



AGENDA

Ordinary meeting of the

Planning and Regulatory Committee

**Thursday 5 July 2018
Commencing at 9.00a.m.
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership: Councillor Brian McGurk (Residing Co-Chairperson), Her Worship the Mayor Rachel Reese (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 29 May 2018

6 - 12

Document number M3522

Recommendation

That the Planning and Regulatory Committee***Confirms the minutes of the meeting of the Planning and Regulatory Committee, held on 29 May 2018, as a true and correct record.*****6. Chairperson's Report****7. Warrant of Fitness for Rental Housing****13 - 18**

Document number R8802

Recommendation

That the Planning and Regulatory Committee***Receives the report Warrant of Fitness for Rental Housing (R8802) and its attachment (A1983465); and***

Agrees that Officers only report further where there is any alteration to Central Government position on a Warrant of Fitness for rental housing.

8. Draft Waimea Inlet Action Plan

19 - 46

Document number R9296

Recommendation

That the Planning and Regulatory Committee

Receives the report Draft Waimea Inlet Action Plan (R9296) and its attachment (A1964502); and

Requests officers to prepare a report recommending which draft Waimea Inlet Action Plan targets Nelson City Council should sign up to, either as lead or supporting agency.

9. Environmental Monitoring Charges - Statement of Proposal

47 - 66

Document number R9311

Recommendation

That the Planning and Regulatory Committee

Receives the report Environmental Monitoring Charges - Statement of Proposal (R9311) and its attachments (A1979547, A1986399 and A2000121); and

Endorses the Statement of Proposal Draft Fees and Charges for Environmental Monitoring and Science – Resource Consents Activity (A1979547) for final Council approval, and subsequent Special Consultative Procedure.

Recommendation to Council

That the Council

Approves the establishment of charges for its Environmental Monitoring and Science programme as provided for under Section 36 of the Resource Management Act 1991; and

Approves the Statement of Proposal Draft Fees and Charges for Environmental Monitoring and Science – Resource Consents Activity (A1979547) and commences a Special Consultative Procedure under section 83 of the Local Government Act 2002, for feedback on the proposed charges; and

Agrees that a summary of the Statement of Proposal is not required.

10. Nelson Tasman Land Development Manual - Authority to Complete Review

67 - 70

Document number R9388

Recommendation

That the Planning and Regulatory Committee

Receives the report Nelson Tasman Land Development Manual - Authority to Complete Review (R9388); and

Refers to Council all powers of the Planning and Regulatory Committee relating to:

- the Draft Nelson Tasman Land Development Manual and its release for public feedback; and***
- the Draft Nelson Resource Management Plan change for public feedback.***

Recommendation to Council

That the Council

Considers all matters relating to:

- the Draft Nelson Tasman Land Development Manual and its release for public feedback; and***
- the Draft Nelson Resource Management Plan change for public feedback.***

Note:

- Lunch will be provided.**
- Youth Councillors Alex Hunter and Cassie Hagan will be in attendance at this meeting.**



Minutes of a meeting of the Planning and Regulatory Committee

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

On Tuesday 29 May 2018, commencing at 1.01pm

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

In Attendance: Councillors P Matheson, T Skinner, M Rutledge, Chief Executive
(P Dougherty), Group Manager Environmental Management (C
Barton), Youth Councillors N Frizzell and J VandenBerg-Kaire
and Governance Adviser (J Brandt)

Apologies : Nil

1. Apologies

There was no apology.

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

5.1 5 April 2018

Document number M3394, agenda pages 8 - 13 refer.

Resolved PR/2018/028

That the Planning and Regulatory Committee

Confirms the minutes of the meeting of the Planning and Regulatory Committee, held on 5 April 2018, as a true and correct record.

McGurk/Her Worship the Mayor

Carried

6. Chairperson's report

The Chairperson updated the committee on relevant regulatory matters such as the engagement with the Ministry of the Environment and the upcoming Water Symposium in Wellington.

7. Status Report - Planning and Regulatory Committee - 29 May 2018

Document number R9293, agenda pages 14 - 17 refer.

Resolved PR/2018/029

That the Planning and Regulatory Committee

Receives the report Status Report - Planning and Regulatory Committee - 29 May 2018 (R9293) and its attachment (A1736802).

Walker/Paine

Carried

8. Environmental Management Report for 1 January - 31 March 2018

Document number R9137, agenda pages 18 - 40 refer.

Manager Consents and Compliance Mandy Bishop made a correction to page 21, item 6.3 noting that compliance with statutory timeframes had slipped to 84% for the quarter, not 91%.

Manager Consents and Compliance Mandy Bishop, Manager Building Martin Brown and Manager Environment Matt Heale presented the report.

Environmental Programmes Adviser Leigh Marshall answered questions about the Battle for the Banded Rail as well as the discovery of another Back Beach Beetle population.

Officers further answered questions regarding legal proceedings, progress on Special Housing Accords, freedom campers and requests received under the Local Government Official Information and Meetings Act.

Resolved PR/2018/030

That the Planning and Regulatory Committee

Receives the Environmental Management Report for 1 January - 31 March 2018 (R9137) and its attachments (A1929343 and A1946662).

Barker/McGurk

Carried

9. Nelson Biodiversity Strategy Revision 2017/18

Document number R9161, agenda pages 41 - 74 refer.

Environmental Programmes Adviser Leigh Marshall presented the report and answered questions regarding the Biodiversity Forum and actions contained in the Strategy.

Resolved PR/2018/031

That the Planning and Regulatory Committee

Receives the report Nelson Biodiversity Strategy Revision 2017/18 (R9161) and its attachments (A1957147 and A1964413).

McGurk/Fulton

Carried

Recommendation to Council PR/2018/032

That the Council

Adopts the revised Nelson Biodiversity Strategy 2017/18 (A1957147).

McGurk/Fulton

Carried

10. Section 36 State of the Environment monitoring and research charges

Document number R9236, agenda pages 75 - 82 refer.

Resolved PR/2018/033

That the Planning and Regulatory Committee

Receives the report Section 36 State of the Environment monitoring and research charges (R9236) and its attachment (A1947433); and

Approves the commencement of the preparation of a Statement of Proposal for annual State of the Environment monitoring and research charges; and

Notes that a Statement of Proposal will be prepared and brought back to the Committee for recommendation to Council.

McGurk/Dahlberg

Carried

11. Nelson Plan Update

Document number R8994, agenda pages 83 - 130 refer.

Manager Environment Matt Heale presented his report and answered questions regarding matters pertaining to the Nelson Plan timeline and statutory requirements.

It was noted that the City Vision was developed by the current Council, that the statements at the beginning of the draft Nelson Plan pre-dated the current Council, and that therefore further work was required to ensure the City Vision was reflected in the Nelson Plan in a Resource Management Act context. The recommendation wording was amended to address this matter.

It was noted that agenda pages 106 and 107 needed further work.

Resolved PR/2018/034

That the Planning and Regulatory Committee

Receives the report Nelson Plan Update (R8994) and its attachments (A1955071 and A1923677); and

Approves the release of the Draft Nelson Plan in accordance with the Draft Nelson Plan Overview (A1955071) for statutory stakeholder and iwi partner feedback; and

Delegates authority to approve the incorporation of the Council's vision and any minor changes to the Draft Nelson Plan; based on feedback from this meeting, to the Group Manager Environmental Management, Her Worship the Mayor, and Cr McGurk; and

Approves amending the indicative timeline for public notification of the Nelson Plan from May 2019 to July 2019.

Fulton/Paine

Carried

12. Submission on Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No.2)

Document number R9329, agenda pages 131 - 135 refer.

Acting Senior Strategic Adviser Mark Tregurtha presented his report.

Resolved PR/2018/035

That the Planning and Regulatory Committee

Receives the report Submission on Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No.2) (R9329) and its attachments (A1970982 and A1955285); and

Confirms the content of the submission (A1955285) as submitted to the Central Government Governance and Administration Committee.

Barker/Fulton

Carried

13. Exclusion of the Public

Resolved PR/2018/036

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:

Her Worship the Mayor/Walker

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	Status Report - Planning and Regulatory Committee - Public Excluded - 29 May 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 supplied or who is the subject of the information • 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

The meeting went into public excluded session at 2.04pm and resumed in public session at 2.05pm.

Please note that as the only business transacted in public excluded was to receive the status report, this business has been recorded in the public minutes. In accordance with the Local Government Official Information Meetings Act 1987, no reason for withholding this information from the public exists.

14. Status Report - Planning and Regulatory Committee - Public Excluded - 29 May 2018

Document number R9294, agenda pages 3 - 4 refer.

Resolved PR/2018/037

That the Planning and Regulatory Committee

Receives the report Status Report - Planning and Regulatory Committee - Public Excluded - 29 May 2018 (R9294) and its attachment (A1863070).

Barker/Her Worship the Mayor

Carried

15. Re-admittance of the Public

Resolved PR/2018/038

***That the Planning and Regulatory Committee
Re-admits the public to the meeting.***

Her Worship the Mayor/McGurk

Carried

There being no further business the meeting ended at 2.05pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Warrant of Fitness for Rental Housing

1. Purpose of Report

- 1.1 To provide an update on the uptake of Warrant of Fitness programmes for rental housing by Central and Local Government; and
- 1.2 To seek agreement for officers to maintain a watching brief and only report if there is any change to the current approach by Central Government.

2. Summary

- 2.1 Central Government's focus is on directly improving insulation and heating in homes; rather than a Warrant of Fitness scheme. The scheme in Wellington has had limited uptake and is a cost to Council ratepayers. This report concludes no further action be taken until there is a change in Central Government approach.

3. Recommendation

That the Planning and Regulatory Committee

Receives the report Warrant of Fitness for Rental Housing (R8802) and its attachment (A1983465); and

Agrees that Officers only report further where there is any alteration to Central Government position on a Warrant of Fitness for rental housing.

4. Background

- 4.1 At the Planning and Regulatory Committee meeting public forum on 18 February 2016, Voice Nelson Representative Mary Ellen O'Connor requested that Nelson City Council consider adopting a Warrant of Fitness scheme for rental housing.

Item 7: Warrant of Fitness for Rental Housing

- 4.2 Ms O'Connor provided information on a pilot Warrant of Fitness study undertaken in 2014 by Otago University. In this pilot 144 rental houses across Auckland, Christchurch, Dunedin, Tauranga and Wellington were assessed.
- 4.3 During the Planning and Regulatory Committee meeting on 21 April 2016, it was agreed the Committee would reassess the merits of a Warrant of Fitness for rental housing, once it had been undertaken for a period by Wellington and/or Dunedin City Councils.
- 4.4 The Planning and Regulatory Committee on 27 July 2017 (as neither Dunedin or Wellington City Councils had implemented a Warrant of Fitness for rental housing) resolved:

That the Committee

Requests a report be brought to the Committee in June 2018 providing any update on Central Government or Local Government adoption of a Warrant of Fitness Scheme for rental housing.

5. Discussion

Central Government has not adopted a Warrant of Fitness for rental housing

- 5.1 To date Central Government has not advised of any work or indicated any support to develop a Warrant of Fitness for rental housing to be implemented by Local Government citing negative impacts of the cost of administering such a scheme.
- 5.2 Central Government have instead focussed on the development of legislation, namely the **Healthy Homes Guarantee Bill (no.2)**, to respond to poor heating and insulation provisions in rental housing stock.
- 5.3 The Healthy Homes Guarantee Bill (2) was enacted in December 2017. From its commencement date, on 1 July 2019, it will require all landlords to guarantee that any new tenancy must either be properly insulated or contain a heating source able to make the home warm and dry.

Wellington City Council has implemented a scheme for Warrant of Fitness for Rental Housing

- 5.4 In August 2017 Wellington City Council (WCC) commenced a voluntary scheme, whereby rental property owners can request a Warrant of Fitness for rental housing inspection (termed in WCC as a Rental WOF).
- 5.5 A third party trust is undertaking the inspection work on behalf of WCC when requests are made. There is a charge of \$250.00 for this service. Where the initial assessment fails the owner has six months to resolve failed items or they will have to re-apply and pay a further \$250.00 to be re-assessed at a later stage.

