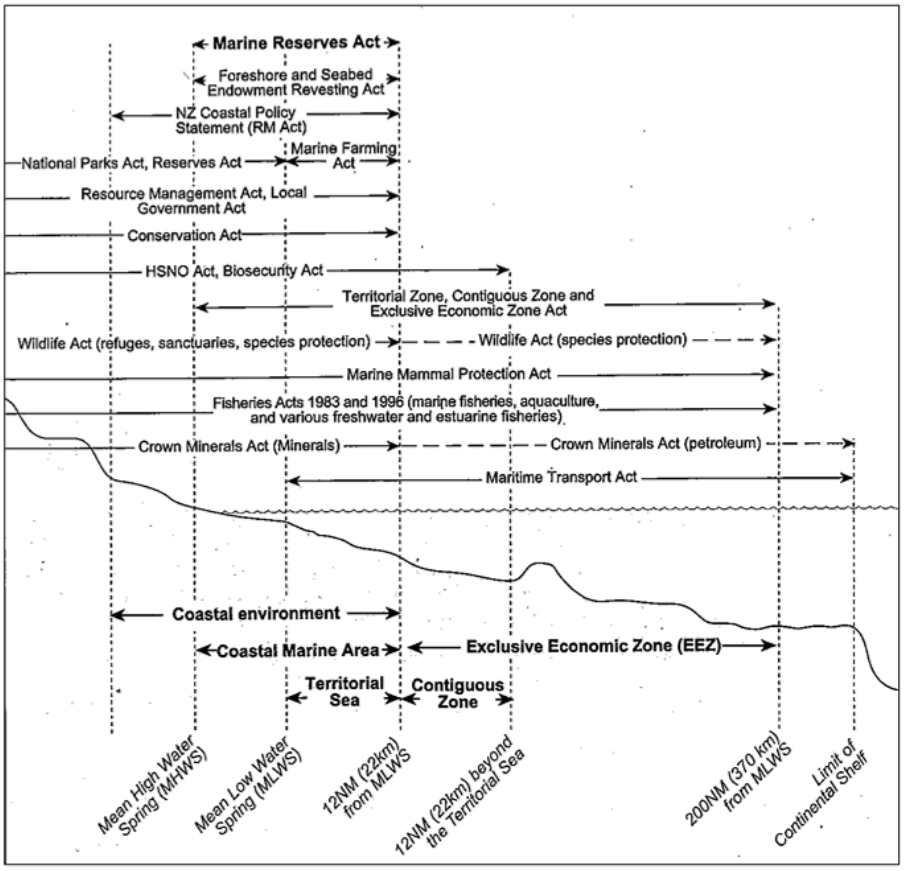


Figure 3: *The jurisdiction of various marine management Acts. From a Department of Conservation publication Tapui Taimoana: Reviewing the Marine Reserves Act 1971. Note that the Foreshore and Seabed Endowment Revesting Act is now the Foreshore and Seabed Act 2004.*

Organisational context

Councils' roles in marine biosecurity

Local Government is a creature of statute. Its very existence and the activities it engages in are defined by a raft of legislation. Environmental policy alone is covered by more than 26 individual pieces of legislation.

With regard to marine biosecurity principal amongst these Acts are:-

- The Local Government Act 1974 and 2002
- The Resource Management Act 1991
- The Biosecurity Act 1993
- The Health Act 1956.

The Local Government Act 1974 and 2002 provides for local authorities to undertake a wide range of functions for the good of their constituents. For example, activities undertaken by Councils with particular relevance to marine biosecurity include:-

- Operation of marinas that provides pontoon and pile moorings for pleasure boats and small commercial vessels
- Provision of boat launching ramps
- Employment of harbour masters to oversee navigation and safety (Section 650B 1974).

The Resource Management Act 1991 provides for local authorities to manage the adverse effects of activities through preparation of Policy Statements and plans including rules and consents. Activities undertaken by Councils with particular relevance to marine biosecurity include:-

- Preparation of Regional Coastal Plans to control adverse effects in the coastal marine area.
- Consenting to activities and structures in the CMA including private moorings and aquaculture structures.
- Control of discharges from land and vessels (under Marine Pollution Regulations 1998).
- Monitoring of the state of the environment including water quality, sediment movement and contamination, distribution of indigenous and exotic biota, and the effects of fishing.
- Working with other agencies, for example Port Nelson Limited to promote sustainable management of the coastal marine area, for example through the Port Nelson Environment Committee.

The Biosecurity Act 1993 provides for Regional Councils to declare and manage animal and plant pest species. Activities undertaken by Councils with particular relevance to marine biosecurity include:-

- Preparation of Regional Pest Management Strategies (RPMS) which currently include the exotic kelp *Undaria pinnatifida* as a surveillance species.
- Response to biosecurity breaches including surveillance and clearance work for *Undaria* and *Didemnum vexillum*.
- Promotion of a Marine Biosecurity strategic plan for the Top of the South.

The Health Act 1956 requires local authorities to manage health risks to the community. Activities undertaken by Councils with particular relevance to marine biosecurity include:-

- Monitoring of water quality for contact recreation purposes and for shellfish gathering purposes.
- Notification of accidental discharges from sewer lines and the like.

Regional councils have experience and expertise in terrestrial biosecurity and are generally well-supported in this work by councillors and ratepayers. However, regional councils have little or no expertise in marine biosecurity and apart from Cook Strait there are few barriers to the spread of marine organisms. Rates derived from land are not considered to be the appropriate method for funding marine biosecurity.

Central government has the primary responsibility for management of new incursions, and for the management of pests where significant public benefit is identified. Regional government has been involved in ongoing discussions with central government over the long-term management of existing marine pests, such as *Undaria*, *Styela* and *Didemnum*.

Legislative responsibilities for the councils have not been well defined; the Resource Management Act outlines some general principles, but it is unclear what it means, particularly in regard to the Biosecurity Act.

The regional councils (Vaughan, 2004) have identified the following requirements for their effective participation in marine biosecurity:

- Clarification of legal responsibilities
- Adequate resourcing
- Access to marine biosecurity expertise
- Access to key staff members in central government agencies
- A strong commitment to cooperation from central government agencies
- A mandate from ratepayers.

MAFBNZ role in marine biosecurity

MAF Biosecurity New Zealand (MAFBNZ) is a business group of the Ministry of Agriculture and Forestry. It has responsibility for leading a fully integrated, transparent and efficient biosecurity system, including implementing Tiakina Aotearoa, the Biosecurity Strategy for New Zealand.

Marine Pest Management

Roles and responsibilities between the different government agencies, industry and other groups regarding the management of marine pests are not yet clear. The Chief Executives of government's biosecurity agencies (the Biosecurity Central Regional Government Forum) have considered this gap, and agreed to take a pragmatic route - in the medium term at least - through a partnership approach to building marine pest management capability.

MAFBNZ has developed a partnership framework to build New Zealand's marine pest capability. See Figure 2. MAFBNZ coordinates the national and regional partnerships.

A partnership brings together those who are prepared to pragmatically pool resources to take some small steps that grow capability and demonstrate marine

biosecurity in practice through pilot or demonstration projects. This requires setting aside discussion over roles, responsibilities and funding. Instead, for each initiative, partners agree what each will contribute.

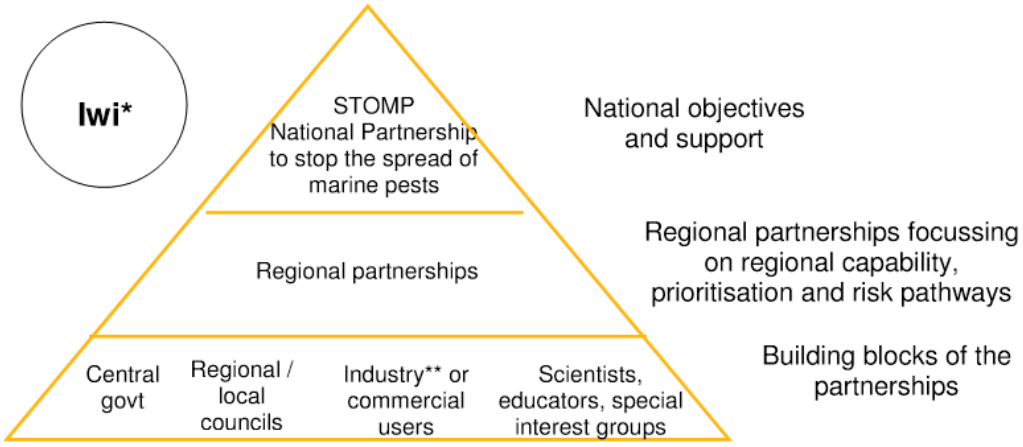
MAFBNZ's role in these partnerships is to coordinate and to provide marine biosecurity expertise in:

- risk assessment methodologies
- surveillance methodologies
- control tools and techniques
- advocacy strategies and materials.

MAFBNZ has taken a strategic approach to its funding of marine pest management activities. Funding for marine pests is directed towards initiatives which build local marine capability, raise awareness of marine pests and help control the vectors which spread marine pests. MAFBNZ does not currently (as at October 2008) fund control of particular marine pest species, instead the strategic and more cost-effective approach is to tackle the vectors which spread marine pests.

MAFBNZ will consider contributing funding towards management of individual pest species if it can be shown that such a control programme is feasible, is supported by those impacted and that the benefits to New Zealand outweigh the costs.

Figure 4 The diagram below presents a framework for marine biosecurity partnerships in New Zealand.



* Iwi are recognised as Crown partners in addition to their membership
** Industry includes aquaculture companies, tourism operators, marina operators and port companies.

MAFBNZ also has a role in raising awareness of marine pests nationally, and encouraging behaviour change to reduce the risk of marine pest spread. The current campaign focuses on a group which is a high-risk for the domestic spread of marine pests: recreational boaties. The campaign encourages cleaning behaviour through it's "Clean and anti-foul" messages.

Marine Responses (beyond the scope of this strategic plan but included for information)

MAFBNZ leads or co-ordinates responses to organisms where there is significant public benefit in doing so. MAFBNZ's responsibilities in the event of new incursions to New Zealand are defined in the Policy for MAF's Responses to Risk Organisms.

As of September 2008 the following marine biosecurity responses have been led by central government:

- the sea squirt *Styela clava*
- *Perna perna* (the Ocean Patriot oil rig defouling incident)
- *Sabella spallenzanii* (Mediterranean fanworm)
- *Undaria pinnatifida* - undertaken by the Ministry of Fisheries prior to the formation of MAF Biosecurity in 2003.

MAFBNZ also provided support to the industry-led control programme for the sea squirt *Didemnum vexillum* during the period 2006-2008.

Iwi role in marine biosecurity

The iwi with interests in the area covered by the strategic plan are:

- Ngati Tama
- Ngati Koata
- Te Atiawa
- Ngati Kuia
- Ngati Apa
- Ngati Rarua
- Rangitane
- Ngai Tahu
- Ngati Toa Rangatira

Iwi have two separate but distinct roles in the strategy. The first role relates to their desire to exercise their customary rights over the strategy area through fulfilling their kaitiakitanga responsibilities. This role brings with it particular knowledge and experience about many aspects of the sustainable use of marine resources within the area.

The second role is in respect of their interests in marine farming, aquaculture, fishing and other marine industries in the strategy area. In this respect the iwi interests and that of other marine farmers are very closely aligned with the exception that iwi interests tend to have a wider constituency in that their operations are tribally owned and operate for the benefit of many.

In combination, both these roles give iwi a unique perspective on marine resources in the strategy area as well as a practical working knowledge of the local marine environment.

It needs to be strongly emphasised however that the iwi position is that the presence of marine pests is a direct result of commercial activities and therefore efforts to combat marine pests should be funded from the commercial sector. Furthermore, because of involvement of local and central government, the iwi see

those authorities having significant roles to play in terms of resourcing the strategy.

The iwi customary role needs to be kept entirely separate but without losing sight of the fact that iwi nevertheless will have an interest in any measures or programmes aimed at marine pests that impact on customary fisheries, as well as commercial fisheries.

Not surprisingly, iwi see their role as being advisory in nature making membership of any working parties or groups established to oversee the planning and implementation of the marine biodiversity strategy mandatory.

Iwi are also keen on the use of legislation to bring some certainty to how biosecurity issues will be addressed and seek involvement in the formulation of relevant policy/policies that might lead to the drafting of appropriate regulations/legislation.

Because of the lack of iwi resources in terms of funding and personnel, iwi participation requires arrangement that take these aspects into account.

Department of Conservation role in marine biosecurity

The Department of Conservation's diverse interests in the coastal and marine environment are centred on the protection and conservation of natural heritage values and on sustainable coastal management. Work programmes revolve around three general but overlapping areas of work:

- Resource Management Act (RMA) consent and planning processes; including supporting the Minister of Conservation's sustainable coastal management responsibilities relating to the New Zealand Coastal Policy Statement, Regional Coastal Plans and Restricted Coastal Activity applications.
- Marine mammal and wildlife management; e.g. strandings, tourism and fisheries interactions.
- Marine Protected Areas; e.g. marine reserve implementation, management and monitoring; progressing (with the Ministry of Fisheries) the Marine Protected Area Policy and Implementation Plan.

