



AGENDA

Ordinary meeting of the

Planning and Regulatory Committee

Thursday 21 February 2019

Commencing at 9.00a.m.

Council Chamber

Civic House

110 Trafalgar Street, Nelson

**Pat Dougherty
Chief Executive**

Membership: Councillor Brian McGurk (Presiding 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

Quorum: 4

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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 22 November 2018

7 - 10

Document number M3934

Recommendation

That the Planning and Regulatory Committee***Confirms the minutes of the meeting of the Planning and Regulatory Committee, held on 22 November 2018, as a true and correct record.***

5.2 22 November 2018

11 - 18

Document number M3932

Recommendation

That the Planning and Regulatory Committee***Confirms the minutes of the meeting of the Planning and Regulatory Committee, held on 22 November 2018, as a true and correct record.***

5.3 6 December 2018 **19 - 23**

Document number M3977

Recommendation

That the Planning and Regulatory Committee

Confirms the minutes of the meeting of the Planning and Regulatory Committee, held on 6 December 2018, as a true and correct record.

6. Chairperson's Report 24 - 25

Document number R10007

Recommendation

That the Planning and Regulatory Committee

Receives the report Chairperson's Report (R10007).

7. Planning and Regulatory Committee - Quarterly Report - 1 October-31 December 2018 26 - 64

Document number R9905

Recommendation

That the Planning and Regulatory Committee

Receives the report Planning and Regulatory Committee - Quarterly Report - 1 October-31 December 2018 (R9905) and its attachments (A2102205, A2126110, A2077436, A2068933 and A2135530); and

Endorses the submission in support of the Nelson Marlborough District Health Board and Port Company CEO submissions to the International Maritime Organisation Treaty, Annex VI of the International Convention for the Prevention of Pollution from Ships; and

Approves that the Progressive Implementation Programme for Freshwater is updated to align with the amended Nelson Plan timeline.

8. Kerr Street Walkway

65 - 75

Document number R9972

Recommendation

That the Planning and Regulatory Committee

Receives the report Kerr Street Walkway (R9972) and its attachment (A2120387); and

Approves completion of a CPTED Safety Audit to identify whether any physical improvements to the Kerr Street Walkway area are necessary.

Recommendation to Council

That the Council

Approves the amendment of Schedule A of the Urban Environments Bylaw No.225 to include the Kerr Street Walkway area (refer map A2120387) in the list of Alcohol Ban Areas – 24 Hours, 7 days a week.

PUBLIC EXCLUDED BUSINESS

9. Exclusion of the Public

Recommendation

That the Planning and Regulatory Committee

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

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Planning and Regulatory Committee Meeting - Public Excluded Minutes - 22 November 2018	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person • Section 7(2)(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

Note:

- **This meeting is expected to continue beyond lunchtime.**
- **Lunch will be provided.**
- **Youth Councillors Nico Frizzell and Hayley Potts will be in attendance at this meeting.**



Minutes of a meeting of the Planning and Regulatory Committee

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

**On Thursday 22 November 2018, commencing at 9.00a.m.
Deliberation of Submissions State of the Environment Monitoring
and Research Charges**

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

In Attendance: Group Manager Environmental Management (C Barton) and Governance Adviser (E Stephenson)

Apology: Ms G Paine

1. Apologies

Resolved PR/2018/068

That the Planning and Regulatory Committee

Receives and accepts an apology from Ms Paine.

McGurk/Dahlberg

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Deliberations on Environmental Monitoring and Science Charges

Document number R9800, agenda pages 5 - 38 refer.

Environmental Programmes Adviser, Richard Frizzell, presented the report. Mr Frizzell noted that officers had reviewed the recommendations regarding wastewater treatment, including septic tanks, and had made revisions around the permitted activities. A revised Schedule of Annual Environmental Monitoring and Science Charges (A2098732) was tabled.

Attendance: Councillor Fulton entered the meeting at 9.04a.m.

Attendance: Her Worship the Mayor entered the meeting at 9.05a.m. until 9.10a.m.

The matters raised in the submissions were considered separately.

Septic Tanks

Mr Frizzell explained the change in the recommendation. He noted the distinction between permitted discharge levels and charged levels and State of the Environment (SOE) monitoring charges, the increasing scale of charges and the two components. He answered questions regarding current monitoring practice. Group Manager Environmental Management, Clare Barton, answered questions regarding monitoring and potential impact and explained the larger the potential effect/use of a natural resource, the higher the proposed charge. Ms Barton clarified that if a system required a resource consent, charges would apply, if no consent was required, there would be no charges.

Attendance: Her Worship the Mayor returned to the meeting at 9.24a.m.

Permitted Activities

Mr Frizzell clarified that charges would not apply to permitted activities because the trigger was a resource consent. There was no change to the recommendation.

Existing Monitoring Charges

Ms Barton clarified that charges for monitoring of consent conditions were for a raft of consent conditions, rather than environmental monitoring. There was no change to the recommendation.

Short term water takes

Mr Frizzell explained the change in the recommendation. He noted that under the proposed charges the consent holder would be subject to an annual fee for an activity that may only occur once in that period, comments had been received from Council's consents team that it was considered good practice to be proactive, and that charges should relate

to when a consent is given effect to and may only be for a period of a year.

Stormwater discharges

It was reiterated that the proposed charges would not apply as stormwater discharges to the reticulated network could be undertaken as of right. There was no change to the recommendation.

Rationale for the charges

Mr Frizzell noted that this was a general submission seeking rationale, he reiterated the points made earlier about when charges would be applied and outlined what they covered. Ms Barton clarified that the charges only applied to new consent applications from 1 January 2019, not to existing consent holders.

Discussion took place regarding permitted water takes and Ms Barton confirmed that there was a permitted volume of water take which would not be subject to SOE charges.

Further discussion took place regarding equity, whole of community benefits, cumulative effect, the process to-date, the value of robust SOE monitoring data to the public and decommissioning underground infrastructure and it was agreed to request a report on the implementation of the charges in two years' time.

Resolved PR/2018/069

That the Planning and Regulatory Committee

Receives the report Deliberations on Environmental Monitoring and Science Charges (R9800) and its attachments (A1979547, A2080680, A2079588, and A2080700); and

Endorses the Revised Schedule of Annual Environmental Monitoring and Science Charges for final Council approval (A2098732); and

Requests that a report be brought back to the Council on the implementation of the charges by November 2020.

Dahlberg/Acland

Carried

Attachments

- 1 A2098732 - Revised Schedule of Annual Environmental Monitoring and Science Charges

Recommendation to Council PR/2018/070

That the Council

Approves the Revised Schedule of Annual Environmental Monitoring and Science Charges (A2098732).

Dahlberg/Acland

Carried

There being no further business the meeting ended at 9.58a.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date



Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 22 November 2018, commencing at 10.14a.m.

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

In Attendance: Group Manager Environmental Management (C Barton), and Governance Adviser (J Brandt)

Apology: Ms Glenice Paine

1. Apologies

Resolved PR/2018/071

That the Planning and Regulatory Committee

Receives and accepts an apology from Ms Paine.

Walker/Barker

Carried

2. Confirmation of Order of Business

It was noted that item 13, the Biosecurity Annual Review, would be considered at 12.00pm and item 10, the Ngāti Tama ki te Waipounamu Trust Environmental Management Plan 2018, would commence at 12.40pm with a Mihi Whakatau for Ngāti Tama's representatives.

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 9 October 2018

Document number M3815, agenda pages 9 - 15 refer.

It was requested that the minutes for 9 October 2018 be amended to clarify that the apology was received after the meeting had commenced and subsequently not accepted.

Resolved PR/2018/072

That the Planning and Regulatory Committee

Confirms the amended minutes of the meeting of the Planning and Regulatory Committee, held on 9 October 2018, as a true and correct record.

Barker/Walker

Carried

6. Chairperson's Report

There was no Chairperson's report.

7. Planning and Regulatory Committee - Quarterly Report - 1 July-30 September 2018

Document number R9566, agenda pages 16 - 46 refer.

Matt Heale, Manager Environment answered questions regarding the Nelson Plan Review timeline, noting that 2019 workshop dates were in the process of being set.

Special Housing Accords (SHAs) were discussed and members noted their concerns regarding long response times to SHA applications. It was noted that the Ministry of Business, Innovation and Employment was looking at extending the Housing Accord and Special Housing Areas Act and adding in some criteria regarding affordability. It was noted that affordable and available housing was crucial for the region. An addition to the officer recommendation was made to reflect this.

Attendance: Councillor Dahlberg left the meeting at 11.13a.m. and returned at 11.17a.m.

Resolved PR/2018/073

That the Planning and Regulatory Committee:

Receives the report Planning and Regulatory Committee - Quarterly Report - 1 July-30 September 2018 (R9566) and its attachments (A2077219, A2086289, A2077436 and A2068933); and

Supports the Mayor continuing to engage with Government over housing supply and affordability.

Acland/Her Worship the Mayor

Carried

8. National Policy Statement - Urban Development Capacity - Quarterly Monitoring Report to End June 2018

Document number R9819, agenda pages 47 - 76 refer.

Strategy and Environment Senior Analyst, Chris Pawson presented the report and answered questions regarding the ownership of undeveloped residentially zoned land in this area, and barriers to developing this land.

Discussion took place as to Council's role in enabling affordability for development to take place. A desire was expressed to explore options as part of the next Long Term Plan process.

Resolved PR/2018/074

That the Planning and Regulatory Committee

Receives the report National Policy Statement - Urban Development Capacity - Quarterly Monitoring Report to End June 2018 (R9819) and its attachment (A2084377); and

Approves the recommendations contained in the attachment that the Price-Cost Ratio and Land Ownership Concentration indicators be reported on every quarter; and

Agrees that the Rural-Urban Land Value Differential and the Industrial Zone Differential indicators are not relevant in the context of the Nelson Urban Area and should not be reported on in the future; and

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

Fulton/Dahlberg

Carried

9. National Policy Statement Urban Development Capacity Assessment 2018

Document number R9745, agenda pages 77 - 79 refer.

Resolved PR/2018/075

That the Planning and Regulatory Committee

Receives the report National Policy Statement Urban Development Capacity Assessment 2018 (R9745); and

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

- ***The receipt of the Urban Development Capacity Assessment, and***
- ***The release of the Urban Development Capacity Assessment to the Ministry of Businesses Innovation and Employment and to the public, and***
- ***The adoption of the recommendations of the Urban Development Capacity Assessment.***

Acland/Her Worship the Mayor

Carried

Recommendation to Council PR/2018/076

That the Council

Considers all matters relating to the receipt and adoption of the National Policy Statement on Urban Development Capacity Assessment 2018.

Acland/Her Worship the Mayor

Carried

10. Final Water Quality Primary Contact Targets (Agenda Item 11)

Document number R9812, agenda pages 86 - 91 refer.

Manager Environment, Matt Heale presented the report.

Resolved PR/2018/077

That the Planning and Regulatory Committee

Receives the report Final Water Quality Primary Contact Targets (R9812); and

Approves that National Policy Statement Freshwater Management water quality primary contact standards for E-coli will continue to be met in 100% of Nelson's fourth order rivers; and

Notes that Nelson City Council officers will continue to work with the Ministry for the Environment to ensure ongoing monitoring of Nelson's fourth order rivers is sufficient to gauge compliance with primary contact targets.

Barker/Fulton

Carried

11. Engagement on Coastal Hazards (Agenda Item 12)

Document number R9679, agenda pages 92 - 108 refer.

Planning Adviser, Lisa Marquardt presented the report.

Resolved PR/2018/078

That the Planning and Regulatory Committee

Receives the report Engagement on Coastal Hazards (R9679) and its attachments (A2081218, A2081234); and

Approves the proposed engagement approach regarding coastal hazards outlined in the report Engagement on Coastal Hazards (R9679).

Fulton/Dahlberg

Carried

12. Biosecurity Annual Review (Agenda Item 13)

Document number R9814, agenda pages 109 - 157 refer.

Environmental Programmes Adviser, Richard Frizzell and Tasman District Council officers Paul Sheldon and Robin van Zoelen presented the report.

There was discussion about the number of pests which fell outside of the scope of the plan.

Resolved PR/2018/079

That the Planning and Regulatory Committee

Receives the report Biosecurity Annual Review (R9814) and its attachments (A2081605, A2081603, and A2081604).

McGurk/Walker

Carried

Recommendation to Council PR/2018/080

That the Council

Approves the Operational Plan for the Tasman-Nelson Regional Pest Management Strategy 2018-19 (A2081604), specifically as it relates to Nelson City Council's area.

McGurk/Walker

Carried

13. Ngāti Tama ki te Waipounamu Trust Environmental Management Plan 2018

A Mihi Whakatau was held to welcome Ngāti Tama representatives Andrew Stephens, Jacqui Ngawaka, Barney Thomas, Moetu Stephens, Kura Stafford, Mane Tahere and Rima Takutai-Piggott. Shane Graham spoke on behalf of Nelson City Council.

The meeting adjourned for lunch at 1.05p.m. and resumed at 1.35p.m.

Ms Stafford gave a presentation about Ngāti Tama's iwi management plan, at the end of which, Ngāti Tama's General's Manager Jacqui Ngawaka formally presented a copy of the Ngāti Tama ki te Waipounamu Trust Environmental Management Plan 2018 to Her Worship the Mayor Rachel Reese.

Following the presentation, Planning Adviser Mike Scott presented his report. Document number R9753, agenda pages 80 - 85 refer.

Mr Scott answered questions regarding the list of actions contained in the document, noting that out of the 147 actions only five had not yet been integrated into Council operations and that ongoing conversations with Ngāti Tama would consider these.

Resolved PR/2018/081

That the Planning and Regulatory Committee

Receives the report Ngāti Tama ki te Waipounamu Trust Environmental Management Plan 2018 (R9753) and its attachment (A2080678); and

Notes that a record of the Ngāti Tama ki te Waipounamu Trust Environment Management Plan 2018 (A2080678) must be kept and maintained by Council and be taken into account in preparing or changing policy statements or plans and may be taken into account by Council in consideration of applications under the Resource Management Act 1991; and

Notes that council officers will work with Ngāti Tama to identify any actions in the Ngāti Tama ki te Waipounamu Trust Environment Management Plan 2018 (A2080678) that may be implemented by Council, including as part of the Nelson Plan review.

Her Worship the Mayor/McGurk

Carried

Attachments

- 1 A2080678 Presentation - Ngāti Tama

14. Exclusion of the Public

Resolved PR/2018/082

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:

Walker/Dahlberg

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Planning and Regulatory Committee Meeting - Public Excluded Minutes - 9 October 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)(a) To protect the privacy of natural persons, including that of a deceased person • 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
2	Options for Regulatory Services	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

The meeting went into public excluded session at 2.17p.m. and resumed in public session at 2.34p.m.