Item 7: Warrant of Fitness for Rental Housing

- 5.6 The Rental WOF inspection has 63 questions and covers 29 criteria which are based on the initial pilot study and takes around one hour to complete. There is a self-assessment sheet (attached to this report A1983465) which can be downloaded and printed off or you can download the App, which is called Rental Housing WOF.
- 5.7 The App is free and available for anyone to use. It can be download from iTunes or Google Play. The Nelson City Council Website could include information to raise awareness of the availability of this third party App.
- 5.8 As at 28 March 2018 there were only two properties on the Wellington City Council website with the rental WOF. Further contact with Wellington City Council has confirmed this is still the case as at 1 June 2018, nine months post implementation, indicating a limited uptake of the system at this time.
- 5.9 The App has had more uptake as people can carry out a self-check. There had been 800 downloads of the App as at 28 March 2018. This has increased to 1200 as at 1 June 2018. It is believed tenants are downloading this and then raising the check list failed points with their landlords.
- 5.10 It should be noted that the policy team of WCC are undertaking this work and it sits outside any regulatory framework and the functions of the Building Consent Authority.
- 5.11 Nelson City Council does not have any budget or resources available to support any development or implementation of a scheme similar to the WCC Rental WOF scheme.
- 5.12 There is still a level of concern a Warrant of Fitness for rental housing may miss the mark. This concern is based on the following;
- It is voluntary.
 - Poor stock of rental housing will likely remain unaffected as the tenants and landlords may not buy into it because to undertake works would likely increase rents to cover the improvements. This could have a negative impact on affordability for low income families.

6. Options

- 6.1 Currently there is limited uptake of the WCC Rental WOF, no Central Government direction to undertake this type of service and no data collected to demonstrate any actual benefit being derived from this service. In short there is no indication this will improve poor quality rental housing stock and the initiative remains untested and in its infancy.

Item 7: Warrant of Fitness for Rental Housing

- 6.2 Due to the situation outlined above the option at this stage is to defer indefinitely. In the event Warrant of Fitness for rental housing becomes common place for Local Government and Councils this position can be reviewed.

7. Conclusion

- 7.1 The Warrant of Fitness for rental housing initiative is largely untested, there is no data at present on any real benefits or dis-benefits to tenants and landlords using a Warrant of Fitness for rental housing.
- 7.2 It is recommended no further action be taken unless Central Government alters its approach regarding Warrant of Fitness for rental housing.

Martin Brown
Manager Building

Attachments

Attachment 1: A1983465 Warrant of Fitness for rental housing - Self assessment Checklist [↓](#)

<p>Important considerations for decision making</p>
<p>1. Fit with Purpose of Local Government</p> <p>To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. This is an initiative which is aiming to improve rental housing stock but has yet to demonstrate proven results.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The Environment work programme addresses a community outcome of 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 risk inherent with the Warrant of Fitness for rental housing is that it is untested and has not demonstrated benefits in its implementation by Wellington City Council at this time. Noting only two landlords have signed up, it is possible this could incur reasonable cost and resources to set up and run and not provide the desired benefit to the community.</p>
<p>4. Financial impact</p> <p>If the Warrant of Fitness for rental housing were to be implemented this will incur costs to set up and run. Currently these costs and resources have not been allowed for to date as the success and benefits of such a system is not proven.</p>
<p>5. Degree of significance and level of engagement</p> <p>This matter is of low significance because no further action is proposed.</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 powers to <i>recommend development or review of policies and strategies relating to the areas of responsibility.</i></p>

Item 7: Warrant of Fitness for Rental Housing: Attachment 1



Assessment Checklist

P = Pass F = Fail / = Not applicable

P F	Kitchen
	Wall, ceiling and floor linings intact
	Surfaces clear of mould
	Functioning stove and oven
	Effective ventilation to the outside
	+ Opening window with secure latch
	+ Window security stays (where required)
	Adequate food preparation and storage
	Hot water at tap (55°C±5°C)
	Potable water supply
	Waste water drainage with sound connection
	Working artificial lighting
	Visibly safe power outlets and light switches
P F	Living Areas
	Wall, ceiling and floor linings intact
	Surfaces clear of mould
	Effective ventilation to the outside
	+ Opening window with secure latch
	+ Window security stays (where required)
	Working artificial lighting
	Heating, fixed, effective and safe
	Visibly safe power outlets and light switches
	Curtains/blinds/double glazing present
P F	Bathroom and Toilet
	Wall, ceiling and floor linings intact
	Surfaces clear of mould
	Operational toilet
	Sewage connection functional
	Functioning bath or shower
	Effective ventilation to the outside
	+ Opening window with secure latch
	+ Window security stays (where required)
	Waste water drain connected
	Hot water at tap (55°C±5°C) if second cylinder
	Visibly safe power outlets and light switches
	Working artificial lighting
P F	Laundry
	Wall, ceiling and floor linings intact
	Surfaces clear of mould
	Effective ventilation to the outside
	Working artificial lighting
	Waste water drain connected
	Visibly safe power outlets and light switches

1	2	3	4	5	Bedrooms
PF	PF	PF	PF	PF	
					Wall, ceiling and floor linings intact
					Surfaces clear of mould
					Effective ventilation to the outside
					+ Opening window with secure latch
					+ Window security stays (if required)
					Visibly safe power and light switches
					Smoke alarm within 3m
					Curtains/blinds/double glazing
P F		Entrance			
		Address clearly labelled and identifiable			
		Securely locking doors			
		Working light			
P F		Ceiling Insulation			
		Insulation to requirements (120mm)*			
		No gaps, tucks, or folds			
		No dampness in insulation			
		Clearance for lights, ducts and roof			
P F		Underfloor Insulation			
		Insulation to requirements*			
		Dry underfloor			
		Ground vapour barrier			
		No ponding			
P F		General			
		No cracks, holes in roof			
		No cracks, holes in external cladding			
		No cracks, holes or missing panes in windows			
		Spouting, storm/waste water functioning, no leaks			
		Structurally sound			
		Glass doors made of safety glass or include visibility strips			
		Handrails and balustrades to code*			
		Non-potable water labelled			
		Paths, decks and surfaces non-slippery/free from moss			
		Secure storage (1.2m high or child-free lock)			
		Artificial lighting – other			
P F		Hallway/stairwell			
		Wall, ceiling and floor linings intact			
		Surfaces clear of mould			
		Visibly safe power outlets and light switches			
		Opening window with secure latch			
		Window security stays (if required)			
		Artificial lighting - hallway			
		Artificial lighting - stairs			
*Manual at https://tinyurl.com/RHWofManual (PDF)					
Totals		Pass		Fail	

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A1983465

Draft Waimea Inlet Action Plan

1. Purpose of Report

- 1.1 To receive the draft Waimea Inlet Action Plan 2018-2021 and agree a further report be prepared by officers recommending which draft Waimea Inlet Action Plan targets Nelson City Council should sign up to, either as lead or supporting agency.

2. Summary

- 2.1 The draft 'Waimea Inlet Action Plan 2018 to 2021' (Action Plan) is designed to implement the Waimea Inlet Management Strategy 2010 (Strategy), which Council is a signatory to. Both the Plan and Strategy are non-statutory documents, aimed at maintaining and improving the health of the Inlet.
- 2.2 The Waimea Inlet Coordination Group (Group) is requesting each of the four signatories to the WIMS receive the draft Action Plan and identify specific actions their organisation would like to assist with or take a lead on, so that work can begin on its implementation.
- 2.3 The Group proposes that signatories commit to specific actions for their organisation rather than adopt the Plan in its entirety.
- 2.4 A thorough analysis is required to identify which actions and targets in the draft Action Plan NCC should sign up to, either as lead or supporting agency; and to fully scope the timeframes and resources that would be required from Council to achieve these targets. Officers will undertake the analysis and report back to the next Planning and Regulatory Committee meeting.

3. Recommendation

That the Planning and Regulatory Committee

***Receives the report Draft Waimea Inlet Action Plan (R9296) and its attachment (A1964502);
and***

Requests officers to prepare a report recommending which draft Waimea Inlet Action Plan targets Nelson City Council should sign up to, either as lead or supporting agency.

4. Background

- 4.1 The Waimea Inlet is the largest semi-enclosed coastal inlet in the South Island, and has international and national importance as a site for migratory birds.
- 4.2 The Waimea Inlet Management Strategy (WIMS) was developed in 2010 to coordinate a cross-regional approach for the care of the Inlet. The Waimea Inlet lies within both Nelson and Tasman Regions.
- 4.3 Nelson City Council (NCC) is a signatory to the WIMS. Tasman District Council (TDC), the Department of Conservation (DOC) and Fish & Game are the other three signatories to the Strategy.
- 4.4 In July 2017, the Planning and Regulatory Committee agreed to adopt the terms of reference for a Co-ordination Group for the Waimea Inlet and appointed Councillor Dahlberg as NCC's representative on the Co-ordination Group.
- 4.5 The role of the Coordination Group is to *"identify, prioritise and coordinate the actions needed to achieve implementation of the WIMS and collate these into a proposed Action Plan"*. The full terms of reference for the Coordination Group are included as Appendix 1 in the draft Action Plan. Current members of the Coordination Group include representatives from TDC, NCC, DOC, Fish & Game, Waimea Inlet Forum (WIF) and Tasman Environmental Trust (TET).
- 4.6 Councillor Dahlberg, along with Council officers, has worked with the other members of the Group to develop the draft Action Plan.
- 4.7 Both the draft Action Plan and Strategy are non-statutory documents, aimed at maintaining and improving the health of the Inlet.
- 4.8 Te Tau Ihu iwi have an open invitation to become signatories to the WIMS, to appoint representatives to the Waimea Inlet Coordination Group and to participate in the development, implementation, review and monitoring of the draft Action Plan. They have been kept informed of progress throughout the Plan's development. Representatives from Ngati Tama and Te Atiawa attended the most recent meeting of the Group in May.
- 4.9 An earlier version of the draft Action Plan was published on TDC's website and distributed to iwi and interested parties and individuals in December 2017, requesting their feedback by 9 March 2018. A workshop on the draft Action Plan was held on 2 March 2018, attended

Item 8: Draft Waimea Inlet Action Plan

by approximately 50 people. The Group then further revised the draft Action Plan, to incorporate feedback received.

- 4.10 The resulting draft 'Waimea Inlet Action Plan 2018 to 2021' represents the collective effort of a wide range of organisations, groups and individuals. It is appended as Attachment 1 to this report.

5. Discussion

- 5.1 The Action Plan is intended to be a living document that may be amended over time, in response to new knowledge and changing circumstances.
- 5.2 Signatories of the Action Plan will identify actions that their organisation will lead or support implementation of, and sign-off on those specific actions, rather the Action Plan in its entirety.
- 5.3 Some of the actions and targets identified in the draft Action Plan relate to the responsibilities of other agencies (e.g. TDC, DOC). However, a number relate to NCC's core business and some will require involvement of several Council Groups.
- 5.4 While many of the actions and targets identified in the draft Action Plan relate to tasks that Council has existing resources allocated, there are some that aren't currently funded in Council's existing work streams.
- 5.5 On 3 May 2018, TDC received the draft Plan and instructed officers to prepare a report with recommendations on the specific targets TDC should sign up to as either lead or supporting agency.
- 5.6 Other parties (e.g. the Waimea Inlet Forum, Tasman Environmental Trust) may also sign up to the draft Action Plan in the near future. One of the reasons for creating the Action Plan is to have an 'investment ready' document that external (i.e. non-Council) funders can refer to when considering funding applications from groups such as Tasman Environmental Trust.
- 5.7 The intention of the Group is that all parties who adopt the Action Plan will work together to achieve the targets and, when unbudgeted funding is required, external funding will be sought.
- 5.8 A thorough analysis is required to identify which actions and targets in the draft Action Plan NCC should sign up to, either as lead or supporting agency; and to fully scope the timeframes and resources that would be required from Council to achieve these targets.
- 5.9 It is recommended that Council use a two-step process to: (i) receive the draft Action Plan and (ii) approve that officers prepare a report on the draft Waimea Inlet Action Plan, recommending which targets NCC should sign up to, either as lead or supporting agency.

Item 8: Draft Waimea Inlet Action Plan

- 5.10 Once adopted, the Waimea Inlet Coordination Group will regularly report on progress with implementing the Action Plan and review it every three years.

Options

Option 1: Receive the draft Action Plan, and approve that officers prepare a report recommending which draft Waimea Inlet Action Plan targets Nelson City Council should sign up to, either as lead or supporting agency (preferred option)	
Advantages	<ul style="list-style-type: none"> • Council demonstrates its commitment as a collaborative partner of the Waimea Inlet Coordination Group. • Final Action Plan will take into account issues that may not have been discussed by the Coordination Group in the development of the draft Action Plan. • A more effective and efficient achievement of environmental outcomes for Waimea Inlet through a collaborative strategic approach • Council uses the same approach to considering the Action Plan as Tasman District Council. • Council understands the resources (staff and funding) required to achieve the specific targets.
Risks and Disadvantages	<ul style="list-style-type: none"> • Will delay the timeframe for completion of the final Action Plan.
Option 2: Receive and formally adopt the draft Action Plan without amendment	
Advantages	<ul style="list-style-type: none"> • Council demonstrates its commitment as a collaborative partner of the Waimea Inlet Coordination Group.
Risks and Disadvantages	<ul style="list-style-type: none"> • Action Plan may not take into account all relevant Council issues. • Resourcing implications are not properly understood. • Community expectations may be raised that Council can deliver on actions and targets that are unrealistic and/or not able to be resourced.