Under the Foreshore and Seabed Act 2004 (s 28(1)), the Minister of Conservation has the functions, duties and powers of the Crown as owner of the public foreshore and seabed. The Minister of Conservation also has specific functions, powers and duties under the RMA to recognise the Crown's interests in land of the Crown in the coastal marine area.,

The Department of Conservation has little funding allotted to marine biosecurity; central government funding for marine biosecurity lies with MAFBNZ. While the Department is becoming increasingly involved in general biosecurity matters, this is primarily in a support and advocacy context rather than operationally, except where work can be readily "piggy-backed" with existing work programmes. DOC considers whether to manage pests within marine reserves on a case by case basis depending on priorities, available resources and potential impacts.

Ministry of Fisheries role in marine biosecurity

Marine biosecurity accountabilities and functions for policy, regulatory and science previously undertaken by MFish transferred on 1 November 2004 to Biosecurity New Zealand (MAFBNZ) within the Ministry of Agriculture and Forestry. MFish therefore has no direct legislative responsibilities for marine biosecurity.

MFish's primary purpose is to ensure that fisheries are sustainably used within a healthy aquatic ecosystem. MFish therefore has an interest in any organism that can harm the sustainable use of fisheries - for instance, any harmful exotic species that could slip into New Zealand waters through the discharge of ballast water or as fouling on vessel hulls - and in any process, system, policy or strategy that minimises the risks to New Zealand's aquatic environment from biosecurity threats.

MFish's role in marine biosecurity encompasses the following:

- MFish contributes to the formulation of strategic goals for the marine biosecurity system, and provides advice on biosecurity risks where appropriate
- MAF and MFish have agreed arrangements for contracts management and access to relevant fisheries data
- MFish assists MAFBNZ wherever possible in public awareness campaigns through its District Offices and Fishery Officers, e.g. keeping an eye out for organisms such as sea squirt while undertaking their normal duties.

The MFish Operations, Policy and Science groups all to a greater or lesser degree have an involvement in marine biosecurity issues:

- The Science group (among other things) reviews pest and disease test reports submitted with applications requesting authorisation from MFish to transfer fish from hatcheries for release into the marine environment (excluding release onto marine farms); advises MFish operations on potential risks associated with applications requesting authorisation from MFish to transfer fish from hatcheries for release into the marine environment; and liaises with Biosecurity NZ and MFish personnel on various biosecurity issues that could affect the sustainability of the fisheries.
- The Operations group participates in strategic biosecurity initiatives; and coordinates responses to BNZ on specific biosecurity risks, such as *Undaria* harvest applications and import risk assessments; and represents MFish at biosecurity consultative forums.
- The Policy group is coordinating the project to revoke the Freshwater Fish Farming Regulations as required under the 2004 aquaculture legislation. MAF BNZ is participating in this review, which includes clarifying who is responsible for biosecurity relating to freshwater fish farms and developing new regulations under the Biosecurity Act to manage the risks associated with the farms to replace the provisions in the Freshwater Fish Farming Regulations.

Appendix 3

Partnership Decision Framework

To assist the Top of the South Marine Biosecurity partnership in its decision-making, the following decision framework is proposed. The framework will help prioritise actions, decide who will act and who will pay.

Note that a separate programme of work led by MAF Biosecurity is working towards joint MAFBNZ / industry decision-making and shared funding for responses. The aim of this work is to reach agreement between industry and national and local Government, to share resources for the direct and additional costs incurred during readiness and response activities. For the latest information on this programme please refer to www.biosecurity.govt.nz. These discussions do not currently include agreements around pest spread.

Decision framework

Define outcome

- What do we want to achieve with this action?
- Why do we want to take it? What is problem/issue?
- What are the results we want?
- What behaviours are we trying to change?
- How will we measure success?
- How will we know that we have achieved the desired outcome?

Define the action

- What is the action we wish to take?
- What are the options for undertaking this activity?
- Do we need to gather more information?
- Who has taken this action in the past and what lessons can we learn from them?
- Does wider consultation (beyond the partnership) need to occur to help identify the best means of undertaking the activity?
- How much effort is required and over which period(s) of time?
- How much resourcing (people, equipment) is required?
- How much funding is required?

What are the benefits and impacts of this activity?

- What are the intended/unintended effects of the action?
- What are the benefits of this activity?
- Who benefits most from this activity?
- What are the impacts of this activity?
- Who is most impacted by this activity?

Prioritise

Principle: Prioritise partnership activities based on strategic fit, net benefit, feasibility, resources and opportunities/barriers to success.

Assess importance of the activity in relation to the partnership's other activities. Decide how much effort is needed.

- How well does this activity fit with the partnership's goal and objectives?
- How important is this activity compared to other activities?
- How much effort is needed?
- What is the urgency/need for action?
- Set timeframes

Assess activities using the following criteria.

- Strategic fit - how well does it fit with the partnership's strategy, goal and objectives, and partner organisations strategies?
- Net benefit - what is the overall net benefit including costs, benefits and their likelihoods?
- Feasibility - is it feasible and what is the probability of success?
- Resources - what resources, skills and capabilities are required?
- Opportunities/Barriers- are there other opportunities or barriers to success, such as timing or the factors that cause public concern (coercion, equity, fear, etc)?
- Commitment - Can we reach agreement on who will take action? Who will commit to this activity?

Who is best placed to act?

Principle: Those with the most appropriate incentives, capability, access to resources and the best information related to any specific opportunity or risk should undertake that activity.

Agree who is in the best position to be able to undertake the activity.

- Who has a mandate / duty to act?
- Who has a legislative requirement or prearranged role?
- Who has the right information to be able to act?
- Who has the skills and capability required?
- Who has the resources, or is best placed to get them?
- Who has the most incentive to act?
- Who is motivated to act?
- Which is more appropriate - action by local government, central government or other partners?
- Do we need to agree role division between two or more partners?
- Who is best placed within the agreed partner group(s) to be responsible?

Do we have agreement?

If yes, move to the next step.
If no, go back to redefine the activity, reassess options for acting or reprioritise this activity.

What do we need to do to make it happen?

- Who needs to approve this activity?
- Who needs to approve the resourcing?
- Who needs to approve the funding?
- Are there other barriers to success?
- How can we overcome those barriers?
- How will progress be measured and reported?
- When and how often will actions be reviewed?

Appendix 4

National Interest Pest Programmes

National interest pests (excluding animals managed under the Wild Animal Control Act 1977 and freshwater fish) are plants or animals that have become established in New Zealand and may have a potentially significant impact on our economic, environmental, social and cultural values. MAF became responsible for managing new pest response programmes for national interest pests on 1 July 2005, as part of its new biosecurity responsibilities.

A process for deciding the list of pest response programmes was agreed by the Central Regional Biosecurity Forum in October 2006. This included principles to guide decision making, the overall process to be followed and criteria for decision making.

MAF Biosecurity New Zealand, regional councils, Department of Conservation, Land Information New Zealand, Ministry of Health and Ministry of Fisheries identified 20 pests they wished to see under a national management programme. To help with decision making, a comprehensive organism consequence assessment, and a management options evaluation were prepared for each species and reviewed by a Technical Advisory Group. Based on advice from this group MAF Biosecurity established programmes for 11 species. Future decisions on prioritisation of pest programmes will be based on the MAFBNZ Decisions framework. See Appendix 5.

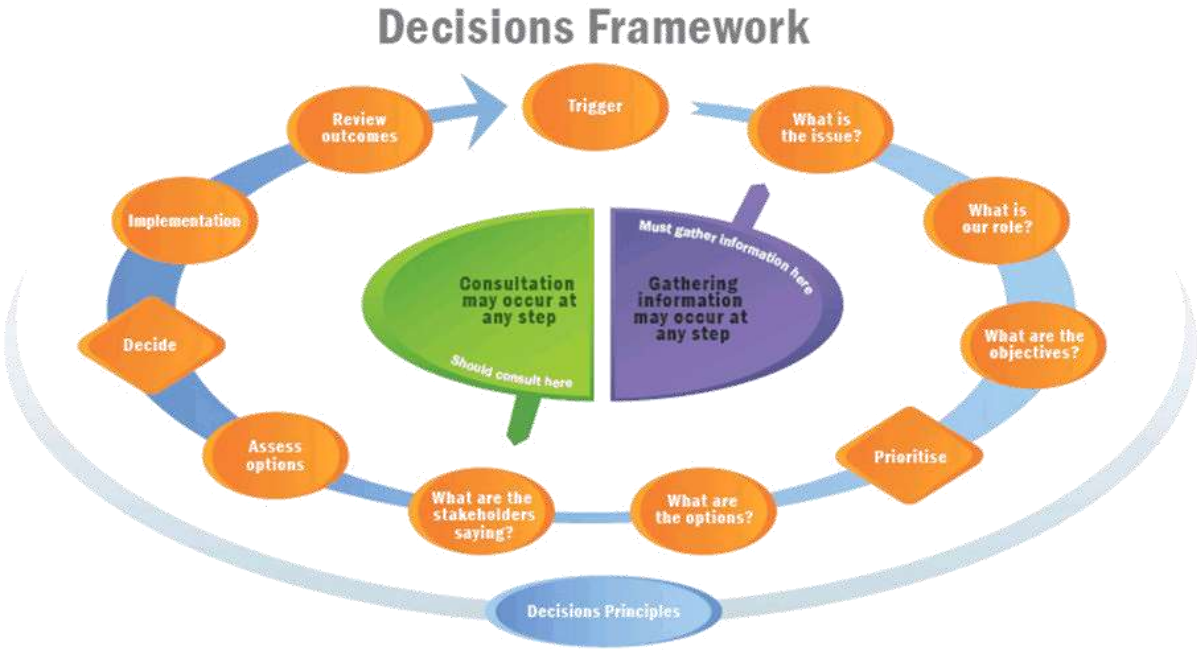
As at October 2008 the following 11 species are the target of national interest pest responses:

Species	Response goal
Kariba weed or Salvinia (*Salvinia molesta*)	Eradication
Water Hyacinth (*Eichhornia crassipes*)	Eradication
Johnson grass (*Sorghum halepense*)	Eradication
Cape Tulip (*Moraea flaccida*)	Eradication
Pyp grass (*Ehrharta villosa*)	Eradication
Phragmites (*Phragmite australis*)	Eradication
Hydrilla (*Hydrilla verticillata*)	Eradication
Hornwort (*Ceratophyllum demersum*)	Eradication and exclusion from the South Island
White bryony (*Bryonia cretica*)	Eradication
Rainbow lorikeet (*Trichoglossus haematodus*)	Control to zero density in the Auckland Region
Manchurian wild rice (*Zizania latifolia*)	Eradication in Auckland, Waikato, Wellington regions, outlier populations in Northland, containment of intransigent populations in Northland.

For more information on MAF Biosecurity's national interest pest programmes (NIPR) go to the Biosecurity website: http://www.biosecurity.govt.nz/pests

Appendix 5

Biosecurity Decisions Framework



Decisions steps

Gather information
Gather information throughout the whole decisions process, particularly to help define the issue and to identify and assess options.

Consultation
Identify and consult affected parties as early as possible in the process and give sufficient time and information to affected parties. Where there is little information, consultation may need to be ongoing or occur at several points in the decisions process. Consultation may not be necessary in all cases.

- Who should be consulted and how?
- What is the objective of the consultation?
- What is the key information that needs to be provided?
- What is the scope/timeframe of the consultation?
- Do the expectations of those consulting/those being consulted align with consultation objectives?
- What are the areas of concern identified?

Trigger
A trigger such as an incursion, new information, or a new business need should prompt the decisions process.

What is the issue?
Explain the background to the issue, including the nature and extent of the issue and the need for action.

Nature of the issue

- What is it?
- What is the underlying cause of the issue?
- What are the symptoms of the issue?
- What is the likelihood & consequence of the issue?
- What are the risks/opportunities?
- Has this been an issue in the past?
- How successful have we been at addressing it?
- What behaviours need to change?
- Who needs to change behaviour?

Size and scale of the issue

- How significant is the issue?
- What is the scope of the issue?
- Who is it an issue for?
- How reversible are the impacts of the issue?
- Does consultation need to occur to help define the issue/objectives?

What is our role?
Clarify/agree who has the mandate/duty to act.

- Do we have a legislative requirement or prearranged role?
- Is it a pre-agreed role or responsibility of another agency?
- Who is best placed to solve it?
- Do we need to agree role division between MAF and another agency?
- Who is best placed within MAF to be responsible?

What are the objectives?
Clearly define the objective(s) to address the underlying cause of the issue in a way that does not pre-determine solutions, and is specific, measurable and achievable. State if objectives are subject to constraints like time or resources.

- How will you measure success?
- How will you know that you have achieved the desired outcome?
- Recognise that different people may have differing objectives that you may need to balance or reconcile when evaluating options
- Are there any relevant government objectives/outcomes?

Prioritise
Assess importance of the issue using the strategic fit and net benefit criteria and decide how much effort is needed, if any.

- How important is this issue compared to other issues?
- How much effort is needed, if any?
- What is the urgency/need for action?
- What are the likely costs associated with maintaining the status quo?
- Set timeframes and the amount of analysis required
- What is the appropriate governance mechanism?
- Who should be the decision-maker?

What are the options?
Develop and analyse realistic options for achieving the objectives and that can be implemented.

Develop options

- What is the status quo?
- Is more information needed to inform development of options?
- Can the options be implemented?

Analyse options

- What is the level of analysis required and timeframe?
- What are the costs and benefits of intervening/not intervening?
- Who benefits and who bears the cost of each option?
- How well do the options manage the risks?
- How will behaviours affect the level of compliance?
- Do the options address the underlying cause or the symptoms of the issue?
- What are the indicators for measuring success/performance?

