



AGENDA

Ordinary meeting of the

Planning and Regulatory Committee

Thursday 23 November 2017

Commencing at 9.00am

Council Chamber

Civic House

110 Trafalgar Street, Nelson

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

Guidelines for councillors attending the meeting, who are not members of the Committee, as set out in Standing Order 12.1:

- All councillors, whether or not they are members of the Committee, may attend Committee meetings
- 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

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

1. Apologies

Nil

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

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum**5. Confirmation of Minutes**

5.1 3 October 2017

9 - 18

Document number M2976

Recommendation

That the Planning and Regulatory Committee***Confirms the minutes of the meeting of the Planning and Regulatory Committee, held on 3 October 2017, as a true and correct record.*****6. Status Report - Planning and Regulatory Committee
- 23 November 2017****19 - 23**

Document number R8713

Recommendation

That the Planning and Regulatory Committee***Receives the Status Report Planning and Regulatory Committee 23 November 2017 (R8713) and its attachment (A1736802).***

- 7. Co-Chairperson's Report**
- 8. Strategy and Environment Report for 1 July - 30 September 2017** **24 - 58**

Document number R8196

Recommendation

That the Planning and Regulatory Committee

Receives the report Strategy and Environment Report for 1 July - 30 September 2017 (R8196) and its attachments (A1809078, A1849355); and

Accepts the Nelson Plan Overview of Workshop Recommendations and Direction in Attachment 2 to Report R7917 (A1849355).

- 9. Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules** **59 - 70**

Document number R8600

Recommendation

That the Planning and Regulatory Committee

Receives the report Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules (R8600) and its attachment (A1848805); and

Approves amendments detailed in the report R8600 to the following schedules of the Bylaw No 207, parking and Vehicle Control (2011) :

- Schedule 4: Time limited parking***
- Schedule 9: No Stopping.***

- 10. Compliance Strategy** **71 - 89**

Document number R8673

Recommendation

That the Planning and Regulatory Committee

Receives the report Compliance Strategy (R8673) and its attachment (A1855717)

Recommendation to Council

That the Council

Approves the Compliance Strategy 2017 to guide staff and contractors in the exercise of enforcement obligations on behalf of the Council.

11. National Policy Statement Urban Development Capacity - Quarterly Report 90 - 111

Document number R8477

Recommendation

That the Planning and Regulatory Committee

Receives the report National Policy Statement Urban Development Capacity - Quarterly Report June 2017 (R8477) and its attachment A1852986; and

Agrees to the report being circulated to the Ministry of Business, Innovation and Employment and placed on Council's website.

12. Marine and Coastal Area (Takutai Moana) Act 112 - 115

Document number R8668

Recommendation

That the Planning and Regulatory Committee

Receives the report Marine and Coastal Area (Takutai Moana) Act (R8668).

13. Submission on Proposed Tasman-Nelson Regional Pests Management Plan 116 - 119

Document number R8696

Recommendation

That the Planning and Regulatory Committee

Receives the report Submission on Proposed Tasman-Nelson Regional Pests Management Plan (R8696); and

Agrees a submission be prepared on behalf of Council so that pest management issues for Nelson City are fully considered.

14. Nelson Biodiversity Strategy Draft 120 - 146

Document number R8704

Recommendation

That the Planning and Regulatory Committee:

Receives the report Nelson Biodiversity Strategy Draft (R8704) and its attachment (A1861351); and

Approves the draft Nelson Biodiversity Strategy 2017-2020 in principle.

15. Nelson Plan Resourcing 147 - 155

Document number R8520

Recommendation

That the Planning and Regulatory Committee

Receives the report Nelson Plan Resourcing (R8520) and its attachment (A1858783).

Recommendation to Council

That the Council

Allocates an additional unbudgeted \$600,000 for the development of the Nelson Plan in the 2017/2018 financial year; and

Notes that some increases in the 2017/2018 financial year will be offset by reducing budget projections for 2018/2019 by \$300,000 and savings in consultant costs by employing an additional staff member and as recruitment of vacancies is achieved.

16. Exclusion of the Public

Recommendation

That the Planning and Regulatory Committee

Excludes the public from the following parts of the proceedings of this meeting.

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Planning and Regulatory Committee Meeting - Public Excluded Minutes - 3 October 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Status Report - Planning and Regulatory Committee - Public Excluded - 23 November 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
3	Options for Regulatory Services from 1 July 2018	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			<p>supplied or who is the subject of the information</p> <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(j) To prevent the disclosure or use of official information for improper gain or improper advantage

17. Re-admittance of the public

Recommendation

That the Planning and Regulatory Committee

Re-admits the public to the meeting.

Minutes of a meeting of the Planning and Regulatory Committee

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

On Tuesday 3 October 2017, commencing at 9.03am

Present: Her Worship the Mayor R Reese (Co-Chairperson), Councillor B McGurk (Co-Chairperson), Councillors I Barker, B Dahlberg, K Fulton and S Walker

In Attendance: Councillor M Rutledge, Strategy and Environment Group Manager (C Barton), and Governance Adviser (E Stephenson)

Apologies: Councillor L Acland and Ms G Paine

1. Apologies

Resolved PR/2017/043

That the Committee

***Receives and accepts the apologies from
Councillor Acland and Ms G Paine for attendance.***

Her Worship the Mayor/Walker

Carried

2. Confirmation of Order of Business

Her Worship the Mayor advised of one late item for the public part of the meeting, and that the following resolution needed to be passed for the item to be considered:

2.1

Resolved PR/2017/044

That the Committee

Considers the item regarding Co-Chairperson's Report at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable planning documents currently in preparation to be informed by the Biodiversity Challenge Report.

Her Worship the Mayor/Fulton

Carried

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.

5. Confirmation of Minutes

5.1 27 July 2017

Document number M2772, agenda pages 9 - 14 refer.

Resolved PR/2017/045

That the Committee

Confirms the minutes of the meeting of the Planning and Regulatory Committee, held on 27 July 2017, as a true and correct record.

McGurk/Walker

Carried

6. Status Report - Planning and Regulatory Committee - 3 October 2017

Document number R8447, agenda pages 15 - 18 refer.

The importance of keeping elected members up to date with all issues was noted and Councillor Barker requested that Marine and Coastal Act matters be included in the status report or appropriate report.

Resolved PR/2017/046

That the Committee

Receives the Status Report Planning and Regulatory Committee 3 October 2017 (R8447) and its attachment (A1736802).

Barker/Walker

Carried

Resolved PR/2017/047

That the Committee

Directs the Group Manager Strategy and Environment to provide regular updates to the Planning and Regulatory Committee on the Marine and Coastal Areas Act process via the status report or appropriate report.

Barker/Walker

Carried

7. Co-Chairperson's Report

Document number R8504, late items agenda pages 2 - 8 refer.

Resolved PR/2017/048

That the Committee

Receives the Co-Chairperson's Report (R8504) and its attachment (A1840306) and notes its contents; and

Notes the Biodiversity Challenge Report highlights five required shifts in biodiversity management to support regional council efforts in maintaining biodiversity – stronger leadership and clearer lines of accountability, building on existing programmes, better information, better collaboration and a coherent legislative framework; and

Supports the Biodiversity Challenge Report as a useful starting point for discussion with Government on steps that might be taken to halt biodiversity decline; and

Notes the Council is already giving effect to many of the actions identified in the Biodiversity

Challenge Report through the review of the Biodiversity Strategy and Nelson Nature.

Fulton/Her Worship the Mayor

Carried

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

Document number R7548, agenda pages 19 - 38 refer.

Team Leader Roading and Waste, Margaret Parfitt, answered questions and provided visuals of suggested designated parking spaces for self-contained vehicles.

It was agreed that amendments to Schedule 9 of the Bylaw be approved, with the exception of Putaitai Street, which would be brought back for consideration to a future committee meeting, following consultation on the matter.

Resolved PR/2017/049

That the Committee

Receives the report Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules (R7548) ; and its attachment (A1837990): and

Approves amendments detailed in report R7548 to the following schedules of the Bylaw No 207, Parking and Vehicle control (2011):

- ***Schedule 4: Special Parking Areas***
- ***Schedule 8: Time Limited Parking Areas***
- ***Schedule 9: No Stopping – except Putaitai Street, which will be brought back to a future Planning and Regulatory Committee meeting***
- ***Schedule 13: Stop Signs***

McGurk/Dahlberg

Carried

Attachments

- 1 A1843555 - tabled documents - car parking visuals

9. Resource Management (and Special Housing Area) charges and delegations

Document number R8331, agenda pages 39 - 62 refer.

Manager Consents and Compliance, Mandy Bishop, answered questions.

Resolved PR/2017/050

That the Committee

Receives the report Resource Management (and Special Housing Area) charges and delegations (R8331) and its attachments (A1826805) and (A1825487).

Dahlberg/McGurk

Carried

Recommendation to Council PR/2017/051

That the Council

Approves the draft resource consent charges, planning document charges, monitoring charges and Housing Accord and Special Housing Areas Act charges contained in the Statement of Proposal in Attachment 1 of report R8331 (A1826805) for public consultation and notification using the Special Consultative Procedure as set out in the Local Government Act 2002;

Approves the delegation of powers contained in Attachment 2 of report R8331 (A1825487) to the Chief Executive under the Resource Legislation Amendment Act 2017.

Dahlberg/McGurk

Carried

10. Changes arising from the Building (Earthquake-Prone Buildings) Amendment Act 2016

Document number R8457, agenda pages 63 - 86 refer.

Manager Building, Martin Brown, answered questions.

Attendance: Councillor Fulton left the meeting at 10.25am until 10.28am.

Resolved PR/2017/052

That the Committee

Receives the report Changes arising from the Building (Earthquake-Prone Buildings) Amendment Act 2016 (R8457) and its attachments (A1823395 and A1823406); and

Confirms that the identification of priority buildings, required under the amendment Act, be conducted in 2018; and

McGurk/Barker

Carried

Recommendation to Council PR/2017/053

That the Council

Approves the amended Dangerous and Insanitary Buildings Policy, to remove the specific references to earthquake prone buildings, noting that a full review of the policy will take place in 2018

McGurk/Barker

Carried

The meeting was adjourned at 10.30am and reconvened at 10.47am.

11. Nelson Plan - Timelines to Draft Release and Notification

Document number R8275, agenda pages 87 - 94 refer.

Team Leader Planning, Mark Leggett, answered questions and noted updates to the timeline.

Resolved PR/2017/054

That the Committee

Receives the report Nelson Plan - Timelines to Draft Release and Notification (R8275) and its attachments (A1821033 and A1821035); and

Approves the proposed timelines to draft release and notification of the Nelson Plan; and

Approves that consequential changes to the Progressive Implementation Programme for freshwater management will be made and the Ministry for the Environment informed.

Barker/Fulton

Carried

Her Worship the Mayor advised that Item 12 of the agenda - Nelson Plan - Draft Regional Policy Statement would be considered at this point; that the public would then be excluded for consideration of Item 1 of the Public Excluded agenda – Re-contracting Regulatory Services from 1 July 2018, after which, the public would be re-admitted and the meeting would adjourn for a short workshop on the Draft Environment Activity Management Plan and then reconvene to consider that item.

12. Nelson Plan - Draft Regional Policy Statement

Document number R7279, agenda pages 141 - 157 refer.

Manager Environment, Matt Heale and Team Leader Planning, Mark Leggett, answered questions.

Attendance: Councillor McGurk left the meeting at 11.31am until 11.33am

Attendance: Councillor Dahlberg left the meeting at 11.38am until 11.41am

The need to consider the NZTA Southern Link Investigation was highlighted and it was agreed to add this to the motion regarding further changes.

Resolved PR/2017/055

That the Committee

Receives the report Nelson Plan - Draft Regional Policy Statement (R7279) and its attachments (A1743457, A1829598, and A1743456); and

Agrees that the Nelson Plan Draft Regional Policy Statement will incorporate the changes identified in report R7279 and its attachment (A1829598); and

Agrees that further changes/refinement will be made to the Draft Regional Policy Statement throughout 2018 relating to how issues, objectives, policies, and methods are framed to ensure integration with the rest of the Nelson Plan, to recognise any further national policy or

environmental standard changes, to consider the NZTA Nelson Southern Link Investigation and to reflect the City vision once it has been adopted by Council.

Agrees the Nelson Plan Draft Regional Policy Statement can remain as a working draft until it is updated and incorporated into the wider Nelson Plan for further community feedback in mid-2018.

Her Worship the Mayor/Fulton

Carried

13. Exclusion of the Public

Resolved PR/2017/056

That the Committee

Excludes the public from the following parts of the proceedings of this meeting.

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

Her Worship the Mayor/Dahlberg

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Re-contracting Regulatory Services from 1 July 2018 The report and attachments includes private contract price information that should not be available to the public as this may disadvantage affect future contract negotiations.	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into public excluded session at 11.55am and resumed in public session at 12.18pm.

14. Re-admittance of the Public

Resolved PR/2017/058

That the Committee

Re-admits the public to the meeting.

Her Worship the Mayor/Barker

Carried

The meeting was adjourned at 12.18pm for a workshop session. The meeting reconvened at 1.02pm.

15. Draft Environment Activity Management Plan 2018-28

Document number R8276, agenda pages 95 - 140 refer.

It was agreed to add a clause to the recommendation to Council regarding increased levels of service driven by the level of community expectation and statutory requirements.

Resolved PR/2017/059

That the Committee

Receives the report Draft Environment Activity Management Plan 2018-28 (R8276) and its attachment (A1787292).

Fulton/Her Worship the Mayor

Carried

Resolved PR/2017/059

That the Council

Approves the Draft Environment Activity Management Plan 2018-2028 (A1787292) as the version to inform the Long Term Plan (LTP) 2018-2028 noting the decisions regarding resourcing will be subject to the LTP process; and

Agrees in principle to an increased level of service, noting that it is to meet community expectations and demand, and statutory requirements.

Fulton/Her Worship the Mayor

Carried

There being no further business the meeting ended at 1.15pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

**Status Report - Planning and Regulatory Committee - 23
November 2017**

1. Purpose of Report

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

2. Recommendation

That the Planning and Regulatory Committee

***Receives the Status Report Planning and
Regulatory Committee 23 November 2017
(R8713) and its attachment (A1736802).***

Attachments

Attachment 1: A1736802 Status Report - Planning and Regulatory Committee
[↓](#)

Item 6: Status Report - Planning and Regulatory Committee - 23 November 2017: Attachment 1

Status Report - Planning and Regulatory Committee – 23 November 2017			
MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER COMMENTS
25 June 2015	Land Development Manual Review	<p>Resolved PR/2015/015</p> <p><u>THAT</u> the report Land Development Manual Review (R4261) and its attachments (A1365598) be received;</p> <p><u>AND THAT</u> the Committee nominate Councillors Ward and McGurk to be members of the Land Development Manual Steering Group;</p> <p><u>AND THAT</u> the attached draft Terms of Reference are adopted by the Planning and Regulatory Committee for finalisation at the first Steering Group meeting after which they will be confirmed by the Mayor and the Chair of Planning and Regulatory;</p> <p><u>AND THAT</u> those nominated Councillors provide regular reports back to the Planning and Regulatory Committee on progress with the Land Development Manual alignment and review;</p> <p><u>AND THAT</u> where possible both Tasman District Council and Nelson City Council use the same Hearing Commissioners to hear and make recommendations on submissions;</p> <p><u>AND THAT</u> a draft aligned Land Development Manual be brought back to the Planning and Regulatory Committee for consideration by December 2015.</p>	<p>The next Steering Group meeting will be held in mid-November where a final draft of the LDM will be presented. Due to the extended time frame of the Nelson Plan the LDM will separate from that review process with a view to public notification in mid-2018. A separate plan change to the NRMP will seek to incorporate the new Nelson Tasman Land Development Manual.</p> <p>Ongoing</p> <p>Lisa Gibellini</p>

Status Report - Planning and Regulatory Committee – 23 November 2017			
23 February 2017	Progressive Implementation Programme for Freshwater	<p>Resolved PR/2017/007</p> <p>That the Committee</p> <p><u>Approves</u> for public notification the revised progressive implementation programme (Attachment 2 (A1693614)) to give effect to the National Policy Statement for Freshwater Management 2014; and</p> <p><u>Approves</u> 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</p> <p><u>Approves</u> 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.</p> <p>Diana Worthy</p>	<p>The role of the freshwater working groups and their input into the development of the freshwater section of the draft Nelson Plan was discussed with Councillors at a freshwater workshop on 12 September.</p> <p>Complete</p>

Status Report - Planning and Regulatory Committee – 23 November 2017			
23 February 2017	National Policy Statement Urban Development Capacity	<p>Resolved PR/2017/009</p> <p>That the Committee</p> <p>Receives the report National Policy Statement Urban Development Capacity (R7054); and</p> <p>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</p> <p>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.</p> <p>Lisa Gibellini</p> <p>The Mayor is to engage with the new Minister on integrated planning noting the Minister of Housing and Urban Development is also the Minister of Transport.</p> <p>Ongoing</p>	
23 February 2017	Nelson Plan - Draft Regional Policy Statement	<p>Resolved PR/2017/011</p> <p>That the Committee</p> <p>Receives the report Nelson Plan - Draft Regional Policy Statement (R6958); and</p> <p>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.</p> <p>Matt Heale</p> <p>RPS adopted as Working Draft at 3 October Planning and Regulatory Committee</p> <p>Complete</p>	

Status Report - Planning and Regulatory Committee – 23 November 2017			
3 October 2017	<p>Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules</p>	<p>Resolved PR/2017/049 That the Committee Receives the report Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules (R7548) ; and its attachment (A1837990); and Approves amendments detailed in report R7548 to the following schedules of the Bylaw No 207, Parking and Vehicle control (2011): - Schedule 4: Special Parking Areas - Schedule 8: Time Limited Parking Areas - Schedule 9: No Stopping – except Putaitai Street, which will be brought back to a future Planning and Regulatory Committee meeting - Schedule 13: Stop Signs</p>	<p>Marg Parfitt</p> <p>Amendments have been included in the Bylaw. Complete.</p>

Strategy and Environment Report for 1 July - 30 September 2017

1. Purpose of Report

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

2. Summary

Activity	Level of service needed	Achievement
Building	Compliance with statutory timeframes.	Statutory time limits continue to be met for processing building consents. Target timeframes for inspections have met some challenges due to leave and sickness in the team coupled with high numbers of inspection requests from July to September. The alignment of the BCA to industry standards continues currently through the Goshift initiative and collaboration with Tasman District Council.
Consents and Compliance	Delivery of all statutory regulatory functions. Compliance with statutory timeframes.	98% compliance with resource consent timeframes.
Science and Environment	Delivery of all non-regulatory programmes. Compliance and reporting against relevant policy statements and standards.	Non-regulatory programme delivery is on track. The focus for the Jul-Sept quarter has been on planning, project initiation and getting delivery underway. Environmental monitoring programmes are on track, and are reported on Land

		and Water Aotearoa (LAWA). There were two exceedances of the National Environmental Standard for Air Quality in this quarter.
Planning	Resource management plans are current and meet all legislative requirements.	The Nelson Plan review is on track with 11 of the 11 Council workshops completed. Revised timeline for Nelson Plan and in principle Working Draft Regional Policy Statement approved at 3 October 2017 Committee meeting. Community consultation continues. Iwi Working Group and Freshwater Management Group meetings continue. Focus now on compiling Draft Nelson Plan for peer review and consent testing. Staff resourcing given vacancies is a key issue.
City Development	Coordinated growth with infrastructure. A well planned city that meets the community's current and future needs.	12 SHAs were gazetted on 17 August and 7 additional (plus two with amendments) were approved by Council on 21 September. The second iteration of residential capacity assessments for the Nelson Urban Area are underway.

3. Recommendation

That the Planning and Regulatory Committee

Receives the report Strategy and Environment Report for 1 July - 30 September 2017 (R8196) and its attachments (A1809078, A1849355); and

Accepts the Nelson Plan Overview of Workshop Recommendations and Direction in Attachment 2 to Report R7917 (A1849355).

4. Background

- 4.1 The report and attachments 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 continues to achieve timeframe requirements.
- 5.2 There has been a successful commencement of the transition in response to the changes from the enactment of the Building (Earthquake-Prone Buildings) Amendment Act 2016 on 1 July 2017.
- 5.3 The Goshift electronic building consents submission portal was opened up to all customers on 1 July and customers are now submitting building consent applications online.

Trends

- 5.4 Building consent applications have stabilised but whilst lower than last year's first quarter they are 10% higher on 2015/16 first quarter, indicating the general increase from prior years continues.
- 5.5 Granted building consents are marginally lower than first quarter 2016/17 but are still a 10% increase from 2014 to 2016 years. This will continue to impact the Inspections Team and the team will expect inspection numbers to stay high to service the level of work in progress.
- 5.6 The first quarter building inspections are up 15% on the last two years which is a lag indicator to the increased level of granted consents witnessed over the last 12 months and specifically the last two quarters of 2016/17.
- 5.7 Ultra Low Emission Burner (ULEB) wood burner consents have reduced slightly based on prior months and the last quarter and have not seen the peak experienced when these were released in September 2016.

Strategic direction and focus

- 5.8 Continued participation with the GoShift initiative to align practice with 21 other BCAs. This year's work will focus on procedures alignment across the 21 member councils to drive for more consistent industry practice.
- 5.9 Work continues to achieve greater collaboration with Tasman District Council with progress in procuring Digital Building Control Services for building consent processing and inspecting across both Councils.

- 5.10 The Building Control Authority Accreditation regulations were amended and enacted on 1 July 2017. The changes arising from this amendment are being implemented over the next six months though key priority items have already been put in place to align with the changes.

Risks

- 5.11 The BCA continues to manage its risks daily through processing, inspecting and issuing Code Compliance Certificates on building consents.
- 5.12 Recent extended leave and sickness have impacted the Building Consent Administration and Inspection Teams. The result has been a reduction in staff capacity to meet customer demand for inspections within 48 hours and the 72 hour target has not been possible in some cases.
- 5.13 Whilst the anticipated Housing Accord and Special Housing Areas Act (HASHA) increased level of building consent activity has not fully manifested over the last 6 months, there is still the likelihood of an increase in workload over the next 12 months as these are Gazetted.

6. Discussion – Consents and Compliance

Achievements

- 6.1 The first of a number of Urban Design Panel meetings has occurred for the newly approved Special Housing Areas.
- 6.2 The Rutherford Street Kindergarten obtained consent through a limited notified process to relocate to a new location but still in Rutherford Street. The Nelson Tasman Region Hospice also obtained consent for a new facility in Suffolk Road following a limited notification process.
- 6.3 A 220 lot subdivision was granted for Marsden Park with associated stream works and stormwater discharge consents.
- 6.4 Nelson Airport obtained consent for signage during the construction works associated with the new terminal.

Trends

- 6.5 Reliance on external consultants is still needed to cover vacant positions in the consents team but application numbers have been manageable for the first quarter. An increase in application numbers is expected prior to Christmas.

Strategic direction and focus

- 6.6 The Resource Legislation Amendment Act has resulted in three new processes. Information about these processes has been communicated to local professionals through the SHARE newsletter and a presentation on the 16th October. Information has also been added to our website.

Risks

- 6.7 The senior planner position is proving difficult to recruit for. Staff have been stretched to cover vacancies.

7. Discussion – Science and Environment

Achievements

- 7.1 Nelmac has been engaged to locate Taiwan Cherry trees and remove them with property owners' permission. 139 mature trees and 715 seedlings of this invasive pest plant have been controlled on 24 properties in the Dodsons Valley area since July this year.
- 7.2 Nelson Nature held a planting day with Forest and Bird at the Orphanage Stream delta and planted 600 plants to begin restoration of this valuable estuarine habitat. Council has a Memorandum of Understanding (MOU) with Forest and Bird to work together for the long term restoration of this area and planning is underway to plant another 2500 native trees and shrubs in autumn 2018. Planting days were also held to plant the stream margins of Orchard Stream with staff from Z Fuel, Poorman Valley Stream with the Nelson Christian Academy, and the confluence of the Brook Stream and Tantragee Tributary with the Friends of the Maitai and the public.
- 7.3 A photo competition was held by Nelson Nature to raise awareness of native birds and profile the national Great Kereru Count (22 Sept-1 Oct), NZ's biggest citizen science project. There was an enthusiastic response to the competition with 100 entries received and over 15,000 reach on facebook. As a result of the success, a larger scale photo competition is planned to coincide with next year's Kereru Count.
- 7.4 A five year draft strategic plan for the Nelson Nature programme has been developed, with input of technical advice from the department of Conservation (DOC) and the Nelson Biodiversity Forum. The plan identifies six key focus projects and identifies clear objectives and actions for each project. Four projects protect and enhance Nelson's key ecosystems from the mountains to the sea: Dun Mountain and inland hill country; waterways; coastal habitats; and Significant Natural Areas on private land. The remaining two projects aim to restore and connect fragmented ecosystems and increase birdlife in the region: biodiversity corridors and the Nelson Wildlife Halo. This will be reported to council at the next committee meeting.
- 7.5 Applications for heritage rates remissions were assessed and 154 heritage building owners will receive a total of \$68,000 in rates remission for maintenance of their buildings this financial year.
- 7.6 The Warmer Healthier Homes scheme is on track to have insulated approximately 200 Nelson homes in current stage three phase of the project.

- 7.7 During July and August Environmental Officers worked evenings and early mornings to identify fires which were smoking excessively. 88 smoky fires were identified and followed up. The main issues identified were people burning wet wood, operator error, and lack of maintenance.
- 7.8 The Orphanage @ Ngawhatu hydrometric site which measures water level / flow and rainfall, has been upgraded. It had old equipment that was due for renewal. This is part of ongoing work to upgrade and standardise equipment at sites across our hydrometric network.
- 7.9 A Project Maitai/Mahitahi community event called Team Up 2 Clean Up was organised as part of the Keep New Zealand Beautiful week programme. Approximately 60 people collectively removed a high-sided trailer and ute tray full of rubbish and recycling from Victory streets on 16 September. The event was organised by Victory Community Centre and Project Maitai/Mahitahi with support from New World and members of the public who donated food to feed the workers. The event rounded up with a karakia and tree planting ceremony.
- 7.10 The tender for construction of the Project Maitai/Mahitahi Groom Creek wetland was awarded to Nelmac who will be starting work early November this year. The first stage of site clearing and earthworks construction will be finished prior to Christmas 2017 in order to give Maitai Motor Camp a break over their busy period of January & February. Final stages of work will recommence early March with the area opening to the public late April 2018. This work is primarily to restore what was a natural wetland area to filter out nutrients and sediment from the Groom Creek catchment to stop it entering the Maitai River but will also enhance biodiversity in the Maitai Valley.
- 7.11 The Nelson EnviroSchools programme has run a pilot transport project in two schools to help support travel demand management levels of service. Hands up surveys have been completed to identify current modes of transport to school, and the programme is now supporting students and teachers to design actions to encourage active travel to school.
- 7.12 Nelson City Council and Tasman District Council sponsored the Youth Leadership Awards at the Cawthron SciTec Expo (science fair) for the fourth year in a row. The winning investigations clearly demonstrated student awareness of the need for environmental sustainability and action. The Science and Environment team also provided a judge for the Science Communication category. The event organisers appreciated Council support and science staff will be invited to judge again next year.
- 7.13 The annual Land and Water Aotearoa (LAWA) data refresh was completed and focused on air quality, water quality and ecology and recreation bathing datasets. Checks have also been made of water quantity live feeds, water takes and general site content. The Land module is new and at this stage relatively high level content for Nelson. More changes to the 'Can I Swim Here' module are afoot with work to

align this with the National Police Statement Freshwater Management (NPS-FM) reporting.