Item 8: Draft Waimea Inlet Action Plan

Option 3: Do not adopt the Action Plan	
Advantages	<ul style="list-style-type: none">• None.
Risks and Disadvantages	<ul style="list-style-type: none">• Council is not seen as a collaborative partner of the Waimea Inlet Coordination Group.• Waimea Inlet Coordination Group continues to develop the Action Plan without Council's involvement.

6. Conclusion

- 6.1 This report recommends that the Planning and Regulatory Committee receives the draft Waimea Inlet Action Plan and requests officers to prepare a report recommending which targets Nelson City Council should sign up to, either as lead or supporting agency.

Leigh Marshall

Environmental Programmes Advisor

Attachments

Attachment 1: Draft Waimea Inlet Action Plan 2018-21 (A1964502) [↓](#)

<p>Important considerations for decision making</p>
<p>1. Fit with Purpose of Local Government</p> <p>Participation in the Waimea Inlet Coordination Group fits with the role of Local Government as the collaborative approach aims to meet the current and future needs of the community at a local level; and enables Council to perform regulatory functions and service more effectively and efficiently.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The draft Action Plan 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>
<p>3. Risk</p> <p>There is a minor risk to Nelson City Council's reputation with the community represented by Waimea Inlet Forum for delaying the finalisation of a Waimea Inlet Action Plan. However, this is counterbalanced with reduced risk of raising community expectations that Council can deliver on actions and targets that are unrealistic and/or not able to be resourced.</p>
<p>4. Financial impact</p> <p>There are no financial implications associated with this decision. Financial implications of adopting the draft Waimea Inlet Action Plan and signing up to specific actions will be reviewed and presented to the Committee as part of the recommended report on actions to the next Committee meeting.</p>
<p>5. Degree of significance and level of engagement</p> <p>This matter is low significance because the Nelson City Council has been collaborating with the community sectors that are concerned with the matters in the draft Action Plan through the Waimea Inlet Coordination Group and Waimea Inlet Strategy for many years. No further consultation is proposed.</p>
<p>6. Inclusion of Māori in the decision making process</p> <p>Te Tau Ihu iwi have an open invitation to become signatories to the Waimea Inlet Strategy to appoint representatives to the Waimea Inlet Coordination Group and to participate in the development, implementation, review and monitoring of the draft Action Plan. The</p>

Item 8: Draft Waimea Inlet Action Plan

process of engagement has been run by the Waimea Inlet Coordination Group. Representatives from Ngati Tama and Te Atiawa attended the most recent meeting of the Group in May.

7. Delegations

The Planning and Regulatory Committee has the responsibility for considering *Biodiversity (6.3.1)*. The Committee is not adopting the Action Plan, only receiving it and adoption will be made at a later stage.

Waimea Inlet Action Plan

2018 to 2021

Draft 6.4 Revised after feedback



Figure 1: Photograph by Duncan Cunningham

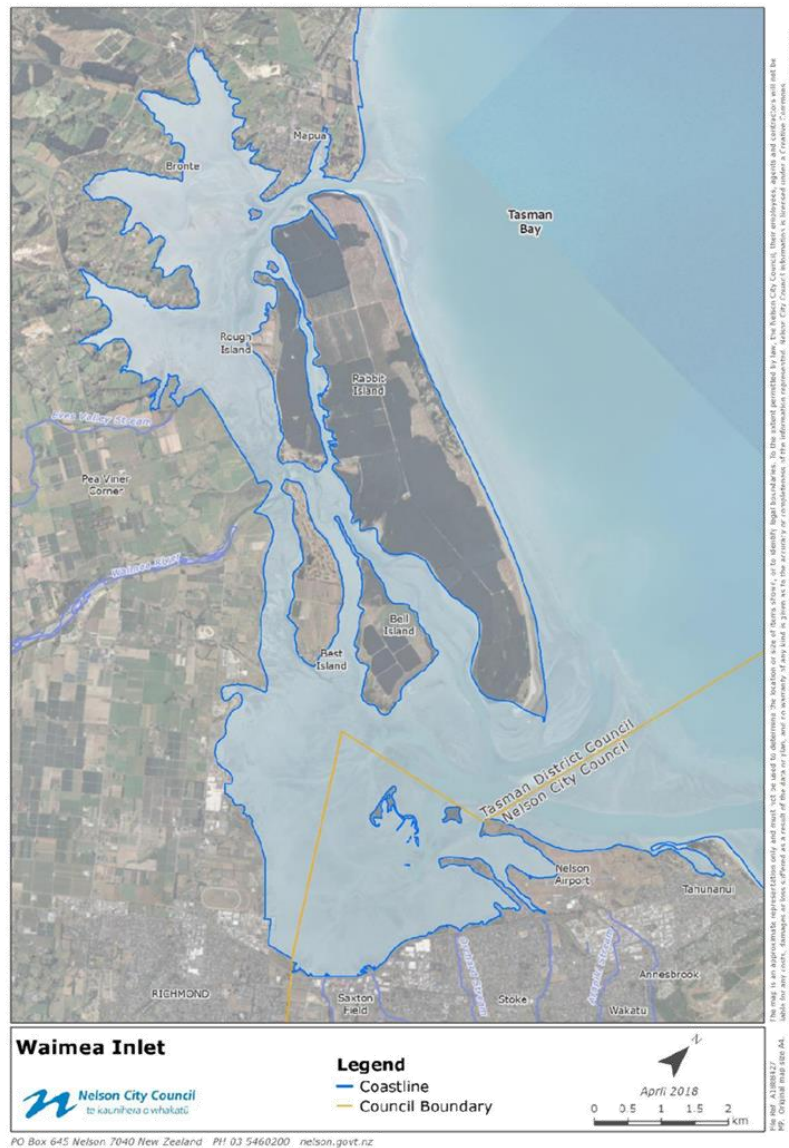
18 April 2018

Contents

Preface.....	2
Introduction.....	6
Considerations for identifying priorities	6
Objectives, outcomes, actions and targets	8
Review	17
Glossary.....	17
Terms of Reference: Coordination Group for Waimea Inlet.....	20

Item 8: Draft Waimea Inlet Action Plan: Attachment 1

Figure 2: Map of the Waimea Inlet



Preface

Waimea Inlet is a special place, loved by many people, and home to a wide array of living organisms, some rare and threatened, others international migrants. The Inlet itself is a place of peace and tranquillity within a landscape of urban, industrial, and agricultural activity. As population increases, people increasingly value the estuarine environment as a place for quiet and restoration.

In 2010, citizens who cared about the Inlet worked with Tasman District and Nelson City Councils, DOC and Fish and Game to produce the Waimea Inlet Management Strategy (WIMS). Members of the Waimea Inlet Forum are now coordinating progress on a broad front that involves restoring the margins, trapping predators, and caring for the whole.

The WIMS is a community-owned resource where the Councils facilitated its creation. As such both the Strategy and this Action Plan represent matters to be taken into account in related processes such as Council financial planning and resource management planning. The same applies to other statutory bodies such as DOC and Fish and Game. The Action Plan can only be effectively implemented if its aspirations are taken into account in the management of its catchments, related estuaries and Tasman Bay as a whole. Indeed, for migratory birds, complementary actions are needed in other places and even in other countries.¹

To help everyone build effectively on the Strategy, and the good work already underway, a Coordination Group² was formed to create an Action Plan to identify, prioritise, integrate and coordinate actions aimed at achieving the vision of the WIMS. This Action Plan is the product. It sets actions and targets for the next three years and beyond. It is a draft, intended as a basis for a wider discussion amongst interested parties before formal sign off by the signatories to the WIMS³, and any other organisations that will commit to implementing it.

In writing this Action Plan, the Coordination Group identified that the Waimea Inlet Strategy itself needs updating to reflect changes since it was drafted. Most significantly, Treaty settlements and their associated statutory recognitions, have defined roles for local iwi that must be better acknowledged, and this is supported by the New Zealand Coastal Policy Statement 2010⁴. The Coordination Group suggests that the Strategy be

¹ For information on related processes see <https://waimeainlet.wordpress.com/>

² Members include representatives from Tasman District Council (TDC), Nelson City Council (NCC), Department of Conservation (DOC), Fish & Game, Tasman Environmental Trust, Waimea Inlet Forum Working Group and Te Tau Ihu iwi.

³ As at 2018, the signatories to the WIMS comprised Tasman District Council (TDC), Nelson City Council (NCC), Department of Conservation (DOC) and Fish & Game. Each of the eight Te Tau Ihu iwi has an open invitation to become signatories to the WIMS and to appoint representatives to the Coordination Group.

⁴ <http://www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/new-zealand-coastal-policy-statement/new-zealand-coastal-policy-statement-2010/policy-2-the-treaty-of-waitangi-tangata-whenua-and-maori/>

Item 8: Draft Waimea Inlet Action Plan: Attachment 1

updated in two to three years as information becomes available through completing the work described in this Action Plan.

The vision for the Waimea Inlet (as identified in Section 5 of the WIMS) is:
"A vibrant place, richly appreciated by the community for its open space, natural and ecological values; happily remembered by generations for their activities, adventures and discoveries; a place where tangata whenua hold mana as kaitiaki of taonga; and a place to be shared with increasing respect."

Figure 3 outlines the relationship between signatories to the Waimea Inlet Management Strategy, members of the Coordination Group and groups/ individuals delivering actions on the ground.

Figure 3: Relationship between signatories to the Waimea Inlet Management Strategy, members of the Coordination Group and groups/individuals delivering actions on the ground



The areas of responsibility of the Coordination Group are:

- to periodically review the Waimea Inlet Management Strategy (WIMS);
- to develop and update an Action Plan for implementation of the Strategy; and
- to monitor and report on implementation of the Action Plan and prepare an Annual Report for stakeholders.

Each of the signatories of the WIMS has responsibility for reviewing, considering and approving any updates to the WIMS and/or Action Plan that are proposed by the Coordination Group.

For the Action Plan, signatories will focus on those specific actions that their organisation would like to assist with or take a lead on, and sign-off on those specific actions - rather than the Action Plan in its entirety. As the Action Plan will represent the collective effort of a wide range of

organisations, groups and individuals, signatories are unlikely to be involved in all proposed actions.

The Waimea Inlet Forum representative provides an interface with community and sector groups, so that interested members of the public can have input. If required, the Tasman Environmental Trust representative will co-ordinate and manage project funding from the signatories and outside sources. Each representative on the Coordination Group is responsible for reporting back to the organisation that he/she represents.

The Terms of Reference for the Coordination Group are appended to this draft Action Plan.