What are the stakeholders saying?
Consult with affected parties even if you have already discusse the issue with them previously. Consultation must be genuine and feedback used to inform your decision. If you decide not to consult on the options make your reasons for this decision clea

Assess options
Assess options against strategic fit, net benefit, feasibility, resources, and opportunities/barriers to success (see Principle 9). Discuss and agree the meaning of the criteria before assessment is made.

- What is/are the preferred option(s)?
- How well does the preferred option(s) meet the objective(s)?

Decide on an option
Choose an option, decide what we are going to do or not do an clearly communicate the decision to affected parties.

Implement the decision
Develop an implementation plan and take action.

- Is a communication strategy required?
- What risks may affect successful implementation?
- What review mechanisms and performance targets are needed?
- What compliance and audit is needed?

Monitor and review outcomes
Monitor and evaluate performance, and review against the objectives. If recommendations from the review identify new information or issues these should feed back into the decisions process.

- How well does the decision meet the success/ performance criteri and objectives?
- How well does the decision respond to the risks, costs and benefit and public reaction to your actions?
- What are the intended/unintended effects of the action?
- What is the likely level of compliance?

Process Principles

1. *Follow the criteria and processes prescribed in relevant legislation and ratified international standards*

Where legislation prescribes the process to be followed and/or criteria to be applied for a particular decision, these must be followed and applied. International standards or treaties that have been ratified by the government must also be followed.

2. *Analyse the issue before trying to find solutions*

Spend time identifying the 'real' issue, before thinking through solutions by:

- understanding and analysing: the issue, the context, the risks and opportunities and the objectives first; *then*
- thinking through solutions to manage the issue and assessing strategic fit, net benefit, feasibility, resources, and any other barriers for the solutions.

3. *Decisions should be made by those best placed to do so*

Unless specified elsewhere (such as in legislation), decisions should be made by the people who have the right information, skills and incentives as they are best placed to make good decisions in that area.

4. *Timely and well-informed*

There will always be uncertainty and lack of information, but we must make the best decisions we can with the best information available at the time. The level of information sought and analysis should be proportional to the size of the risk/opportunity identified in the available timeframe and the urgency required.

5. *Consistency*

Follow a consistent decisions process but only to the point where it is sensible to do so. Apply decisions principles, criteria and tools consistently so that decisions do not differ in assessment approach.

6. *Consult affected parties, including Maori*

Identify and consult those affected by our decisions, including Maori, as soon as possible in the decisions process. Give sufficient time and information to affected parties so they can provide effective feedback before final decisions are made and so they can manage their own risks and interests at the same time.

7. *Transparency*

Tell affected parties, in plain language they can understand, what the decision is and the reasoning behind the decision so they understand the decision, the implications, and the behaviours being sought.

Content Principles

8. *Decisions should aim to improve New Zealand's overall economic, social, health and environmental values*

Decisions should be driven by the objective of securing positive consequences and limiting negative consequences for our economic, social, health and environmental values as a country except where there are specific government objectives, directions or statutory requirements.

All decisions by the government to intervene should be tested to check that the intervention is justified and delivers more benefits than costs.

9. *Assess options based on strategic advantage, net benefit, feasibility, resources and opportunities/barriers to success.*

Assess options using the following criteria. Discuss and agree the criteria before assessment is made.

- Strategic fit – how well does it fit with the government's strategies and MAF's Statement of Intent and/or strategies that reflect wider Government strategies?
- Net benefit – what is the overall net benefit including costs, benefits and their likelihoods?
- Feasibility – is it feasible and what is the probability of success?
- Resources – what resources, skills and capabilities are required?
- Opportunities/Barriers – are there other opportunities or barriers to success, such as timing or the factors that cause public concern (coercion, equity, fear etc)?

10. *Uncertainty is not an excuse for inaction*

There is always uncertainty but it should not be an excuse for unnecessary delay or indecision. Decisions should focus on what reasonable steps can be taken at the time based on the best information available at the time, while maintaining future options where appropriate. Be transparent about the uncertainties and assumptions.

11. *Irreversibility provides a stronger case for intervention*

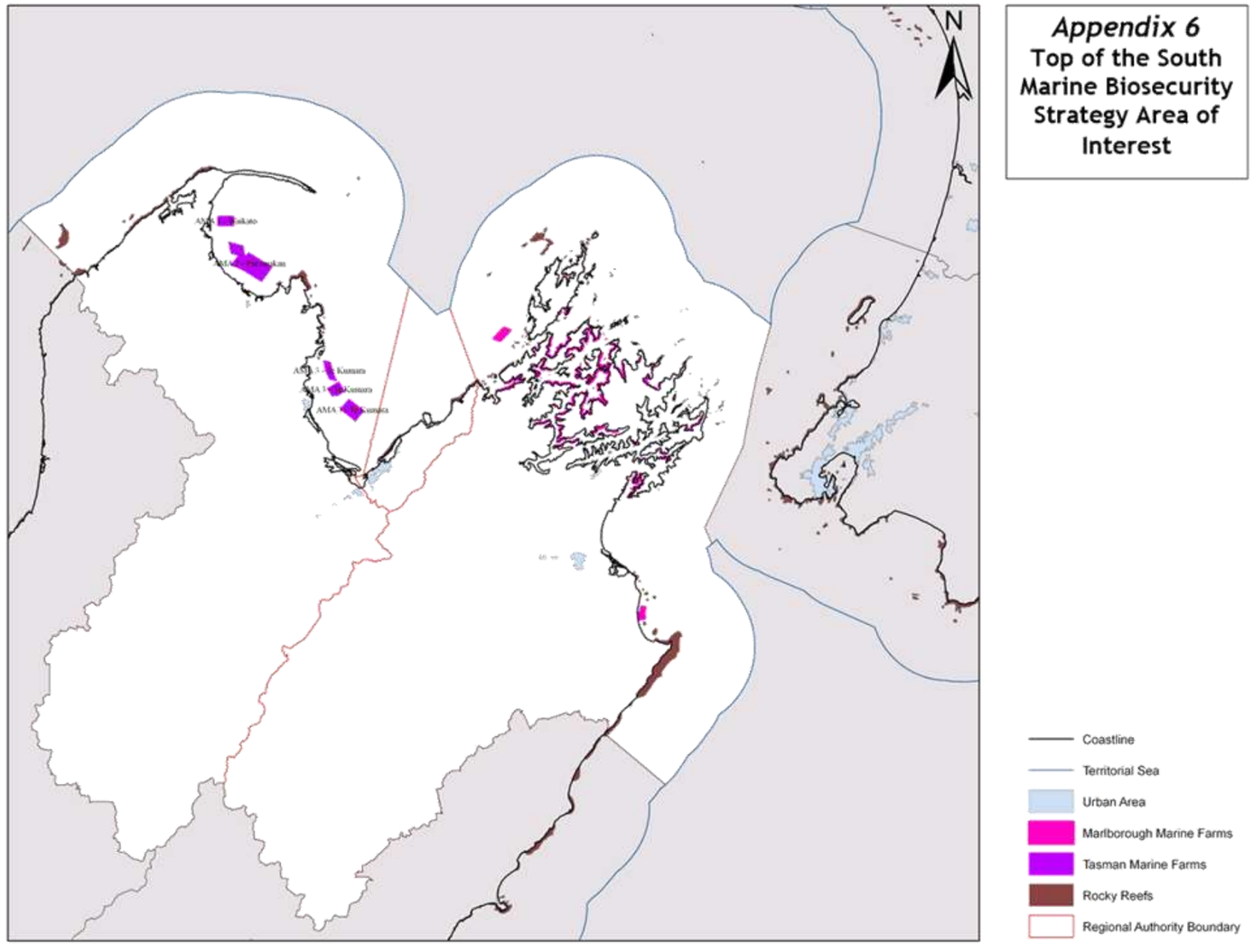
Where the impacts of not intervening are likely to be irreversible, there is a stronger case for intervention even when benefits only marginally outweigh costs.

12. *Risks/opportunities should be managed by those best placed to do so*

Those with the most appropriate incentives, capability, access to resources and the best information related to any specific opportunity or risk should manage those risks/opportunities.

13. *Favour outcome-based over prescription-based interventions*

Favour performance/outcome based interventions over prescriptive interventions wherever practicable and appropriate. This may be easier where sector groups have large well-resourced players that interact with each other. Standards should be enforceable, and should draw on existing (industry) standards as much as is practicable to minimise compliance costs and allow innovation. Try to describe criteria for equivalent ways of achieving the standard



Appendix 6
Top of the South Marine Biosecurity Strategy Area of Interest

REPORT R7409

Small-Scale Management Programme for Mediterranean fanworm

1. Purpose of Report

1.1 To consider the implications of the presence of Mediterranean fanworm (*Sabella spallanzii*) in Nelson Haven. Sabella is both a nationally unwanted and notifiable organism.

1.2 To decide to declare a Small-Scale Management Programme (SSMP) for Sabella under Section 100V of the Biosecurity Act 1993 within the Nelson City Council area. This declaration will both complement and support similar declarations being considered by Tasman District Council and Marlborough District Council.

1.3 To recommend to Council that it approve additional funding of $36,000 per year over a three year period for operational activity related to the Small-Scale Management Programme for Sabella.

2. Summary

2.1 Mediterranean fanworm *(Sabella spallanzanii)* is present in very low numbers in Nelson Haven. Nationally Sabella is both an unwanted and notifiable organism and is of concern to the marine farming industry. Sabella can grow up to 800mm long and in very dense infestations of up to 1000 worms per square metre. It is able to outcompete and smother mussels.

2.2 Sabella is also present (in low numbers) and being controlled in both Shakespeare Bay (Marlborough) and Tarakohe Harbour (Tasman). As there is no national Pest Management Plan for Sabella (and it is widespread in Auckland and Lyttleton harbours), councils currently lack any powers under the Biosecurity Act 1993 to inspect and enforce control on the owners of vessels and other structures infested with Sabella.

2.3 In order for the Top of the South councils to access powers under the Biosecurity Act, Sabella must either be within a Regional Pest Management Plan or a Small-Scale Management Programme must be declared.

2.4 A Small-Scale Management Programme is an immediate response to the issue as the Regional Pest Management Plan process or establishing a Pathways Management Plan takes significant time.

2.5 This report recommends that Council declares a Small-Scale Management Programme for Sabella (SSMP) within the Nelson area. Tasman District Council considered and approved a parallel recommendation on 27 April 2017 and Marlborough District Council will consider it within the next month.

2.6 If declaration is approved a combined Operational Plan covering all three council areas will be developed so that management activity is coordinated.

3. Recommendation

That the Committee

Receives the report Small-Scale Management Programme for Mediterranean fanworm (R7409) and its attachment (A1753714); and

Approves the notification of a Small-Scale Management Programme for Mediterranean fanworm (Sabella spallanzanii) within the entire coastal area of Nelson City and coming into force on 1 July 2017.

Recommendation to Council

That the Council

Approves $36,000 per year for a three year period, commencing 2017/18 to fund the operational implementation of a Small-Scale Management Programme for Sabella.

4. Background

4.1 Sabella is an introduced, tube-dwelling fanworm that attaches itself to natural and artificial surfaces (eg rocks, vessels and structures) in sub-tidal marine environments. Since 2008 it has become well established in many parts of the country (Whangarei, Waitemata, Lyttleton and Tauranga Harbours and on the Coromandel Peninsula). Surrveillance in the Top of the South (TOS) area from 2013 onwards has found small numbers of Sabella on commercial and recreational vessels and marine structures. Coordinated and timely responses are required to slow and contain the spread.

4.2 Within the Top of the South Sabella has been found at Picton/Waikawa (Marlborough), Tarakohe (Tasman) and Nelson Haven and could occur undetected in other locations. Known infestations have been suppressed to date, by physical removal of fanworms and some vessels have been treated. This involves divers searching the marina and Port area and removing all pests found. When the worms are small they are hard to

find and visibility in Nelson Haven is seldom good. This means that removal rates can never be expected to be better than 90%. This removal has cost the Council $11,000 per year with the Ministry for Primary Industries matching this each year over the last three years.

4.3 Responses have been led by the Top of the South councils with both financial and technical support from the Ministry for Primary Industries (MPI) and administrative assistance from the Top of the South Marine Biosecurity Partnership (TOSMBP) of which all TOS councils and MPI are partners.

4.4 Port Nelson and the Nelson Marina are important transportation nodes. Both commercial and recreational vessels travel to Nelson from ports with known pest infestations. Recreation vessels also regularly travel from Nelson to the Abel Tasman coastal area and to the Marlborough Sounds. If pests establish in Nelson, then they are more likely to become established in other areas across the Top of the South.

4.5 Active management at Port Nelson involves surveillance by the Port Manager and Harbour Master with reporting of suspect vessels, and active intervention by the Council or Ministry for Primary Industries when risks are found. Border biosecurity for hull fouling and ballast water is dealt with by the Ministry for Primary Industries rather than by the Council or Port Nelson.

4.6 In 2016 the Council acted to reduce risk by bringing in a new berth agreement for the Nelson marina that requires berth holders to keep their hulls from becoming highly fouled and to keep them free of unwanted organisms. The biosecurity requirements of the berth agreement are being enforced, with recent letters and inspections taking place, to address low compliance to date (with more than 30% of vessels being non-compliant).

4.7 Some of the resource consents for moorings in Nelson Haven also have marine biosecurity provisions and these moorings were inspected and last cleaned in 2016.