There being no further business the meeting ended at 2.34p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date



Minutes of a meeting of the Planning and Regulatory Committee

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

**On Thursday 6 December 2018, commencing at 9.00a.m.
Deliberation of submissions – Nelson City Council Gambling Policy**

- Present: Councillor B McGurk (Presiding Co-Chairperson), Her Worship the Mayor R Reese (Co-Chairperson), Councillors L Acland, I Barker, B Dahlberg, K Fulton and S Walker
- In Attendance: Group Manager Strategy and Communications (N McDonald) and Governance Adviser (E-J Ruthven)
- Apology: Ms G Paine

1. Apologies

Resolved PR/2018/086

That the Planning and Regulatory Committee

Receives and accepts an apology from Ms G Paine.

McGurk/Walker

Carried

2. Confirmation of Order of Business

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

- 2.1 Confirmation of Minutes - Planning and Regulatory Committee 13 November 2018 to hear submissions to the Nelson City Council Gambling Policy

Resolved PR/2018/087

That the Planning and Regulatory Committee

Considers the item Confirmation of Minutes – to hear submissions to the Nelson City Council Gambling Policy - 13 November 2018 at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

Barker/Dahlberg

Carried

3. Interests

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

It was noted that committee members who had not been present for the hearing of submissions had had the opportunity to review the written submissions, and the video recording of the hearing of submissions held on 13 November 2018.

4. Confirmation of Minutes - Planning and Regulatory Committee 13 November 2018 to hear submissions to the Nelson City Council Gambling Policy

Document number R9918, late items agenda pages 3 - 5 refer.

Attendance: Councillor Fulton joined the meeting at 9.02am

Resolved PR/2018/088

That the Planning and Regulatory Committee

Confirms the minutes of the meeting of the Planning and Regulatory Committee – to hear submissions to the Nelson City Council Gambling Policy, held on 13 November 2018, as a true and correct record.

Barker/Dahlberg

Carried

5. Gambling Venue Policy Review Deliberations Report

Document number R9726, agenda pages 4 - 36 refer.

Attendance: Her Worship the Mayor joined the meeting at 9.04am.

Manager Strategy, Mark Tregurtha, and Policy Adviser, Gabrielle Thorpe, presented the report. Ms Thorpe outlined the proposed changes to the

Gambling Venues Policy (the Policy) as a result of the consultation process. She answered questions regarding the number of ATM machines in Nelson, the amounts of funding returned to the Nelson community from Gaming Trusts, and how funding was distributed.

Resolved PR/2018/089

That the Planning and Regulatory Committee

Receives the report Gambling Venue Policy Review Deliberations Report (R9726) and its attachments (A2090535, A2070544).

Fulton/Acland

Carried

Ms Thorpe, Mr Tregurtha, and Group Manager Strategy and Communications, Nicky McDonald, answered further questions regarding:

- The various methods for measuring gambling harm, including harm suffered by individual problem gamblers, as well as wider harm to the community;
- The potential effects of including a relocation clause in the Policy;
- The rationale for the ATM machine 100m rule in the Policy, and the effects this rule had on the potential for new venues to be established;
- Whether it was possible through the current process to amend the Policy to include a relocation clause and remove the ATM machine 100m rule; and
- The rationale for the proposed reduction in limit on the number of machines per venue.

Attendance: Councillor Walker left the meeting at 9.51am.

Her Worship the Mayor, seconded by Councillor Dahlberg, moved

That the Planning and Regulatory Committee

Amends the draft Gambling Venue Policy (A2090535) as appropriate based on consideration of submissions, with the following amendments:

- *Removal of the ATM machine 100m rule; and*
- *Inclusion of a relocation clause*

Committee members discussed the motion, and views for and against it were expressed.

Attendance: the meeting adjourned from 10.22am to 10.26am, during which time Councillor Walker returned to the meeting.

Councillor Fulton, seconded by Councillor Acland, moved an amendment.

Resolved PR/2018/090

That the Planning and Regulatory Committee

Approves the draft Gambling Venue Policy (A2090535) for recommendation to Council.

Fulton/Acland

Carried

The amendment was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Abstained/Interest</u>
Cr McGurk	Her Worship the Mayor	
Cr Acland	Cr Barker	
Cr Fulton	Cr Dahlberg	
Cr Walker		

The amendment was carried 4 – 3, and became the substantive motion.

Resolved PR/2018/091

That the Planning and Regulatory Committee

Approves the draft Gambling Venue Policy (A2090535) for recommendation to Council.

Her Worship the Mayor/Dahlberg

Carried

The substantive motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Abstained/Interest</u>
Her Worship the Mayor	Cr Barker	
Cr McGurk		
Cr Acland		
Cr Dahlberg		
Cr Fulton		
Cr Walker		

The substantive motion was carried 6 - 1.

Recommendation to Council PR/2018/092

That the Council

Approves the Gambling Venue Policy (A2090535)..

Fulton/McGurk

There being no further business the meeting ended at 10.55am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Chairperson's Report

1. Purpose of Report

- 1.1 To update the Committee.

2. Recommendation

That the Planning and Regulatory Committee

***Receives the report Chairperson's Report
(R10007).***

2. Marine Biosecurity Survey

- 2.1 An important part of Top of the South Marine Biosecurity Partnership is the annual summer monitoring survey of fouling and marine pests on recreational vessels across the three Top of the South regions, as well as marine pest checks on moorings and other structures.
- 2.2 On 8 January 2019, I joined the Top of the South Marine Biosecurity Partnership contractors, Barrie Forrest and Peter Lawless and the Council's Environmental Programmes Adviser, Richard Frizzell, out on the water as they undertook a survey of fouling and marine pests on recreational vessels and moorings in the Nelson Haven. We also spoke with owners if they were on board the vessels.
- 2.3 Unfortunately, the long established pests Asian kelp *Undaria pinnatifida* and carpet sea squirt *Didemnum vexillum*, were common, as was the clubbed sea squirt *Styela clava*. On the positive side, no specimens of Mediterranean fanworm *Sabella spallanzanii* were located.
- 2.4 One of the big challenges we have in this region is managing recreational vessels to prevent or slow the spread of marine pests, especially into some of our pristine and special marine environments and the lack of capacity at haul out facilities to enable owners to clean and maintain their vessels.

3. NZ Biodiversity Workshop

- 3.1 On 25 January 2019, I attended a workshop at the Tasman District Council chamber along with a range of officials, environmental groups and people involved with many of the biodiversity programmes across the Top of the South and with members of the Wellington-based team from Department of Conservation who are tasked with developing the next Biodiversity Strategy for New Zealand, which will help to inform the proposed National Environmental Standards: Indigenous Biodiversity.
- 3.2 This workshop was an opportunity to contribute to discussions about biodiversity, aspirations, successes, challenges, and opportunities that exist in the Nelson region. We were able to share our experiences with the Nelson Biodiversity Forum and the Nelson Nature programs.

Author: Brian McGurk, Co-Chairperson

Attachments

Nil

Planning and Regulatory Committee - Quarterly Report - 1 October-31 December 2018

1. Purpose of Report

- 1.1 To provide a quarterly update on Environmental Management functions: Building, City Development, Consents and Compliance, Planning, and Science and Environment. In addition, the report discusses the Strategy team's work on the Gambling Policy, and a legal proceedings update.

2. Recommendation

That the Planning and Regulatory Committee

Receives the report Planning and Regulatory Committee - Quarterly Report - 1 October-31 December 2018 (R9905) and its attachments (A2102205, A2126110, A2077436, A2068933 and A2135530); and

Endorses the submission in support of the Nelson Marlborough District Health Board and Port Company CEO submissions to the International Maritime Organisation Treaty, Annex VI of the International Convention for the Prevention of Pollution from Ships; and

Approves that the Progressive Implementation Programme for Freshwater is updated to align with the amended Nelson Plan timeline.

3. Summary

Activity	Level of service	Achievement
Building	Compliance with statutory timeframes.	<p>Nelson City Council and Tasman District Council went live with the Alpha One System on 1 October 2018.</p> <p>The Alpha One System is acknowledged as being a significant change to process for staff and this is currently being worked through. As a result there have been a number of building consents not completed within the 20 day time limit (31 over the second quarter). This is being managed and monitored to ensure this continues to reduce in the next quarter.</p>
City Development	<p>Coordinated growth with infrastructure.</p> <p>A well planned city that meets the community's current and future needs.</p>	<p>The Future Development Strategy project has commenced; a joint Council workshop will be held on this on 5 March.</p> <p>The City Centre Programme Lead position has been filled and work on the City Centre Programme plan has commenced. There will be a Council workshop on this on 28 February.</p> <p>The Nelson Tasman Land Development Manual Joint Steering Group has heard submissions and completed deliberations. Officers are making amendments and the NTLDM and plan change will be reported to Committee in March seeking approval for notification.</p>
Consents and Compliance	<p>Delivery of all statutory regulatory functions.</p> <p>Compliance with statutory timeframes.</p>	<p>81% compliance with resource consent timeframes. Applications being lodged have slowed but the previous quarter's influx and staff vacancies are still having an impact. Statistics are included in Attachment 1.</p>
Planning	Resource management plans are current and meet all legislative requirements.	<p>The focus in this quarter was the updating of the Draft Nelson Plan following feedback from key internal teams and planning professionals.</p>

Item 7: Planning and Regulatory Committee - Quarterly Report - 1 October-31 December 2018

		<p>Officers have also tested the EPlan software and undertaken engagement on bylaws.</p> <p>The Committee has approved changes to the Nelson Plan timeline, E.coli targets for the larger rivers, the planned consultation approach for coastal hazards, and the Environment Activity Management Plan 2018-2028.</p>
Science and Environment	<p>Delivery of all programmes.</p> <p>Compliance and reporting against relevant policy statements and standards.</p>	<p>A successful application was made to the Ministry for Primary Industries for a \$1.275 million grant for Nelson hill country stabilisation.</p> <p>The Regional Pest Management Plan is progressing.</p> <p>The Schedule of Annual Environmental Monitoring and Science charges on consents has been approved by Council.</p> <p>An inventory of Council carbon emissions is under way for audit in April.</p> <p>The recreational bathing monitoring programme started in November.</p> <p>The State of the Environment monitoring programmes are all on-going, and the soil monitoring programme is under way.</p>
Policy	Compliance with legislative requirements.	The Council's Gambling Venue Policy 2018 was adopted by Council at its meeting on 13 December 2018.

4. Background

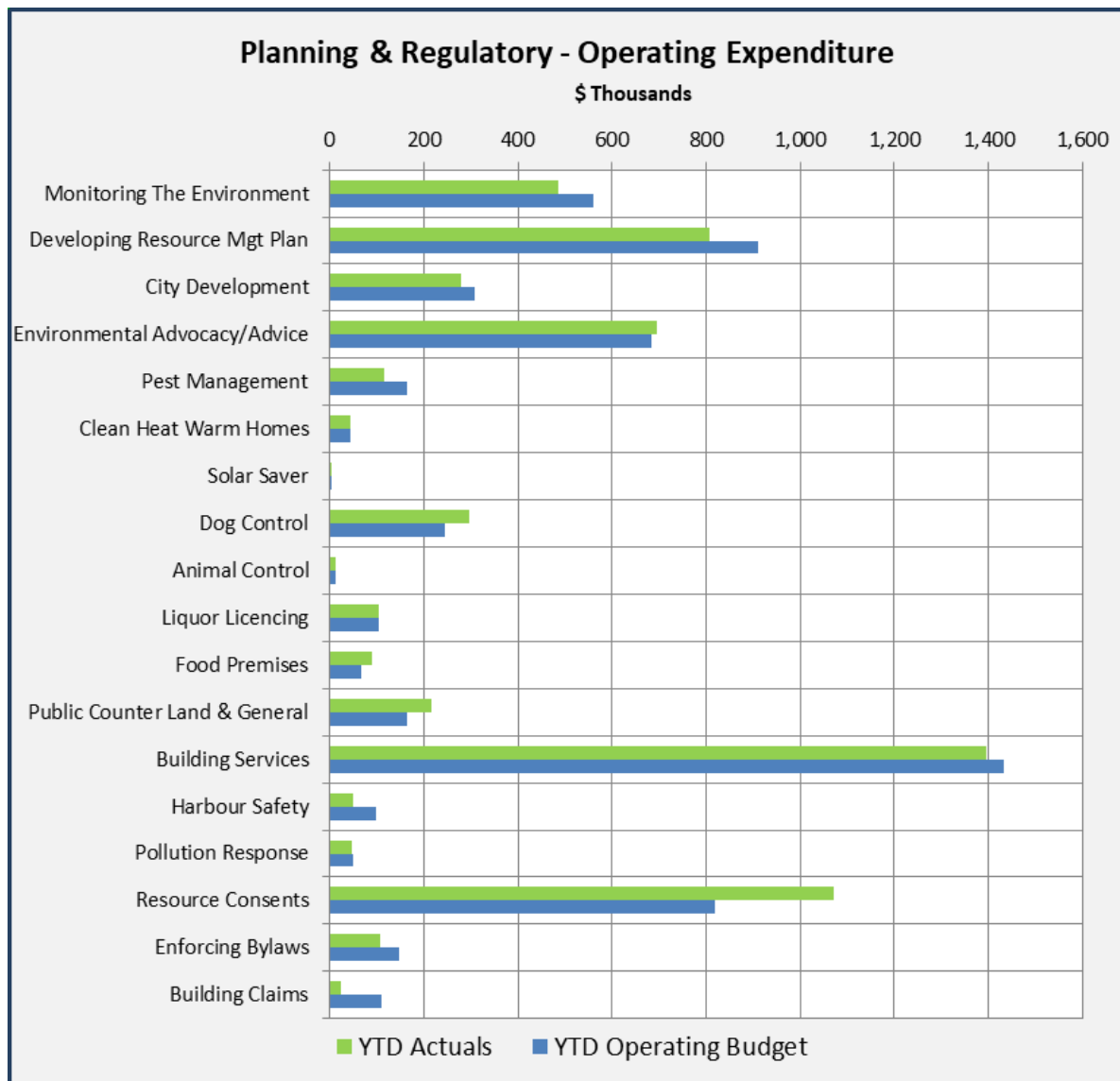
- 4.1 The report and attachments detail the performance monitoring of the Council's regulatory and non-regulatory activities, how these activities have changed over time and identifies their strategic direction.
- 4.2 The financial reporting focuses on the year to date performance (1 July to 31 December 2018) compared with the year-to-date (YTD) approved capital and operating budgets.
- 4.3 Unless otherwise indicated, all information is against approved operating budget, which is the 2018/19 Long Term Plan budget plus any carry forwards, plus or minus any other additions or changes as approved by the Committee or Council.