Draft

Introduction

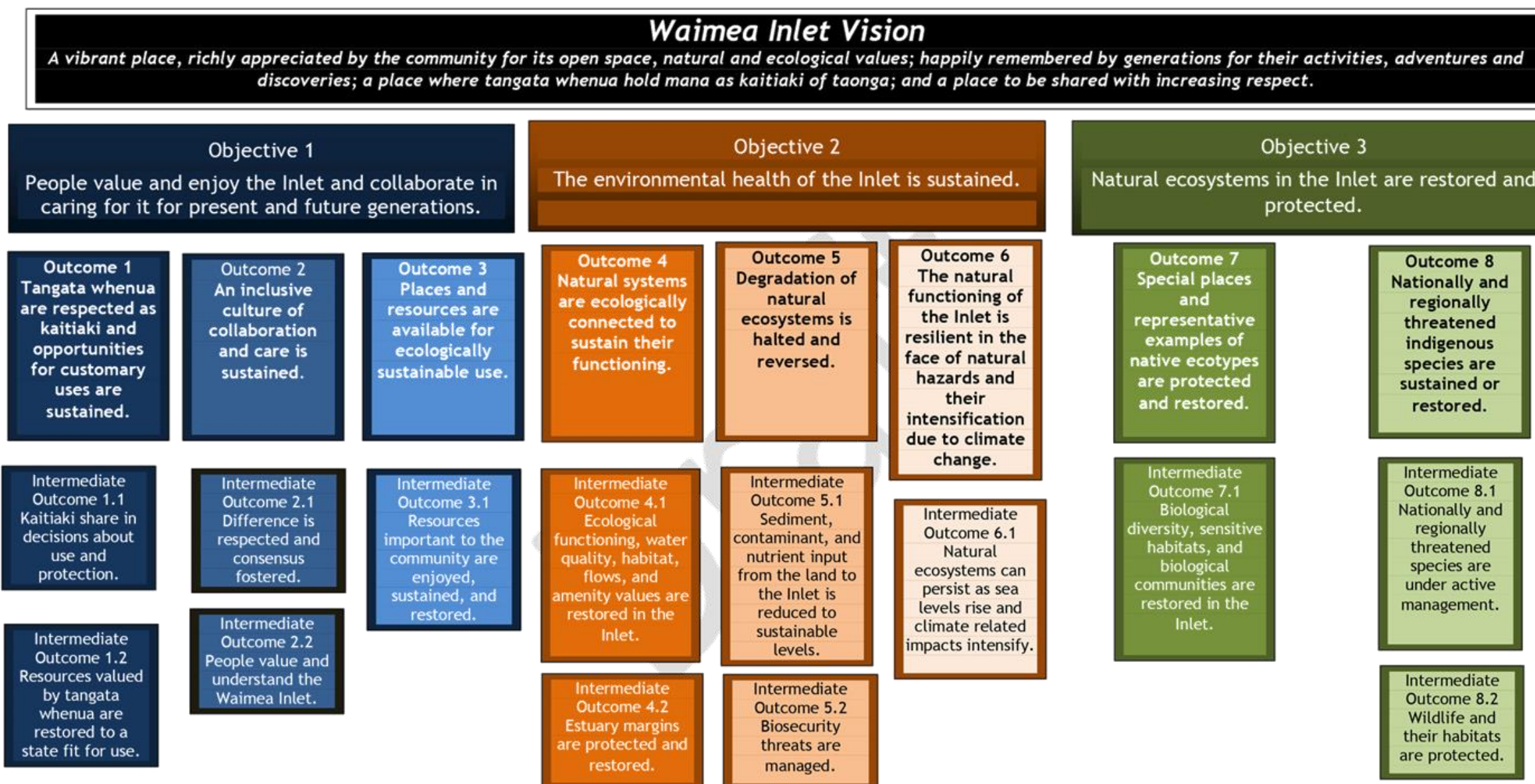
The purpose of this Waimea Inlet Action Plan (the Plan) is to enable aligned action to implement the Waimea Inlet Management Strategy (WIMS). The Plan identifies objectives and outcomes. It sets out priority actions. Once participant organisations have had a chance to say which actions they can support, the Plan will identify a lead for each action, and who will monitor progress toward collective targets. Being a lead will mean taking responsibility for initiating action, and for monitoring and reporting progress. It will not mean the party will undertake the action alone, or provide all the resources. Each party will make its own decisions about resources and actions. Some actions will have joint leads, mostly where an action should be council-led, and the work spans the geographic areas of both councils. Parties to this Plan will provide a full report every three years on achievement of targets and outcomes to the Waimea Inlet Coordination Group 18 months in advance of Councils' Long Term Plans, with the first report due by Feb/March 2020. A progress report on work completed to date will also be submitted to the Coordination Group annually.

Considerations for identifying priorities

The considerations used to set priorities and sequence actions are listed below. In the process of drafting this Plan, the Coordination Group realised that the future of the Inlet, and the effectiveness of actions, will be dominated by the effects of climate change. The Group recommends that priority is given to understanding these effects, before the Strategy and Action Plan are reviewed.

Well beings	Considerations
Environmental	<ul style="list-style-type: none"> Irreversibility if not undertaken. Urgency, how soon irreversible change might happen. Contribution to protecting indigenous biodiversity, threatened species, habitats and ecosystems. Role for national and international migrant species. Contribution to ecosystem health.
Cultural	<ul style="list-style-type: none"> Contribution to tangata whenua values. Community ownership and respect.
Social	<ul style="list-style-type: none"> Level of opportunity for multiple parties to be involved. Enhancing peoples' connection and engagement.
Economic	<ul style="list-style-type: none"> Economic cost/benefit. Achievability - financial and outcome.

Figure 4: Logic structure



Objectives, outcomes, actions and targets

Objective 1	
People value and enjoy the Inlet and collaborate in caring for it for present and future generations	
Outcome 1	
Tangata whenua are respected as kaitiaki and opportunities for customary uses are sustained.	
Intermediate Outcome 1.1	Intermediate Outcome 1.2
Kaitiaki ⁵ share in decisions about use and protection.	Resources valued by tangata whenua are restored to a state fit for use.
Actions: <ol style="list-style-type: none"> 1. Review plans and actions with tangata whenua⁶ to ensure rangatiratanga⁷ and take tupūna⁸ are recognised in the management of nga taonga tuku iho⁹. 2. Support the Moturoa Wananga pilot project.¹⁰ 	Actions: <ol style="list-style-type: none"> 1. Identify barriers to capacity to exercise customary practices, tikanga¹¹, and mātauranga¹² processes including association with waahi tapu¹³.
Targets: <ol style="list-style-type: none"> 1. Dialogue established with all iwi with statutory acknowledgements by 1 July 2018. 2. Waimea Inlet Management Strategy and Action Plan updated by 31 December 2020. 	Targets: <ol style="list-style-type: none"> 1. Baseline assessments of barriers and remedial actions completed by 1 July 2020.

⁵ Guardian

⁶ People belonging to a place

⁷ Self determination

⁸ Ancestral

⁹ Treasured resources

¹⁰ The programme involves restoration of Moturoa/Rabbit Is as a basis for a leadership programme for rangatahi up to the age of 24 nominated by the eight Te Tau Ihu iwi and maata waka.

¹¹ Custom, practice

¹² Māori customary knowledge, traditional knowledge or intergenerational knowledge

¹³ Sacred place or site

Objective 1	
People value and enjoy the Inlet and collaborate in caring for it for present and future generations	
Outcome 2	
An inclusive culture of collaboration and care is sustained.	
Intermediate Outcome 2.1	Intermediate Outcome 2.2
Difference is respected and consensus fostered.	People value and understand the Waimea Inlet.
Actions: <ol style="list-style-type: none"> 1. Sustain the Waimea Inlet Forum¹⁴ is as the primary approach to whole of community collaboration. 2. Coordinate with Waimea FLAG¹⁵ group and Kotahitanga mō te Taiao group on planning for future of Inlet. 	Actions: <ol style="list-style-type: none"> 1. Create, and keep current, an evidence-based information and research strategy that identifies the information required, how that can best be organised and maintained, and gaps that need to be filled by further research. 2. Inform people and help them value the Inlet. 3. Increase citizen involvement in caring for the Inlet including managing threats and restoring natural ecosystems.
Targets: <ol style="list-style-type: none"> 1. Reporting by all participating organisations every three years at Waimea Inlet Forums with progress reports annually. 	Targets: <ol style="list-style-type: none"> 1. Complete information and research and education and social marketing strategies in an integrated process by 1 December 2018. 2. Include reporting of selected themes for the Inlet in state of the environment reporting¹⁶ by 1 July 2019.

¹⁴ The Waimea Inlet Forum was created as a result of the Waimea Inlet Management Strategy, an inter-agency strategy that included the Tasman and Nelson councils, statutory agencies, non-statutory groups and organisations, businesses and residents who have an interest in and a commitment to the Waimea Inlet and its sustainable future.

<https://waimeainlet.wordpress.com/about-the-forum/>

¹⁵ Freshwater Land Advisory Group.

¹⁶ The annual monitoring summaries are comprehensive documents that provide the key monitoring results for water, air and bathing water quality.

Objective 1
People value and enjoy the Inlet and collaborate in caring for it for present and future generations
Outcome 3
Places and resources are available for ecologically sustainable use.
Intermediate Outcome 3.1
Resources important to the community are enjoyed, sustained, and restored.
Actions: <ol style="list-style-type: none"> 1. Include natural and cultural values of the inlet in all strategic and infrastructure planning¹⁷. 2. Protect and restore fisheries habitat within the Inlet. 3. Improve opportunities for recreation and public access where these are in harmony with caring for other values of the Inlet. ¹⁸ 4. Implement the Moturoa/Rabbit Island Reserve Management Plan to ensure no adverse environmental effects on the Inlet, restoration of natural values of inlet margins. 5. Promote ecologically sustainable uses of the Inlet and its environs.
Targets: <ol style="list-style-type: none"> 1. Survey quality of fisheries habitat and fish stocks by 31 December 2020. 2. Identify at risk areas to vehicle access and create a remediation plan by 1 July 2019. 3. Identify values of the inlet that are impacted by roading and develop an environmental protection and enhancement programme to manage threats by 1 July 2020. 4. Review policy on inappropriate existing infrastructure and services by 1 July 2021. 5. Support Nelson Airport, Bell Island sewerage treatment plant, Lower Queen Street, forestry and other industry to write and implement environmental protection and enhancement programmes by 1 July 2022.

¹⁷ Includes Long Term Plans, Annual Plans, and Resource Management Act, Local Government Act and Biosecurity Act mandated plans

¹⁸ Including provision for social seating.

Objective 2	
The environmental health of the Inlet is sustained	
Outcome 4	
Natural systems are ecologically connected to sustain their functioning.	
Intermediate Outcome 4.1	Intermediate Outcome 4.2
Ecological functioning, water quality, habitat, flows, and amenity values are restored in the Inlet.	Estuary margins are protected and restored.
Actions: <ol style="list-style-type: none"> 1. Install culverts in and around the causeway to Rabbit Island to achieve flushing to reduce sea-lettuce proliferation in the non-flushed pockets of estuary. 2. Ensure commitment to repeat broad scale habitat monitoring and Estuary Vulnerability Assessment on a 5-yearly cycle to ensure ecological health of the estuary is sustained. 3. Develop ecological corridors and transition zones linking habitats. 	Actions: <ol style="list-style-type: none"> 1. Manage and restore key habitats located on public and private land. 2. Increase the area of saltmarsh¹⁹, and naturally vegetated duneland and estuary margin in the Waimea Inlet. 3. Minimise further shoreline armouring²⁰ and promote use of “soft engineering²¹” techniques wherever possible for all infrastructure including replacement armouring, roads, and cycleways. 4. Promote formal protection of natural areas (e.g. covenant, change in land tenure).
Targets: <ol style="list-style-type: none"> 1. Install culverts in and around the causeway to Rabbit Island by 2025. 2. Reduce the area of nuisance algal area (areas where macroalgae exceeds 20% cover) by 5% by 2030. 3. Repeat broad scale habitat monitoring in 2018, 2023 and 2028. 	Targets: <ol style="list-style-type: none"> 1. Identify key sites to be managed to protect estuarine habitats by 1 July 2019. 2. Increase the area of saltmarsh in the Waimea Inlet by 5% by 2030. 3. Increase the area of naturally vegetated dune land on Moturoa/Rabbit and Rough Island by 10% by 2030 and maintain Sand Is free of marram. 4. Increase the area of naturally-vegetated estuary margin by 10km by 2030. 5. No increase in the net extent of shoreline armouring by 2030 and increase use of “soft engineering” techniques wherever possible.

¹⁹ Saltmarsh includes estuarine shrubs, tussock, reeds, grasses, herbs, sedges and other herbaceous saline vegetation.

²⁰ Hard protection structures creating shoreline armouring include: seawalls, rock revetments, groynes, breakwaters, stop banks, retaining walls or comparable structure or modification to the seabed, foreshore or coastal land that has the primary purpose or effect of protecting an activity from a coastal hazard, including erosion and sea level rise.

²¹ Soft engineering means the use of ecological principles and practices to reduce erosion and achieve the stabilization and safety of shorelines while enhancing habitat, improving aesthetics, and saving money.

Objective 2	
The environmental health of the Inlet is sustained	
Outcome 5	
Degradation of natural ecosystems is halted and reversed.	
Intermediate Outcome 5.1	Intermediate Outcome 5.2
Sediment, contaminant, and nutrient input from the land to the Inlet is reduced to sustainable levels.	Biosecurity threats are managed.
<p>Actions:</p> <ol style="list-style-type: none"> 1. Include consideration of the natural values of the inlet in all proposed changes to the Resource Management Plans. 2. Clean up pollution sources (both point and non-point pollution) and monitor progress.²² 3. Restore freshwater ecosystems. 4. Promote riparian fencing and planting programs. 5. Monitor toxin levels, identify problems, establish clean-up programmes and monitor progress. 	<p>Actions:</p> <ol style="list-style-type: none"> 1. Undertake biosecurity surveillance and response. 2. Manage and reduce weed populations and exclude new weeds.
<p>Targets:</p> <ol style="list-style-type: none"> 1. Complete review of water quality in contributing waterways and document required remedial action by 31 July 2019. 2. Catchment nutrient, sediment, faecal and other contaminants concentrations to the tributaries going into the Inlet are reduced by 10% by 2023. 3. All urban and industrial storm water and effluent discharges to streams in the catchment meet ANZECC (2000) ISQG low sediment toxicity criteria within 50m of the discharge outfall by 2030. 4. Establish a list of priority sites for restoration work on freshwater ecosystems by 31 December 2018. 5. Document the location of old dumps on the estuary margins and develop a plan of action by 31 December 2019 for their remediation. 	<p>Targets:</p> <ol style="list-style-type: none"> 1. Develop a unified strategic weed management control plan with appropriate agencies/stakeholders that identifies species and sites, establishes the most appropriate management approach by 2020. 2. <i>Spartina</i> eradication programme fully funded and implementation commenced (5-year control and 5-year monitoring) by 2019. 3. Operational plan for <i>Gambusia</i> eradication written by March December 2018, and implementation of the fully funded plan commenced by 2019. 4. Secure funding for control of jelly bean ice-plant by 2020.

