



**Notice of the ordinary meeting of the  
Environment Committee  
*Kōmiti Taiao***

Date:	Thursday 5 March 2020
Time:	10.00a.m.
Location:	Council Chamber, Civic House 110 Trafalgar Street Nelson

## **Agenda**

### ***Rārangi take***

<b>Chair</b>	Cr Kate Fulton
<b>Deputy Chair</b>	Cr Brian McGurk
<b>Members</b>	Her Worship the Mayor Rachel Reese Cr Yvonne Bowater Cr Trudie Brand Cr Mel Courtney Cr Judene Edgar Cr Matt Lawrey Cr Gaile Noonan Cr Rohan O'Neill-Stevens Cr Pete Rainey Cr Rachel Sanson Cr Tim Skinner Glenice Paine

**Pat Dougherty  
Chief Executive**

Quorum: 7

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.

## ***Environment Committee - Delegations***

### **Areas of Responsibility:**

- Building control matters, including earthquake-prone buildings and the fencing of swimming pools
- Bylaws, within the areas of responsibility
- Council and/or Community projects or initiatives for enhanced environmental outcomes
- Environmental regulatory matters including (but not limited to) animals and dogs, amusement devices, alcohol licensing (except where delegated to the Alcohol Regulatory and Licensing Authority), food premises, gambling and public health
- Regulatory enforcement and monitoring
- Maritime and Harbour Safety and Control
- Pollution control
- Hazardous substances and contaminated land
- Environmental science matters including (but not limited to) air quality, water quality, water quantity, land management, biodiversity, biosecurity (marine, freshwater and terrestrial), and coastal and marine science
- Environmental programmes including (but not limited to) warmer, healthier homes, energy efficiency, environmental education, and eco-building advice
- Science monitoring and reporting
- Climate change resilience overview (adaptation and mitigation)
- The Regional Policy Statement, District and Regional Plans, including the Nelson Plan
- Other planning documents or policies, including (but not limited to) the Land Development Manual
- Policies and strategies related to resource management matters
- Policies and strategies related to compliance, monitoring and enforcement

### **Delegations:**

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.

The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):

- Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements
- Developing, approving, monitoring and reviewing policies and plans, including activity management plans
- Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate
- Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes
- Approving submissions to external bodies or organisations, and on legislation and regulatory proposals

### **Powers to Recommend to Council:**

In the following situations the committee may consider matters within the areas of responsibility but make recommendations to Council only (in accordance with sections 5.1.3 - 5.1.5 of the Delegations Register):

- Matters that, under the Local Government Act 2002, the operation of law or other legislation, Council is unable to delegate
- The purchase or disposal of land or property relating to the areas of responsibility, other than in accordance with the Long Term Plan or Annual Plan
- Unbudgeted expenditure relating to the areas of responsibility, not included in the Long Term Plan or Annual Plan
- Approval of notification of any statutory resource management plan, including the Nelson Plan or any Plan Changes
- Decisions regarding significant assets

**1. Apologies**

Nil

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

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

**4. Public Forum**

4.1 Friends of the Maitai - Introduce the group, what the group does and what their concerns are

4.2 Waterfront Association - Earthquake Prone Buildings – Priority Building

**5. Confirmation of Minutes**

5.1 28 November 2019

**9 - 18**

Document number M6583

Recommendation

***That the Environment Committee***

- 1. Confirms the minutes of the meeting of the Environment Committee, held on 28 November 2019, as a true and correct record.***

**6. Chairperson's Report****7. Building Act 2004 – Earthquake Prone Buildings – Priority Buildings - Deliberations****19 - 49**

Document number R13587

Recommendation

***That the Environment Committee***

- 1. Receives the report Building Act 2004 – Earthquake Prone Buildings – Priority Buildings - Deliberations (R13587) and its attachments (A2097637, A2077485, A2294719, A2317659); and***
- 2. Adopts the proposed area for the identification of priority unreinforced masonry (URM) buildings, and transport routes of strategic importance (A2077485).***

**8. Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations**

**50 - 76**

Document number R13588

Recommendation

***That the Environment Committee***

- 1. Receives the report Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations (R13588) and its attachments (A2053947, A2313611 and A2295646); and***
- 2. Adopts the proposed Dangerous, Affected and Insanitary Buildings Policy as amended incorporating submitter feedback and editorial changes (A2313611).***

**9. Warmer Healthier Homes - Annual Report**

**77 - 92**

Document number R13736

Recommendation

***That the Environment Committee***

- 1. Receives the report Warmer Healthier Homes - Annual Report (R13736) and its attachment (A2322552).***



**10. Resource Management Act and Housing Accord and Special Areas Act charges** **93 - 121**

Document number R13744

Recommendation

***That the Environment Committee***

- 1. Receives the report Resource Management Act and Housing Accord and Special Areas Act charges (R13744) and its attachment (A2334791); and***
- 2. Agrees a summary of information contained in the Statement of Proposal is not necessary to enable public understanding of the proposal; and***
- 3. Agrees the preferred option is to increase charges to recover 48% of Council costs for the services; and***
- 4. Adopts the Statement of Proposal for the proposed Resource Consent charges, planning document charges, monitoring charges and Housing Accord and Special Housing Areas Act charges as contained in Statement of Proposal in Attachment 1 of Report R13744 (A2334791); and***
- 5. Approves the consultation approach (set out in section 5 of this report) and agrees:***
  - a) the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
  - b) the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***
- 6. Approves commencement of the Special Consultation Procedure, with the consultation period to run from 17 March to 17 April 2020.***

## **11. Proposed Dog Control fees**

**122 - 141**

Document number R14790

Recommendation

### ***That the Environment Committee***

- 1. Receives the report Proposed Dog Control fees (R14790) and its attachments (A2337793 and A2337794); and***
- 2. Agrees the preferred option is to increase dog registration fees to recover 90% of the costs to Council in providing dog control services; and***
- 3. Agrees a summary of information contained in the Statement of Proposal for the Proposed Dog Control fees is not necessary to enable public understanding of the proposal; and***
- 4. Approves the consultation approach (set out in sections 5.13 to 5.20 of this report) and agrees:***
  - a) the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
  - b) the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation; and***
- 5. Adopts the Statement of Proposal for the Proposed Dog Control fees as detailed in Attachment 2 (A2337794) to Report R10037; and***
- 6. Approves commencement of the Special Consultation Procedure, with the consultation period to run from 17 March to 17 April 2020.***

## **12. Building Unit Fees and Charges Review 2020/21 142 - 173**

Document number R13746

Recommendation

***That the Environment Committee***

- 1. Receives the report Building Unit Fees and Charges Review 2020/21 (R13746) and its attachments (A2342140, A2341824, and A2341910); and***
- 2. Agrees a summary of information contained in the Statement of Proposal is not necessary to enable public understanding of the proposal; and***
- 3. Agrees the preferred option is to increase Building Unit Fees and Charges by a total of 18% that includes increasing the staff hourly rate to \$160, introducing a systems fee and increasing the insurance and quality assurance levies; and***
- 4. Adopts the Statement of Proposal for the proposed Fees and Charges under the Building Act 2004 contained in Attachment 1 (A2342140) of Report R13746; and***
- 5. Approves the consultation approach (set out in section 5 of this report) and agrees:***
  - a) the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
  - b) the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***
- 6. Approves commencement of the Special Consultation Procedure with the consultation period to run from 17 March to 17 April 2020.***

**13. Environmental Management Group - Quarterly Report - 1 October - 31 December 2019 174 - 250**

Document number R13729

Recommendation

***The Environment Committee***

- 1. Receives the report Environmental Management Group - Quarterly Report - 1 October - 31 December 2019 (R13729) and its attachments (A2326033, A2342072, A2331749, A2329142, A2334348, and A2328796); and**
- 2. Approves retrospectively the proposed Resource Management Act 1991 Reform feedback (A2329142); and**
- 3. Approves the proposed submission for lodging with the Ministry for the Environment on the National Policy Statement for Indigenous Biodiversity (A2334348); and**
- 4. Approves retrospectively the proposed Future of Kingsland Forest submission to Tasman District Council (A2331749); and**
- 5. Notes the range of current environmental management national direction initiatives that impacts on the Environmental Management Group (A2328796).**

**Note:**

- This meeting is expected to continue beyond lunchtime.**
- Lunch will be provided.**



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## Minutes of a meeting of the Environment Committee

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

**On Thursday 28 November 2019, commencing at 10.03a.m.**

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Present: Councillor K Fulton (Chairperson) Her Worship the Mayor R Reese, Councillors Y Bowater, T Brand, M Courtney, J Edgar, M Lawrey, B McGurk, G Noonan, R O'Neill-Stevens, P Rainey, R Sanson and T Skinner, and Ms G Paine

In Attendance: Group Manager Strategy and Communications (N McDonald), Acting Group Manager Environmental Management (M Bishop), Team Leader Governance (R Byrne) and Governance Advisers (E-J Ruthven and J Brandt)

Apologies : Her Worship the Mayor R Reese (for lateness)

Ms Glenice Paine gave a karakia, and the committee sang a waiata.

### 1. Apologies

Resolved EC/2019/045

#### ***That the Environment Committee***

- 1. Receives and accepts the apologies from Her Worship the Mayor for lateness.***

Fulton/Courtney

Carried

### 2. Confirmation of Order of Business

The Chair explained that there was an additional public forum.

### 3. Interests

There were no updates to the Interests Register. Her Worship the Mayor subsequently declared an interest in item 8, Review of the Dog Control Policy and Bylaw, and left the meeting during this item.

#### **4. Public Forum**

##### **4.1 Claire Williams - Reducing plastic bags for dog waste**

Claire Williams gave a Power Point presentation (A2308187) and highlighted her concerns regarding the use of plastic bags to dispose of dog waste. She suggested Council consider using cornstarch bags, composting stations or portable easy-clean devices to reduce the volume of dog waste in plastic bags sent to landfill, and answered questions.

##### **Attachments**

- 1 A2308187 - Claire Williams - Power Point presentation

##### **4.2 Zane Mirfin, Markham Phillips and Peter Ruffell - Delaware Bay Access**

Zane Mirfin, Markham Phillips and Peter Ruffell spoke on behalf of the Delaware Bay Access Working Group. They spoke about the value of Delaware Bay to recreational fishers both as an important food resource, and as a safe, all-weather, all-tide access point to Tasman Bay.

Mr Mirfin tabled documents including a pamphlet outlining a proposed option for basic enduring access to Delaware Bay (A2320759), and requested a regional approach to managing access points to Tasman Bay along with Tasman District and Marlborough District Councils.

Attendance: Her Worship the Mayor joined the meeting at 10.18a.m.

Mr Phillips spoke about the Cawthron Report, and showed a Power Point presentation (A2308203). He explained that the proposed limited access way rested on gravel substrate, chosen to limit environmental impacts as much as possible. Mr Ruffell explained the importance of fishing as a family activity, and having a safe access point to Tasman Bay. Together, they emphasised their wish to work with all parties to protect Delaware Bay.

Mr Mirfin, Mr Phillips and Mr Ruffell answered questions about high-tide access and the potential effects of the proposed access-way on the ecological footprint of the estuary.

##### **Attachments**

- 1 A2320759 - Zane Mirfin, Markham Phillips and Peter Ruffell - Tabled document
- 2 A2308203 - Zane Mirfin, Markham Phillips and Peter Ruffell - Power Point presentation

##### **4.3 Waimea Inlet Coordination Group - Brief Summary Update on Action Plan**

David Sissons gave a Power Point presentation (A2306577). He outlined the Waimea Inlet Action Plan and spoke about improvements in the ecology of the Waimea Inlet. He noted there were still issues to be addressed, particularly regarding contaminants and sediment entering the inlet via the stormwater system. He emphasised the importance of coastal planting and the continual support of projects promoting this, such as Nelson Nature.

**Attachments**

- 1 A2306577 - David Sissons, Waimea Inlet Coordination Group - Power Point presentation

4.4 Ngāti Tama - Delaware Bay Access; Huria Matenga Trust – Delaware Bay Access; and Ngāti Koata – Delaware Bay Access

Anaru Stephens, of Huria Matenga Trust, Ratapu Hippolite, of Ngāti Koata, and Kura Stafford, of Ngāti Tama, presented their public forum presentations regarding Delaware Bay access collectively.

Mr Stephens gave a Power Point presentation (A2308234). He spoke about the history of Delaware Bay, including the location of ancient pa sites and urupā (burial grounds), and land sales in the area. He noted that vehicle access onto Delaware Bay estuary had increased, including driving over urupā with consequential destruction and removal of taonga in the area, and this went beyond just launching or retrieving boats.

Mr Stephens emphasised the importance of the estuary ecology, and the potential for damage to the estuarine environment by vehicles accessing the estuary, compacting sand, and damaging cockle beds and sea grass. He added that Delaware Bay estuary could be an important research site to assist with the rehabilitation of other estuaries in Te Taihū. Mr Stephens answered questions regarding the interference with wāhi tapu, and damage from vehicles to the estuary.

Mr Hippolite, representing Ngāti Koata, spoke about the importance of maintaining kaitiaki oversight of the estuary. He noted that, under the Nelson Resource Management Plan, resource consent was required for vehicle access onto the estuary, and he emphasised that Council should take enforcement action to prevent vehicle access.

Ms Stafford spoke on behalf of Ngāti Tama ki te Waipounamu Trust, deed holder of Delaware Bay estuary. She gave a Power Point presentation (A2309850), and spoke about Te Ao Māori and Māori-world values. She acknowledged the importance of applying the principles of kaitiakitanga over the entirety of the Delaware Bay environment, and the number of areas of cultural significance on and around the estuary. She outlined the values of whenua tūpuna, wāhi tapu and the protection of Te Taiāo, and suggested a rāhui to restrict access of vehicles onto the estuary.

Ms Stafford, Mr Stephens and Mr Hippolite answered further questions regarding the proposed limited accessway and how that would impact on providing kaitiakitanga over the estuary, and the consideration of other options prior to moving to a resource consent process.

**Attachments**

- 1 A2308234 - Anaru Stephens, Huria Matenga Trust - Power Point presentation
- 2 A2309850 - Kura Stafford, Ngāti Tama - Power Point presentation

**5. Brook Waimarama Sanctuary Trust annual update (agenda item 6)**

Document number R10245, agenda pages 9 - 30 refer.

Property and Facilities Asset Planner, Paul Harrington, presented the report.

Ru Collin, Chief Executive of the Brook Waimārama Sanctuary, gave a Power Point presentation (A2308227). Mr Collin answered questions regarding pest incursions into the Sanctuary, the planned re-introduction of species programme, the reasons for cancelling the reintroduction of rowi at this time, the Sanctuary's education programme, and its proposed entry fees and operating hours.

Attendance: Councillor Lawrey left the meeting from 11.57a.m. to 12.04p.m.

Resolved EC/2019/046

***That the Environment Committee***

- 1. Receives the Report Brook Waimarama Sanctuary Trust annual update (R10245) and its attachment the Brook Waimarama Sanctuary Trust Annual Report 2018/19 (A2286565).***

Noonan/Sanson

Carried

**Attachments**

- A2308227 - Brook Waimarama Sanctuary Trust - Power Point presentation

**6. Chairperson's Report (agenda item 5)**

Document number R13601, agenda pages 8 - 8 refer.

The Chair presented her report and tabled further information about the Danish delegation visit (A2308567). She answered questions regarding the possibility of establishing a southern hemisphere climatorium in Nelson.

Resolved EC/2019/047

***That the Environment Committee***

- 1. Receives the report Chairperson's Report (R13601); and***
- 2. Appoints Elected Members to a liaison role as follows:***

Organisation/Group	Liaison
Nelson Biodiversity Forum	Brian McGurk Kate Fulton Rachel Sanson

Fulton/Skinner

Carried



### Attachments

- 1 A2308567 - Chairperson's Report - Tabled document

## 7. Delaware Bay Estuary - Vehicle Access

Document number R10204, agenda pages 31 - 44 refer.

The Chair explained that the committee would likely need further information to enable an informed decision regarding vehicle access at Delaware Bay, and suggested that the item be left to lie on the table at this point. She suggested wording for a motion directing this to occur.

Attendance: Her Worship the Mayor and Councillor Rainey returned to the meeting at 12.57p.m., Councillor Bowater returned to the meeting at 12.58p.m, and Councillors McGurk and O'Neill-Stevens returned to the meeting at 1.00p.m.

Group Manager Strategy and Communications, Nicky McDonald, answered questions regarding the proposed wording of the motion, and confirmed there was no requirement that reports be received by the committee.

During discussion, the Committee emphasised that Council wished to engage with all parties on this matter. It was noted that the proposed motion should not specify exactly how such engagement was undertaken, rather allow flexibility for Council to engage constructively and appropriately with iwi and other interested parties.

Attendance: The meeting adjourned from 1.11p.m. to 1.13p.m.

Councillor Fulton, seconded by Councillor Edgar, moved:

*That the Environment Committee:*

1. *Directs officers to seek further information, including specialist legal advice as required, to assist decision making on the options to address matters relating to Delaware Bay Estuary as raised in report R10204, including potential issues under the Resource Management Act 1991, the Local Government Act 2002 and the Marine and Coastal Area (Takutai Moana) Act 2011; and*
2. *Leaves the item Delaware Bay Estuary - Vehicle Access to lie until the Environment Committee meeting proposed to be held on 5 March 2020.*

During debate, and with the agreement of the mover and seconder, the words "and as raised in the public forum" were added to clause one of the motion.

It was further noted that enforcement of the current Nelson Resource Management Plan in relation to vehicles accessing Delaware Bay estuary

was not a matter for elected members to engage in, and it was for the Chief Executive to respond to this matter.

Resolved EC/2019/048

***That the Environment Committee:***

- 1. Directs officers to seek further information, including specialist legal advice as required, to assist decision making on the options to address matters relating to Delaware Bay Estuary as raised in report R10204 and in the Public Forum, including potential issues under the Resource Management Act 1991, the Local Government Act 2002 and the Marine and Coastal Area (Takutai Moana) Act 2011; and***
- 2. Leaves the item Delaware Bay Estuary - Vehicle Access to lie until the Environment Committee meeting proposed to be held on 5 March 2020.***

Fulton/Edgar

Carried

## **8. Review of the Dog Control Policy and Bylaw**

Document number R12538, agenda pages 45 - 161 refer.

Manager Environmental Planning, Matt Heale, presented the report, accompanied by Property and Facilities Asset Planner, Paul Harrington, Debra Bradley, consultant, Kerry Anderson, external legal adviser, and Brent Edwards, Environmental Inspections Limited.

They answered questions regarding the management of grazed reserves and the proposal that these become on-lead areas; the proposed establishment of a dog exercise park; and the wording of the Statement of Proposal relating to the consideration of all submissions.

Attendance: Her Worship the Mayor declared an interest and left the meeting at 1.41pm.

Mr Heale answered further questions regarding the proposed removal of the Good Dog Owner Policy and the limit on dog numbers per property; education measures for all users of shared pathways; and the potential for protecting ecologically sensitive areas by making these on-lead areas.

Attendance: Councillor Noonan left the meeting at 1.47p.m, and Councillor Lawrey left the meeting from 1.53p.m to 1.58p.m.

Attendance: The meeting adjourned from 2.03p.m. to 3.04p.m, to accommodate the start of the Community Services Meeting. During the adjournment, Ms Glenice Paine left the meeting.

Councillor McGurk, seconded by Councillor O'Neill-Stevens, moved the recommendation in the officer report, with the inclusion of an additional clause:

10. *Notes that further work will be undertaken to consider whether additional ecological areas are considered and included with restricted dog access, with any necessary decisions and any consequential changes to relevant documents be delegated to the Chair and Deputy Chair of the Environment Committee.*

Resolved EC/2019/049

***That the Environment Committee***

1. ***Receives the report Review of the Dog Control Policy and Bylaw (R12538) and its attachments (A2298783, A2145324, A2145327, A2298620, A2145304, A2145310 and A2122940); and***
2. ***Determines that the Bylaw should continue, with amendments, and that the Policy is also amended to reflect those amendments; and***
3. ***Agrees that a Bylaw (and updated Policy) is the most appropriate way of addressing the perceived problems with the current Policy and Bylaw; and***
4. ***Agrees the proposed amendments to the Dog Control Bylaw 2013 (221) are the most appropriate form of Bylaw and do not give rise to any implications under the New Zealand Bill of Rights Act 1990; and***
5. ***Agrees a summary of the Statement of Proposal Amendments to the Dog Control Policy and Dog Control Bylaw 2013 is necessary to enable public understanding of the proposal; and***
6. ***Adopts the Statement of Proposal (A2145304 of Report R12538) and the Summary of the Statement of Proposal (A2145310 of Report 9973); and***
7. ***Approves commencement of the Special Consultation Procedure, with the consultation period to run from 27 January to 28 February 2020; and***
8. ***Notes that a separate report will be prepared in 2020 to review fees and charges in light of Policy and Bylaw changes; and***
9. ***Approves the approach set out in the Communications Plan (A2298620 of Report R12538) and agrees:***

**(a) the plan includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and**

**(b) the plan will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation; and**

**10. Notes that further work will be undertaken to consider whether additional ecological areas are considered and included with restricted dog access, with any necessary decisions and any consequential changes to relevant documents be delegated to the Chair and Deputy Chair of the Environment Committee.**

McGurk/O'Neill-Stevens

Carried

## **9. Plan Change 27 Approval**

Document number R9694, agenda pages 162 - 166 refer.

Manager Environmental Planning, Matt Heale, presented the report.

Resolved EC/2019/050

***That the Environment Committee***

***Receives the report Plan Change 27 Approval (R9694).***

McGurk/Edgar

Carried

Recommendation to Council EC/2019/051

***That the Council***

***Approves Plan Change 27 to become operative.***

McGurk/Edgar

Carried

## **10. Biosecurity Annual Review**

Document number R12562, agenda pages 167 - 175 refer.