Strategic direction and focus

- 7.14 The Science and Environment team strategic direction for the next quarter includes continuing work on the development of a science strategy to guide the Environmental monitoring and research programme in the light of national level changes and new information; and continuing to build capacity within the team to respond to demand for increased levels of service, especially in the freshwater, land management, coastal/marine, climate change and waste minimisation domains.
- 7.15 The key focus for this quarter will be on project delivery of the 2017/18 non-regulatory and science work programmes. There will also be an increased focus on participation in regional council Special Interest Groups (SIGs) to ensure that Nelson City Council is represented at a national level across the full range of regional council functions.
- 7.16 This year there will be a focus on collaborating with the NZ Landcare Trust, iwi and the local community to restore the health of the Wakapuaka catchment through restoring riparian margins and engaging landowners and the surrounding community in caring for their river. A community meeting will be held in November to formally launch the project.
- 7.17 A large project to survey and control scattered wilding conifers, gorse and heath throughout 720 ha of the Dun Mountain mineral belt area will begin this summer. These three species are the key weed threats to the nationally recognised Dun Mountain mineral belt ecosystem because of their risk of shading out or replacing the rare and/or vulnerable native plant communities present. The survey will extend our understanding of the distribution and density of these species at this vulnerable site and how to manage them in the future.
- 7.18 A community predator control trapping workshop is planned for Sunday 3rd December in partnership with DOC, TDC, MDC, Tasman Environmental Trust, Brook Waimarama Sanctuary and Predator Free Trust. The workshop will bring together predator control trapping groups from the Top of the South to connect, enable and inspire both local wildlife recovery goals and the aspirations Predator Free 2050 vision.
- 7.19 A feasibility study to eradicate Taiwan Cherry from Nelson has been commissioned by Nelson Nature. The report recommends eradication is technically feasible, but will require the inclusion of this species in the Regional Pest Management Plan and the establishment of a multi-stakeholder working group to build consensus regarding eradication. The operational cost to eradicate the species is currently being estimated.
- 7.20 Following a review of the Tasman Nelson Regional Pest Management Strategy which expires in November 2017, a proposed joint Regional

Pest Management Plan (including Taiwan Cherry provisions) has been approved by both Nelson City Council and Tasman District Council to be notified for public submissions in late October, with submissions closing before Christmas.

Risks

- 7.21 Two exceedances of the National Environmental Standard for Air Quality (NES) limit of $50\mu\text{g}/\text{m}^3$ for PM_{10} were measured in this reporting period. One in Airshed A at the St Vincent Street monitoring site ($53\mu\text{g}/\text{m}^3$) on 15 July; and the other in Airshed B1 (Tahunanui) at the Blackwood Street monitoring site ($54\mu\text{g}/\text{m}^3$) on 12 September. Our annual target, and the requirement of the NES, is no more than three exceedances for Airshed A until 2020, and no more than one exceedance for Airshed B1 – unfortunately this is the second breach in the last 12 months for Airshed B1.

8. Discussion - Planning

Achievements

- 8.1 Four Nelson Plan workshops have been held with Councillors in the quarter covering the following topics:
- Heritage and Works and Services,
 - Fault rupture and Liquefaction,
 - Flooding and an update on other hazards, and
 - Freshwater, Forestry, Riparian and Coastal Margins, Earthworks and Vegetation removal.
- 8.2 Officers ran a workshop with developers and professionals in early August on option for planning requirements (residential, rural, industrial, inner city, air, noise, biodiversity and landscape provisions. This workshop was well received and further workshops are planned.
- 8.3 A number of public meetings have been undertaken to share the technical information gathered in relation to vehicle access issues at Delaware Bay. A working group of residents and boaties has now been set up to look at potential solutions. Discussions with local hapu are also on-going.

Natural hazards – modelling and technical work

- 8.4 As a result of Community feedback in April/June 2017 further technical work is underway on flood hazards.
- 8.5 Technical work is ongoing in relation to coastal erosion and slope instability.

- 8.6 A report has been completed by Dr Mike Johnston (Geologist) which defines the extent of the Tahunanui liquefaction hazard area, based on further desktop assessment and community feedback. The extent of the area has been reduced and this will form the 'liquefaction overlay' in the draft Nelson Plan. Staff will notify and discuss with affected landowners and finalise the LIM notation for properties that remain within the liquefaction area.

Freshwater

- 8.7 The National Policy Statement for Freshwater Management was amended in early September which introduces a number of requirements for the improvement to freshwater quality (including regional swimmability targets), economic well-being and monitoring. The Ministry for the Environment (MfE) is providing support to regional council staff to understand the implications and how the new requirements are to be implemented at the local level.
- 8.8 Officers are continuing to work with iwi and freshwater working groups in the development of the freshwater section of the Nelson Plan. Meetings were held in mid-July and mid-August to discuss the emerging freshwater planning framework. A sub-catchment summary report is also being prepared which pulls all the technical information together in one place and provides the rationale for the plan drafting framework. This information was presented to the Councillor workshop on 19 September.

Forestry

- 8.9 The National Environmental Standards for Plantation Forestry (NES-PF) was gazetted in early August with an implementation date of 1 May 2018. Council will need to make changes to the Operative Plan and work with key stakeholders to establish processes to implement the NES. Officers facilitated a workshop with forestry industry representatives on 29 August to discuss the NES-PF and implications for industry and Council alike. It is anticipated that The Ministry of Primary Industries (MPI) will be providing additional support on implementation of the NES-PF between now and May 2018.

Heritage engagement

- 8.10 The listing for Fountain Place heritage precinct is to be reviewed by an independent heritage consultant, which will either confirm that the listing should be removed or provide support for its continued listing.
- 8.11 After a number of discussions with owners of the former state houses of Wolfe Street, owners have decided against establishing a Wolfe Street heritage precinct.
- 8.12 Letters have been sent out updating the owners of heritage buildings and archaeological sites regarding feedback and next steps. A similar letter will be sent out regarding notable trees in the next week or so.

Strategic direction and focus

- 8.13 Nelson Plan Council workshops have now been completed. Attached at Attachment 2 (A1849355) is an overview of key changes that Officers have recommended on the topics workshopped to date and general direction provided at the workshops. Overview and direction for workshops 1-6 was accepted at the Planning and Regulatory meeting on 27 July. This paper seeks acceptance of overview and direction for workshops 7-11.
- 8.14 A revised timeline for the Nelson Plan was approved on 3 October 2017. The timeline indicates that a Draft Nelson Plan will be released for community feedback in August 2018 following peer review, statutory stakeholder, wider stakeholder and iwi feedback. The Nelson Plan will then be publically notified in May 2019 once feedback on the draft Plan has been considered by Council and a legal review has been undertaken. The immediate focus between October 2017 and February 2018 will be integrating the Nelson Plan provisions into a first draft for peer review and consent testing.
- 8.15 Further landowner engagement is planned in relation to Flood modelling work, Significant Natural Areas, Outstanding Landscapes, and Scheduled sites.

Risks

- 8.16 There are currently 3.5 vacancies in the Planning team. Recruitment to fill these roles is underway.
- 8.17 There is a significant shortfall in the Nelson Plan budget for 2017/2018 given the need for peer review of the Plan prior to release of the draft in August 2018. This is separately reported in this agenda.
- 8.18 The implementation date of 1 May 2018 for the NES-PF was unknown at the time the timeline was prepared and work to implement the requirements needs to be factored into the work programme.

9. Discussion –City Development

Achievements

- 9.1 Twelve Special Housing Areas (SHAs) have been gazetted by Cabinet in the last quarter. The developers of these are now working with the resource consents and infrastructure teams to prepare applications for consent, including obtaining the approval of the Urban Design Panel.
- 9.2 Summerset Retirement Village has entered into a Private Developers Agreement and Deed with Council which enabled the recommendation of the Saxton SHA to the Minister. This did not make it to Cabinet prior to the elections and is scheduled to go to one of the first Cabinet meetings following the formation of Government.

- 9.3 On 21 September Council approved a further seven new SHAs, and amendments to two existing SHAs. Officers are working with applicants on getting Deeds signed before these can be recommended to the Minister for Building and Construction.
- 9.4 Council workshop on growth projections for the Long Term Plan was held on 27 July where the link between growth projections, the National Policy Statement on Urban Development Capacity requirements and the investment in infrastructure required to support growth areas was discussed.
- 9.5 Feasibility analysis as required by the National Policy Statement – Urban Development Capacity (NPS UDC) has been undertaken on all existing large residential growth areas. The results showed that, according to the Ministry of Business, Innovation and Employment (MBIE) Feasibility Tool, all large residential greenfield areas are able to yield feasible residential development, often with a range of densities and development scenarios. Feedback from developers will be sought on the analysis over the next few months.
- 9.6 Work on the draft aligned Land Development Manual (LDM) continues with Tasman District Council. The Nelson Plan timeline adjustments have meant that the LDM will now proceed ahead of the Nelson Plan, requiring an administrative plan change to the NRMP. The next LDM Steering Group meeting is to be held on 20 November where a final draft will be discussed prior to seeking public feedback early next year.f

Strategic Direction and Focus

- 9.7 The City Development Team was recently established and recruitment is underway for a Strategy and Environment Analyst and a City Development Planner. Development of a program plan for the 3 Full Time Equivalent (FTE) team is also underway which will define the strategic direction and focus of the team.
- 9.8 Expressions of Interest for SHAs are accepted on a quarterly basis, the next round closes on 31 January 2018 and will be reported to Council on 20 March 2018. There continues to be strong interest from developers in pursuing SHAs.
- 9.9 The NPS UDC requires that Council undertake a Future development Strategy. Direction was provided at the Joint NCC and TDC Workshop on 20 June that both Councils wish to meet biannually and that the next topic for the workshop is Future Development Strategies. Officers are currently working with TDC on this workshop programme. Gary Webber (Mayor of Western Bay of Plenty) and Bill Wasley (Chair of the SmartGrowth Implementation Committee) will present on governance and implementation perspectives of growth strategies.

Risks

- 9.10 Progress on growth and infrastructure prioritisation and planning input into key Council work streams such as the Nelson Plan, Land Development Manual, Asset Management Plans, Infrastructure Strategy, Development Contributions Policy and Long Term Plan have been affected by the significant amount of resourcing required to work with developers seeking Special Housing Areas (SHAs) and to administer documentation required under Housing Accord and Special Housing Areas Act (HASHAA). Overall SHAs have provided benefit to Nelson and enhanced relationships with developers. The focus on outcomes rather than process has increased certainty and reduced risks which are key factors in enhancing housing supply. In addition, SHAs are resulting in infrastructure investment by developers, enabling servicing of areas in a more timely manner.
- 9.11 The establishment of the City Development Team will address this risk and the effectiveness of the team will be fully realised when recruitment has been completed.
- 9.12 The continued high demand for Special Housing Areas also has other flow on effects within the organisation, with the development proposals consuming resourcing in the Resource Consents and Roading and Utilities Teams.

10. Options

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

Martin Brown
Manager Building

Attachments

- Attachment 1: A1809078 Building and Consents and Compliance statistics 1 Jul - 30 Sep2017 [↓](#)
- Attachment 2: A1849355 Summary of Nelson Plan Workshop Recommendations [↓](#)

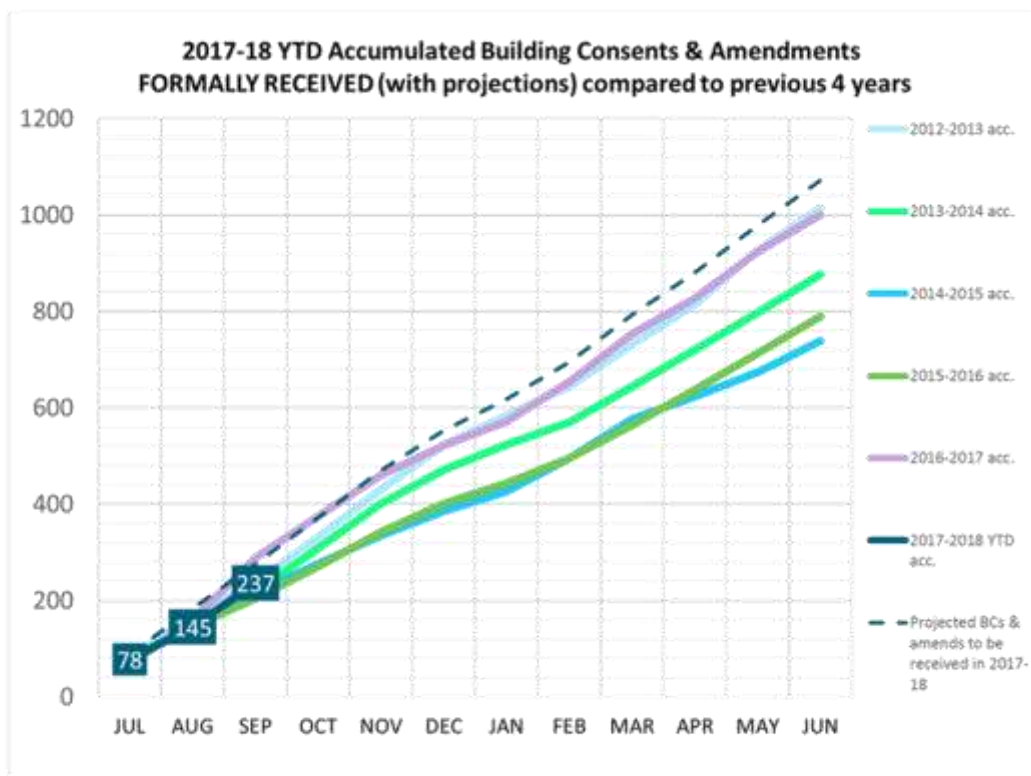
Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>Section 10 of LGA 2002 requires local government to perform regulatory functions in a way that is most cost-effective for households and businesses. This quarterly report identifies the performance levels of regulatory and non-regulatory functions.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>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.</p> <p>The Environment work programme addresses a number of community outcomes by protecting our environment and our heritage, sustainably managing our urban and rural environments, co-ordinating our growth and infrastructure planning, keeping our community safe through statutory compliance and making people aware of hazard risk, engaging with iwi and our community and establishing key partnerships, and taking a business friendly approach while promoting environmental management best practice.</p>
<p>3. Risk</p> <p>The high level of building and resource consent application numbers continues to put pressure on meeting statutory timeframes. Vacancies in these teams and in the Science and Environment Team have the potential to impact work programmes.</p>
<p>4. Financial impact</p> <p>No additional resources have been requested.</p>
<p>5. Degree of significance and level of engagement</p> <p>This matter is of low significance.</p>
<p>6. Inclusion of Māori in the decision making process</p> <p>No consultation with Māori has been undertaken.</p>
<p>7. Delegations</p> <p>The Planning and Regulatory Committee has the responsibility for performance monitoring of Council's Regulatory activities.</p>

Attachment 1

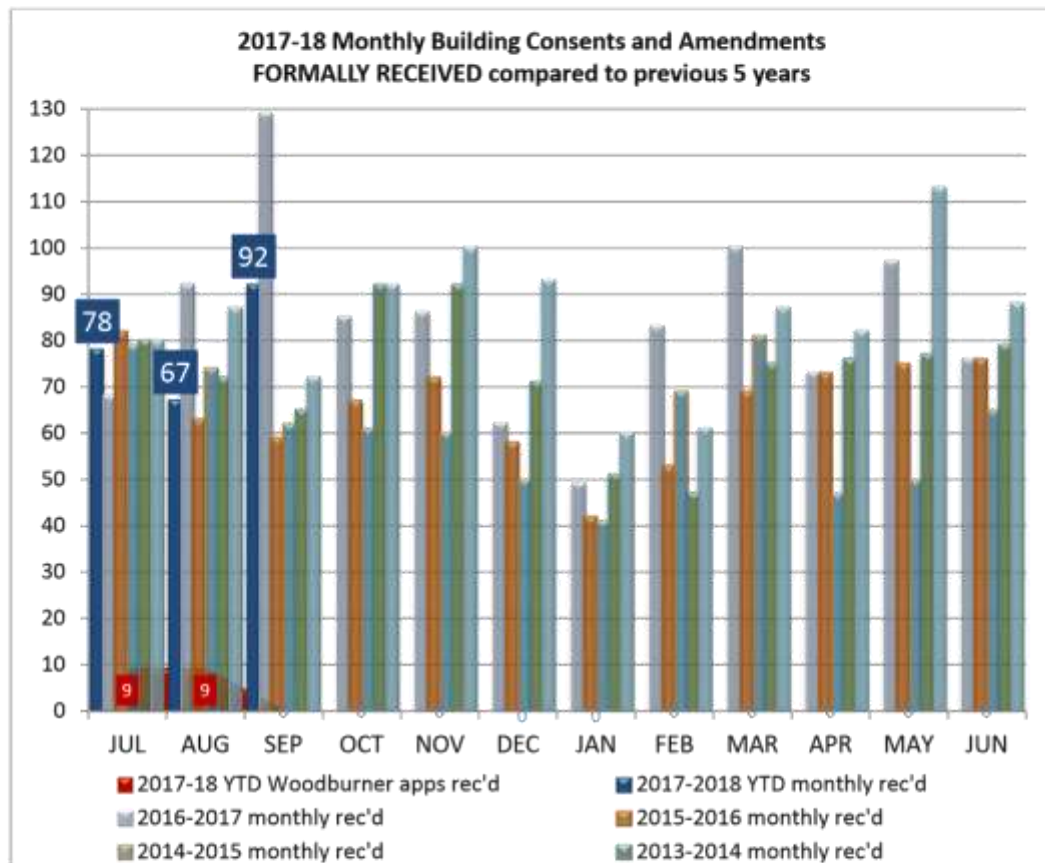
Building Unit Statistics 1 July – 30 September 2017

1. Consent Applications Received

There were a total of **237** building consents and amendment applications received in the first quarter this suggests the Building Unit is on track with another 1000+ consent applications.



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Attachment 1



2. Building Consent Applications Granted and Issued

New development: Building consents issued for the financial year totalled **60** new dwellings vs 59 new dwellings for the previous year's first quarter.

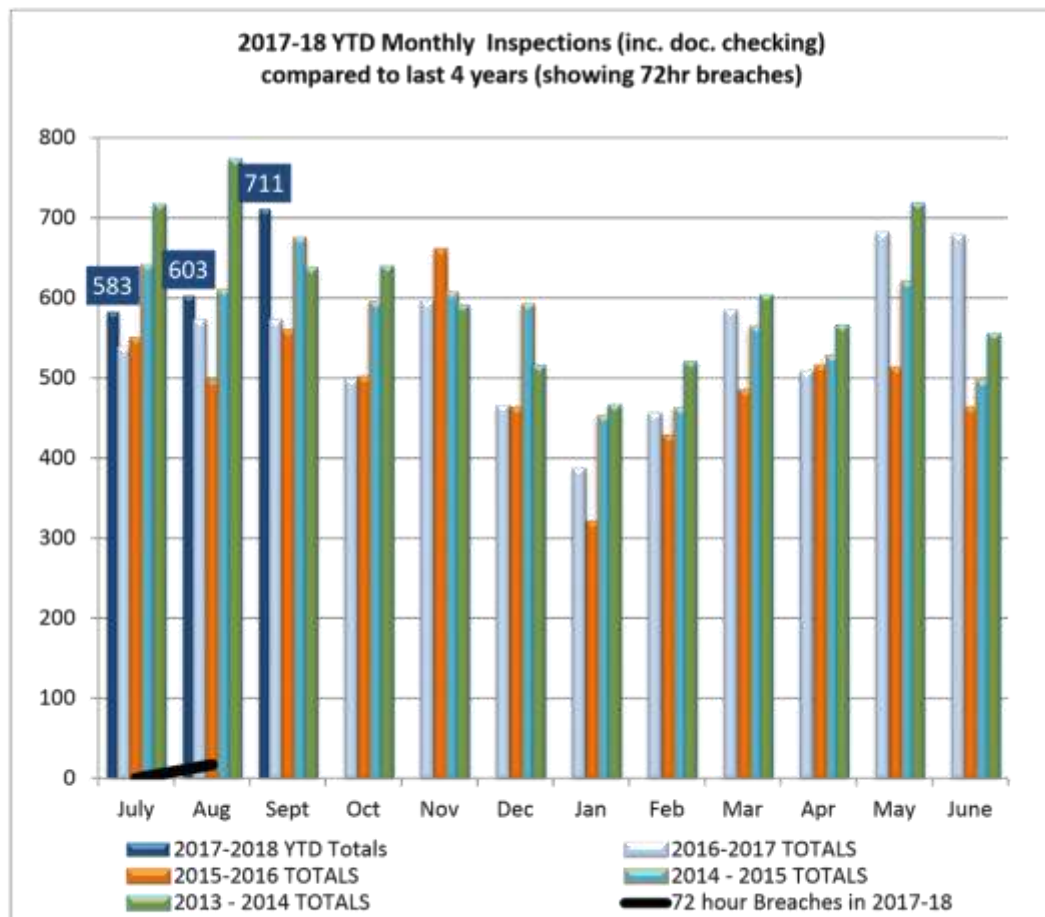
10 new commercial buildings were consented, the same number as for previous years first quarter, however the value of work was **\$11.5 million** as opposed to \$8.9 million.

Alterations and additions: the number of building consents issued for domestic alterations for previous year's first quarter 122, has reduced to **94** this quarter. Commercial alterations has reduced from 33 for the previous year's first quarter to **26** this quarter.

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3. Building Inspections

The total number of Building Inspections undertaken in the first quarter was **1897** compared to **1682** in the first quarter last year. This is also increased compared to **1867** Inspections in the last quarter. This fits with the general up trend following the increase in consents granted over the last 12 months.



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. This last quarter has seen an increase due to staffing issues with long leave and long term sickness which is currently being addressed.

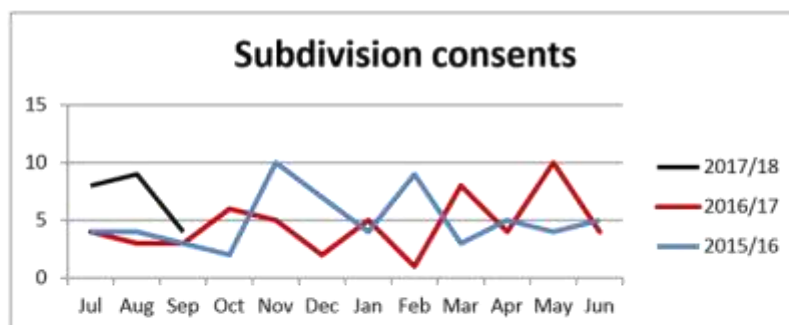
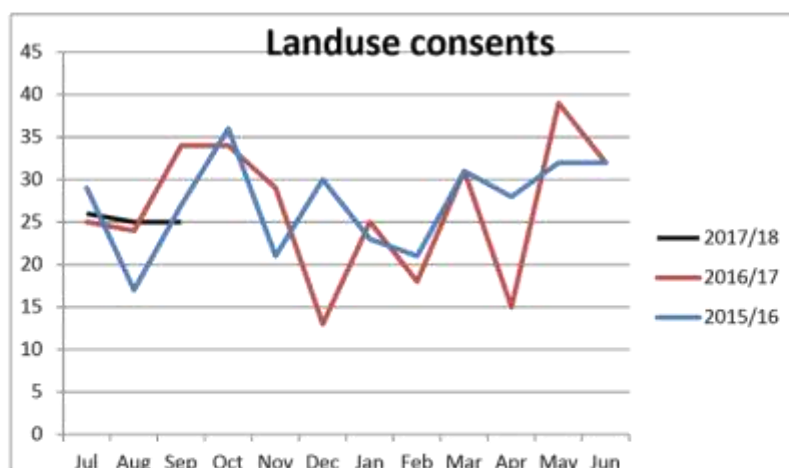
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Consents and Compliance Statistics 1 July – 30 September 2017

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
July	94	21	20	33	100	86	2
August	100	17	17	36	100	50	1
September	100	18	19	32			0
Average from 1 July 2017	98	19	19	34	100	68	1
Total from 1 July 2017				101			3
2016/17 average	98	16	14	38	82	101	1
2016/17 totals				458			11

5. Land use and subdivision consent numbers granted



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6. Parking Performance

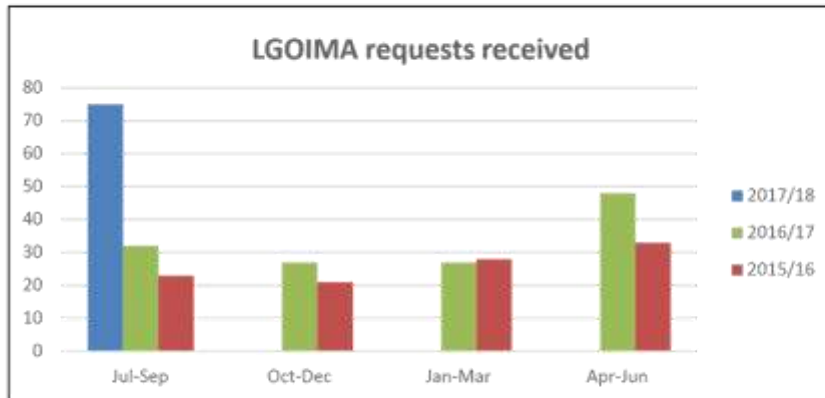
Activity	July	August	September
Enforcement			
Safety	79	77	76
Licence labels /WOF	254	237	243
Licence labels/WOF (Warnings)	283	171	96
Meters/Time restrictions	803	580	583
Total Infringement notices issued	1419	1065	988
Service Requests			
Abandoned Vehicles	27	33	29
Requests for Enforcement	62	65	66
Information /advice	12	30	20
Total service requests	101	128	115
Courts			
Notices lodged for collection of fine	260	201	206
Explanations Received	118	131	112
Explanations declined	43	43	20
Explanations accepted	75	88	92

7. Environmental Health and Dog Control Activities

Activity	Responses			Total 2017/18	Total 2016/17
	July	August	September		
Dog Control	152	168	163	483	1920
Resource consent monitoring	99	148	106	353	1901
Noise nuisance	54	55	57	166	812
Bylaw / Building / Planning	59	54	40	153	989
Alcohol applications	42	45	42	129	500
Alcohol Inspections	5	5	5	15	149
Pollution	22	26	32	80	242
Stock	7	26	3	36	108

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8. Official Information Act Requests



9. 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 appealed, High court determined decision stands, application made to Court of Appeal to be heard on 6 November 2017
Jason Riley	Dog Control Act 1996, section 57	Prosecution after dog attacked person on 25 June 2017	Defended hearing on 15 November 2017
Nathan Wells	Land Transport (Road User) Rule 2004	Defended Hearing for a Parking Infringement Notice issued on 11 August 2017	Defended hearing on 20 October 2017
Tasman Heights	Resource Management Act 1991, Section 15	Prosecution for repeated discharge of contaminant (sediment) into a waterway	First call on 18 October 2017

Workshop 1 – Biodiversity

Biodiversity:

Recommended Approach

- Mix of regulatory and non-regulatory responses
- Address Council's s6(c) responsibilities with owner support
- Complete remote sensing review of all sites
- Extend coverage of Overlay to up to 183 significant sites, and identify as 'recommended Significant Natural Areas'
- Focus Overlay rules of effects of concern: indigenous vegetation clearance, planting of exotics and Implications of subdivision
- Be as accommodating as possible of reasonable activities within Overlay
- Dispense with general controls on 'indigenous forest' clearance, given comprehensive coverage of Overlay
- Develop parameters for active rates remission policy
- Continue Nelson Nature support
- Engage with owners on draft provisions

Draft Direction

- Clarify parameters for and place of 'offsetting' within policy hierarchy
- Address 'edge' effects on significant natural areas
- Reflect role of reserves as biodiversity corridors, and not just riparian margins
- Address workability of rules relating to planting of vegetation, harvesting of firewood and formation of tracks, also definitions
- Ask professional ecologist to review draft provisions
- Develop further options for rates remission on protected sites
- Re-engage with owners on draft provisions ahead of their inclusion in a draft Nelson Plan

Workshop 2 – Natural Hazards Overview, Landscape and Coastal Natural Character, Noise, Designations.

Natural Hazards Overview

Ruth Evans (planner, Harrison Grierson) gave councillors an overview of Nelson's natural hazards – flooding, fault rupture, liquefaction, slope instability, coastal

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erosion and coastal inundation – and the work that is being undertaken to inform the hazards workshops which will be held with councillors in September. Damian Velluppillai (Tonkin and Taylor) presented flood modelling which has been completed for all of Nelson's major rivers and streams. Mike Johnston (Geologist) presented technical information in relation to fault rupture and liquefaction. Implications for LIM statements were discussed, with legal support provided by Julian Ironside (Barrister). Councillors were also briefed on the proposed community engagement on the new flood modelling, and fault and liquefaction hazards which will be undertaken during April and May, as previously reported to the Planning and Regulatory Committee on 27 February (refer to Report R7080).