²² Note that this will mean adoption of best practice for stormwater including the use of swales, infiltration and wetlands rather than further direct discharges to the Inlet and its tributaries.

Objective 2
The environmental health of the Inlet is sustained
Outcome 6
The natural functioning of the Inlet is resilient in the face of natural hazards and their intensification due to climate change.
Intermediate Outcome 6.1
Natural ecosystems can persist as sea levels rise and climate related impacts intensify.
Actions:
<ol style="list-style-type: none">1. Plan for managed retreat of natural ecosystems as sea level rises and climate effects intensify.2. Prevent new infrastructure on sites where managed retreat for biodiversity is required and analyse the social and economic effects on the community.
Targets:
<ol style="list-style-type: none">1. Develop maps and report on the likely impact of sea level rise and other climate change effects on the viability of estuary margins and on threatened species and wildlife by 1 July 2020.2. Create a priority list of sites to be managed, including key habitats/seed source by 1 July 2019.3. Identify key opportunities to enhance ecological sequences and support landowners/stakeholders to implement to enable managed retreat by 1 July 2020.4. Create a managed retreat and climate change response action plan and review the Strategy and Action Plan by 1 July 2021.

Objective 3
Natural ecosystems in the Inlet are restored and protected
Outcome 7 Special places and representative examples of native ecosystems are protected and restored.
Intermediate Outcome 7.1 Biological diversity, sensitive habitats, and biological communities are restored in the Inlet.
Actions: <ol style="list-style-type: none">1. Restore fish habitat and remove targeted fish passage barriers in contributing waterways.2. Identify and protect areas of native vegetation within the Waimea Inlet and surrounds.3. Identify areas subject to tidal influence and work with landowner to exclude stock.4. Enhance ecological sequences and support landowners/stakeholders to implement (e.g. embayment margins).
Targets: <ol style="list-style-type: none">1. Established a programme to restore fish habitat, including spawning sites, and identify and remove targeted fish passage barriers in contributing waterways by 1 July 2021.2. Complete a list of priority sites for restoration on margins, islands, estuarine and freshwater ecosystems by end of 2018.

Objective 3	
Natural ecosystems in the Inlet are restored and protected	
Outcome 8	
Native species are sustained or restored.	
Intermediate Outcome 8.1	Intermediate Outcome 8.2
Nationally and regionally threatened species are under active management.	Wildlife and their habitats are protected.
Actions: <ol style="list-style-type: none"> 1. Protect the Back Beach Beetle from extinction. 2. Actively manage all threatened species in the Inlet and its surrounds. 3. Manage the effects of domestic and feral animals on native animals and plants including effects of cats and dogs. 4. Develop and implement baseline distribution surveys and/or monitoring programmes for banded rail, fern bird, marsh crake, spotless crake, and Australasian bittern. 	Actions: <ol style="list-style-type: none"> 1. Manage human disturbance of wildlife. 2. Reduce the impacts of cats and dogs around the estuary as populations pressures increase. 3. Give formal protection to, and manage human activities in, important wildlife areas 4. Follow recommended actions from ' Effects of selected activities on shorebirds in Tasman District - Management issues and options for site of International Importance' David S. Melville and Rob Schuckard November 2013. 5. Continue monitoring of populations and site conditions (roosting, nesting, feeding) as part of State of the Environment monitoring to determine the effectiveness of coastal management actions and RMA compliance²³.
Targets: <ol style="list-style-type: none"> 1. Develop a strategic approach to the current and future management of the Back Beach Beetle by 31 December 2018. 2. Prepare a unified plan for bird surveys conducted by different groups by 31 December 2020. 3. Update the DOC Ecological Management Unit assessment including comprehensive listing of 	Targets: <ol style="list-style-type: none"> 1. Identify activities that disturb wildlife²⁴ and develop actions to reduce them by 31 December 2018. 2. Identify important wildlife areas (including related areas outside Waimea) and actions required to manage human activities by 1 July 2019 ²⁵.

²³ Specific monitoring recommendations are listed in Schuckard & Melville (August 2013).

²⁴ Including drones.

²⁵ Includes investigating use of wildlife sanctuaries and reserves to protect areas important to wildlife.

<p>threatened species and locally significant species and their requirements by 1 July 2018.</p> <p>4. Complete a unified strategic animal pest control plan to “control” all predators and herbivores where these are a threat to threatened species and habitats by 31 December 2018.</p> <p>5. Pursue a full programme of recovery actions for <i>Lepidium banksii</i> - coastal peppergrass including with community and botanic gardens for ex-situ populations and seed banking including annual weed and pest control, monitoring in situ and ex-situ of peppergrass and its threats and identifying, and if required, restoring sites suitable for the introduction of <i>Lepidium banksii</i> by 2020.</p>	
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Review

The Action Plan will be reviewed every three years, approximately 18 months in advance of the Tasman District and Nelson City Council Long Term Plans. The first review will take place in February/March 2020.

When reviewing the Action Plan, the Coordination Group will take into consideration updates to relevant planning documents (such as the TRMP, Nelson Plan, Richmond Catchment Management Plan) and outcomes from related processes (e.g. Waimea FLAG etc).

Glossary

Amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Biological diversity (biodiversity) means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.

Climate change means a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods.

Community in relation to biodiversity means a group of organisms growing or living together in a given area.

Contaminant includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

Customary use means, according to tikanga, the extractive use of indigenous plants or animals by tangata whenua for traditional uses including food gathering, carving, weaving, and rongoa (traditional medicine).

Disturb has the same meaning as in the Wildlife Act 1953.

Ecosystem means an ecological community together with its environment, functioning as a unit; an interacting system of living parts and non-living parts such as sunlight, air, water, minerals and nutrients.

Environment includes ecosystems and their constituent parts, including people and communities; and all natural and physical resources; and amenity values; and the social, economic, aesthetic, and cultural conditions which affect them.

Habitat means the area or environment where an organism or ecological community lives or occurs naturally for some or all of its life cycle or as part of its seasonal feeding or breeding pattern.

Hard protection structure includes a seawall, rock revetment, groyne, breakwater, stop bank, retaining wall or comparable structure or modification to the seabed, foreshore or coastal land that has the primary purpose or effect of protecting an activity from a coastal hazard, including erosion.

Harmful aquatic organisms are aquatic organisms which, if introduced into coastal water, may adversely affect the environment or biological diversity, pose a threat to human health, or interfere with legitimate use or protection of natural and physical resources in the coastal environment.

Infrastructure means pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy; a network for the purpose of telecommunication as defined in [section 5](#) of the Telecommunications Act 2001; a network for the purpose of radiocommunication as defined in [section 2\(1\)](#) of the Radiocommunications Act 1989; facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person uses them in connection with the generation of electricity for the person's use; and does not use them to generate any electricity for supply to any other person; a water supply distribution system, including a system for irrigation; a drainage or sewerage system; structures for transport on land by cycleways, rail, roads, walkways, or any other means; facilities for the loading or unloading of cargo or passengers transported on land by any means; an airport as defined in [section 2](#) of the Airport Authorities Act 1966; a navigation installation as defined in [section 2](#) of the Civil Aviation Act 1990; facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in [section 2\(1\)](#) of the Port Companies Act 1988; anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in [section 166](#) of the Resource Management Act.

Inappropriate development and infrastructure are development and infrastructure that do not conform with the guidance of the NZ Coastal Policy Statement 2010.

Indigenous species means a species or genetic variant found naturally in New Zealand, including migrant species visiting New Zealand on a regular or

irregular basis. Indigenous vegetation means any local indigenous plant community through the course of its growth or succession consisting primarily of native species and habitats normally associated with that vegetation type, soil or ecosystem or having the potential to develop these characteristics. It includes vegetation with these characteristics that has been regenerated with human assistance following disturbance or as mitigation for another activity, but excludes plantations and vegetation that have been established for commercial harvesting.

Kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.

Locally significant species are those not threatened or at risk nationally but at risk of loss from Waimea Inlet and which are or were part of its original natural character.

Maataitai means food resources from the sea and **mahinga maataitai** means the areas from which these resources are gathered.

Restoration and enhancement means the active intervention and management of degraded biotic communities, landforms and landscapes in order to restore biological character, ecological and physical processes.

Tangata whenua, in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.

Threatened species means a species facing a very high risk of extinction in the wild and includes nationally critical, nationally endangered and nationally vulnerable species as identified in the New Zealand Threat Classification System lists. At risk means a species facing a longer-term risk of extinction in the wild (either because of severely reduced or naturally small population size or because the population is declining but buffered by either a large total population or a slow rate of decline) as identified in the New Zealand Threat Classification System lists.

Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Wildlife has the same meaning as in the Wildlife Act 1953.

Terms of Reference: Coordination Group for Waimea Inlet

1 Purpose

The purpose of the Coordination Group for the Waimea Inlet²⁶ is to identify, prioritise, integrate and coordinate actions aimed at achieving the vision of the Waimea Inlet Management Strategy (WIMS).

The vision for the Waimea Inlet (as identified in Section 5 of the WIMS) is:

“A vibrant place, richly appreciated by the community for its open space, natural and ecological values; happily remembered by generations for their activities, adventures and discoveries; a place where tangata whenua hold mana as kaitiaki of taonga; and a place to be shared with increasing respect.

To achieve this vision we will need to:

- work together
- keep the inlet healthy
- share its opportunities
- make it better for the future
- maintain commitment to the inlet.”

2 Membership

Membership of the Coordination Group may include representatives from each the following organisations:

- Te Tau Ihu Iwi
- Tasman District Council (TDC)
- Nelson City Council (NCC)
- Department of Conservation (DOC)
- Nelson/Marlborough Fish and Game Council (Fish & Game)
- Tasman Environmental Trust (TET)
- Waimea Inlet Forum (WIF)

One member should be appointed as Chairperson of the Coordination Group.

Representatives may be elected members, staff members, or have some other affiliation with the organisation they are representing. The representatives will bring to the group their organisation's expertise and ideas for implementing, monitoring and reviewing the Action Plan.

3 Stakeholders

These include the organisations listed under ‘Membership’ above, along with other individuals and groups with an interest in the Waimea Inlet.

4 Quorum

The quorum shall be no less than four members, none of whom need to be elected Council representatives.

5 Areas of Responsibility

The areas of responsibility of the Coordination Group are:

- to periodically review the Waimea Inlet Management Strategy (WIMS);
- to develop and update an Action Plan for implementation of the Strategy; and
- to monitor and report on implementation of the Action Plan and prepare an Annual Report for stakeholders.

6 Powers to decide

None.

²⁶ The diagram appended to this Terms of Reference outlines the relationship between signatories to the Waimea Inlet Management Strategy, members of the Coordination Group and groups/ individuals delivering actions on the ground.

Item 8: Draft Waimea Inlet Action Plan: Attachment 1

7 Powers to recommend

Each of the signatories of the WIMS²⁷ is requested to review, consider and sign off on any updates to the WIMS and/or Action Plan that are proposed by the Coordination Group.

With regard to the Action Plan, signatories should focus on those specific actions that their organisation would like to assist with or take a lead on, and sign off on those specific actions - rather than the Action Plan in its entirety. As the Action Plan will represent the collective effort of a wide range of organisations, groups and individuals, signatories are unlikely to be involved in all proposed actions.

8 Role of the Coordination Group

The Coordination Group will identify, prioritise and coordinate the actions needed to achieve implementation of the WIMS and collate these into a proposed Action Plan.

Each representative on the Coordination Group will report back to the organisation that he/she represents with recommendations from the Coordination Group and seek that organisation's support and endorsement of specific actions. The organisation may decide to take full or partial responsibility for specific actions recommended by the Coordination Group. An organisation's formal support of specific actions will be communicated back to the Group by the organisation's representative. An organisation may choose to support specific actions in various ways, e.g. by allocating funding and/or including action items within planning documents and work programmes.

The Waimea Inlet Forum representative will provide an interface with community and sector groups, so that interested members of the public can have input.

If required, the Tasman Environmental Trust representative will co-ordinate and manage project funding from the signatories and outside sources.