Environmental Programmes Adviser, Richard Frizzell, presented the report. He answered questions regarding education tools for pests not

included in the Pest Management Plan, ant control measures, and the management of marine pests.

Attendance: Her Worship the Mayor returned to the meeting at 3.26p.m.

Resolved EC/2019/052

***That the Environment Committee***

- 1. Receives the report Biosecurity Annual Review (R12562) and its attachments (A2288852 and A2262413); and***
- 2. Approves the Operational Plan for the Tasman-Nelson Regional Pest Management Plan 2019/20 (A2262413), specifically as it relates to Nelson City Council's area.***

Rainey/Bowater

Carried

**11. Omnibus of Submissions to National Policy Statement and Environmental Standard Proposals**

Document number R12542, agenda pages 176 - 221 refer.

Manager Environmental Planning, Matt Heale, Team Leader City Development, Lisa Gibellini, and Senior City Development Planner, Alastair Upton, presented the report. Mr Upton answered questions regarding development proposals for high productivity land.

Resolved EC/2019/053

***That the Environment Committee***

- 1. Receives the report Omnibus of Submissions to National Policy Statement and Environmental Standard Proposals (R12542) and its attachments (A2280520, A2275062, A2277745, A2270025); and***
- 2. Approves retrospectively the attached Nelson City Council submissions on the proposed National Policy Statement Urban Development (A2280520 and A2280523); the Freshwater Proposals (A2277745); and the New Zealand Biodiversity Strategy (A2270025).***

Her Worship the Mayor/McGurk

Carried

**12. Environmental Management Group - Quarterly Report - 1 July-30 September 2019**

Document number R12534, agenda pages 222 - 253 refer.

Manager Environmental Planning, Matt Heale, Manager Consents and Compliance, Mandy Bishop, Manager Science and Environment, Jo Martin, Manager Building, Patrick Schofield, and Team Leader City Development, Lisa Gibellini, presented the report.

They answered questions regarding the proposal to establish a Governance Liaison Group for the Nelson Plan, Dog Control income and the provision of bags for dog waste, air quality, freedom camping enforcement, Building Unit Code Compliance issues, and the integration of climate change into city centre planning.

The meeting acknowledged Matt Heale's input to and support of the committee during his time with Nelson City Council.

Attendance: Her Worship the Mayor, and Councillors Noonan, Sanson and Courtney left the meeting at 4.05p.m.

Resolved EC/2019/054

***The Environment Committee***

- 1. Receives the report Environmental Management Group - Quarterly Report - 1 July-30 September 2019 (R12534) and its attachments (A2281289, A2044411 and A2288730); and***
- 2. Approves the establishment of a Governance Liaison Group for the Nelson Plan to include the Deputy Chair of the Environment Committee; and***
- 3. Approves amending the indicative timeline for the Draft Nelson Plan to provide a Council briefing ahead of release of the Draft in December 2019 with community engagement to run from February to May 2020.***

O'Neill-Stevens/Edgar

Carried

There being no further business the meeting ended at 4.14p.m.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date

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## **Building Act 2004 – Earthquake Prone Buildings – Priority Buildings - Deliberations**

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### **1. Purpose of Report**

- 1.1 To consider feedback obtained as part of the Special Consultative Procedure (SCP) Council undertook under section 83 of the Local Government Act 2002 on proposed areas for prioritisation of unreinforced masonry (URM) hazards, and on proposed routes of strategic importance for emergency response.
- 1.2 To decide whether to adopt the proposed areas for prioritisation of unreinforced masonry hazards and proposed routes of strategic importance for emergency response.

### **2. Summary**

- 2.1 Council undertook a SCP consultation on its proposal to identify those areas with sufficient traffic (pedestrian and vehicular) to warrant prioritisation of unreinforced masonry hazards and to identify transport routes of strategic importance for emergency response. Public consultation was held during October 2019.
- 2.2 Four submissions were received, of which one submitter requested to be heard. Rob Stevenson from the Waterfront Association (21122) will be heard in the public forum of this meeting.
- 2.3 The submissions received were generally in agreement with the areas and routes proposed (A2077485). Some submitters' feedback addressed topics outside of the scope of matters that can be considered under the earthquake prone buildings provisions of the Building Act 2004.
- 2.4 This report and its attachments are provided for the Committee to consider options for the identification of areas that warrant prioritisation of URM hazards, and the identification of transport routes of strategic importance for emergency response.

### 3. Recommendation

***That the Environment Committee***

- 1. Receives the report Building Act 2004 – Earthquake Prone Buildings – Priority Buildings - Deliberations (R13587) and its attachments (A2097637, A2077485, A2294719, A2317659); and***
- 2. Adopts the proposed area for the identification of priority unreinforced masonry (URM) buildings, and transport routes of strategic importance (A2077485).***

### 4. Background

- 4.1 The Building (Earthquake-Prone Buildings) Amendment Act 2016 amended the Building Act 2004 and requires territorial authorities to identify priority buildings. Priority buildings include those buildings that either pose a high risk to safety (due to URM in high traffic areas) or have the potential to impede strategic transport routes likely to be needed in an emergency. Priority buildings are subject to shorter timeframes for identification and remediation.
- 4.2 Priority buildings must be identified by 30 June 2022. One to two years will be required for council officers to complete identification of priority buildings.
- 4.3 Under section 133AF of the Building Act, Council is required to use the SCP to identify areas with sufficient traffic to warrant prioritisation of URM hazards and has discretion as to whether to initiate the SCP to identify transport routes of strategic importance for emergency response. This is explained further in section 5 (Discussion) of this report.
- 4.4 While preparing the Statement of Proposal required for the SCP, feedback was sought from members of the Nelson Tasman Lifelines Group. Feedback received was considered in preparing the report presented to the Planning and Regulatory Committee on 22 August 2019.
- 4.5 The Council approved the use of the SCP to obtain public feedback on the Statement of Proposal at its meeting on 19 September 2019. This included both the mandatory URM hazards and the discretionary transport routes of strategic importance for emergency response.
- 4.6 Public consultation was held during October 2019. Information was publicly advertised and was sent to building owners and community groups in the most affected areas in accordance with the consultation approach approved by Council. Two public meetings were held, with a total of nine members of the public attending. Four submissions were received.



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- 4.7 Further background on this matter can be found in report Building Act 2004 - Earthquake Prone Buildings - Priority Buildings and Dangerous, Insanitary and Affected Buildings Policy presented to the Planning and Regulatory Committee on 22 August 2019. Web link:  
[http://meetings.nelson.govt.nz/Open/2019/08/PR\\_20190822\\_AGN\\_1877\\_AT\\_WEB.htm](http://meetings.nelson.govt.nz/Open/2019/08/PR_20190822_AGN_1877_AT_WEB.htm)

**5. Discussion**

**Unreinforced masonry buildings (whole or in part) that could fall on thoroughfares with sufficient traffic to warrant prioritisation**

- 5.1 Section 133AF of the Building Act 2004 requires that public roads, footpaths and other thoroughfares with sufficient traffic to warrant prioritisation be identified by Council using the SCP (given the Nelson district includes areas of medium or high seismic risk). This is mandatory if there is any reasonable prospect that URM buildings may fall in an earthquake on a sufficiently busy thoroughfare.
- 5.2 None of the submissions disagreed with the area proposed as outlined in the Statement of Proposal.
- 5.3 Two submissions agreed that the Nelson city centre should be designated a high traffic area.
- 5.4 One submission agreed that URM is a potential risk to life but did not comment on the area proposed for prioritisation.
- 5.5 Officers recommend that the area set out in part one of the Statement of Proposal (A2097637) and the map (A2077485) be adopted without amendment. This will mean that public roads, footpaths and other thoroughfares in that area will be prioritised for the identification and remediation of URM hazards.
- 5.6 A decision to adopt this area will set the maximum timeframe for owners to complete remediation of buildings that have Earthquake Prone Building (EPB) Notices to 12.5 years from the date the Notice was issued.
- 5.7 There are currently 11 URM buildings with EPB Notices, or equivalent section 124 Notices issued under Council's previous policy, that will become priority buildings as a result of adopting the recommended option. Three of these already have timeframes shorter than 12.5 years, and most timeframes expire within 5 years of today. All owners of these buildings were advised in writing of the effects of the legislative changes, and options that they have, specific to their building, late in 2017. Information was also sent to these owners as part of the SCP.
- 5.8 Officers consider that almost all URM buildings have already been identified, so council's deadline of 30 June 2022 will be easily met for this category of priority building.

**Buildings on a transport route of strategic importance (in terms of emergency response)**

- 5.9 Section 133AF of the Building Act 2004 allows Council discretion as to whether to consult on transport routes of strategic importance. If it does, Council must meet the timeframe (30 June 2022) to identify all priority buildings on those routes. Council can only identify priority buildings for this purpose if it uses the SCP.
- 5.10 None of the submissions disagreed with any of the routes proposed.
- 5.11 Two submissions agreed that the two main routes from Annesbrook roundabout to the Nelson city centre (Waimea Road, Rutherford Street, Haven Road, Wakefield Quay, Rocks Road, Tahunanui Drive and back to Annesbrook roundabout) should be designated strategic routes for the purposes of emergency response.
- 5.12 These routes are proposed to be designated as strategic routes, with the exception of the stretch from Annesbrook roundabout along Whakatu Drive and Waimea Road to Boundary Road. This stretch has been excluded because officers consider there is no reasonable prospect that there are buildings that could collapse and impede this part of the route, due to their low height and distance from the road.
- 5.13 Officers recommend that the routes set out in part two of the statement of proposal and the map be adopted without amendment. This will mean that these routes will be prioritised for the identification and remediation of URM hazards.
- 5.14 A decision to adopt these routes will set the maximum timeframe for owners to complete remediation of buildings that have EPB Notices to 12.5 years from the date the Notice was issued.
- 5.15 There are currently 8 buildings with EPB Notices, or equivalent section 124 Notices issued under Council's previous policy, that are likely to become priority buildings as a result of adopting the recommended option. Five of these already have timeframes shorter than 12.5 years, and most timeframes expire within 10 years of today. All owners of these buildings were advised in writing of the effects of the legislative changes, and options that they have, specific to their building, late in 2017. Information was also sent to these owners as part of the SCP.
- 5.16 Some potentially earthquake prone buildings have already been identified along these routes, although more work is needed. Numbers are not expected to be high. It is anticipated that the current time available (approximately two years) until council's deadline of 30 June 2022 is sufficient to identify this category of priority building.

**Topics raised by submitters that are outside of the scope of matters that can be considered**

- 5.17 All submissions identified the sea-cliffs above Rocks Road as a (rockfall or landslide) hazard during or after an earthquake.
- 5.17.1 The earthquake prone building provisions of the Building Act 2004 do not apply to natural features, except in so much as they provide direct support to a building's foundations (section 133AA(1) of the Building Act 2004). Therefore, the hazard posed by the sea-cliffs is not relevant to this consultation, unless there are non-residential or multi-residential buildings supported by the sea-cliff with the potential to impede Rocks Road should the building or the ground supporting it collapse. Officers are not aware of any such buildings along Rocks Road.
- 5.17.2 It is proposed that the entire length of Rocks Road and Wakefield Quay be designated strategic routes for emergency response. Therefore, any buildings identified as having the potential to impede these routes will be priority buildings under the current proposal.
- 5.18 Two submissions identified the sea-walls below Rocks Road and Wakefield Quay as being at risk.
- 5.18.1 As above, the earthquake prone building provisions of the Building Act 2004 do not apply to retaining walls that are not integral to the structure of a building (section 133AA(1)(c) of the Building Act 2004). Therefore, the hazard posed by the sea-walls is not relevant to this consultation, except where they may be integral with or provide direct foundation support to a building. The sea-walls alone cannot be considered under the earthquake prone building provisions of the Building Act 2004.
- 5.18.2 As the entire length of Rocks Road and Wakefield Quay are proposed to be designated a strategic route for emergency response, any buildings identified with the potential to impede these routes will be priority buildings under the current proposal.
- 5.19 Three submissions identified specific buildings that submitters deemed to be a risk, and that are on a proposed strategic route.
- 5.19.1 The purpose of this consultation was to seek feedback on high traffic areas on to which URM could fall in an earthquake, and to identify routes of strategic importance for emergency response. It is not focussed on the identification of specific buildings.
- 5.19.2 However, the buildings identified in the submissions have already been determined by council to be earthquake prone. If it is subsequently determined that they could impede a strategic route should they collapse in an earthquake, they will be subject

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to the requirements placed on priority earthquake prone buildings.

### 6. Options

The preferred officer recommendation is option 1. For further details refer to the table below.

<b>Option 1: Adopt the area consulted on for the identification of priority URM buildings, and transport routes of strategic importance (preferred)</b>	
Advantages	<ul style="list-style-type: none"> <li>• Council will meet its obligation under the Building Act 2004 to prioritise identification and remediation of URM building hazards by 30 June 2022</li> <li>• Council will prioritise identification and remediation of earthquake prone buildings that may impede strategic transport routes (in terms of emergency response) by 30 June 2022 as required</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• None identified.</li> </ul>
<b>Option 2: Adopt the area consulted on for the identification of priority URM buildings, but do not adopt transport routes of strategic importance</b>	
Advantages	<ul style="list-style-type: none"> <li>• Council will meet its obligation under the Building Act 2004 to prioritise identification and remediation of URM building hazards by 30 June 2022</li> <li>• There will be fewer priority buildings to identify. Council will have longer to identify buildings that may impede strategic transport routes and they will not be identified as priority buildings</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• There is a potential risk to public safety as council will not be able to identify buildings as priority if they may impede strategic transport routes</li> </ul>
<b>Option 3: Do not adopt any area for the identification of priority URM buildings, or transport routes of strategic importance</b>	
Advantages	<ul style="list-style-type: none"> <li>• None identified</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Council would not meet its obligation under the Building Act 2004 with regard to URM building hazards</li> <li>• There is a potential risk to public safety as council will not be able to prioritise identification and</li> </ul>

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	<p>remediation of earthquake prone buildings that may impede transport routes</p> <ul style="list-style-type: none"><li>• Reputational risk – having expended resources on the SCP and then not following through</li></ul>
--	---

## 7. Conclusion

- 7.1 In order to meet the requirements of section 133AF of the Building Act 2004:
- 7.1.1 with regard to URM buildings, Council is required to use the SCP to identify public roads, footpaths and other thoroughfares with sufficient traffic to warrant prioritisation, and
- 7.1.2 with regard to buildings on transport routes of strategic importance, Council has discretion whether to identify such routes, and if it decides to do so, must only do so using the SCP.
- 7.2 Council has consulted publicly using the SCP. The SCP undertaken included both the mandatory URM hazards and the discretionary transport routes of strategic importance for emergency response, as approved by Council on 19<sup>th</sup> September 2019. None of the submissions disagreed with the proposal, and all generally agreed with the proposal.
- 7.3 Therefore officers recommend that Council adopts the preferred option 1 to adopt the area for the identification of priority URM buildings, and transport routes of strategic importance as consulted on.

## 8. Next Steps

- 8.1 Officers will make information describing the adopted option available on the council website, and will proceed to identify priority buildings in accordance with that option.

**Author:** Bruce Mutton, Structural Engineer

### Attachments

- Attachment 1: A2097637 - Statement of Proposal - Priority Buildings - Aug2019 as consulted on [↓](#)
- Attachment 2: A2077485 - GIS - R9240 - Strategic Transport Routes For Emergency Response - Prioritisation of Unreinforced Masonry Hazards - InfoCouncilA3L - Maps - Jul-Aug2019 [↓](#)
- Attachment 3: A2294719 - Priority Earthquake Prone Buildings - TOTAL SUBMISSIONS and Index Page - 05Nov2019 [↓](#)
- Attachment 4: A2317659 - Consideration of Submissions - Earthquake Prone Priority Buildings - Dec2019 [↓](#)

<b>Important considerations for decision making</b>
<p><b>1. Fit with Purpose of Local Government</b></p> <p>Section 10 of The Local Government Act 2002 requires local government to enable democratic decision making and actions to promote the well-being of communities.</p> <p>The consultation process, feedback received and considered in this document aligns with this purpose and in addition is mandated by sections 133AE and 133AF of the Building Act 2004.</p>
<p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>The work meets community outcomes:</p> <p>“Our communities are healthy, safe, inclusive and resilient”,</p> <p>“Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement”.</p>
<p><b>3. Risk</b></p> <p>A decision is required so that Council can meet its obligations under the Building Act 2004 to identify certain categories of potentially earthquake prone buildings, and to issue EPB Notices with appropriate deadlines for completion of seismic work. The main risk is ensuring any resultant earthquake strengthening/demolition works required by the Building Act 2004 are undertaken within the statutory timeframes. This risk can be managed by adoption of the recommended option.</p> <p>The key location of the areas with sufficient traffic is central Nelson. It is acknowledged the amenity of the City Centre, in part because of the presence of heritage buildings, may be impacted.</p>
<p><b>4. Financial impact</b></p> <p>Additional resource requirements are not anticipated. If the proposal is approved, Council obligations can be managed within existing budgets and staffing levels.</p>
<p><b>5. Degree of significance and level of engagement</b></p> <p>This matter is of moderate to high significance because it will impact on owners of potentially earthquake prone buildings and owners of earthquake prone buildings within the areas and on the routes specified.</p> <p>Engagement by way of the Special Consultative Procedure has been carried out. Officers consider that the process followed has identified those likely to have an interest in or be affected by the decision,</p>

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encouraged them to participate in the consultation and given appropriate consideration to their views and preferences.

## **6. Climate Impact**

Climate change impact has not been explicitly considered in the preparation of the proposed policy amendment.

This decision will have no impact on the ability of the Council to proactively respond to the impacts of climate change now or in the future. It is unlikely to result in a change in greenhouse gas emissions

## **7. Inclusion of Māori in the decision making process**

No specific engagement with Māori has been undertaken in preparing this report.

## **8. Delegations**

The Environment Committee has delegations to consider earthquake-prone building issues as following:

*Areas of Responsibility:*

- *Building control matters, including earthquake-prone buildings and the fencing of swimming pools*
- *Regulatory enforcement and monitoring*
- *Policies and strategies related to compliance, monitoring and enforcement*

*Delegations:*

*The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*



## **Statement of Proposal**

### **Proposed approach to Priority Buildings with regard to identification and remediation of earthquake prone buildings**



## Item 7: Building Act 2004 – Earthquake Prone Buildings – Priority Buildings - Deliberations: Attachment 1

The purpose of this Statement of Proposal is to;

- A Identify any part of a public road, footpath, or other thoroughfare:
- Onto which parts of an unreinforced masonry (URM) building could fall in an earthquake; and
  - That has sufficient vehicle or pedestrian traffic to warrant prioritising the identification and remediation of those parts of URM buildings.
- B Identify routes of strategic importance, that have at least one building that could impede the route if the building were to collapse in an earthquake.

The outcome of this process of identification is that:

- Any part of an URM building that could fall onto a thoroughfare, identified by Part A of this process during an earthquake will be classified as a priority building under the Building Act 2004.
- Any earthquake prone, or potentially earthquake prone, building on a transport route identified by Part B will be classified a priority building under the Building Act 2004.

Whether a building is a priority building affects:

- The deadline by which the Council must identify whether the building or a part of the building is potentially earthquake prone (see the Building Act, section 133AG). In particular, by 30 June 2022 the Council must apply the earthquake prone building (EPB) methodology under the Building Act to identify buildings or parts of buildings that are potentially earthquake prone. This timeframe is five years shorter than for non-priority buildings.
- The deadline for completing seismic work on the building or a part of the building, if it is subject to an earthquake prone building notice (EPB Notice) (see the Building Act, section 133AM). In particular, the owner of a building or part of a building that is subject to an EPB Notice must complete seismic work on the building or part on or before 12.5 years from the date of the first EPB Notice. This timeframe is 12.5 years shorter than for non-priority buildings.

This Statement of Proposal is set out in two parts. The public is invited to submit on either, or both, of the parts discussed in this Proposal.

**Part One** discusses the proposed approach to the identification of thoroughfares with sufficient traffic to warrant prioritisation of URM buildings (either whole or in part).

**Part Two** discusses the proposed approach to the identification of transport routes of strategic importance (in terms of emergency response).

Further information on the new system for managing earthquake-prone buildings can be found at: <https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

Buildings in the Nelson region that currently have EPB Notices (URM and other construction) can be found online at <https://epbr.building.govt.nz/>, by selecting Nelson region and searching. Additional buildings may be identified as earthquake prone in the future.

### **Part One: URM buildings (whole or in part) that could fall on thoroughfares with sufficient vehicular and pedestrian traffic to warrant prioritisation**

The Building Act gives Council the ability, in consultation with its community, to identify thoroughfares, onto which any part of an URM building may fall, which have sufficient vehicle or pedestrian traffic to warrant prioritising (in terms of identification and remediation).

Once thoroughfares have been identified through this process, the Council will be required to identify whether any buildings located on the approved routes are potentially earthquake-prone, determine their earthquake-prone status, and (if they are earthquake-prone) enforce a shorter timeframe for remediation.

The Council has already identified and tracked the remediation of URM buildings since approximately 1985. As a result, the Council has a level of confidence that many of the buildings that have URM components, have already been identified.

There are also URM buildings where failure would not affect public roads, footpaths or other thoroughfares. Examples include URM chimneys that are not adjacent to, or are unlikely to, fall onto a public space. Those buildings are not intended to be addressed as part of this process.

The public is invited to submit on the proposal. You can make a submission online at [nelson.govt.nz](http://nelson.govt.nz) or in writing by using the submission form at the end of this document. Submissions must be received by 4 November 2019.