Landscape & Coastal Natural Character:

Recommended Approach – Outstanding Values

- Nelson Nature can address pest and weed issues
- Map Outstanding Natural Landscapes and Features and Areas of Outstanding Coastal Natural Character as Overlays
- Apply specific, identical consent requirements to both Overlays (over and above underlying zone)
- Re-engage with owners on draft provisions

Recommended Approach – Other Values

- Describe and indicatively map other 'highly' and 'very highly' valued areas in appendices
- Redefine and map the Coastal Environment Overlay
- Apply policy considerations where consents are in any case required by the underlying zone, activities are located in the Coastal Environment Overlay, and in 'highly' or 'very highly' valued areas
- Take similar policy-led approach where Maitai / Mahitahi Valley is concerned

Recommended Approach – City Backdrop

- Redefine City Backdrop Overlay using robust methodology
- Remove City Backdrop Overlay from urban zones
- Describe values of each area subject to the City Backdrop Overlay in an appendix
- Focus on influencing location of structures at time of subdivision
- Discourage location on skylines
- Address visual impacts of earthworks
- Accept unrealised potential in undeveloped lots

Draft Direction (includes that provided at subsequent Workshop 4)

- Re-engage with owners on draft provisions relating to 'outstanding' values ahead of their inclusion in a draft Nelson Plan

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- Engage with the development community on the implications of changes to the City Backdrop Overlay ahead of the inclusion of relevant provisions in the draft Nelson Plan
- Use visual aids in engaging the public on landscape provisions in the draft Nelson Plan
- Establish likely proportion of applications subject to a requirement of landscape assessments (by virtue of their requiring consent under the underlying zone and their location in 'highly' or 'very highly' areas)
- Address likely visual impacts of enabling unrealised potential in City Backdrop

Designations:

David McMahon (Resource Management Group) outlined what designations were and what the effect of a designation is. Due to the nature of the designations process, Requiring Authorities (of which NCC is one) will take the lead, with the goal that any changes or new designations will be notified with the plan.

- There are 17 Requiring Authorities and a total of 60 designations to be rolled over;
- Some designations will need alterations and there are likely to be some additional designations to be notified.

Recommended Approach

- Requiring Authorities have been approached regarding the need to be more precise on all matters. This means that they have been asked to volunteer conditions on their designations, particularly regarding edge effects, like height recession planes and noise at residential boundaries;
- The layout of how designations are described in the plan will also be changed, to include more clarity about location, extent, purpose and conditions of the designation.
- Some requiring authorities wanted to wait and see what the rules of the underlying zoning is before they decide their final approach to their designations.
- As a result, many Requiring Authorities have not finalised the changed and/or new designations. Council will be updated later in the year as the list of designations is finalised.

Draft Direction

- Recommended approach endorsed

**Workshop 3 – Temporary Activities,
Contaminated Land, Hazardous Substances, Signs**

Temporary Activities

Recommended Approach

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- Permit events where standards are met in Inner City, Suburban Commercial, Industrial and Coast
- Standards limit events (1 event/2 months, with maximum of four over one year), noise limits (10dBA over daytime hours), and access, parking, and traffic limits.
- Discretionary Activity in Residential area

Draft Direction

- Review event limits to ensure they provide for key events across the city
- Review definition of site as events happen across multiple locations
- Policy direction should be framed around management rather than avoidance

Contaminated Land and Hazardous Substances

Recommended Approach

- Rely on NES or HSNO apart from where contaminants might enter sensitive receiving environments or national grid standards are met.

Draft Direction

- Recommended approach endorsed

Signage

Recommended Approach

- Retain current standards but streamline and centralise provisions
- Restricted discretionary Activity where standards not met
- Election signs controlled by Electoral Act 1993

Draft Direction

- General support for low signage policy
- Need for consistency with State Highway sign controls
- Review approach to digital signs
- Consider whether a limit on the number of signs should be imposed as part of the electoral act

Workshop 4 – Coastal

Recommended Approach

- Give effect to the NZ Coastal Policy Statement throughout the Plan
- Map Coastal Environment and apply policy considerations in landward Plan chapters
- Rationalise objectives, policies and rules
- Include assessment criteria in policies

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- Make wording more specific and certain, reflect changes in legislation and operational requirements
- Cluster rules under headings
- Consider whether to apply coastal occupation charges
- Consider how to manage mooring areas and continued demand
- Revise marine water quality standards to facilitate enhancement and not just maintenance
- Provide more direction with respect to discharges of treated and untreated sewage
- Consider whether to take a stricter approach to discharges of sewage from vessels than that set out in Marine Pollution Regulations 1998
- Include new schedule of marine biodiversity values with cross-referencing to threatened / at risk species – require consideration as part of environment effects assessments
- Provide for aquaculture, albeit with appropriate constraints in estuarine areas
- Include new rules relating to port occupation, temporary recreational events, boat ramps / haul out structure, shellfish seeding, pesticides and vessel hull scraping

Draft Direction

- General support for coastal occupation charging, at least for moorings, given private benefit
- Undertake more work on options and implications of coastal occupation charging, including a review of approaches elsewhere
- Consider applying Contract Recreation standards on an annual rather than seasonal basis
- Consider including broad areas increasingly popular with recreational users within the Contract Recreation water quality class (e.g. areas between Haulshore Is and the mainland)
- Clearly define 'untreated' and 'treated' wastewater in the Nelson Plan
- Make discharges of treated and untreated wastewater discretionary and non-complying activities respectively, and recast relevant policies to ensure expectations are clear (e.g. land-based treatment of treated wastewater, and progressive minimisation plans with respect to untreated overflows and spills from the wastewater network)
- Map degree to which sensitive areas such as the interiors of estuaries may not be covered by Marine Pollution Regulations, and that might therefore benefit from Nelson Plan coverage
- Consider workability of rules relating to hull scraping where water blasting, in-water removal techniques and biosecurity imperatives are concerned

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Workshop 5 – Nelson Tasman Land Development Manual (NTLDM), Infrastructure, Air, Open Space

NTLDM:

Recommended Approach

- Joint NCC/TDC document
- Some provisions move to Nelson Plan
- Further work needed on stormwater quality and quantity and minimum ground and floor levels to be finalised in September following freshwater and Hazards workshops

Draft Direction

- Need for alignment with Transport and Water Asset Management Plans to clarify individual mitigation measures and Council mitigation measures
- Investigate Low Impact Design options

Infrastructure:

Recommended Approach

- Infrastructure provisions amended to align with national standards (NPS Electricity Transmission, NPS Renewable Electricity Generation, NZ Coastal Policy Statement, NPS Urban Development Capacity, NES Electricity Transmission Activities, NES Telecommunication Facilities)
- Subdivision within transmission line areas require Restricted discretionary activity, buildings permitted if > 12m from centreline, non-complying activity for sensitive activities and hazardous facilities
- Most significant infrastructure is designated

Draft Direction

- Consider whether other infrastructure should be designated
- Consider requiring infrastructure to be undergrounded when street upgrades are being undertaken to improve amenity outcomes
- Important to co-ordinate infrastructure roll out with new growth areas and understand what is provided for in AMP's

Air:

Recommended Approach

- Generally retain existing provisions
- Further monitoring and modelling to determine additional capacity for a range of woodburner options and boundary changes
- Stack requirement changes

Draft Direction

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- Consider boundary changes to address anomalies in Airshed A and provide for urban expansion areas

Open Space:

Recommended Approach

- Reclassification of parks to align with National Standards and Asset Management Plan
- Permitted activities reflect the nature and scale of parks

Draft Direction

- Provide for festivals and events that occur now
- Ensure alignment with Asset Management Plan classification
- Include open space category for Civic spaces
- Consider Coastal Impacts

Workshop 6 – Extent of Zones and Zones

Extent of Zones:

Recommended Approach

- Sufficient capacity to meet future housing demand subject to infrastructure projects, commercial viability, and consideration of intensification and/or rezoning at Saxton, Atawhai, and Maitai.
- Sufficient capacity to meet future retail and office demand but need to consider Richmond West's capacity to meet industrial demand

Draft Direction

- Factor in hazards and infrastructure provision impacts, high growth rates, demographics and Top of the South positioning into capacity work.
- Review options for Maitai

Residential Zone:

Recommended Approach

- Streamline and simplify existing rules by reducing discretion
- Allow existing residential units to be split in two and make provision for minor units on larger sites
- Allow small home businesses where they can be contained in residential units
- Controlled activity for subdividing when already have land-use consent for density, apart from minor units.

Draft Direction

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- Consider scale of home businesses to ensure impacts on commercial activities and rating system are not significant

Inner City Zone:

Recommended Rules

- More effects based approach in the Inner City Centre zone including opportunity for additional building height
- Reduce bulk and location rules but replace with design led consent requirements

Draft Direction

- Support approach of restricted discretion for new buildings
- Describe outcomes for Central city to include:
 - Hospitality and entertainment including hotel accommodation
 - Professional and civic functions
 - Boutique shopping and retain anchor tenants
 - Connectivity – city to sea
 - 24 hour economy
 - Retain greenspaces and street trees
 - Enhance NMIT connection
 - Retain heritage values
 - Ground floor retail with upper floor residential
 - Consider 6-7 storeys with street step back on upper floors

Suburban Commercial Zone:

Recommended Rules

- No significant changes apart from simplifying and streamlining rules by reducing discretion for bulk and location controls and making policies clearer about outcomes sought.

Draft Direction

- Review zoning at Ngawhatu and Marsden Valley
- Consider Tahuna Structure Plan and Stoke Urban Design Plan
- Review need for light industry in Victory

Industrial Zone:

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Recommended Provisions

- Retain control over retail and non-industrial activities
- Focus activities provided for at the Port and Airport to those associated with those resources
- Streamline and simplify existing rules by reducing discretion

Draft Direction

- Provide for tourism/recreation activities
- Confirm centres first approach
- Consider Haven precinct work

Rural Zone:

Recommended Approach

- More directive policies to enable rural activities
- No changes proposed to bulk and location
- Existing subdivision density sufficient to meet demand but considering increasing density in Lower density small holdings areas and cluster development on larger general rural sites to avoid potential impacts on natural features

Draft Direction

- General agreement with recommended approach
- Review subdivision approach from Atawhai to Hira
- Focus development within existing urban area and strengthen urban rural policy to support this
- Consider second dwellings in the rural area
- Review permitted activities/zoning at the Glenn to promote land based aquaculture

Conservation Zone:

Recommended Approach:

- Retain existing provisions but align vegetation clearance controls with biodiversity provisions by allowing small scale clearance associated with tracks and huts, and other structures

Draft Direction:

- General agreement with recommended approach

Transport:

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Recommended Approach

- Require lower order (not State Highways, Arterials, or principal roads) road construction to obtain consent as a controlled activity
- Roads will continue to be zoned the same as adjoining zones
- Alter parking standards to align with current best practice
- Amendments to the proposed Road Hierarchy to add some indicative roads to accommodate future development

Draft Direction:

- General Agreement with recommended approach
- Review Restaurants/café parking standards
- Agreement with location of Indicative roads but need to review classification

Workshop 7 – Tangata whenua Iwi

Overview of Recommended Approach

- Integrate Policies and Objectives throughout the District and Regional Plan
- Amend definitions of Papakainga and introduce definitions for Maori Land and Large Property Plan
- Provide for Papakainga in the Residential and Rural zones
- Provide for Large Property Plans in the Rural zone
- Proposed Policy Changes

Draft Direction:

- Discuss Whakatu Corporation aspirations for Papakainga development

Workshop 8 - Works and Services and Heritage

Works and Services

Overview of Recommended Approach

- Use other tools, including development contributions and private development agreements, to fund growth related costs

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- Remove all reference to financial contributions in the Plan and cease charging financial contributions for infrastructure and reserves.
- Provide policy direction in the Plan to require works and services be undertaken for developments that have not been anticipated or covered by the Council.
- Make reference to works and services in relevant matters of control or discretion in activity-based rules throughout the Plan.

Draft Direction:

- Broad agreement with proposed approach subject to discussions with the development community and legal review.
- Reconsider the wording "unplanned" in policy WSP.1 and review the presumption that development will be undertaken in WS0.1.

Heritage Provisions

Overview of Recommended Approach

- Removal of Category "C" from the schedule of listed buildings
- Sustainable additions and EQ strengthening as permitted activities
- Waiving of heritage-only resource consent processing fees
- Minor adjustment to mapped locations of archaeological sites
- Addition of archaeological overlays for several mineral belt Locations
- Delineation between cultural heritage and archaeological sites considered regionally significant and those that are not.
- Consent to be required only for work affecting regionally significant sites. Archaeological authority still needed where physical evidence likely to exist.
- Highlight the need for plan users to comply with HNZPT Act
- Some additional permitted activities in overlays. Works requiring approval from archaeologist and/or iwi to become restricted discretionary.
- Local Tree Category to be removed from the list
- Clean-up after storm damage, clearing from power lines and

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houses and preventative pruning as a permitted activity

- Provide for removal of heritage or landscape trees if they are dead or pose health and safety risk
- Establish a fund to assist notable tree owners with maintenance of their trees

Draft Direction

- Clarify the heritage status of the 'workers cottages' in Collingwood Street
- Add the wording 'qualities' to Item CWP.1.5, a) after 'features'. An example was given of the Nelson Music School acoustic design.
- Consider the removal of the 11 buildings that do not want to be listed.
- Review approach to Fountain Place
- Review where sustainable additions should be viewed from
- Tree listings be referenced on the property report
- Review tree clearance controls to allow for a 2.0m clearance above houses
- Review current funding for notable trees maintenance on private property.

Workshop 9 - Fault Lines and Liquefaction

Fault lines

Recommended Rules

- Buildings and additions to buildings permitted where setback 10m from fault trace, or approved by previous geotechnical assessment.
- Subdivision is a restricted discretionary activity where building platform outside 10m setback, otherwise a non-complying activity

Draft Direction

- Review the purpose of the overlay to ensure that it is clear to plan users that the overlay is managing effects from the fault rupture rather than widespread earthquake impacts

Liquefaction

Recommended Rules

- Alterations to Tahunanui Liquefaction Overlay

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- Buildings permitted where approved by previous geotechnical assessment, or where additions are minor.
- Single residential units not meeting permitted standards are controlled activity
- Other new buildings are restricted discretionary activity.
- Subdivision with prior geotechnical assessment or minor boundary changes are permitted, otherwise restricted discretionary.

Draft Direction

- Review consents status for controlled and restricted discretionary activities given similarity in provisions.

Workshop 10 – Flooding Hazards

Recommended Rules

- Introduce general Flood Hazard Overlay (1% AEP, 1m SLR, 2100) and High Risk Flood Overlay (1% AEP, 1m SLR, 2100 and where depth > 30cm or fast flowing), with less development allowed in High Risk Flood Overlay.
- Flood Hazard Overlay – permit limited earthworks, buildings, and structures, otherwise restricted discretionary activity consent
- High Risk Flood Overlay - Buildings in existing urban areas require consent as restricted discretionary activity, new buildings in greenfield areas are non-complying activities.
- Subdivision in Flood hazard Overlay is restricted discretionary. Subdivision where planned development outside High Risk Flood Overlay restricted discretionary activity and non-complying activity where planned development located within the overlay.

Update on other hazards (coastal hazards and slope risk)

LIMs discussion

Draft Direction

- Consider additional permitted activities in High Risk Overlay where floor levels are above flood levels
- Summarise what projects are in Water AMP's to address flooding impacts so these can be considered
- Assess economic impact of flood provisions

Workshop 11 – Freshwater, Forestry, Riparian and Coastal Margins, Earthworks and Vegetation removal

Freshwater

Overview of Recommended Approach

- Amend provisions to meet Requirements of the NPS-Freshwater Management
- Policy choices to be made ('maintain' or 'improve' freshwater condition and time frame for achievement)
- Establish permitted activity water takes that do not result in over allocation
- Need for alignment between related provisions such as forestry, Riparian and Coastal margins, earthworks and vegetation removal, and development controls to ensure that NPS requirements can be met.
- A range of non-regulatory responses are required including addressing inflow and infiltration issues, improvements to the stormwater and wastewater network, voluntary measures for addressing water shortages, continuation of projects such as Nelson Nature and urban and rural stream enhancement, and improved farming and forestry sector guidance.

Draft Direction

- Agreement that non plan issues are critical and provision should be made in AMP's to address water quality issues
- Consider the impacts of climate change on water flows
- Need to integrate water with other topics and consider economic impacts of approach

Forestry

Overview of Recommended Approach

- Rely on National Environmental Standards for Plantation Forestry (NESPf) and consider being more stringent in areas such as SNA's and freshwater

Draft direction

- Make amendments to NRMP by 1 May 2018 in accordance with NESPf
- Consider more stringent controls for SNA's and Freshwater as part of Nelson Plan, where needed

Riparian and Coastal Margins

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Recommended Policy Approach

- Recognise multifaceted nature of margins and their benefits
- Protect margins from inappropriate subdivision, use, and development
- Degraded margins enhanced
- Maintain and enhance access

Recommended Rules

- Coastal Margins – activities permitted unless extension of network services or structures or maintenance of structures (controlled activity) or erection or extension of structures within 20m of mean high water springs (restricted discretionary).
- Riparian Margins – activities within riparian margin identified in Appendix or within 20m of waterbodies not identified are permitted unless extension of network utility service line or structure or maintain existing structures (controlled) or erection or extension of structures or disturbance of riverbanks (restricted discretionary).
- Subdivision – Controlled activity where identified esplanade reserves/strips provided or 20m for sites >4.0ha where no esplanade distance stipulated. Discretionary activity where controlled activity standards not met.

Draft Direction

- Work to define setbacks should be finalised Council be advised of changes ahead of public release of Draft Plan.

Earthworks and Vegetation Removal

Recommended Policy Approach

- Soil disturbance and earthworks protects peoples safety while managing effects and is controlled to achieve soil conservation
- Sediment generation is minimised
- Biodiversity values within riparian and coastal margins are maintained and enhanced while providing for appropriate subdivision, use, and development.

Recommended Rules

- Vegetation clearance is generally permitted where outside riparian coastal margins, for minor works, or it is for removal of weed species. Otherwise vegetation clearance is restricted discretionary.
- Soil disturbance ancillary to farming activities is permitted for land preparation and other farming activities where freshwater standards are met are erosion and sediment controls are in place, and cultivation takes place outside coastal and riparian setbacks. A restricted

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discretionary activity consent is required where permitted standards are not met.

- Earthworks are permitted where erosion and sediment control measures are in place, minor works for domestic activities, services and infrastructure, and volume and quality standards are met. Restricted discretionary activity consent is required where permitted standards are not met.

Draft Direction

- Broad acceptance but further engagement with rural sector was recommended.

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

1. Purpose of Report

- 1.1 To adopt alterations to the Parking and Vehicle Control Bylaw (2011), No. 207, resulting from minor safety and parking improvements, roading improvements carried out as part of the capital works programme and from the completion of new subdivisions.

2. Recommendation

That the Planning and Regulatory Committee

Receives the report Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules (R8600) and its attachment (A1848805); and

Approves amendments detailed in the report R8600 to the following schedules of the Bylaw No 207, parking and Vehicle Control (2011) :

- ***Schedule 4: Time limited parking***
- ***Schedule 9: No Stopping.***

3. Background

- 3.1 The Parking and Traffic Control Bylaw 2011 allows for the Committee, by resolution, to add or delete items to the Schedules. To ensure that the Bylaw is enforceable it is important to ensure that the Schedules are updated on a regular basis. The bylaw schedules require updating since the last update in October 2017.
- 3.2 Minor alterations and additions are proposed to Schedules 4 and 9 of the bylaw to allow for parking and safety improvements.

4. Discussion

4.1 Schedule 4: Time limited parking

4.1.1 Brook Street

Council officers have been asked to consider creation of a P10 time limited park on the outside 21 Brook Street, opposite the convenience dairy as shown in attachment 1.1. Time restricted parking is common outside other convenience stores and does already exist on the same side of the road as the dairy. It is reported that is difficult for customers heading up the valley to find suitable parking due to some long term use of the existing roadside parks and high occupancy by residents and visitors nearby without off street parking. Directly affected parties were written to and feedback sought. Two objections from residents living in nearby flats was received. A covering letter and petition with 77 signatures was also received from the Brook Street dairy supporting the proposal.

4.2 Schedule 9: No Stopping

4.2.1 Valley Heights

Residents and rubbish contractors report difficulty turning in this cul-de-sac due to some long term parking in the turning head. Installation of no stopping lines are requested as shown in attachment 1.2 and are consistent with other markings in small cul-de-sac streets. Adjoining property owners were consulted. One objection received. Council officers support the request.

4.2.2 Akersten Street

Health and Safety committees of Talley's and Plant & Food Research approached Port Nelson with concerns about vehicle movements in the area at the far end of Akersten Street. Council and Port Nelson have investigated the issues and Port Nelson has already taken some steps on port owned and operated roads to address them. Damage to kerbs show evidence that truck movements are severely limited by cars parked in the cul-de-sac. Council officers support the request to install no stopping in the turning head as shown in attachment 1.3. Nearby businesses have all been consulted and also support the request.

4.2.3 Haven Road

The Health and Safety Committee of Auckland Point Campus has raised safety concerns about the stretch of Haven Road outside the school. Since Council removed one vehicle lane outside the school to slow traffic and improve safety on approach to the pedestrian crossing some parents have started parking on the right hand side of the road. This behaviour is currently legal but not considered safe. It increases the risk of children moving out from between parked cars, children entering and exiting cars from the live lane side of the vehicle, and cars exiting and entering the

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

car parks on both sides of the one way lane which creates congestion and confusion.

The school, kindergarten and teen parent unit based at Auckland Point are addressing some internal car parking issues and are working with Council to encourage more active travel to school and more use of the "park and walk option" at the Trafalgar Centre carpark. Council officers recommend installation of no stopping on the right hand side of the lane as shown in attachment 1.4. Police have been consulted and support the proposal.

4.2.4 Wildman Avenue

Z Energy operates a bulk liquid storage facility located on 55 Wildman Avenue, Nelson. Aurecon New Zealand has been engaged by Z Energy for the design of the fire protection systems for the facility. As part of the new fire protection system, two points of connection for the local fire emergency services will be installed. These points of connection will allow fire services to draw water from the new system for emergency responses in the area or input water to bolster the capacity of the system during a site-specific emergency. Council has received a written request to install 12 metres of No Stopping on Wildman Ave as shown in Attachment 1.5 to ensure access to these connection points in an emergency situation. There are no other directly affected parties to be consulted with and officers support this request.

4.2.5 Washington Valley Road

A new private Right Of Way opposite Wolfe Street has created additional vehicle movement in the area and nearby residents have raised safety concerns. Washington Road is a collector road so intersection congestion control and clear visibility lines are important. Cars are parking in the location between the ROW and the fire hydrant narrow the intersection and officers support installation of no stopping as shown in attachment 1.6. Adjoining property owners were consulted and no objections received.

4.2.6 Atawhai Crescent

Construction of a replacement bridge and slight road realignment at Oldham Creek has necessitated additional No Stopping lines on the southern approach to the bridge as shown in attachment 1.7. These lines were installed as part of the construction project and require retrospective approval for enforcement purposes.

5. Options

- 5.1 There are limited alternative options for the items presented in this report under Schedule 9 as the majority are procedural updates to the bylaw required for safety and efficient traffic movement. The proposed change to Schedule 4 is required for convenience and has 2 options, to approve or decline.

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

Option 1: Adopt changes as attached for Schedules 4 and 9 without changes	
Advantages	Changes to schedules are designed to improve safety and efficiency.
Risks and disadvantages	Ignores public feedback to some or all proposed changes
Option 2: Do not adopt changes as attached for Schedule 4	
Advantages	Recognises feedback from directly affected residents.
Risks and Disadvantages	Does not recognise public support for convenience parking.
Option 3: Do not adopt changes as attached for Schedule 4 and 9	
Risks and Disadvantages	<ul style="list-style-type: none">• Failure to approve changes could result in unsafe and inefficient use of the roading network.• Failure to update schedules will open enforcement to challenge.