5. Discussion – Financial Results

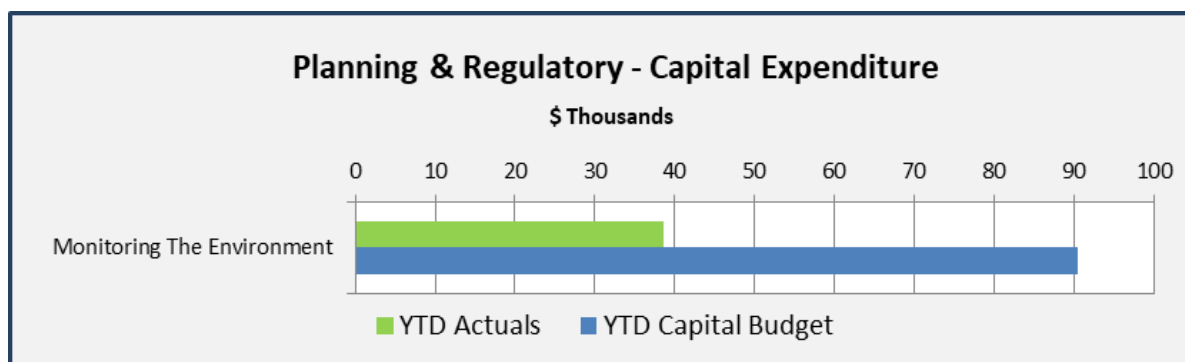
Other Operating Revenue



Operating Expenditure



Capital Expenditure



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- 5.1 A new contract with EIL was signed on 1 July 2018. The over-spend and under-spend commentary below in relation to EIL roles for dog control, regulatory services and enforcing bylaws reflects the fact the budget lines have not yet been changed to reflect the contracted services. Whilst there are overs and unders, the overall cost for these services is under budget.
- 5.2 **Dog Control revenue is less than budget by \$36,000.** Registration occurred in June/July 2018 although small amounts are still coming in. Fees and charges will be reviewed for 2019. In addition, the fees associated with impoundment are down on previous years. **Dog Control expenditure is greater than budget by \$51,000.**
- 5.3 **Building Services revenue is greater than budget by \$118,000.** Consent fees are ahead of budget by \$89,000. BCA QA levy income is ahead of budget by \$26,000 driven by a high number and value of consents. **Building Services expenditure is less than budget by \$39,000.** There has been no expenditure for the IANZ assessment (\$32,000) which is scheduled for June. Alpha One has been implemented and the service charge is ahead of budget by \$12,500 YTD and is anticipated to be \$125,000 for the year. Alpha One service costs are expected to be offset by ahead of budget consenting fee income, noting that Building Services YTD income is currently ahead of budget by \$118,000. **Building Claims expenditure is less than budget by \$85,000.** There is currently a claim in progress which may see the budget spent in the current financial year.
- 5.4 **Resource Consents revenue is less than budget by \$80,000.** Consent fees are behind budget by \$112,000. More applications have been received YTD compared to the prior year and there has been a lag in invoicing. Overall income is at a similar level to the last year actuals but the budget set has increased by approximately 50% through the LTP and in hindsight this was overly optimistic. Fine income is ahead of budget by \$30,000 due to the fine in respect of the Tasman Heights development. **Resource consent expenditure is greater than budget by \$252,000.** Consenting costs are ahead of budget by \$142,000 due to consultants being used to process the high number of applications. Costs of providing advice and services are ahead of budget by \$74,000 (through EIL). Allocation of staff overheads are ahead of budget by \$19,000 and legal fees are ahead of budget by \$17,000.
- 5.5 **Harbour Safety expenditure is less than budget by \$50,000.** Insurance costs are behind budget as the expected charge from PNL is yet to be received.
- 5.6 **Enforcing Bylaws expenditure is less than budget by \$41,000.**
- 5.7 **Monitoring the Environment expenditure is less than budget by \$74,000.** Allocation of staff overheads are behind budget by \$37,000. Service provision costs are behind budget by \$50,000, including estuarine health investigation (due to timing of the work which will be

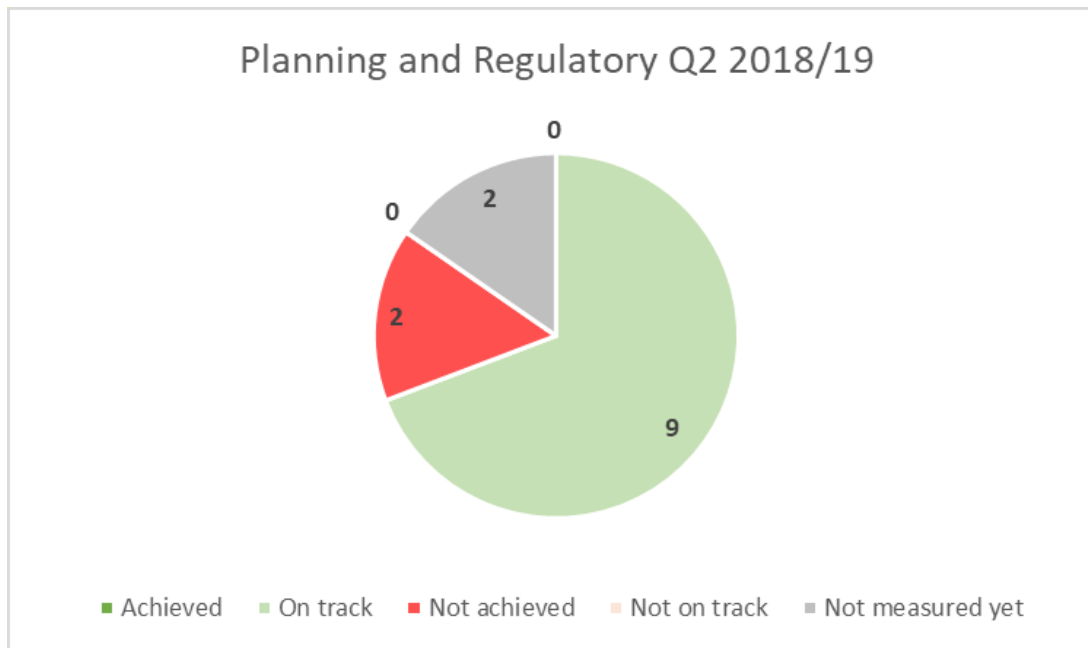
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invoiced in the third quarter), Tasman Bay monitoring and research (due to the coastal scientist role being on hold), and behind budget hydrology monitoring costs (due to timing of invoices received from Tasman District Council). **Monitoring the Environment capital expenditure is more than budget by \$51,000.** Healthy Streams capex is on track, and monitoring plant and equipment purchases are anticipated in the second half of the year. A requested carry forward of \$34,402 capex is forecast; this amount would add to funds already in the 2019/20 year to purchase a new air quality monitor, which will cost approximately \$60,000. The purchase has been delayed due to proposed changes to the National Environmental Standard for Air Quality (NES-AQ), which are due for release in mid-2019. There may be a need to purchase a different kind of machine depending on the new requirements.

- 5.8 **Developing the Resource Management Plan is less than budget by \$104,000.** The timing of legal advice and planning peer reviews are scheduled in the next quarter so the budget phasing will catch up.
- 5.9 **The Strategy team's consultant costs are less than budget by \$30,000.**
- 5.10 **City Development expenditure is less than budget by \$29,000.** Consultancy expenditure is behind budget by \$45,000. This is due to the phasing of the expenditure in relation to City Development and HASHA with costs in the second half of the year as well as the need for legal advice in relation to HASHA being on an as needs basis. Staff overheads allocated are ahead of budget by \$16,000.
- 5.11 **Pest Management expenditure is less than budget by \$47,000.** Biosecurity service provision and Top of the South Marine biosecurity partnership costs are behind budget due to timing of invoices, with the anticipation that the full budgets will be spent in the financial year.
- 5.12 **Public Counter Land and General expenditure is greater than budget by \$51,000.** Allocation of staff overheads are ahead of budget, particularly in relation to scanning.

Key Performance Indicators – Long Term Plan

- 5.13 Details of the status of the indicators are contained in Attachment 2. The two indicators not achieved are the percentage of non-notified resource consents processed within 20 working days, and the percentage of building consents and code compliance certificates issued within 20 working days. 81% percent of non-notified resource consent applications were issued on time for this quarter with an average of 20 working days for all decisions in this period.



Key Performance Indicators – Environment Activity Management Plan:

- 5.14 Details of the status of the indicators are contained in Attachment 3. The indicator not on track is the percentage of non-notified consents processed within 20 working days. The target is 100% and the actual for the quarter was 81%.



Project Reports – Operational

- 5.15 Operational Project/Programme reports by Business Unit are contained in Attachment 4.

6. Environmental Management Activity Update by Business Unit

BUILDING

Achievements

- 6.1 During the second quarter the Building Unit has worked hard to get through the change resulting from the successful implementation of the Alpha One System on 1 October 2018.
- 6.2 The staff within the unit have started to embed the change. However, it is acknowledged that, as with any change, there has been an impact on the administrative staff, inspectors and processors as they are learning how the Alpha One system works. It is also acknowledged that the system challenges the old ways of working for all officers. Processes are in place to support and assist staff in their adaptation to the change.
- 6.3 In addition to the significant change, the number of building consent applications submitted in October and November was 119 in October and 58 in November, and they were complex consents. As a result (with the high number of consents and staff adapting to the change), there were 31 building consents which were not processed in the 20 day building consent time limit during the second quarter. Broken down, this was three in October, 19 in November and nine in December.
- 6.4 These breaches have all been assessed to understand the root cause. In most cases, it was identified that there was a loss of visibility of the priority of the consent due to how the new system was being used and the number of consents in progress. Work has been undertaken to remedy this.
- 6.5 Two code compliance certificates were issued outside of the 20 day time limit. One was due to workload and a delay in checking documents and one occurred with the transition to the new system.
- 6.6 The number of breaches has been brought under control. This will be monitored and continue to be reported to the Committee.
- 6.7 Recruitment of a Building Officer (Inspections) to fill the position left by the promotion of another member of the team was successful and the officer joined the team in late January. This provides ongoing support and resilience for the inspections team.

Trends

	Second Quarter 2018/2019	Second Quarter 2017/2018
Building Consents and Amendments	222	236
Estimated value	\$68,559,589	\$46,829,372

- Whilst there is a small 6% decrease in application numbers for the second quarter compared to last year, the complexity and type of the submitted consents, reflected by the increased estimated value, was much higher. This has come after a higher number of consent applications in the first quarter so the effect of this was compounded.

	Total to End of Second Quarter 2018/2019	Total to End of Second Quarter 2017/2018
Building Consent Applications	519	473

- This is an increase of 9% in applications for the year to date.

	Second Quarter 2018/2019	Second Quarter 2017/2018
Number of inspections	1725	1987

- The decrease in inspections undertaken is due to reduced inspections capability over the training and transition period for Alpha One implementation in October.

- 6.8 The increased number of consents continues the upward trending pattern that has been building since early 2018.

Strategic direction and focus

- 6.9 The Building Unit is focusing on greater alignment with Tasman District Council, specifically around customer experience, on the back of the implementation of the Alpha One digital building control solution. This will include a review of fees and charges to create a similar experience across both Councils and address cost recovery for the Alpha One system.
- 6.10 The next six months will focus on a review of benefits realised through the change of system and eliciting feedback from customers on their experience of the new system.
- 6.11 2019 will see the Building Unit undertake its IANZ re-assessment for Building Control Accreditation. This is likely to occur in June. The team

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will be setting up a project in March 2019 to plan for the re-assessment to ensure the team is prepared and supported through this process.

- 6.12 The special consultative procedure report for priority buildings and routes of strategic importance will come to the 4 July 2019 Planning and Regulatory Committee. This will be reported to Council on 8 August 2019. Subject to approval, the public consultation period will be planned to commence after the Local Body Elections.

Risks and challenges

- 6.13 The market is still trending up. Whilst there was a slight lull during December, the expectation is for 1000 or more consent applications to be processed this financial year.
- 6.14 Contractors are being used to cover the increase and this cost is being offset by the increase in revenue created by the additional consent applications and value of estimated work.
- 6.15 The team has worked hard to bring the consent timeframe breaches under control since November 2018. There is still, however, a risk some applications may breach the 20 day time limit over the next few months.

CITY DEVELOPMENT

Achievements

- 6.16 The City Centre Programme Lead position has been recruited and Alan Gray started on 3 December 2018. Alan is working on the City Centre Programme and will be leading a workshop with Council on 28 February.
- 6.17 The team has been actively building relationships with the Nelson Regional Development Agency (NRDA), Uniquely Nelson, city centre developers, retailers and hospitality stakeholders to assist with the development of the City Centre Programme. A second focus group meeting was held on 17 December.
- 6.18 Officers are about to contract work on city centre investment cases. The investment cases aim to understand the factors that influence developers and investors when making decisions on central city investments such as residential and mixed use development and redevelopment.
- 6.19 The Urban Development Capacity Assessment has been completed and has been sent to the Ministry of Housing and Urban Development and been made public on Council's website. Work on the next assessment is starting, including reviewing methodologies with Tasman District Council, and feasibility testing of infill, intensification and redevelopment potential across the city.
- 6.20 The Nelson Tasman Future Development Strategy (NTFDS) project has commenced. The first stakeholder workshop was held on 18 December. High level public consultation is to occur over January and February and

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a Joint Council workshop is scheduled for 5 March. The NTFDS has an intensive project timeline and is to be completed by July 2019.

- 6.21 A hearing and deliberations were held on the Nelson Tasman Land Development Manual, draft plan changes and practice notes on 14 November. Officers are now making amendments as a result of that process and will be reporting the final version to the Council in the first half of 2019 seeking approval for public notification.

Trends

- 6.22 No expressions of interest were received for Special Housing Areas (SHAs) in the last round, and only one SHA (Ngati Rarua SHA) has been gazetted by Government since February 2018.

Strategic direction and focus

- 6.23 Key strategic projects the team is working on over the next quarter include the Future Development Strategy, the City Centre Programme Plan and the annual review of the Development Contributions Policy.
- 6.24 The team is also involved in assisting the Strategic Property Advisor with the progression of a number of key strategic projects within the city centre.
- 6.25 Plan Change 27 to the Nelson Resource Management Plan (NRMP) to incorporate by reference the Nelson Tasman Land Development Manual will be handed to the Planning team to progress.

Risks and challenges

- 6.26 There is a risk that the City Centre Programme will find it difficult to spend the city centre capex fund of \$200,000 without any internal project managers with capacity to deliver projects, and with such a short time between now and the end of the financial year. Officers are, however, working on a programme to mitigate this and this will be discussed at the Council workshop on 28 March.
- 6.27 The Urban Development Capacity Assessment highlighted that there is insufficient residential development capacity in the long term (11 to 30 years) and provides recommendations to Council on Plan enablement and infrastructure provisions required to ensure that sufficient capacity is provided. The National Policy Statement Urban Development Capacity (NPS UDC) requires that Council initiate a response within 12 months. The team is working with Asset Managers and the Planning team in order to achieve this.
- 6.28 The Future Development Strategy has an intensive project timeline. Any slippage in any of the consultation, stakeholder or Joint Council workshops and meetings will mean this project may not be delivered on time.