#### **1.1 The Proposal: URM buildings (whole or in part) that could fall on thoroughfares with sufficient vehicular and pedestrian traffic to warrant prioritisation**

The Council is proposing to identify the following as public roads, footpaths and other thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation of nearby URM buildings:

All public roads, footpaths, or other thoroughfares that are inside the area defined by the centrelines of the Nelson Central City ring roads, including publically accessible areas adjacent to buildings at 29 Halifax Street and 133 Collingwood Street. Refer to the map attached to this Proposal;

The Council is proposing this area on the basis of:

- its assessment that the identified area has high pedestrian and vehicular traffic, and is sufficient to warrant prioritising the identification and remediation of URM buildings;
- the distribution and characteristics of URM buildings identified to date; and
- the layout of the buildings and thoroughfares within this area means that parts of any URM buildings could fall onto pedestrians or vehicles in an earthquake

## 1.2 Alternatives considered

In considering its approach, Council also considered the following options.

- a. Inclusion of buildings in the commercial zones of Stoke and Tahunanui.** The Council considered whether to include the suburbs of Stoke and Tahunanui. However as there are no identified URM buildings in these suburban commercial zones, the Council is proposing to not to include them.

**b. Using another criteria to identify public roads, footpaths and other thoroughfares**

Under this option, Council would use a different criteria to identify public roads, footpaths and other thoroughfare's that have sufficient traffic to warrant prioritisation, such as;

- areas defined by Nelson Regional Management Plan zones, such as 'Inner City – Centre' and 'Inner City Fringe' (zone criteria); or
- specific routes or areas based on pedestrian, cyclist and vehicle traffic counts.

Although a zone criteria would potentially capture more URM buildings as priority buildings, the majority are already within the proposed Nelson central city area. Moreover, many of the buildings in the broader area may appear to be URM, but are outside of the scope of this consultation because they are brick veneer supported by concrete, steel or timber structure (i.e. do not gain lateral support from URM). In addition, known URM buildings outside of the Nelson central city area, are either;

- considered to not be on a route with sufficient traffic,
- established as not earthquake prone, or not within the scope of the earthquake prone building provisions of the Act, or
- subject to potential failures that do not affect public roads, footpaths or other thoroughfares.

Another alternative could be to use traffic counts to determine the thresholds for 'sufficient vehicle and/or pedestrian traffic'. Although this might appear to be a more rigorous approach, available traffic counts do not discriminate on a route by route or building by building basis and therefore are not considered the best measure in this context.

**c. That Nelson does not have any public roads, footpaths or other thoroughfares that have sufficient vehicle or pedestrian traffic to warrant prioritising the identification of those parts of unreinforced masonry buildings that could fall**

Under this option, it would be considered that there is no reasonable prospect of any thoroughfare in Nelson having sufficient vehicle or pedestrian traffic to warrant prioritisation.

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However, Council considers that Nelson central city does have sufficient vehicle and pedestrian traffic in the areas marked on the map attached to this Proposal as anticipated by the Building Act.

In addition, there are, as at 1 July 2019, seven URM earthquake prone buildings with EPB Notices in the proposed area. The Council therefore considers that prioritisation of URM buildings in the Nelson Central City area is warranted.

**d. That all public roads, footpaths, or other thoroughfares in Nelson have sufficient vehicle or pedestrian traffic to warrant prioritising**

Under this option all of Nelson's public roads, footpaths or other thoroughfares would warrant prioritisation.

It does not appear reasonable that all thoroughfares in wider Nelson would have sufficient vehicle or pedestrian traffic to warrant prioritisation.

**Questions**

1. Do you agree with the thoroughfares identified for prioritisation?
2. If not, which thoroughfares do you disagree with and why?
3. Are there any other thoroughfares that meet the criteria but are not listed?

### Part two: Buildings on a transport route of strategic importance

The Building Act 2004 gives Council the ability, in consultation with its community, to identify for prioritisation buildings that could impede routes of strategic importance in an emergency, if they were to collapse in an earthquake.

This is important as buildings impeding a strategic transport route in an earthquake could inhibit an emergency response to the detriment of the community, such as loss of life, if timely access to emergency care is not possible.

Once any buildings have been identified the Council will be required to determine their earthquake prone status and (if applicable) enforce a shorter timeframe for remediation.

The Council has already identified some buildings that may be or are earthquake prone on some main routes. Buildings that have already been identified as earthquake prone can be viewed on [MBIE's Register of Earthquake Prone Buildings](#).

The public is invited to submit on the proposal. You can make a submission online at [nelson.govt.nz](http://nelson.govt.nz) or in writing by using the submission form at the end of this document. Submissions must be received by 4 November 2019.

#### 2.1 The Proposal: Identifying transport routes of strategic importance

The Council is proposing to apply the following criteria to identify transport routes of strategic importance - routes likely to be used by emergency services in:

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- transiting from their bases to areas of need in a major emergency, *or*
- transiting to central services such as hospitals, where there are no alternative routes available.

Based on there being a likelihood of use by emergency services in an emergency and the potential for at least one building to impede the route if it collapsed, Council proposes the following routes be prioritised. Refer to the map attached to this Proposal:

- All lanes of streets bounding the Nelson Central City; Rutherford, Halifax, Collingwood Streets and Selwyn Place, but not where these roads extend beyond their common intersections.
- Gloucester Street between Vanguard and St Vincent Streets.
- Halifax Street from Rutherford Street, Haven Road from Halifax Street, Wakefield Quay, Rocks Road, Tahunanui Drive to Annesbrook roundabout.
- Rutherford Street from Halifax Street, Waimea Road to Boundary Road.
- Waimea Road from Whakatu Drive roundabout, Main Road Stoke to Salisbury Road roundabout.

All of the routes proposed coincide with roads identified by the Nelson Tasman Lifelines Group (which includes Tasman District Council, Nelson City Council, NZ Transport Agency and others), except for Gloucester Street, Halifax Street, Collingwood Street and Selwyn Place.

Feedback has already been sought from Nelson Tasman Lifelines Group Police, Fire and Emergency New Zealand, and Nelson Marlborough District Health Board representatives. Gloucester Street has been included with the proposed routes after speaking with local representatives of Fire and Emergency New Zealand.

### 2.2 Identifying buildings that could impede the strategic transport routes

Once the routes are identified, Council will use the EPB Methodology to identify by 30 June 2022, buildings or parts of buildings that are potentially earthquake prone.

### 2.3 Alternatives considered

In considering its approach, Council also considered the following options:

#### a. Not prioritising buildings on strategic transport routes:

It is not mandatory for a territorial authority to prioritise identification of buildings on strategic routes in its district. For example all main routes may have alternative routes that could be used by emergency vehicles. However in Nelson, the use of an alternative route may cause undue delay to an emergency response to the detriment of the community, such as loss of life, if timely access to emergency care is not possible. For this reason, this option was not supported.

#### b. Including the following transport routes:

- State highway 6 north of Nelson
- Waimea Road from Boundary Road, Whakatu Drive to Salisbury Road roundabout
- Maitai Valley Road east of Nelson to the Maitai Dam

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All of these routes are identified by the Nelson Tasman Lifelines Group. However these are proposed not to be prioritised because there are unlikely to be buildings that could impede those routes if they collapsed:

### Questions

4. Do you agree with the routes identified for prioritisation?
5. If not, which routes do you disagree with and why?
6. Are there any other routes that meet the criteria but are not listed?

### Submission

Anyone may make a submission about any aspect of Council's proposal and the other options that have been considered. Council, in making its decision, will take account of all submissions made.

A submission form is included at the end of this document.

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

Submissions can be made:

- Online at [nelson.govt.nz](http://nelson.govt.nz)
- By post to Priority Buildings, PO Box 645, Nelson 7040
- By dropping off to Civic House, 110 Trafalgar Street, Nelson

**Submissions must be received no later than 4:00 pm on 4 November 2019.**

Any person who wishes to speak to the Council in support of their submission will be given the opportunity to address the Council at the hearings during February 2020



## Submission Form

## Nelson City Council's proposed Approach to Priority Buildings

**Name:** .....

**Organisation represented: (if applicable).....**

**Address:** .....

**Email:** ..... **Tel:** .....

**Do you wish to speak at the hearing? Yes / No.**

**Hearings are scheduled for February 2020.** *If you do not circle either, we will assume you do not wish to be heard. If you wish to present your submission at the hearing in Te Reo Māori or New Zealand sign language please include this information in your submission.*

**Public Information:** All submissions (including the names and contact details of submitters) are public information and will be available to the public and media in various reports and formats including on the Nelson City Council website. Personal information will also be used for administration relating to the subject matter of submissions. Submitters have the right to access and correct any personal information included in any reports, information or submissions.

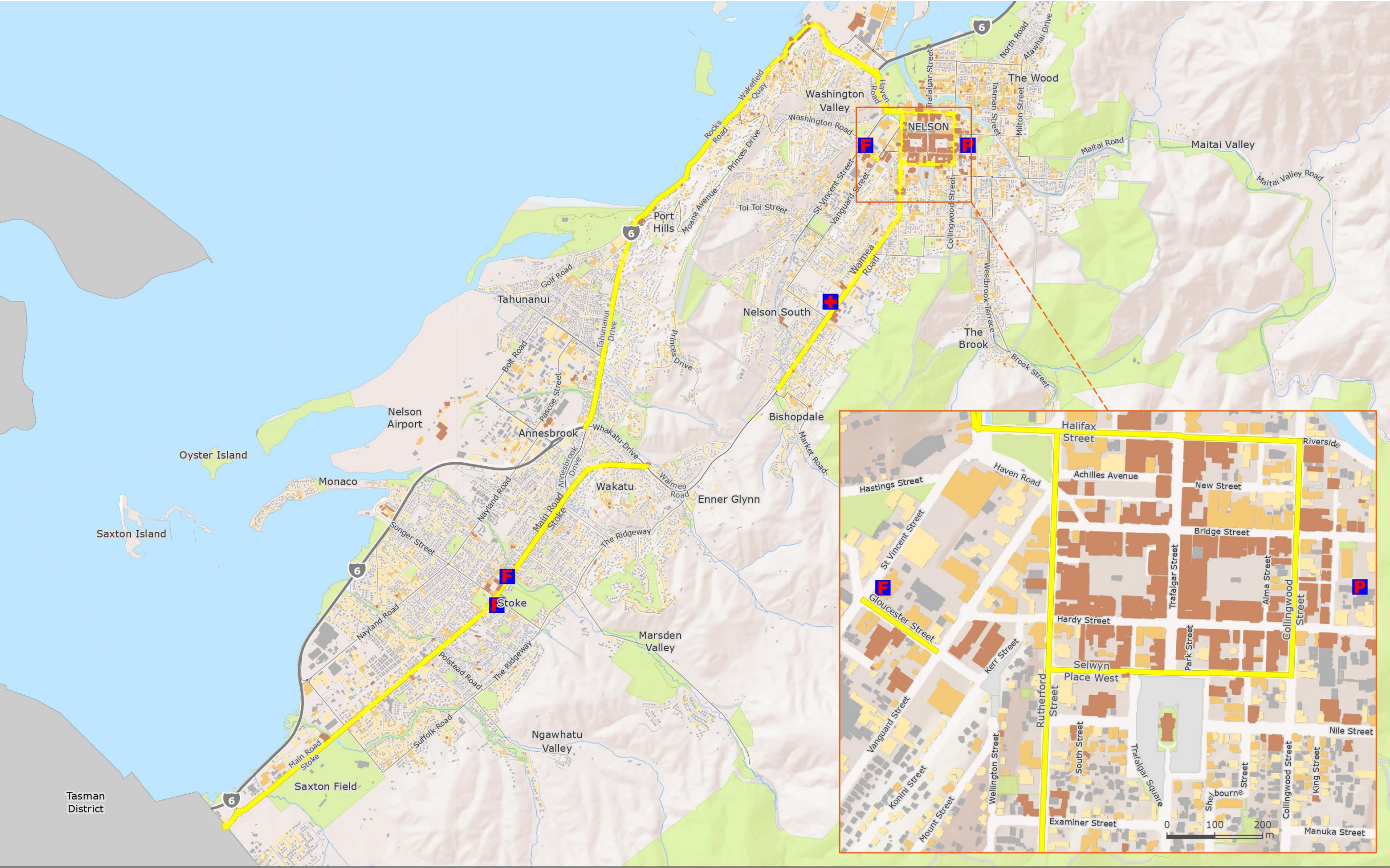
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Please attach additional sheets if needed.

Submissions can be made:

- Online at **nelson.govt.nz**
- By post to **Priority Buildings, PO Box 645, Nelson 7040**
- By dropping off to **Civic House, 110 Trafalgar Street, Nelson**





**Strategic Transport Routes for Emergency Response**

R9240 Building Act 2004



\*Only routes where there may be buildings that could impede that route are proposed

**Legend**

- Proposed Transport Routes of Strategic Importance\*
- Police Station
- Fire Station
- Hospital

- Extent that buildings may block a road, if they collapsed
- May partly block one lane
  - May block one lane
  - May block two lanes
  - Unlikely to block road

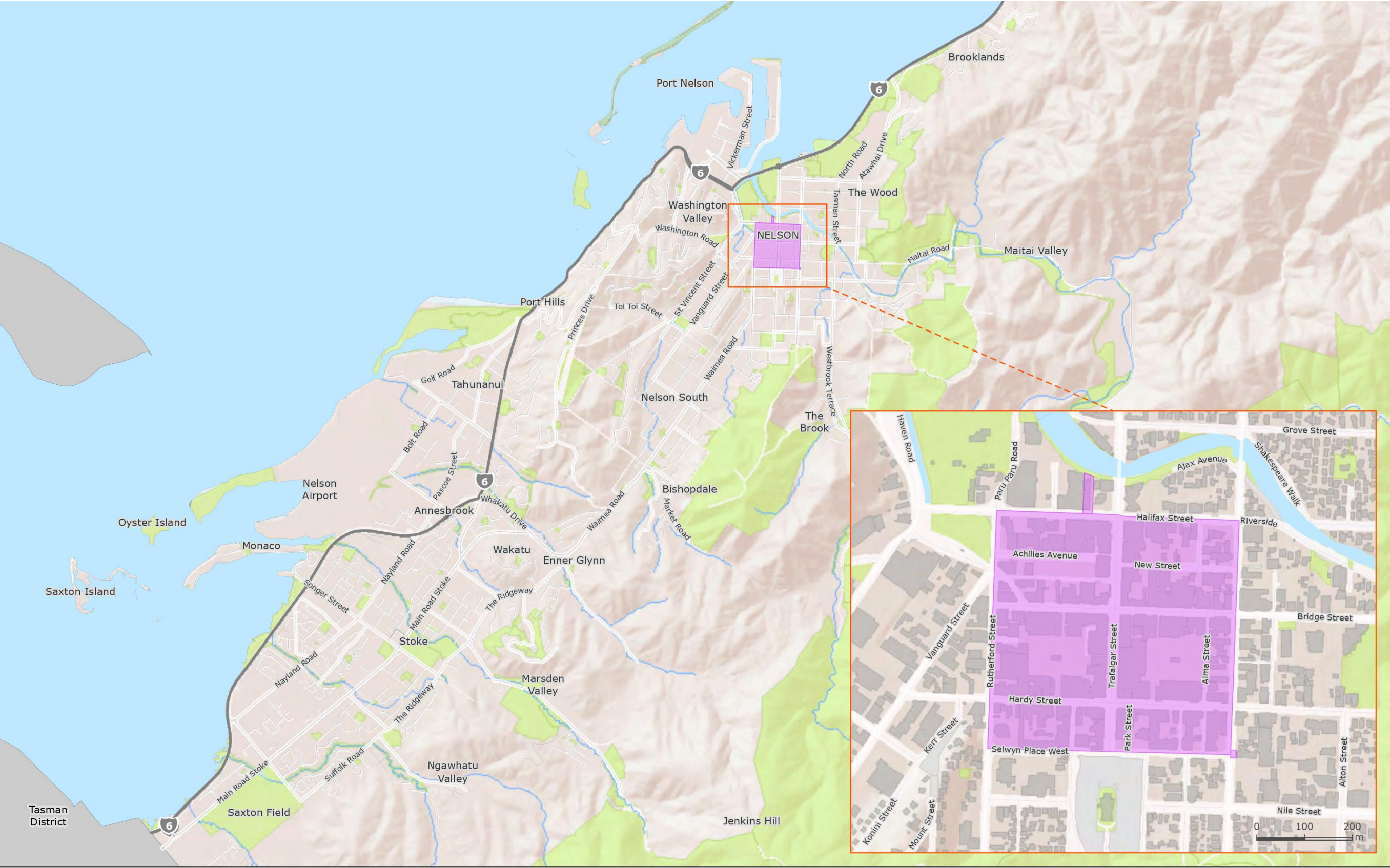
0 0.5 1 km



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File Ref: A2077485  
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


**Prioritisation of Unreinforced Masonry (URM) Hazards**

R9240 Building Act 2004



**Legend**

 Proposed area with sufficient traffic to warrant prioritisation of URM hazards

0 0.5 1 km



File Ref: A2077485  
KS. Original map size A3.

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<b>Page</b>	<b>Sub No.</b>	<b>First Name</b>	<b>Surname</b>	<b>Organisation</b>	<b>Speak</b>
1	20952	Richard	Blunt		No
2	20996	Alan Shadwell and	Susan Kirk		No
4	21114	Robert	Stevenson	Achilles Properties Limited	No
7	21122	Robert	Stevenson	Waterfront Association	Yes



## Submission Summary

### Priority Earthquake Prone Buildings - Submission #20952

**Mr Richard Blunt**

Stepneyville  
Nelson 7010

Speaker? False

Department	Subject	Opinion	Summary
NCC - Environmental Management	High pedestrian and high traffic areas (unreinforced masonry buildings)	There are other thoroughfares that meet the criteria. I've listed them below.	<p>I agree with your assessment with the unreinforced masonry buildings as a potential risk to life as I experienced the ChCh earthquakes in 2010, 2011.</p> <p>My major concern is the potential of risk for the cliff face on Rocks Road which in a big earthquake could crumble and slip similar to the State Highway coastal road in the Marlborough earthquake. This congested traffic route depending on the time of day could be damaged resulting in significant loss of life and property.</p> <p>An alternative route out of Nelson such as the proposed Southern Link is essential should this route be closed to traffic for a period of time.</p> <p>2 Council Heritage earthquake risk buildings - Powerboard and Anchor buildings on Wakefield Quay also could be a problem for this access route if damaged.</p>

## Submission Summary

Priority Earthquake Prone Buildings - Submission #20996

**Mr Alan Shadwell and Ms Susan Kirk**

Stepneyville  
Nelson 7010

Speaker? False

Department	Subject	Opinion	Summary
NCC - Environmental Management	High pedestrian and high traffic areas (unreinforced masonry buildings)	There are other thoroughfares that meet the criteria. I've listed them below.	We suggest attention is given to the risk of a Rocks Road blockage between Richardson Street and Bisley Ave. corner particularly the steep section currently clothed with plastic material. If heavy rain coincides with a serious shake this could well give serious trouble to a road that is already periodically congested.

**Bev McShea**

20996-1

**From:** Submissions  
**Sent:** Monday, 14 October 2019 3:29 p.m.  
**To:** Administration  
**Subject:** FW: Bruce Mutton

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** 

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From: Alan Shadwell  
Sent: Monday, October 14, 2019 2:29:14 AM (UTC+00:00) Monrovia, Reykjavik  
To: Submissions  
Subject: Bruce Mutton

Hi Bruce,

Re your circular on Earthquake Prone Buildings etc.dated 24th September.

We suggest attention is given to the risk of a Rocks Road blockage between Richardson Street and Bisley Ave. corner particularly the steep section currently clothed with plastic material. If heavy rain coincides with a serious shake this could well give serious trouble to a road that is already periodically congested.

Regards.

Alan Shadwell and Susan Kirk. 

## Submission Summary

### Priority Earthquake Prone Buildings - Submission #21114

Mr Robert Stevenson  
Achilles Properties Ltd  
Nelson

Speaker? False

Department	Subject	Opinion	Summary
NCC - Environmental Management	High pedestrian and high traffic areas (unreinforced masonry buildings)	There are other thoroughfares that meet the criteria. I've listed them below.	Please see attached.

Bev McShea

21114-1

**From:** Administration  
**Subject:** FW: Submission - proposed Approach to Priority Earthquake-prone Buildings

**From:** Rob Stevenson  
**Sent:** Monday, November 4, 2019 2:33:48 AM (UTC+00:00) Monrovia, Reykjavik  
**To:** Submissions  
**Subject:** Submission - proposed Approach to Priority Earthquake-prone Buildings

## Nelson Earthquake Buildings Nelsons

## Important Routes for Emergency Services When an Earthquake Happens

### Submission from Achilles Properties Ltd

#### Where are Nelsons Busiest Areas?

We agree that the Nelson CBD should be designated a high traffic area. All buildings should have had a IEP (Initial engineering process) report completed and the buildings with a seismic risk identified.

#### What are Nelson's Important Routes For Emergency Services When and Earthquake Happens?

Most obviously, Nelsons 2 main Arterial Roads need to be made the focus of this study and are as follows

1. Waimea and Rutherford St from the Annesbrook Roundabout to the CBD.
2. SH6 from the Annesbrook Roundabout along Tahunanui drive, Rocks Rd, Wakefield Quay, and Haven Rd to the CBD.

With the location of Nelsons Hospital on Waimea Rd, the fire Station & Ambulances in St Vincent St, and the Police Station to the East of the CBD, It is imperative and obvious that the risks are assessed carefully.