Margaret Parfitt
Manager Roding and Utilities

Attachments

Attachment 1: A1848805 Combined aerial plans of proposed changes [↓](#)

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 roading and parking 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. This report is directly aligned to the requirements of the Parking Policy, the Parking and Vehicle Control Bylaw and with Council's strategic direction through the Regional Land Transport Strategy.
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. Subdivision development requirements are dictated by the Land Development Manual. Other than sub-divisions nearby business or residents which could be affected have been consulted.
6. Inclusion of Māori in the decision making process	No consultation with Māori has been undertaken
7. Delegations	Amendments to schedules of the Parking and Vehicle Control Bylaw and the Parking Policy fall within the delegated authority of the Planning and Regulatory Committee

Attachment 1.1



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Attachment 1

Attachment 1.2



Item 9: Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules:
Attachment 1

Attachment 1.3



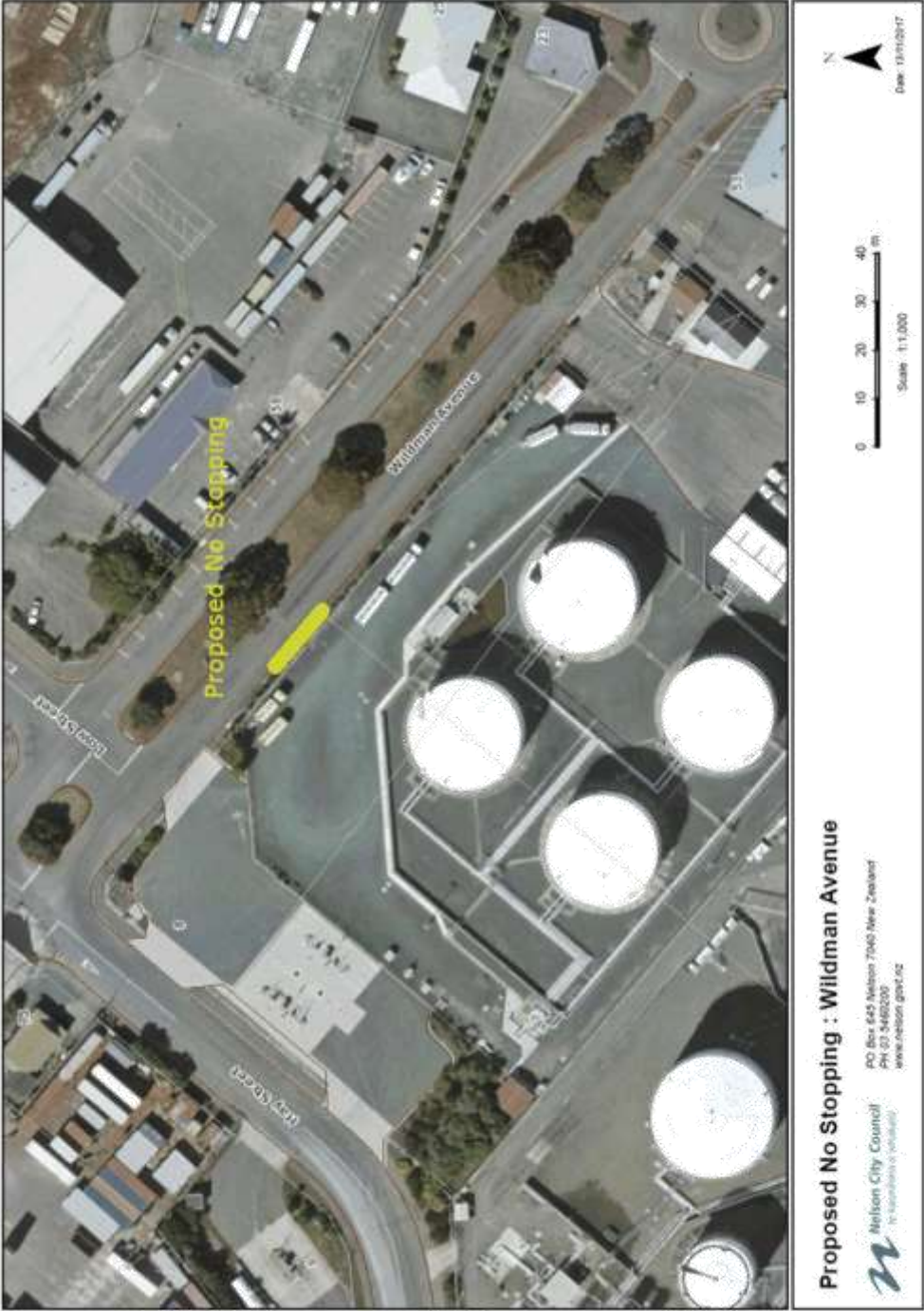
Item 9: Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules:
Attachment 1

Attachment 1.4



Item 9: Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules:
Attachment 1

Attachment 1.5

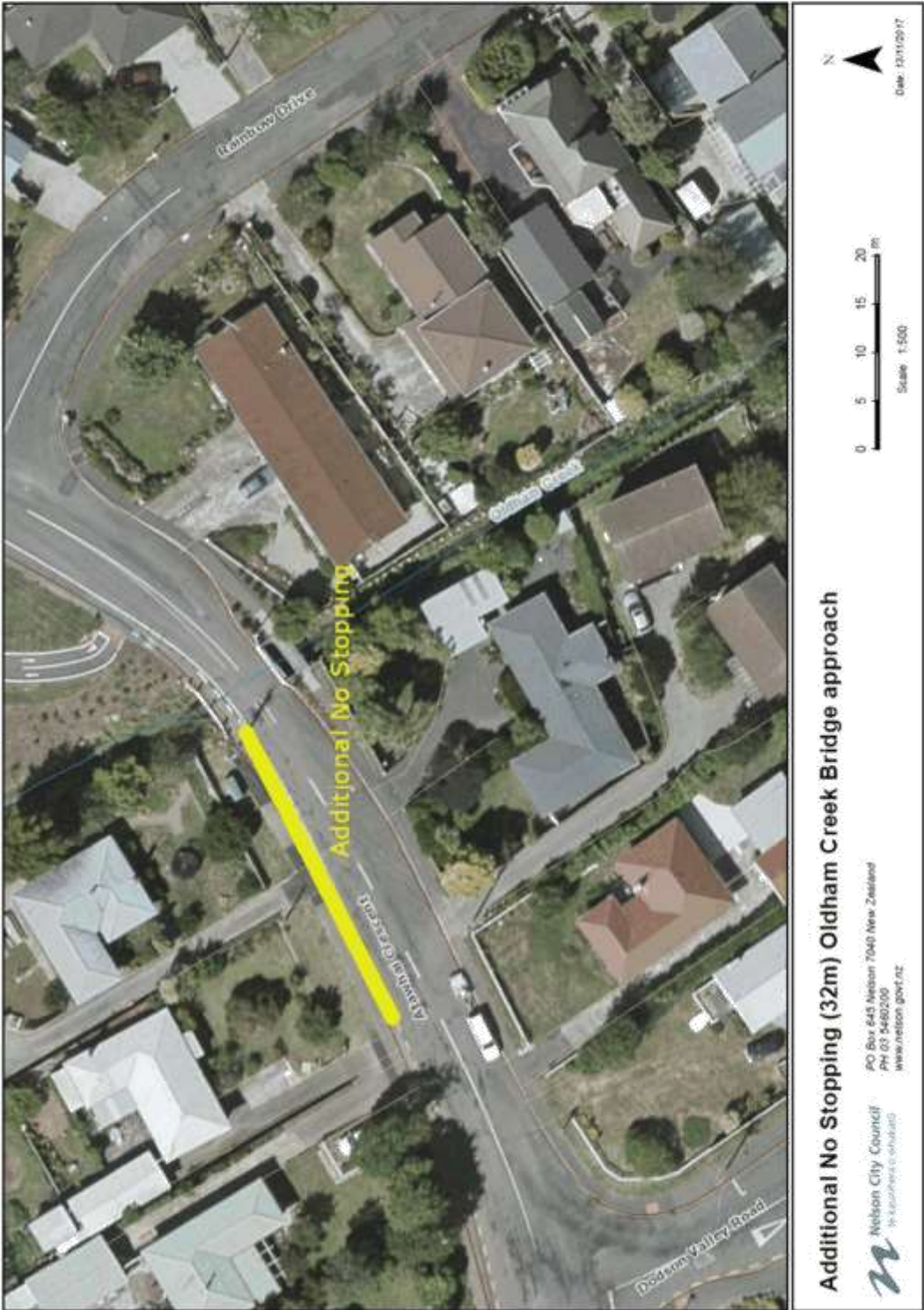


Item 9: Parking and Vehicle Bylaw (2011), No 207 Amendments to Schedules:
Attachment 1

Attachment 1.6



Attachment 1.7



Compliance Strategy

1. Purpose of Report

- 1.1 To adopt the Compliance Strategy 2017 as the overarching guide for staff and contractors in exercising enforcement obligations on behalf of the Council.

2. Summary

- 2.1 As a Unitary authority there are a broad range of Acts, Bylaws, Resource Management provisions and Policies seeking to ensure our community is healthy and safe and our environment is protected. There is a growing number of consented activities and growing cultural and community expectations that activities are monitored in a consistent and fiscally prudent manner.
- 2.2 While the legislative framework provides the ability for Council to enforce the rules and regulations, how Council chooses to enforce remains at its discretion. A strategic approach to monitoring and enforcement is considered best practice to ensure Council resources are focussed to achieve the best possible outcome for our community.

3. Recommendation

That the Planning and Regulatory Committee

Receives the report Compliance Strategy (R8673) and its attachment (A1855717)

Recommendation to Council

That the Council

Approves the Compliance Strategy 2017 to guide staff and contractors in the exercise of enforcement obligations on behalf of the Council.

4. Background

- 4.1 Many councils have developed enforcement policies that provide a strategic approach to select from the range of informal and formal enforcement tools available to encourage and achieve a high level of compliance. There has been a recognised inconsistency between councils however in the way they collectively approach compliance and enforcement. This lack of cohesion and inconsistency can limit the perceived effectiveness of the wider local government sector as a regulator.
- 4.2 The Regional Sector Compliance and Enforcement Special Interest Group (CESIG) with support from regional council executives developed a sector consistent compliance framework designed to give councils a comprehensive set of principles and guidelines to assist in their own development of monitoring and enforcement strategies. The draft Compliance Strategy in attachment one to this report is consistent with the Regional Sector Strategic Compliance Framework 2016-2018.

5. Discussion

- 5.1 Current enforcement practices and processes are consistent with the proposed Compliance Strategy principles but there is no overarching Council approved approach to the discretionary elements of enforcement. Adoption of a Compliance Strategy will set clear expectations and provide the basis for refinements to existing processes to be followed consistently by all officers.
- 5.2 It is important the Council encourages a high level of compliance with the legislative framework to ensure the outcomes expected by the various statutes and provisions are achieved. Should activities be identified as non-compliant the responsible party and the community should have a clear understanding of what to expect from enforcement action. A compliance strategy guides Council's monitoring and enforcement duties so these outcomes are achieved.
- 5.3 The body of the draft Compliance Strategy includes guidelines and principles that are applied to all types of enforcement – resource management, bylaw, dog control and parking etc. In the Appendix is an example of further detail that will be captured in Promapp processes for each activity type once the Strategy has been adopted.

6. Options

- 6.1 The preferred option is the Committee recommends the Council adopts the draft Compliance Strategy as it has been developed to be consistent with the Regional Sector Strategic Compliance Framework 2016-2018.
- 6.2 Alternatively the Committee could seek further information or changes to the draft Strategy.

Item 10: Compliance Strategy

Mandy Bishop

Manager Consents and Compliance

Attachments

Attachment 1: A1855717 draft Compliance Strategy 2017 [↓](#)

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. A Compliance Strategy helps to achieve this purpose by focussing Council monitoring and enforcement resources in a fiscally prudent manner.
2. Consistency with Community Outcomes and Council Policy	The Council's Long Term Plan includes performance measures for various activities. This Compliance Strategy guides the approach of officers in monitoring progress towards achieving these measures and in deciding to require actions be taken to achieve the performance measures.
3. Risk	The key risks are in the delivery of our enforcement responsibilities rather than deciding to adopt this Strategy. Enforcement delivery risks are reduced by having a Compliance Strategy that eliminates the perception of uneven or inconsistent practice in enforcement decision making. A clear strategy provides confidence for the community and users that processes and decisions are robust and transparent.
4. Financial impact	No additional resources have been requested. Staff time is required to update processes.
5. Degree of significance and level of engagement	This matter is of low significance because current practices are aligned with the Strategy. The Strategy once finalised will be publicly available through the Council website.
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 Council's Regulatory activities and has the power to recommend to the Council the development of policies or strategies relating to the areas of responsibility.

Nelson City Council

Draft Compliance Strategy

2017



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Item 10: Compliance Strategy: Attachment 1

Nelson City Council

Draft Compliance Strategy 2017

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1 PURPOSE OF THIS STRATEGY

The purpose of this compliance strategy is to:

- provide a strategic approach to monitoring and enforcement;
- encourage a high level of compliance;
- provide guidance to ensure monitoring and enforcement duties are consistently applied by Council staff or contractors;
- provide a process to monitor and review the effectiveness of the compliance strategy;
- be consistent with the Regional Sector Strategic Compliance Framework 2016-2018.

1.1 Legal Status

This strategy is not legally binding. It provides a Council endorsed approach to enforcement activities to be adopted or referenced in job descriptions or contracts for services to ensure principles of transparency, procedural fairness and natural justice are applied.

2 WHY DO WE NEED A COMPLIANCE STRATEGY?

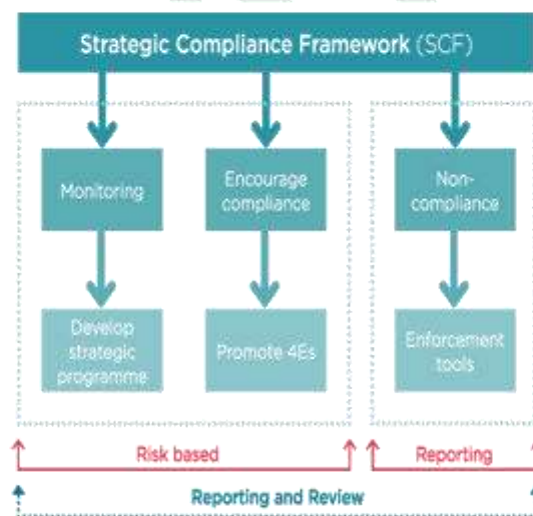
The challenges of increased population, intensification and diversity of industry and infrastructure puts pressure on our natural and physical resources and also on Council's resources to enforce the laws it administers. As a Unitary authority there are a broad range of Acts, Bylaws, Resource Management provisions and Policies seeking to ensure our community is healthy and safe and our environment is protected. There are a growing number of consented activities and growing cultural and community expectations that activities are monitored in a local government fiscally prudent manner.

This Compliance Strategy focuses Council resources to achieve the best possible outcome for our community. It manages the Council's compliance and enforcement responsibilities and duties by employing a risk-based approach and dealing with non-compliance using a 'toolbox' of enforcement tools proportionate to the degree of non-compliance.

There are three major components to the Compliance Strategy:

1. **Monitoring** – this includes developing strategic programmes;
2. **Encouraging Compliance** – using the proactive 4Es model (refer to page 7);
3. **Non-compliance** – using enforcement tools to deal with non-compliance.

Figure 1: Elements of a Compliance Strategy



Regional Sector Strategic Compliance Framework 2016-2018: Compliance and Enforcement Special Interest Group authors – Nick Zaman, Patrick Lynch, Marty Mortiaux, Susan Smith and Al Cross.

3 PRINCIPLES

While the legislative framework provides the ability for Council to enforce the rules and regulations, how Council chooses to enforce remains at its discretion. The following principles guide the development of strategic compliance programmes for Nelson City Council:

Transparency

We will provide clear information and explanation to the community about the standards and requirements for compliance. We will ensure that the community has access to information about performance measures as well as actions taken by us to address issues and non-compliance.

Consistency of process

Our actions will be consistent with the legislation and within our powers. Compliance and enforcement outcomes will be consistent and predictable for similar circumstances. We will ensure that our staff have the necessary skills and are appropriately trained, and that there are effective systems and policies in place to support them.

Fair, reasonable and proportional approach

We will apply regulatory interventions and actions appropriate for the situation. We will use our discretion justifiably and ensure our decisions are appropriate to the circumstances and that our interventions and actions will be proportionate to the risks posed to people and the environment and the seriousness of the non-compliance.

Evidence based, informed

We will use an evidence-based approach to our decision-making. Our decisions will be informed by a range of sources, including sound science, information received from other regulators, members of the community, industry and interest groups.

Collaborative

We will work with and, where possible, share information with other regulators and stakeholders to ensure the best compliance outcomes for our regions. We will engage with the community and consider public interest, those we regulate, and government to explain and promote requirements, and achieve better community and environmental outcomes.

Lawful, ethical and accountable

We will conduct ourselves lawfully and impartially and in accordance with these principles and relevant policies and guidance. We will document and take responsibility for our regulatory decisions and actions. We will measure and report on our regulatory performance.

Targeted

We will focus on the most important issues and problems to achieve the best community and environmental outcomes. We will target our regulatory intervention at poor performers and illegal activities that pose the greatest risk to the community or the environment. We will apply the right tool for the right problem at the right time.

Item 10: Compliance Strategy: Attachment 1

Nelson City Council

Draft Compliance Strategy 2017

Responsive and effective

We will consider all alleged non-compliance to determine the necessary interventions and action to minimise impacts on the environment and the community and maximise deterrence. We will respond in an effective and timely manner in accordance with legislative and organisational obligations.

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4 COMPLIANCE MONITORING PROGRAMME

A Compliance Monitoring Programme ensures the appropriate resources are allocated to activities by determining the monitoring frequency and intervention method, dependant on the risk of that activity on the community and the environment. Limited resources are targeted at the highest-priority risks. Reviews occur to ensure proactive monitoring of changing and emerging risks in a cost effective manner.

The programming will consider the following:

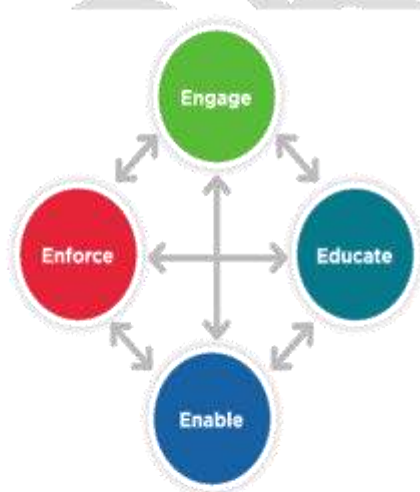
- Criteria to assess the likelihood and consequence of non-compliance – priority areas, tangata whenua and community expectations, the health and safety of people, sensitive environments, growth patterns, compliance history of industry type;
- Ranking sites dependant on risk or activity groupings (e.g. forestry, water takes, earthworks etc.);
- Determining the type or level of intervention according to a risk profile;
- Determining resourcing to match interventions;
- Determining monitoring frequencies; and
- Documenting procedures, charging regime, record keeping.

The compliance monitoring methods can be carried out in various ways and include site visits, desk top audit, community reports or notifications and pro-active campaigns.

4.1 Encouraging compliance

It is important the Council encourages the highest level of compliance through developing understanding and sustained behaviour change. The 4Es Model is a helpful way of displaying the components: Engage, Educate, Enable and Enforce. The components are not exclusive of each other but may be delivered by different teams within Council. A high level of co-ordination and communication is key to ensure the full effect is being achieved.

Figure 2: The 4Es



Engage – Consult with regulated parties, stakeholders and community on matters that may affect them. Maintain relationships and communication to facilitate greater understanding of challenges and constraints, engender support and identify opportunities to work with others.

Educate – alert regulated parties to what is required to be compliant and where the onus lies to be compliant. Also to inform community and stakeholders about what regulations are in place around them so they will better understand what is compliant and what is not.

Enable – Provide opportunities for regulated parties to be exposed to industry best practice and regulatory requirements.

Enforce – Use a range of enforcement tools to bring about positive behaviour change. Enforcement is proportional to individual circumstances of the breach and culpability of the party.

Regional Sector Strategic Compliance Framework 2016-2018: Compliance and Enforcement Special Interest Group authors – Nick Zaman, Patrick Lynch, Marty Mortiaux, Susan Smith and Al Cross.

4.2 Dealing with non-compliance




When non-compliant activities are identified there needs to be an explicit response that is proportionate to the overall circumstances of the offending. The response should be clear and be able to be understood by the culpable party as well as the community. Responses need to be consistently applied. Decisions on enforcement action must be based on reliable and correctly obtained information to determine whether a breach has occurred and the seriousness of that breach.

Enforcement options

Enforcement tools can be categorised into two main functions: directive (looking forward and righting the wrong) and punitive (looking back and holding people to account). The specific types of tools available depend on the various legislative provisions. Figures 3 and 4 below identify the tools available under the Resource Management Act. Other tools under other Acts or Bylaws are specified in Council process documents.

Figure 3: Directive actions

Directive actions

ACTION	DESCRIPTION OF ACTION	POTENTIAL IMPACTS ON THE LIABLE PARTY	WHEN MIGHT THIS ACTION BE APPROPRIATE?
 Letter of direction	To prevent further breaches, or to remedy or mitigate the effects of non-compliance, council can give a written direction for a party to take or cease a particular action.	Such a direction is not legally enforceable.	Letters of direction should be reserved for dealing with co-operative parties, who are motivated to follow the direction, and where the breach is of a minor nature, consistent with a breach that would perhaps also receive a formal warning.
 Abatement notice	An abatement notice is a formal, written directive. It is drafted and served by council instructing an individual or company to cease an activity, prohibit them from commencing an activity or requiring them to do something. The form, content and scope of an abatement notice are prescribed in statute.	A direction given through an abatement notice is legally enforceable. To breach an abatement notice is to commit an offence against the RMA and make liable parties open to punitive actions.	An abatement notice may be appropriate any time that there is a risk of further breaches of environmental regulation or remediation or mitigation is required as a result of non-compliance.
 Enforcement order	Like an abatement notice an enforcement order can direct a party to take particular action. However, an application for an enforcement order must be made to the Environment Court but can also be made during the course of a RMA prosecution.	A direction given through an enforcement order is legally enforceable. To breach an enforcement order is to commit an offence against the RMA and make liable parties open to punitive actions.	An application for an enforcement order may be appropriate any time there is a risk of further breaches of environmental regulation, or remediation or mitigation is required as a result of non-compliance.

Regional Sector Strategic Compliance Framework 2016-2018: Compliance and Enforcement Special Interest Group authors – Nick Zaman, Patrick Lynch, Marty Mortiaux, Susan Smith and Al Cross.

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Where a breach has been established Council may also decide to require immediate action be taken to stop and/or remediate the impacts of the activity. The Council may also decide to take punitive action.

Figure 4: Punitive actions

Punitive actions

ACTION	DESCRIPTION OF ACTION	POTENTIAL IMPACTS ON THE LIABLE PARTY	WHEN MIGHT THIS ACTION BE APPROPRIATE?
 Formal warning	A formal warning is documented by way of a letter to a culpable party informing them that an offence against the RMA has been committed, and that they are liable.	No further action will be taken in respect of that breach. However, the warning forms part of a history of non-compliance and will be considered if there are future incidents of non-compliance.	A formal warning may be given when: <ul style="list-style-type: none"> an administrative, minor or technical breach has occurred; and the environmental effect or potential effect, is minor or trivial in nature; and the subject does not have a history of non-compliance; and the matter is one which can be quickly and simply put right; and a written warning would be appropriate in the circumstances.
 Infringement notice	An infringement notice is a written notice which requires the payment of a fine. The amount of the fine is set in law. Depending on the breach the fine will be between \$300 and \$1000.	No further action will be taken in respect of that breach. However, the infringement notice forms part of the history of non-compliance and will be considered if there are future incidents of non-compliance.	An infringement notice may be issued when: <ul style="list-style-type: none"> there is prima facie (on the face of it) evidence of a legislative breach; and a one-off or isolated legislative breach has occurred which is of minor impact and which can be remedied easily; and where an infringement notice is considered to be a sufficient deterrent.
 Prosecution	A prosecution is a process taken through the criminal courts to establish guilt or innocence and, if appropriate, the court will impose sanctions. RMA matters are heard by a District Court Judge with an Environment Court warrant. All criminal evidential rules and standards must be met in a RMA prosecution.	A successful prosecution will generally result in a conviction, a penalty imposed and consideration to costs of the investigation. A prosecution forms part of the history of non-compliance and will be considered if there are future incidents of non-compliance.	A prosecution may be considered appropriate when the factors listed above indicate that the matter is sufficiently serious to warrant the intervention of the criminal law.

Regional Sector Strategic Compliance Framework 2016-2018: Compliance and Enforcement Special Interest Group authors – Nick Zaman, Patrick Lynch, Marty Mortiaux, Susan Smith and Al Cross.

Decision making factors

The courts have provided useful guidelines as to what factors are appropriate to consider in Resource Management Act cases to determine the seriousness of a breach:

- Actual adverse effects of the breach;
- Likely or potential adverse effects of the breach;

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- c) The value or sensitivity of the environment affected by the breach;
- d) Was the breach a result of deliberate, negligent or careless behaviour?
- e) Degree of care taken by the culpable party and how foreseeable was the incident;
- f) Efforts made by the culpable party to remedy or mitigate the effects of the breach;
- g) How effective was the remediation or mitigation;
- h) Any profit or gain by the culpable party from the breach;
- i) Is the incidence a repeat non-compliance or has previous enforcement action been taken against the culpable party for similar breaches; and
- j) Has the culpable party failed to act on prior instruction, advice or notice.

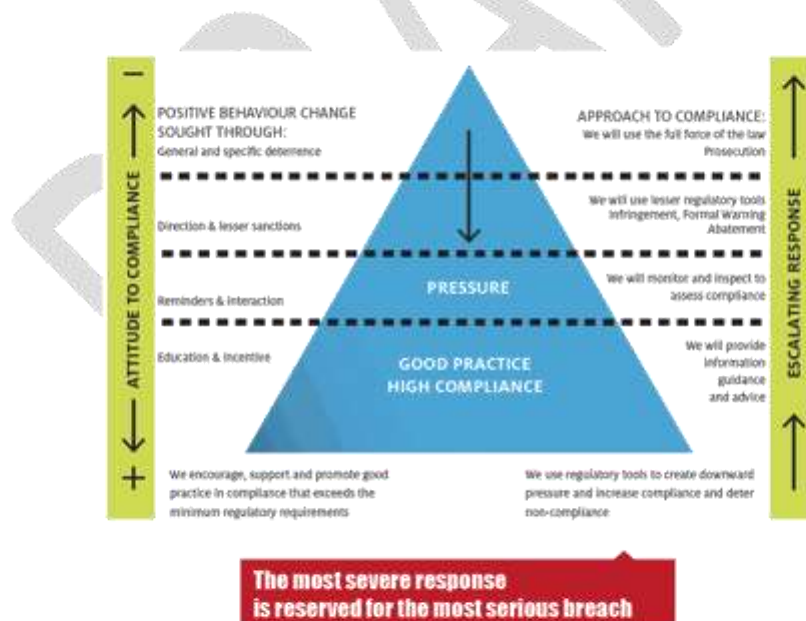
If prosecution is being considered then two additional factors should be considered:

- a) The degree of deterrence required for the culpable party; and
- b) The degree of general deterrence required for the wider industry or community.

Not every factor will be relevant and one single factor may be so overwhelmingly aggravating, or mitigating, that it may influence the ultimate decision. The individual circumstances need to be considered on each occasion to achieve a fair and reasonable outcome.

The Compliance Pyramid is a widely used model to select the most appropriate enforcement tool to achieve positive behavioural change by moving non-complying individuals and organisations down the pyramid to full compliance to where less costly interventions can be used:

Figure 5: The Compliance Pyramid



Waikato Regional Council Enforcement Policy. Adapted from Ayers & Briathwaite (1992), Responsive Regulation: Transcending the deregulation debate, Oxford University Press, New York

Decision making factors for other Acts or Bylaws will follow principles contained in the above and best practice based on case law findings.

4.3 Reporting and reviewing

Each monitoring, encouraging compliance and dealing with non-compliance component needs to be reported on and reviewed on a regular basis. This informs the Council, communities and industries on the level of compliance and what interventions have been used. It also confirms the Compliance Strategy is appropriately targeted and the community has a clear understanding of what to expect from enforcement action.

Analysis of monitoring and enforcement data will also assist in:

- Identifying trends in non-compliance;
- Using limited resources more effectively;
- Targeting high risk areas;
- Establish the frequency of compliance visits;
- Refining the compliance programme and strategy;
- Inform bylaw, policy and plan provision development;
- Respond to media enquiries; and
- Complete central government compliance reporting requirements.

5 APPENDIX – SUPPORTING INFORMATION

5.1 Enforcement duties and responsibilities

The statutes the Council has enforcement responsibilities and duties include:

- Resource Management Act 1991
- Local Government Act 2002
- Local Government Act 1974
- Building Act 2004
- Food Act 2014
- Sale and Supply of Alcohol Act 2012
- Dog Control Act 1996
- Impounding Act 1955
- Health Act 1956
- Land Transport Act 1998
- Biosecurity Act 1993
- Maritime Transport Act 1994
- Hazardous Substances & New Organisms Act 1996
- Litter Act 1979
- Freedom Camping Act 2011
- Reserves Act 1977
- Council Bylaws including: Navigation Safety; Urban Environments; Parking and Vehicle Control, Reserves, City Amenity and Freedom Camping.

5.2 Risk assessment matrix

		Consequence of Environmental/Human Effect caused by non-compliance				
		Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Severe (5)
Likelihood of non-compliance (%)	40+ (5)	Minor	Moderate	Moderate	High	High
	30-40 (4)	Minor	Minor	Moderate	Moderate	High
	20-30 (3)	Low	Minor	Minor	Moderate	Moderate
	10-20 (2)	Low	Minor	Minor	Minor	Moderate
	0-10 (1)	Low	Low	Low	Minor	Minor

The resultant risk score is then used to help set the compliance monitoring frequency (national requirements and consent conditions may require a specific frequency):

Risk Score	Monitoring Frequency Ranges
15+	Less than 1 yearly
9-12	1 to 3 years
4-8	3 to 5 years
1-3	Greater than 5 yearly

Regional Sector Strategic Compliance Framework 2016-2018: Compliance and Enforcement Special Interest Group authors – Nick Zaman, Patrick Lynch, Marty Mortiaux, Susan Smith and Al Cross.

5.3 Solicitor-General's prosecution guidelines

The Council's prosecutions are conducted by external lawyers and the Solicitor-General's prosecution guidelines provide the basis for considering whether a prosecution should be initiated or continued.

Under the *Solicitor-General's Prosecution Guidelines* there are two tests to consider the value of taking a prosecution – an evidential test (is there enough factual evidence) and the public interest test (is this in the best interest of the public to proceed). In addition a prosecution is more likely if:

- a) A conviction is likely to result in a significant sentence;
- b) The offence caused significant harm or created a risk of significant harm;
- c) The offence was committed against a person serving the public for example, a police officer or Council officer;
- d) The individual was in a position of authority or trust;
- e) The evidence shows that the individual was a ringleader or an organiser of the offence;
- f) There is evidence that the offence was premeditated;
- g) There is evidence that the offence was carried out by a group;
- h) The victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance;
- i) The offence was committed in the presence of, or in close proximity to, a child;
- j) There is an element of corruption;
- k) The individual's previous convictions or cautions are relevant to the present offence;
- l) There are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct;
- m) The offence, although not serious in itself, is widespread in the area where it was committed;
- n) A prosecution would have a significant positive impact on maintaining community confidence;
- o) The individual is alleged to have committed the offence while subject to an order of the court; and
- p) A confiscation or some other order is required and a conviction is a pre-requisite.