4.8 During 2014 Marlborough District Council commissioned Cawthron Institute to prepare a review of background information on Sabella. That work was undertaken to support the development of a potential SSMP. It found that effective Sabella management poses many questions and concerns, due to the following factors:

- Rapid rates of growth and ability to regenerate damaged body structures;
- Wide environmental tolerances and a lack of predators;
- Ability to live on most artificial and natural habitats, including shell debris in soft sediments;
- High reproductive rates and long spawning season (May to September);

- High potential for natural dispersal as well as human-induced spread (through hull biofouling, ballast water and movement of aquaculture equipment).

4.9 The Cawthron report reviewed the potential impacts of Sabella. It found the biggest threat was to the economic values in the TOS principally on the marine farming/aquaculture industry. Sabella can quickly become established in a wide range of habitats and can attach directly to shellfish. It will readily settle on mussel grow-out lines and may reduce growth by altering water flow around the lines and competing with mussels from suspended food. The mussel industry is currently worth approximately $193M per year and is a significant and growing contributor to the TOS economy. Mussel farmer representatives consider that there would be a direct correlation between increasing Sabellla density and distribution and lower mussel production (and corresponding increased costs of mussel farming through having to control Sabella).

4.10 Sabella also has the potential to incur costs to the commercial fishing and shipping industries as more frequent hull cleaning may be necessary when vessels are docked in an infested area. If uncontrolled, it could become the dominant fouling species in a marina, weighing down structures and spreading to moored vessels, thereby incurring costs to owners.

4.11 The Cawthron report also considered that there were potential impacts on natural values, particularly where high densities of Sabella occurred. Sabella efficiently filter food from the water column which could affect natural shellfish beds and could modify natural ecosystems through the exclusion of native species. Sabella can also out-compete native suspension feeders.

5. Discussion

5.1 Currently Sabella is not within the Tasman-Nelson Regional Pest Management Strategy (RPMS) although it is declared as both an "unwanted organism" and "notifiable organism" by the Ministry for Primary Industries. This results in the situation where Nelson City Council does not have any ability to compel vessel and structure owners to maintain them free of Sabella. Lack of the ability to direct and control increases the risk of ongoing spread and increasing population densities.

5.2 Small-scale management programmes are the primary response tools available to regional councils managing incursions of unwanted organisms that are not declared pests in a regional pest management plan (and are not managed wholly by the Ministry for Primary Industries). Sections 100V and 100W of the Act outline the process to be followed, including pre-requisites to meet around the subject organism causing serious and unintended effects (s.100V) and the exercise of Biosecurity Act powers that are proposed to be used under an SSMP (s.100W).

5.3 Analysis of the Biosecurity Act 1993 prerequisites indicates that a Small-scale Management Programme for Sabella meets the legal requirements; in that

- an unwanted organism is present in the region which could cause serious adverse and unintended effects unless early action is taken to control it.
- the organism can be eradicated or controlled effectively by small-scale measures within three years of the measures starting, because of its limited distribution and the technical means available to control it.
- the programme is not inconsistent with the National Policy Direction for Pest Management.
- the process requirements in the National Policy Direction for declaring the programme were complied with.
- the taking of the measures and, if necessary, payment of compensation is likely to cost less than an amount prescribed for the purposes of this section by the Governor-General by Order in Council ($500,000).
- the taking of the measures is unlikely to result in significant monetary loss to any person, other than a person who has contributed to the presence or spread of the organism by failing to comply with biosecurity law.

5.4 The objectives of the Small-Scale Management Programme would be to provide for the control of Sabella in Nelson City over the next three years to:

- Reduce the adverse effects on economic wellbeing; the environment; enjoyment of the natural environment and the relationship between Maori, their culture, and their traditions and their ancestral lands, waters, sites, waahi tapu, and taonga; and
- Reduce spread within the region and to other areas.

5.5 Measures to be adopted to achieve these objectives are:

- Intelligence and information gathering mainly concerning vessel and gear movements using sources such as trip reports, harbour masters and industry sources.
- Responses to Sabella on vessels and structures or in the natural environment through requiring vessels or gear to be cleaned and acting on default.
- Surveillance, both active and passive including dive surveys, industry lead and private reporting.

- Direct control including harbour clearances, cleaning vessels and equipment such as floats, buoys and ropes.

- Advocacy with the general public and industry raising awareness and encouraging reporting of sightings

- Spread risk mitigation such as working with industry to ensure spat and equipment is sourced from Sabella free areas.

5.6 An Operational Plan is being developed to give effect to the Small-scale Management Programme but is difficult to fully cost at this stage as insufficient surveillance information is currently available to confirm the full extent of the infestation except in the areas that have already been surveyed. Indicative costs suggest that:

- In the first year (2017-2018) the cost to Nelson City Council will be approximately $36,000. This includes set up cost, additional surveillance and reporting systems, increased advocacy and information gathering, dive surveys and a contribution towards a floating/inflatable dock to provide rapid treatment of any Sabella fouled vessels found. It is anticipated that the floating dock would be funded by the three TOS councils with a dollar for dollar contribution from MPI as has occurred in some other regions.

- During the second and third years of the SSMP (2018-2020) it is anticipated that the annual cost of the programme will be approximately $36,000 per year. The majority of which would fund surveillance and response.

- Tasman District Council have approved the allocation of an additional $110,000 for three years for a SSMP for Tasman; and Marlborough District Council will consider a proposal to allocate an additional $82,500 per annum (total $247,500) for the same period for a SSMP for Marlborough.

5.7 If initial surveillance work shows that the current Sabella infestation in Nelson City is substantially greater than is known (and hence the cost of control is significantly greater) the Council has the option of declaring that the SSMP has failed and to cease any operational activity.

6. Options

Option 1: Small Scale Management Programme (SSMP) for *Sabella* (preferred option)	
Advantages	• A SSMP is quick to put in place as it can be done by declaration. Therefore the risk that Sabella numbers will further increase to the point that control is too costly or not possible will be minimised. • A SSMP provides Council with immediate

	access to the powers under the Biosecurity Act including powers of inspection, direction and enforcement so that the movement of risk goods and vessels can be controlled thus minimising the risk of ongoing Sabella establishment. • If unsuccessful a SSMP can be simply declared to have failed and will be at an end. • If the SSMP is successful any residual management or control of Sabella can be provided for under a Regional Pest Management Plan or a Pathway Management Plan and the SSMP can fall away.
Risks and Disadvantages	• Compared to the do nothing option the implementation of a SSMP will cost approximately an additional $110,000 over three years of unbudgeted expenditure.
Option 2: Do nothing; undertake no specific control of *Sabella*	
Advantages	• The advantage of this option is that there is no additional direct cost to Council.
Risks and Disadvantages	• Sabella will continue to spread fouling harbours, marine farms and natural substrates resulting in both economic and amenity costs for Council, the marine farming industry and the public at large. • Lack of action by Nelson City Council will likely compromise the efforts of Marlborough District Council and Tasman District Council regarding Sabella control and will likely result in additional cost to them. • Maintenance costs will increase for vessel and facility owners and operators as fouling levels increase. • Vessels and gear leaving Nelson City may have to be cleaned and certified before it can enter other parts of New Zealand or some overseas jurisdictions • Impact on recreational and amenity values (e.g. by affecting recreational fishing or by colonising the Boulder Bank and Horoirangi Marine Reserve).
Option 3: Undertake clearance of Council facilities only	
Advantages	• The advantage of this option is that it saves the costs of surveillance, response and advocacy outside Council controlled assets.

Risks and Disadvantages	• Continued re infestation will occur as vessels and gear bring new Sabella infestations into the Council facilities. • Natural and environmental areas outside the Council facilities will not be managed and are likely to become infested with Sabella. • The costs to all parties will increase over time as Sabella numbers increase.
Option 4: Manage Sabella via the Regional Pest Management Plan or via a Regional Pathways Management plan	
Advantages	• It avoids a duplication of documents and involves a full public consultation process • It allows access to Biosecurity Act 1993 powers.
Risks and Disadvantages	• It will take much longer to prepare and implement than a declaration of a SSMP. • The delay involved will likely allow Sabella numbers to expand to the level that exclusion or control will be much more difficult or not achievable.

Recommended approach

6.1 Officers recommend that Council adopt a formal Small Scale Management Programme for *Sabella spallanzii* under the Biosecurity Act 1993.

6.2 This approach entails additional costs for Council and for recreational vessel owners. It will require co-operation from Port Nelson. It will also only be fully successful if a similar approach is adopted by Tasman and Marlborough District Councils towards marine biosecurity in their marinas and ports. Tasman District Council has already approved the notification of a Small-Scale Management Programme for Sabella within Tasman coming into action on 1 July 2017.

6.3 The next steps if Council approves the recommendations are to:

- Place a public notice declaring a Small-Scale Management Programme within Nelson City commencing 1 July 2017.
- Appoint authorised persons (staff and/or contractors) for the purpose of the Small-Scale Management Programme with powers including those of entry, inspection, direction and enforcement.
- Arrange contracts for any external delivery of operational activity including dive surveys, advocacy, and liaison with key stakeholders.
- Costs for the above actions would be within the proposed additional $36,000 budget.

7. Conclusion

7.1 Nelson Port and marina are key entry points for marine pests into the wider Top of the South region. Leaving *Sabella spallanzii* uncontrolled in these nodes poses risks to the environment and economy of the Top of the South Island.

7.2 Implementing a formal Small-Scale Management Programme preserves options for the future and allows marine biosecurity planning to become integrated with other biosecurity priorities as part of the Regional Pest Management process.

Richard Frizzell
Environmental Programmes Officer

Attachments

Attachment 1: Draft Small-Scale Management Programme for Sabella (A1753714) ⇩

Important considerations for decision making

1. Fit with Purpose of Local Government

This report and recommendations achieve a consistent and cost-effective approach to managing a serious marine biosecurity threat by working across the Top of the South region with Marlborough and Tasman District Councils. This service is valuable for the Nelson community, ensuring environmental and economic risks from a marine pest are effectively addressed.

2. Consistency with Community Outcomes and Council Policy

The eradication and effective management of harmful organisms helps ensure *our unique natural environment is healthy and protected*, which is one of the Community Outcomes.

This report is consistent with the Regional Pest Management Strategy and Nelson 2060. The recommendations contribute to Goal Three: Our natural environment – air, land, rivers and sea – is protected and healthy.

3. Risk

The proposal addresses a pressing and significant biosecurity risk to the marine environment and economy of the Top of the South Island and to other locations.

If Nelson City Council declares a Small-Scale Management Programme for Sabella three main risks exist:

- A fully effective response requires a co-ordinated effort. If not all TOS councils declare a Small-Scale Management Programme for Sabella then the response is likely to be less effective.
- Survey information related to Sabella distribution is limited and there may be other unknown infestations of Sabella present that will make Sabella management either more expensive or impossible.
- The Council may not be able to fully manage Sabella arriving in the Top of the South from other national or international sources. Ongoing re-infestation, particularly if it occurs outside surveillance areas may make Sabella management more expensive or impossible to manage.

The strategy for management of these risks will be to review information as it becomes available and if the situation changes to either seek additional resources for Sabella management work or to recommend to Council that it notifies that the Small-Scale Management Programme has failed and stops further Sabella management activity.

4. Financial impact

This is an unbudgeted item and requires approval of a special budget allocation to proceed. Biosecurity responses outside those covered by Council's Plans and Strategies generally fall into this category as they are unexpected events which usually require a rapid response sooner than can be allocated via Council's long term and annual financial cycles.

The additional funding sought for the first year (2017-2018) is approximately $36,000. This includes set up cost.

For the second and third years of the Small-scale Management Plan (2018-2020) the funding sought is approximately $36,000 per year ($72,000 for the two years). This will be considered as part of the review of Long Term Plan for 2018-28 period.

The total additional funding sought over the three year life of the Small-scale Management Programme is $110,000. The Council contribution will leverage funds from other parties.

5. Degree of significance and level of engagement

The decision to declare a Small-Scale Management Programme has not been done before in Nelson so does have a level of significance in terms of breaking new ground. However in relation to the Council's Significance and Engagement Policy, the level of significance is low-medium in terms of scale and audience.

This decision is one that is made under the Biosecurity Act and responds to a biosecuirity risk that will have economic impacts. Consultation with affected parties is not required should the Council decide to exercise this legal prerogative.

6. Inclusion of Māori in the decision making process

Iwi are represented on the Top of The South Marine Biosecurity Partnership Management Committee. Consultation with Maori has not been undertaken.

7. Delegations

The Planning and Regulatory Committee has the responsibility for considering Biosecurity. The Planning and Regulatory Committee has the power to decide this matter.

Cover photo: Mature *Sabella* with 'the fan' extended – photo courtesy of MPI files.

Disclaimer:

This Small-scale Management Programme for *Sabella* has been prepared and written by Peter Russell, Director of Better Biosecurity Solutions Ltd for the three Top of the South Councils. The document is intended to provide accurate and adequate information pertaining to the subject matters, within the limitations of the project scope. While every effort has been made to ensure that the information in this document is accurate, Better Biosecurity Solutions Ltd accepts no responsibility or liability for error or fact omission, interpretation or opinion which may be present, nor for the consequences of any decisions based on this information.

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http://betterbiosecurity.co.nz/

Small-scale Management Programme for Mediterranean Fanworm (*Sabella spallanzanii*)

Prepared for
Nelson City Council

May 2017

Contents

1 Introduction

1.1 Background

Declaration

Nelson City Council (**The Council**) has declared by public notice, dated **XX/XX/2017** (refer to Appendix 1) a small-scale management programme (**SSMP**) under Section 100V of the Biosecurity Act 1993 (**the Act**)[1]. This SSMP relates to the unwanted organism and marine pest Mediterranean fanworm (*Sabella spallanzanii*), known as ***Sabella***.