There do not appear to be too many obvious risks with the Waimea Rd arterial, but the State Highway 6 "waterfront Route has many obvious and real risks- as follows

- A. The seawall running from Tahunanui Beach to the Northern Wakefield Quay has four parts built at different times namely a) Beach to Magazine Point. Built in 1958. b) Magazine Point To Richardson St Steps 9 at the North of Rocks Rd. Original seawall built with the original Gravity Concrete block wall c) 1962 Concrete wall of reinforced concrete from b to the Yacht Club in Northern Wakefield Quay. d) The Northern part is between the Rescue Centre and the old Power Station building in Northern Wakefield Quay.
- B. The Waterfront Sea Wall is in poor condition and has not been properly maintained. The original gravity wall (b above) are gravity concrete blocks that has absolutely no steel reinforcing. If the blocks shift and the plaster coating fail, then this will result in seawater ingress which will wash the fines out causing the road to collapse. This road would be prone to liquefaction should seawater incursion be of a large scale

Item 7: Building Act 2004 – Earthquake Prone Buildings – Priority Buildings - Deliberations:  
Attachment 3

- C. The Newer concrete parts a) and c) suffer from corrosion and are in poor condition. Large parts of these walls need under-pining, some of which has been done in section c
- D. The Cliffs above the Rocks road Gravity wall consist of brittle sandstone and must be considered an earthquake hazard, despite the fact that part of the cliff has been reinforced.
- E. The old Power Plant Building and the old Anchor Shipping Building in Northern Wakefield Quay appear to have low IEPs (Low seismic strength) Given that these buildings are right on the road then they must be a risk to the road should they collapse

Robert Stevenson

[REDACTED]

[REDACTED]



## Submission Summary

### Priority Earthquake Prone Buildings - Submission #21122

**Mr Robert Stevenson**  
Waterfront Association

Nelson

Speaker? False

Department	Subject	Opinion	Summary
NCC - Environmental Management	High pedestrian and high traffic areas (unreinforced masonry buildings)	There are other thoroughfares that meet the criteria. I've listed them below.	Please see attached.

21122-1

## Nelson Earthquake Buildings Nelsons

### Important Routes for Emergency Services When an Earthquake Happens

#### Submission from the Waterfront Association

#### Where are Nelsons Busiest Areas?

We agree that the Nelson CBD should be designated a high traffic area. All buildings should have had an IEP (Initial engineering process) report completed and the buildings with a seismic risk identified.

#### What are Nelson's Important Routes for Emergency Services When and Earthquake Happens?

Most obviously, Nelsons 2 main Arterial Roads need to be made the focus of this study and are as follows

- 1) Waimea and Rutherford St from the Annesbrook Roundabout to the CBD.
- 2) SH6 from the Annesbrook Roundabout along Tahunanui drive, Rocks Rd, Wakefield Quay, and Haven Rd to the CBD.

With the location of Nelsons Hospital on Waimea Rd, the fire Station & Ambulances in St Vincent St, and the Police Station to the East of the CBD, It is imperative and obvious that the risks are assessed carefully.

There do not appear to be too many obvious risks with the Waimea Rd arterial, but the State Highway 6 "waterfront Route has many obvious and real risks- as follows

- A) The seawall running from Tahunanui Beach to the Northern Wakefield Quay has four parts built at different times namely a) Beach to Magazine Point. Built in 1958. b)

21122-1

Magazine Point to Richardson St Steps 9 at the North of Rocks Rd. Original seawall built with the original Gravity Concrete block wall c) 1962 Concrete wall of reinforced concrete from b to the Yacht Club in Northern Wakefield Quay. d) The Northern part is between the Rescue Centre and the old Power Station building in Northern Wakefield Quay.

- B) The Waterfront Sea Wall is in poor condition and has not been properly maintained. The original gravity wall (b above) are gravity concrete blocks that has absolutely no steel reinforcing. If the blocks shift and the plaster coating fail, then this will result in seawater ingress which will wash the fines out causing the road to collapse. This road would be prone to liquefaction should seawater incursion be of a large scale
- C) The Newer concrete parts a) and c) suffer from corrosion and are in poor condition. Large parts of these walls need under-pining, some of which has been done in section c
- D) The Cliffs above the Rocks road Gravity wall consist of brittle sandstone and must be considered an earthquake hazard, even though part of the cliff has been reinforced.
- E) The old Power Plant Building and the old Anchor Shipping Building in Northern Wakefield Quay appear are would appear to have low IEPs (Low seismic strength) Given that these buildings are right on the road then they must be a risk to the road should they collapse

Robert Stevenson

[REDACTED]

[REDACTED]

Received at Nelson City Council

4/11/2019 3:53:58 PM

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Consideration of Submissions - Earthquake Prone Priority Buildings

Bruce Mutton  
Dec 2019

SN	Submission	Submitter	High use areas with URM	Strategic routes with at least one building	Not on topic	Comment
1	20952	Richard Blunt	Agrees that URM is potential risk to life			No mention of specic area or thoroughfare, but take as general agreement with proposal
2					Rocks Road sea cliff - rockfall landslide hazard	Rocks Road already proposed as strategic route, however natural feature is not a building that could be issued an EPB Notice
3				Identified two buildings on Wakefield Quay that are potential hazard		Wakefield Quay already proposed as strategic route. These two buildings already have s124 Notices (earthquake prone)
4	20966	Alan Shandwell, Susan Kirk			Rocks Road sea cliff - rockfall landslide hazard	Rocks Road already proposed as strategic route, however natural feature is not a building that could be issued an EPB Notice
5	21114	Robert Stevenson Achilles Properties	Agrees with proposal of Nelson CBD as a high use area for prioritisation of URM			
6				Generally agrees that 'Port Hills circuit' should be prioritised as strategic route		Proposal includes gaps in this circuit, along Whakatu Drive and Waimea Road, where staff have assessed that there are no buildings that could block road if they collapsed
7					Rocks Road and Wakefield Quay sea walls identified as hazard/vulnerability	Rocks Road and Wakefield Quay already proposed as strategic route, however freestanding retaining walls are not buildings that could be issued an EPB Notice
8					Rocks Road sea cliff - rockfall landslide hazard	Rocks Road already proposed as strategic route, however natural feature is not a building that could be issued an EPB Notice
9				Identified two buildings on Wakefield Quay that are potential hazard		Wakefield Quay already proposed as strategic route. These two buildings already have s124 Notices (earthquake prone)
10	21122	Robert Stevenson Waterfront Association	Agrees with proposal of Nelson CBD as a high use area for prioritisation of URM			
11				Generally agrees that 'Port Hills circuit' should be prioritised as strategic route		Proposal includes gaps in this circuit, along Whakatu Drive and Waimea Road, where staff have assessed that there are no buildings that could block road if they collapsed

SN	Submission	Submitter	High use areas with URM	Strategic routes with at least one building	Not on topic	Comment
12					Rocks Road and Wakefield Quay sea walls identified as hazard/vulnerability	Rocks Road and Wakefield Quay already proposed as strategic route, however freestanding retaining walls are not buildings that could be issued an EPB Notice
13					Rocks Road sea cliff - rockfall landslide hazard	Rocks Road already proposed as strategic route, however natural feature is not a building that could be issued an EPB Notice
14				Identified two buildings on Wakefield Quay that are potential hazard		Wakefield Quay already proposed as strategic route. These two buildings already have s124 Notices (earthquake prone)
15						

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## **Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations**

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### **1. Purpose of Report**

- 1.1 To consider feedback obtained as part of the Special Consultative Procedure (SCP) Council undertook under section 83 of the Local Government Act 2002, on a proposed amendment to the Dangerous and Insanitary Buildings Policy 2006 (updated 2017).
- 1.2 To decide whether to adopt the proposed Dangerous, Affected and Insanitary Buildings Policy (Reviewed and Amended 2019).

### **2. Summary**

- 2.1 Legislative requirements and a review by council officers has led to a proposal to amend and rename the Dangerous and Insanitary Buildings Policy 2006 (updated 2017). Public consultation was held during October 2019.
- 2.2 Consideration has been given by officers as to whether to amend the proposed Policy as a result of feedback received and to better match wording in the Building Act 2004.
- 2.3 This report and its attachments are provided for the Committee to consider and to decide on behalf of Council whether to adopt the amended Policy.

### **3. Recommendation**

#### ***That the Environment Committee***

- 1. ***Receives the report Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations (R13588) and its attachments (A2053947, A2313611 and A2295646); and***
- 2. ***Adopts the proposed Dangerous, Affected and Insanitary Buildings Policy as amended incorporating submitter feedback and editorial changes (A2313611).***

## Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations

### **4. Background**

- 4.1 Section 132 of the Building Act 2004 requires Council to review the Dangerous and Insanitary Buildings Policy (the Policy) at least every five years. The Policy has not been formally reviewed since it was created in 2006, due to uncertainty that ensued following the Canterbury earthquake sequence.
- 4.2 Section 132A of the Building Act 2004 came into force on 28 November 2013 and requires Council to amend the Policy to take into account affected buildings within a reasonable period following the next review of its policy. Affected buildings are those that are adjacent to, adjoining or nearby to a dangerous building or dam.
- 4.3 The Council approved an amendment to the Earthquake Prone, Dangerous and Insanitary Buildings Policy 2006 on 9 November 2017, removing references to earthquake prone buildings. This was required by clause 3 of Schedule 1AA to the Building Act 2004 and was permitted without recourse to the SCP as no material changes were made affecting dangerous or insanitary buildings.
- 4.4 On 22 August 2019 the Planning and Regulatory Committee approved the use of the SCP to consult on the proposal to update the Dangerous and Insanitary Buildings Policy. The Statement of Proposal consulted on is attached as Attachment 1.
- 4.5 Public consultation was held during October 2019. One submission (a late submission) was received proposing that additional information be taken into account. As there was no request to speak, no hearing is required.

### **5. Discussion**

- 5.1 The proposed policy wording, as it went out to consultation, meets the requirements of the Building Act 2004; however, an option is proposed to make some minor changes to more closely align the Policy with legislative references (Attachment 2).
- 5.2 The Nelson Marlborough Health submission (Attachment 3) supports the proposed policy and agrees with its principles and overall approach. It also makes two suggested additions to the wording of the policy: reference to a Health Protection Officer; and reference to the Health Act 1956.

### **Proposed Editorial and Clarification Changes**

- 5.3 The order of the words in the proposed policy title, and as used throughout the document differs from that used in section 124 of the Building Act 2004. It is proposed to change the order from dangerous, insanitary and affected to dangerous, affected and insanitary to match that used in the Act. Other minor amendments have been proposed for

## Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations

continuity with legislative references. These do not change the substance of the policy.

- 5.4 The introduction and background section of the draft Policy, as consulted on, did not refer to all relevant sections of the Act, and did not refer to the most recent update of the current Policy. For the sake of clarity it is proposed to add reference to section 132A of the Act and to Council's 9 November 2017 update of the Policy.

### **Proposed Health Officer References**

- 5.5 It is proposed to add Health Protection Officer and Environmental Health Officer to the officers that may be consulted with when identifying dangerous, affected and insanitary buildings. This will allow a graduated response and broadens the pool of experience that may be drawn on.
- 5.6 The proposal to consult with health officers in paragraph 1 d) was drafted to occur as 'as required'. It is proposed to change this to 'as appropriate', given there is no clear definition of when this will be required.
- 5.7 Paragraph 1.2 on taking action on insanitary buildings is amended with the preface 'If action is to be taken under the Building Act 2004'. This allows that a decision may be made not to take action, or that a decision may be made to take action under other legislation.

### **Proposed Health Act 1956 References**

- 5.8 While the Health Act 1956 provides additional options to address insanitary conditions, administering that Act is not the focus of this policy. Sections 121 to 130 of the Building Act 2004 do not contemplate inclusion of other legislation in this policy. Nelson City Council has an Environmental Health Officer who manages Council's obligations under the Health Act. Therefore, this Policy need not duplicate those responsibilities.
- 5.9 Officers empowered by the Health Act 1956 (Medical Officer of Health, Health Protection Officer, and Environmental Health Officer) have various powers to require mitigation of nuisance and insanitary conditions. It is reasonable to acknowledge their expertise and document the option of seeking their advice prior to making decisions under the Building Act. Therefore it is proposed to include the option of consulting with the Environmental Health Officer and Health Protection Officer when identifying dangerous, affected or insanitary conditions.

## **6. Options**

The preferred officer recommendation is option 1. For further details refer to the table below.



Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy -  
Deliberations

<b>Option 1: Adopt amended Policy incorporating submitter feedback and editorial changes A2313611 (preferred)</b>	
Advantages	<ul style="list-style-type: none"> <li>• Council will meet its obligations under the Building Act 2004</li> <li>• Council officers and the public are reminded of resources and powers available via health organisations</li> <li>• Potential confusion due to differences in wording between the Policy and the Act are mitigated</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• None identified</li> </ul>
<b>Option 2: Adopt Policy as consulted on (A2053947)</b>	
Advantages	<ul style="list-style-type: none"> <li>• Council will meet its obligations under the Building Act 2004</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• There is some potential for confusion given slight differences between the wording of the Policy and legislation</li> <li>• Council officers and the public are not reminded of resources and powers available via health organisations and the Health Act 1956 respectively</li> </ul>
<b>Option 3: Retain current Policy (A2060270)</b>	
Advantages	<ul style="list-style-type: none"> <li>• None identified</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Council would not meet its obligations under the Building Act 2004</li> <li>• Reputational risk – having expended resources on the SCP and then not following through</li> </ul>

## 7. Conclusion

- 7.1 In order to comply with the requirements of sections 132 and 132A of the Building Act 2004, Council is required to use the SCP to review the current Dangerous and Insanitary Buildings Policy 2006 (updated 2017).
- 7.2 The changes proposed are for the purposes of improving clarity. It is not expected that they would bring about material changes to decisions made under the Policy. It is not expected that the proposed amendments will change the frequency of actions taken or impact on affected parties.
- 7.3 Officers suggest that the proposed changes do not amount to a significant change that would warrant further public consultation. Officers

Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy -  
Deliberations

recommend that Council adopts the preferred option 1 to adopt the amended policy incorporating submitter feedback and editorial changes.

**Author: Bruce Mutton, Structural Engineer**

**Attachments**

- Attachment 1: A2053947 - Statement of Proposal Dangerous Insanitary and Affected Buildings Policy - Aug2019 as consulted on [↓](#)
- Attachment 2: A2313611 - Proposed Dangerous, Affected and Insanitary Buildings Policy incorporating submitter feedback - Jan2020 [↓](#)
- Attachment 3: A2295646 - Proposed Dangerous, Insanitary and Affected Building Policy - TOTAL LATE SUBMISSIONS - 06Nov2019 [↓](#)

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	<p>Section 10 of The Local Government Act 2002 requires local government to enable democratic decision making and actions to promote the well-being of communities.</p> <p>The consultation process, feedback received and considered in this document aligns with this purpose by managing dangerous and insanitary conditions in buildings.</p>
<b>2. Consistency with Community Outcomes and Council Policy</b>	<p>The work meets community outcomes:</p> <p>“Our communities are healthy, safe, inclusive and resilient”,</p> <p>“Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement”.</p>
<b>3. Risk</b>	<p>This proposal will ensure that Council meets its statutory obligations under the Building Act 2004. There are no obvious risks associated with not adopting the policy as amended. There would be risk if Council does not adopt the policy as the current policy does not comply with the Building Act 2004.</p>
<b>4. Financial impact</b>	<p>Additional resource requirements are not anticipated.</p>
<b>5. Degree of significance and level of engagement</b>	<p>This matter is of low significance because it is regarding changes to an existing policy that are primarily editorial, or minor changes in response to legislative requirements. As Council receives few dangerous and insanitary inquiries, it can be assumed that few people will be impacted. As the changes to the policy are minor, the change in level of service is expected to be negligible. Engagement by way of the Special Consultative Procedure has been carried out. Officers consider that the process followed has identified those likely to have an interest in or be affected by the decision, encouraged them to participate in the consultation and given appropriate consideration to their views and preferences.</p>
<b>6. Climate Impact</b>	<p>Climate change impact has not been explicitly considered in the preparation of the proposed policy amendment.</p>

Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy -  
Deliberations

This decision will have no impact on the ability of the Council to proactively respond to the impacts of climate change now or in the future. It is unlikely to result in a change in greenhouse gas emissions.

**7. Inclusion of Māori in the decision making process**

No specific engagement with Māori has been undertaken in preparing this report.

**8. Delegations**

The Environment Committee has the following delegations to consider amendments to the Dangerous, Affected and Insanitary Buildings Policy.

*Areas of Responsibility:*

- *Building control matters, including earthquake-prone buildings and the fencing of swimming pools*
- *Regulatory enforcement and monitoring*
- *Policies and strategies related to compliance, monitoring and enforcement*

*Delegations:*

*The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*

*The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):*

- *Developing, approving, monitoring and reviewing policies and plans, including activity management plans*
- *Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes*



## **Statement of Proposal**

### **Proposed Dangerous, Insanitary and Affected Buildings Policy**

## Nelson City Council's Policy for Dangerous, Insanitary and Affected Buildings

The Nelson City Council (the Council) has reviewed its original Earthquake-prone, Dangerous and Insanitary Buildings Policy 2006 and is proposing to amend it. The Council would like to know what you think of the proposed amendments. The purpose of the Policy is to set out the Council's approach to dangerous, insanitary and affected buildings as required under the Building Act 2004.

### 1. Introduction

The Building Act 2004 provides Nelson City Council (the Council) with specific powers to act when a building is identified as dangerous, insanitary or affected. The Act requires the Council to have a policy which sets out Nelson's approach to dangerous, earthquake-prone and insanitary buildings and how these powers apply to heritage buildings. Council's first Policy on Earthquake-prone, Dangerous and Insanitary Buildings was adopted in 2006.

Since then, there have been two amendments to the Building Act (2013 and 2016) which require the Policy to;

- take affected buildings into account; *and*
- remove any references to earthquake-prone buildings.

On 9 November 2017, the Council approved that all references to earthquake-prone buildings be removed from the Policy. Under schedule 1AA of the 2016 Building Act Amendment, this change did not require a special consultative procedure as it *did not materially affect the Policy as it applies to dangerous or insanitary buildings (Schedule 1AA 3 (3) and 3 (4))*.

Since then, the Council has reviewed its Dangerous and Insanitary Buildings Policy and is proposing some amendments relating to affected buildings as well as some minor editorial improvements.

Under the Building Act 2004 the Council's Policy must state:

- the approach that the territorial authority will take in performing its functions under this Part; and
- the territorial authority's priorities in performing those functions; and
- how the policy will apply to heritage buildings.

Dangerous, Affected and Insanitary are defined as:

<p>Dangerous (s121)</p>	<p>A building is <b>dangerous</b> for the purposes of this Act if, -</p> <p>(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause:</p> <p style="padding-left: 40px;">(i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</p> <p style="padding-left: 40px;">(ii) damage to other property; or</p> <p>(b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.</p>
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## Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations: Attachment 1

Affected (s121A)	A building is an <b>affected building</b> for the purposes of this Act if it is adjacent to, adjoining, or nearby - (a) a dangerous building as defined in <a href="#">section 121</a> ; or (b) a dangerous dam within the meaning of <a href="#">section 153</a> .
Insanitary (s123)	A building is <b>insanitary</b> for the purposes of this Act if the building - (a) is offensive or likely to be injurious to health because: (i) of how it is situated or constructed; or (ii) it is in a state of disrepair; or (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or (c) Does not have a supply of potable water that is adequate for its intended use; or (d) Does not have sanitary facilities that are adequate for its intended use.

The public is invited to submit on the proposal. You can make a submission online at [nelson.govt.nz](http://nelson.govt.nz) or in writing by using the submission form at the end of this document. Submissions must be received by 4 November 2019.

### 2. The Proposal

The Council is proposing to:

- Introduce an updated policy aligned with s121A of the Building Act 2004 on how it proposes to identify, assess and take action on affected buildings. The amendments are being proposed in response to requirements of the Building Act 2004.

In addition the Council proposes a number of minor editorial improvements to be made to the Policy.

### 3. Alternatives considered by Council

In reviewing the Policy the Council also considered the following option.

Option 1. Retain the current Policy	
Advantages	<ul style="list-style-type: none"> <li>• Does not require the resources from the community and Council of a Special Consultative procedure</li> </ul>
Disadvantages	<ul style="list-style-type: none"> <li>• Council would not meet its obligations under the Building Act 2004</li> </ul>

## Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations: Attachment 1

### 4. Submission

Anyone may make a submission about any aspect of Council's proposal and the other options that have been considered. Council, in making its decision, will take account of all submissions made.

A submission form is included at the end of this document.

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

Submissions can be made:

- Online at [nelson.govt.nz](https://nelson.govt.nz)
- By post to Dangerous, Insanitary and Affected Buildings Policy, PO Box 645, Nelson 7040
- By dropping off to Civic House, 110 Trafalgar Street, Nelson

**Submissions must be received no later than 4:00 pm on 4 November 2019.**

Any person who wishes to speak to the Council in support of their submission will be given the opportunity to address the Council at the hearings during February 2020.





## DRAFT FOR CONSULTATION

### Policy on Dangerous, Insanitary and Affected Buildings

The proposed revised policy wording is detailed below for reference.

#### Introduction and Background

Section 131 of the Building Act 2004 (the Act) requires territorial authorities to have a policy on Dangerous, Insanitary and Affected Buildings. The policy is required to state:

- The approach that the territorial authority will take in performing its functions under the Building Act 2004; and
- The territorial authority's priorities in performing those functions; and
- How the policy will apply to heritage buildings.

This Policy amends and updates the Nelson City Council's (the Council) Earthquake-prone, Dangerous and Insanitary Buildings Policy previously adopted in 2006.