CONSENTS AND COMPLIANCE

Achievements

- 6.29 All licensing and consent requirements for Bay Dreams were issued on time. Many regulatory staff were involved in monitoring the noise, alcohol, food and environmental health activities for the event. All activities were compliant although the noise levels required continual monitoring.
- 6.30 The deputy harbourmaster has carried out over 300 safety checks to date with 3% of those checked requiring a level of enforcement action (warning) or being directed not to go on the water until the issue was rectified.

Trends

- 6.31 Resource consent application numbers for the first half of the year are 20% higher than the same period last year. The Christmas to mid-January lull is not expected to last as duty planner appointment timeslots were very full in late November and early December.
- 6.32 From 1 December Enforcement Officers have been undertaking two freedom camping patrols daily (early morning and evening), focussing on the areas that had the most activity or issues last summer. There have been fewer infringement notices issued than the same time last year (53 last year, 41 this year).

Strategic direction and focus

- 6.33 The resource consents team is being supported by experienced consultants (Resource Management Group) while we recruit to replace Jennifer Lancashire, Team Leader Resource Consents, whose last day at Council was 21 December after six years with the team.
- 6.34 Staff are looking at better ways of issuing decisions for bundled consents, as it is often the more complex activities with two or three different consents required for the one development where the 20 day timeframe is not achieved.

Risks and challenges

- 6.35 Senior staff vacancies and limited capacity from external consultants to assist with processing resource consents have resulted in non-compliance with statutory timeframes and this is likely to continue while these factors remain.

PLANNING

Achievements

- 6.36 The focus in this quarter was the updating of the Draft Nelson Plan following road-testing with key internal teams and planning professionals.
- 6.37 The Eplan project commenced in October 2018. Officers have worked with Isovist to undertake preliminary testing of the Eplan software. An initial upload of the entire Draft Nelson Plan will commence in late January 2019 so that future iterations of the Draft Nelson Plan can be developed using Eplan software.
- 6.38 At its 9 October 2018 meeting, the Committee adopted the 2018-2028 Environment Activity Management Plan and approved the preliminary Committee engagement on the Kerr Street walkway matter. Engagement on the Kerr Street walkway has commenced and the results are separately reported in this agenda.
- 6.39 Preliminary engagement commenced on the review of the Dog Control Policy and Bylaw in November 2018 with the results being presented to the Council in March 2019.
- 6.40 At the 22 November 2018 meeting, the Committee received the Ngati Tama Ki Te Waipounamu Trust Environmental Management Plan 2018 and approved the E.coli targets for Nelson's larger rivers, the engagement approach for coastal hazards, and a revised timeline for the Nelson Plan.

Progressive Implementation Plan

- 6.41 The National Policy Statement for Freshwater Management (2017) requires councils to publicly report on updates to their Progressive Implementation Programme (PIP) for freshwater, annually. The Committee approved an amended timeline for the Draft Nelson Plan in October 2018. As the PIP is aligned to the Nelson Plan timeline, it is recommended that Nelson City Council's PIP be updated to align with the revised Draft Nelson Plan timeline.

MARPOL

- 6.42 Council received a request for feedback from the Nelson Marlborough District Health Board (NMDHB) on a consultation document released by the Ministry of Transport (MOT) on the International Maritime Organization treaty, Annex VI of the International Convention for the Prevention of Pollution from Ships (MARPOL) in late December 2018. Submissions closed on 11 February 2019.
- 6.43 MARPOL regulates shipping emissions that are harmful to public health, deplete the ozone layer and contribute to climate change. MARPOL seeks to reduce carbon emissions and improve air quality around ports

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and harbours, provide investment certainty to domestic ship owners and fuel suppliers, and demonstrate commitment to a level playing field for international maritime regulation.

- 6.44 The NMDHB submission on MARPOL indicates that shipping sulphate is a significant emission source (PM₁₀ and PM_{2.5}) in Airsheds proximate to Port Nelson. The NMDHB submission supports MARPOL which seeks to reduce sulphate emissions from ships.
- 6.45 Officers also sought views from Port Nelson Limited regarding MARPOL. A copy of the Port Company CEO Group submission was provided to Officers. The PCCG submission supports MARPOL and highlights the implications for the economy due to potential increases in freight costs and the need to access low sulphur fuels or install scrubbers. The submission seeks a delay to the proposed implementation date of MARPOL (1 January 2020) to allow improved accessibility to low sulphur fuel. This delay is supported by NCC and it is recommended that this matter is considered in the development of the new National Environmental Standard for Air Quality by the Ministry for the Environment.
- 6.46 A number of regional councils have lodged submissions of support to MARPOL due to the potential to improve air quality including Tasman District Council, Marlborough District Council, Environment Canterbury, Auckland Council, and Bay of Plenty Regional Council.
- 6.47 Council officers have sent a submission of support (Attachment 5) for the NMDHB and PCCG submission to the MOT given the potential for improvements in air quality in Nelson while recognising potential economic impacts to the shipping industry.

Kotahitanga mō te Taiao Alliance

- 6.48 Council joined the Kotahitanga mō te Taiao Alliance (the Alliance) in September 2017. The Alliance is made up of all the Councils and Iwi in the top of the South Island, led by the Department of Conservation. The focus of the Alliance is on landscape-scale conservation projects that also have social, economic and cultural benefits. The Alliance has supported a number of conservation projects throughout 2018 and has developed a draft strategy to help align efforts. The Draft Strategy will be jointly workshopped with Council once the officers' steering group has provided input. A joint workshop with Tasman District Council is tentatively planned for March 2019.

Vehicle Access at Delaware Estuary

- 6.49 Council officers have been working to resolve conflicts over vehicle access to the foreshore in Delaware (Wakapuaka) Estuary. Boats are regularly launched and retrieved from the Maori Pa Road location. Vehicles are on occasion also accessing the foreshore for other reasons, including simply driving around. A resource consent application to

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enable a trial of a marked route is being prepared. All Te Tau Ihu iwi are being further consulted on the proposal.

- 6.50 Officers were present on-site in the lead up to Christmas, to update users on the proposal, raise awareness about the Estuary's values, and encourage good behaviour. Pamphlets on the proposal are also available on an on-going basis from a weatherproof box on-site. Feedback about the proposal has been positive to date.

Strategic direction and focus

- 6.51 The next version of the Draft Nelson Plan will be externally peer reviewed in late January 2019. The Nelson Plan Elected Member Working Group will meet in February to develop terms of reference for their review of the Plan.
- 6.52 Cost benefit analysis work for growth, natural hazards and freshwater is being aligned with the Nelson Tasman Future Development Strategy (NTFDS).
- 6.53 Preliminary community engagement on understanding people's experiences with coastal hazards will be a focus for the next quarter, along with the development of the Dog Control Policy and Bylaw Statement of Proposal. The Statement of Proposal will be reported to Council in March 2019.

Risks and challenges

- 6.54 The Planning team is recruiting for a Principal/Senior Planning Adviser due to a current vacancy.
- 6.55 There is a substantial amount of work to be undertaken by the Planning team in the next quarter relating to bylaws, the Nelson Plan, input into the NTFDS, and hazards engagement.

SCIENCE AND ENVIRONMENT

Achievements

- 6.56 Deliberations on submissions on the Proposed Tasman Nelson Regional Pest Management Plan were completed by the Joint Regional Pest Management Committee in December. A report seeking adoption of the Plan will be considered by Council at its meeting on 21 March 2019.
- 6.57 Nelmac carried out an annual programme of Taiwan cherry location and removal from August to October 2018. Over 903 mature, juvenile and seedling plants were controlled throughout Nelson. Ongoing effort is required for surveillance and eradication of Taiwan cherry in Nelson, hence its inclusion in the Regional Pest Management Plan.

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- 6.58 The Council approved a schedule of environmental monitoring and science charges on some resource consents to take effect from 1 January 2019. This will enable partial recovery of the costs associated with the Council's environmental monitoring programme from consent holders benefitting from this work.
- 6.59 The summer recreation bathing and cyanobacteria toxic algae monitoring programmes commenced in November, with results reported to the Ministry for the Environment, and on the Council and LAWA websites.
- 6.60 Biomonitoring of the Maitai reservoir was undertaken to assess the annual ecosystem health, which contributes to the resource consent for the Maitai South Branch municipal water supply. Diatom samples are collected over the summer for the Drinking Water Cyanobacteria Action Plan. The latest monitoring has indicated occasional increases in Total Phosphorous in the reservoir.
- 6.61 The Delaware Bay fine scale monitoring (benthic invertebrate communities and sediment quality) and Nelson Haven Broad scale monitoring was undertaken as part of the ten-year reporting programme on the condition of and stressors to Nelson's estuaries. Sediment deposition, seagrass distribution and loss of coastal saltmarsh are some of the key issues monitored to inform the Nelson Plan objectives and limits and baseline for longer-term climate change effects to our coastal ecosystems.
- 6.62 Council was successful in leading Envirolink funding bids for NIWA to develop a citizen science stream monitoring app, along with data management and analysis tools and educational videos; and also for NIWA to design an estuarine water quality programme that will tie in with the upstream freshwater programme and catchment land use effects. Fish passage trials were also undertaken by NIWA to assess the efficacy of the instream-baffles in Tasman and Nelson streams, as part of a joint Envirolink project with TDC.
- 6.63 The 2017/2018 (Stage 4) year of the Warmer Healthier Homes (WHH) Project helped to insulate 275 homes within Nelson City Council's catchment. A link to the WHH annual report was included in the 18 January 2019 Councillors' Newsletter.
- 6.64 A "Buy Your Wood Now" promotion was run in November/December 2018 encouraging people to buy their firewood early and get it stored away dry in preparation for next winter. 173 loads of firewood were delivered to Nelson homes during the promotion.
- 6.65 The Wakapuaka @ Hira hydrology monitoring station was upgraded. This is the main reference site for water restrictions and provides information for flood warnings. The site has been upgraded to ensure continued collection of quality and reliable data and now has the capacity to include measurement of other parameters such as continuous water quality in the future.

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- 6.66 Two rounds of testing for E.coli source in the Wakapuaka catchment using ESR source tracking technology were completed, which indicated a range of sources including strong sheep and wildfowl signatures, but only weak human indicators. Other Healthy Streams activities during the quarter included: a fencing and planting project in the Oldham Stream area; development and procurement of a Community Stormwater Education programme; training sessions with a new community group in Maire Stream on stream monitoring and fish surveys; and commencement of *Phormidium* research in the Maitai River.
- 6.67 Nelson Nature supported the annual regional Community Trapping Workshop in October, hosted by the Tasman Environmental Trust. The workshop was targeted at individuals and groups in the Top of the South, who were interested or involved in trapping predators to protect wildlife. Over 100 people attended the workshop and over half were Nelson residents.
- 6.68 The Nelson Biodiversity Forum met in late November to discuss progress on protecting Nelson's threatened species, using a newly developed report card process. The Forum reported excellent progress on improving habitat for freshwater fish; good progress on identifying management needs for coastal species; and good progress in improving the security of native species through an increasing area under predator-control from community trapping. At the meeting, the Forum particularly acknowledged Council for its contribution to achieving these outcomes through the Nelson Nature and Healthy Streams targeted programmes. The Nelson Biodiversity Forum is made up of 32 member agencies and community groups with an interest in biodiversity in Nelson and is facilitated by Council.
- 6.69 The Land Management programme had several notable successes this quarter including: a successful funding application to MPI's Hill Country Erosion Fund which resulted in \$1.275 million to address forestry retirement and erosion management in the region; completion of a soil monitoring programme across 15 sites and three different land uses; and a popular community seminar on trees in productive landscapes, which saw over 100 community members attending in the Wakapuaka Memorial Hall.

Strategic direction and focus

- 6.70 The first draft of a comprehensive State of the Environment report has been completed and is due to be presented to the Planning and Regulatory Committee in May 2019.
- 6.71 A key focus for the Science and Environment team is improving the management, reporting, and accessibility of Council's environmental data. An environmental data project has been initiated with the IT team to improve data storage and availability.
- 6.72 There is a variety of work streams relating to climate change under way across Council and the team is expecting climate change to be a

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significant area of focus in the short to medium term. There is a Council workshop relating to the climate change work programme scheduled for 21 February 2019.

- 6.73 A key focus during the next two quarters will be planning for the implementation of the four-year work programme stemming from the \$1.27 million grant received from MPI's hill country erosion fund.
- 6.74 The National Policy Statement on Indigenous Biodiversity (NPSIB) and the New Zealand Biodiversity Strategy are both being developed in 2019 to guide long term biodiversity management in New Zealand. The NPSIB sets out objectives and policies to help councils, communities and landowners change the way native biodiversity is managed. Public consultation will begin in mid-2019. A discussion document for the New Zealand Biodiversity Strategy will be produced in March, with wider public engagement in May/June 2019. The developers of the discussion document were particularly keen to gather early input from the Nelson and Tasman regions, as we are considered leaders in the development of collaborative biodiversity strategy due to the long running Nelson Biodiversity Forum and more recently, the Kotahitanga mō te Taiao Alliance.
- 6.75 A draft plan has been prepared for the Nelson Halo, an area of predator control and habitat enhancement to enhance native bird populations in Nelson. Feedback from existing community trapping groups and predator control experts is currently being incorporated and a revised draft of the Halo Plan will be provided to Councillors early in 2019.

Risks and challenges

- 6.76 The developing climate change and land management (hill country erosion) programmes will put stress on existing staff resource.

7. Policy

- 7.1 The Gambling Venue Policy was approved by Council at its meeting on 13 December 2018. Legislation requires the Policy to be reviewed at least every three years, and again by December 2021.

8. Legal Proceedings Update

- 8.1 The Court of Appeal dismissed the Brook Valley Community Group (BVCG) appeals. The Court found that the Exemption Regulations (for the brodifacoum drop behind a predator proof fence) are lawful and the Court did not agree with the approach of the BVCG and Forest and Bird that the same action would require to be consented twice under section 15 of the Resource Management Act (discharge of contaminants) and section 13 (deposit any substance on a river bed).
- 8.2 Jenny Walker continues to appeal against Court decisions supporting Council action taken under the Dog Control Act.

9. Options

- 9.1 The Planning and Regulatory Committee can choose to update the Progressive Implementation Programme for Freshwater with the amended Nelson Plan timeline, or it can choose not to align.

Option 1: Update the Progressive Implementation Programme for Freshwater to align with the Nelson Plan timeline	
Advantages	Streamlined approval process for updating Nelson City Council's Progressive Implementation Programme for Freshwater to align with the Nelson Plan timeline.
Risks and Disadvantages	The Progressive Implementation Programme for Freshwater will take longer than previously indicated.
Option 2: Not update the Progressive Implementation Programme for Freshwater to align with Nelson Plan timeline	
Advantages	No known advantages.
Risks and Disadvantages	<p>There is a risk that the timeframes of the previous Progressive Implementation Programme for Freshwater would not be met, as it would not be aligned with the timelines of the Nelson Plan.</p> <p>This may affect Nelson City Council's compliance with the National Policy Statement for Freshwater Management (2017).</p>

- 9.2 The Planning and Regulatory Committee can choose to endorse the submission of support for NMDHB and PCCG MARPOL submission or withdraw the submission of support.