9 Role of the Chairperson

The Chairperson will:

- prepare the agenda for Coordination Group meetings;
- chair meetings and assist the Coordination Group to reach consensus on issues and options;
- act as the spokesperson for the Coordination Group; and
- as necessary, support or present Coordination Group recommendations to the signatories.

10 Role of staff

Council staff will provide advice and support to the Coordination Group as required. Organisations may choose to nominate a staff member as their representative on the Coordination Group, instead of (or in addition to) an elected member.

11 Conflicts of Interest

Any potential conflicts of interest will be declared at the start of each Coordination Group meeting.

12 Reporting

Notes of Coordination Group meetings will be taken by a member of the Group (to be selected by Group consensus) and circulated before the next meeting of the Group.

Each representative on the Coordination Group will be responsible for reporting back to the organisation that he/she represents.

13 Review of Terms of Reference

This terms of reference shall be reviewed at least every three years.

²⁷ As at August 2017, the signatories to the WIMS comprised TDC, NCC, DOC and Fish & Game. Each of the eight Te Tau Ihu iwi has an open invitation to become signatories to the WIMS and to appoint representatives to the Coordination Group.

Environmental Monitoring Charges - Statement of Proposal

1. Purpose of Report

- 1.1 To consider the proposed charges for regional environmental monitoring and recommend the Statement of Proposal to Council for approval.

2. Summary

- 2.1 In recent years there has been a significant increase in the science and environmental monitoring programmes undertaken by regional and unitary authorities. Much of the additional work is a result of central government policy. Accordingly, most regional and unitary authorities have introduced user charges to recoup a proportion of these costs from resource consent holders. Nelson City Council does not currently charge for these services. The costs for 2018/19 for environmental monitoring and science activities is \$545,750. The budget provides for recovering \$100,000 of these costs. However the actual recovery will depend on the charges set and number of consents granted for each of the relevant activities. Given that the proposed charges would commence half way through the year there is expected to be a shortfall in this income for the 2018/19 year.
- 2.2 At the Planning and Regulatory Committee meeting of 29 May 2018, the Committee instructed staff to prepare a Statement of Proposal (SOP) for establishing charges for environmental monitoring and science costs. These charges would be paid by resource consent holders.
- 2.3 The Committee has delegated authority to recommend to Council the Statement of Proposal. If adopted by Council, the Special Consultative Procedure will be undertaken to seek feedback on the proposed charges.
- 2.4 Consultation would be undertaken from 13 August – 13 September 2018, with a hearing on 4 October and adoption of fees (if agreed) 13 December 2018. Implementation would commence in January 2019.

3. Recommendation

That the Planning and Regulatory Committee

Receives the report Environmental Monitoring Charges - Statement of Proposal (R9311) and its attachments (A1979547, A1986399 and A2000121); and

Endorses the Statement of Proposal Draft Fees and Charges for Environmental Monitoring and Science – Resource Consents Activity (A1979547) for final Council approval, and subsequent Special Consultative Procedure.

Recommendation to Council

That the Council

Approves the establishment of charges for its Environmental Monitoring and Science programme as provided for under Section 36 of the Resource Management Act 1991; and

Approves the Statement of Proposal Draft Fees and Charges for Environmental Monitoring and Science – Resource Consents Activity (A1979547) and commences a Special Consultative Procedure under section 83 of the Local Government Act 2002, for feedback on the proposed charges; and

Agrees that a summary of the Statement of Proposal is not required.

4. Background

- 4.1 The Planning and Regulatory Committee meeting on 29 May 2018 approved the preparation of a Statement of Proposal for annual environmental monitoring and science charges. A draft Statement of Proposal is attached (Attachment 1). The charges are provided for by Section 36 of the Resource Management Act 1991 (the Act), which requires that the Special Consultative Procedure be undertaken prior to the introduction of the proposed charges.

5. Discussion

- 5.1 The Resource Management Act 1991 (the Act) requires regional councils and unitary authorities to undertake state of the environment monitoring. It also specifies that when setting charges, regard should be

Item 9: Environmental Monitoring Charges - Statement of Proposal

given to the additional monitoring that is required because of the activities undertaken by individuals, or because they receive an exclusive benefit from the monitoring. That is, the concept of 'user pays' is embodied within the legislation.

- 5.2 Section 36(c) of the Act gives local authorities the power to recover the 'reasonable' costs associated with environmental monitoring functions under Section 35 of the Act. The charges must be either specific amounts or be determined by reference to a scale of charges or formulae fixed by the Council. The Council already passes on some of the costs of monitoring resource consent compliance to resource consent holders. These costs generally involve monitoring the performance of consents against the conditions set in them and do not involve monitoring the state of the environment that may be impacted by the activity.

Basis of Proposed New Charges

- 5.3 Section 36(1)(c) of the Act provides for charges to be made to holders of resource consents to, amongst other things, cover the resource management function under section 35. That section includes monitoring requirements for the state of the whole or any part of the Region.
- 5.4 The proposed new charges are to recover annual environmental monitoring and science costs for:
- Low flow monitoring of rivers and streams with water takes.
 - Static water level monitoring for groundwater quantity.
 - Air quality monitoring.
 - Estuarine monitoring – including sediment quality, benthic community, sediment accumulation, broad scale habitat.
 - Coastal environment monitoring – recreation bathing water quality, stormwater and wastewater, Tahunanui beach erosion, faecal indicators bacteria in shellfish, biodiversity (e.g. shorebirds, wetland birds).
 - Installation and maintenance and of telemetry systems and equipment to support river and groundwater flow monitoring and ambient air quality monitoring.
 - Biological and water quality monitoring of rivers and lakes (surface and groundwater) where significant land use activities, discharges and water takes are being undertaken, including suspended and deposited sediment, recreation bathing quality, freshwater fish, spawning habitat.
 - Riverbed level (gravel) monitoring.
 - Science and research into the impacts of water abstraction/water and air discharges/land disturbance/coastal and other activities to

Item 9: Environmental Monitoring Charges - Statement of Proposal

support the development of resource consent conditions and to set resource use limits where resources are under pressure.

- 5.5 The cost to Council of delivering these regional environmental monitoring and science activities is budgeted at \$545,750 for the 2018/2019 financial year.
- 5.6 \$100,000 cost recovery from the proposed charges is budgeted in the 2018/2019 financial year. However the actual recovery will depend on the charges set and number of consents granted for each of the relevant activities. Based on analysis of existing consents the proposed charges would affect an estimated 330 consent holders, with approximately \$66,000 being recovered which is less than budgeted. Also given that the proposed charges would commence half way through the year there is expected to be a shortfall in this income for the 2018/19 year.
- 5.7 The charges recommended are fixed based on the scale and type of activity. The benefits of this approach are that it:
- Is simple to understand and administer;
 - Creates certainty for resource consent holders; and
 - Allows cost recovery to align with actual costs – activities of greater scale are more complex and time consuming to monitor and require greater science input.
- 5.8 For example, larger water take consents have a greater potential environmental impact so are the major drivers of science related monitoring and compliance investigations.
- 5.9 Council has not previously considered charging users for the costs of environmental monitoring and science which supports resource consents. Currently Nelson is one of the few regional councils or unitary authorities which has none of these charges in place. Instead these costs have been borne by all ratepayers. It could be considered to be inequitable and unfair that the ongoing environmental monitoring required to ensure that consent holders activities are undertaken without causing significant effects on the environment should be funded by general ratepayers, when the need for this monitoring is driven in part by the consent holder's activity. Therefore, it is appropriate that the private benefit of Council's environmental monitoring and science programme is reflected by a contribution from consent holders.
- 5.10 In recent years the Government has increased requirements of councils to monitor and report on the environment through changes to the Resource Management Act 1991, the National Policy Statement for Freshwater, the National Environmental Standard for Plantation Forestry and other regulatory documents. These changes have placed increased requirements on councils in relation to particular regional functions.
- 5.11 Most regional councils have recently reviewed their fees and charges under the Resource Management Act 1991 and many are increasing their

Item 9: Environmental Monitoring Charges - Statement of Proposal

fees to reflect these increased costs. Because the type of activities which occur in different regions is different it is not easy to directly compare fees. However, the proposed charges are in line with Gisborne District Council, which has recently introduced them, but slightly lower than Tasman District Council where they have been well established. The proposed level of fees reflect that fees have not previously been charged, and that consent holders need to adjust to the proposed system (see Attachment 2).

5.12 The purpose and rating powers of local government are set out in the Local Government (Rating) Act (LGRA) 2002. Section 101(3) of the Local Government Act 2002 requires specific consideration to be given to the following funding principles:

- How the activity contributes to the community outcomes
- The user/beneficiary pays principle – the distribution of benefit between the community, parts of the community, and individuals for funding and rating decisions.
- Intergenerational equity – the period over which the benefits are expected to be accrued.
- The extent to which actions or inactions of particular individuals or groups contribute to the need – referred to as the exacerbator principle.
- The costs and benefits of funding the particular activity, including those for transparency and accountability.

5.13 Attachment 3 provides an analysis of these principles and supports the proposed level of fees.

Proposed new charges

5.14 The proposed new annual environmental monitoring and science charges for the 2018-2019 year are set out in Table 1:

Table 1 : Proposed Environmental Monitoring and Science Fees and Charges 2018-2019 Financial Year

Activity	Annual science charge
Air discharge - small (eg abrasive blasting; commercial wood-fired pizza ovens)	\$60
Air discharge - medium (appliances <1000kW)	\$400
Air discharge - large (appliances >1000kW)	\$600
Discharge to land or water <20m ³ /day (excluding septic tanks)	\$60
Discharge to land or water 20 -100m ³ /day	\$400

Item 9: Environmental Monitoring Charges - Statement of Proposal

Discharge to land or water >100m ³ /day	\$600
Gravel/sand extraction <2000m ³ /annum	\$60
Gravel/sand extraction 2000m-10,000 ³ /annum	\$300
Gravel/sand extraction >10,000 ³ /annum	\$400
Quarry/other earthworks	\$150
Forestry/woodlot harvest <100ha	\$60
Forestry harvest >100-200ha	\$100
Forestry harvest >200ha	\$200
Works in river/stream bed	\$150
Water take surface water <5 l/s, or groundwater <100,000m ³ /year	\$60
Water take surface water 5-25 l/s, or groundwater 100,000 - 200,000m ³ /year	\$200
Water take surface water >25 l/s - <60 l/s, or groundwater > 200,000 m ³ - <400,000m ³ /year	\$700
Water take surface water >100 l/s, or groundwater > 1,000,000 m ³ year	\$1,000
Coastal consents (other than takes or discharges)	\$100
Dredging	\$200

Impacts on consent holders

- 5.15 These charges are new and they will impact on an estimated 330 existing consent holders. They will only be put in place for regional consents which require ongoing monitoring – not one off activities (which do still have a cost associated with checking compliance).
- 5.16 One of the benefits of the charges is that it assists in creating the right signals to support other environmental goals, priorities and policies of Council. For example the scale of fees increases with the size of water take.
- 5.17 Affected consent holders will also benefit from the Council's environmental monitoring programme in various ways. It provides the evidence base needed for sound management of natural resources and the information can be used by consent holders to:
- Prepare monitoring reports;
 - Help with future consent applications;
 - Meet conditions on their resource consents.

6. Options

- 6.1 The options are either to retain the status quo, delay or amend the Statement of Proposal with a different mix or level of charges, or to recommend to Council that the statement of proposal be approved for consultation.

Option 1: Recommend the proposed Statement of Proposal be approved by Council	
Advantages	<ul style="list-style-type: none"> • Consultation will be undertaken on establishing charges that will balance the Council cost of environmental monitoring more fairly according to public and private benefit. • Enables use of tools available to recover costs and adopt best practice in line with other councils.
Risks and Disadvantages	<ul style="list-style-type: none"> • Requires time, Councillor and staff resources to work through the Special Consultative Procedure. • There will be additional ongoing administrative costs to implement, but these will be absorbed within existing budgets. • Potential opposition from affected consent holders.
Option 2: Amend Statement of Proposal with different mix of charges	
Advantages	<ul style="list-style-type: none"> • Enable further consideration/development of the Statement of Proposal
Risks and Disadvantages	<ul style="list-style-type: none"> • Will delay the implementation/commencement of charges
Option 3: Amend Statement of Proposal with higher level of charges	
Advantages	<ul style="list-style-type: none"> • Higher income and level of recovery • Less ratepayer funding required
Risks and Disadvantages	<ul style="list-style-type: none"> • An increased level of dissatisfaction from affected consent holders
Option 4: Amend Statement of Proposal with lower level of charges	
Advantages	<ul style="list-style-type: none"> • Lower level of dissatisfaction from affected consent holders

Item 9: Environmental Monitoring Charges - Statement of Proposal

Risks and Disadvantages	<ul style="list-style-type: none"> • Less income and level of recovery • Higher level of ratepayer funding required
Option 5: Business as usual – no charge	
Advantages	<ul style="list-style-type: none"> • Time, Councillor and staff resources spent on the Special Consultative Procedure and ongoing implementation is not required.
Risks and Disadvantages	<ul style="list-style-type: none"> • Ongoing and potentially increasing costs of environmental monitoring and science is borne completely by the public through rates. • Opportunity for consultation on this matter lost.