#### Definitions:

Term	Meaning
Affected Building	Defined in s121A of the Act: A building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby; (a) a dangerous building as defined in <a href="#">section 121</a> ; or (b) a dangerous dam within the meaning of <a href="#">section 153</a> .
Building Owner	Defined in s7 of the Act: Owner, in relation to land and any buildings on the land; (a) means the person who; (i) is entitled to the rack rent from the land; or (ii) would be so entitled if the land were let to a tenant at a rack rent; and (b) includes; (i) the owner of the fee simple of the land; and (ii) for the purposes of <a href="#">sections 32, 44, 92, 96, 97</a> , and <a href="#">176(c)</a> , any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force
Dangerous Building	Defined in s121 of the Act: (1) A building is dangerous for the purposes of this Act if;

Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations:  
Attachment 1

	<p>(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause;</p> <p>(i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</p> <p>(ii) damage to other property; or</p> <p>(b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.</p> <p>(2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority;</p> <p>(a) may seek advice from employees, volunteers, and contractors of Fire and Emergency New Zealand who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and</p> <p>(b) if the advice is sought, must have due regard to the advice.</p>
Heritage Building	<p>Defined in s7 of the Act:</p> <p>heritage building means a building that is included on—</p> <p>(a) the New Zealand Heritage List/Rārangi Kōrero maintained under <a href="#">section 65</a> of the Heritage New Zealand Pouhere Taonga Act 2014;</p> <p>or</p> <p>(b) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under <a href="#">section 81</a> of the Heritage New Zealand Pouhere Taonga Act 2014</p>
Immediate Danger	<p>Defined in s129 of the Act:</p> <p>(1) This section applies if, because of the state of a building,—</p> <p>(a) immediate danger to the safety of people is likely in terms of <a href="#">section 121</a> or <a href="#">123</a>; or</p> <p>(b) immediate action is necessary to fix insanitary conditions.</p>
Insanitary Building	<p>Defined in s123 of the Act:</p> <p>A building is insanitary for the purposes of this Act if the building—</p> <p>(a) is offensive or likely to be injurious to health because—</p> <p>(i) of how it is situated or constructed; or</p> <p>(ii) it is in a state of disrepair; or</p> <p>(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or</p> <p>(c) does not have a supply of potable water that is adequate for its intended use; or</p> <p>(d) does not have sanitary facilities that are adequate for its intended use.</p>
LIM	Land Information Memorandum
NZBC	New Zealand Building Code
PIM	Project Information Memorandum
Property File and Register	A record of legal information the Council is required to maintain in terms of s216 of the Act
Structural Condition	The structural condition of the building at the time the Council carries out an inspection of the building to ascertain its state
The Act	The Building Act 2004

## **Dangerous, Insanitary and Affected Buildings**

### **1.0 Identifying Dangerous Insanitary and Affected Buildings**

The Council will:

- a. Respond and investigate all building complaints about dangerous, insanitary or affected buildings.
- b. Identify from these any buildings that may be dangerous, insanitary or affected.
- c. Notify the Building Owner(s) to take appropriate action.
- d. Consult with the Medical Officer of Health as required. (This is especially the case if occupants are considered neglected or infirm).
- e. Liaise with the Fire and Emergency New Zealand when appropriate in accordance with section 121(2) of the Building Act 2004.

#### **1.1 Assessment Criteria**

Assessment will be made in accordance with sections 121, 121A or 123 of the Building Act 2004 and the New Zealand Building Code (NZBC). Assessment will include consideration of:

- a. Whether the building is occupied
- b. The building use
- c. Whether the building is likely to cause injury or death to people
- d. Whether conditions present a danger to the health of occupants
- e. Potential for damage to other property
- f. Whether a fire hazard exists
- g. Whether the building is affected by a dangerous building or dangerous dam

Where a building is occupied an assessment of insanitary conditions will include a review of:

- a. The adequacy of sanitary facilities for the use (with reference to NZBC G1, Personal Hygiene)
- b. The adequacy of potable water (with reference to NZBC G12 Water Supplies)
- c. The extent of separation of kitchen from other sanitary facilities
- d. Evidence or likelihood of moisture penetration (with reference to NZBC E2 External Moisture)
- e. Defects in cladding to roof
- f. Construction materials
- g. If the building is offensive or likely to be injurious to health because of how it is situated or constructed or whether or not it is in a state of disrepair

#### **1.2 Taking action on Insanitary Buildings**

The Council will:

- a. Notify the Building Owner(s) of the assessment findings,
- b. Attach a notice to the building requiring rectifying work to be carried out within a time stated to be not less than 10 working days,
- c. Give copies of the notice to the Building Owner(s), occupiers and every person who has an interest in the land, and if the building is a heritage building, to Heritage New Zealand,

- d. Contact the owner at the expiry of the time period set down in the notice so that access to the building can be gained to assess compliance with the notice,
- e. Determine if enforcement action should be pursued under the Building Act if the requirements of the notice are not met.

If immediate action is required, the Council may:

- a. Cause action to be taken under section 129 of the Building Act 2004, to fix the insanitary conditions
- b. Take action to recover all costs from the Building Owner(s)
- c. Inform the Building Owner(s) that the amount recoverable by the Council will become a charge on the land on which the building is situated.

All Building Owner(s) have a right of appeal as defined in the Building Act, which can include applying for a Determination from the Ministry of Business Innovation and Employment. That decision can be subject to appeal to the District Court.

### **1.3 Taking action on Dangerous and Affected Buildings**

The assessment of whether or not a building is considered to be a dangerous building will include a review of:

- a. Whether the building is occupied
- b. The building use and occupancy
- c. Whether the building is likely to cause injury or death to people
- d. Whether the building is likely to cause damage to other property
- e. Whether a fire hazard exists
- f. Whether the building is affected by a dangerous building or dangerous dam

The Council will:

- a. Notify the Building Owner(s) of the assessment findings
- b. Attach a notice to the building requiring rectifying work to be carried out within a time stated to be not less than 10 working days
- c. Give copies of the notice to the Building Owner(s), occupiers and every person who has an interest in the land, and if the building is a heritage building, to Heritage New Zealand
- d. Contact the Building Owner(s) at the expiry of the time period set down in the notice so that access to the building can be gained to assess compliance with the notice
- e. Determine if enforcement action should be pursued under the Building Act if the requirements of the notice are not met.

If immediate action is required, the Council may:

- a. Cause action to be taken under section 129 of the Building Act 2004, to fix the dangerous conditions
- b. Take action to recover all costs from the Building Owner(s)
- c. Inform the Building Owner(s) that the amount recoverable by the Council will become a charge on the land on which the building is situated.

All Building Owner(s) have a right of appeal as defined in the Building Act, which can include applying for a Determination from the Ministry of Business Innovation and Employment. That decision can be subject to appeal to the District Court.

#### **1.4 Record-keeping**

Any building identified as dangerous, insanitary or affected will have a note placed on Council's property file until the danger or the insanitary condition(s) have been remedied.

In addition, the following information may be placed on any Land Information Memorandum (LIM) and Property Information Memorandum (PIM):

- a. A copy of any notices issued,
- b. Copies of any letters sent to the owner, occupier and/or any other person where a building is deemed dangerous or insanitary, and
- c. Any report on how the matter is to be rectified.

#### **1.5 Access to Information**

Information held by Council concerning the dangerous, insanitary or affected status of a building will be set out in the relevant LIM. The requirement of the Local Government Official Information and Meetings Act 1987, and Local Government Act 2002 will be met.

#### **1.6 Economic impact of the policy**

The Council receives very few complaints about Dangerous, Insanitary or Affected Buildings. While no specific assessment has been carried out, the economic impact of the policy is considered to be minor.

#### **1.7 Heritage Buildings**

The Council, in the implementation of procedures under the Building Act regarding dangerous, insanitary or affected buildings will take into account any special traditional and cultural aspects of the intended use of a building and the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.

#### **1.8 Priorities**

In performing its functions under the Building Act in relation to dangerous, insanitary or affected buildings, the Council will assign priorities by risk. Generally, because of the life safety issues involved, a high priority is assigned to the matter.

Priority will be given where immediate action is required to remove and fix dangerous conditions.

Where immediate action is not required, Council action will be subject to the timeframe set in any notice.

**Nelson City Council**  
**PO Box 645 Nelson 7040**  
**Phone 03 546 0200**  
**[www.nelson.govt.nz](http://www.nelson.govt.nz)**

## Submission Form

## Nelson City Council's proposed Dangerous, Insanitary and Affected Buildings Policy

**Name:** .....

**Organisation represented: (if applicable).....**

**Address:** .....

**Email:** ..... **Tel:** .....

**Do you wish to speak at the hearing? Yes / No.**

**Hearings are scheduled for February 2020.** *If you do not circle either, we will assume you do not wish to be heard. If you wish to present your submission at the hearing in Te Reo Māori or New Zealand sign language please include this information in your submission.*

**Public Information:** All submissions (including the names and contact details of submitters) are public information and will be available to the public and media in various reports and formats including on the Nelson City Council website. Personal information will also be used for administration relating to the subject matter of submissions. Submitters have the right to access and correct any personal information included in any reports, information or submissions.

[illegible]

*Please attach additional sheets if needed.*

Submissions can be made:

- Online at **nelson.govt.nz**
- By post to **Dangerous, Insanitary and Affected Buildings Policy, PO Box 645, Nelson 7040**
- By dropping off to **Civic House, 110 Trafalgar Street, Nelson**



## DRAFT FOR ADOPTION: REVISION OF POLICY AS CONSULTED ON

### Policy on Dangerous, ~~Insanitary~~ ~~Affected~~ and ~~Insanitary~~ ~~Affected~~ Buildings

The proposed revised policy wording is detailed below for reference.

#### Introduction and Background

Sections 131 and 132A of the Building Act 2004 (the Act) requires territorial authorities to have a policy on ~~d~~Dangerous, ~~affected~~ ~~Insanitary~~ and ~~insanitary~~ ~~Affected~~ Buildings. The policy is required to state:

- The approach that the territorial authority will take in performing its functions under the Building Act 2004; and
- The territorial authority's priorities in performing those functions; and
- How the policy will apply to heritage buildings.

This Policy amends and updates the Nelson City Council's (the Council) Earthquake-prone, Dangerous and Insanitary Buildings Policy previously adopted in 2006. It was amended on 9 November 2017 to remove reference to earthquake prone buildings.

#### Definitions:

Term	Meaning
Affected Building	Defined in s121A of the Act: A building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby; (a) a dangerous building as defined in <a href="#">section 121</a> ; or (b) a dangerous dam within the meaning of <a href="#">section 153</a> .
Building Owner	<del>Owner is d</del> Defined in s7 of the Act: Owner, in relation to land and any buildings on the land; (a) means the person who; (i) is entitled to the rack rent from the land; or (ii) would be so entitled if the land were let to a tenant at a rack rent; and (b) includes; (i) the owner of the fee simple of the land; and (ii) for the purposes of <a href="#">sections 32, 44, 92, 96, 97</a> , and <a href="#">176(c)</a> , any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force
Dangerous Building	Defined in s121 of the Act: (1) A building is dangerous for the purposes of this Act if;

Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations:  
Attachment 2

	<p>(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause;</p> <p>(i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</p> <p>(ii) damage to other property; or</p> <p>(b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.</p> <p>(2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority;</p> <p>(a) may seek advice from employees, volunteers, and contractors of Fire and Emergency New Zealand who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and</p> <p>(b) if the advice is sought, must have due regard to the advice.</p>
Environmental Health Officer	<u>An officer appointed by a local authority under s 28 of the Health Act 1956.</u>
Heritage Building	<p><u>In line with s 7 of the Act, heritage building relevantly means a building that is included on—</u></p> <p><u>Defined in s7 of the Act:</u></p> <p><del>heritage building means a building that is included on—</del></p> <p>(a) the New Zealand Heritage List/Rārangi Kōrero maintained under <a href="#">section 65</a> of the Heritage New Zealand Pouhere Taonga Act 2014; or</p> <p>(b) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under <a href="#">section 81</a> of the Heritage New Zealand Pouhere Taonga Act 2014</p>
Immediate Danger	<p><del>Defined in</del><u>In accordance with</u> s129 of the Act:</p> <p><del>(1) This section applies if,</del><u>If</u> because of the state of a building,—</p> <p>(a) immediate danger to the safety of people is likely in terms of <a href="#">section 121</a> or <a href="#">123</a>; or</p> <p>(b) immediate action is necessary to fix insanitary conditions.</p>
Insanitary Building	<p>Defined in s123 of the Act:</p> <p>A building is insanitary for the purposes of this Act if the building—</p> <p>(a) is offensive or likely to be injurious to health because—</p> <p>(i) of how it is situated or constructed; or</p> <p>(ii) it is in a state of disrepair; or</p> <p>(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or</p> <p>(c) does not have a supply of potable water that is adequate for its intended use; or</p> <p>(d) does not have sanitary facilities that are adequate for its intended use.</p>
LIM	Land Information Memorandum



## Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations: Attachment 2

<u>Medical Officer of Health, Health Protection Officer</u>	<u>Designated officers of the Ministry of Health appointed under the Health Act 1956.</u>
NZBC	New Zealand Building Code
PIM	Project Information Memorandum
Property File and Register	A record of legal information the Council is required to maintain in terms of s216 of the Act
Structural Condition	The structural condition of the building at the time the Council carries out an inspection of the building to ascertain its state
The Act	The Building Act 2004

### **Dangerous, ~~Affected Insanitary~~ and ~~Insanitary Affected~~ Buildings**

#### **1.0 Identifying Dangerous ~~Affected Insanitary~~ and ~~Insanitary Affected~~ Buildings**

The Council will:

- Respond and investigate all building complaints about dangerous, ~~affected insanitary~~ or ~~insanitary affected~~ buildings.
- Identify from these any buildings that may be dangerous, ~~affected insanitary~~ or ~~insanitary affected~~.
- Notify the Building Owner(s) to take appropriate action.
- Consult with ~~an Environmental Health Officer, the~~ Medical Officer of Health ~~or Health Protection Officer~~ as ~~required~~ appropriate. (This is especially the case if occupants are considered neglected or infirm).
- Liaise with the Fire and Emergency New Zealand when appropriate in accordance with section 121(2) of the Building Act 2004.

#### **1.1 Assessment Criteria**

Assessment will be made in accordance with sections 121, 121A or 123 of the Building Act 2004 and the New Zealand Building Code (NZBC). Assessment will include consideration of:

- Whether the building is occupied
- The building use
- Whether the building is likely to cause injury or death to people
- Whether conditions present a danger to the health of occupants
- Potential for damage to other property
- Whether a fire hazard exists
- Whether the building is affected by a dangerous building or dangerous dam

Where a building is occupied an assessment of insanitary conditions will include a review of:

- The adequacy of sanitary facilities for the use (with reference to NZBC G1, Personal Hygiene)
- The adequacy of potable water (with reference to NZBC G12 Water Supplies)

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## Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations: Attachment 2

- c. The extent of separation of kitchen from other sanitary facilities
- d. Evidence or likelihood of moisture penetration (with reference to NZBC E2 External Moisture)
- e. Defects in cladding to roof
- f. Construction materials
- g. If the building is offensive or likely to be injurious to health because of how it is situated or constructed or whether or not it is in a state of disrepair

### 1.2 Taking action on Insanitary Buildings

If action is to be taken under the Building Act 2004, the Council will:

- a. Notify the Building Owner(s) of the assessment findings,
- b. Attach a notice to the building requiring rectifying work to be carried out within a time stated to be not less than 10 working days,
- c. Give copies of the notice to the Building Owner(s), occupiers and every person who has an interest in the land, and if the building is a heritage building, to Heritage New Zealand,
- d. Contact the owner at the expiry of the time period set down in the notice so that access to the building can be gained to assess compliance with the notice,
- e. Determine if enforcement action should be pursued under the Building Act if the requirements of the notice are not met.

If immediate action is required, the Council may:

- a. Cause action to be taken under section 129 of the Building Act 2004, to fix the insanitary conditions
- b. Take action to recover all costs from the Building Owner(s)
- c. Inform the Building Owner(s) that the amount recoverable by the Council will become a charge on the land on which the building is situated.

All Building Owner(s) have a right of appeal as defined in the Building Act, which can include applying for a Determination from the Ministry of Business Innovation and Employment. That decision can be subject to appeal to the District Court.

### 1.3 Taking action on Dangerous and Affected Buildings

The assessment of whether or not a building is considered to be a dangerous building will include a review of:

- a. Whether the building is occupied
- b. The building use and occupancy
- c. Whether the building is likely to cause injury or death to people
- d. Whether the building is likely to cause damage to other property
- e. Whether a fire hazard exists
- f. Whether the building is affected by a dangerous building or dangerous dam

The Council will:

- a. Notify the Building Owner(s) of the assessment findings
- b. Attach a notice to the building requiring rectifying work to be carried out within a time stated to be not less than 10 working days

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## Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations: Attachment 2

- c. Give copies of the notice to the Building Owner(s), occupiers and every person who has an interest in the land, and if the building is a heritage building, to Heritage New Zealand
- d. Contact the Building Owner(s) at the expiry of the time period set down in the notice so that access to the building can be gained to assess compliance with the notice
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All Building Owner(s) have a right of appeal as defined in the Building Act, which can include applying for a Determination from the Ministry of Business Innovation and Employment. That decision can be subject to appeal to the District Court.

### 1.4 Record-keeping

Any building identified as dangerous, ~~affected insanitary~~ or ~~insanitary affected~~ will have a note placed on Council's property file until the danger or the insanitary condition(s) have been remedied.

In addition, the following information may be placed on any Land Information Memorandum (LIM) and Property Information Memorandum (PIM):

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- b. Copies of any letters sent to the owner, occupier and/or any other person where a building is deemed dangerous or insanitary, and
- c. Any report on how the matter is to be rectified.

### 1.5 Access to Information

Information held by Council concerning the dangerous, ~~affected insanitary~~ or ~~insanitary affected~~ status of a building will be set out in the relevant LIM. The requirement of the Local Government Official Information and Meetings Act 1987, and Local Government Act 2002 will be met.

### 1.6 Economic impact of the policy

The Council receives very few complaints about ~~d~~Dangerous, ~~Insanitary-affected~~ or ~~insanitary b~~Affected Buildings. While no specific assessment has been carried out, the economic impact of the policy is considered to be minor.

### 1.7 Heritage Buildings

The Council, in the implementation of procedures under the Building Act regarding dangerous, ~~affected insanitary~~ or ~~insanitary affected~~ buildings will take into account any special traditional and cultural aspects of the intended use of a building and the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.

[A2313611](#)

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### 1.8 Priorities

| In performing its functions under the Building Act in relation to dangerous, ~~affected insanitary~~ or ~~insanitary affected~~ buildings, the Council will assign priorities by risk. Generally, because of the life safety issues involved, a high priority is assigned to the matter.

Priority will be given where immediate action is required to remove and fix dangerous conditions.

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**Nelson City Council**  
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**[www.nelson.govt.nz](http://www.nelson.govt.nz)**

Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations:  
Attachment 3

## Submission Summary

Proposed Dangerous, Insanitary and Affected Building Policy - Submission #21124

**Ms Jane Murray**  
Nelson Marlborough Health

Nelson 7040

Speaker? False

Department	Subject	Opinion	Summary
NCC - Environmental Management	Do you agree with the Policy Change? And why?	Yes, I agree with the proposed Policy changes	Please see attached.

A2295646

Printed: 06/11/2019 10:17

Item 8: Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations:  
Attachment 3

21124-1L

**From:** Submissions  
**Sent:** Tuesday, 5 November 2019 1:42 p.m.  
**To:** Administration  
**Subject:** FW: Submission - Proposed Dangerous, Insanitary and Affected Buildings Policy (late submission)  
**Attachments:** NCCDangerousInsanitaryAffectedBuildings.pdf  
**Categories:** [REDACTED]

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**From:** Jane Murray  
**Sent:** Tuesday, November 5, 2019 12:41:35 AM (UTC+00:00) Monrovia, Reykjavik  
**To:** Submissions  
**Subject:** Submission - Proposed Dangerous, Insanitary and Affected Buildings Policy (late submission)

Hi, please find attached a copy of our submission on the Proposed Dangerous, Insanitary and Affected Buildings Policy. I apologise for the lateness of my submission.

Kind regards

Jane

**Jane Murray**  
Health In All Policies Advisor / Public Health Service / Nelson Marlborough District Health Board

*We value : Respect - Integrity - Teamwork - Innovation*

*My hours of work are Monday - Thursday 8.45 - 2.45*

21124-1L



# **Nelson City Council**

## **Proposed Dangerous, Insanitary and Affected Buildings Policy**

**4 November 2019**

For more information please contact:

Jane Murray

NMH Public Health Service

Email: [REDACTED]

Phone: [REDACTED]

A2295646

21124-1L

**Submitter details**

1. Nelson Marlborough Health (Nelson Marlborough District Health Board) (NMH) is a key organisation involved in the health and wellbeing of the people within Te Tau Ihu. NMH appreciates the opportunity to comment from a public health perspective on the Nelson City Council's Proposed Dangerous, Insanitary and Affected Buildings Policy.
2. NMH makes this submission in recognition of its responsibilities to improve, promote and protect the health of people and communities under the New Zealand Public Health and Disability Act 2000 and the Health Act 1956.
3. This submission sets out particular matters of interest and concern to NMH.

**Specific Comments**

4. NMH supports the introduction of the Policy and agrees with the Policy Principles and the overall approach of the Policy.
5. In regards to regulating insanitary buildings, the Building Act 2004 is the primary legislation. However, the Health Act 1956 Section 23(c) imposes general powers and duties on local authorities in respect of nuisance conditions set out in Section 29 of the Act. Although the nuisance section does not specifically address insanitary buildings, it does define overcrowding which may also be associated with insanitary conditions. Section 42 of the Act specifies insanitary conditions likely to cause injury to the health of persons, or a dwelling that is otherwise unfit for human habitation. As the Health Act 1956 remains a statutory option to control overcrowding and insanitary conditions, the Council should consider acknowledging this within the Policy.
6. Page 7 notes that the Council consults with Medical Officer of Health as required. This wording should be changed to read "*a Medical Officer of Health or Health Protection Officer*". Both of whom are designated officers of the Ministry of Health.

**Conclusion**

7. NMH thanks the Nelson City Council for the opportunity to comment on the Proposed Dangerous, Insanitary and Affected Buildings Policy.
8. NMH **does not wish to be heard** in support of its submission.