Overview of the current situation

Sabella is an introduced, tube-dwelling fanworm that attaches itself to natural and artificial surfaces (eg, rocks, vessels and structures) in subtidal marine environments. Since 2008 it has become well established in many parts of the country (Whangarei, Waitemata, Lyttelton and Tauranga Harbours and on the Coromandel Peninsula). Surveillance in the *Top of the South* (TOS)[2] area from 2013 onwards has found *Sabella* on commercial and recreational vessels and marine structures. It is poised to spread to marine farms and into natural ecosystems.
Co-ordinated and timely responses are required to slow and contain the spread.
Photo: Northland Regional Council

Sabella has been found at locations in Picton/Waikawa (Marlborough), Tarakohe (Tasman) and Nelson Haven (Nelson City Council) and may already occur undetected at other locations. Infestations have been suppressed to date, by physical removal of fanworms where found, and some vessels have been treated. Responses have been led by the TOS councils, the Top of the South Marine Biosecurity Partnership (TOSMBP) and the Ministry for Primary Industries (MPI).

The implementation of this SSMP is as an interim measure that will ultimately lead to the inclusion of *Sabella* as a declared pest in the Regional Pest Management Plan for Nelson, and possibly the creation of a regional (or inter-regional) pathway management plan[3].

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[1] Refer to Appendix 2 for all definitions and interpretations for this SSMP, that are covered under the Biosecurity Act.

[2] The 'Top of the South' area refers to a marine biosecurity partnership - Top of the South Marine Biosecurity Partnership (TOSMBP) involving stakeholders with an interest in the marine environments covering the Tasman and Marlborough Districts and Nelson City Council areas. Stakeholders include: the three councils, DOC, MPI, the aquaculture industry, iwi and port companies. The goal of the partnership is to protect the Top of the South from marine invaders. More information can be found at http://www.marinebiosecurity.co.nz/. Refer also 3.2.

[3] Both a regional pest management plan and a regional pathway management plan are developed under Part 5 provisions of the Biosecurity Act. A pest management plan is about managing an individual species (eg, *Sabella*), whereas a pathway plan deals with the ways in which a pest like *Sabella* is moved or vectored from place to place. Refer also 4.2.

1.2 Purpose

The purpose of this small-scale management programme is to set out the measures that Nelson will use to manage the impacts of *Sabella* in the city in the next 3 years. Measures include: surveillance, monitoring and information collecting, direct control of any *Sabella* found, district-wide advocacy initiatives, spread risk mitigation practices through the aquaculture industry and regulation where appropriate under the Biosecurity Act. The Council requires access to powers under the Act to effectively manage *Sabella*, in the absence of it being a named pest in the Regional Pest Management Plan. This SSMP should be read in conjunction with the SSMP Operational Plan (refer to Section 5.2).

1.3 Commencement and duration

The small-scale management programme came into effect on XX XX, 2017. The programme is intended to run for a period of 3 years (until XX XX, 2020). However, under Section 100V(6) Act the SSMP ceases to have effect on the occurrence of the earliest of the following:

- the Council declares by public notice that the programme is failing to control *Sabella*;
- the Council declares by public notice that *Sabella* has been eradicated or controlled;
- five years have passed after the declaration of the programme.

1.4 Document structure

Section 1 has provided some context around *Sabella* and outlined the purpose and timings of the programme. **Section 2** provides more detail of the impacts of *Sabella* in relation to its effects on: economic production, the environment (including enjoyment of the natural world) and the values of importance to Māori.

An overview of the presence of *Sabella* in the district is provided in **Section 3**, including TOSMBP work that has occurred prior to the SSMP's development and will continue, supporting the SSMP. **Section 4** addresses legislative requirements around developing SSMPs, noting the pre-requisites in the Act that Council is satisfied have been met. Options for future *Sabella* management are summarised.

Implementation of the SSMP is fully outlined in **Section 5**, including stating the programme objectives, detail of the seven key management measures to be used and 13 Biosecurity Act powers that are be conferred and how they might be applied during the SSMP. Other matters of relevance, such as the SSMP Operational Plan between the TOSMBP parties, are also covered.

2 Background

2.1 Overview of *Sabella*

Sabella is a segmented, tube-dwelling worm which fixes itself to natural and artificial surfaces in the subtidal marine environment, living in depths between 1 - 30 metres. The leathery tube, which is often muddy looking in appearance, has a single and very prominent spiral fan (feeding tentacles) which extend out from the 'free end' of the tube, with the orange/brown/white coloured fan up to 15 cm wide when fully spread.

Sabella is the largest fanworm found in New Zealand (growing anywhere from 40 to 80 cm long) and can be differentiated from native fanworms, which are smaller and have two spiral fans. *Sabella* is a significant marine pest as it forms dense beds which will out-compete other desirable species and threaten the integrity of natural ecosystems. The photo at right (source: MPI files) shows an infestation of *Sabella* (with fans mostly retracted) creating ecosystem dominance.

A 2014 report commissioned by Marlborough District Council[4] found that effective *Sabella* management poses many questions and concerns, due to the following factors:

- rapid rates of growth and ability to regenerate damaged body structures;
- wide environmental tolerances and a lack of predators;
- can live on most artificial and natural habitats, including shell debris in soft sediments;
- high reproductive rates and long spawning season (May to September); and
- has high potential for natural dispersal as well as human-induced spread (through hull biofouling, ballast water and movement of aquaculture equipment).

The report concluded that because of its biological and ecological characteristics, *Sabella* has a high potential risk of spreading further in Marlborough and the Top of the South (TOS) as existing populations undergo further spread. The most likely vectors of spread in the TOS area are through the marine farming sector and via recreational boating. The TOSBMP estimates that there are 3000 'resident' vessels in the TOS area and a further 2000 vessels enter each year.

Technologies and methods are available to slow the spread of *Sabella* but not to eradicate it. Unmanaged, it is possible that it could be widespread in the TOS area within a decade. The costs associated with widespread *Sabella* are unknown, but are potentially high, particularly for marine farmers and for areas of high biodiversity value (if it was possible to put a monetary value on natural ecosystems).

The following sections describe the TOS values that are at risk if *Sabella* is left unmanaged and allowed to spread with no regional intervention. Information is shown in summary form only. Readers are referred to the references cited for greater context and more complete information.

2.2 Effects on economic values

The biggest threat to the economic values in the TOS are potential impacts on the marine farming/aquaculture industry[5]. *Sabella* can quickly become established in a wide range of habitats and can attach directly to shellfish. It will readily settle on mussel grow-out lines and may reduce mussel growth by altering water flow around the lines and competing with

[4] Fletcher, L.M. for Marlborough District Council 2014. *Background information on the Mediterranean fanworm Sabella spallanzanii to support regional response decisions.* Cawthron Report No. 2479A.

[5] The TOS Marine Biosecurity Strategic Plan notes that the top of the South Island collective area has the largest concentration of marine farms in New Zealand.

mussels for suspended food (CSIRO 2001)[6]. The mussel industry is worth approximately $193M per annum[7] and is a significant contributor to the TOS economy. Mussel farmers anecdotally consider there would be a direct correlation between increasing *Sabella* density and distribution and lower mussel production (and corresponding increased costs of mussel farming through having to control *Sabella*). Fletcher (2014) noted that established colonies of *Sabella* on marine structures would be very costly to remove.

Fletcher (2014) further noted that *Sabella* has the potential to incur costs to the commercial fishing[8] and shipping industries as more frequent hull cleaning may be necessary when vessels are docked in an infested area (eg, Port Nelson). If uncontrolled, it could become the dominant fouling species in a marina, weighing down structures and spreading to moored vessels, thereby incurring costs for owners.

2.3 Effects on environmental values

The level of *Sabella* invasiveness (distribution and density) and associated impacts are noted by Fletcher (2014) to vary considerably between locations (due to the underlying substrate) and at different times of the year. At high densities, the fanworms efficiently filter food from the water column, which could affect natural shellfish beds and could modify natural ecosystems through the exclusion of native species. Mediterranean fanworm can out-compete native suspension feeders. Some ecosystems do offer natural resilience as marine pest species often colonise bare space and newly cleared areas. If this space is not available, they may struggle to become established (Fletcher 2014).

Other studies from around New Zealand and overseas (as summarised in Fletcher, 2014) have documented ecosystem changes, ranging from alteration of benthic habitats due to the physical presence of the fanworm, growth over seagrass beds, effects on organic nitrogen recycling, effects on the interactions of microbial communities in natural situations and effects on water flow (by providing barriers to water movement and a reduction in water exchange among benthic communities).

2.4 Effects on enjoyment of the natural environment (recreation)

Sabella may impact on recreational fishing resources by altering the local ecology in infested areas and has the potential to have significant impacts on recreational boating activities due to the need for increased hull hygiene. Awareness of the risks of hull-fouling among this sector however is low. Changing behaviours of this diffuse group remains one of the biggest challenges for the TOSMB partnership. Even though *Sabella* is a marine species, and therefore more difficult to see and notice in everyday situations, people would be impacted aesthetically by the visual presence of *Sabella*, especially divers and snorkelers recreating in high value marine ecosystems. The costs of these impacts are not currently estimated.

[6] Commonwealth Scientific and Industrial Research Organisation (CSIRO), 2001. Marine Pest Information Sheet: giant fanworm (*Sabella spallanzanii*). Summary: Overview of the establishment and impacts of *Sabella* in Australia.

[7] Information supplied by Rebecca Clarkson, Aquaculture New Zealand - extracted from New Zealand Institute of Economic Research publication titled: The economic contribution of marine farming in the Marlborough region – A Computable General Equilibrium (CGE) analysis. NZIER report to Marine Farming Association, September 2015.

[8] Nelson is New Zealand's busiest fishing port – source TOS Marine Biosecurity Strategic Plan, 2009.

2.5 **Effects on Māori values** (the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga)

Māori in the top of the South Island are highly connected with the marine environment[9]. This includes a culture of use and protection of marine resources embodied in kaitiakitanga. The presence of an introduced species such as *Sabella* can:

- diminish populations and diversity of valued species, such as paua, karengo and kina;
- affect the mauri and wairua of places and ecosystems;
- damage valued places;
- change the character of wāhi tapu (eg, marine burial sites).

The TOS Marine Biosecurity Strategic Plan (the strategic plan)[10] outlines the role of iwi in marine biosecurity in the three districts, including listing nine iwi with interests in the TOSMBP. They are:

- Ngati Tama;
- Ngati Koata;
- Te Atiawa;
- Ngati Kuia;
- Ngati Apa;
- Ngati Rarua;
- Rangitane;
- Ngai Tahu; and
- Ngati Toa Rangatira.

Iwi have two separate and distinct roles under the strategic plan. The first relates to their desire to exercise customary rights over the TOS area by fulfilling their kaitiakitanga responsibilities. This role brings with it knowledge and experience about the sustainable use of marine resources within the area. The second role is around interests in marine farming, aquaculture, fishing and other marine industries in the TOS area.

Together, these roles give iwi a unique perspective on marine resources in the TOS area as well as a practical working knowledge of the local marine environments. The overall iwi position, through the strategic plan, is that the presence of marine pests is a direct result of commercial activities. The iwi customary role needs to be kept entirely separate but noting nevertheless that iwi have an interest in any measures or programmes aimed at marine pests that impact on customary fisheries as well as commercial fisheries. Iwi see their TOS role as being advisory, including membership of any working groups established to oversee the planning and implementation of marine biosecurity programmes, including this SSMP. Iwi are also supportive of legislation to bring certainty to how biosecurity issues will be

[9] Draft Top of the South Marine Biosecurity Recreational Vessels Pathway Management Plan, December 2014. (Prepared as a case example for the Top of the South Marine Biosecurity Partnership Management Committee for the purposes of scoping production of a Plan).

[10] See http://www.biosecurity.govt.nz/files/pests/surv-mgmt/marine-biosecurity-strategy.pdf.

addressed and seek involvement in the formulation of relevant policy/policies that might lead to the drafting of appropriate regulations/legislation.

3 Presence in the Top of the South

3.1 Current situation – as at January 2017

Nelson City Council

Several *Sabella* detections were made between 2012 and 2016 within Port Nelson (the commercial port and marina), costing to date $64,000 (as summarised below):

- 2012 – first detection in marina (TOS recorded incident).
- MPI port survey in 2013, multiple incidents were reported, mostly vessel-related and one detection on a marina pontoon.
- Summer 2014 – two surveys carried out of marina area and channel markers. Survey area gradually increased.
- 2015 – vessel in port found to be infested, had not been in either Auckland or Lyttelton (focused on supplying oil drilling operations).
- Current programme (2016) saw surveys increased to twice annually. Although visibility in port area is not great, fanworm incidences/removals have decreased (from approximately 20+ per dive to approximately 4).

Sabella is thought to be suppressed in Port Nelson, with only a handful of large individuals found to date.

Tasman District Council

The first *Sabella* detection was made at Port Tarakohe in September 2016. In all, 12 adult fanworms were removed from the port structures and around the marina, funded by Tasman District Council (cost $6,000). As at January 2017, planning was underway to determine the levels of future surveillance needed for this area (covered in SSMP Operational Plan).