Option 1: Endorse Letter of support	
Advantages	<p>The letter will add weight to the NMDHB submission and highlight the importance of reducing PM10 and PM2.5 emissions in Nelson Airsheds while also balancing the economic impacts identified by PCCG.</p> <p>The letter will enable the MOT to seek further clarification directly from NCC officers.</p> <p>This approach is consistent with other regional Councils.</p>

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Risks and Disadvantages	No risks or disadvantages
Option 2: Withdraw Submission of support	
Advantages	No advantages
Risks and Disadvantages	NCC support and advice for reducing emissions in Airsheds proximate to Port Nelson and associated economic impacts will not be known.

Author: Clare Barton, Group Manager Environmental Management

Attachments

- Attachment 1: A2102205 - Building and Consents and Compliance statistics [↓](#)
- Attachment 2: A2126110 - Annual report - Quarterly reporting - Performance measures - 2018/19 [↓](#)
- Attachment 3: A2077436 - Environment AMP levels of service table for quarterly report to Planning and Regulatory Committee - 18Jan2019 [↓](#)
- Attachment 4: A2068933 - Planning and Regulatory Committee report on operational projects and programmes - Environmental management [↓](#)
- Attachment 5: A2135530 - MARPOL submission [↓](#)

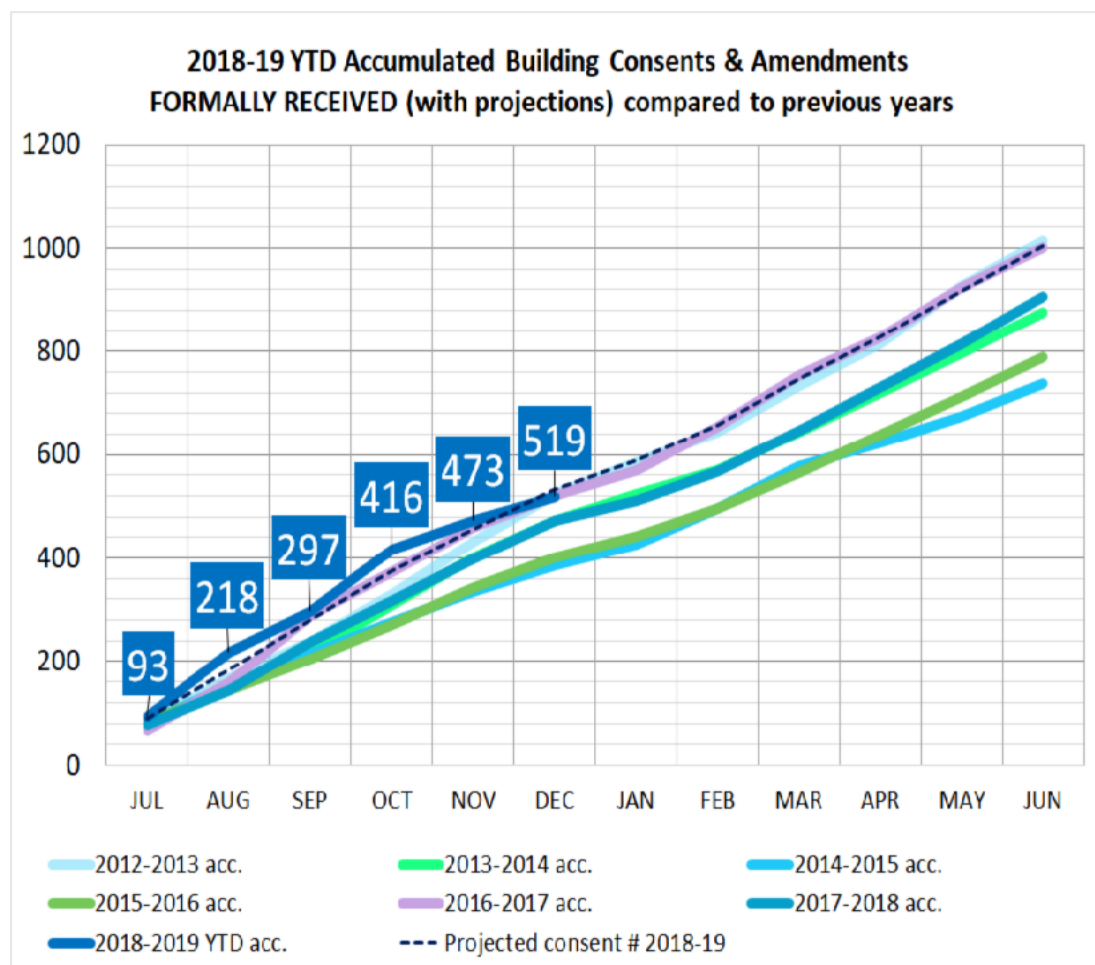
Important considerations for decision making	
1. Fit with Purpose of Local Government	Section 10 of LGA 2002 requires local government to perform regulatory functions in a way that is most cost-effective for households and businesses. This quarterly report identifies the performance levels of regulatory and non-regulatory functions.
2. Consistency with Community Outcomes and Council Policy	The Council's Long Term Plan includes performance measures for various activities and this report enables the Council to monitor progress towards achieving these measures.
3. Risk	Staff vacancies have the potential to impact on work programmes and statutory timeframes. Recruitment for these roles is continuing.
4. Financial impact	No additional resources have been requested.
5. Degree of significance and level of engagement	This matter is of low significance.
6. Inclusion of Māori in the decision making process	No consultation with Māori has been undertaken regarding this report.
7. Delegations	<p>The Planning and Regulatory Committee has the following delegation:</p> <p><i>Areas of Responsibility:</i></p> <ul style="list-style-type: none"> • <i>Performance monitoring of Council's regulatory activities</i> • <i>Resource management</i> <p><i>Powers to Decide:</i></p> <ul style="list-style-type: none"> • <i>To perform all functions, powers and duties relating to the areas of responsibility conferred on Council by relevant legislation and not otherwise delegated to officers</i>

Attachment 1

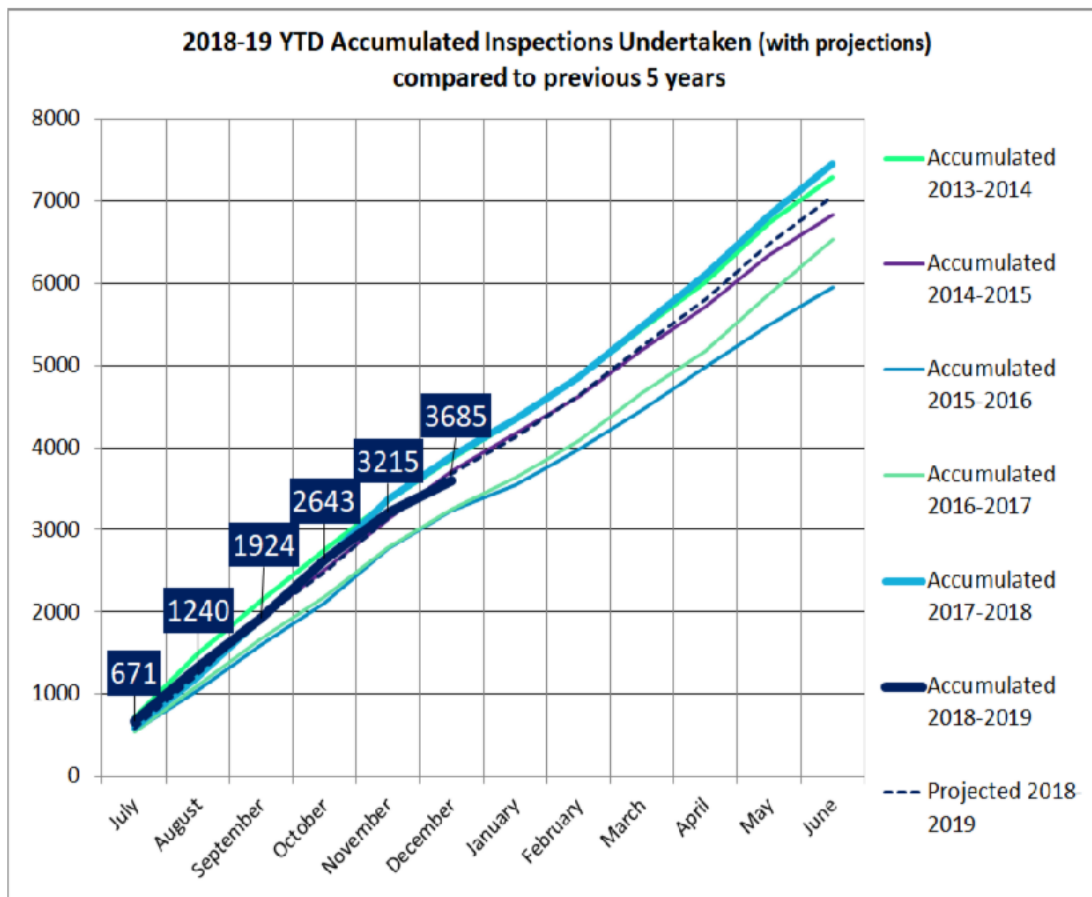
Building Unit Statistics 1 October – 31 December 2018

1. Quarter 2 summary for the building consent authority activity.

The second quarter has plateaued slightly though year to date consent applications are 9% above the projection.



The building inspections numbers are just under projections noting this is as a result of reduce capacity during the implementation of the Alpha One system.



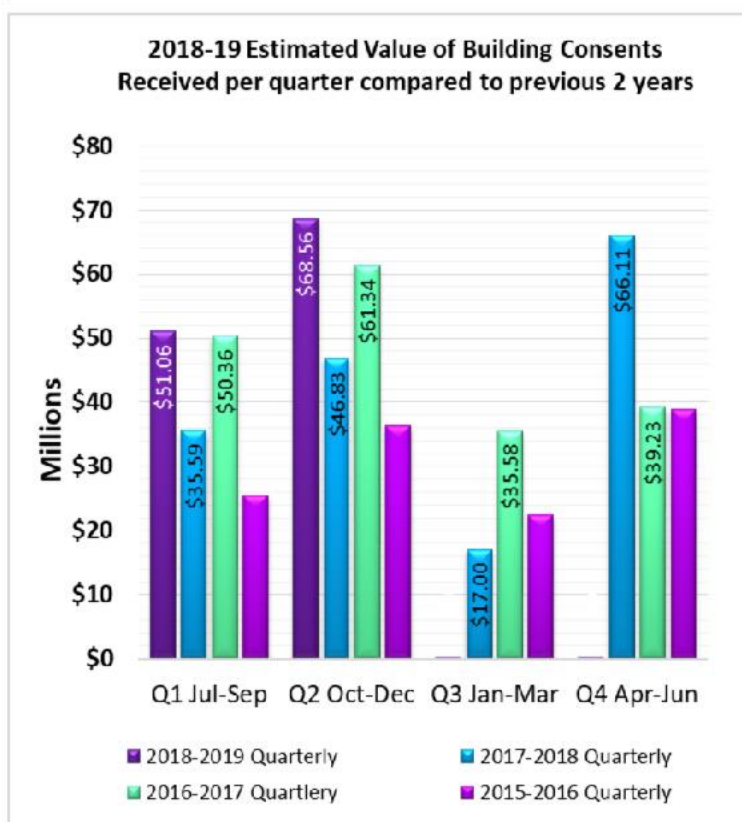
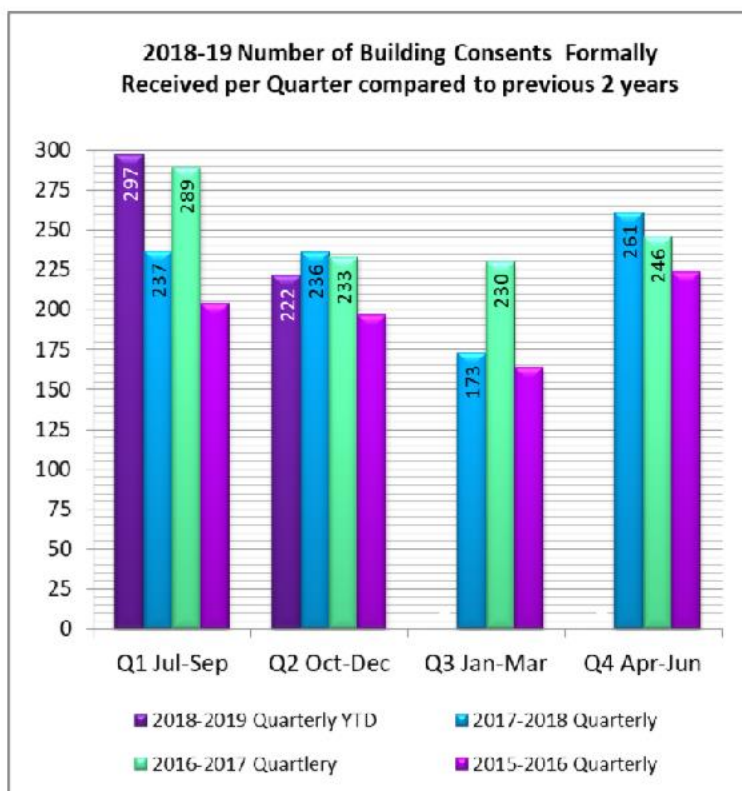
2. Building Consent Applications Received Q2

There were a total of **222** building consents and amendment applications formally received in the Q2 of this financial year which was slightly lower by 6% than the last year.

However, the total estimated value is significantly up (by \$17.4 million from the last quarter \$51,060,356) at \$68,559,589. This is significantly higher than the same quarter last year which was \$46,829,372.