7. Consultation and Next steps

- 7.1 If the Statement of Proposal is adopted, a Special Consultative Procedure, as set out in section 83 of the Local Government Act 2002, will be followed to seek feedback on the establishment of an appropriate level of fees and charges. The proposed timeframe for this process is:

Date	Action
Planning & Regulatory Committee 5 July 2018	Consider draft Statement of Proposal
Council 9 August 2018	Statement of Proposal approval
13 August 2018	Start public consultation
13 September 2018	Close public consultation
21 September 2018	Submissions to Councillors
4 October 2018 Planning & Regulatory Committee	Submission hearing
22 November 2018 Planning & Regulatory Committee	Deliberations
Council meeting 13 December 2018	Council adopts
1 January 2109	Fees start to accrue
16 February 2019*	Invoice to consent holders for 1 January 2019 to 30 June 2019.
20 March 2019	First payment due

*Note: The next invoice would be for 12 month period and dated 1 July 2019 and due 20 August 2019.

Item 9: Environmental Monitoring Charges - Statement of Proposal

- 7.2 Section 83 of the Local Government Act 2002 requires Council to consider whether a summary of the Statement of Proposal "*is necessary to enable public understanding of the proposal.*" The proposed SOP is five pages long and a summary would require at least two pages. Therefore, a summary is not considered necessary to assist with public understanding of the SOP. A letter will be sent to identify consent holders advising of the proposed charges.

8. Conclusion

- 8.1 This report presents a Statement of Proposal to establish charges for part of the Council's environmental monitoring and science programme for the Committee to recommend to the Council for approval. If approved by Council, the Special Consultative Procedure process will be followed.

Richard Frizzell
Environmental Programmes Officer

Attachments

- Attachment 1: A1979547 Statement of Proposal - Environmental Monitoring and Science Charges [↓](#)
- Attachment 2: A1986399 Annual Monitoring and Science Charges of Other Regional Councils [↓](#)
- Attachment 3: A2000121 Section 101(3) of LGA 2002 for Environmental Monitoring [↓](#)

Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>Section 10 of LGA 2002 states the purpose of local government includes <i>“performance of regulatory functions in a way that is cost-effective for households and businesses.”</i> The proposed new charges enable the Council to do this by introducing a contribution from consent holders for the private benefit from its environmental monitoring programme and reducing the contribution from ratepayers.</p> <p>Section 150 of LGA 2002 provides for charges to be set by Council after using the Special Consultative Procedure set out in section 83 of that Act.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The Council’s Long Term Plan includes levels of service for State of the Environment monitoring. This report aligns with Council delivery on the following Community Outcomes:</p> <ul style="list-style-type: none">• Our unique natural environment is healthy and protected• Our urban and rural environments are people friendly, well planned and sustainably managed.
<p>3. Risk</p> <p>There might be wide disagreement by consent holders on paying the new charges, as they might consider the fees too high, or that the costs should be borne by ratepayers. This risk will be mitigated by providing undertaking thorough consultation and having clear messaging on the need for charging.</p>
<p>4. Financial impact</p> <p>The proposed new charges are consistent with Council’s direction in the Long Term Plan 2018/28, increasing revenue from sources other than rates funding. \$100,000 cost recovery from the proposed charges is budgeted in the 2018/19 financial year, however the income is likely to be less than this.</p>
<p>5. Degree of significance and level of engagement</p> <p>The decisions or matters in this report are considered to be of low significance to the majority of residents and ratepayers.</p> <p>However, a decision to introduce fees would have a medium degree of significance to consent holders.</p> <p>Section 36 of the Resource Management Act 1991 requires that the Special Consultative Procedure be undertaken prior to the introduction of the proposed charges. Staff propose that the Statement of Proposal be</p>

Item 9: Environmental Monitoring Charges - Statement of Proposal

advertised in Our Nelson dated 22 August, Council's website and the Nelson Mail dated 13 August. A letter will also be sent to identified consent holders advising of the proposed charges.

6. Inclusion of Māori in the decision making process

Staff are not aware of any consents that iwi or Māori organisations hold that would be affected by these charges. Māori business owners with consents will receive a letter as part of the consultation process.

7. Delegations

The Planning and Regulatory Committee has the following delegations to consider a Statement of Proposal for the proposed charges for environmental monitoring (paragraph 6.3 Delegations Register):

Areas of responsibility:

- *Environmental Matters, including monitoring.*
- *Resource Management.*

Powers to decide:

- *To hear and deliberate on submissions for Special Consultative Procedures, falling within the areas of responsibility.*

Powers to recommend:

- *Statements of proposals for Special Consultative Procedures, falling within the powers of responsibility.*

The power to approve the Statement of Proposal and fees and charges remain with the full Council. Therefore this report contains recommendations to Council.



STATEMENT OF PROPOSAL

DRAFT ENVIRONMENTAL MONITORING AND SCIENCE CHARGES UNDER THE RESOURCE MANAGEMENT ACT 1991 – RESOURCE CONSENTS ACTIVITY

A1979547

Statement of Proposal – Environmental Monitoring and Science Charges

1. Introduction

The Resource Consents activity has a variety of functions associated with resource consents that have an element of cost recovery. While some charges are set by statute, other statutes give local authorities the power to set charges. This proposal considers fees and charges for:

- a) Resource consents: environmental monitoring and science research.

The Council regularly reviews the fees and charges to:

- a) Ensure that those who benefit from the services of the resource consent activity pay a fair and reasonable share of the costs of these services; and
- b) Ensure fees and charges reflect any changes in the cost of providing these services; and

Funding is achieved by Council through a mix of general rates, fees and charges, and infringement fees and fines. The level of cost recovery from applicants affects the level of ratepayer funding that is required.

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

Section 36(3) of the Resource Management Act 1991 requires the Council to seek public feedback on its proposed fees and charges through the Special Consultative Procedure under section 83 of the Local Government Act 2002.

2. The Approach to Charges

- 2.1 Council's current charging structure set out in its Fees and Charges Schedule for Resource Consents is based on applicants lodging an initial sum of money determined by the nature or category of consent. This is credited to the applicant's consent account. As the consent is processed those processing costs are debited against the applicant's account.
- 2.2 The cost of the consent processing is based on:
 - a) The time spent by Council staff and any specialist advisers assessing and reporting on the application; and
 - b) The staff hourly charge (consultants are charged out at this rate if staff would normally process the consent), or the consultant charges (if there is a lack of expertise or conflict for staff); and
 - c) Administrative costs; and
 - d) An initial charge incorporating the first hour of monitoring if monitoring is required. Subsequent monitoring is charged at the staff hourly rate.
- 2.3 When the decision on the consent is made, and processing is completed, the costs are calculated and a refund is made if the cost is less than the initial charge, or an account for further payment is sent if the costs exceed the amount of the initial charge.

Item 9: Environmental Monitoring Charges - Statement of Proposal: Attachment 1

Statement of Proposal – Environmental Monitoring and Science Charges

- 2.4 The 2009 Amendments to the Resource Management Act 1991 included the introduction of a Discount Policy should the consent:
- a) Be processed outside the statutory timeframes; and
 - b) It was the fault of the Council.
- 2.5 The discount policy introduced by the 2009 amendment came into effect on 31 July 2010. The default discount is 1% of the consent processing costs per day the consent was late, up to a maximum of 50% of the costs of the consent. Councils can choose to give a more generous discount than the default.

3. The Proposal

- 3.1 An additional annual charge on resource consents is proposed for a range of activities benefiting from environmental monitoring and science research undertaken by the Council.
- 3.2 These activities and the charges proposed are set out below:

Annual Environmental Monitoring and Science Charges

Activity	Annual charge
Air discharge - small (eg abrasive blasting; commercial wood-fired pizza ovens)	\$60
Air discharge - medium (appliances <1000kW)	\$400
Air discharge - large (appliances >1000kW)	\$600
Discharge to land or water <20m ³ /day	\$60
Discharge to land or water 20 -100m ³ /day	\$400
Discharge to land or water >100m ³ /day	\$600
Gravel/sand extraction <2000m ³ /annum	\$60
Gravel/sand extraction 2000m-10,000 ³ /annum	\$300
Gravel/sand extraction >10,000 ³ /annum	\$400
Quarry/other earthworks	\$150
Earthworks from subdivision	\$150
Forestry/woodlot harvest <100ha	\$60
Forestry harvest >100-200ha	\$100
Forestry harvest >200ha	\$200
Works in river/stream bed	\$150
Water take surface water <5 l/s, or groundwater <100,000m ³ /year	\$60
Water take surface water 5-25 l/s, or groundwater 100,000 - 200,000m ³ /year	\$200
Water take surface water >25 l/s - <60 l/s, or groundwater > 200,000 m ³ - <400,000m ³ /year	\$700
Water take surface water >100 l/s, or groundwater > 1,000,000 m ³ /year	\$1,000
Coastal consents (other than takes or discharges)	\$100
Dredging	\$200

Item 9: Environmental Monitoring Charges - Statement of Proposal: Attachment 1

Statement of Proposal – Environmental Monitoring and Science Charges

- 3.3 Annual environmental monitoring and science charges listed above shall accrue from 1 January 2019 and be invoiced on 16 February 2019; with payment required by the 20th of the month following invoice.

4. Reasons

- 4.1 The proposed new charges are to recover annual environmental monitoring and science costs of supporting resource consents and compliance of them. Specific activities covered include:

- Low flow and flood monitoring of rivers and streams with water takes
- Static water level monitoring for groundwater quantity
- Air quality monitoring
- Estuarine monitoring – including sediment quality, benthic community, sediment accumulation, broad scale habitat monitoring
- Coastal environment monitoring – recreation bathing water quality, stormwater and wastewater monitoring, Tahunanui beach erosion monitoring, faecal indicator bacteria monitoring in shellfish, biodiversity monitoring (eg shorebirds, wetland birds, estuarine fish)
- Installation and maintenance and of telemetry systems and equipment to support river and groundwater flow monitoring and ambient air quality monitoring
- Biological and water quality monitoring of rivers and lakes (surface and groundwater) where significant land use activities, discharges and water takes are being undertaken, including suspended and deposited sediment, recreation bathing quality, freshwater fish, spawning habitat
- Riverbed level (gravel) monitoring

- 4.2 The Council has not previously charged a contribution towards the costs of environmental monitoring and science which supports resource consents. Instead these costs have been borne by all ratepayers. It is considered to be more equitable and fair that the ongoing environmental monitoring required to ensure that consent holders activities are undertaken without causing significant effects on the environment should be funded by consent holders and general ratepayers, when the need for this monitoring is driven in part by the consent holder's activity.

- 4.3 In recent years the Government has increased requirements of monitoring and reporting through changes to the Resource Management Act 1991, the National Policy Statement for Freshwater, the National Environmental Standard for Plantation Forestry and other regulatory documents. These changes have substantially increased requirement on councils in relation to particular regional functions.

- 4.4 Introducing consent holder fees in relation to environmental monitoring recognises:

- That there are costs associated with these activities.
- Who the beneficiaries of these activities are in terms of being able to exercise their consents.

Item 9: Environmental Monitoring Charges - Statement of Proposal: Attachment 1

Statement of Proposal – Environmental Monitoring and Science Charges

- Who are the exacerbators driving the need for environmental monitoring in areas of impact
- 4.5 Affected consent holders benefit from the Council's environmental monitoring programme in various ways. The work provides the evidence needed for sound management of natural resources and the information can be used by consent holders to:
- Prepare monitoring reports;
 - Help with future applications;
 - Meet conditions of their resource consents.

5. Assessment

- 5.1 The Council must have regard to criteria listed in section 36AAA of the Resource Management Act 1991 when fixing charges. Proposals in section three above have met this criteria as follows:
- a) The charges are met by the applicant in each case as it is fair they pay a proportion of the Council's actual costs of environmental monitoring since they receive benefits for their consented development.
 - b) Overall the charges have been set at levels that will recover the reasonable anticipated costs incurred by the consent authority.

6. Alternatives

- 6.1 The options considered by Council including the advantages and disadvantages of each are outlined in the table below. Note Option 1 is the proposal for this consultation process.