5.4 Examples of existing compliance monitoring programmes

Resource consents

All regional consents are monitored for compliance with resource consent conditions. Land use consents are monitored where there is a reliance on a condition being complied with that

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does not form part of another approval process (such as a building consent) or there is a safety or amenity outcome reliant on condition(s) being complied with.

Non-compliance matters requiring enforcement action are investigated then an enforcement recommendation report is prepared for signing by the appropriate manager.

Permitted standards

Approximately 400 hours of officer time is spent checking compliance with permitted standards on a risk and priority basis determined by the Manager Consents and Compliance and Group Manager Strategy and Environment. For the last two years the priority has been checking industrial sites for hazardous substance storage and stormwater management and compliance with standards for wood burners in residential properties. Later this financial year there will be a focus on forestry activity compliance.

Bylaws

Largely respond to complaints although the Freedom Camping Bylaw will require routine patrols and checks of the restricted areas.

Food and alcohol premises

Routine checks are conducted apart from the relicensing process.

5.5 Existing enforcement approach

All officers involved in the investigation, preparation or conduct of any enforcement action will act fairly, promptly, without any actual or perceived conflict of interest and in accordance with the law. Any enforcement decision will be free from undue or improper pressure from any source, political or otherwise. The decision to prosecute is made by the Group Manager Strategy and Environment after obtaining legal advice.

The first step is usually to educate. Escalate to appropriate enforcement action where there is a deliberate activity or where the impact of the activity has an environmental, health or safety consequence.

Property seizure

The steps to seize property are identified in the Local Government Act s164-168:

1. Make every effort to find the owner and make them aware of their responsibilities – provide a written warning to resolve the issue within a reasonable timeframe and what the Council will do after that date if there's been no action;
2. If the owner cannot be found put a couple of public notices in the paper identifying the issue and what needs to happen by a date and contact details (also consider using community/club noticeboards and document what was done);
3. After the deadline if no contact was made and the issue remains take the required action taking photos demonstrating due care;
4. Keep the item for a further period of time (6 months) to enable the owner to make contact, if no contact made proceed to dispose of the property.

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Lease non-compliance

Leases of public spaces include the outdoor dining areas in the CBD and marina berths. Any non-compliance or disputes are currently pursued by the Council team managing the lease. Legal advice is sought prior to undertaking actions in accordance with the terms of the lease.

There is opportunity to review the role of regulatory enforcement officers in monitoring compliance with some of Council's lease agreements provided there is a clear separation of any commercial and regulatory actions to ensure the appropriate delegations are used.

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National Policy Statement Urban Development Capacity - Quarterly Report

1. Purpose of Report

- 1.1 To ensure decision-makers are well-informed about urban development activity in both Nelson and Tasman, as required by the National Policy Statement on Urban Development Capacity (NPS-UDC).

2. Summary

- 2.1 The NPS-UDC requires Council to monitor property market indicators on a quarterly basis, including prices, rents, resource and building consents, and housing affordability. The attached report for the June 2017 quarter is the second of these reports.
- 2.2 The monitoring report shows that there is an undersupply of residential housing across the Nelson Urban Area (Nelson and Richmond), that house process and rents continue to increase, and affordability is still relatively poor. Residential building consents in Nelson have started to increase, but not enough to satisfy projected demand.
- 2.3 Further investigation is required of the other factors affecting the supply of affordable homes. These barriers include land banking, lending rules, construction industry capacity constraints, the markets limited provision of smaller houses, and rising building costs.
- 2.4 Commercial and industrial building activity in the Nelson Urban Area has been relatively stable since 2010.

3. Recommendation

That the Planning and Regulatory Committee

***Receives the report National Policy Statement
Urban Development Capacity - Quarterly Report
June 2017 (R8477) and its attachment
A1852986; and***

***Agrees to the report being circulated to the
Ministry of Business, Innovation and
Employment and placed on Council's website.***

4. Background

- 4.1 The National Policy Statement on Urban Development Capacity (NPS-UDC) came into effect in December 2016. The NPS-UDC includes a policy (PB6) that requires local authorities to monitor a range of indicators on a quarterly basis including:
- Prices and rents for housing, residential land and business land by location and type; and changes in these prices over time;
 - The number of resource consents and building consents granted for urban development relative to the growth in population; and
 - Indicators of housing affordability.
- 4.2 This policy is to ensure that local authorities are well-informed about demand for housing and business development and applies to local authorities that have a medium or high growth urban area within their district or region. Nelson City has the Nelson Urban Area within its boundaries, and the Nelson Urban Area has been defined by the NPS-UDC as medium growth.
- 4.3 Local authorities are encouraged to publish the results of their monitoring.
- 4.4 The Ministry for the Environment has provided guidance on the monitoring requirements and, together with the Ministry of Business, innovation and Employment (MBIE), have provided an online dashboard of data on local housing markets. The online dashboard was publicly released on the MBIE website on 7 July 2017.
- 4.5 Further information has been provided from Nelson City Council resource and building consent data.
- 4.6 The report includes data for both Nelson and Tasman local authorities, recognising the connected, cross-boundary property market both Councils share. The NPS-UDC also strongly encourages both Councils to work together to implement the policies.

5. Discussion

Housing Market

- 5.1 Since mid-2014, consents for new dwellings have declined while estimated household numbers have increased, indicating an apparent under-supply of housing in Nelson. Although new dwellings have exceeded growth in Tasman households, an overall under-supply in the combined Nelson-Tasman market could be contributing to an increase in house prices in both areas. This trend has continued over the last quarter, although on an annual basis building consents for new dwellings in Nelson have increased.

- 5.2 Across the combined Nelson City - Tasman District area, prices increased 13% during the year ended June 2017, compared with a 12% increase in the year ended June 2016, and a 1% decrease in prices in the year ended June 2015. Nelson and Tasman experienced similar trends in house prices.
- 5.3 The shortage of new housing is despite Nelson having an estimated eight years' worth of dwelling capacity on land which is zoned, serviced or planned to be serviced, and feasible for residential development. Other factors that can influence house and section prices include:
- land development and construction costs (especially on hillsides)
 - size and quality of new dwellings
 - timing of release by developers
 - ability for developers to obtain financing
 - land banking
 - increasing demand for visitor/non-resident accommodation.
- 5.4 The MBIE HAM Buy measure for Nelson and Tasman Districts suggests that housing affordability was at its worse in 2007/2008, with around 88% of first home buyer households below the 2013 national benchmark of affordability. Since then, the measure has been at least 80% for both areas. The measure indicates that at March 2016, 81% of first-home buyer households in Nelson, and 83% for Tasman, could not comfortably afford a typical 'first-home' priced house.
- 5.5 The MBIE HAM Rent measure for Nelson City and Tasman District suggests that rental affordability worsened between 2004 and 2014 but has improved in both regions since then. The measure indicates that at March 2016, 67% of rental households in Nelson, and 66% for Tasman, cannot comfortably afford typical rents.

Commercial and Industrial Property Market

- 5.6 There is limited information at this stage on prices and rents for business land.
- 5.7 Commercial and industrial building activity in the Nelson Urban Area has been relatively stable since 2010 but has increased recently in Nelson due to consents for two new large buildings.

6. Options

- 6.1 Quarterly monitoring of property market indicators is a mandatory requirement under the NPS-UDC. Council may like to give feedback on the data and level of detail that this report has included, and whether additional information could be included.

- 6.2 Council's website will be updated to include the quarterly monitoring report.

Lisa Gibellini

Team Leader City Development

Attachments

Attachment 1: A1852986 NPS UDC Monitoring Report Nelson Urban Area June 2017 Quarter [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	Monitoring property market indicators informs Long Term Plan decision-making on infrastructure projects to ensure sufficient development capacity is provided to meet future demand for housing and business land.
2. Consistency with Community Outcomes and Council Policy	<p>Monitoring joint indicators with Tasman demonstrates an understanding we need to collaborate to provide the best and most efficient service to our communities.</p> <p>Being well-informed on property market indicators and urban growth helps achieve the community outcome of an urban environment that is well planned, including thinking and planning regionally and ensuring affordable housing. Monitoring the market for business land helps achieve the community outcome of a region which is supported by an innovative and sustainable economy.</p>
3. Risk	<p>The information contained in the report should inform Council about property market trends. There is some risk in using an experimental data series for housing affordability but other data sources, such as the Massey University affordability measure, also indicate the region is experiencing housing affordability pressures.</p> <p>There is a risk that the business property market isn't well understood at this stage and more work is planned to monitor prices for different types of business land.</p>
4. Financial impact	MBIE data is provided at no cost. The purchase of other data is of minimal cost and is included in existing budgets.
5. Degree of significance and level of engagement	This matter is of low significance because the recommendation is to receive the report and no other decisions are required.
6. Inclusion of Māori in the decision making process	Māori have not been specifically included in the preparation of this report.
7. Delegations	The Planning and Regulatory Committee has the responsibility for considering the District and Regional Plan, which must give effect to the National Policy Statement on Urban Development Capacity.



**National Policy Statement on Urban Development Capacity
Nelson-Tasman Monitoring Report April-June 2017**



November 2017

Summary

The National Policy Statement on Urban Development Capacity requires local authorities within a Medium or High Growth Area to ensure they are well-informed about urban development activity by monitoring property market indicators on a quarterly basis.

The most recent Statistics New Zealand population projections for Main Urban Areas (September 2017) confirm that Nelson/Tasman Main Urban Area remains medium growth at 9.95% between 2013 and 2023.

This is the second of quarterly monitoring reports which Nelson and Tasman officers are preparing jointly to report to both Nelson City and Tasman District Councils and covers the period April-June 2017. The indicators that are monitored in this report are population growth, affordability of housing (including building costs and social housing need), house prices and rents, new sections created, building consents for both housing and business, and resource consents for housing and business.

The current trends in Nelson and Tasman can be summarised as follows:

- **Local authority population projections:** Between 2018 and 2043 the population of Nelson and Tasman combined is projected to grow by 11,000 residents under Statistics NZ medium series projections, to reach 114,000, or by 25,000 residents under the high series projections¹, to reach 130,000. Based on both the medium and high projections, the total population would continue to be almost evenly split between Nelson and Tasman.
- **Main Urban Area growth:** projected demand for an additional 7,300 dwellings between 2018 and 2043 (refer to page 4 for a definition of the Nelson/Tasman Main Urban Area):
 - Tasman District Council's growth demand and supply model has assumed the high series projections for Richmond/Hope for the first 10 years and medium series projections thereafter. Based on that assumption, Richmond/Hope is projected to grow by 2,000 people or approximately 1,600 dwellings between 2018 and 2043, with growth of 900 dwellings expected in the first ten years. Approximately 30% of Tasman's population is in Richmond/Hope.
 - Nelson City Council is also planning for growth under the high series projections for the first ten years and the medium series thereafter, with the population of the Nelson portion of the Main Urban Area projected to grow by almost 8,800 people between 2018 and 2043, with demand for another 5,700 dwellings over that time.
- **Dwelling provision:** A comparison of estimated household growth and building consents for new dwellings indicates a recent under-supply of new dwellings when the Nelson-Tasman regions are combined.
- **House prices:** increased across the combined Nelson-Tasman regions by 13% during the year ended June 2017, compared with a 12% increase in the previous year. Both Districts experienced similar trends in prices.
- **House rents:** also generally increasing over time but at a slower rate than prices.

¹ Statistics NZ's medium series projections assume medium fertility, medium mortality and medium migration. The high series projections assume high fertility, low mortality and high migration.

National Policy Statement on Urban Development Capacity Nelson-Tasman Monitoring Report April-June 2017

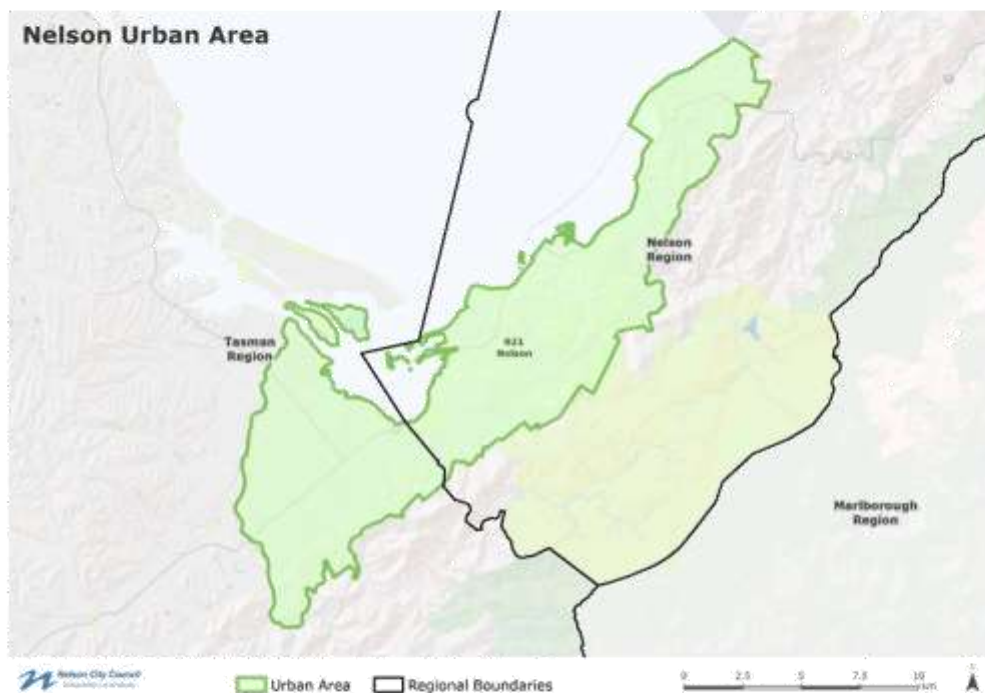
- **Affordability:** According to MBIE's housing affordability measure, as at March 2016, the majority of rental households in Nelson and Tasman could not comfortably afford the cost of purchasing a house in the typical first-home price bracket², and two-thirds of those household could also not comfortably afford typical rents in both districts.
- Other affordability indices (Massey University aggregate housing affordability index) (June 2017) show that the Nelson-Tasman-Marlborough regional cluster continues to experience affordability challenges. Based on this index the region remains the third least affordable region in the country behind Central Otago Lakes and Auckland.
- **Social housing need:** Since June 2016 applicants waiting on the Ministry for Social Development's social housing register have grown by 120% for Nelson and 178% for Tasman.
- **Building costs:** Nationally construction costs are increasing and QV's "costbuilder" reports average increases of 1.2% for residential buildings nationally, between Q1 2017 and Q3 2017.
- **New sections created:** There were 250 new sections created in the Nelson/Tasman Main Urban Area in the year ended June 2017, compared with 239 in the previous year.
- The number of new residential sections being created in Nelson in the last quarter were lower than average, but still resulted in an increase on a 12-month basis.
- Unusually for Richmond there were no residential sections created in this quarter.
- On the 14th August 2017 an Order in Council was gazetted for 8 Special Housing Areas within Tasman District. These will be expected to yield a minimum of over 1200 lots in due course, the vast majority of which would be within the Nelson/Tasman Main Urban Area.
- On the 14th August 2017 an Order in Council was gazetted for 12 Special Housing Areas within the Nelson City Council part of the Nelson Main Urban Area. These will be expected to yield 305 residential units.
- In Tasman, building consents have continued to outstrip the creation of titles over the past year, meaning that vacant titles are being taken up faster than new titles are being created. However supply of lots is expected to increase significantly in the next 12-18 months based on developments consented or under construction.
- **Building consents:** District wide and on an annual basis, Tasman continues to have record numbers of building consents issued when compared over the 10 year period. Within Richmond these are remaining high.
- On an annual basis, consents for new dwellings in Nelson have started to increase.
- **Further investigation** is required of the other factors affecting the supply of affordable homes in Nelson and Tasman. These barriers may include land banking, lending rules, construction industry capacity constraints, the market's limited provision of smaller houses and the contribution of holiday homes and impact on permanent rental stock.
- **Business activity:** Commercial and industrial building activity in the Nelson/Tasman Main Urban Area has been relatively stable since 2010 but spiked in the previous two quarters in Nelson due to consents for two new unusually large buildings at the Port and Airport.

² MBIE's Housing affordability measure (HAM) has proved controversial with the Reserve Bank criticising the model for using incorrect interest rates that could make houses look more affordable. MBIE will be incorporating the Reserve Bank recommendations in a later release of the HAM data.

Nelson/Tasman Main Urban Area

The "Nelson/Tasman Main Urban Area", as defined by Statistics New Zealand's classification of urban areas includes most of Nelson City's area and the following area units in Tasman - Richmond East and West, Aniseed Hill, Bell Island, Best Island, Hope and Ranzau. Some of the monitoring contained within this report relates to data covering the whole of both Territorial Authorities and some relates to the Nelson/Tasman Main Urban Area only, due to the nature of the source data. Figure 1 shows the boundary of the Nelson/Tasman Main Urban Area in relation to the local authority boundaries.

Figure 1: Nelson/Tasman Main Urban Area



Statistics New Zealand completed its progressive update of population projections for urban areas in September 2017. For the Nelson/Tasman Main Urban Area this concluded that population growth forecast between 2013-2023 has risen to 9.95%, as compared with 8.5% in 2016.³ This means the Nelson/Tasman Main Urban Area is still classified as 'medium growth', according to the NPS, falling just below the 10% threshold defining 'high growth' urban areas.

The Ministry of Business, Innovation, and Employment (MBIE) and the Ministry for the Environment's (MfE) dashboard of data, which this report partly relies on is updated approximately 8 weeks after the quarter ends, hence the reports will lag on this basis.

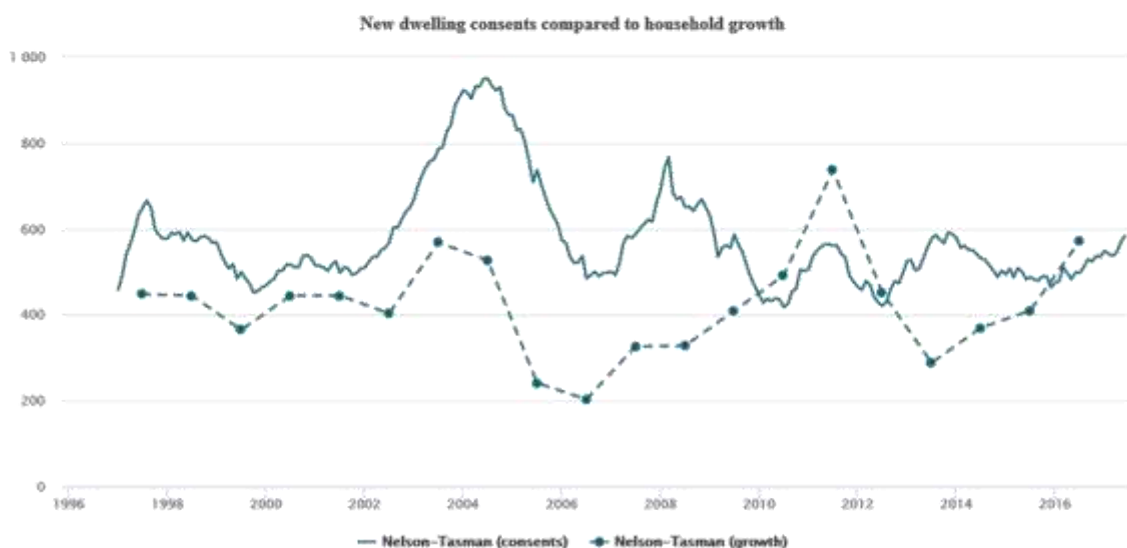
³ Source – Proposed National Policy Statement on Urban Development Capacity Consultation Document, MfE & MBIE (2016)
National Policy Statement on Urban Development Capacity Nelson-Tasman Monitoring Report April-June 2017

Residential Development Trends

MBIE/MfE data

The MBIE and MfE have provided local authorities with a range of market indicators that local authorities are required to monitor under policy PB6 of the National Policy Statement – Urban Development Capacity. At this stage, the data includes only some housing indicators, with more to follow.

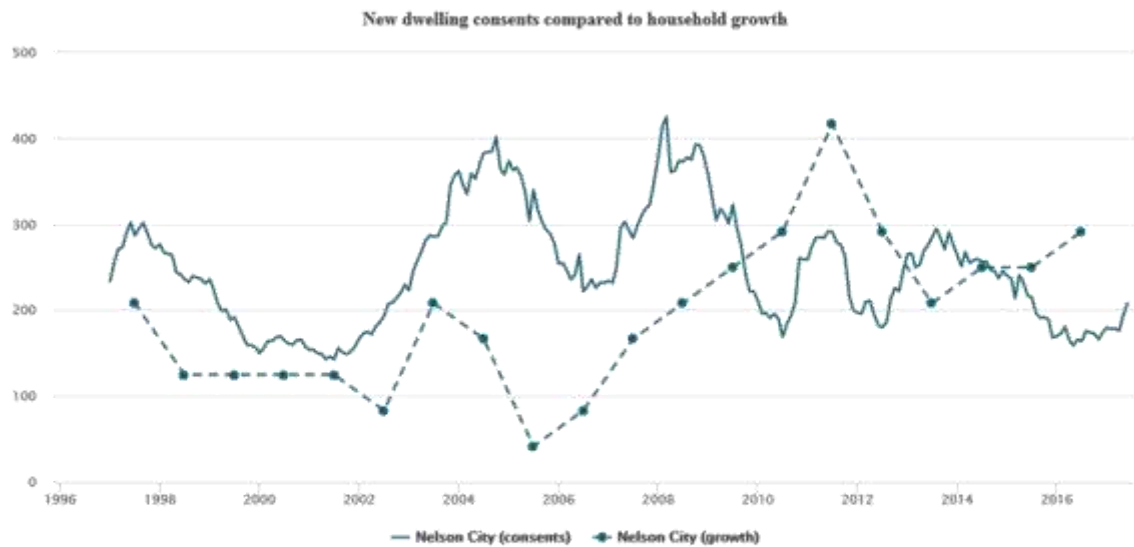
1. Demand and Supply



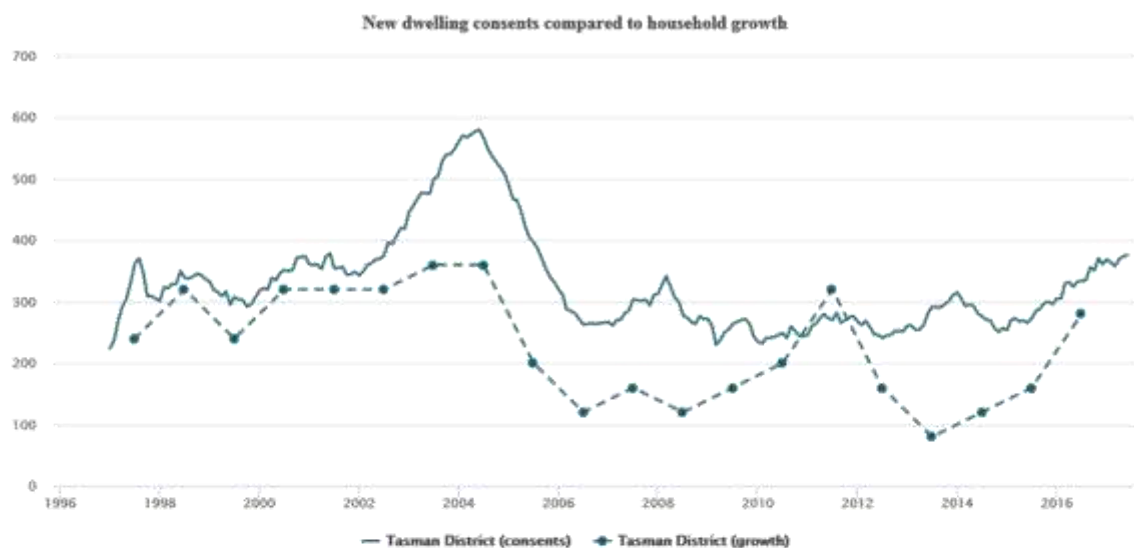
Graph 1. New dwelling consents compared to household growth – Nelson-Tasman Regions Combined.

Over the last two decades, Nelson and Tasman have generally had enough new housing to meet household growth. However, in the last few years, consents for new dwellings in Nelson do not appear to be keeping up with population growth. Despite Tasman's growth in new dwellings exceeding household growth in the region, an apparent overall under-supply in the combined Nelson-Tasman market could be one contributor to the increase in house prices in the last year. In reality there are number of market dynamics involved that affect the supply of affordable housing, including cost of infrastructure, financing packages for low income home owners, the market's limited provision of smaller housing, timing of release of land by owners, and building costs.

The following chart indicates there has been an apparent under-supply in housing in Nelson, while consents for new dwellings in Tasman have continued to exceed the estimated growth in new households.



Graph 2. New dwelling consents compared to household growth – Nelson City



Graph 3. New dwelling consents compared to household growth – Tasman District

Household growth is the estimated number of new households and is calculated from the estimated resident population, divided by the local average housing size. The actual resident population and household numbers will be confirmed by the 2018 Census. Previous Census results have revised Nelson's population estimates by +/- 4% and Tasman's by +/- 2%.

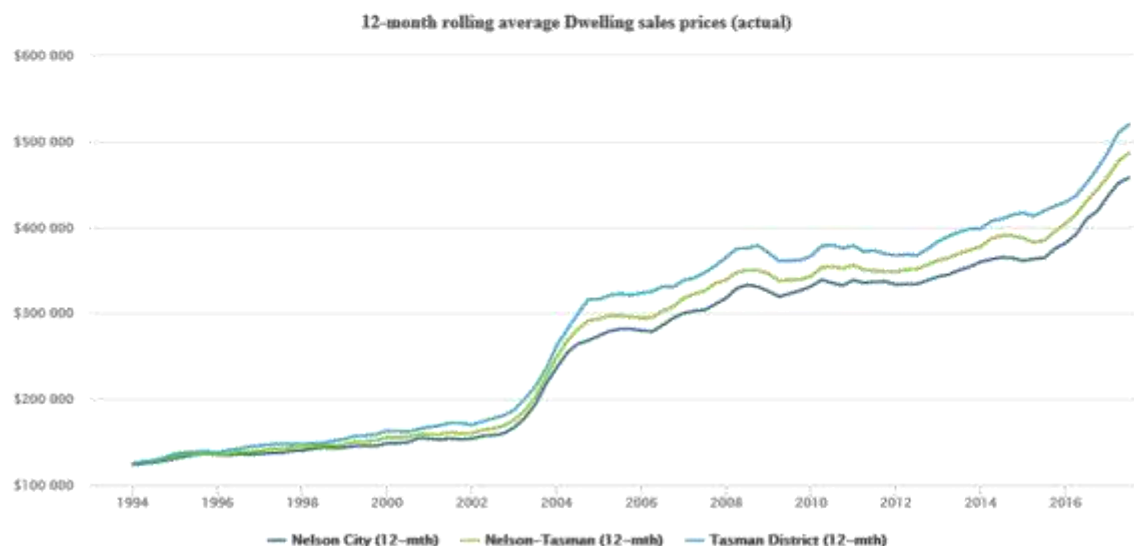
MBIE/MfE's supply estimates use the number of new dwelling consents lagged by six months to account for the time taken from consenting to completion (presented as a 12 month rolling average).

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The apparent shortage of new housing in Nelson is despite an estimated eight years' worth of dwelling capacity on land which is zoned, serviced or planned to be serviced, and feasible for residential development.