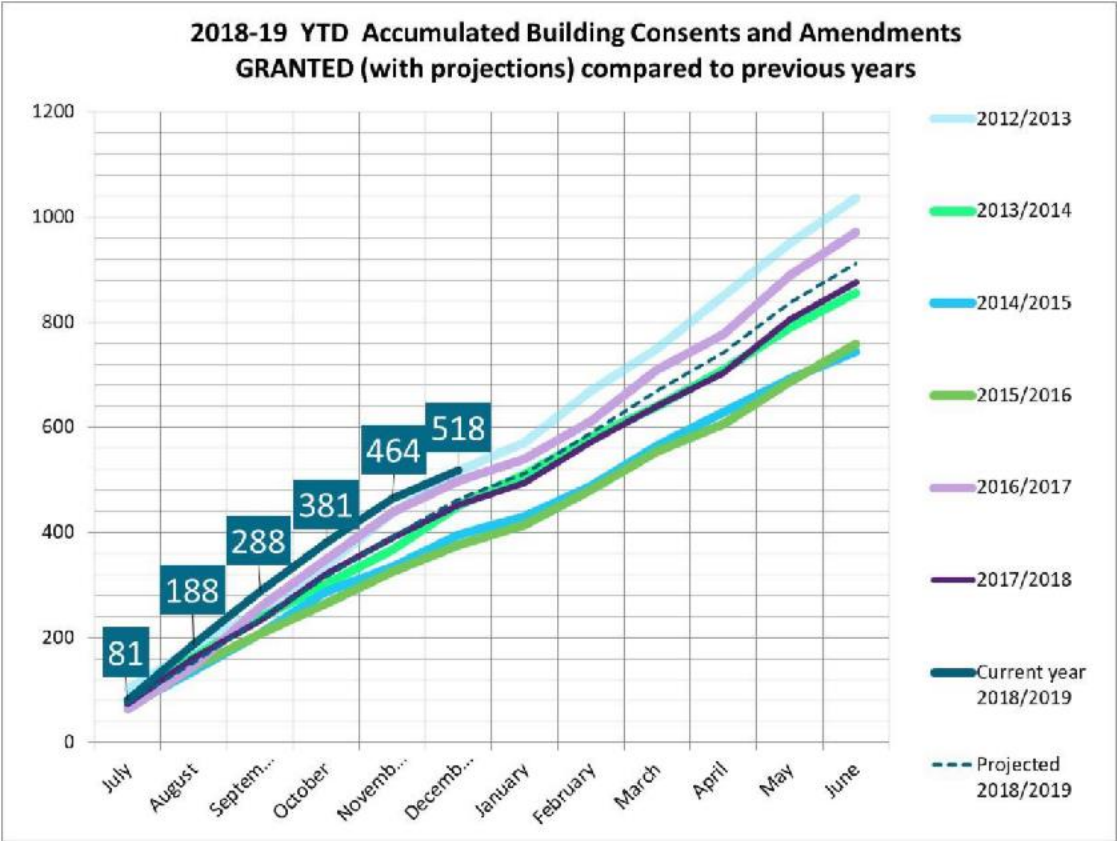
In summary the total estimated value of work is up on last year at \$119.6 million year to date in comparison to \$82.3 million over the same period last year.

The building unit is now projecting a 1000+ consent application year which will see the unit working at full capacity if these numbers continue to meet projections.



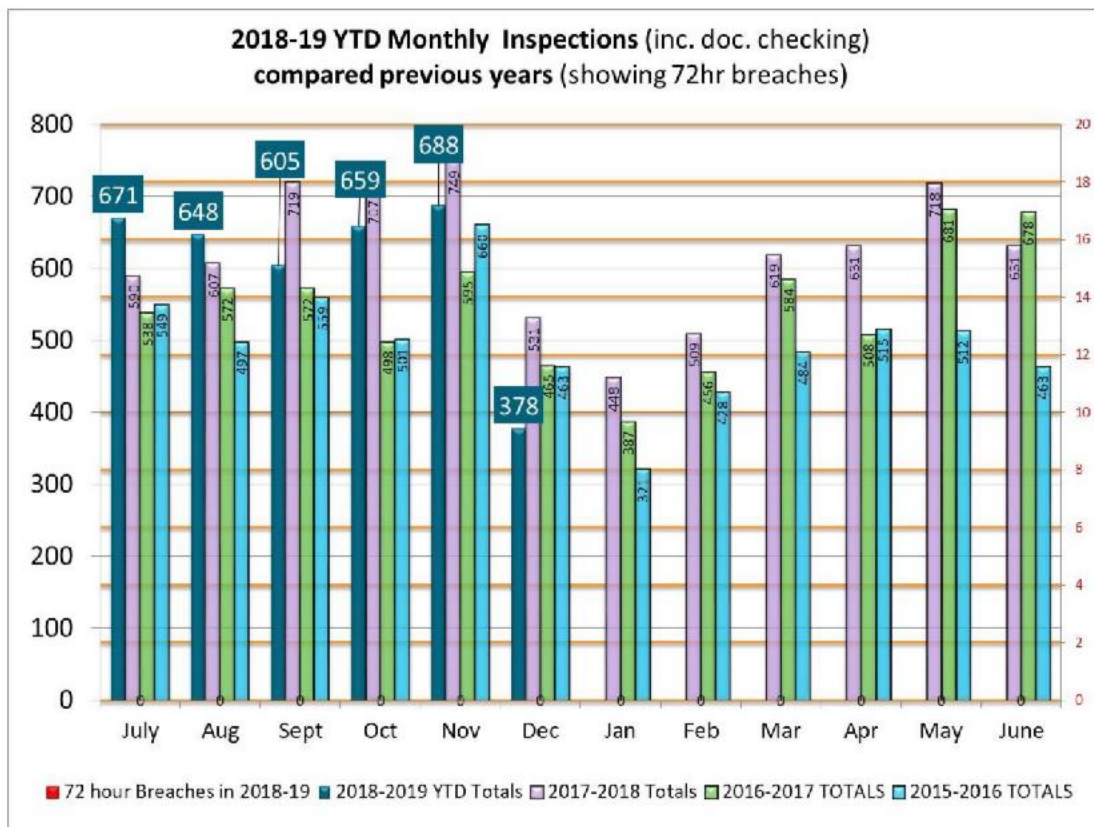
3. Building Consents Granted

Building consents granted are running higher than expected but there was a push to close out live consents before the change to Alpha One to reduce migration into the new system.



4. Building Inspections

The total number of Building Inspections undertaken in the Q2 was **1725** compared to 1987 in the same period last year.

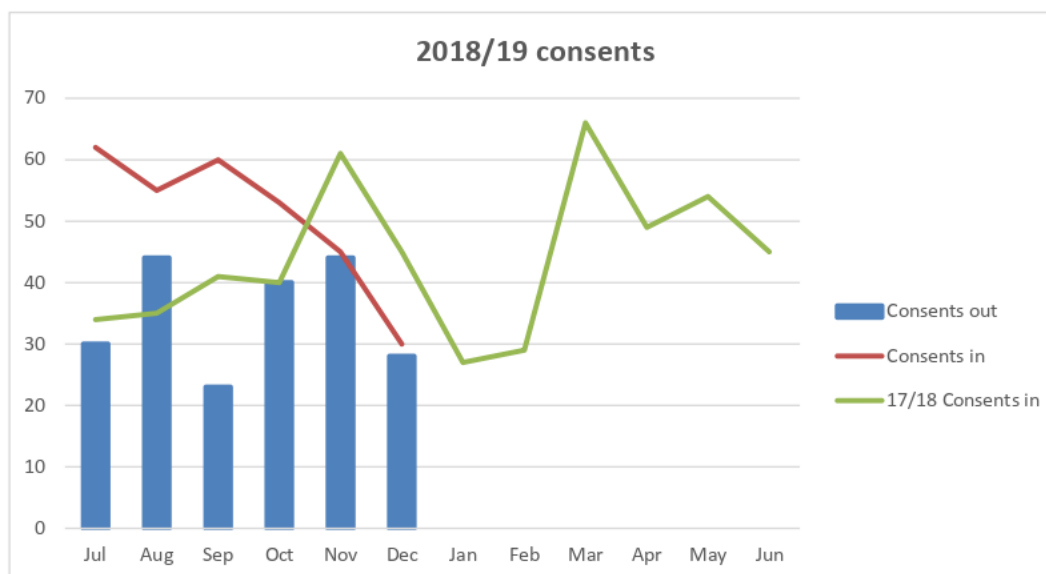


Consents and Compliance Statistics 1 October – 31 December 2018

1. Resource Consent Processing Times

Month	NON NOTIFIED				NOTIFIED AND LIMITED NOTIFIED		
	% processed on time	Average process days	Median process days	Consent numbers	% processed on time	Average process days	Consent numbers
October	73	22	19	40			0
November	84	20	18	44			0
December	79	19	20	28			0
Average from 1 July 2018	81	21	19	35	100	117	0
Total from 1 July 2018				208			1
2017/18 average	90	19	14	34	100	127	1
2017/18 totals				410			7

2. Consent numbers received and granted



3. Parking Performance

Activity	October	November	December
Enforcement			
Safety	119	167	160
Licence labels /WOF	382	336	345
Licence labels/WOF (Warnings)	44	31	21
Meters/Time restrictions	598	701	419
Total Infringement notices issued	1143	1235	945
Service Requests			
Abandoned Vehicles	27	58	30
Requests for Enforcement	72	75	67
Information /advice	6	12	11
Total service requests	105	145	108
Courts			
Notices lodged for collection of fine	275	294	136
Explanations Received	214	158	168
Explanations declined	31	22	28
Explanations accepted	183	136	140

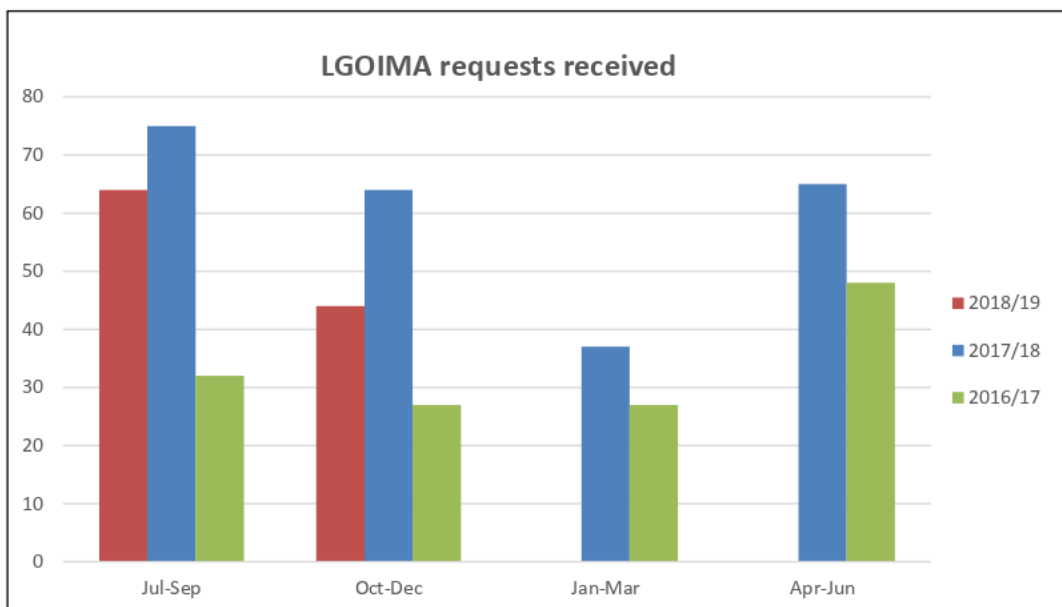
4. Environmental Health and Dog Control Activities

Activity	Responses			Total 2018/19	Total 2017/18
	October	November	December		
Dog Control	167	182	178	993	2056
Resource consent monitoring	70	79	77	551	1316
Noise nuisance	115	93	160	612	1151
Bylaw / Building / Planning	75	27	38	333	680
Alcohol applications	57	52	24	310	467
Alcohol Inspections	8	8	2	64	105
Pollution	17	32	25	147	241
Stock	10	6	14	53	107

5. Freedom Camping Enforcement

Activity	October	November	December
Service Requests	9	15	21
Numbers of Patrols	8	10	58
Vehicles Checks	55	108	1475
Infringements Issued	0	7	41
Education/Warnings Issued	8	21	153

6. Official Information Act Requests



7. Summary of Legal Proceedings

Party	Legislation	Matter & date of initial action	Status
J Walker	Dog Control Act 1996, section 57	Prosecution after dog attacked person 12 October 2016	District Court decision to destroy the dog appealed, High court determined decision stands, Court of Appeal refused appeal, Supreme Court refused appeal – dog euthanized 8 December 2017. Ms Walker sought judicial review of the District Court decision, Council sought a strike out and costs, this was granted 2 August, Ms Walker appealed that strike out decision. Appeal refused. Ms Walker is now seeking leave to appeal that decision to the Supreme Court
Brook Valley Community Group	Resource Management (Exemption) Regulations 2017, Resource Management Act 1991, section 13 and 15	Appeal on whether the BWST fence complies with regulations and relationship between the regulations and the RMA 26 June 2017	Court of Appeal hearing date 30 May 2018, decision is that the BVCG appeals are rejected.
Bailey & Hayes	Resource Management Act 1991, section 316	Enforcement Order to remove illegal structure 1 August 2018	Granted, had 2 weeks from 12 September to remove structure, did not comply so Council sought court order to remove and dispose. Order granted, structure now disposed of.
Smith v Young and NCC	Resource Management Act 1991, section 120	Appeal against consent variation decision and enforcement order application to remediate slip 7 September 2018	Both matters to be mediated 1 February 2019

Item 7: Planning and Regulatory Committee - Quarterly Report - 1 October-31 December 2018: Attachment 2

Quarterly reporting 2018-19

Committee responsible	Activity	Number	What Council will provide	Performance measures	Targets	2018/19 Results	
					Year 1 (2018/19)	Quarter 2 comment	Quarter 2 result
Planning and regulatory	Environment	7.01	Clean air	Compliance with national Air Quality Standards – number of breaches in each airshed	No more than 3 breaches in winter 2018	Achieved: 2 recorded in 2018	On track
Planning and regulatory	Environment	7.02			No more than 1 breach in winter 2018	Achieved: 0 recorded in 2018	On track
Planning and regulatory	Environment	7.03			No breaches	Achieved: 0 recorded in 2018	On track
Planning and regulatory	Environment	7.04			No breaches	Achieved: 0 recorded in 2018	On track
Planning and regulatory	Environment	7.05	Natural water ways complying with National Policy Statement Freshwater requirements	% of pristine water bodies maintained at current state (2017 baseline) as a minimum	100%	Monitoring ongoing. Will be reported June 2019	Not measured yet
Planning and regulatory	Environment	7.06	Safe recreational bathing sites, marine and freshwater	% key bathing sites monitored and public advised if water quality standards breached	100%	Monitoring ongoing. Will be reported after the end of the summer bathing season in June 2019	Not measured yet
Planning and regulatory	Environment	7.07	Resource consent processes that comply with statutory timeframes	% non-notified processed within 20 working days	100%	average of 81% compliant since 1 July	Not achieved
Planning and regulatory	Environment	7.08		%fast track consents within 10 working days	100%	Compliant	On track
Planning and regulatory	Environment	7.09	Building unit compliance	% building consents and code compliance certificates issued within 20 working days	100%	The Building Unit has undergone a significant change process over Quarter 2 as we have implemented the Alpha One System. The impact of this is whilst staff were learning the system coupled with a high number of consent application submitted in October (over 100 for one month) there have been a number of consents which have breached the 20 day timelimits. This is not uncommon with such a significant change to the way of working. The breaches have all been reviewed and the root causes have been indentified. Measure have been put in place to ensure the management of these in the coming months. It is likley we will see a small number of breaches recorded over then rest of the year as consents commenced in the quarter 2 are granted. We are closely monitoring any new breaches to ensure these are assessed and causes are mitigated.	Not achieved
Planning and regulatory	Environment	7.1	Dog and animal control	% of all complaints responded to within one day	90% of complaints responded to within one day	On target	On track
Planning and regulatory	Environment	7.11	Food safety and public health	% premises receiving inspection as per statutory requirements	100% of premises are inspected according to legislative requirements on frequency	On target	On track
Planning and regulatory	Environment	7.12	Alcohol licensing	% of licensed premises receiving two inspections per year	100% of premises inspected two times per year	On target	On track
Planning and regulatory	Environment	7.13	Pollution response	% responses to emergencies within 30 minutes and all other incidents within one day	100% of emergencies responded to within 30 minutes and all other incidents within one day	On target	On track