Marlborough District Council

Several *Sabella* detections were made between 2014 and 2016 in the Picton/Waikawa Bay areas, costing to date $69,000 (as summarised below):

- February 2014 – first recorded incursion in the district, on a vessel with 12 fanworms found. Owners voluntarily cleaned the vessel and no further *Sabella* has been found in relation to vessel in two subsequent surveys.
- During a marine survey (November 2014) two fanworms detected in Picton marina. A delimiting survey found one further animal.
- Intensive surveys focusing on *Sabella* primarily were carried out in 2015 at Picton and Waikawa marinas – May 2015 (one fanworm), November and December 2015 (one juvenile fanworm found on a vessel in the Picton outer marina).

- In March 2016, the first detection was made at Waikawa Bay, with one juvenile fanworm removed from a vessel (poorly antifouled, having been moored in Tennyson Inlet for 5 months).
- Two months later (May 2016) another single fanworm was detected at Picton marina. Both the above vessels had tracebacks made to Westhaven marina in Waitemata Harbour.
- September 2016 survey resulted in a further single fanworm on an outer pontoon in Picton marina.

The surveys revealed little other marine pests/growth, with good visibility in inner harbour/bay areas, worsening in outer areas. Surveys were extended to substrate areas and included port surveys, marine farms and monitoring of vessels. Other than the infested vessel at Waikawa Bay, no *Sabella* were found, although the marina was not under active surveillance at the time. One of the detections was a direct result of local educational/awareness efforts. As at January 2017, *Sabella* is suppressed and thought to be potentially eradicable.

3.2 Control and management programmes – other related work

Current work carried out by the Council outside of this SSMP is primarily undertaken through representation of the TOSMBP. The TOS Marine Strategic Plan sets out the following brief for involvement:

- undertake co-ordinated marine biosecurity education and advocacy activities;
- provide integration of regional with national marine biosecurity systems;
- provide partners with access to regional intelligence, resources and organisational structures;
- provide operational resources for nationally-led activities (eg, personnel and boats);
- co-ordinate local surveillance programmes including stakeholder involvement.

The Council will continue these programmes and initiatives to support and complement the SSMP.

4 Legal Requirements

4.1 Biosecurity Act considerations

Overview

Small-scale management programmes are the primary response tools available to regional councils for managing incursions of unwanted organisms that are not declared pests in a regional pest management plan for the region (and are not managed wholly by the Ministry for Primary Industries). Sections 100V and 100W of the Act outline the process to be followed, including pre-requisites to meet around the subject organism causing serious and unintended effects (Section100V) and the exercise of Biosecurity Act powers that are proposed to be used under an SSMP (Section 100W).

Recent changes to biosecurity policy

In September 2015, a National Policy Direction (NPD) for Pest Management became operative, guiding the development of biosecurity policy and plans in New Zealand. In relation to small-scale management programmes, the NPD provides clear directions. These are summarised as follows:

- the objectives in the SSMP must state the adverse effects that are being addressed, from those listed in Section 54(a) of the Biosecurity Act[11];
- the SSMP must state the outcomes that are sought – being one of more of the following: exclusion, eradication, progressive containment or sustained control[12]; and
- in relation to each outcome above, note the geographic area covered, the extent to which the outcome will be achieved and the period in which the outcome is expected to be achieved.

SSMP pre-requisite assessments

A council may declare a SSMP if it is satisfied that the requirements of Section 100V(2) have been met, which include links with the NPD. Nelson City Council considers that the following six clauses are met, as follows:

(a) *An unwanted organism present in the region could cause serious adverse and unintended effects unless early action is taken to control it.*

As described in Section 3, *Sabella* has been detected in the district at relatively low densities. Early action to control it is required (based on studies from around the country and overseas) due to the fanworm's ability to rapidly reproduce and spread (see section 2). Further, the impact it can have on iwi, native ecosystems, aquaculture and aesthetics means that *Sabella* could cause serious adverse and unintended effects on the marine environment, which is highly valued for its economic values, cultural values, biodiversity, tourism, recreation, harvesting of seafood, aquaculture, natural character and overall amenity value.

(b) *The organism can be eradicated or controlled effectively by small-scale measures within 3 years of the measures starting, because:*

(i) its distribution is limited; and

(ii) technical means to control it are available.

There have been a small number of *Sabella* infestations detected in the past 2-3 years (limited distribution) and actions, such as hull cleaning and then applying anti-fouling paint, are available to control it (technical means). Therefore, the Council considers that small-scale measures are appropriate to eradicate or control effectively *Sabella* within 3 years, including exclusion of *Sabella* from areas not currently known to be infested.

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[11] To provide for the eradication or effective management of harmful organisms that are present in New Zealand, by providing for the development of effective and efficient instruments and measures that prevent, reduce, or eliminate the adverse effects of harmful organisms on economic well-being, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga.

[12] Refer to Appendix 2 for definitions of these outcomes.

(c) *The programme is not inconsistent with the national policy direction.*

The Council has prepared this SSMP in accordance with the directions set out in the September 2015 National Policy Direction for Pest Management. Council considers that the SSMP is not inconsistent with that direction, as outlined in (d) below.

(d) *The process requirements in the national policy direction for declaring the programme, if there were any, were complied with.*

In relation to the three key NPD requirements (summarised in 4.1 above) the adverse effects of the subject in the SSMP objectives are covered in 5.1. Further information on the adverse effects being addressed is detailed in Sections 2.1 to 2.5. The intermediate outcomes being sought are also addressed in 5.1. Section 5.1 further states that the SSMP covers the whole district and that there are many unknown variables which will impact on the outcomes being sought and that it is not applicable to state whether they will be achieved. The duration set is 3 years, by which time it is anticipated that *Sabella* will be covered in other Biosecurity Act plans.

(e) *The taking of the measures and, if necessary, payment of compensation is likely to cost less than an amount prescribed for the purposes of this section by the Governor-General by Order in Council.*

The Biosecurity (Small Scale Organism Management) Order 1993 prescribes the maximum amount for the purposes of Section 100V(2)(e) of the Act as $500,000. The Council has undertaken a cost analysis and considers that the taking of the measures will cost approximately $xyz. There is no provision for compensation in the SSMP.

(f) *The taking of the measures is unlikely to result in significant monetary loss to any person, other than a person who has contributed to the presence or spread of the organism by failing to comply with biosecurity law.*

There is likely to be some cost to persons who own a building, craft or structure that is 'harbouring' *Sabella*, for example, where a vessel owner is directed to clean the vessel's hull. The cost of regular hull cleaning should, however, be an accepted cost of boat ownership. It is estimated that these costs are between $500 and $3,000 per vessel[13], depending on the vessel size. The Council does not consider this creates a significant monetary loss to those owners, particularly given the risk that these craft pose.

4.2 Other management options

Overview

This small-scale management programme is a short-term measure to address the relatively recent incursions of *Sabella* into the district and the need to be able to access Biosecurity Act powers to undertake urgent control, or other management actions, as deemed necessary. It is likely that *Sabella* management will transition to a more medium to long-term programme, also under the Biosecurity Act. There are two options - (i) declaration of *Sabella* as a pest in the Tasman-Nelson Regional Pest Management Plan, or (ii) development of a regional pathway management plan to better manage the ways in which *Sabella* is spread. The following points highlight the key features of both options.

[13] Figures based on known costs from Northland Regional Council *Sabella* hull de-fouling work.

Regional pest management plans

Regional pest management plans provide for consultation with communities on the control of specific organisms that are of concern to them. A Proposed Plan sets out the strategic and statutory framework for the management of these 'pests'. In the preparation of plans (as required under Sections 68-78 of the Act), councils must undertake an extensive screening process for each organism nominated to determine what (if any) regional intervention would be appropriate.

Identifying effective and practicable means of achieving control (including developing rules that occupiers are required to adhere to), satisfying cost benefit analyses, identifying exacerbators of pest problems and beneficiaries of control (and subsequently who should pay for management programmes) are among the most important criteria to consider. Plans cannot be inconsistent with other legislation, principally the National Policy Direction for Pest Management 2015 and plans prepared under the Resource Management Act 1991, and the outcomes may be challenged through Environment Court processes. Development of the Proposed Regional Pest Management Plan for Nelson is currently underway and may take up to 2 years to be finalised.

Regional pathway management plans

The ability to develop regional pathway management plans arose from an amendment to the Biosecurity Act in 2012. A pathway plan is designed to prevent marine pests from reaching new areas, rather than responding to a pest once it has arrived and had time to establish. Pest 'pathways' are generally created via human activities that transport a (marine) pest from one place to another; for example, hull biofouling, ballast water and movement of aquaculture equipment. Councils must follow a similar process in the preparation of pathway plans as for pest management plans (as required under Sections 89-98 of the Act). Regional pathway management plans may apply to areas other than entire regions, including inter-regionally.

There is currently one marine pathway plan developed under the Biosecurity Act – the *Proposed Fiordland Marine Pathway Plan*. This plan aims to greatly reduce the risk of marine pests being carried into Fiordland on local and visiting vessels. It establishes clean vessel standards that all vessels entering Fiordland must meet, regardless of their size and proposes a *Fiordland Clean Vessel Pass* to ensure vessel owners/operators understand and adhere to the standards.

The top of the South Island is highly connected to other regions of New Zealand through the movement of both commercial and recreational vessels and it is likely that new species will continue to be introduced unless effective management systems are put in place. The use of pest pathway plans instead of individual plans to control organisms may become more prevalent in the future, to help prevent the movement of pests to new areas.

5 Small-scale Management Programme Details

5.1 Programme objective

The objective of the SSMP is to provide for the control of *Sabella* in Nelson City over the next 3 years to:

- reduce the adverse effects on economic well-being; the environment; enjoyment of the natural environment and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga; and
- reduce spread within the region and to other areas.

EXPLANATION

As at January 2017, Sabella is known to be present in the City. The outcomes that are being sought through the SSMP relate to:

- ***Exclusion** of Sabella from areas in the City where it is not known or established (eg, areas that are free of Sabella continue to be kept free);*
- ***Eradication** of Sabella from the City where technically feasible and realistic within the time bounds of this programme; and*
- ***Progressive containment** and/or **sustained control** (eg, where eradication is not achievable, that steps are taken to either contain and reduce the distribution of Sabella or taking steps to reduce its impacts and spread to other places.*

The actual or potential adverse effects of Sabella being addressed through this SSMP include:

- *degradation of endemic marine biodiversity and benthic ecosystems (natural environment values); and*
- *the aesthetics of, and perceptions around, vessels and structures that are fouled (and visibly infested) with exotic organisms; and*
- *declining mussel production in the Top of the South through direct competition for growing space (aquaculture industry values);*
- *the effects on the treasured natural resources of the area (Nga taonga tuku iho) and the sustainable use of marine resources by iwi, including customary fisheries and commercial fishing interests (Māori values and fulfilling kaitiakitanga responsibilities).*

Determining a successful or unsuccessful SSMP

The extent to which the outcomes stated above will be achieved is difficult to state, as no guarantees or judgements around success or otherwise of the SSMP can be stated prior to its implementation. As with many aspects of marine biosecurity management, there are many variables (natural and human-induced) which can occur or be introduced at any time. Notwithstanding these issues, the overall success of this SSMP might be evaluated by:

- no new infestations discovered over the 3 year period; or

- that current infestations have not expanded past their known 2016 densities.

Conversely, an unsuccessful SSMP would:

- fail to control *Sabella* (if multiple new sites were discovered); or
- high density, uncontrolled populations eventuated.

Small-scale implementation measures

Introduction

A wide range of activities will be carried out to implement the SSMP. The SSMP Operational Plan (refer to Section 5.4) outlines the nature of works, which is primarily undertaken by the Top of the South councils. It also includes involvement of, and part funding by, MPI (eg, specified surveillance, advocacy and key messaging around targeting the marine recreational boating sector).

The measures that will be used to implement the SSMP are summarised below. Some actions, such as first response dealings, surveillance and direct control may trigger the potential use of Biosecurity Act (part 6) entry, inspection and enforcement powers (as outlined in Section 5.3). Each measure below is aligned with exclusion, control or management outcomes.