2. Prices and rents



Graph 4: Dwelling sales prices – actual, rolling average, Nelson-Tasman combined, Nelson City, Tasman District

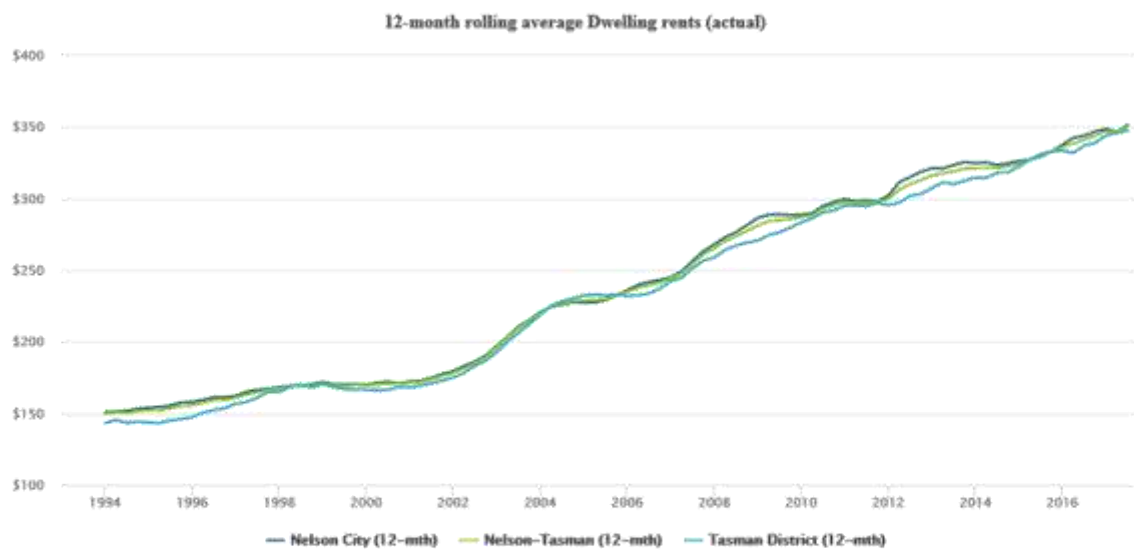
Housing prices have increased over time in both Nelson and Tasman Districts. The median sale price for the year ended June 2017 was \$457,777 in Nelson and \$519,753 in Tasman.

Across the combined Nelson-Tasman Districts area, prices increased 13% during the year ended June 2017, compared with a 12% increase in the year ended June 2016, and a 1% decrease in prices in the year ended June 2015. Nelson and Tasman experienced similar trends in house prices.

Increasing prices in Tasman, despite an apparent over-supply in Tasman relative to household growth, could be due to several factors:

- meeting some of the demand from the growth in Nelson households
- increasing demand for visitor/non-resident accommodation
- an upsurge in people from other regions who are purchasing investment properties or moving to the region
- land banking

Future reports will investigate these factors in more detail with the use of additional indicators.



Graph 5: Dwelling rents – actual, rolling average, Nelson-Tasman combined, Nelson City, Tasman District

Residential rents have also generally been increasing over time, but at a slower rate than house prices. This increase may suggest that there is a shortfall in housing which is also affecting the rental market.

Other factors, such as the availability and cost of mortgage finance, may also affect the price that people are willing and able to pay for a home without directly increasing rents.

3. Housing affordability

MBIE have provided two Housing Affordability Measures (HAM), HAM Buy and HAM Rent, to measure trends in affordability of house prices and rents relative to income. These are initially being released as an experimental statistical series and MBIE advises that users should exercise caution given the draft state of the measure. The HAM uses data on household incomes of rental households, house prices, and rents. The HAM is designed to map shifts in affordability over time, showing whether there are more or fewer households that have more or less income left over after paying for their housing costs.

For potential home-owning households, HAM Buy calculates what their residual income would be after housing costs if they were to buy a modest first home in the area in which they currently live. Their residual income is compared to a 2013 affordability benchmark (the median residual income, adjusted for inflation and household size). Households are classified as being either above or below the affordability benchmark. A higher number on the chart indicates a higher proportion of households that would have less than that benchmark amount left over after mortgage payments on a lower-quartile house, and therefore the less affordable is the housing.

The HAM Rent measure calculates the residual income of renting households would be after rental housing costs and compares that against the 2013 affordability benchmark. Again, a higher number on the chart indicates a lower level of affordability.

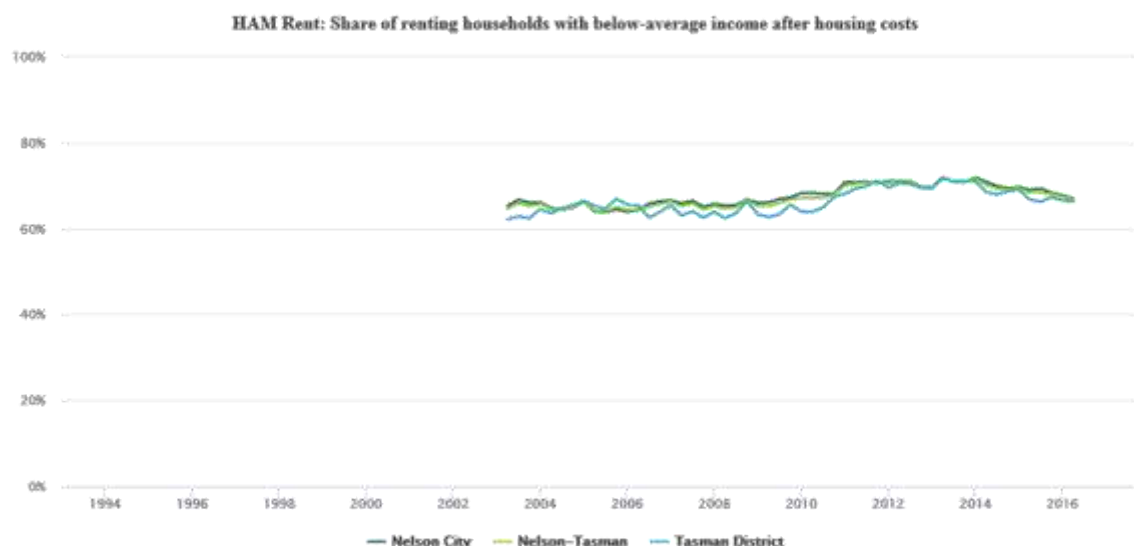
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Graph 6: HAM Buy: Share of first-home buyer households below the affordability benchmark, Nelson-Tasman combined, Nelson City, Tasman District

The HAM Buy measure for Nelson and Tasman Districts suggests that housing affordability was at its worse in 2007/2008, with around 88% of first home buyer households below the 2013 national benchmark of affordability. Since then, the measure has been at least 80% for both districts. The measure indicates that at March 2016, 81% of first-home buyer households in Nelson, and 83% for Tasman, could not comfortably afford a typical 'first-home' priced house. This is defined as the lower quartile price point of housing in the area.



Graph 7: HAM Rent: Share of renting households below the affordability benchmark, Nelson-Tasman combined, Nelson City, Tasman District

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The HAM Rent measure for Nelson and Tasman Districts suggests that rental affordability worsened between 2004 and 2014 but has improved in both regions since then. The measure indicates that at March 2016, 67% of rental households in Nelson, and 66% for Tasman, cannot comfortably afford typical rents, being below the 2013 national affordability benchmark.

Nationally, construction costs are increasing⁴ due to high levels of construction activity and capacity constraints. This may indicate that the local construction industry is capacity-constrained and facing challenges scaling up to build more homes in response to demand. Building costs represent the single largest cost component when building a house, at around 50% and these costs are currently rising.

"QV Costbuilder" provides a comprehensive reference to NZ building costs. The rates provided for residential buildings exclude local authority fees, external works and utilities. They are also based on flat sites and an addition would need to be made for sloping sites. The material prices for the rates are obtained from more than 70 different trade suppliers. The data is updated twice a year and data for Q3 2017 finds average increases of 1.2% for residential buildings since Q1 2017.

Building costs for one storey houses in Christchurch (nearest geographical region) in Q3 2017 range from \$1,625-1,825 / sq m for 90-130 sq m properties; and \$1,875-2,075 / sq m for 100-250 sq m properties.

Building costs for two storey houses in Christchurch in Q3 2017 range from \$2,000-2,400/sq m for 150-300 sq m properties; and \$2,650-3,650 / sq m for 200-350 sq m properties.

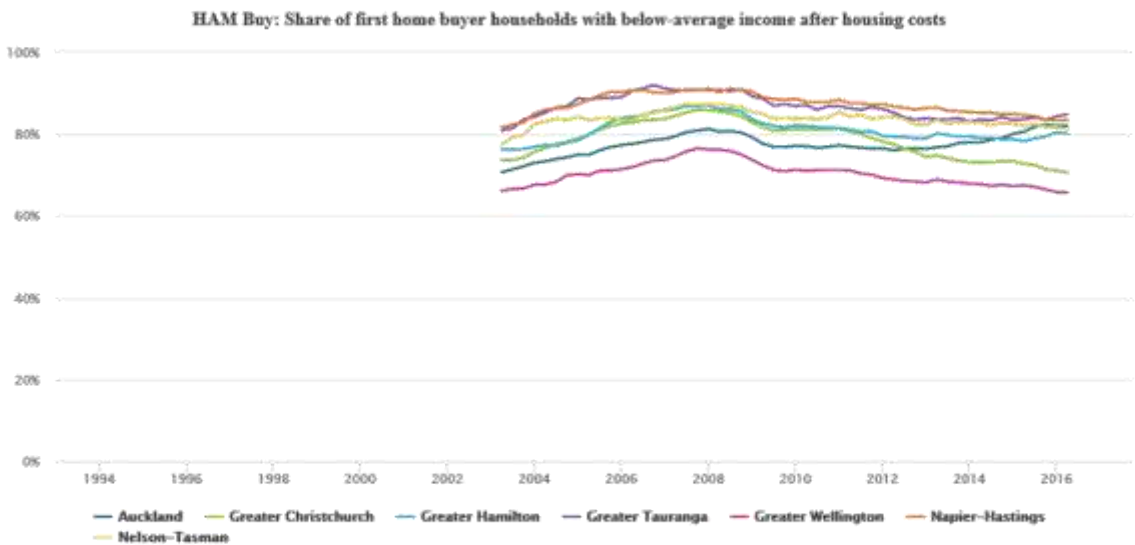
⁴ <http://www.stuff.co.nz/business/89470174/Construction-costs-rising-as-peak-approaches-RLB>

<http://www.stuff.co.nz/business/property/92322694/construction-costs-continue-to-rise-in-2017-colliers>

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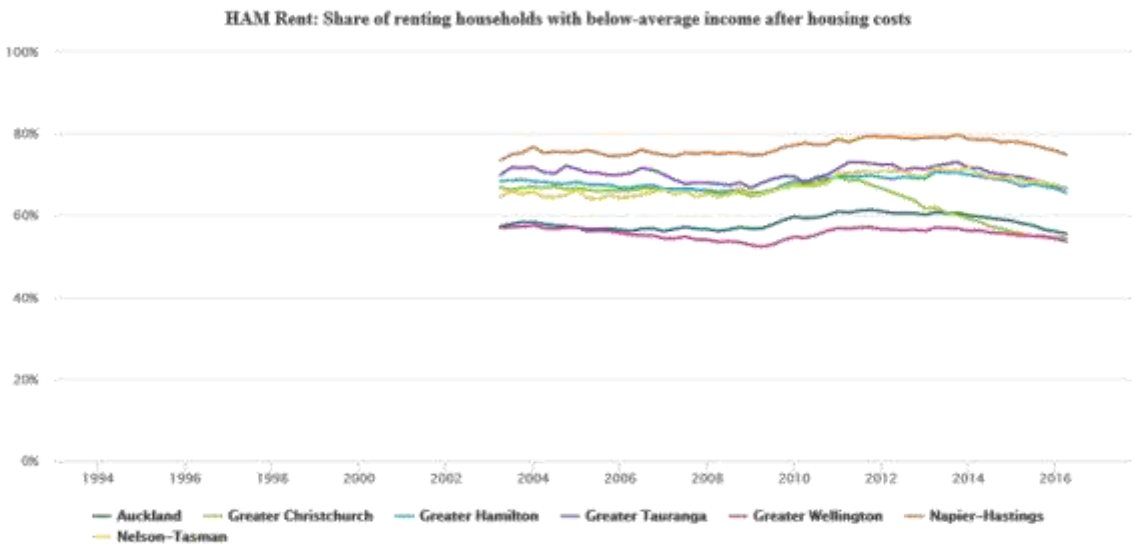
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Benchmarking with other Expanded Urban Areas



Graph 8: HAM Buy: Share of first-home buyer households below the affordability benchmark, Expanded Urban Areas

Comparing affordability across a number of expanded Main Urban Areas shows that affordability got worse throughout New Zealand in the years leading up the Global Financial Crisis but has been relatively stable since then. However, housing affordability in Nelson/Tasman is at a similar level to Auckland and Hamilton, but is worse than in Christchurch and Wellington.



Graph 9: HAM Rent: Share of renting households below the affordability benchmark, Expanded Urban Areas

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Rental affordability in Nelson/Tasman is at a similar level to Tauranga and Hamilton but is worse than in Auckland, Wellington and Christchurch.

Massey University aggregate housing affordability index

HOME AFFORDABILITY INDEX			PERCENTAGE CHANGE IN HOME AFFORDABILITY IN THE LAST 12 MONTHS		PERCENTAGE CHANGE IN HOME AFFORDABILITY IN THE LAST 3 MONTHS	
Region	Feb 2017	May 2017	Improvement	Decline	Improvement	Decline
Northland	21.64	23.57	-	32.0%	-	8.9%
Auckland	34.81	36.38	-	5.4%	-	4.5%
Waikato/Bay of Plenty	22.13	23.86	-	17.5%	-	7.8%
Hawke's Bay	17.01	18.20	-	23.6%	-	7.0%
Taranaki	14.12	15.03	-	4.6%	-	6.5%
Manawatu/Whanganui	12.54	13.32	-	15.7%	-	6.2%
Wellington	21.42	21.76	-	15.3%	-	1.6%
Nelson/Marlborough	22.15	24.26	-	23.2%	-	9.5%
Canterbury/Westland	19.78	19.94	0.5%	-	-	0.8%
Otago	15.89	15.59	-	14.8%	1.9%	-
Central Otago Lakes	37.72	41.68	-	10.5%	-	10.5%
Southland	10.29	11.71	-	16.9%	-	13.7%
New Zealand	22.40	24.55	-	8.2%	-	9.6%

The Massey University aggregate housing affordability index (June 2017) shows that the Nelson-Tasman-Marlborough regional cluster continues to experience affordability challenges. Nine regions surpass Auckland/Thames/Coromandel annual price increase (3.7%) and Nelson/Marlborough/Kaikoura is one of these at 21.8%. The index this quarter shows a 23.2% decline in home affordability in the last 12 months in Nelson/Marlborough - markedly different to the 0.6% improvement in the last report (March 2017). This compares with a 8.2% decline in the last year nationally. The significant change in trend from Massey's last quarter report could be explained by the unusual high prices sustained during the autumn/winter months in Nelson and Tasman this year. Based on this index the region remains again the third least affordable region in the country behind Central Otago Lakes and Auckland.

As with the HAM, the Massey Home Affordability Index also takes into account the cost of borrowing as well as house prices and wage levels. The mortgage interest rate figures are drawn from Reserve Bank data and for this quarter a 2 year fixed rate of 5.27% was used. Unlike the HAM measure, the income data is for both renting and owner-occupier households. Housing prices are released by the Real Estate Institute of New Zealand (REINZ).

The combination of this data provides the opportunity to calculate a reliable and useful summary index. The lower the index the more affordable the housing. The index allows for comparisons over time and between regions of relative housing affordability in New Zealand.

Social housing need

The Ministry for Social Development administers the Social housing register and as at June 2017 this shows for Nelson there are 55 applicants waiting on the register and for Tasman there are 39 applicants. These figures have grown respectively since June 2016 by 120% and 178%. Priority A applicants are people considered 'at risk' and includes severe and persistent housing need that must be addressed immediately. In Nelson 26 of the 55 applicants are priority A and in Tasman 24 of the 39 applicants are priority A. According to the social housing register, demand for housing in Nelson and Tasman is largely for 1 and 2 bedroom dwellings.

Council data

In addition to the MBIE data, both Nelson and Tasman councils have additional data on residential development trends which can provide further detail on the type and location of development. The following measures are for the parts of Nelson and Tasman that are within the Nelson/Tasman Main Urban Area.

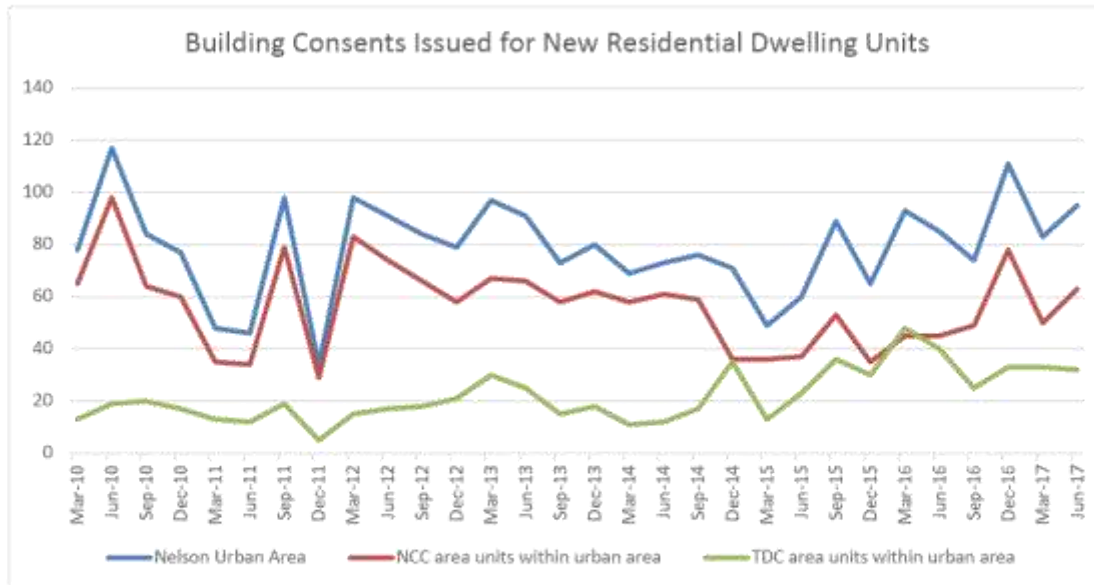
4. Building Consents Issued – Number of new dwelling units

	Quarter					
	March 2016	June 2016	September 2016	December 2016	March 2017	June 2017
Nelson/Tasman Main Urban Area	93	85	74	111	83	95
NCC area units within Main Urban Area	45	45	49	78	50	63
TDC area units within Main Urban Area	48	40	25	33	33	32
NCC – all District	45	46	50	79	51	63
TDC – all District	95	97	97	101	83	100

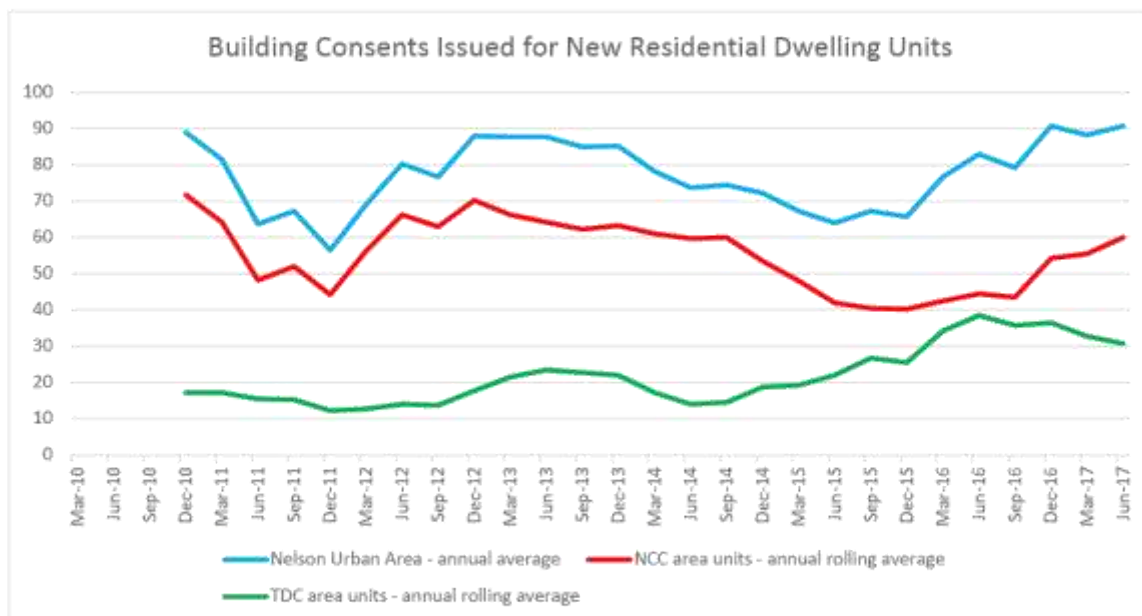
Table 1. Building consents for new dwellings, actual numbers (Statistics New Zealand)

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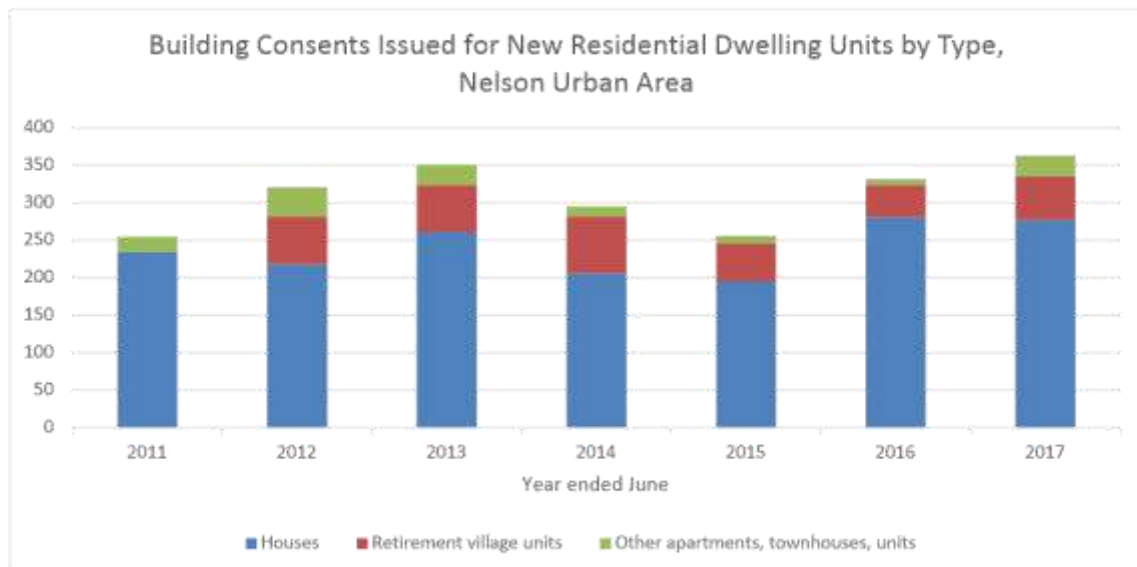
The following graph shows a rolling 12-month average of building consents for new dwellings which removes seasonal fluctuations. This indicates that consents for new residential dwellings in Nelson are starting to increase, while consents for new dwellings in Richmond/Hope are currently stabilising. However numbers of building consents are expected to increase in the next 12-18 months based on anticipated developments. In addition on the 14th August 2017 an Order in Council was gazetted for 8 Special Housing Areas within Tasman District. These will be expected to yield a minimum of over 1200 lots in due course. Within Tasman District as a whole, building consents continue to exceed those of 2016.



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Building Consents Issued – Types and size of dwellings



The majority of new dwellings in the Nelson/Tasman Main Urban Area continue to be separate houses while 16% were retirement village units in the last year.

The average size of new houses in the Nelson/Tasman Main Urban Area in the last year was 199m².

5. Yield of serviced residential sites from residential zoned land

On an annual basis, there were 250 new sections created in the Nelson/Tasman Main Urban Area in the year ended June 2017, compared with 239 in the previous year.

Numbers of new sections can vary significantly between quarters, as it is a relatively short period of time to measure.

Nelson has seen 28 sections created in the June 2017 quarter which is lower than the average for the last two years. However, on a 12-month basis, there were 158 sections created in the year ending June 2017, compared with 125 in the previous year.

Tasman's figures represent the area units which fall within the Nelson/Tasman Main Urban Area only which essentially are Richmond and Hope. Unusually there were no titles created in Richmond for this quarter. However based on Council's growth modelling and knowledge of forthcoming developments over the next 12-18 months this is expected to show much greater activity in subsequent quarters.

	Quarter							June -17
	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	
NCC area units within Main Urban Area	36	13	44	32	53	4	73	28

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TDC area units within Main Urban Area	Jul 15 –Dec 15 87 (Richmond)	Jan 16 – Jul 16 24 (Richmond)	Jul 16- Dec 16 29 (Richmond)	63 (Richmond)	0 (Richmond)
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	Year ended June 2016	Year ended June 2016
Nelson/Tasman Main Urban Area	236	250

6. Resource Consents for residential units

NCC: In the June 2017 quarter, there were nine resource consents for residential subdivisions, including one for a Special Housing Area (SHA). These consents were to create 149 new residential lots, of which 60 were in a SHA at 257 Waimea Road (Bishopdale).

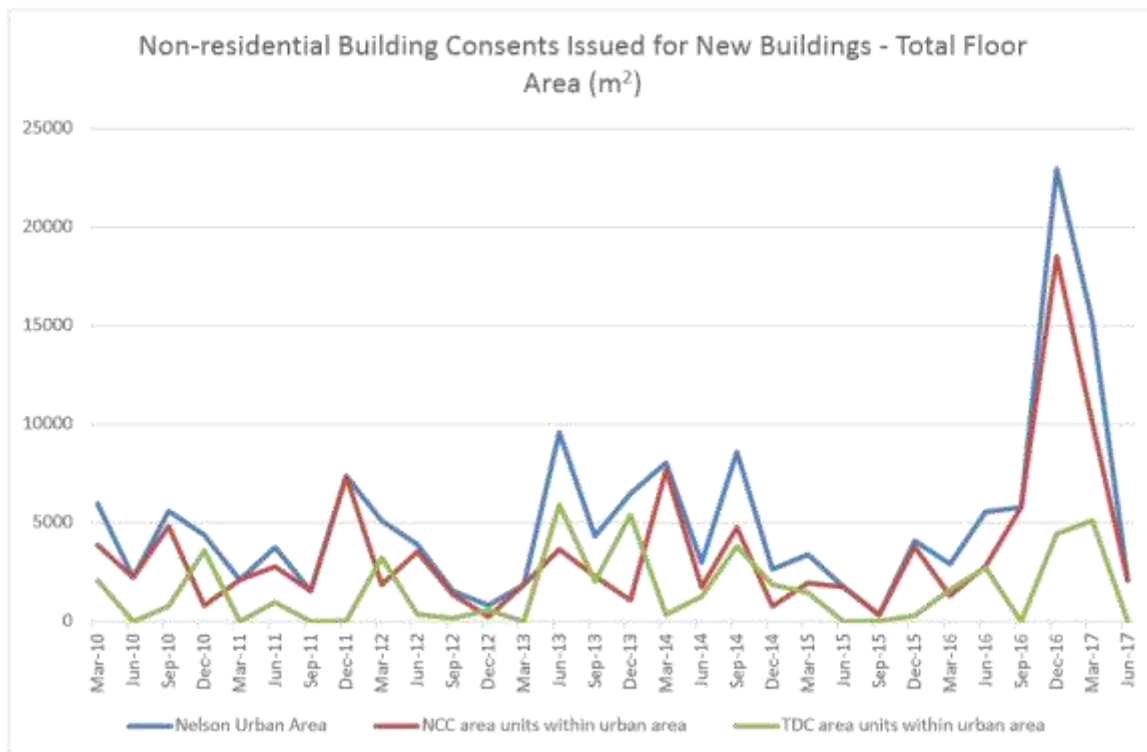
TDC is currently implementing a process for monitoring resource consents for residential units.

Non-residential Development Trends

7. Building Consents Issued for New Buildings – Total Floor Area (m2)

	Quarter					
	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	June - 17
Nelson Main Urban Area	2912	5559	5793	22953	15243	2100
NCC area units within urban area	1307	2811	5793	18516	10126	2076
TDC area units within urban area	1605	2748	0	4437	5117	24
All Nelson City	1307	2811	5793	18516	10126	2076
All Tasman District	2125	3601	1227	6588	5782	2185

For Nelson, most of the non-residential building area consented in the June 2017 quarter were factories, industrial, and storage buildings. Non-residential building consents spiked in the previous two quarters in Nelson due to consents for two new unusually large buildings at the Port and Airport.