Yours sincerely



Peter Bramley  
**Chief Executive**



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## **Warmer Healthier Homes - Annual Report**

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### **1. Purpose of Report**

- 1.1 To receive the Warmer Healthier Homes Annual report 1 July 2018 to 30 June 2019.

### **2. Recommendation**

***That the Environment Committee***

- 1. Receives the report Warmer Healthier Homes - Annual Report (R13736) and its attachment (A2322552).***

### **2. Background**

- 2.1 Nelson City Council joined the Warmer Healthier Homes scheme (WHH) as a funder in 2014. Council included a budget line in the Long Term Plan to support the WHH project. A funding contribution of \$100,000 was granted for the 2018/2019 year. One of the grant conditions was that the recipient provides accountability reports to Council on a six monthly basis. The Annual Report for 1 July 2018 to 30 June 2019 (Stage 5) has been provided and is attached (Attachment 1).
- 2.2 The WHH project key objective is to benefit Nelson, Tasman and Marlborough communities by assisting people on low incomes to make their homes warmer, drier and healthier. The WHH scheme partners into the Government's Warmer Kiwi Homes programme where Government grants cover two-thirds of the cost of insulating homes and the WHH scheme contributes towards the remainder of the cost.
- 2.3 WHH funding partners for the 2018/2019 year were:
- Nelson City Council (NCC)
  - Rata Foundation – Nelson/Tasman and Marlborough Trustees
  - Marlborough District Council
  - Nelson Marlborough District Health Board (NMDHB)

## Item 9: Warmer Healthier Homes - Annual Report

- Port Nelson
- Network Tasman Charitable Trust
- Mainland Foundation
- Energy Efficiency and Conservation Authority (EECA)

2.4 The total cost to insulate 368 homes in Stage 5 (2018/2019) across the Top of the South was \$955,326 exclusive of GST. Of this total cost, EECA provided funding of \$610,388, WHH \$209,655 and home owners \$136,035. Nelson City Council funding is ring-fenced and applied only to homes in Nelson, the same applies to Marlborough District Council funding. Nelson Marlborough District Health Board (NMDHB) funding is applied across all three Council areas in the top of the South.

2.5 Based on the 167 Nelson homes insulated in Stage 5, the properties were funded as follows (GST exclusive):

- WHH Funding     \$88,374
- EECA Funding    \$253,133
- Home Owner      \$38,443
- **Total Spend    \$379,950**

2.6 Therefore the leverage on investment for NCC, NMDHB & Rata funds applied in Nelson City is 430%.

2.7 The average cost to insulate a Nelson home was \$2,275 between 1 July 2018 and 30 June 2019.

2.8 As at 30 June 2019, 1,572 properties have been insulated across the Top of the South since the project's inception (Stages 1 to 5).

2.9 The Chair of the Warmer Healthier Homes Steering Committee, Leeson Baldey, will be available at the meeting to speak to the WHH Annual Report.

### 3. Conclusion

3.1 The Warmer Healthier Homes Annual report 1 July 2018 to 30 June 2019 fulfils the reporting and accountability requirements set out in the grant agreement.

**Author:**            **Richard Popenhagen, Environmental Programmes Officer**

### Attachments

Attachment 1: A2322552 -Warmer Healthier Homes Annual Report - 1 July 2018 to 30 June 2019 [↓](#)

# Warmer Healthier Homes

## Annual Report

1 July 2018 to 30 June 2019



This project is to support the residents in the Nelson, Tasman and Marlborough regions to have improved living environments by assisting homeowners and community members most in need to improve insulation measures, heating & overall efficiency by retrofitting into existing homes.

Leeson Baldey

Chair and Warmer Healthier Homes – Steering Committee

C/- Nelson Tasman Housing Trust, PO Box 140, Nelson 7040 (Administrator)

Warmer Healthier Homes – Annual Report Year Ending 30 June 2019

A2322552

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## Performance 1 July 2018 – 30 June 2019

On 1 July 2018 EECA commenced the roll out of its new [Warmer Kiwi Homes Programme](#) that focuses on home owners that meet the required criteria. The following report discusses what Warmer Healthier Homes has delivered over the ensuing twelve month period.

This continuing success of Warmer Healthier Homes could not have been achieved without the support of EECA and our third-party funders, so thank you for your generous contributions, you are making a difference.

Warmer Healthier Homes continues to deliver on its goals of supporting families in our region. Over the last twelve months the program has supported a further 368 properties with improved insulation with the total number of families' now supported/insulated sitting at 1,572 since inspection back in February 2014. This number is in excess of our year end goal of 1,500 homes.

## Stage 5 Project Statistics – 1 July 2018 to 30 June 2019



**1,572 Properties Completed Since Project Inception**

Stage 5 – Insulation Jobs	Total
Nelson	167
Tasman	102
Marlborough	99
<b>Total Homes Insulated</b>	<b>368</b>

There remains a genuine need in the community to insulate properties with EECA data noting 3,307 eligible properties in Te Tau Ihu (as at 22 Nov 18), not including those in our region with Community Services Cards nor referrals identified via our Health Partners. This is a significant need.

Many people simply cannot afford the cost of insulation and as a result their health suffers. Given this, the Warmer Healthier Homes Committee has made the decision to fund the remaining 33% of insulation cost that is not covered by EECA's 67% subsidy, removing the cost barrier that has prevented many of our potential recipients from progressing with insulation. This better aligns Te Tau Ihu with other EECA-funded areas where 80% of all homes insulated in New Zealand are 100% funded.

WHH also prioritises many people with respiratory conditions and other chronic conditions and families with children under 5. The WHH Steering committee pulls together a skilled network of individuals including NMDHB professionals to reach these people. Studies have demonstrated that houses that are insulated are drier and warmer, which results in less illness, fewer visits to the doctor and reduced hospital admissions. Improved living environments support families and in particular children's health, with the incidental benefits of improving the overall standard of Te Tau Ihu ratepayer properties and supporting a more productive community.

The total cost to insulate the 368 homes in Stage 5 was \$955,326 exclusive of GST. Of this total cost EECA providing funding of \$610,388, Warmer Healthier Homes \$209,665 and the home owner \$136,035.

To our funding partners this represents a 457% return on investment.

## Funding Summary Stage 5 - 1 July 2018 to 30 June 2019

Opening Funding:	Rata	NCC	MDC	NMDHB	Total
Nelson	13,870	113,358	-	49,625	176,853
Tasman	11,176	-	-	56,845	68,021
Marlborough	7,590	-	128,768	750	137,108
<b>Total</b>					<b>381,982</b>

Funding Spend:	Opening Funds	Total Spend	# Homes	Average Spend	Remaining
Nelson	176,853	<b>88,374</b>	167	529	88,479
Tasman	68,021	<b>60,981</b>	102	598	7,040
Marlborough	137,108	<b>60,310</b>	99	609	76,798
<b>Total</b>	<b>381,982</b>	<b>209,665</b>			<b>172,317</b>

Funds Remaining by Funder:	Rata	NCC	MDC	NMDHB	Total
Nelson	-	63,478	-	25,000	88,478
Tasman	-	-	-	7,040	7,040
Marlborough	-	-	76,799	-	76,799
<b>Total</b>					<b>172,317</b>

- NCC have committed to a further \$100,000 for FY 2020 and 2021 (not included in number above)
- MDC have committed to a further \$50,000 for FY 2020 over (not included in numbers above and subject to negotiation of current carry over funds of \$26,799)
- NMDHB have indicated support for a further \$50,000 for FY 2020 (not included in numbers above)

Key initiatives undertaken towards the end of the end of Stage 5 and for implementation include:

- DHB working with NCC to identify families with high hospital admissions who are initially also home owners for targeted marketing via our Health partners to protect privacy.
- MDC working with the Steering Committee to proactively target eligible home owners in Decile 8-10 areas with direct marketing via rates notification and email data bases.

## Warmer Healthier Homes as a Charitable Trust

During the last six months the Steering Committee has progressed with the establishment of a separate Charitable Trust for Warmer Healthier Homes, to be known as Warmer Healthier Homes Te Tau Ihu Charitable Trust. Mainland Foundation has kindly provided funding via NTHT to support us through this process.

To date the Warmer Healthier Homes programme has been operating on the foundations of a Memorandum of Understanding which required the Nelson Tasman Housing Trust to manage the finances and apply for funding on behalf of WHH. Historically this has worked well, although with policy changes this has become more challenging for NTHT to accommodate as below:

- Many third party funders now only accept one funding application per year from an entity. So, if NTHT applies on behalf of WHH, this hinders NTHT's capacity to apply for their own purposes.
- Accounting standards for charities have changed, which have made it increasingly complex to account for WHH under the umbrella of NTHT, with WHH distorting the annual financial statements of NTHT.

The WHH Steering Committee resolved late 2018 to form a separate Charitable Trust. This Trust, with the consent of the current Steering Committee, will consist of four Trustees: Leeson Baldey (ASB Commercial Manager, current WHH Chair & Institute of Directors Committee Board), Carrie Mozena (NTHT Director and WHH Steering Committee Member), Margaret Gibbs (General Manager Manuka Street Hospital Limited) and Dr. Jean Simpson (health researcher, recently retired) providing a broad skill set across Health, Community Housing, Finance and Governance. The Trustee roles are unpaid roles.

The effect on Warmer Healthier Homes:

- Operations – there will be very little change to the operation of WHH. The WHH Steering Committee will continue to meet each month and the same process will be followed supporting the engagement of our key stakeholders.
- Reporting – there will be no change to six monthly and annual reporting to our partners and stakeholders. There will be separate annual financial reports, and these will need to be independently reviewed. NTHT will continue to be contracted to provide administration services.
- Funding and Programme development – the key responsibilities of the Trustees will be governance and financial management of the Trust funds with key focuses around exploring new partner opportunities from both a funding and collaborative basis. The Trustees will provide skilled oversight of WHH to guide the programme forward.

Any future grant applications will be from Warmer Healthier Homes Te Tau Ihu Charitable Trust.

At the time of writing, WHH are awaiting confirmation from funding partners of the Trust Deed and transfer of funds to the new Charitable Trust once registered.

### Energy Efficiency and Conservation Authority (EECA)

30 June 2018 marked the end of the EECA Warmer Healthier Homes scheme whereby they paid 25% of the insulation cost for both rentals and owner-occupied properties. The new scheme, 'Warmer Kiwi Homes,' commencing 1 July 2018 targets only owner-occupied properties, providing up to 67% of the insulating cost for those on low incomes, defined as people who:

- have a Community Services Card, or
- live in an NZ deprivation index decile 8, 9 or 10 area, or
- have a Gold Card with a CSC endorsement, and
- live in a home built prior to 2008

Warmer Healthier Homes target for Stage 6 (year ending 30 June 2020) is to insulate 340 homes across Te Tau Ihu.

Leverage

To get some context of how far the third-party funders' money will go, the funding of insulation under the new programme will be:

- EECA 67%
- WHH 33%
- Homeowner 0 %\*

\* Home owners in Tasman are required to pay the full 33% not funded by EECA due to restrictions on funding in the Tasman region.

Based on \$25,000 of funders' money, this would provide circa \$75,800 of value to over 21 owner occupied properties for those in need. Contractor Absolute Energy Limited project the average estimated cost of insulation under the new programme to be \$3,500 ex GST per property. Therefore Warmer Healthier Home's contribution per home equates to \$1,155 which extrapolated out with EECA and Homeowner funding represents \$75,800 of improvements. A 303% return on investment, lesser that Stage 5 due to the home owner no longer being required to contribute towards the cost in Nelson & Marlborough.

Warmer Healthier Homes continue to have discretion to fully fund the non-EECA contribution for families in highest need and those with health-related conditions. Warmer Healthier Homes have a formal referral process with our Partners in the Health Sector and a sub-committee to achieve funding approval in these cases.

## Funding Needs Going Forward

The Tasman District remains a challenge with WHH being granted no TDC funds to support this region and WHH only holding DHB funds for qualifying families under our health criteria. In 2019 the TDC Annual Plan was not open for consultation which prevented WHH seeking funds through this process. WHH have sought a grant via the TDC Community Grant Scheme for the maximum allowable \$5,000 and at the time of writing we are awaiting an outcome. The Committee acknowledge the positive interactions and support we have had from TDC staff and councillors when presenting to council. We look forward to the Annual Plan opening in 2020.

Port Nelson and Network Tasman Charitable Trust are open to accept funding applications from July 2019 and at this time we intend to hold off any application until the new Charitable Trust is established. The Charitable Trust intends to seek the support of Rata for a Tasman pilot project once established.

With all Council funding applied in line with current EECA programme criteria we are reliant on the DHB, and corporate partner funding (Network Tasman & Port Nelson) to enable WHH to support families and children with health related issues in need. Anecdotally these are often the families in the most need. WHH continue to deliver in this space via referrals from our Health Partners and Committee members.

Remaining Funds			
Nelson			\$88,479
Tasman			\$7,040
Marlborough			\$76,798
<b>Total</b>			<b>\$172,316</b>



## Our Thanks.

On behalf to the Steering Committee and intended Trustees of the Charitable Trust I would again like to thank our MoU partners and funding partners for their support of the WHH project. Without your support we would not be able to have a positive impact on the +300 families in our community every year.

All of us involved in the project are committed to helping families in our communities by providing a warmer home environment to support better outcomes for the household, health wise, socially and economically.

There is so much more work to do.



**Leeson Baldey**

On behalf of the Warmer Healthier Homes Steering Committee.

## Appendices

## Warmer Healthier Homes – Nelson/Tasman & Marlborough

### Background

Preparation for this project began in July 2013 following the release of the Government's policy intent on warm homes initiatives. The Nelson Trustees for the Rata Foundation (previously The Canterbury Community Trust) considered the Nelson/Tasman region would benefit from a project utilising the Government funding agency Energy Efficiency and Conservation Authority (EECA). Nelson has a history of retrofits on existing older housing stock over the last ten years.


The Rata Foundation (Rata) wished to use some of the Special Fund that the Trust had allocated to the region in response to the Christchurch earthquake and natural disaster events, to help local people with their housing needs. In particular there was a desire to help as many households as possible in the region and it was felt that a Warmer Healthier Homes programme to retrofit the many cold, damp houses in the region would be a good use of these funds.

Accordingly, a meeting was held between the local Rata Trustees Bill Dahlberg, Max Spence and the Nelson Marlborough District Health Board CEO Chris Fleming in July 2013 to discuss a possible project. The NMDHB had previously joint funded a successful EECA funded programme to retrofit 500 homes in partnership with the Nelson Tasman Housing Trust in 2006-2009. The NMDHB agreed to provide in-kind support for this new programme, should funding from TCCT and EECA eventuate.

Further meetings took place in August and September between Rata and the Nelson Tasman Housing Trust (NTHT) to scope the project and discuss how it would be managed. NTHT approached Paul Brockie in September to discuss the possibility of Absolute Energy's involvement in the project. Absolute Energy Ltd being a current partner with EECA since 2009 for the Nelson/ Tasman/ Marlborough regions was an ideal business to enter into discussions with being a market leader in this field.

Meetings also took place between NTHT and the NMDHB to discuss identifying households with high health needs who could benefit from the proposed retrofit programme. Representatives from the Nelson Bays Primary Health Organisation also took part in these discussions. A target of 200 possible households in two years was agreed on the basis that the budget would support about 100 retrofits per year. NMDHB and NBPH went on to develop a methodology for community engagement strategy.

A steering group was formed in September 2013 of senior representatives of the main partners and has met monthly since September 2014. To maximise resources the steering committee is working in conjunction with the Warm Up New Zealand: Healthy Homes programme. The project was underway by February 2014 and in August that year the steering group was delighted that the first retrofit of a Nelson/Tasman home on stage one with a targeted 100 plus was underway. The following home insulations have been achieved over Stages 1 –4:

 **1,204 Properties Completed Stage 1 – 4 Inclusive**

Stage 4 - Completed Jobs	Owner-Occupied	Rental	Total
Nelson	53	222	275
Tasman	8	10	18
Marlborough	16	89	105
<b>Total Homes Completed</b>	<b>77</b>	<b>321</b>	<b>398</b>

Stage 3 - Completed Jobs	Owner-Occupied	Rental	Total
Nelson	9	159	168
Tasman	4	66	70
Marlborough	15	70	85
<b>Total Homes Completed</b>	<b>28</b>	<b>295</b>	<b>323</b>

*Please note, EECA discontinued funding for owner occupied home from July 16 to March 17 resulting in a lower number of owner occupied homes in Stage 3.*

Stage 2 - Completed Jobs	Owner-Occupied	Rental	Total
Nelson	84	68	152
Tasman	53	32	85
Marlborough	69	23	92
<b>Total Homes Completed</b>	<b>206</b>	<b>123</b>	<b>329</b>

Stage 1 - Completed Jobs	Owner-Occupied	Rental	Total
Nelson	60	51	111
Tasman	30	13	43
<b>Total Homes Completed</b>	<b>90</b>	<b>64</b>	<b>154</b>

WHH remain focused on reducing hospital admissions through improved quality of living standard, supporting families and in particular children with quality of life with the incidental benefits of improving the overall standard of Te Tau Ihu ratepayer properties and supporting a more productive community.

Current Steering Committee members are:

**Chair: Leeson Baldey** (independent)

**Nelson Marlborough District Health Board:** Peter Burton (Service Director)

**Nelson Tasman Housing Trust:** Carrie Mozena (Director); Jason Templer (Finance Manager)

**Contractor - Absolute Energy:** Paul Brockie (Managing Director); Tanya McDonald (Admin Manager)

**NMDHB Public Health Service:** Hilary Genet

**Nelson City Council:** Richard Popenhagen (Environmental Programme Adviser)

**Marlborough District Council (MDC):** Dean Heiford (Manager Economic, Community & Support Services)

## WHH - NT&M Steering Group - Summary of Relationships

### 1. WHH – NT&M Steering Committee members

- Leeson Baldey, Independent (Chair)
- Nelson Marlborough District Health Board (“NMDHB”)
- Nelson City Council (NCC) – NCC representative
- Nelson Tasman Housing Trust (project Manager)
- Absolute Energy (the Contractor)
- NMDHB Public Health Service (PHS) – PHS representative

### 2. Funding Partnerships

- Rata Foundation – Nelson/Tasman and Marlborough Trustees
- Nelson City Council
- Marlborough District Council
- Nelson Marlborough District Health Board
- Port Nelson
- Network Tasman Charitable Trust
- Mainland Foundation
- EECA - Energy Efficiency and Conservation Authority

### 3. WHH – External Referral Panel

- Age Concern Nelson Tasman Inc.
- Sexual Abuse Support and Healing Nelson/Tasman
- Nelson Women’s Centre

### 4. Groups/entities engaged in ongoing discussion

- EECA – Energy Efficiency and Conservation Authority
- NMDHB - CEO
- Rata Foundation (previously TCCT) – Chief Executive/Donations Manager
- NCC – Mayor and Council Management
- Marlborough District Council - Mayor and Council Management
- NCC/TDC Kaumatua – Andy Joseph
- NMDHB – Whare Ora – Ditre Tamatea

### 5. Present discussion groups

- Tasman District Council (“TDC”) – Mayor and Council Management
- Local political representatives

### 6. Future intentions

- The steering committee (with the support of EECA) will highlight the positive outcomes and achievements of the WHH project.
- Continued work with support and funding partners to demonstrate the benefits and leverage we can provide.

## WHH - Governance and Risk

The WHH NT&M Steering Group has documents and procedures in place to ensure that the project is well governed, and project risk is minimised. The most important documents/procedures are as follows:

- Annual audited accounts from NTHT provided to the steering committee
- Six Monthly reporting to project partners on project outcomes and development
- Quality and Audit procedures in place between Absolute Energy and EECA
- Health and Safety – regular documented H&S meetings in place between NTHT (project administrator) and Absolute Energy (project contractor)
- Monthly Steering Committee meetings, including reporting on financial performance, auditing and accountability, administered by NTHT (project administrator)
- Regular project management meetings between referral agencies, NTHT, and Absolute Energy
- MoU in place between members of the Steering Group
- MoU in place between members of the external referral Panel

## WHH - NT&M Steering Group - referral pathways summary

The Warmer Healthier Homes Steering Group is utilising two pathways for referrals into the scheme. The first referral pathway is through the health sector. The second pathway is outside of the health sector. We have called the second pathway 'regular sector' referrals. The following is an overview of the two referral pathways.

### 1. Health Sector Referrals

The key features of this Warmer Healthier Homes – Nelson/Tasman & Marlborough working with the Healthy Homes Initiative:

- Prioritised for families with children five and under or a family member with respiratory related conditions and other chronic conditions identified via Nelson & Marlborough Hospitals and Primary Care health professionals.
- Project scope currently limited to households in the Nelson/Tasman or Marlborough regions.

The justification for this prioritised approach is as follows:

- The association between housing related health conditions, low income and poor housing conditions is well documented.
- Evidence indicates that interventions such as ceiling and underfloor insulation which improves the warmth of the home can lead to health improvements, especially when these interventions are targeted to those with inadequate warmth and respiratory related conditions.

We know that people with the highest health needs:

- Are unlikely to be the quickest, if ever, to pick up the phone to self-refer for such a project.
- They are also likely to be sleep deprived.
- May have experienced reductions to income.
- May be crowding into rooms because they cannot use their bedroom due to mould and damp.
- Include children likely to be missing days off school and parents off work due to ill health and are likely to struggle to afford to keep their home warm.

To ensure that those with the highest health needs do not miss out, we have opted to run this project as an invite only, rather than a self-referral programme.

## 2. Regular Sector Referrals

The key features of this Warmer Healthier Homes - Nelson/Tasman & Marlborough working with the EECA Warmer Kiwi Homes Initiative:

- Supporting those eligible under the EECA Warmer Kiwi Homes criteria
- Prioritised for people identified in conjunction with the Steering Committee's Advisor Referral Panel.
- Project scope currently limited to households in the Nelson/Tasman or Marlborough regions.