Measures	Description
Intelligence and information gathering (exclusion)	Joint agency collection of relevant material will focus on detecting infested vessels and tracing vessel movements (eg, through trip reports). Essentially, this activity is a 'heads-up' process to pre-empt problems from arising or to notice and act on issues before they can escalate. This activity involves extending and formalising the current level of dialogue with people from a wide range of marine-related interest areas, such as harbourmasters, marine operators, marine radio, ship brokers and slip owners.
Responses to *Sabella* on vessels and structures or in the natural environment (exclusion and control)	Notifications and enquiries are received chiefly in relation to potential 'at risk' vessels (either new to an area or 'resident' vessels) but also other potential incursion situations. The speed and nature of the first response is critical to ensure that the appropriate response action is carried out, including undertaking emergency management measures.
Surveillance, active and passive (exclusion and control)	Surveillance for *Sabella* is about increasing the chances of detecting individuals and infestations sufficiently early to enable effective eradication or control. Surveillance activities will target likely *Sabella* pathways (eg, likely points of vessel entry and mooring) and looking in places where it has not been previously detected. Surveillance around the regions' marine area will involve a combination of active and passive surveillance. Active surveillance is

	where predetermined, targeted survey work using professionals is carried out to detect *Sabella* (refer to the SSMP Operational Plan). Passive surveillance relies on 'non-experts' (eg, members of the public who are 'out and about' in the coastal/marine areas) to notice and report potential sightings of *Sabella* and risk vessels that are new to an area. Enhanced passive surveillance activities will also be carried out in a way that builds awareness and support for the SSMP (eg, providing training and tools for those involved).
Direct control (control)	Physical control measures relate to direct population management and control of infestations. Activities carried out may include: hauling out vessels, mooring ropes and buoys and cleaning them, also moving vessels to new locations, wrapping boats in situ and treatment using chemicals. Refer also to Section 5.3. The focus of this work will be on more intensive control at known sites with *Sabella*.
Advocacy (exclusion)	One of the key outcomes of the implementation of the SSMP will be behaviour change among regional marine users, brought about through targeted campaigns and initiatives. Alerting commercial and recreational groups and the public to the issues, threats and solutions around *Sabella* is likely to result in more effective management overall. *Sabella* is both an unwanted organism and a notifiable organism (refer to definitions in Appendix 2). The Council will undertake awareness campaigns and instigate initiatives, as appropriate, in conjunction with TOSMBP partners. The focus will be on targeting specific user groups using social media and marketing methods (eg, Facebook and Twitter) in conjunction with traditional print/radio advertising. These campaigns will include: generic key messages and advice on what people (eg, boaties) should do to reduce the risk of spreading *Sabella*.
Spread risk mitigation (exclusion)	*Sabella* is a significant issue and concern for the marine aquaculture industry and the owners of ports and marinas. Leaders in these commercial operations are well placed to drive industry changes to operational practices which could otherwise provide pathways of spread for *Sabella*. Spread risk mitigation methods are linked with advocacy and awareness activities but are very industry specific. For example, in the mussel industry it is critical to source '*Sabella*-free' mussel seed and to insist on the use of new mussel lines (ropes) to grow spat and not to reuse old lines.
Administration of SSMP (control / management)	Accountability around proposed and actual activities carried out and funding (through the SSMP Operational Plan) forms part of the SSMP package. Post-operational reporting and communication is required for individual councils as well as collectively for the TOSMBP. It is

important to have centrally documented the collective SSMP implementation efforts of the various parties involved[14].

SSMP administration processes also include a separate process for the identification and training of suitable Council staff / contractors / others for exercising Biosecurity Act powers. Authorised persons are to be appointed under Section 103(3) of the Biosecurity Act to carry out the functions, powers and duties, as outlined in Section 5.3 below.

5.3 Implementation measures using Biosecurity Act powers

Background

To manage and control *Sabella* successfully the Council needs to be able to access Biosecurity Act powers (without relying on MPI for powers) to carry out the following activities, for example:

- inspect and clean vessels and places (with or without prior notification to owners);
- direct vessel/place owners or occupiers to follow Council instructions;
- restrict or control access to vessels and places (or place conditions on access);
- request information about vessel movements;
- ability to remove a vessel from the water, or move it to a location of choice; and
- ability to recover costs from owners/occupiers in certain circumstances.

In most situations, it is anticipated that the vessel and structure owners (and other parties with an interest) will co-operate with Council and the parties will work together to determine appropriate actions and outcomes. Where owner(s) support is not forthcoming, the owner(s) cannot be located, or a vessel is abandoned it is necessary for Nelson City Council to have full access to Biosecurity Act powers[15].

In accordance with Section 100W(2) of the Biosecurity Act, authorised persons (APs) will be appointed by the Principal Officer (Council CEO) for the purposes of this SSMP. The following table lists the sections and powers under the Act that will be utilised by the Council as the management agency and by APs. A short explanation of the power is provided and an example (where appropriate) of how it would be applied in the case of *Sabella* management under this SSMP. Other Acts which have relevance to exercising these powers include the: Search and Surveillance Act 2012 and the New Zealand Bill of Rights Act 1990.

[14] The TOSMBP provides this reporting platform already, therefore no additional costs are expected. The TOS reporting framework will require altering to enable reporting back against the objectives of this SSMP and the actions contained in the SSMP Operational Plan.

[15] Regardless of the level of owner/occupier support for management action for *Sabella* under this SSMP, the Council will follow all prescribed Biosecurity Act functions, powers and duties, and guidance and advice, as contained in *Biosecurity Act Enforcement Standard Operating Procedures and Guidelines Manual*, Biosecurity Working Group, 146p.

Section/Power	Explanation and SSMP Application
Section 43 – Duty to provide information	Requires any person who owns, manages or controls (for example, a business, vessel or place that is at the centre of interest) to provide information to an AP when asked, concerning the presence or distribution of *Sabella*. Includes the collection, acquisition and recording of any relevant information.
Section 106 – Power to require assistance	APs can employ or require anyone to assist them to carry out the provisions of the Act. Provides the ability for technical experts (such as commercial divers or harbourmasters) to be used for *Sabella* surveillance and control. Anyone assisting an AP also assumes the same powers, while they are under their direct management.
Section 109 – Power of inspection	An essential power for *Sabella* surveillance and control activities, in that APs can enter any place at any reasonable time to confirm the presence, former presence, or absence, of *Sabella* and to eradicate or manage *Sabella*. The definition of 'place' of relevance for this SSMP includes any conveyance, craft, structure and the bed and waters of any sea.
Section 112 – Duties on exercising powers of entry	Outlines requirements of APs when exercising powers of entry or inspection (Section 109). Where the owner/occupier of the place is not present the AP must leave written advice on the nature of entry and any actions carried out. An important duty where, for example, a 'suspicious' vessel is reported or found with no one in charge of it and *Sabella* inspection or control work is urgently required.
Section 113 – Power to record information	Authorised persons, when using powers of entry (Section 109) can take copies of or remove any information that is reasonable for the purposes of the inspection. Could be used in *Sabella* management for many activities, such as verifying boat movements and undertaking tracebacks of vessels' prior locations.
Section 114 – General powers	Along with Section 109 powers, allows APs to do anything thought necessary to eradicate or manage an organism. A fundamental power to prevent the spread of or control *Sabella*.
Section 115 – Use of dogs and devices	Along with Section 109 powers, provides the ability to use devices to assist with Section 113 and Section 114 powers described above. Could include, for example, using underwater surveillance cameras to assess *Sabella* infestations and using tools to manually lever *Sabella* off vessels' hulls.
Section 119 – Power to seize abandoned goods	APs may seize, treat or dispose of any abandoned goods, craft, conveyance or organism, after making reasonable attempts to find the owner. An important power to potentially seize an abandoned vessel that is harbouring *Sabella*.

Section 121 – Power to examine organisms	APs can carry out any action thought necessary to determine the presence or absence of an organism and assess management measures. Powers include: examining, inspecting, taking samples, autopsies, destroying and taking specimens, including directing people to do certain things with the organisms. Covers the ability to sample and destroy *Sabella*.
Section 121A – Power to apply article or substance to place	An AP may bring onto or leave for a reasonable time at any place, any article or substance (no greater than 1 cubic metre in volume) consequential to Section 121 actions above. May be required in the treatment of vessels with *Sabella*. It is an offence for any person to move or interfere with any article or substance left at a place.
Section 122 – Power to give directions	APs can direct (when considered necessary and by notice in writing) the occupier of a place, or owner/person in charge in relation to pests and unwanted organisms, to treat any goods, water, place, equipment, fitting or other thing that may be contaminated; destroy pests/unwanted organisms and take steps to prevent the spread of any pest/unwanted organism. An important power in the management of *Sabella*. For example, vessel and structure owners can be directed to destroy *Sabella* to certain standards at the owner's cost, remove a vessel from the water, move a vessel to a new location or to not move a vessel anywhere.
Section 128 – Power to act on default	Allows a management agency (the Council) to control a pest/unwanted organism when a Section 122 *Notice of Direction* has not been complied with and recover costs and expenses reasonably incurred. Provides for decontamination of vessels/structures that have *Sabella*, if required. Other sections of the Act apply in relation to cost recovery (Sections 135 and 136).
Section 130 – Declaration of restricted place	APs have the ability, by written notice, to restrict movement (removal of pests/unwanted organisms) or the introduction of any good of any kind to any place). Provides the ability to restrict activities, such as vessel owners who may inadequately clean hulls or who dispose of *Sabella* in places that will cause it to spread.

5.4 Other matters

SSMP Operational Plan (2017 – 2020)

This SSMP has outlined the objectives and implementation measures and tools that will be used to manage *Sabella* within the 3 year term. Operational detail is covered within a single, joint SSMP Operational Plan managed through the TOSMBP and should be read as part of the overall *Sabella* management approach. Although each Council has initiated a SSMP individually, a joint operational plan is necessary to align the activities of each council and ensure all parties operate within the guiding principles of the Top of the South Marine Biosecurity Strategic Plan.

The SSMP Operational Plan outlines what work programme components are to be delivered (based on the measures outlined in Section 5.2), by whom, the timings involved and who will

bear the costs, to ensure the objectives are met. The Operational Plan covers tasks/activities such as:

- initial appointment and training of authorised persons to implement Biosecurity Act powers;
- active surveillance plan for mapped areas where previous responses have been initiated (eg, Picton, Port Nelson and Tarakohe);
- active surveillance plan (mapped areas) for high risk places where *Sabella* is not currently known (eg, Havelock marina, Waikawa Bay moorings, Port Underwood, Abel Tasman moored vessels);
- building skills to increase passive surveillance capability among recreational boaties; and
- direct control of *Sabella* where it is found on substrates and structures – including provision for adequate resourcing to ensure an effective programme is implemented.

Compensation

There are no provisions made or inferred through this SSMP, for compensation for any losses caused by the implementation of this SSMP.

Other parties may take steps to control *Sabella*

Regarding Section 100V(3) of the Biosecurity Act, the Council may make provision for other persons to undertake control of *Sabella*. This SSMP confirms that Tasman District Council is the management agency for Nelson City Council in the exercising of Biosecurity Act powers should regulatory action be required.

Appendix 1: Public notice regarding small-scale management programme

Nelson City Council Council has declared by public notice, dated xx xx 2017, a small-scale management programme (SSMP) under Section 100V of the Biosecurity Act 1993 (the Act). The unwanted organism the SSMP relates to is the marine pest Mediterranean fanworm (*Sabella spallanzanii*), referred to as *Sabella*. The SSMP applies to the whole marine area of Nelson City.

Small-scale management programme details

The objective of the programme is to provide for the control of *Sabella* in Nelson City over the next 3 years to:

- reduce the adverse effects on economic well-being; the environment; enjoyment of the natural environment and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga; and
- reduce spread within the region and to other areas.

The outcomes sought are:

- *Exclusion* (preventing establishment) in areas of the district currently free of *Sabella*;
- *Eradication* of *Sabella* from the district where it is technically feasible and realistic;
- *Progressive containment* and/or *sustained control* (where eradication is not achievable) - that steps are taken to either contain and reduce the distribution of *Sabella* or reduce its impacts and spread to other places.

Powers to be exercised under Part 6 of the Act to implement the programme are as follows:

- Section 43 Duty to provide information.
- Section 106 Power to require assistance.
- Section 109 Power of inspection.
- Section 112 Duties on exercising powers of entry.
- Section 113 Power to record information.
- Section 114 General powers.
- Section 115 Use of dogs and devices.
- Section 119 Power to seize abandoned goods.
- Section 121 Power to examine organisms.
- Section 121A Power to apply article or substance to place.
- Section 122 Power to give directions.
- Section 128 Power to act on default.
- Section 130 Declaration of restricted place.

This small-scale management programme can be viewed at [insert council website link] or contact the Council on 0800 xyz xyz.

Clare Hadley
Chief Executive

tasman district council

Appendix 2: Definitions/Interpretation

For this small-scale management programme, unless otherwise stated:

Act – means the Biosecurity Act 1993. All definitions in the Act apply to this SSMP.

Craft –

(a) means an aircraft, ship, boat, or other machine or vessel used or able to be used for the transport of people or goods, or both, by air or sea; and

(b) includes –

(i) an oil rig; and

(ii) a structure or installation that is imported by being towed through the sea.

Eradication – means to reduce the infestation level of the subject to zero levels in an area in the short to medium term.

Exclusion – means to prevent the establishment of the subject that is present in New Zealand but not yet established in an area.

Notifiable organisms – pests and diseases that must be reported to Ministry for Primary Industries. Refer to link below for the current list.
http://www.legislation.govt.nz/regulation/public/2016/0073/latest/DLM6792201.html

Progressive containment – means to contain and reduce the geographic distribution of the subject to an area over time.

Sustained control – means to provide for the ongoing control of the subject to reduce its impacts on values and its spread to other properties.

Unwanted organism – means any organism that a chief technical officer of government departments with biosecurity interests determines to be unwanted, which is believed to be capable of causing actual or potential unwanted harm to any natural and physical resource or human health. Unwanted organisms are listed in Schedule 2 of the Hazardous Substances and New Organisms Act 1996. (Refer Sections 45 and 46 of the Biosecurity Act.)
http://www.legislation.govt.nz/act/public/1996/0030/latest/DLM386556.html?search=sw_096be8ed81 40e269_schedule+two_25_se&p=1

REPORT R7725

Options for Extending Smokefree Policy

1. Purpose of Report

1.1 To approve the extension of Council's smokefree policy.

2. Summary

2.1 During deliberations on the 2016/17 Annual Plan Council resolved to extend its smokefree policy using education and encouragement rather than a regulatory approach. At a supplementary workshop in August 2016 Council asked for a report detailing options for consideration, and focussing on the city centre.

2.2 The current policy, introduced in 2009, provides coverage over Council's sports fields and playgrounds through signage. This report outlines ways Council can extend its smokefree policy.

3. Recommendation

That the Committee

Receives the report Options for Extending Smokefree Policy (R7725) and its attachment (A1741198).