Level of service	Measure	LTP/AMP measure	2018/19 target	Q2: On track; not on track; not yet measured	Q2: Comment
Natural water ways complying with National Policy Statement Freshwater requirements	Grades for compulsory NPS-FM national values in all FMUs are maintained or improved (compared to previous five years average)	AMP	Maintain	Not yet measured	Monitoring ongoing, reporting at the end of Q4
	Percentage of over-allocation in over-allocated catchments is maintained or improved	AMP	Maintain	On track	No new consents issued during the quarter
Areas and condition of native ecosystems improve	Increase on 2017 baseline of the number of residents provided with advice and support for animal and pest plant control	AMP	10%	Not yet measured	Monitoring ongoing, reporting at the end of Q4
Provisions of Tasman-Nelson Regional Pest Management Strategy/ Plan and Nelson Small-Scale Sabella programme are implemented to ensure pests included are managed to minimise	Timely reporting of pest management operations on progress towards plan/programme outcomes.	AMP	Annual reports to Council or a Council committee by 30	On track	Annual biosecurity report considered by Planning & Regulatory Committee on 22 November 2018
Measures to encourage the community to reduce waste to landfill.	Levels of Increase in participation in Enviroschools programme are maintained or improved, compared to 2017/18 baseline number of schools and early childhood centers actively participating. Home compost subsidy take-up increased.	AMP	Maintain or improve	On track	Bridge St Early Learning signed up
Measurement and reduction of Nelson City Council greenhouse gas emissions	NCC carbon footprint is maintained or reduced, compared to baseline year	AMP	Maintain	On track	Emissions Inventory underway
Landowners are advised of natural hazard risk	LIM statements are applied to properties subject to potential natural hazard risk	AMP	100%	On track	
State of the Environment monitoring is published annually	SOE monitoring carried out and reported annually in accordance with MfE frameworks	AMP	100%	On track	A comprehensive State of the Environment report is under way
Urban Development Capacity is sufficient to meet future demand	Adequate land is zoned and services are provided for in LTP	AMP	100%	On track	
City Centre programme	City Centre programme is developed and implemented	AMP	100%	On track	
Housing Accord and Special Housing Areas	Reporting obligations are met	AMP	100%	On track	
Development Contributions	Policy reviewed annually	AMP	100%	On track	
Nelson Plan milestones are met	Draft Nelson Plan released Nelson Plan notified Nelson Plan decisions released	AMP	100%	On track	Moving into contingency but still on target for release of Draft Nelson Plan in 2020
Individuals and groups in the community receive current information to assist improving health of their Home	Number of talks given to community groups about healthy home environments	AMP	10 presentations	On track	Four presentations to date
Resource consents compliance with statutory timeframes	% of non-notified consents processed within 20 working days	AMP	100%	Not on track	81% on time

Level of service	Measure	LTP/AMP measure	2018/19 target	Q2: On track; not on track; not yet measured	Q2: Comment
	% of fast tracked consents processed within 10 working days	AMP	100%	On track	
	% of limited notified consents processed within 100 working days	AMP	100%	On track	
	% of notified consents processed within 130 working days	AMP	100%	On track	
Building Unit compliance	% of inspections undertaken within 72 hours	AMP	80%	On track	
	IANZ accreditation	AMP	100%	Not yet measured	Assessment in June 2019
	% of Certificate for Public Use issued within 20 working days	AMP	100%	On track	
	% of fencing of swimming pool monitoring completed annually	AMP	33%	On track	
	Issue requirements for work to be undertaken and time limits for all earthquake prone buildings	AMP	100% in 2020	On track	100% in 2020
	Undertake Building warrant of Fitness audits (MBIE recommends Audits of 20% of total number of commercial public access)	AMP	20%	On track	New staff member so is unlikely to meet 20% for the first year of this year
Dog and Animal Control	Respond to high priority incidents within 30 minutes	AMP	100%	On track	
	Public high use dog exercise areas are patrolled an average of at least 10 hours per week or 520 hours per year	AMP	100%	On track	
Noise Control	Attendance to sites between 10pm and 6am shall be within 1 hour	AMP	95%	On track	
Parking Enforcement	Respond to high priority incidents within 1 hour during business hours	AMP	100%	On track	
	A minimum of 5200 hours of patrols occurs annually	AMP	100%	On track	
Food Safety and Public Health	No more than three registrations or verification documents are cancelled per year based on officer error	AMP	100%	On track	
Alcohol Licensing	Monitor high risk special licenses during the event	AMP	100%	On track	

Level of service	Measure	LTP/AMP measure	2018/19 target	Q2: On track; not on track; not yet measured	Q2: Comment
Navigation Safety	Respond to incidents to avoid loss of life, injury, and damage to vessels	AMP	100%	On track	
	Inspect navigation safety aids at least annually and maintain, replace or provide additional aids as required	AMP	100%	On track	
	Carry out a minimum of 1000 safety checks of vessels or water craft annually	AMP	100%	On track	
Pollution response	Carry out stormwater pollution prevention checks for a minimum of 300 hours per year	AMP	100%	On track	
Control of hazardous substances	Respond to high priority incidents within 30 minutes	AMP	100%	On track	
Response to complaints	Respond to high priority complaints within 30 minutes	AMP	100%	On track	Complaints ranging from bylaw to NRMP non compliance
Freedom Camping enforcement	Inspect freedom camping restricted sites a minimum of three hours per day between 1 December and 31 March	AMP	100%	On track	
Bylaw development	Review Dog Control Bylaw	AMP	100%	On track	100% target in 2019/20
	Review Urban Environments Bylaw	AMP	100%	On track	100% target in 2020/21
	Review Navigation Safety Bylaw	AMP	100%	On track	100% target in 2019/20
	Review City Amenity Bylaw	AMP	100%	On track	100% target in 2022/23

Business Unit	Project/ Programme Name	Project/ Programme manager	Project/Programme Description	Work undertaken this quarter	% Complete	% Budget Used	Project Health	Comments, Risks and Issues	Project/ Programme Budget \$	Project/ Programme Costs to Date \$	Forecast Project/ Programme Cost \$	Carry over \$
Science & Environment	Nelson Nature	Leigh Marshall	Protecting, restoring and enhancing Nelson/Whakatu's native ecosystems and species, from the mountains to the coast.	Weed control in Maitai/Roding, Titoki, Tantragee; weed control in private SNA sites; Kereru count engagement; Taiwan cherry control; Dun threatened plant survey; Dun gorse and weed control; Halo bird counts; traps for community trapping groups.	50%	31%	G	NB: Actual + committed spend is 63% of budget	494,019	154,918	487,390	0
Science & Environment	Healthy Streams	Susan Moore-Lavo	Working with the community and across Council to achieve improved outcomes for freshwater in the Nelson Region.	Expert advice to support future work programme, science monitoring, fish barrier removal and monitoring of results, plant supply for riparian planting	50%	63%	G		426,285	267,336	426,285	0
Science & Environment	Biosecurity	Richard Frizzell	Tasman Nelson Regional Pest Management Strategy implementation and review. Nelson Small Scale Management Programme for Sabella implementation.	Deliberations meeting of Regional Pest Management Committee. Council approval of 2018-19 Biosecurity Operational Plan. Draft report received on Nelson Marina biofouling management.	50%	30%	G	Report on adoption of Tasman Nelson Regional Pest Management Plan to be considered by Council on 21 March 2019.	223,447	65,662	223,447	0
Science & Environment	Eco-building design	Richard Popenhagen	Warmer, healthier, sustainable homes	Warmer Healthier Homes funding allocated and insulation programme on-going. Eco-design adviser programme ongoing. Presentation to mature workers group at Nelson Marlborough Health. Rainwater harvesting how-to video produced.	100%	100%	G		100,000	100,000	100,000	0
Science & Environment	Air quality	Richard Popenhagen	Air quality monitoring and behaviour change	Routine air quality monitoring, delivery of behaviour change programme to encourage early purchase of firewood	50%	34%	G	Existing monitoring equipment may not be appropriate for new NES-AQ requirements once new requirements are established. NES-AQ proposal due for release mid 2019.	156,000	52,882	156,000	0

Business Unit	Project/ Programme Name	Project/ Programme manager	Project/Programme Description	Work undertaken this quarter	% Complete	% Budget Used	Project Health	Comments, Risks and Issues	Project/ Programme Budget \$	Project/ Programme Costs to Date \$	Forecast Project/ Programme Cost \$	Carry over \$
Science & Environment	Freshwater monitoring - quantity and quality	Paul Fisher/Emma Reeves	SoE monitoring and Hydrology monitoring	Routine SoE water quality and hydrology and monitoring. Upgraded Wakapuaka @ Hira monitoring site. Cawthron Maitai Reservoir biomonitoring contract, joint funding with Infrastructure.	50%	16%	G	Lab/workshop space not adequate for work programmes, exploring new options	175,759	27,252	175,759	0
Science & Environment	Coast and marine monitoring	Paul Fisher	SoE estuarine monitoring, coastal programmes	Estuarine fieldwork undertaken in December by Salt Ecology.	50%	0%	G	Further estuarine fieldwork programmed for Feb 2019, awaiting invoice in last quarter for \$54K. Full programme delivery dependent on recruitment of coastal/marine scientist.	100,000	0	100,000	0
Science & Environment	Carbon emissions	Karen Lee	Project to reduce greenhouse gas emissions including audit and action plan to reduce Council operational greenhouse gas emissions.	Set up of staff taskforce and training for CEMARS baseline audit. Compiling emissions inventory report underway	25%	3%	G	Budget expenditure expected Q3 and Q4.	57,000	1,436	47,000	0
Science & Environment	Enviroschools	Joanna Wilson	Environmental Education for Sustainability programme to promote positive behaviour change in the wider community	Programme delivery including Kereru count mural at Nelson Central School and secondary school student leaders bus trip	50%	39%	G		108,061	42,629	108,061	0
Science & Environment	Heritage Incentives	Richard Popenhagen	Heritage project grants and rates remissions to support the upkeep of Heritage buildings	Finalising of contracts for heritage projects grants. Rates remissions completed in September.			G	Funding sits in Social activity so financials and KPIs are reported up through Community Services committee				

Business Unit	Project/ Programme Name	Project/ Programme manager	Project/Programme Description	Work undertaken this quarter	% Complete	% Budget Used	Project Health	Comments, Risks and Issues	Project/ Programme Budget \$	Project/ Programme Costs to Date \$	Forecast Project/ Programme Cost \$	Carry over \$
Science & Environment	Waste Minimisation	Karen Lee	Delivery of programmes to enable the community to create less waste.	Supporting review of JWMMP; small grants to reduce waste at events; Second Hand Sunday; behaviour change programmes			G	Funding sits in Solid Waste activity so financials and KPIs are reported up through Works and Infrastructure committee				
Planning	Whakamahere Whakatū Nelson Plan	Kirsten Gerrard	Develop an integrated Resource Management Plan for Nelson	Developed scenarios and used these to test the Draft Nelson with key council teams and planning professionals.	25%	34%	G	Quantum of feedback received from Draft Plan testing is high and may take longer than anticipated to respond to.	441,149	150,072	441,149	0
Planning	Eplan	Matt Heale	Eplan software for Nelson Plan	Contract in Place Scoping paper complete Sample Chapters uploaded for testing	20%	29%	G	Dependent on Nelson Plan timeline.	162,930	46,950	162,930	0
Planning	Coastal Hazards	Lisa Marquardt	Coastal hazards engagement and technical assessments	Initial technical assessments completed.	20%	26%	G	If coastal hazards engagement is delayed, funds may need to be carried forward.	114,706	30,200	114,706	0
Building	Digital Building Control Solution	Martin Brown	Implimentation of the Alpha One Digital solution with Tasman District Council to provide an end to end system for the Building Consent Process.	Go Live for the Alpha system achieved on 1 October. Both Councils now in post implimentation stage and using the system.	99%	99%	G	Team is continuing to work through the change process of the new system as it is a sizable change up from what they have been used to. this is likley for the next quarter too. There have been some work to facilitate the integration with MagIiQ and the NAX database which has become appparent from go live	150,000	148,000	149,500	0
City Development	HASHAA	Lisa Gibellini	Legal Advice and Deed and private developer agreements for SHAs	A low level of SHA uptake has reuslted in an underspend of the budget.	25%	1%	G	Non complainece of a SHA with a Deed is trying to be reoslved, however this may require legal action to be udnertaken which will consume this budget.	100,000	1,336	98,664	0
City Development	City Development	Lisa Gibellini	NPS Capacity Assessment, Future development Strategy and City Development Porjects	The capacity assessment has been completed and the FDS started. The FDS will run from the 1 November to 30 July.	5%	1%	G	The contract for the Future Development Strategy has been issued which will absorb three quarters of this budget.	130,000	0	130,000	0

Business Unit	Project/ Programme Name	Project/ Programme manager	Project/Programme Description	Work undertaken this quarter	% Complete	% Budget Used	Project Health	Comments, Risks and Issues	Project/ Programme Budget \$	Project/ Programme Costs to Date \$	Forecast Project/ Programme Cost \$	Carry over \$
Strategy	Gambling Policy	Gabrielle Thorpe	Three yearly review	Council adopted updated policy on 13 December 2018.	100%	n/a	G		n/a			0
END OF REPORT												

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11 February 2019

MARPOL Annex VI submission,

PO Box 3175,

Wellington 6140.

maritime@transport.govt.nz

Ministry of Transport's consultation on MARPOL Annex VI: Treaty to Reduce Air Pollution in Ports and Harbours

Nelson City Council (NCC) would like to support the submission lodged by the Nelson Marlborough District Health Board (NMDHB) and the Port Company CEO Group (PCCG) in relation to the Ministry of Transport's consultation on MARPOL Annex VI: Treaty to Reduce Air Pollution in Ports and Harbours.

MARPOL requires that fuels used in ships will contain no more than 0.5% sulphur rather than 3.5% (the current standard).

The NMDHB submission indicates that lower sulphur limits for marine fuels will reduce ship air pollution and improve health impacts such as premature mortality (34% reduction) and morbidity (54% reduction).