The justification for this prioritised approach is as follows:

- The association between housing related health conditions, low income and poor housing conditions is well documented.
- Evidence indicates that interventions such as retrofitting ceiling and underfloor insulation which improves the warmth of the home can lead to health improvements, especially when these interventions are targeted to those with inadequate warmth and respiratory related conditions.
- The WHH NT&M Steering Committee, Advisory Panel have invited groups from within the community that are involved in the housing, health and service sector. These groups are well positioned to identify and refer clients who would benefit most from this programme.

## WHH – Key changes and milestones

Sept 2016: Referrals opened for rental properties where tenants hold a Community Services Card. Referrals were prioritised for rentals which include under-5s, over-65s, or tenants with health needs. Job costs are funded by: WHH Committee (25% of cost), EECA (25% of cost), Landlords (50% of Cost).

EECA discontinued co-funding for homeowners in July 2016 which increased the cost-per home against available funding. Feedback from the NMDHB Public Health Service indicates that there is considerable need for assistance with owner-occupied homes (and rentals). In stage 3 the steering committee has needed to allocate a larger proportion of funding (approx. 60%) towards homeowners and has formed new funding partnerships as detailed below. The Government made changes to EECA allocation March 2017, so homeowners could receive assistance. The WHH steering committee again adjusted our funding allocations accordingly.

Feb 2017: Referrals reopened for owner-occupied homes where occupants hold a Community Services Card. Homes need to include under-5s, over-65s, and/or people with housing-related health needs. Job costs are funded by: WHH Committee (generally 80% of cost), Homeowners (up to 20% of cost). The majority of referrals will originate from primary health organisations and health NGOs.

New Funding Partnerships Developed: New partnerships have been developed with Port Nelson (\$10K targeting under-5s), Network Tasman Charitable Trust (\$20K targeting under-5s), and Mainland Foundation (\$10K for administration costs).

Mar 2018: Achieved milestone of insulation of 1,000 homes for those in need.

Apr 2018: Bill Dahlberg retired as Chair & Leeson Baldey joined the Steering Committee as Chair.

May 2018: EECA announced Warmer Kiwi Homes scheme, \$142m Government investment to make Kiwi homes healthier. This replaces the existing Healthy Homes scheme and is effective from 1 July 2018. No landlords are

eligible; applicants must have a community services card or live in an NZ deprivation index decile 8, 9 & 10 or families referred through the Ministry of Health's Healthy Home Initiative.

June 2019: Achieved milestone of insulation of 1,500 homes for those in need.



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## **Resource Management Act and Housing Accord and Special Areas Act charges**

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### **1. Purpose of Report**

- 1.1 To seek approval of the statement of proposal for the proposed charges for resource consent activities (including processing, monitoring and administration), Resource Management Act 1991 (RMA) planning documents and applications under the Housing Accord and Special Housing Areas Act 2013 (HASHAA) for public consultation, using the Special Consultative Procedure (section 83 of the Local Government Act 2002). The draft Statement of Proposal is attached to this report (Attachment 1, A2334791).

### **2. Summary**

- 2.1 Current charges under the RMA and HASHAA have been reviewed and changes proposed, where required to better reflect staff time to process applications, to ensure reasonable cost recovery goals are met and to meet increased national monitoring requirements. The criteria set out in section 36AA of the RMA and section 77 of HASHAA need to be considered and are assessed below. The current fees and charges came into effect on 21 March 2018.

### **3. Recommendations**

#### ***That the Environment Committee***

- 1. Receives the report Resource Management Act and Housing Accord and Special Areas Act charges (R13744) and its attachment (A2334791); and***
- 2. Agrees a summary of information contained in the Statement of Proposal is not necessary to enable public understanding of the proposal; and***
- 3. Agrees the preferred option is to increase charges to recover 48% of Council costs for the services; and***

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- 4. Adopts the Statement of Proposal for the proposed Resource Consent charges, planning document charges, monitoring charges and Housing Accord and Special Housing Areas Act charges as contained in Statement of Proposal in Attachment 1 of Report R13744 (A2334791); and**
- 5. Approves the consultation approach (set out in section 5 of this report) and agrees:**
  - a) the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and**
  - b) the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.**
- 6. Approves commencement of the Special Consultation Procedure, with the consultation period to run from 17 March to 17 April 2020.**

#### **4. Background**

- 4.1 Current charges under the RMA and HASHAA have been in place since 21 March 2018. This report considers proposed changes to charges for the following:
  - Resource Consents: processing, monitoring and administration; and
  - HASHAA: resource consents for qualifying developments in special housing areas.
- 4.2 Section 36AAA of the RMA requires that the sole purpose for charges is to recover the reasonable costs incurred in respect of the activity to which the charge relates, with those gaining the benefit from the regulatory service paying a reasonable cost for that service.
- 4.3 Section 77 of HASHAA provides that an authorised agency, having regard to the criteria set out in section 36(4) of the RMA is able to fix various charges under HASHAA and that section 36(3) to (5) and (7) of the RMA applies to charges fixed under the section. Section 6(2) of HASHAA provides that every reference to the RMA in HASHAA is to be read as a

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reference to the RMA as in force on 4 September 2013. Section 36(4) of the RMA as in force on 4 September 2013 provides:

*(4) When fixing charges referred to in this section, a local authority shall have regard to the following criteria:*

*(a) the sole purpose of a charge is to recover the reasonable costs incurred by the local authority in respect of the activity to which the charge relates:*

*(b) a particular person or persons should only be required to pay a charge—*

*(i) to the extent that the benefit of the local authority's actions to which the charge relates is obtained by those persons as distinct from the community of the local authority as a whole; or*

*(ii) where the need for the local authority's actions to which the charge relates is occasioned by the actions of those persons; or*

*(iii) in a case where the charge is in respect of the local authority's monitoring functions under section 35(2)(a) (which relates to monitoring the state of the whole or part of the environment), to the extent that the monitoring relates to the likely effects on the environment of those persons' activities, or to the extent that the likely benefit to those persons of the monitoring exceeds the likely benefit of the monitoring to the community of the local authority as a whole,—*

*and the local authority may fix different charges for different costs it incurs in the performance of its various functions, powers, and duties under this Act—*

*(c) in relation to different areas or different classes of applicant, consent holder, requiring authority, or heritage protection authority; or*

*(d) where any activity undertaken by the persons liable to pay any charge reduces the cost to the local authority of carrying out any of its functions, powers, and duties.*

4.4 For the 2017/18 financial year resource consent charges recovered 52% of the Council's costs relating to them. Last financial year it was 50% and this year it is tracking at 45% of costs being recovered. The current Revenue and Financial Policy in the Long Term Plan is to recover 40-60% of total costs.

4.5 The main factors influencing the level of income received from charges are the staff hourly charge out rate and the number and complexity of resource consent applications. Consent numbers decreased from 417 in 2017/18 to 348 in 2018/19 but income from fees and charges increased by 11% as the consents were generally more complex and took more time to process. Consent numbers are 197 for the first half of the

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financial year with income from fees and charges tracking 7% lower than last year.

- 4.6 The main factors influencing the costs of providing these services are staff levels, organisation support costs, the level of external expertise required and national monitoring and reporting requirements that increase the level of service to be provided. Since the last review of charges, increased monitoring requirements for National Environmental Standards has resulted in the increase of staffing for resource consent monitoring by one FTE. More staff time is required to report on the level of consent processing and monitoring activities. The level of external expertise needed has increased due to application complexity and/or staff vacancies.

### **5. Consultation**

- 5.1 Section 36(3) of the RMA provides that charges may be fixed under section 36 only in the manner set out in s 150 of the LGA, using the special consultative procedure set out in section 83 of the LGA, and in accordance with s 36AAA.
- 5.2 Under section 78 of the Local Government Act 2002, a local authority must, in the course of its decision-making process give consideration to the views and preferences of persons likely to be affected by, or have an interest in, the matter. In undertaking a SCP the Local Government Act 2002 requires the territorial authority to make the statement of proposal publicly available, along with a description of how persons interested in the proposal will be provided with an opportunity to present their views and the period during which those views may be provided to the Council.
- 5.3 Under section 87(3) of the Local Government Act 2002 a Statement of Proposal must include:
- a) the proposed changes;
  - b) the reasons for the changes;
  - c) what alternatives to the changes are reasonably available; and
  - d) any other information that the local authority identifies as relevant.
- 5.4 Section 83 of the Local Government Act 2002 requires Council to consider whether a summary of the Statement of Proposal "is necessary to enable public understanding of the proposal." The proposed Statement of Proposal is not unduly complicated and therefore, a summary is not considered necessary to assist with the public understanding of it.
- 5.5 The public consultation process provides an opportunity for the public and other stakeholders to engage in the process and a structured way in which Council can respond to any concerns that may be raised. The proposed timeframe is outlined below:

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Proposed Consultation Process and Timeline	
Council approves the release of the Statement of Proposals to the public for consultation (SCP)	5 March
Statement of Proposal publicly notified and open for submissions	17 March
Consultation closes	17 April
Environment Committee – Hearing of Submissions	To be confirmed
Environment Committee – Deliberation of submissions and adoption of changes	4 June

5.6 The following are the key methods proposed to raise public awareness of the consultation process and to encourage those who may be affected or have an interest in this proposal to present their views, but these may be amended as the consultation process progresses:

- a) Information and key dates advertised in Our Nelson and Share newsletters prior to, and near the end of the consultation period.
- b) Nelson City Council website, web page and web app.
- c) Media release outlining the proposal and the key issues.
- d) Copies of the Statement of Proposal will be available from the Customer Services Centre and Council libraries and also available on the Council website.
- e) Copies of the Statement of Proposal will be available for Councillors to take to any community meetings that they attend during the consultation period.

## 6. Discussion

6.1 Council's current charging structure for resource consent processing and monitoring and all other activities under the RMA and HASHHA is to charge a fixed sum of money for the tasks where the costs relating to staff time are known or charge a fixed initial sum of money (based on the nature of the task or category of consent or application) for tasks that require a varied amount of staff time. Where an initial charge is required it is credited to the applicant's account and when the task is completed the final costs are debited against the applicant's account. A refund is made if the cost is less than the initial fixed charge, or an account for further payment is sent if the costs exceed the amount of the initial fixed charge.

6.2 The charges are based on:

Item 10: Resource Management Act and Housing Accord and Special Areas Act charges

- a) The time spent by Council staff and any specialist advisers to undertake the task; and
  - b) The staff hourly charge or the consultant hourly charges; and
  - c) Overhead costs.
- 6.3 At least 40% of staff time is not chargeable to resource consent applicants. Much of this time is spent answering public enquiries, training, reporting or responding to objections to conditions or costs. When there is time staff review procedures, systems, templates and practices to improve quality and efficiency.
- 6.4 It is reasonable therefore that at least 40% of overall resource consent costs are met by rates. To increase the income received from charges the staff hourly charge out rate needs to increase and the charge needs to reflect the actual time taken for the task. Reducing costs is mainly achieved through reducing consultant costs and having appropriate staff levels.
- 6.5 The total expenses for the resource consent activity for the 2020/21 financial year are expected to be \$2,398,000 GST exclusive, an increase of around \$60,000 from the actual expenses in the 2018/19 year. The increase is attributed to higher consultant and contracting costs and higher overheads for consent monitoring.
- 6.6 For the five years from 2010/11 to 2014/15 the average percentage of all consent applications being processed by consultants was 13%. In the last 5 years this average has increased to 23% of consents being processed by consultants with this financial year tracking at 36%. The higher level of processing by consultants is due to staff vacancies, new staff taking time to learn their roles and experienced staff not having capacity to process all the complex consents.
- 6.7 The difference in consultant charges to current staff hourly rates range from \$5 to \$50 per hour for a senior consultant. These differences are not on-charged to the applicant unless there was a conflict of interest or technical expertise issues creating the need for the application to be processed externally.
- 6.8 If the increase in expenses is not met by charges there will need to be more rate income for this activity.

**Impacts of increasing charges**

- 6.9 The current fees and charges are recovering 45% of costs. The main mechanism to increase the income from charges is to increase the staff hourly rate. To cover 50% of the costs the hourly charge out rate would need to increase from \$150 to \$166. It is proposed to increase the hourly rate to \$160 to cover 48% of the anticipated costs as this is considered a more reasonable increase when compared to the current charge. The table below identifies the percentage cost recovery from

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charges for various hourly rates and identifies the impacts on rates for the different level of charges increases:

Staff hourly rate	Income from charges	% of 2020/21 costs from fees	Rates component
\$150 (current)	\$1,081,000	45	\$1,318,000
<b>\$160 (proposed)</b>	\$1,153,000	48	\$1,246,000
\$166	\$1,199,000	50	\$1,199,000
\$173	\$1,246,000	53	\$1,152,000
\$180	\$1,297,000	55	\$1,101,000
\$200	\$1,439,000	60	\$959,000

- 6.10 The proposed increase from \$150 per hour to \$160 is a 6.7% increase. To provide some comparison with the hourly rates other territorial authorities charge nearby Councils and Councils of similar sizes are provided in the table below. Tasman District Council's current hourly rate is \$157 and is proposed to increase to \$160 per hour.

	Hourly rate	Cost recovery policy from fees and charges
<b>Nelson</b>	\$150 (proposed to be <b>\$160</b> )	40 – 60%
Tasman	\$157 (proposed to be <b>\$160</b> )	15 – 45% (includes other activities such as plan making and state of the environment)
Marlborough	\$100 admin <b>\$150</b> planner \$180 senior or manager	60%
Napier	\$80 admin <b>\$160</b> planner \$175 team leader	40-59%
New Plymouth	\$139 admin <b>\$184</b> planner	60-80%
Palmerston North	\$114 admin <b>\$184</b> planner \$197 senior \$215 manager	80-100% (excludes monitoring and advice)

### Initial fixed charges (deposits)

- 6.11 These charges are designed to cover the average cost for processing various consent types and have largely remained unchanged since 1 July 2016 (no changes were made to these charges during the last review). The average cost for all non-notified resource consents in the 2018/19

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financial year was \$2,250 with subdivision applications typically involving the higher costs.

- 6.12 It is proposed to increase the initial fixed charges as follows:
- a) All activities other than listed elsewhere from \$1300 to \$1500
  - b) Subdivision 1-3 lots from \$1300 to \$2000
  - c) Subdivision 4 or more lots from \$2000 to \$5000
  - d) Deemed permitted activities from \$300 to \$480 (no additional charges or refunds apply)
  - e) Remove the change of consent conditions activity type from the \$500 initial charge category (which will result in the initial charge for this activity being \$1500)
- 6.13 Increasing these initial charges better reflects the expected costs for processing applications resulting in more realistic cost expectations. Charges a) and b) are set below the average cost of all non-notified consents as these categories will still have a number of applications lower than the average. It is more expensive to part refund in these circumstances than it is to invoice the additional charges.
- 6.14 Larger subdivision applications typically incur higher costs than the average to process the resource consent, title plan and completion certificate applications. The \$5000 charge is still set at the lower end of total anticipated processing costs.
- 6.15 Deemed permitted activities were introduced in 2018 and it was estimated at that time that processing these would take two hours of staff time. It actually takes at least three hours to undertake a full check, issue the notice and set up the documents in the database. The fixed fee is therefore proposed to increase to \$480 based on three hours of staff time at the rate of \$160 per hour.
- 6.16 The initial charge for change of consent conditions applications is proposed to change from \$500 to \$1500 to better reflect the average time to process these applications. While the scope of assessment is narrower for these types of applications the same amount of documentation is required as for all resource consent applications and the impact of the proposed change can still be complex to assess.

### **Monitoring charges**

- 6.17 The current initial monitoring charge is added to consent invoices where monitoring is required. The initial charge is meant to cover the first hour of monitoring or the one-off monitoring requirements with additional monitoring charges invoiced at a later date. The current charge of \$150 is proposed to increase to \$160 to reflect the cost of the first hour of monitoring.



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- 6.18 Some consent monitoring only requires up to half an hour staff time once a year such as receiving reports for domestic wastewater systems. It isn't cost effective to issue an invoice each year for this small amount of time and may not be reasonable to invoice for a number of years given the activity occurred a long time prior. It is proposed to be able to charge a higher initial monitoring fixed fee up front or identify regular intervals when monitoring charges will be invoiced calculated on anticipated staff time multiplied by the stated number of years for these types of consents.
- 6.19 Permitted activity monitoring costs are able to be recovered from people carrying out the activity under legislation has been occurring at the staff hourly rate and no changes to this are proposed.

### **Fixed charges**

- 6.20 The fixed or one-off charges have been reviewed to ensure they are set at the actual time it takes to complete the task. Increases are proposed where the current charge does not cover the time to undertake the activity at the proposed staff hourly rate as follows:
- a) Increase the section 357 objection administration charge from \$255 to \$320  
  
At least two hours of staff time is required to record these objections, correspondence and decisions in the database. At the proposed staff hourly rate of \$160 per hour the charge equates to \$320.
  - b) Increase the private right-of-way naming review charge from \$225 to \$320  
  
At least two hours of staff time is required to receive these requests, report on the change to the Hearings Panel, issue the decision and record documents in the database. At the proposed staff hourly rate of \$160 per hour the charge equates to \$320.
  - c) Increase the authentication of burning appliances charge from \$70 to \$120  
  
At least 45 minutes of staff time is required to complete this task. At the proposed staff hourly rate of \$160 per hour the charge equates to \$120.
  - d) Increase the transfer of consents to a new owner charge from \$150 to \$240  
  
At least one and a half hours of staff time is required to complete the documentation and change database records. At the proposed staff hourly rate of \$160 per hour the charge equates to \$240.

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### **Reducing costs**

- 6.21 The main cost that could be reduced is the external consultant cost. Resource consents are processed externally where there is a conflict of interest or when workloads are too high for staff to process more consents. A high level of external assistance has been required in the last four financial years mainly due to various staff vacancies. On average 27% of consents have been processed by consultants in the last four years. Of these around a quarter were needed to be processed externally due to conflict of interest issues.
- 6.22 There is additional staff time required to manage the consultants. Additional staff resource would, at worst, be cost neutral to rates if the costs of staff are off-set by the savings made from reducing consultant costs and the management of them. This is being addressed but the challenge will be finding suitably qualified applicants.

### **7. Options**

- 7.1 The Council must have regard to criteria listed in section 36AAA of the RMA and section 77 of HASHAA when fixing charges. The proposed changes as set out in section 6 above have met this criteria as follows:
- a) The proposed charges recovers reasonable costs incurred by the Council to which the charge relates;
  - b) The proposed charges are proportionally better met by the applicant compared to the community. It is fair the applicant pay the reasonable costs incurred by the Council in processing and monitoring since the applicants and consent holders receive the majority of the benefits of the consented development;
  - c) The processing and monitoring actions directly relate to, and are as a result of, the actions of the applicant;
  - d) Monitoring charges reflect the degree of compliance of consent conditions or specific permitted standards. The consent holder or person undertaking the activity is in control of the level of compliance and are therefore required to meet the costs of the associated monitoring; and
  - e) Overall, the proposed increased charges have been set at levels that will recover approximately 48% of the reasonable anticipated costs incurred by the consent authority.
- 7.2 Of the options to retain the current charges or amend the charges as proposed or increase the charges to recover 55% of the costs, the preferred option is option 2 – amend the charges as proposed in Attachment 1 (A2334791).

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<b>Option 1: retain the current fees and charges</b>	
Advantages	<ul style="list-style-type: none"> <li>• Applicants and consent holders do not face increased charges</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Some current fixed charges do not reflect the average time taken to perform the task</li> <li>• The costs of the activity is not sufficiently covered by income from charges</li> <li>• The increase to charges may need to be bigger at a later date</li> <li>• There would be an additional rates burden of \$60,000</li> </ul>
<b>Option 2: Increase the charges to recover 48% of the costs as proposed in Attachment 1</b>	
Advantages	<ul style="list-style-type: none"> <li>• The proposed fixed charges better reflect the actual time taken to perform the function</li> <li>• The proportional cost of the services is better met by applicants and consent holders than ratepayers</li> <li>• Prevents a larger increase at a later date</li> <li>• Less rates requirement</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Dissatisfaction by applicants and consent holders for the increase in charges that could increase the occurrence of querying about or objecting to the charges</li> </ul>
<b>Option 3: Increase the charges to recover 55% of the costs</b>	
Advantages	<ul style="list-style-type: none"> <li>• The proportional cost of the service will be met by applicants and consent holders</li> <li>• Prevents a larger increase at a later date</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Dissatisfaction by applicants and consent holders for the 20% increase in charges that could increase the occurrence of querying or objecting to the charges</li> <li>• The large increase is not considered reasonable</li> <li>• Higher charges could deter developments or achieve poorer environmental outcomes</li> <li>• The charges may not meet the criteria in section 36AAA of the RMA or section 77 of HASHAA</li> </ul>

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**8. Conclusion**

- 8.1 The proposal is that charges for resource consent and monitoring services need to increase to better meet the actual costs of providing the service.

**9. Next Steps**

- 9.1 Proceed to public consultation on the proposed changes then decide on any changes once public comments have been considered.