Recommendation to Council

That the Council

Approves extending its smokefree policy to include Council-funded events, and working with partners to promote a smokefree message; and

Approves an allocation of $3,500 unbudgeted operational funding in 2017/18 to the New Zealand Cancer Society Nelson Centre in support of a trial of smokefree outdoor dining in the city centre.

4. Background

4.1 In 2009, Council resolved to make its sportsgrounds and playgrounds smokefree with smokefree signage rolled out as budgets permitted.

4.2 More recently, through the 2016/17 Annual Plan deliberations Council resolved;

> *THAT Nelson City Council supports an extension of its Smokefree policy and that Council officers investigate options for expanding Council's smokefree policy, using education rather than regulatory approaches, and assessing this work against other policy priorities.*

4.3 This report has been developed based on guidance provided at the Council workshop in August 2016.

4.4 Further information, including local smoking statistics and legislative obligations, can be found in Attachment 1.

5. Discussion

Bylaws

5.1 At the Council workshop in August, a request was made for further information on bylaw regulation to be presented with the report, to determine whether a bylaw would help improve the effectiveness of Council's smokefree approach. Key points are noted below.

5.2 Although smokefree bylaws are common overseas, few have been adopted within New Zealand, with councils mainly relying on non-regulatory measures such as public education, and signage.

5.3 A smokefree bylaw would be allowable under the Local Government Act (LGA) which allows councils to make bylaws to: protect the public from nuisance; and protect, promote and maintain public health and safety (section 145). A bylaw would also be allowable under the Smoke-free Environments Act 1990, Health Act 1956 and Litter Act 1979.

5.4 However as smoking remains a legal activity in New Zealand, a smokefree bylaw that extends across a broad area or wide range of locations would be difficult to justify, vulnerable to legal challenge and expensive to implement.

5.5 A smokefree bylaw may be warranted in specific areas where there is robust evidence of a problem, for example; second hand smoke inhalation in high density areas such as outdoor dining or areas where children might be in close proximity. However pursuit of smokefree objectives in designated areas could also be achieved through policy or a stand-alone decision.

5.6 Current legislation does not allow a smokefree bylaw to be enforced through the issuing of a fine, but through prosecution of an offender, a legal process which could be considered disproportionate to the breach.

5.7 In summary, a smokefree bylaw may be considered for high density areas, such as outdoor dining if it was determined that this was the most appropriate way of addressing the problem. However enforcement may call into question consistency with the New Zealand Bill of Rights Act and its principle of reasonableness.

A non-regulatory approach

5.8 Adopting a non-regulatory approach is in alignment with both national and international public health advice which recognises smoking as an addiction requiring a combination of medical and counselling support. This approach is supported by central government's Smokefree Aotearoa 2025 goal (see Attachment 1) which emphasises encouragement and support for people to quit.

5.9 Use of a non-regulatory approach relies on the public being well informed and supportive of Council's smokefree objectives as compliance is voluntary with no enforcement or regulatory measures.

Outdoor dining spaces

5.10 As part of the repealing of the moratorium on the use of public car parking spaces for outdoor dining in June 2016, Council resolved;

> *AND THAT licensees of outdoor dining spaces be encouraged to make these spaces smokefree.*

5.11 Smokefree outdoor dining areas have been introduced across a number of other local authorities, using voluntary (table signage and removal of ashtrays), regulatory (bylaw) or licencing (licences to occupy) approach.

5.12 A licensing approach would see the introduction of a mandatory clause to all new licences, and those upon renewal, to ensure that sites were smokefree. Whereas a voluntary approach would provide businesses with the choice to adopt smokefree outdoor dining.

5.13 The New Zealand Cancer Society Nelson Centre, with support from the Nelson Marlborough District Health Board (NMDHB), is currently leading a smokefree outdoor dining project which draws strongly from the Fresh Air project and has proved to be very successful in Christchurch.

5.14 The project has involved conducting a survey of local cafés in the Nelson and Tasman central business districts on their views on smokefree outdoor dining with the survey's initial findings reporting that the majority of businesses support the principle of smokefree outdoor dining and a voluntary approach to smokefree policy.

5.15 In response to the survey's findings, the New Zealand Cancer Society Nelson Centre has indicated it would like to facilitate a voluntary

smokefree outdoor dining trial in the Nelson city centre and has recently applied to Council's Community Investment Fund seeking funding support of $3,500 for operational costs for this.

5.16 Decisions on the Community Investment fund will be made by the panel in early July, however the funding round has been significantly oversubscribed by applicants, and as the application does not easily fit with the focus of the fund towards social development, the application is unlikely to be successful.

5.17 As this project is in alignment with Council's objectives for a smokefree city centre, and Council has expressed an interest in smokefree outdoor dining, officers have brought the New Zealand Cancer Society Nelson Centre's request to Council seeking support for $3,500 unbudgeted funding to ensure the trial goes ahead. This would be a cost effective way to achieve smokefree outdoor dining objectives. If this were approved the project would no longer be considered through the Community Investment Fund.

6. Options for smokefree sites and activity

6.1 Council action can:

6.1.1 Support the goals of Smokefree Aotearoa 2025.

6.1.2 Reduce risk to residents of exposure to second-hand smoke.

6.1.3 Reduce the visibility of smoking and its links to the uptake of smoking among young people.

6.2 In preparation of this report, officers have concentrated on measures that are likely to achieve the greatest outcomes for the resources available.

6.3 A voluntary smokefree approach to events has been informally adopted by Council's events team. Given the high attendance of families at Council run events and the potential for second-hand smoke inhalation, formalising a consistent smokefree approach at events would progress Council's objectives.

6.4 The suggestion of smokefree signage options in the centre city was also looked at. This focussed on areas where people gather, and thus are more at risk of second hand smoke, and smoking visibility. These could include bus stops/shelters, and entrance ways of buildings. However the increase in signage to cover all these areas would not be consistent with the principles of the Nelson Resource Management Plan signage policy for a 'low sign' environment in the centre city and, on its own, is unlikely to lead to behaviour change.

6.5 Given that events and outdoor dining are high profile activities that consistently attract large numbers of people and where people are gathered over a longer period of time the greatest gains are likely to be made in these areas.

6.6 Options to extend the policy are considered below:

Option 1: Introduction of smokefree at Council funded events and working with partners to support smokefree spaces in the city centre. This is the recommended option.	
Advantages	• Low level resourcing required to achieve outcomes • In line with the approach taken by most councils across New Zealand and Smokefree Aotearoa 2025 • Formalises the current (informal) approach to events • Supports behaviour change in a non-threatening way • Continues the approach which has been well received to date in Council sportsfields and playgrounds • Accommodates those wishing to smoke, or in the process of giving up smoking • Includes working with partners to promote the smokefree message • Provide a cost effective approach to smokefree outdoor dining
Risks and Disadvantages	• Signage options would need to meet the principles of the city centre low signage policy • May not satisfy those who want a mandatory approach to smokefree spaces
Option 2: Consideration of a bylaw to support designated smokefree spaces in the centre city	
Advantages	• Council's position on smokefree areas is clear • Council is seen as taking a proactive approach towards the reduction of smoking and protecting the health of residents and visitors • May meet bylaw criteria for high density areas such as alfresco outdoor dining areas and areas frequented by children
Risks and Disadvantages	• Will require a legal opinion to advance • Universal bylaw covering significant parts of the city centre would be hard to justify • May be vulnerable to challenge as a breach of the Bill of Rights Act

	• Requires a Special Consultative Procedure and all the community and Council resources that involves • In practice, if not enforced, may not provide any more benefits than a voluntary approach
Option 3: Introduction of a mandatory smokefree clause in any combination of Licences to Occupy: outdoor dining on car parking spaces; footpath dining; street stalls	
Advantages	• Would provide for smokefree eating in high density areas
Risks and Disadvantages	• Would require a legal opinion to advance • May be unpopular with business owners who anticipate a resulting decline in business • Would require a staged process to implement e.g. to all new licensees and then across existing licence holders upon renewal • May be seen to pre-empt and undermine the smokefree project currently being initiated by the New Zealand Cancer Society Nelson Centre and the NMDHB • Would be contrary to the initial views of businesses with outdoor dining who indicated support for a voluntary policy through the New Zealand Cancer Society Nelson Centre survey • Would require significant staff resources to develop and implement
Option 4: No changes - maintain the status quo	
Advantages	• No further resourcing required
Risks and Disadvantages	• Would not be supported by those who wish to see a reduction in smoking and second hand smoke exposure

7. Conclusion

7.1 Officers recommend option one, which would see the extension of Council smokefree policy to Council funded events and the city centre approach to be non-regulatory and in collaboration with partners.

7.2 Officers recommend that Council approve the New Zealand Cancer Society Nelson Centre's request for $3,500 unbudgeted operational

funding to enable a trial of smokefree outdoor dining to be undertaken across the city centre in 2017/18.

Gabrielle Thorpe
Policy Adviser

Attachments

Attachment 1: A1741198 - Additional information Smokefree ⇩

Important considerations for decision making

1. Fit with Purpose of Local Government

A decision to adopt a non-regulatory approach towards the extension of Council's smokefree policy would contribute to meeting the needs of current and future communities for safe, healthy public spaces in a low cost manner.

2. Consistency with Community Outcomes and Council Policy

Council's existing smokefree policy uses an educative approach and the recommendations in this report are consistent with this approach.

They also meet the following Council Community Outcomes;

- Our urban and rural environments are people-friendly, well planned and sustainably managed
- Our communities are healthy, safe, inclusive and resilient

Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement

3. Risk

A non-regulatory approach is low risk as it preserves individual choice but pursuing the adoption of a bylaw may expose Council to legal challenge.

4. Financial impact

Resourcing would be required in most of the options noted in the option table. The most expensive option is pursuit of a bylaw which would involve a special consultative procedure, significant staff time and legal advice. Extension of a voluntary approach would be the most cost effective method.

The $3,500 requested from the New Zealand Cancer Society Nelson Centre is currently unbudgeted expenditure and would need to be funded from under-expenditure elsewhere.

5. Degree of significance and level of engagement

The recommendations in this report are of low significance because they do not compel behaviour change and are low cost and therefore public engagement has not been undertaken. A view from the Chamber of Commerce and Uniquely Nelson has been sought and they supported an extension of smokefree initiatives across the city centre.

6. Inclusion of Māori in the decision making process

Maori have not specifically been consulted in preparation of this report.

7. Delegations

Public health is a delegation of the Planning and Regulatory Committee. The Planning and Regulatory Committee has the power to recommend to Council on the development or review of policies.

Attachment 1; Additional information Smokefree

Smoking statistics

While smoking prevalence across the country is in decline, smoking remains the biggest cause of preventable death in New Zealand. High rates continue to be seen among Maori and Pacifica, young adults and those of socio-economic disadvantage.

Nelson Marlborough (NM) has experienced a downward trend with 14,800 people smoking daily in 2014. And locally Nelson has experienced a drop in daily adult smoking rates from 18.2% in 2006 to 12.7% in 2013, with Nelson sitting slightly below the average across the Top of the South (12.8%) and New Zealand (13.7%).[1]

2013-14 data also tells us that the groups of particular concern in Nelson-Marlborough are:

- year 10 students; showing a mild increase to 6.4% (estimated at 380 young people) and now above the New Zealand average 6.1%;
- 20-24 year olds; showing the highest rate among smokers (24% or 2,300 people) well above the New Zealand average of 19%.

Māori adults continue to be over represented in smoking statistics across New Zealand, with Māori girls reported as the largest demographic within the year 10 cohort, and Māori regular smokers more likely to be daily smokers than others.

Legislation

The Smoke-free Environment Act 1990 (the Act) and 2003 amendment aims to;

- reduce exposure of second hand smoke to non-smokers through regulation of smokefree areas such as workplaces, schools, public transport, cafes and restaurants;
- provide regulation of the marketing, advertising, promotion and content of tobacco products, tobacco smoke and herbal cigarettes.

The Act bans smoking in the buildings and grounds of schools and early childhood centres, inside licensed premises (bars, restaurants, cafes, sports clubs, casinos) and all indoor workplaces.

The Litter Act 1979 makes provisions for the abatement and control of litter. Additionally New Zealand has historically defined tobacco as 'toxic' under the Toxic Substances Act 1983. 'Toxic' litter, under the Litter Act 1979 carries a greater penalty which may be used against an offender who litters cigarette butts. This is not pursued locally.

The Government is currently planning to change the law regulating e-cigarettes and e-liquid (electrical devices that mimic smoked tobacco products, producing a vapour rather than smoke by heating a liquid that the

1. The New Zealand Health Survey, 2011-14 and Census smoking data, 2013

user inhales) to legalise their use for sale and supply. These changes need to go through Parliament before they can take effect with this likely to happen from the middle of 2018 at the earliest.

Smokefree Aotearoa 2025

In 2011 the Government adopted the aspirational goal of a Smokefree Aotearoa 2025 (reducing smoking prevalence to less than 5 %) in response to recommendations from the Maori Affairs select committee.

Nelson Marlborough District Health Board

The Nelson Marlborough District Health Board (NMDHB) is the district's lead provider of stop smoking services. These include smoking cessation support and nicotine replacement therapy, health promotion, for example though General Practitioners, and health protection through a Health Protection Officer (who provides enforcement of any breaches of the Act). Additionally, all their buildings and grounds are smokefree including the use of e-cigarettes (vaping).

The NMDHB can provide Ministry of Health approved signage such as stickers, table signs and posters at no cost to businesses wishing to adopt a smokefree approach.

1. The New Zealand Health Survey, 2011-14 and Census smoking data, 2013