Option 1: Implementing the proposed schedule of fees	
Advantages	<ul style="list-style-type: none">• Enables use of tools available to recover costs and adopt best practice in line with other councils.• Private benefit from Council's environmental monitoring and science programme is reflected by contribution from consent holders.
Risks and Disadvantages	<ul style="list-style-type: none">• There will be additional ongoing administrative costs to implement, but these will be absorbed within existing budgets.• Potential opposition from affected consent holders.
Option 2: Implement a different mix of charges	
Advantages	<ul style="list-style-type: none">• A different mix of charges may be supported by some submitters.
Risks and Disadvantages	<ul style="list-style-type: none">• Will delay the implementation/ commencement of charges, and Council might not collect sufficient income for this activity.

Item 9: Environmental Monitoring Charges - Statement of Proposal: Attachment 1

Statement of Proposal – Environmental Monitoring and Science Charges

Option 3: Implement a higher level of charges	
Advantages	<ul style="list-style-type: none">• Would provide a higher income and level of recovery.• Less ratepayer funding required.
Risks and Disadvantages	<ul style="list-style-type: none">• An increased level of dissatisfaction from affected consent holders.
Option 4: Implement a lower level of charges	
Advantages	<ul style="list-style-type: none">• Lower level of dissatisfaction from affected consent holders.
Risks and Disadvantages	<ul style="list-style-type: none">• Less income and level of recovery• Higher level of ratepayer funding required.
Option 5: Business as usual – no charge	
Advantages	<ul style="list-style-type: none">• Ongoing implementation is not required.
Risks and Disadvantages	<ul style="list-style-type: none">• Ongoing and potentially increasing costs of environmental monitoring and science is borne completely by the public through rates.

7. Special Consultative Procedure

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

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

Council considers the Statement of Proposal meets these requirements.

8. Submissions

- 8.1 Any interested person or body is welcome to make submissions on any aspect of the proposed charges outlined in clauses 2.12 to 2.33 of the Council's Draft Fees and Charges for Environmental Monitoring and Science – Resource Consents Activity. Council in making its decision will be taking account of all submissions made.
- 8.2 Submissions can be made by:
- Visiting the Council website nelson.govt.nz/consultations and clicking on the link which will take you to the online submission form for the Environmental Monitoring and Science Charges under the Resource Management Act 1991
 - Email to submissions@ncc.govt.nz
 - Dropping your submission form into Civic Offices, 110 Trafalgar Street, Nelson

Item 9: Environmental Monitoring Charges - Statement of Proposal: Attachment

1

Statement of Proposal – Environmental Monitoring and Science Charges

- Posting your submission form to:

Draft Environmental Monitoring & Science Charges under the RMA
Nelson City Council
PO Box 645
Nelson 7040

All submissions, including name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details are kept private. Council will not accept any anonymous submissions.

- 8.3 Submissions must be received no later than **4pm on Friday 14 September 2018.**

Any person who wishes to speak to the Council in support of their submission will be given the opportunity at a hearing which will occur on 4 October 2018, the specific date to be advised to all submitters wishing to be heard.

If a submitter wishes to make their presentation in Te Reo Māori or sign language they should advise Council of this as part of their written submission.

- 8.4 Copies of the Statement of Proposal are available free of charge from Civic House or on request.

All enquiries should be directed to Richard Frizzell on 545 0423 or email richard.frizzell@ncc.govt.nz.

Item 9: Environmental Monitoring Charges - Statement of Proposal: Attachment 2

Attachment 2: Annual Monitoring and Science Charges in Other Regional Councils

Regional Council	Fixed annual monitoring fee	Annual science charges
Bay of Plenty Regional Council	<p>\$130 base charge on all consents plus the following:</p> <ul style="list-style-type: none"> Discharge to air – small \$125 Discharge to air – med \$495 Industrial discharges – small \$185 Industrial discharges – med \$870 Dams - \$40 Industrial water take – minor \$160 Hort/Agri abstraction <5 l/s \$115 Hort/Agri abstraction >5L/s - \$175 <p>A number of consent types (e.g. forestry and large abstractions) are still charged on an actual and reasonable costs basis</p>	<p>Fees set on a stepped basis depending on impact:</p> <ul style="list-style-type: none"> Discharges to water \$45- \$56,375 Water takes range from \$60 -\$4,6526 Dam or divert water - \$45 -\$9865 Discharges to air - \$45 - \$16,915 Earthworks, forestry, quarries - \$70 - \$420
Gisborne District Council	<ul style="list-style-type: none"> Discharge to land or water - \$146 – 438 depending on size Discharge to air – \$146 - \$584 depending on size Water take (surface or groundwater) - \$146 - \$584 depending on size Gravel/sand abstraction - \$146 – 438 depending on size Forestry/woodlot harvest - \$438 - \$1,168 depending on size Quarry/Other earthworks \$438 Native vegetation clearance \$438 	<ul style="list-style-type: none"> Discharge to land or water - \$60 – 400 depending on size Discharge to air – \$60 - \$400 depending on size Water take (surface or groundwater) - \$60 - \$400 depending on size Gravel/sand abstraction - \$60 – \$300 depending on size Forestry/woodlot harvest - \$60 - \$200 depending on size Quarry/Other earthworks \$60 Native vegetation clearance \$60
Environment Southland	<p>Annual administration charges of \$20 - \$1150 depending on complexity plus the following:</p> <ul style="list-style-type: none"> Consents with minimal monitoring e.g. bores - \$60 Dairy or piggery discharge - \$385 Whitebait stands - \$95-\$200 Gravel abstraction \$0.51/m³ Water takes <5 l/s - \$120 Water takes >5 l/s - \$300 	<ul style="list-style-type: none"> Coastal permit - \$339 Discharge to air - \$87 Discharge to land - \$250 Discharge to water - \$500 Land use consent - \$500 Water permits groundwater –minimum \$162, max \$15,000 at \$0.85/m³ Water permits surface water – minimum \$138, max. \$15,000 at \$1.81/m³
Hawkes Bay Regional Council	<ul style="list-style-type: none"> Unmetered water takes \$293 Gravel abstraction has a per m³ charge of \$0.2/m³ - \$0.6/m⁴ Other Compliance monitoring – actual and reasonable costs 	<p>Charges based on a pollution index – with multipliers for different parts of the region.</p> <ul style="list-style-type: none"> Discharge to water - \$583-\$7398 Structures in rivers - \$437 - \$954 Gravel abstraction charges \$0.12/ m³
Tasman District Council	<p>Combined Charges (stepped based on environmental risk)</p> <ul style="list-style-type: none"> Gravel abstraction \$3.06 - \$6.12/m³ Coastal Aquaculture structures \$469 +\$25.25/line Coastal structures \$104 Water takes <2.5 L/s \$141 Other water takes \$197-\$26,010 depending on size Rural Discharge permits \$141 - \$398 Industrial Discharges \$141 - \$4993 Air Discharges \$141 - \$1912 	

A1986399

Activity	Who benefits (User / Beneficiary pays principle, public good theory)	Period of benefits (intergeneration al equity principle)	Whose actions or inactions contribute (Exacerbator / polluter pays principle)	Costs and benefits of separate funding	Funding sources	Funding rationale	Funding targets adjusted for community affordability
Environmental monitoring	The focus of this activity is to allow the allocation and use of natural resources to consent holders and to protect the quality of Nelson's natural and physical environment, now and into the future. The applicants for resource consents benefit by obtaining approval for the use of resources. Benefits for the wider community are prevention of inappropriate activity and the avoidance of adverse environmental effects.	Short to long term. Some resources can only be used once or are in limited supply and decisions can have a long term impact. Benefits are usually medium term.	Resource consent applicants who contribute to demand for limited resources or wish to undertake an activity that may have an adverse environmental effect create the need for information on the state of the environment. Consent holders who have an impact on the environment create the need for monitoring and enforcement.	There are significant public benefits to this activity, however there are also private benefits and user charges for this activity are appropriate. Although there are administration costs to charging consent holders, the principle of exacerbator pays supports an element of user charges.	General rates Fees and charges Reserves	Direct benefits are charged through user charges to the people who undertake activities that create the need for environmental monitoring. Council has to balance the affordability of consent costs and public advice to residents against the impact on the general rate.	Private 20-50% Public 50-80%

A2000121

Nelson Tasman Land Development Manual - Authority to Complete Review

1. Purpose of Report

- 1.1 To refer to Council all matters relating to the Nelson Tasman Land Development Manual.

2. Recommendation

That the Planning and Regulatory Committee

Receives the report Nelson Tasman Land Development Manual - Authority to Complete Review (R9388); and

Refers to Council all powers of the Planning and Regulatory Committee relating to:

- ***the Draft Nelson Tasman Land Development Manual and its release for public feedback; and***
- ***the Draft Nelson Resource Management Plan change for public feedback.***

Recommendation to Council

That the Council

Considers all matters relating to:

- ***the Draft Nelson Tasman Land Development Manual and its release for public feedback; and***
- ***the Draft Nelson Resource Management Plan change for public feedback.***

3. Discussion

- 3.1 The Planning and Regulatory Committee has delegated authority to consider matters in relation to the review of the Land Development Manual.
- 3.2 The review of the Land Development Manual is a matter that requires Council to seek public feedback and comment on the draft under the Local Government Act 2002 (LGA). It will become a policy adopted by Council in addition to being an externally referenced document under clause 34, First Schedule of the Resource Management Act 1991 (RMA). This consultation process is then followed by a plan change under the First Schedule of the RMA.
- 3.3 The draft Nelson Tasman Land Development Manual has been completed by a working group comprising officers from both Nelson and Tasman Councils. Direction was provided to the working group by a Steering Group comprising two Councillors from each Council, and surveyor and construction industry representatives.
- 3.4 There is a need to ensure that feedback and comments sought on the Nelson Tasman Land Development Manual are undertaken and considered across the Nelson and Tasman Regions at the same time. Hearings and formal RMA consultation and the Nelson Resource Management Plan change process, required to externally reference the Land Development Manual, will also need to be undertaken either jointly and/or concurrently by each Council.
- 3.5 Nelson and Tasman Councils both have a Council meeting on 9 August 2018. Given the need to coordinate feedback and formal plan change processes across the two Councils, it is considered appropriate that this matter is considered by full Council on the same day as Tasman District Council considers it. This will enable aligned consultation timeframes and decisions in regards to the hearing of feedback, delegations to hearing panels and direction to make changes to the draft.

Options

- 3.6 The Committee can either refer this matter to Council or not:

Option 1: Refer matter to Council	
Advantages	<ul style="list-style-type: none">• This policy is of high interest to development stakeholders. It is therefore considered appropriate that full Council has knowledge of the policy content and approval for consultation release and that the timeframes can be aligned with Tasman District Council.• It can be consulted on in a coordinated manner with Tasman District Council and enables administrative efficiencies between the two Councils and also for those who wish to comment on the draft.

Item 10: Nelson Tasman Land Development Manual - Authority to Complete Review

Risks and Disadvantages	<ul style="list-style-type: none">• The Land Development Manual review has been delegated to the Committee – more governance time will be required by full Council.
Option 2: Do not refer matter to Council	
Advantages	<ul style="list-style-type: none">• Potentially less governance time will be required by full Council as they will only consider a recommendation by the Committee.
Risks and Disadvantages	<ul style="list-style-type: none">• Consultation and feedback process may not be able to be aligned causing administrative inefficiencies and potentially resulting in a separation of alignment between the draft and final documents and the two Council's decisions.

Lisa Gibellini
Team Leader City Development

Attachments

Nil

Important considerations for decision making	
1. Fit with Purpose of Local Government	Not applicable – this is an administrative matter.
2. Consistency with Community Outcomes and Council Policy	This decision is not inconsistent with any Council policy.
3. Risk	The recommendation to refer this matter to Council does not include any risks. If Council chose not to accept the recommendation then it will be very difficult to align the release of the draft Land Development Manual and plan change with Tasman district council. Consequently it will be difficult to ensure amendments resulting from public feedback are coordinated between the documents.
4. Financial impact	This decision does not involve any financial impact.
5. Degree of significance and level of engagement	This matter is of low significance as it is an administrative matter and not a substantive decision and therefore no consultation has been undertaken.
6. Inclusion of Māori in the decision making process	Maori have not been consulted on this report.
7. Delegations	<p><i>Areas of Responsibility: Land Development Manual</i></p> <p><i>Powers to Decide:</i></p> <ul style="list-style-type: none"> <i>To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility;</i> <i>To hear and deliberate on submissions for Special Consultative Procedures, or other formal consultation requirements arising from legislation, falling within the areas of responsibility.</i> <p><i>Powers to Recommend:</i></p> <ul style="list-style-type: none"> <i>Final decisions on Special Consultative Procedures, or other formal consultation legislative consultation procedures, falling within the areas of responsibility</i> <i>Any alterations necessary to the Land Development Manual, the Regional Policy Statement and Nelson Resource Management Plan;</i> <i>Development or review of policies and strategies relating to the areas of responsibility.</i>