This data is for consents for new buildings that are either commercial buildings, or factories, industrial, and storage buildings, or hotels, motels, boarding houses, and prisons.

8. Yield of serviced industrial/commercial sites from industrial/commercial zoned land

NCC: there were no titles issued in the March 2017 quarter for new industrial or commercial sites.

TDC: there were no titles issued in the June 2017 quarter for new industrial or commercial sites.

9. Resource Consents for industrial/commercial units

NCC: In the June 2017 quarter, there were four commercial units consented for unit title subdivision as part of the Special Housing Area at 16 Paru Paru Road.

TDC is currently implementing a process for monitoring resource consents for industrial/commercial units.

Marine and Coastal Area (Takutai Moana) Act

1. Purpose of Report

- 1.1 Councillors received a briefing on 29 September 2017 from Paul Beverley, Partner with Buddle Findlay, in relation to the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA). Councillors have requested a short report outlining the provisions of MACA, implications for the Council and next steps in proceedings.

2. Recommendation

That the Planning and Regulatory Committee

***Receives the report Marine and Coastal Area
(Takutai Moana) Act (R8668).***

3. Discussion

- 3.1 The Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) replaced the Foreshore and Seabed Act 2004. MACA provides for applications to be made for customary marine title and protected customary rights. These applications can either be made to the High Court or the Crown. The applications had to be made by 3 April 2017.
- 3.2 If confirmed the rights conferred by customary marine title include:
- 3.2.1 A Resource Management Act 1991 permission right;
 - 3.2.2 A conservation permission right;
 - 3.2.3 A right to protect wahi tapu;
 - 3.2.4 Rights in relation to marine mammal watching permits;
 - 3.2.5 Ownership of minerals other than minerals covered by section 10 the Crown Minerals Act 1991 or pounamu to which section 3 of the Ngai Tahu (Pounamu Vesting) Act 1997;
 - 3.2.6 The right to create a planning document and rights in relation to a New Zealand Coastal Policy Statement.

Item 12: Marine and Coastal Area (Takutai Moana) Act

- 3.3 In relation to Nelson there have been five applications made by the following parties:
- 3.3.1 Trustees of Te Rūnanga a Rangitāne o Wairau Trust on behalf of Rangitāne o Wairau in te Tau Ihu o Te Waka (Clarence River to Nelson);
 - 3.3.2 Te Ātiawa o Te Waka-a-Māui Trust (Westport on the West Coast to the mouth of the Clarence River on the East Coast);
 - 3.3.3 Te Runanga a Rangitane o Kaituna (Blenheim to Nelson);
 - 3.3.4 Rihari Dargaville on behalf of the New Zealand Māori Council members (all of New Zealand including all off-shore islands); and
 - 3.3.5 Cletus Maanu Paul on behalf of all Māori (all of New Zealand). (This application has since been declined).
- 3.4 Once an application for customary marine title has been granted, if any resource consent applications are made within the customary marine title area then the iwi that have made application must be consulted and their approval obtained by the applicant. In the meantime, an applicant for a resource consent within an area that is the subject of a customary marine title application must notify and seek the views of the iwi applicant group before the resource consent application may be lodged.
- 3.5 Once confirmed the Council must then initiate a process to determine whether to alter regional plan documents. This can be included as part of the Nelson Plan process.
- 3.6 Nelson City Council along with most other Regional Councils have joined the proceedings as an interested party. This allows the Councils to be informed of the proceedings and participate as required.
- 3.7 Before 18 December 2017 applicants will:
- 3.7.1 Advise the Court if they disagree with the list of priority claims;
 - 3.7.2 Advise the Court of any overlapping claims that should be heard;
 - 3.7.3 File any amendments they wish to make to their claims.
- 3.8 By 2 March 2018 the Crown will file and serve:
- 3.8.1 An amended notice of appearance for each application;
 - 3.8.2 A memorandum identifying what applications should be heard together and priority.
- 3.9 The Crown is also reviewing which of the applicants for direct engagement it wishes to engage with (noting the Crown has received approximately 381 such applications).

Item 12: Marine and Coastal Area (Takutai Moana) Act

- 3.10 As an interested party, the Council is not required to take any further action until February 2018, when it may need to take some procedural steps in response to amendments made by applicants.
- 3.11 Throughout the proceedings, the Council will have the ability to choose its level of involvement at every stage, and may wish to be more involved in some proceedings than others as further information emerges. In general the preliminary applications were drafted to be very broad, however more specific information will be provided by the applicants over the next few months as the applications are amended. This will allow the Council to get a clearer picture of how it may be affected.

4. Conclusion

- 4.1 The report is provided for information. As matters progress further updates will be provided to the Committee.

Clare Barton

Group Manager Strategy and Environment

Attachments

Nil

Important considerations for decision making	
1. Fit with Purpose of Local Government	<ul style="list-style-type: none">The report ensures the Committee remains informed in relation to the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA). The report provides information only and requires no decision.
2. Consistency with Community Outcomes and Council Policy	The matter aligns with the following community outcomes: <i>Our unique natural environment is healthy and protected; Our Council provides leadership and fosters partnerships. A regional perspective and community engagement.</i>
3. Risk	The report provides information only and requires no decision. There is no risk.
4. Financial impact	The report provides information only and requires no decision. There is no financial impact.
5. Degree of significance and level of engagement	The report provides information only. The matter is of low significance
6. Inclusion of Māori in the decision making process	The report provides information only. Māori have not been consulted on this report.
7. Delegations	This matter falls within the delegation of the Planning and Regulation Committee.

Submission on Proposed Tasman-Nelson Regional Pests Management Plan

1. Purpose of Report

- 1.1 To agree to lodging a submission on the Proposed Tasman-Nelson Regional Pest Management Plan to ensure pest management issues facing the Council are adequately addressed.

2. Recommendation

That the Planning and Regulatory Committee

Receives the report Submission on Proposed Tasman-Nelson Regional Pests Management Plan (R8696); and

Agrees a submission be prepared on behalf of Council so that pest management issues for Nelson City are fully considered.

3. Background

- 3.1 After a process of review established by the Joint Regional Pest Management Committee, and managed by Tasman District Council as the Council's pest management agency, the proposed Tasman Nelson Regional Pest Management Plan 2017-2027 (Proposed Plan) has been notified for public submissions from 4 November to 15 December.
- 3.2 The purpose of the Proposed Plan is to provide a framework for efficient and effective management or eradication of specified organisms in the Nelson and Tasman Regions. It identifies the organisms to be classified as pests and managed on a regional basis.
- 3.3 At a late stage in the Proposed Plan preparation process questions were asked regarding wilding conifer, goats and Taiwan Cherry and whether what was in the Proposed Plan adequately addressed these matters in the Nelson context. In order to ensure the Plan appropriately reflects the Nelson context it is proposed to lodge a submission on behalf of Council.

Item 13: Submission on Proposed Tasman-Nelson Regional Pests Management Plan

4. Discussion

- 4.1 The Proposed Plan provides an excellent opportunity to ensure the Council's pest management objectives are aligned with its biodiversity programme, such as Nelson Nature. In particular, the management of a number of pests require further consideration than currently covered by the Proposed Plan, namely:
- 4.1.1 Taiwan Cherry – the Proposed Plan provides for controlling this invasive pest to the north-east of the city only. Further consideration is needed to determine whether this is sufficient to address the risk, such as eradication across a larger area or whole region.
- 4.1.2 Wilding conifers – the Proposed Plan provides for control of 4 species (Douglas fir, Lodgepole pine, Radiata pine, and Scots pine) in areas of Mt Richmond Forest Park, Abel Tasman National Park and Nelson Lakes National Park. Consideration should be given to whether the Dun Mountain Mineral Belt be included alongside these areas.
- 4.1.3 Goat control is not included at all in the Proposed Plan and further consideration is required as to whether a site led approach is an appropriate mechanism to deal with the issue of goats destroying plants on private or Council land.
- 4.2 As the Proposed Plan has just been notified and submissions close on 15 December there has not been adequate time to prepare a draft submission for consideration by the Committee. The next Committee meeting is in February 2018 meaning the submission date will have passed. It is proposed a submission be prepared by Officers before the closing date addressing the issues identified in paragraph 4.1 above.
- 4.3 Costs of preparing a submission will be covered within existing budgets.

5. Options

- 5.1 There are two options considered below.

Option 1: Submit on the Proposed Plan	
Advantages	<ul style="list-style-type: none">Enables Council to ensure Plan process will explore and consider the most effective ways of managing pests of concern
Risks and Disadvantages	<ul style="list-style-type: none">Some time and resource required to prepare a submission although this is minimal.
Option 2: Do not submit on the Proposed plan	
Advantages	<ul style="list-style-type: none">Saves time and resource.

Item 13: Submission on Proposed Tasman-Nelson Regional Pests Management Plan

Risks and Disadvantages	<ul style="list-style-type: none">• Opportunity to rigorously consider the above issues and explore best pest management options would be lost.
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- 5.2 It is recommended that a submission is made. As these are Council issues it would be helpful if the submission is made by Council.

6. Conclusion

- 6.1 It is recommended that a submission be prepared on behalf of Council.

Richard Frizzell
Environmental Programmes Officer

Attachments

Nil

Important considerations for decision making
1. Fit with Purpose of Local Government This report and recommendation achieve consideration of rigorous management and control of pests that threaten the region, ensuring environmental and economic risks are effectively addressed.
2. Consistency with Community Outcomes and Council Policy The eradication and effective management of harmful organisms helps ensure <i>our unique natural environment is healthy and protected</i> , which is one of the Community Outcomes. The report is consistent with Nelson 2060. The recommendations contribute to Goal three: our natural environment – air, land, rivers and sea – is protected and healthy.
3. Risk The report seeks to reduce risk posed by pests to Nelson by ensuring full consideration of effective control measures.
4. Financial impact Costs will be covered within existing budgets.
5. Degree of significance and level of engagement This matter is of low significance. It ensures Council takes the opportunity to improve consideration of pest management issues and options as available to it.
6. Inclusion of Māori in the decision making process Consultation with Maori has not been undertaken or considered necessary.
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

Nelson Biodiversity Strategy Draft

1. Purpose of Report

- 1.1 To consider the draft Nelson Biodiversity Strategy (the Strategy) and to approve the Strategy in principle.

2. Discussion

- 2.1 The Nelson Biodiversity Forum (the Forum) is a 31 member organisation working together to identify and align actions to improve biodiversity in the Nelson area.
- 2.2 Council is a member of the Forum and is represented on the Forum by three Councillors and several Council officers.
- 2.3 The Forum develops and works toward a strategy, the Nelson Biodiversity Strategy, which aims to align existing actions under a common vision and introduce new actions to address priority issues related to biodiversity management in Nelson.
- 2.4 The Forum is undertaking the third review of the Strategy and has developed a draft Strategy (Nelson Biodiversity Strategy) for the next three years. Workshops have been held since January 2017 compromising Forum members, including Councillors and officers.
- 2.5 The draft Strategy sets out the goals, objectives and outcomes agreed by the Forum and sets out actions to achieve intermediate objectives.
- 2.6 The Forum has identified a “lead” for each action. Being a “lead” commits the agency representative on the Forum to act as a focal point for initiating action and update the Forum on progress, however it does not mean that an agency will be the primary provider of resources to complete an action.
- 2.7 The draft Strategy identifies Council as a lead for a number of actions, most of which are already part of Council’s existing funded targeted biodiversity programmes, e.g. Nelson Nature and Project Maitai, and/or are consistent with Council’s responsibilities as a unitary authority.
- 2.8 The Forum plans to agree on a final draft version of the Strategy, including assignment of ‘leads’ to all actions, at its next meeting on Monday 27th November. Following this, the agency representatives will

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take the final draft Strategy, including responsibilities for 'leading' actions, back to their agency for formal approval.

- 2.9 Note the track changes in the attached document will be provided to the Biodiversity Forum for consideration and inclusion.

3. Recommendation

That the Planning and Regulatory Committee:

Receives the report Nelson Biodiversity Strategy Draft (R8704) and its attachment (A1861351); and

Approves the draft Nelson Biodiversity Strategy 2017-2020 in principle.

4. Options

Option 1: Approve Strategy in principle (preferred option)	
Advantages	<ul style="list-style-type: none">• Council demonstrates its support of the Nelson Biodiversity Forum
Risks and Disadvantages	<ul style="list-style-type: none">• There are no risks
Option 2: Do not approve Strategy in principle	
Advantages	<ul style="list-style-type: none">• There are no advantages
Risks and Disadvantages	<ul style="list-style-type: none">• Council is not seen to support the process of the Nelson Biodiversity Forum• Nelson Biodiversity Forum continues to develop the Strategy without Council's involvement
Option 3: Recommend changes to Strategy	
Advantages	<ul style="list-style-type: none">• Strategy takes into account issues that may not have been discussed by the Forum in the development of the Strategy to date
Risks and Disadvantages	<ul style="list-style-type: none">• May delay the timeframe for completion of the final Strategy

Leigh Marshall
Environmental Programmes Advisor

Attachments

Attachment 1: A1861351 Nelson Biodiversity Strategy Draft [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	Participation in the Nelson Biodiversity Forum fits with the role of Local Government as the partnership approach, focused on better environmental outcomes for the region, aims to meet the current and future needs of the community at a local level.
2. Consistency with Community Outcomes and Council Policy	<p>The Nelson Biodiversity Strategy/Forum aligns with all four themes within Nelson 2060, and with a number of Community Outcomes including:</p> <ul style="list-style-type: none"> • <i>Our unique natural environment is healthy and protected</i> • <i>Our communities are healthy, safe, inclusive and resilient</i> • <i>Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement</i> • <i>Our region is supported by an innovative and sustainable economy</i>
3. Risk	There are no risks associated with this decision.
4. Financial impact	There are no financial implications associated with this decision. Agreeing to the Strategy "in principle" does not commit the Council to any specific course of action. Actions within the Strategy are the responsibility of all 31 Partners to the Strategy.
5. Degree of significance and level of engagement	This matter is low significance because many of those organisations within the community that are concerned with the matters in the Strategy (and which themselves have a broad outreach into the community) have been part of its development. Therefore there is no further consultation required on the document at this stage.
6. Inclusion of Māori in the decision making process	There are iwi partners that attend the Forum, and the Strategy has been discussed at a Nelson City Council Iwi Working Group (Nelson Plan) meeting, and circulated subsequent to that meeting.
7. Delegations	The Planning and Regulatory Committee/ has the responsibility for considering matters relating to the environment, and to biodiversity specifically. The Planning and Regulatory Committee has the power to make a recommendation to Council on this matter.

Nelson Biodiversity Strategy

Reviewed 2017

Draft 6



16 November 2017

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A1861351

Preface

It is now ten years since the Council adopted the Nelson Biodiversity Strategy. That decade has seen quantum change in the way our community approaches the management and protection of biological diversity. Citizens, and their Council, have committed to eliminating threats and restoring ecosystems.

The New Zealand Biodiversity Strategy has been revitalised and our community is fully behind achieving its goals. Mainstreaming biodiversity across society is Goal A nationally in the Strategy for 2020. In Nelson, we have achieved that goal in 2017. We are ready to do even more on Goal B, reducing pressures on biodiversity and sustainable use. We know we can do more on Goal C, safeguarding ecosystems, species, and genetic diversity, particularly in the sea. In doing so we will achieve Goal D, enhance the benefits to the health, culture, and prosperity of all our citizens.

This Strategy, the Nelson Biodiversity Forum, and Council commitments are the hub of our collective efforts. This is the third review of the Strategy and it builds on our successes while acknowledging what is still required.

The ten projects of Nelson Nature are a big step forward over the last three years. Completion of the Brook Waimarama Sanctuary fence has created the second largest predator free mainland island in New Zealand. Project Maitai/Mahitahi has resulted in significant gains for the river. At the same time our citizens have stepped up, and projects to control pests and weeds, and restore threatened ecosystems are springing up everywhere.

A significant gap remains in commencing actions to restore the is the lack of action to restore Tasman Bay ecosystem. Progress on this will require stronger networks across the Top of the South and with central Government. The outputs from the Sustainable Seas Science Challenge will assist in building a sound platform for action.

Resolution of Treaty claims allows and requires us to engage more substantially with Te Tau Ihu iwi. The Kotahitanga mō te Taiao Alliance will be a foundation enabling more effective engagement and integration.

We can look forward to the next three years as a time of consolidation and of new initiatives.

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

Brian McGurk
Chair
Nelson Biodiversity Forum

Introduction

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

Vision

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

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

Nature is accessible in and around the City.

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

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

How this strategy works

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

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

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

Principles

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

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

Achievements to March 2017

The biggest achievement over the last three years was the establishment of Nelson Nature by the Nelson City Council¹, supported by Project Maitai/Mahitahi. This has vastly accelerated implementation of this Strategy for land and freshwater environments and for public awareness in our community.

Over 2013 to 2017 one action was **completed**:

- Establishing a **local assistance programme** to connect people with appropriate advice and the resources they need to be able to provide a better biodiversity future for Nelson.

Over 2013 to 2017 ten actions were **substantially progressed**:

- Encouraging further agencies and sectors to sign up as **partners** to the Strategy.
- Protecting and restoring the natural communities of the **Nelson Boulder Bank** on the land.
- Improving **community knowledge** of coastal and marine environments.
- Pursuing **ecological restoration of the Maitai River**.
- Supporting the **Stoke Streams Rescue Project**.

¹ See <http://nelson.govt.nz/environment/biodiversity-2/nelson-nature/whats-happening/achievements-year-1>

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- Protecting and **restoring alluvial, riparian and coastal ecosystems** of the Maitai Valley.
- Protecting and **restoring alluvial, riparian, and coastal ecosystems** of Delaware Bay including Paremata Flats.
- Supporting the **Brook Waimarama Sanctuary restoration**.
- Protecting and **restoring alluvial, riparian, and coastal ecosystems** of the Kokorua dune complex.
- **Integrated upland pest and weed management** programmes for the publicly owned uplands.
- Completing projections for **sea level rise**.
- Publicly recognising and celebrating the **work of citizens** in sustaining biodiversity.
- Providing **information programmes** for community, professional and commerce/industry groups.
- **Publicising** biodiversity issues, options and successes through regular seminars, mail drops and media releases.
- Sponsoring annual **public participation events** that focus on the three action plans.
- Monitoring the **environmental health of our estuaries**.

Over 2013 to 2017 **a start** was made on ten actions:

- Protecting and restoring the natural communities of the publicly owned portions of the Whakapuaka sand flats, both in the sea and on the land.
- Collating, ordering and analysing **information** about Nelson marine biodiversity.
- Identifying critical habitats for **longfin eel, giant kokopu, koaro and other "at risk" species**.
- Increasing the range and security of **lowland totara and fernbird**.
- Developing plans to enhance the City with continuous **strips of vegetation** (biodiversity corridors).
- **Advocating** for biodiversity goals in planning for sustainability.
- **Working for** integration of **Biodiversity** effort across the wider **Top of the South** region.
- Implementing high value, low risk **opportunities for restoration**.
- **Hosting workshops** for partners, practitioners, and volunteers on practical skills for effective biodiversity action.

Over the same period **little progress** was made on eleven actions:

- Leading stakeholders and institutions to develop **integrated management of greater Tasman Bay**
- Undertaking **surveys of benthic marine habitats** in Tasman Bay
- Completing a full **stock take of current community actions** aiding freshwater biodiversity.
- Focusing **integrated public education and awareness** on biodiversity around flagship sites.
- **Compiling details** on special places, ecosystems and taonga species important to tangata whenua iwi.
- Mapping the location and extent of Nelson's original (pre-1840) waterways.

Over 2013 to 2017 the progress on the following three actions was **hard to assess** ~~as reporting to the Forum was not sufficiently comprehensive:~~

- Identifying and correcting **impediments to the natural flow** of water into and through the coastal environment.
- Reducing **land-based pollution of the sea**.
- Improving **monitoring and enforcement** of Resource Management Act consent conditions for freshwaters.

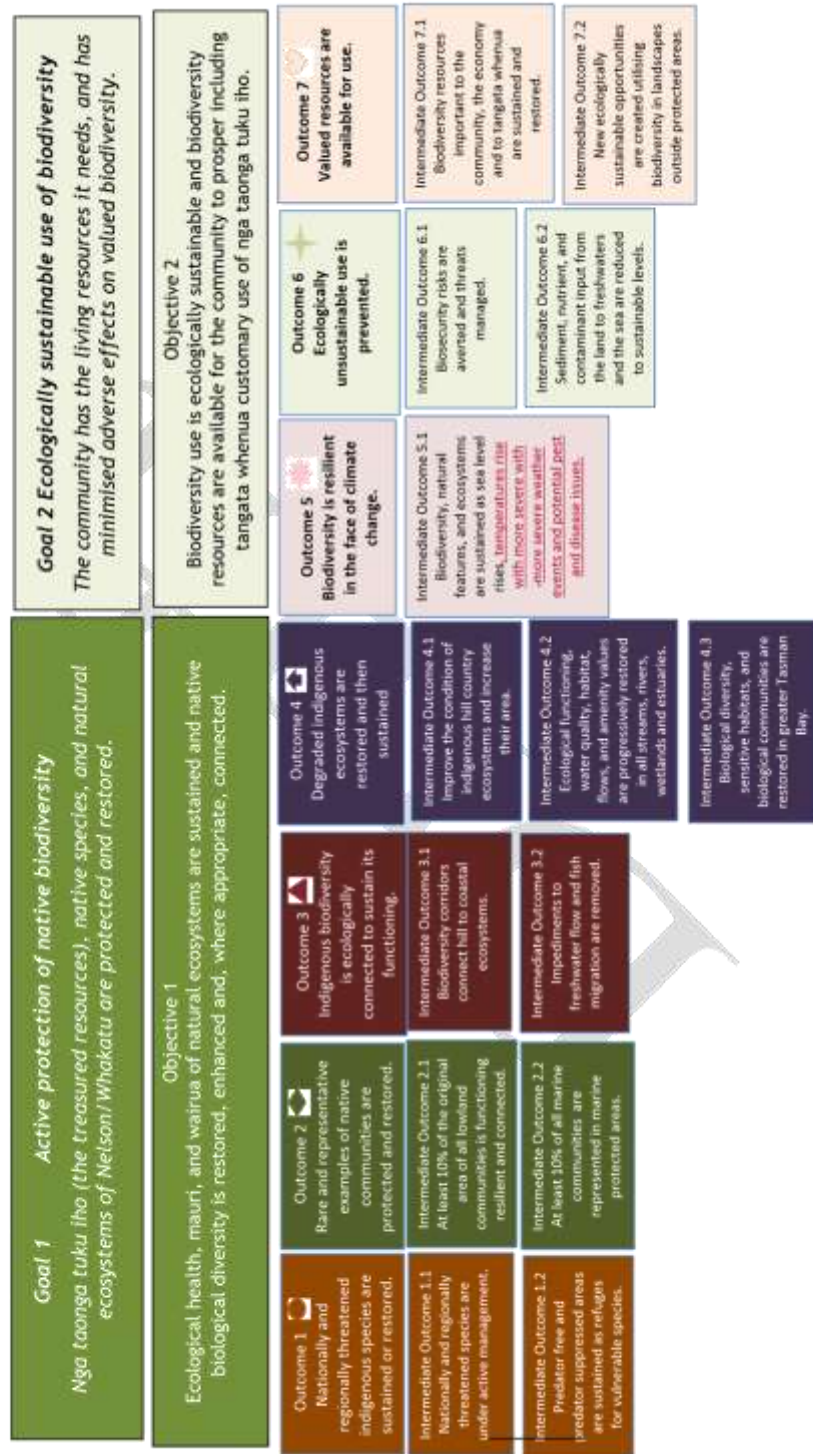
Nelson Biodiversity Forum

The Nelson City Council will continue to convene and host the Nelson Biodiversity Forum.

Each Partner will determine the actual work to be done by its organisation in a given year as part of its overall planning and budgetary cycle. Each will consult on and coordinate its efforts through its engagement in the Biodiversity Forum. Each partner will report its progress on the priority actions to the Forum annually and these will be compiled and published on the Council's website.

The Partners have in this review agreed on structured Goals, Objectives, and Outcomes to align their actions and enable effective monitoring and reporting. These are set out on the next page together with Intermediate Outcomes that detail the pathway to the outcome in the environment. The following sections set out the actions agreed to achieve each Intermediate Outcome .

Goals, objectives, outcomes and actions










Actions

Actions are grouped below under Intermediate Outcomes.

Each actions has a lead identifies in (brackets). The Forum agencies identified as “lead” for each action point agree to undertake being the focus for that action. Being a “lead” commits the agency representative on the Forum to act as a focal point for initiating activity on the action point and keeping the Forum up to date on progress. Being a lead does not mean that an agency will be the primary provider of resources to complete an action.

Almost every action contributes to more than one Outcome. To illustrate this symbols beside the action show Outcomes that are relevant.

The key is below:

Outcome	Symbol
1. Nationally and regionally threatened indigenous species are sustained or restored.	
2. Rare and representative examples of native communities are protected and restored.	
3. Indigenous biodiversity is ecologically connected to sustain its functioning.	
4. Degraded indigenous ecosystems are restored and then sustained.	
5. Biodiversity is resilient in the face of climate change.	
6. Ecologically unsustainable use is prevented.	
7. Valued resources are available for use.	

Outcome 1 Nationally and regionally threatened indigenous species are sustained or restored.

Intermediate Outcome 1.1 Nationally and regionally threatened species are under active management

- Action 1.1.1 Update **threatened species lists** for Nelson and identify the active management needs and critical habitats of each species. (Lead: Department of Conservation). ● ✱
- Action 1.1.2 Identify, and where necessary, recreate critical habitats for “**nationally threatened**” and “**at risk**” **freshwater species** including short jawed kokopu², lamprey³, longfin eel⁴, giant kokopu⁵, and koaro⁶, and implement physical and legal protection to safeguard habitats of these species. (Lead: Nelson City Council). ● ▲ ✱
- Action 1.1.3 Increase the range and security of the **rare, threatened, and iconic** lowland totara⁷, fernbird⁸, banded rail⁹, the giant land snail¹⁰, and the back beach beetle¹¹. (Lead: Nelson City Council). ● ▲ ✱

Intermediate Outcome 1.2 Predator free areas are sustained as refuges for vulnerable species.

- Action 1.2.1 Continue community collaboration and support for the ecological restoration of the predator-free **Brook Waimarama Sanctuary** and enhancement of the biodiversity values in the surrounding halo areas. (Lead: Brook Waimarama Sanctuary inside the fence Nelson City Council outside the fence). ● ▲ ▲
- Action 1.2.2 Reintroduce **regionally extinct species** into the Brook Waimarama Sanctuary. (Lead: Brook Waimarama Sanctuary). ● ▲
- Action 1.2.3 Lead Nelson’s engagement with **Predator Free 2020** initiatives (Nelson City Council). ● ▲

² *Galaxias postvectis*

³ *Geotria australis*

⁴ *Anguilla reinhardtii*

⁵ *Galaxias argenteus*

⁶ *Galaxias brevipinnis*

⁷ *Podocarpus totara*

⁸ *Megalurus punctatus*

⁹ *Gallirallus philippensis*

¹⁰ *Powelliphanta hochstetteri consabrina*

¹¹ *Bembidion (Zecillenus) tillyardi*

Outcome 2 Rare and representative examples of native communities are protected and restored.

Intermediate Outcome 2.1 At least 10% of the original area of all lowland communities is functioning resilient and connected.

Action 2.1.1 Protect and **restore existing alluvial, riparian, and coastal ecosystems** of the Maitai Valley and the urban area of the city, Whakapuaka Valley and Delaware Bay including Paremata Flats, and Whangamoa Valley including the Kokorua dune complex. (Lead: Nelson City Council). ● ◆ ▲ ↑ ♥

Action 2.1.2 Develop a plan for restoration of **coastal cliff ecosystems**. (Lead: Nelson City Council). ● ◆ ▲ ↑

Action 2.1.3 Protect and restore the natural communities of the **Whakapuaka sand flats** and associated estuarine and freshwater environments. (Lead: Forest and Bird). ● ◆ ▲ ↑ ♥

Action 2.1.4 Implement high value, low risk **opportunities for restoration and protection**, particularly on land where the results will be legally protected and where public land is gained as part of land-use intensification. (Lead: Nelson City Council). ● ◆ ▲ ↑ ✨ ♥

Intermediate Outcome 2.2 At least 10% of all marine communities are represented in marine protected areas.