In particular NCC supports the Ministry of Health's findings that reduced emissions of harmful air pollutants will result in reduced:

- adverse health effects (and costs)
- reduced adverse effects on ecosystems
- greenhouse gas emissions and associated climate change impacts

Research indicates that emissions from ship traffic at Port Nelson constitute a significant portion of PM10 and PM2.5 in surrounding airsheds. A reduction in these emissions would aid in achieving compliance with the National Environmental Standard Air Quality 2004 and reducing associated health impacts.

The PCCG submission supports MARPOL and highlights the implications for the economy due to potential increases in freight costs and the need to access low sulphur fuels or install scrubbers. The submission seeks a delay to the proposed implementation date of MARPOL (1 January 2020) to allow improved accessibility to low sulphur fuel. This delay is supported by NCC and it is recommended that this matter is considered in the development of the new National Environmental Standard for Air Quality by the Ministry for the Environment.

Regards,

Rachel Reese JP

Mayor of Nelson

Kerr Street Walkway

1. Purpose of Report

- 1.1 To decide how to respond to concerns from local businesses, residents and walkway users about alcohol-related disorder in the Kerr Street Walkway area.

2. Summary

- 2.1 Drinking alcohol in the Kerr Street Walkway area is not currently controlled through a Council bylaw. The Local Government Act does not enable Council to include this area in the list of public places where alcohol is prohibited unless there is sufficient evidence that a high level of crime or disorder has been caused or made worse by alcohol consumption in the area.

3. Recommendation

That the Planning and Regulatory Committee

Receives the report Kerr Street Walkway (R9972) and its attachment (A2120387); and

Approves completion of a CPTED Safety Audit to identify whether any physical improvements to the Kerr Street Walkway area are necessary.

Recommendation to Council

That the Council

Approves the amendment of Schedule A of the Urban Environments Bylaw No.225 to include the Kerr Street Walkway area (refer map A2120387) in the list of Alcohol Ban Areas – 24 Hours, 7 days a week.

4. Background

Previous report

- 4.1 In October 2018 the Planning and Regulatory Committee approved an informal consultation process to gather more information about the extent and level of alcohol-related disorder or criminal behaviour occurring in the Kerr Street Walkway area.

Informal consultation

- 4.2 Emails and letters were sent to 25 households and 10 businesses in close proximity to the Kerr Street Walkway, as well as to the Nelson Police and to the 10 members of the Nelson Tasman Alcohol Accord. Relevant social agencies were contacted by phone.
- 4.3 A walkway user survey was carried out in early November. Pedestrians using the walkway or adjacent footpath were invited to provide feedback on any safety concerns about the area, and any changes they would like to be made to the walkway and surrounding area.

Feedback

- 4.4 The feedback received from neighbouring residents, businesses, walkway users and social agencies is summarised below. The majority of respondents reported feeling uncomfortable or impacted by the presence of people drinking in the reserve. However, some respondents said they had no safety concerns, and that the drinkers were “placid and harmless”.

4.5 Types of Disorder

- Alcohol and drug taking (from cannabis upwards)
- Glue sniffing
- Sleeping on the seats and on the ground, and in the garden of a neighbouring property
- Swearing and yelling (at each other, and also at pedestrians)
- Catcalling at girls and women
- Fighting
- Harassing people using ‘their’ bench
- Blocking the path and the steps, and sometimes lying across the path
- Being noisy

Item 8: Kerr Street Walkway

- Overflowing rubbish bins and littering (cans, bottles and takeaway food packaging)
- Urinating in public

Note: People also reported other disorder in the area including damage to cars and rocks thrown at the glass panels at 10 Kerr Street (The Nelwan Centre where Kip McGrath and the other neighbouring businesses are located), but the cause of this damage is not known.

4.6 Trends

- More people drinking in the area, including more young people and women
- Wider substance abuse
- The Male Room's Community Services Coordinator advised there is an influx of people from Wellington, Taranaki, Otago and Christchurch coming to Nelson who are homeless/have mental health issues (and who are seeking out their services)

4.7 Impacted Groups

- Neighbouring businesses
- Neighbouring residents
- Pedestrians using the walkway and Kerr Street footpath including Nelson College for Girls students going to and from school
- Domestic and international visitors to Nelson.

4.8 Specific Impacts for Each Group

Neighbouring businesses

- Impacts on children going to and from the Kip McGrath Centre for tutoring
- One business is moving out of the Nelwan Centre at 10 Kerr Street, partly due to the disorder in the Kerr Street Walkway area. (These activities have been identified by the business as a significant hazard to staff — with the need to avoid accessing the office alone at night or on weekends.)
- Exposure to noise every day
- Exposure to public urination
- Fighting
- Disruption

Item 8: Kerr Street Walkway

- Clients visiting the businesses feeling uncomfortable
- Nearby workers are unable to use the Kerr Street seats at lunchtime

Neighbouring residents

- The family in a neighbouring property is unable to use part of their garden due to the presence of drinkers on and near their property
- Noise, especially in the warmer months of the year when windows are open
- Some residents feel too uncomfortable to use the walkway, and are driving to the nearby supermarket and to town even though they would prefer to walk

Pedestrians

- Some people are no longer using the walkway, especially females and parents with young children
- The need to step around people blocking the steps and paths
- Some people feel awkward, uncomfortable, intimidated or nervous

Domestic and International Visitors

- The disorder is providing a poor impression of Nelson for domestic and international visitors walking to the nearby backpackers and supermarket.

4.9 Changes Requested by the Community

- Alcohol ban with signage about the ban, regular checks and enforcement
- Crime Prevention Through Environmental Design (CPTED) Safety Audit with assistance from the NMDHB Public Health Service
- Railings at the top of the walkway, cycle barriers, and trimming of vegetation for improved natural light and visibility
- Security cameras (CCTV)
- More lighting of the area
- Extension of the boundary fence (between the reserve and residential properties in Mount Street) to stop people gaining unseen access to properties
- Removal of the seats

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- Provision of more seating in the shaded area under the trees, but well off the path
- Provision of somewhere else for people to gather, where they are safe and have their freedom but also some support
- Addressing the causes of homelessness, poverty and mental health issues
- More rubbish bins and/or emptying them more regularly
- Improvements to the Kerr Street footpath (currently too narrow, overgrown, and the bank needs stabilising to avoid rocks, clay and dirt falling onto the path)

5. Feedback from the social agencies

- 5.1 All social agencies which provided feedback (the Men's Shelter, the Male Room and the Nelson Marlborough Public Health Service) supported an alcohol ban in this area.

6. Feedback from the Police

- 6.1 The Police did not formally reply to Council's letter seeking information that would assist with Council's decision-making about this issue. However, another request for advice is being made and will be presented to the Committee.

7. Discussion

Changing the bylaw

- 7.1 The Urban Environments Bylaw includes the following clauses:
- 7.1.1 The Council may from time to time pass a resolution to amend the places listed in Schedule A to which this Bylaw applies, or amend the period during which alcohol is prohibited in a specified place.
- 7.1.2 Every resolution made to change Schedule A shall be publicly notified at least 14 days before it shall take effect.
- 7.2 If the Council considers it now has sufficient evidence that a high level of alcohol-related disorder is occurring in and near the Kerr Street Walkway, it is a simple process to amend the Bylaw. Installing alcohol ban signage in the area would cost approximately \$350 per sign.
- 7.3 The informal feedback identifies that most of the alcohol-related disorder is occurring during the day rather than overnight. Therefore it is appropriate to apply a 24/7 alcohol ban in this area rather than an overnight (9pm to 7am) ban.

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- 7.4 There is a risk that more alcohol-related disorder will occur in other areas of Nelson as a result of an alcohol ban in the Kerr Street Walkway area. While the outcome is unpredictable, it is worth noting the central business district (CBD) and many of the parks in reasonable proximity to Kerr Street are listed in Schedule A, as areas where alcohol is prohibited at all times such as: Anzac Memorial Park, Pioneers Park, Rutherford Park, Victory Reserve and Wigzell Park.
- 7.5 Nelson Central areas in which alcohol is prohibited from 9pm to 7am every day are Fairfield Park and Nelson CBD east — Bridge Street/Collingwood Street area.
- 7.6 Quakers Acre and the Wellington Street playground are the nearest open space areas where no alcohol ban applies. However, to date there has not been any evidence of alcohol-related disorder in these areas. Any consequent effects in other areas could be addressed when the Urban Environment Bylaw is reviewed in 2020.

Other potential responses

- 7.7 Some of the other requests summarised in clause 4.9 of this report could be implemented alongside an alcohol ban in this area.
- 7.8 A CPTED Safety Audit could be implemented following the Ministry of Justice advice (safety audit guidance is available on pages 22–27 of <https://www.justice.govt.nz/assets/Documents/Publications/cpted-part-2.pdf>). This could be carried out by four to five people, with the support offered by the Nelson Marlborough District Health Board's Public Health Service.
- 7.9 Minor physical changes to the reserve to improve safety could then be funded through Council's Roding Minor Improvement Programme.
- 7.10 Some residents requested a boundary fence between the Council-owned land and the Mount Street properties. Council's policy is that each resident can ask for a contribution to a boundary fence with Council land. Currently the maximum contribution is \$50.00 per metre for a 1.2m board fence (for which the full cost is \$100.00 per metre) or \$55.00 per metre for a 1.8m board fence (the full cost is \$110.00 per metre). An outcome of this process could be communicating this option to the residents of 1, 2, 3, 4, 5, 6, 12, 14 and 16 Mount Street (the properties adjoining the proposed alcohol ban area).
- 7.11 Introducing an alcohol ban in this area may resolve the current issues related to litter and over-flowing rubbish bins.
- 7.12 The larger issues related to mental health and addiction are far more difficult to resolve, and are beyond the scope of the Council to address on its own. Council's Community Partnerships team continues to work with the social service agencies directly involved in improving the wellbeing of members of the community.

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- 7.13 The concerns raised about the need for physical improvements to the Kerr Street footpath have been noted, and options to improve the stability of the bank are being investigated. Kerr Street is nearly due for reseal, and it would be ideal to undertake any work to improve the footpath prior to reseal (such as shifting the kerb and making the road narrower). However this is a high cost option and there are no plans for major changes to this footpath at this stage, unless Council indicates a strong desire for this to be considered.

8. Options

Option 1: Do not include the Kerr Street Walkway area in Schedule A of the Urban Environments Bylaw (Alcohol Ban Areas – 24 hours, 7 days a week)	
Advantages	<ul style="list-style-type: none"> Members of the community currently using this area who have mental health and addiction issues have an area in which to socialise. Lowest cost option.
Risks and Disadvantages	<ul style="list-style-type: none"> Ongoing impacts on businesses, residents and walkway users.
Option 2: Include the Kerr Street Walkway area in Schedule A of the Urban Environments Bylaw (Alcohol Ban Areas – 24 hours, 7 days a week)	
Advantages	<ul style="list-style-type: none"> Provides Police with the same authority to stop people drinking alcohol in this area as in other alcohol-prohibited areas in Nelson. Improves working and living conditions for neighbouring business and residents. Enables more people to use the Kerr Street Walkway.
Risks and Disadvantages	<ul style="list-style-type: none"> Potentially moves the impact of alcohol-related disorder to other public areas, affecting other residents, visitors and businesses. The closest parks which do not have 24/7 alcohol bans are Fairfield Park (9pm-7am ban) and Wolfe Reserve (no ban). Loss of an area to socialise for some members of the community.
Option 3: Alcohol ban (Option 2) AND carry out a CPTED Safety Audit.	
Advantages	<ul style="list-style-type: none"> Option 2 advantages. A CPTED Safety Audit can identify potential safety improvements
Risks and Disadvantages	<ul style="list-style-type: none"> Option 2 disadvantages. Costs of a CCTV camera and physical works if these are considered necessary.

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	<ul style="list-style-type: none">• Additional actions may prove to be unnecessary if the alcohol ban effectively resolves the current alcohol-related issues in the area.
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- 8.1 Option 3 is the preferred option because it comprehensively addresses the issues raised by the community and it has been shown that the Kerr Street Walkway area is subject to a high level of disorder that is being made worse by alcohol consumption.

9. Conclusion

- 9.1 There is sufficient evidence of alcohol-related disorder currently occurring in the Kerr Street Walkway area to justify including this area in Schedule A of the Urban Environments Bylaw (Alcohol Ban Areas — 24 hours, 7 days a week).
- 9.2 Council may pass a resolution to amend the places listed in Schedule A to which the Urban Environment Bylaw applies. Every resolution made to change Schedule A needs to be publicly notified at least 14 days before it takes effect.
- 9.3 A CPTED Safety Audit will identify what other changes would increase the safety of the area.

Author: Matt Heale, Manager Environment

Attachments

Attachment 1: A2120387-Map-Proposed Liquor Ban Area Extension-Feb 2019
[!\[\]\(17acf1afa8cdf0b67c53d4865a5ed469_img.jpg\)](#)

Important considerations for decision making
1. Fit with Purpose of Local Government This report considers how best to meet the current and future needs of the community through Council's performance of its regulatory functions by controlling drinking of alcohol in public places.
2. Consistency with Community Outcomes and Council Policy The decision supports the community outcome: <i>Our urban environments are people-friendly, well planned and sustainably managed.</i>
3. Risk The proposed approach seeks to reduce public safety risks. There is a risk of ongoing disturbance and complaints if no action is taken.
4. Financial impact The cost of signage regarding the alcohol ban in the Kerr Street Walkway area is estimated to be \$350 per sign. There is no financial cost for a CPTED safety audit. However, there may be costs associated with the recommendations resulting from the audit. For example, the cost of a CCTV security camera would be \$1,000 for the initial installation cost, plus \$166 per month ongoing costs for one camera. No budget is currently allocated for this. Minor physical changes to the reserve could be funded through Council's Roothing Minor Improvement Programme.
5. Degree of significance and level of engagement This matter is of medium significance because of the negative impacts on neighbouring businesses, residents, pedestrians and visitors to Nelson.
6. Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
7. Delegations The Planning and Regulatory Committee has the following delegations to consider: <ul style="list-style-type: none">• The Planning and Regulatory Committee has the responsibility for Bylaws.

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- The Planning and Regulatory Committee has the power to make a decision on its areas of responsibility that are not delegated to Council officers.
- The Committee has the power to recommend final decisions on Bylaw changes to Council.

Item 8: Kerr Street Walkway: Attachment 1



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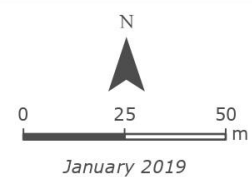
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Proposed 24-7 Liquor Ban Area Extension R9972



Legend

- Proposed 24-7 Liquor Ban Area Extension
- Existing 24-7 Liquor Ban Area
- Council Owned Land
- Legal Road Reserve



PO Box 645 Nelson 7040 New Zealand PH 03 5460200 nelson.govt.nz

File Ref: A2120387
HD. Original map size A4.