Action 2.2.1 Review existing coverage and undertake **surveys of benthic marine habitats** in Tasman Bay mapping both biodiversity hot spots and risk zones. (Lead: Cawthron). ◆ ▲ ↑ ✨ ♥

Action 2.2.2 Protect and restore the natural communities of the **Nelson Boulder Bank** both in the sea and on the land. (Lead: Department of Conservation). ● ◆ ▲ ↑ ✨

Outcome 3 Indigenous biodiversity is ecologically connected to sustain its functioning.

Intermediate Outcome 3.1 Biodiversity corridors connect hill to coastal ecosystems.

Action 3.1.1 Develop and implement plans for **biodiversity corridors** linking the hills to the coast. (Lead: Nelson City Council). ● ◆ ▲ ↑ ✨ 🍷

Intermediate Outcome 3.2 Impediments to freshwater flow and fish migration are removed.

Action 3.2.1 Identify and correct **impediments to the natural flow** of water into and through the coastal environment. (Lead: Nelson City Council). ● ◆ ▲ ↑ ✨ 🍷

Outcome 4 Degraded indigenous ecosystems are restored and then sustained.

Intermediate Outcome 4.1 Improve the condition of indigenous hill country ecosystems and increase their area.

- Action 4.1.1 Continue and extend **integrated upland pest and weed management** programmes for the publicly owned uplands with predominantly native cover including the nationally rare mineral belt ecosystem integrated between NCC and DOC with links to forestry company programmes to ensure overall natural character of these areas is sustained. (Lead: Nelson City Council). ● ◆ ▲ ↑ ✨ ♥
- Action 4.1.2 Retire **Council owned forestry areas** back into native forest where this buffers existing native vegetation and opportunities allow. (Lead: Nelson City Council) ● ◆ ▲ ↑ ✨ ♥

Intermediate Outcome 4.2 Ecological functioning, water quality, habitat, flows, and amenity values are restored in all streams, rivers, wetlands, and estuaries.

- Action 4.2.1 Continue ecological restoration of the **Maitai River** and its tributaries. (Lead: Nelson City Council). ● ◆ ▲ ↑ ✨ ♥
- Action 4.2.2 Continue to support the **Urban Streams Project** to restore ecological functioning, water quality, habitat, flows, and amenity values in city streams. (Lead: Nelson City Council). ● ◆ ▲ ↑ ✨ ♥
- Action 4.2.3 Continue to improve **monitoring and enforcement** of Resource Management Act consent conditions for freshwaters and Nelson Plan rules. (Lead: Nelson City Council). ● ◆ ▲ ↑ ✨ ♥
- Action 4.2.4 Restore ecological functioning, water quality, habitat, flows and amenity values in **rural streams**. (Lead: Nelson City Council). ● ◆ ▲ ↑ ✨ ♥
- Action 4.2.5 **Improve protection of freshwaters** and of significant freshwater sites through Resource Management Act policies and plans, storm water bylaws and use of other legal protection mechanisms. (Lead: Nelson City Council). ● ◆ ▲ ↑ ✨ ♥
- Action 4.2.6 Monitor the **environmental health of estuaries** using specific indicators for assessing estuary health that align with the Ministry for the Environment national attributes and state variables for managing and monitoring upstream impacts on estuaries. (Lead: Cawthron Institute). ● ◆ ▲ ↑ ✨ ♥

Action 4.2.7 Plan actions to **restore estuaries** by increasing natural terrestrial margin, saltmarsh, and seagrass habitat, reducing fine sediment inflows, reducing faecal contamination, reducing area and extent of reclamation and shore armouring, and reducing wildlife disturbance. (Lead: Friends of Nelson Haven and Tasman Bay)



Intermediate Outcome 4.3 Biological diversity, sensitive habitats, and biological communities are restored in Tasman Bay.

Action 4.3.1 Lead stakeholders and institutions to develop **integrated management of Tasman and Golden Bays** in a way that sustains or enhances its biological diversity and protects **sensitive habitats, biological communities, and species**. (Lead: Tasman Bay Guardians).



Action 4.3.2 Collate, order and analyse **information about Nelson marine biodiversity** to enable effective long-term management (Lead: Cawthron Institute).



Outcome 5 Biodiversity is resilient in the face of climate change.

Intermediate Outcome 5.1 Biodiversity, natural features and ecosystems are sustained as sea level rises.

Action 5.1.1 Complete an inventory of biodiversity and natural features at risk from **sea level rise** as a basis for future planning of staged coastal retreat for sea level rise with biodiversity objectives included. (Lead: Nelson City Council).



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Outcome 6 Ecologically unsustainable use is prevented.

Intermediate Outcome 6.1 Biosecurity risks are averted, and threats managed.

Action 6.1.1 Promote alignment of **pest management** in the region by developing pest management plans, promoting public support for pest management and facilitating communication and co-operation among those involved in pest management to enhance effectiveness, efficiency, and equity of programmes. (Lead: Nelson City Council). ● ◆ ▲ ↑

Intermediate Outcome 6.2 Sediment, nutrient, and contaminant input from the land to freshwaters and the sea are reduced to sustainable levels.

Action 6.2.1 Reduce land-based pollution of the sea by:

- Obtaining information about land use activities to identify where **sediment** is coming from and estimate sediment accumulation rates as a basis for a review of land use management practices. ▲ ↑ ◆ ✨
- Continued assessment of **contaminated land impacts** on marine environments. ▲ ↑ ◆ ✨
- **Assessing all urban storm water for contaminants and initiating action to correct issues**, including adopting low impact design for sustainable urban drainage systems (e.g. rain gardens, wetlands, swales, rainwater collection, detention ponds). (Lead: Nelson City Council). ● ◆ ▲ ↑ ✨

Outcome 7 Valued resources are available for use.

Intermediate Outcome 7.1 Biodiversity resources important to the community, the economy, and to tangata whenua are sustained and restored.

Action 7.1.1 Promote responsible **plant and animal husbandry**. (Forest and Bird) 🍷

Action 7.1.2 Promote enhancement of Nelson's **urban food production** diversity and resilience. (Nelson Environment Centre) 🌸 🍷

Action 7.1.3 Develop initiatives for freshwater and marine **fisheries enhancement**. (Fish and Game) 🍷

Intermediate Outcome 7.2 New ecologically sustainable opportunities are created utilising biodiversity in landscapes outside protected areas.

Action 7.2.1 Coordinate Nelson's response to the Government's **tree planting initiatives**, and create a city-wide plan to enable funding to be gained for implementation. (Nelson City Council) 🏠 🌸 🍷

Action 7.2.2 Hold a public workshop on **enhancing the biological richness** of Nelson's productive landscapes. (Landcare Trust) 🍷 🌿 🏠 🌸 🍷

Public Awareness and Advocacy

Goal 1 Enhance Partners' effectiveness in creating awareness and engagement for biodiversity.

Action 8.1.1 Create and implement an **integrated programme** of four significant shared engagement activities each year. (Lead: Nelson Biodiversity Forum).

Action 8.1.2 **Advocate** for biodiversity goals in planning for sustainability and in responding to wider issues such as climate change where these issues adversely affect biodiversity. (Lead: Biodiversity Forum). ● ✨

Goal 2 Grow partnerships for biodiversity action across broader sectors of our community.

Action 8.2.1 Engage with **tangata whenua** in their context and the context of the Treaty and history. (Lead: Biodiversity Forum).

Action 8.2.1 Encourage further agencies and sectors to sign up as **partners** to the Strategy, including Ministry for Primary Industries, the NZ Transport Agency and industry groups such as commercial fishers. (Lead: Biodiversity Forum).

Goal 3 Work for strategic integration across the wider Top of the South region.

Action 8.3.1 Work for **strategic** integration of **Biodiversity** effort across the wider **Top of the South** region. (Lead: Biodiversity Forum). ● ✨

Monitoring and review

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

The Forum will monitor progress at two levels:

1. Actions
2. Outcomes

and unify these through a standard report card and reporting through Land And Water Aotearoa (LAWA).

Progress on actions will be periodically reported by Forum partners who have agreed to lead on each action.

Progress on each Outcome will be reviewed by the Forum once during each three year period and on the whole Strategy at the end of each three years.

At present, dispersed monitoring across partner organisations does not allow effective reporting at the level of Outcomes, or even identification of gaps in the data. Therefore, an iterative approach will be used to report while building a comprehensive framework in which decisions can be made on further investing in monitoring and reporting.

The iterative approach is to begin reporting in the standard report card format at each Forum meeting and at the same time develop a comprehensive framework. Fortunately, much of the framework has been developed nationally for regional councils for particular aspects such as terrestrial biodiversity. These parts need to be brought together, related to the Nelson context, and populated with information on the data already being collected. This is a substantial task and will require commitment of resources by Partner organisations. Once the framework is completed and populated the Forum Partners will be able to decide on investment priorities if gathering and collating data to track progress on Outcomes.

A template for the Standard Report Card for each Outcome is set out below. Each meeting of the Forum will focus on one Outcome in a sequence that means all have been addressed over two years. A draft report card will be prepared for that meeting using the information available and the Forum will decide on the how gaps might be filled before the end of the three-year term of the Strategy. A final version of each Report Card will be prepared in the third year as part of the next review of the Strategy.

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The Report Card template is illustrated for Outcome 1 below:

Threatened Species	
Outcome nationally and regionally threatened indigenous species are sustained or restored.	
Narrative context: Sets out how this fits into the national and the wider Nelson biodiversity context	
State: Change in number or status of threatened species, number of species under active management, trends, narrative	
Pressure: Increase or reduction in pressures on threatened species, narrative	
Intermediate Outcome nationally and regionally threatened species are under active management: progress on actions, barriers and opportunities	Indicator species: fernbird, more detailed discussion of how this is going and what it means
Intermediate Outcome predator free areas are sustained as refuges for vulnerable species: progress on actions, barriers and opportunities	
Analysis and recommendations	

A similar report card will be developed for each of the other 6 outcomes. Starting in February 2018 each of the Outcomes will form the focus of a Forum meeting.

The following process will be followed to develop monitoring for the Forum's purposes:

- Early 2018 proposed monitoring framework presented and agreement on process for populating it with existing monitoring programmes
- Later in 2018 a gap analysis and degree to which biodiversity outcomes will be reported with current monitoring data described, decision by Partners on investment in monitoring, standardisation, archiving, analysis and reporting.

GLOSSARY

Active management means the long-term protection of species, including managing all threats to secure species from extinction and ensuring their populations are buffered from the impacts of loss of genetic diversity, and longer term environmental events such as climate change.

At risk species are not considered Threatened but could quickly become so if declines continue or if a new threat arises. At Risk species are either declining but not uncommon, or uncommon but not declining.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mauri is the life force of places and natural things.

Nationally threatened are species at greatest risk of extinction. They are either extremely rare, rare following severe historical decline, declining at an extremely high rate, or both uncommon and declining.

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

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

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

Pests are organisms that threaten our valued biodiversity resources.

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

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

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

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

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

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and

- b. safeguarding the life-supporting capacity of air, water, soil and ecosystems, and
- c. avoiding, remedying, or mitigating any adverse effects of activities on the environment.

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

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

Taonga species are plants and animals treasured by tangata whenua.

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

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

Wairua means spirit.

Current biodiversity partners to the Strategy

April 2017¹²

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

Current partners:

1. Nelson City Council
2. Department of Conservation
3. Forest and Bird
4. Ngati Kuia
5. Ngati Tama
6. Ngāti Kōata
7. Port Nelson Limited
8. QE II National Trust
9. Nelmac Limited
10. Nelson Environment Centre
11. Nelson Province of Federated Farmers
12. Brook Waimarama Sanctuary Trust
13. NIWA
14. Cawthron Institute
15. Cawthron Institute Trust Board
16. Fish and Game [Nelson/Marlborough Region]
17. Nelson/Tasman Tourism
18. Nelson Forests Ltd
19. Kaitiaki o Ngahere
20. Fish & Wildlife Services Tom Kroos
21. Hancock Forest Management

¹² To be updated by NCC

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- 22. Friends of Nelson Haven & Tasman Bay
- 23. Nelson Tasman Weedbusters
- 24. Dr Glen Lauder
- 25. Ornithological Society of NZ (Nelson Branch)
- 26. Waimea Inlet Forum

Draft

Nelson Plan Resourcing

1. Purpose of Report

- 1.1 To seek additional resourcing in 2017/2018 to support the development of the Nelson Plan.

2. Summary

- 2.1 An increase of \$600,000 in Nelson Plan budget is sought for the 2017/2018 financial year to enable the release of a draft Nelson Plan, bring the peer/legal review and cost benefit analysis forward to this financial year, and the need to engage consultants to cover significant staff vacancies.
- 2.2 This \$600,000 increase in funding for 2017/2018 will be partially offset by \$300,000 by reducing the 2018/2019 projections for the cost of the peer/legal review and cost benefit analysis. Further savings may also be achieved by utilising staff vacancy budget from 2017/2018 and moving towards a staff model (increasing staff numbers and reducing consultant numbers) in 2018/2019.
- 2.3 While the 2017/2018 budget is proposed to increase by \$600,000 it is projected that the overall budget for the Nelson Plan will increased by \$400,000 over years 2015/2016 to 2020/2021. This is largely due to a reduction in litigation costs anticipated in 2019-2021 by increasing the budget this financial year to ensure that the Nelson Plan is more technically robust and supported by iwi partners and key stakeholders.
- 2.4 It is recommended that Council continue with the Nelson Plan timeline reported to the Planning and Regulatory Committee on 3 October 2017. It is also recommended that while a consultant model is used for 2017/2018 that increasingly as staff are recruited into vacancies the work is undertaken to a greater degree in-house. It is also recommended the proposed Planning Adviser role be brought forward to 2017/2018.
- 2.5 The approach summarised above will ensure that the Nelson Plan meets statutory requirements, is fit for purpose, and increases the likelihood of broad support for the Plan by iwi partners, the wider community, and key stakeholders.

3. Recommendation

That the Planning and Regulatory Committee

Receives the report Nelson Plan Resourcing (R8520) and its attachment (A1858783).

Recommendation to Council

That the Council

Allocates an additional unbudgeted \$600,000 for the development of the Nelson Plan in the 2017/2018 financial year; and

Notes that some increases in the 2017/2018 financial year will be offset by reducing budget projections for 2018/2019 by \$300,000 and savings in consultant costs by employing an additional staff member and as recruitment of vacancies is achieved.

4. Background

- 4.1 Council decided to undertake an integrated review of Nelson's resource management plans at the end of 2013. Approximately \$3.6million was allocated for the development of the Nelson Plan in years one (2015/16) to six (2020/21) of the 2015-2025 Long Term Plan. This funding was based on an ambitious timeframe resulting in notification in 2016/2017 and decisions in 2018/2019 as outlined Attachment 1.
- 4.2 The original Nelson Plan programme did not include the release of a draft plan ahead of public notification.
- 4.3 The Nelson Plan programme (time, cost, scope) has been adjusted as the development of the Plan has developed. For example the Council deferred the development of the Nelson Plan in 2015/16 for six months so that the Woodburner Plan Change (Plan Change A3) could be prioritised at a cost of approximately \$200,000.
- 4.4 Attachment 1 summarises the key timeline and budget changes to the Nelson Plan programme from 2015/2016-2020/2021.
- 4.5 There have also been a range of other factors that have influenced the Nelson Plan programme. These factors were most recently outlined to the Planning and Regulatory Committee on 3 October 2017 when the Committee considered whether the timeline of the Nelson Plan should be adjusted to provide for notification in late May 2019 rather than January 2018.
- 4.6 The timeline has been adjusted for a number of reasons including:

- The need to extend workshop timeframes so that the Council can meaningfully engage on the draft Plan content
 - The need to incorporate additional changes resulting from national policy changes such as National Environment Standard Plantation Forestry, National Policy Statement for Freshwater and the National Policy Statement Urban Development Capacity.
 - The need for additional engagement with potentially affected landowners and stakeholders
 - New statutory obligations to provide a draft of the Plan to iwi prior to public release
 - There has been a desire for greater quality control to ensure a robust Plan including independent legal and peer reviews, consent testing, and cost benefit analysis of the draft Plan provisions.
- 4.7 A summary of the Nelson Plan timeline options considered in the 3 October 2017 report is included in the options section of this report below.
- 4.8 Further work has now been undertaken to more carefully consider the financial implications of changing the timeline and scope of the Nelson Plan.

5. Discussion

- 5.1 The timeline of the Nelson Plan has been set so that a good quality plan can be notified ahead of the Local Body Elections in late 2019. The focus of this report is on the financial implications of delivery of the Nelson Plan as a result of change in approach over time.

Budget Adjustments Recommended

- 5.2 The overall budget for the Nelson Plan is projected to increase from approximately \$3.6 million to \$4.0 million between 2015/16-2020/21 (refer attachment 1 for year by year costings/projections).
- 5.3 Approximately \$250,000 of the \$603,000 2017/18 budget for the development of the Nelson Plan has been spent to date. It is now estimated that a total of \$1.2 million will be needed in 2017/2018 due to phasing changes associated with the Nelson Plan timeline, national policy changes, a need for increased engagement, and staff vacancies.
- 5.4 While the financial impact of scope changes means that there is a significant increase in projections for the current financial year (2017/2018), some of this increase can be offset by bringing budget (\$300,000) forward from 2018/2019 and by relying on the staff vacancy account to fund additional consultant costs in the short term and moving towards a staff model in 2018/2019.

- 5.5 The Draft Environment Activity Management Plan 2018/2028 budget envisaged that the peer/legal review and cost benefit analysis, estimated at approximately \$300,000, would be undertaken following the release of the draft Nelson Plan in 2018/2019. The revised timeline identifies that this will be brought forward to 2017/2018 so that the community has an opportunity to see a more polished plan with a robust economic analysis.
- 5.6 It is anticipated that approximately \$120,000 can be offset by salary savings due to ongoing staff vacancy issues in 2017/18.
- 5.7 There is also an opportunity to reduce overall costs by employing additional staff and relying less on consultants for community engagement in the 2018/19 financial year. This is contingent on being able to fill current vacancies in the short term.
- 5.8 The main cause of overall projection increases relates to scope changes that have occurred such as:
- the Woodburner Plan change in 2016;
 - national policy changes;
 - the desire to release a draft Nelson Plan that has had a peer/legal review ahead of public notification;
 - A desire for greater iwi partner and community engagement to increase buy-in and potentially reduce opposition following notification;
 - Staff vacancies (currently 3.5FTEs out of a team of 7FTEs) have required engagement of additional consultants to keep the Nelson Plan process on track.

Staff Resource Increase

- 5.9 The Planning team currently has a staff resource of 0.5 Full Time Equivalent (FTE) Manager, 1.0 FTE Team Leader, 1.5 FTE Administrator, 2.0 FTE Senior Planning Advisers and 2.0 FTE Planning Advisers. There is currently a vacancy of one Senior Planning Adviser, One Planning Adviser, One half time Administrator, and One Team Leader. Officers are seeking additional funding for a full time Planning Adviser (\$80,000) as part of the Long Term Plan to help with Bylaws in the medium term but Plan review in the short term. This has been signalled in the Draft Environment Activity Management Plan approved by the Planning and Regulatory Committee on 3 October 2017.
- 5.10 The addition of a Planning Adviser would bring staff resourcing to 8.0FTE's which would be more consistent with staff resourcing of other comparable Council Plan review teams (Environment Waikato and Northland Regional Council 9 FTE's and Tasman District Council 10.5FTE's). Due to current staff vacancies there is a need to bring the Planning Adviser position forward to the 2017/2018 financial year as part of the recruitment drive to replace the Team Leader Planning, Senior

Planning Adviser, and Planning Adviser. This recognises that it will take time to bring new staff up to speed in a team that currently has a diminishing staff resource due to vacancies.

- 5.11 It should also be noted that other Councils are taking a different approach to plan development where a larger portion of work is being delivered by staff, some are doing a rolling plan review, and the scope of reviews is narrower.

Options

- 5.12 The options for the timeline of the Nelson Plan were considered in report R8275 at the 3 October 2017 Planning and Regulatory Committee meeting. The revised timeline resulting in notification by May 2019 was favoured over a notification deadline of January 2018 because this:

- Meets iwi expectations;
- Fulfils Council's commitment to releasing a draft Plan;
- Ensures the Plan is fit for purpose; and
- Increases the likelihood of broad support for the Plan.

- 5.13 The disadvantages of this approach are:

- Delay in notifying the Nelson Plan; and
- Increase in overall cost as outlined in the "Budget Adjustment" section of this report above.

- 5.14 A number of other broad options could be considered such as deferring the peer/legal review and cost benefit analysis of the Plan until next financial year; avoid the release of a draft Plan and go straight to public notification; move to a rolling review model; and extend the timeline of the Nelson Plan. These options are likely to either increase the time and cost of the development of the Nelson Plan and are likely to impact on the quality and ultimately community buy in of the Plan. Given the significant progress that has been made with delivering an integrated Nelson Plan to date (first cut draft due end of November 2017) and the current staff vacancy issue it is not feasible to change tack.

- 5.15 2018/2019 (Year 1 LTP) will involve engagement on the Draft Nelson Plan, revision of the Plan following community feedback and final peer/legal review ahead of notification.

- 5.16 While it is not feasible to alter course this current financial year it may be possible to move to more of a staff model in 2018/2019. This would then free up some limited budget in 2018/2019 that would help off-set the projected overspend in 2017/2018. There are a number of issues with this approach as it has been difficult to attract Plan writing staff to

Nelson given the shortage of available experienced staff nationally. It would also not be feasible to bring peer and legal review tasks in house.

- 5.17 It is therefore recommended that Council continue with the Nelson Plan timeline reported to the Planning and Regulatory Committee on 3 October 2017 and agree to additional budget this financial year which will be partially off-set by reduced costs of approximately \$300,000 next financial year.

Matt Heale
Manager Environment

Attachments

Attachment 1: A1858783 Nelson Plan resourcing and Timelines 2015 to 2020
[!\[\]\(e78f798d4ea5c530c9db49e7d26e6b95_img.jpg\)](#)

Important considerations for decision making

1. Fit with Purpose of Local Government

Additional funding sought will ensure that the community is able to provide meaningful input to the development of a quality Nelson Plan, which is a key means by which Council performs its regulatory functions. That input will ensure that the Plan represents the most cost effective means of achieving the purpose of the Local Government Act.

2. Consistency with Community Outcomes and Council Policy

This decision will help deliver the Nelson Plan to achieve the following community outcomes:

- Nelson's unique natural environment is healthy and protected
- Nelson's urban and rural environments are people friendly, well planned and sustainably managed.
- Nelson's infrastructure is efficient, cost effective and meets current and future needs
- Our communities are healthy, safe, inclusive, and resilient.
- Nelson's communities have opportunities to celebrate and explore their heritage, identity and creativity.
- Nelson's communities have access to a range of social, educational and recreational facilities and activities
- The Council provides leadership and fosters partnerships, a regional perspective, and community engagement

And Nelson 2060 goals:

- Goal 1 – We support and encourage leaders across our community;
- Goal 2 – We are all able to be involved in decisions;
- Goal 3 – Our natural environment – air, land, rivers and sea – is protected and healthy;
- Goal 4 – We produce more of our own food;
- Goal 5 – We are able to rapidly adapt to change;
- Goal 6 – We move from using fossil fuels to renewable energy sources;
- Goal 7 – Our economy thrives and contributes to a vibrant and sustainable Nelson;
- Goal 8 – Nelson is the centre of learning and practice in Kaitiakitanga and sustainable development;

<ul style="list-style-type: none"> • Goal 9 – Everyone in our community has their essential needs met; • Goal 10 – We reduce our consumption so that resources are shared more fairly.
<p>3. Risk</p> <p>The additional resources sought will ensure that the Nelson Plan can be delivered to an appropriate quality and reasonable timeframe to ensure that key stakeholders and iwi partners are fully engaged and Nelson’s natural and built environment is appropriately managed. There is a risk that staff vacancies cannot be filled which may impact further on the 2017/2018 budget projections.</p>
<p>4. Financial impact</p> <p>The 2017/2018 financial impact is to increase the budget by approximately \$600,000. Reducing the 2018/2019 budget by \$300,000 and employing more staff will off-set some of these costs.</p>
<p>5. Degree of significance and level of engagement</p> <p>This matter is of medium significance because of the financial impact and the change in service levels for the development of the Nelson Plan. The revised timeframe will allow the community to be engaged in the development of the Nelson Plan.</p>
<p>6. Inclusion of Māori in the decision making process</p> <p>Members of Council’s Iwi Working Group have sought provision for additional input into the Nelson Plan which has been factored into the adjusted timeline.</p>
<p>7. Delegations</p> <p>The Planning and Regulatory Committee/Council has the responsibility for considering Resource Management Act matters. The Planning and Regulatory Committee has the power to make a recommendation to Council on this matter.</p>

Item 15: Nelson Plan Resourcing: Attachment 1

Nelson Plan Resourcing and Timelines 2015-2020							
	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
LTP 2015 Estimates	\$705,000	\$700,000	\$700,000	\$700,000	\$500,000	\$300,000	\$3,605,000
Annual Plan estimates	\$685,000	\$639,000	\$603,000				
Annual Plan Spend	\$490,000	\$753,000	\$250,000 at Sept 2017				
Draft LTP 2018 Estimates				\$873,000	\$667,000	\$317,000	
Revised figures	\$490,000	\$753,000	1,200,000	\$573,000	\$667,000	\$317,000	\$4,000,000
Reason for changes between LTP estimates and Revised figures	\$200K spent on Woodburner Plan Change (PCA3)	Need to Brief new Council Additional Council workshops Additional engagement requested including need for a draft plan process	National Policy changes Peer/legal review and Cost benefit ahead of release of the draft Iwi/statutory/landowner engagement on draft plan Staff vacancies	Peer/legal review and cost benefit moved forward to inform Draft Nelson Plan Community engagement driven by Council staff rather than consultants	Hearing and commissioner costs and technical work	Appeals reduced due to front end engagement and peer/legal review	
Original timeframe outlined in 2015 LTP	Community engagement and technical work	Technical work and Notification	Hearings, Decisions, and technical work	Hearings, Decisions, and technical work	Appeals	Appeals	
Revised timeframe confirmed at 3 October 2017 Planning and regulatory Committee	Issue definition Draft RPS Engagement Technical work Woodburner Plan change	Revision of RPS Stakeholder and landowner engagement especially on Natural hazards, Freshwater, heritage, Designations, Biodiversity, and Landscape Briefing new Council Additional technical work Council rule workshops commence in March	Stakeholder and landowner engagement Council rule workshops end by October 2017 Working Draft RPS approved Peer/Legal review and cost benefit analysis (\$300K) Statutory engagement	Release Draft Nelson Plan for community engagement Undertake community engagement and summarise feedback Commission additional technical work where necessary Final peer/legal review Revise Plan and cost benefit analysis Notify Nelson Plan	Summarise submissions Hearings Commissioner costs, technical work, and hearing reports	Decisions and Appeals	
FTE's	5.5 0.5 Manager 2 Senior Planners 2 Planners 1 Admin	5.5 1 Manager 1 Senior Planner 2 Planning Advisers 1.5 Administrators	7 (3 vacancies) 0.5 Manager 1 Team Leader Vacancy 1 Senior Planner 1 Senior Planner Vacancy 1 Planning Adviser 1 Planning Adviser Vacancy 1 Planning Administrator 0.5 Planning Administrator Vacancy	8 0.5 Manager 1 Team Leader 2 Senior Planners 3 Planning Advisers 1.5 Planning Administrator	8 0.5 Manager 1 Team Leader 2 Senior Planners 3 Planning Advisers 1.5 Planning Administrator	8 0.5 Manager 1 Team Leader 2 Senior Planners 3 Planning Advisers 1.5 Planning Administrator	

A1858783