**Author: Mandy Bishop, Manager Consents and Compliance**

**Attachments**

Attachment 1: A2334791 RMA and HASHAA proposed charges - Statement of Proposal [↓](#)

<b>Important considerations for decision making</b>
<b>1. Fit with Purpose of Local Government</b>  The recommendations in the report provides for the cost effective delivery of services as required under the RMA and HASHAA, to achieve the well-being goals of the community.
<b>2. Consistency with Community Outcomes and Council Policy</b>  The recommended charges assist with achieving the stated funding outcomes in the Long Term Plan.
<b>3. Risk</b>  The do nothing option will not be consistent with the criteria for fixing charges specified in the various legislation.
<b>4. Financial impact</b>  The proposed increases in charges will better enable costs for the services to be met in the medium to long-term at an appropriate proportion between applicants/consent holders and ratepayers.
<b>5. Degree of significance and level of engagement</b>  This matter is of medium significance because proposed increases while justified will impact on a number of applicants and consent holders. The RMA and HASHAA requires a special consultation process to occur when fixing charges.
<b>6. Climate Impact</b>  This matter has not been considered in the preparation of this report.
<b>7. Inclusion of Māori in the decision making process</b>  No engagement with Māori has been undertaken in preparing this report.
<b>8. Delegations</b>  The Environment Committee has the following delegations to consider RMA and HASHAA fees and charges  <i>Areas of Responsibility:</i> <ul style="list-style-type: none"><li><i>Environmental regulatory matters including (but not limited to) animals and dogs, amusement devices, alcohol licensing (except where delegated to the Alcohol Regulatory and Licensing Authority), food premises, gambling and public health</i></li></ul>

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- *Regulatory enforcement and monitoring*

*Delegations:*

*The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*

*The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):*

- *Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements*
- *Developing, approving, monitoring and reviewing policies and plans, including activity management plans*
- *Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate*
- *Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes*



## **Statement of Proposal**

# **AMENDMENTS TO THE CHARGES under THE RESOURCE MANAGEMENT ACT 1991 and the HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013**

**Commencing 1 July 2020**

## 1. Nelson City Council's proposed amendments to the Charges under the Resource Management Act 1991 and the Housing Accords and Special Housing Areas Act 2013

Nelson City Council (**Council**) would like to know what you think of the proposed amendments to the charges relating to the Resource Management Act 1991 (RMA) and the Housing Accords and Special Housing Areas Act 2013 (HASHAA).

The current charges came into effect on 21 March 2018. The charges were set to ensure those who benefit from the service pay a fair and reasonable share of the costs of these services.

Council has reviewed these charges and is proposing some changes as described below. We want to know what you think of the proposed changes. In making decisions on this proposal, Council will be taking account of all submissions made.

**The proposed Resource Management Act and Housing Accord and Special Housing Area Act Charges are attached to this Statement of Proposal, with the changes underlined. Paper copies of this document are available at the Council's Customer Service Centre and in Nelson libraries.**

## 2. The Proposal

Detailed analysis of the issues and options is provided in section 4 of this proposal. The charges schedule with proposed changes is included in Attachment 1, and the proposed amendments are outlined below:

- a) Increase the staff hourly rate from \$150 per hour to \$160 per hour
- b) Add a monitoring charge that provides for an up-front one-off charge for consents requiring annual monitoring of no more than half an hour each year calculated at the staff hourly rate x half an hour x the number of years the consent requires monitoring
- c) Increase the initial fixed charges as follows:
  - 1.1 All activities other than listed elsewhere from \$1300 to \$1500
  - 1.2 Subdivision 1-3 lots from \$1300 to \$2000
  - 1.3 Subdivision 4 or more lots from \$2000 to \$5000
  - 1.4 Deemed permitted activities from \$300 to \$500 (no additional charges or refunds apply)
- d) Remove the change of consent conditions activity type from the \$500 initial charge category (which will result in the initial charge for this activity to be \$1500)
- e) Increase the section 357 objection administration charge from \$255 to \$300
- f) Increase the private right-of-way naming review charge from \$225 to \$300
- g) Increase the authentication of burning appliances charge from \$70 to \$120
- h) Increase the transfer of consents to a new owner charge from \$150 to \$250
- i) Change the wording for the discounts for late consent processing section to be more consistent with legislation

The objective of the proposal is to review current charges under the RMA and HASHAA and make any necessary changes to better reflect the actual time taken to complete the task, to ensure reasonable cost recovery goals can be met and ensure the costs associated with increased national monitoring requirements can be accounted for.



## Consideration under the relevant legislation

This Statement of Proposal to amend the RMA and HASHAA charges has been prepared in accordance with the following legislation:

- RMA sections 36 and 36AAA
- HASHAA section 77
- Local Government Act 2002 (LGA), sections 83 and 150

Section 36AAA of the RMA provide that charges for regulatory functions for the purpose of recovering the reasonable costs incurred by the Council in respect of the activity to which the charge relates. Those gaining the benefit from the regulatory service paying the reasonable cost for that service and those whose actions result in the need for the Council actions to which the charge relates, paying the reasonable costs associated with that action.

Section 77 of HASHAA provides that an authorised agency, having regard to the criteria set out in section 36(4) of the RMA is able to fix various charges under HASHAA. Section 6(2) of HASHAA provides that every reference to the RMA in HASHAA is to be read as a reference to the RMA as in force on 4 September 2013. Section 36(4) of the RMA as in force on 4 September 2013 provides:

*"(4) When fixing charges referred to in this section, a local authority shall have regard to the following criteria:*

*(a) the sole purpose of a charge is to recover the reasonable costs incurred by the local authority in respect of the activity to which the charge relates:*

*(b) a particular person or persons should only be required to pay a charge—*

*(i) to the extent that the benefit of the local authority's actions to which the charge relates is obtained by those persons as distinct from the community of the local authority as a whole; or*

*(ii) where the need for the local authority's actions to which the charge relates is occasioned by the actions of those persons; or*

*(iii) in a case where the charge is in respect of the local authority's monitoring functions under section 35(2)(a) (which relates to monitoring the state of the whole or part of the environment), to the extent that the monitoring relates to the likely effects on the environment of those persons' activities, or to the extent that the likely benefit to those persons of the monitoring exceeds the likely benefit of the monitoring to the community of the local authority as a whole,—*

*and the local authority may fix different charges for different costs it incurs in the performance of its various functions, powers, and duties under this Act—*

*(c) in relation to different areas or different classes of applicant, consent holder, requiring authority, or heritage protection authority; or*

*(d) where any activity undertaken by the persons liable to pay any charge reduces the cost to the local authority of carrying out any of its functions, powers, and duties."*

Section 36(3) of the RMA requires that charges may be fixed under the section only in

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the manner set out in section 150 of the LGA , and in accordance with the criteria for fixing charges in section 36AAA (or for HASHAA, the criteria listed above). The LGA provides that the special consultative procedure must include:

- A statement of proposal (and a summary of it if required) being made as widely available as practicable as a basis for consultation (section 83(1)(c)). The statement of proposal must include a statement of the reasons for the proposal, an analysis of the reasonably practicable options and any other information the local authority identifies as relevant (section 87(3)).
- An identified consultation period of at least one month during which feedback on the proposal may be provided to Council (section 83(b)(iii)).
- An opportunity for people to present their views to the Council (section 83(d)) and a description of how Council will provide persons interested in the proposal with an opportunity to present their views (section 83(b)(ii)).

### **Special Consultative Procedure**

Outcomes of this special consultative procedure could include:

- Retaining the existing charges
- Adopting the proposed amendments outlined in this Statement of Proposal, or a variation of these, based on community feedback
- Adopting a higher increase in charges, based on community feedback

### **3. The Approach to Charges**

Council's current charging structure for resource consent processing and monitoring, designations, plan changes and all other activities under the RMA and HASHHA is to charge a fixed sum of money for the tasks where the costs relating to staff time are known or charge a fixed initial sum of money (based on the nature of the task or category of consent or application) for tasks that require a varied amount of staff time. Where an initial charge is required it is credited to the applicant's account and when the task is completed the final costs are debited against the applicant's account. A refund is made if the cost is less than the initial fixed charge, or an account for further payment is sent if the costs exceed the amount of the initial fixed charge.

The charges are based on:

- a) The time spent by Council staff and specialist advisers to undertake the task; and
- b) The staff hourly charge or the consultant hourly charges; and
- c) Overhead costs.

The 2009 Amendments to the Resource Management Act 1991 introduced mandatory discounting on administrative charging under section 36. The Resource Management (Discount on Administrative Charges) Regulations 2010 came into force on 31 July 2010. The default discount is 1% of the total of the administrative charges the local authority imposes for every working day on which the application remains unprocessed beyond the time limit, up to a maximum of 50 working days.

### **4. Issues and Options**

Since the last review of RMA and HASHAA charges there has been increased national monitoring and reporting requirements. Organisational support costs have increased and there has been more reliance on external expertise for more complex work. The increase in the required level of service has increased costs for resource consent processing and monitoring. The resource consent processing and monitoring charges are proposed to

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increase so that those gaining the benefit from these services pay a reasonable cost for that service.

No changes are proposed for planning documents, plan changes, designations or other activities where the charge adequately reflects the reasonable cost.

### **Resource consent (RMA and HASHAA), administration and monitoring staff hourly rates**

The main factors influencing the level of income received from charges are the staff hourly charge out rate and the number and complexity of resource consent applications. Consent numbers decreased from 417 in 2017/18 to 348 in 2018/19 but income from fees and charges increased by 11%. For the first half of this financial year the income from charges is tracking 7% lower than last year.

At least 40% of staff time is not chargeable to resource consent applicants. Much of this time is spent answering public enquiries, training, reporting or responding to objections to conditions or costs. When there is time staff review procedures, systems, templates and practices to improve quality and efficiency.

It is reasonable therefore that at least 40% of overall resource consent costs are met by rates. The Council's Revenue and Financial Policy requires 40 to 60% of costs are met by charges. Current fees and charges are recovering 45% of costs. To cover 50% of the costs the hourly charge out rate would need to increase from \$150 to \$166. It is proposed to increase the hourly rate to \$160 to cover 48% of the anticipated costs as this is considered a more reasonable increase when compared to the current charge. The table below identifies the percentage cost recovery from charges for various hourly rates.

<b>Staff hourly rate</b>	<b>% of 2020/21 costs met by charges</b>
\$150 (current)	45
<b>\$160 (proposed)</b>	<b>48</b>
\$166	50
\$173	53
\$180	55
\$200	60

### **Monitoring charges**

The current initial monitoring charge is added to consent invoices where monitoring is required. The initial charge is meant to cover the first hour of monitoring or the one-off monitoring requirements with additional monitoring charges invoiced at a later date. The current charge of \$150 is proposed to increase to \$160 to reflect the cost of the first hour of monitoring.

Some consent monitoring only requires up to half an hour staff time once a year such as receiving reports for domestic wastewater systems. It isn't cost effective to issue an invoice each year for this small amount of time and may not be reasonable to invoice for a number of years given the activity occurred a long time prior. It is proposed to be able to charge a higher initial monitoring fixed fee up front or identify regular intervals when monitoring charges will be invoiced calculated on anticipated staff time multiplied by the stated number of years for these types of consents.

Permitted activity monitoring costs able to be recovered from people carrying out the

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activity under legislation has been occurring at the staff hourly rate and no changes to this are proposed.

### **Initial fixed charges (deposits)**

These charges are designed to cover the average cost for processing various consent types and have largely remained unchanged since 1 July 2016 (no changes were made to these charges during the last review). The average cost for all non-notified resource consents in the 2018/19 financial year was \$2247.92 with subdivision applications typically involving the higher costs.

It is proposed to increase the initial fixed charges as follows:

- a) All activities other than listed elsewhere from \$1300 to \$1500
- b) Subdivision 1-3 lots from \$1300 to \$2000
- c) Subdivision 4 or more lots from \$2000 to \$5000
- d) Deemed permitted activities from \$300 to \$480 (no additional charges or refunds apply)
- e) Remove the change of consent conditions activity type from the \$500 initial charge category (which will result in the initial charge for this activity to be \$1500)

Increasing these initial charges better reflects the expected costs for processing applications resulting in more realistic cost expectations. Charges a) and b) are set below the average cost of all non-notified consents as these categories will still have some applications lower than the average. It is less cost-effective to part refund in these circumstances than it is to invoice the additional charges.

Larger subdivision applications typically incur higher costs than the average to process the resource consent, title plan and completion certificate applications. The \$5000 charge is still set at the lower end of total anticipated processing costs.

Deemed permitted activities were introduced in 2018 and it was estimated at that time that processing these would take two hours of staff time. It actually takes at least three hours to undertake a full check, issue the notice and set up the documents in the database. The fixed fee has therefore proposed to increase to \$480 based on three hours of staff time at the rate of \$160 per hour.

The initial charge for change of consent conditions applications is proposed to change from \$500 to \$1500 to better reflect the average time to process these applications. While the scope of assessment is limited for these types of applications the same amount of documentation is required as for all resource consent applications and the impact of the proposed change can still be complex to assess.

### **Fixed charges**

A number of various fixed or one-off charges have been reviewed to ensure they are set at the actual time it takes to complete the task. Increases are proposed where the current charge does not cover the time to undertake the activity at the proposed staff hourly rate as follows:

- a) Increase the section 357 objection administration charge from \$255 to \$320 - At least two hours of staff time is required to record these objections, correspondence and decisions in the database. At the proposed staff hourly rate of \$160 per hour the charge equates to \$320.
- b) Increase the private right-of-way naming review charge from \$225 to \$320 - At least two hours of staff time is required to receive these requests, report on the change to the Hearings Panel, issue the decision and record documents in the database. At the proposed staff hourly rate of \$160 per hour the charge equates to \$320.
- c) Increase the authentication of burning appliances charge from \$70 to \$120 -

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At least 45 minutes of staff time is required to complete this task. At the proposed staff hourly rate of \$160 per hour the charge equates to \$120.

- d) Increase the transfer of consents to a new owner charge from \$150 to \$240 – At least one and a half hours of staff time is required to complete the documentation and change database records. At the proposed staff hourly rate of \$160 per hour the charge equates to \$240.

### **Assessment**

The Council must have regard to criteria listed in section 36AAA of the RMA when fixing charges under the RMA. Council must have regard to the criteria set out in section 36(4) of the RMA when fixing charges under HASHAA. Proposals in section 2 above have met these criteria as follows:

- a) The proposed charges are better met by the applicant as it is fair they pay the reasonable costs incurred by the Council in consent processing and monitoring since they receive the majority of the benefits of the consented development. Current charges cover 45% of costs yet up to 60% of overall staff time is spent on processing and monitoring resource consents. It is fair to increase the charges so a better portion of the costs are met by the applicant or consent holder;
- b) The consent processing and monitoring actions directly relate to, and are as a result of, the actions of the applicant. Larger increases could be justified to recover up to 60% of the costs but it is considered unreasonable to increase the hourly rate by a larger amount in one year;
- c) Monitoring charges reflect the degree of compliance of consent conditions or specific permitted standards. The consent holder or person undertaking the activity is in control of the level of compliance and are therefore required to meet the costs of the associated monitoring; and
- d) Overall, the proposed increased charges have been set at levels that will recover the reasonable anticipated costs incurred by the consent authority.

The proposed increases are similar to what other Councils are currently charging with hourly rates ranging from \$150 to \$184 for planning staff.

### **Options Analysis**

#### **Option 1 — Retain the existing charges**

While applicants and consent holders would not face increased charges many current initial fixed charges do not reflect the average time to perform that activity and more of the costs of the activity will need to be covered by income from rates, rather than those directly benefitting from the Council services. If no increases are made now there may need to be larger increases in the future.

#### **Option 2 — Increase the charges to recover 48% of overall costs as proposed in Attachment 1**

This option improves the recovery rate from applicants and consent holders, better reflects the average time taken to perform tasks, reduces the potential for large increases in the future and reduces the requirement on rates. Increasing charges may cause dissatisfaction or difficulty for some applicants or consent holders that could increase the occurrence of querying or objecting to the charges. However, the proposed increases are considered reasonable and will be at a level that is comparable to the charges for similar activities in other Councils.

#### **Option 3 — Increase the charges to recover 55% of overall costs**

This option ensures applicants and consent holders cover the costs of their service but results in a 20% increase in the hourly rate from \$150 to \$180. The large increase is not

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considered reasonable and could deter developments.

### **Preferred Option**

**Option 2** — Increase fees and charges to recover 48% of overall costs as proposed in Attachment 1 and outlined in section 2 above.

### **Reasons**

The proposed amendments better cover the average costs for the service than the existing charges and are a reasonable increase compared to existing charges.

### **Submissions**

Anyone may make a submission about any aspect of the proposed amendments to the charges under the RMA and HASHAA and any other options that have been considered. Council, in making its decision, will take account of all submissions made.

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

Submissions can be made:

- online at [nelson.govt.nz/council/consultations](https://nelson.govt.nz/council/consultations)
- by post to RMA and HASHAA Fees and Charges Amendments, PO Box 645, Nelson 7010
- by delivering your submission to Civic House, 110 Trafalgar Street, Nelson.

**Submissions must be received no later than 17 April 2020.**

Any person who wishes to speak in support of their submission will be given the opportunity to address the Council at a hearing on **XX April 2020**.



## Attachment 1

### Proposed Amendments to the Charges under the Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013

*Proposed changes to existing charges are shown in strike through and underline in this attachment.*

Resource Consent Processing and Monitoring, Designations, Plan Changes, all other activities under the Resource Management Act 1991 (RMA) and the Housing Accords and Special Housing Areas Act 2013 will attract an initial charge (deposit) payable at the time of lodging an application as per Section 1 below.

Where the cost of processing the consent is not fully covered by the initial fixed charge (deposit), additional charges will be applied (under Section 36(5) of the RMA). Only additional charges can be objected to under Section 357B of the RMA.

Section 2 below lists the various methods of how costs may be charged to a consent.

*All charges listed in this Schedule are GST inclusive*

#### 1. Initial fixed charges (deposits)

	Activity	Charge
1.1	All activities (other than listed below)	<del>\$1,300</del> <u>\$1,500</u>
1.2	Subdivision 1-3 lots	<del>\$1,300</del> <u>\$2,000</u>
	Subdivision 4 plus lots	<del>\$2,000</del> <u>\$5,000</u>
1.3	Bore permits; Certificate of Compliance; Change of consent <del>conditions or consent</del> notice; Culverts, weirs and other minor structures on the bed of watercourses; Existing Use Certificate; Extension of lapsing period; Fast track consents (controlled status only); Fences; Flats Plan update and check; Outline Plan approvals; Relocate building; Removal or trimming of trees listed in the Nelson Resource Management Plan (supported and carried out by a suitably qualified arborist); Right of Way approval; Signs;	\$500



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	Activity	Charge
	Simple consent process; Transfer/part transfer of Permits	
1.4	Issue of a notice confirming a boundary (or a marginal or temporary) activity is a permitted activity (no additional charges or refunds apply)	<del>\$300</del> <del>\$480</del>
1.5	NOTIFIED APPLICATIONS: Additional charges for applications requiring notification/ limited notification. (This charge must be paid prior to notifying the application and is in addition to the initial charge paid when the application is lodged).	\$7,000
1.6	Removal of trees listed in the Nelson Resource Management Plan that are confirmed in writing by a qualified arborist (level 5 NZQA or equivalent), as diseased or a threat to public safety.	No charge
1.7	Heritage Buildings: Non-notified application to conserve and restore heritage building, place or object listed in the Nelson Resource Management Plan.	No Charge
1.8	Private Plan changes (Note: Council's policy is to recover 95% of the costs involved for the whole process from the applicant).	\$10,000
1.9	Heritage Orders	\$3,500

1.10 Where an application involves multiple consents the initial charge is payable at the higher rate plus \$250.00 for each accompanying application.

1.11 Where all or part of any initial charge (deposit) is not paid at application time, the Council reserves the right to not process that application.

**2. Costs Charged to a Consent (less the initial fixed sum of money paid in accordance with section 1 above)**

	Details	Charge
2.1	Council Staff – all staff time inclusive of overhead component associated with processing and assessing applications.	<del>\$150-160</del> per hour
2.2	Hearings Panel Charges:	
	- per Councillor as Commissioner (rate set by Remuneration Authority)	\$80 per hour
	- Councillor as Chairperson (rate set by Remuneration Authority)	\$100 per hour
	- Independent Commissioner (requested by applicant)	Cost
	- Independent Commissioner (requested by submitter)	Cost less Councillor rate (applicant pays the Councillor rate)
	- Independent Commissioner(s) required for expertise or due to conflict of interest issues	Cost
2.3	Legal advisors and consultants engaged by Council, or reports commissioned, after discussion with the	Cost plus administration charges

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Item 10: Resource Management Act and Housing Accord and Special Areas Act charges:  
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	Details	Charge
	applicant, to provide expertise not available in-house under s.92(2) RMA.	
2.4	Experts and consultants engaged by Council to undertake assessment of an application where the complexity of the application necessitates external expertise, or where resource consent processing is required to be outsourced due to conflict of interest issues (this is not a s92(2) RMA commissioning).	Cost plus administration charges
2.5	All disbursements, such as telephone calls, courier delivery services, all public notification costs, postage for notified applications and document copying charges.	Cost plus administration charges
2.6	Consultants engaged by the Council where skills are normally able to be provided by in-house staff or when Council staff workloads are unusually high.	<del>\$150</del> – <del>160</del> per hour
2.7	Urban Design Panel reviews a proposal before a resource consent application is lodged (except for circumstances identified in 2.8 below).	No charge
2.8	The applicant agrees (as per 2.3 above) to the Urban Design Panel reviewing the proposal after a resource consent application is lodged; or The applicant is required to provide approval from the Urban Design Panel as part of the Housing Accord and Special Housing Areas Act process.	Cost plus administration charges  (an estimate of costs is available on request)
2.9	Where the applicant requests under s357AB independent commissioner(s) for an objection under s357A(1)(f) or (g), the applicant will meet the costs for that hearing.	Cost plus administration charges

## 2.10 Photocopying Charges

A4	\$0.20 per page;
A3	\$0.50 per page;
A2	\$2.00 per page
A1	\$3.00 per page

## 2.11 Monitoring Charges

- 2.11.1 If monitoring is required, a one-off charge of ~~\$150~~160.00 will be invoiced as part of the consent cost. Any extra work that is required to monitor compliance with the consent conditions will be charged at the hourly rate for Council staff in 2.1 above and separately invoiced.
- 2.11.2 Monitoring charges associated with review of information required to be provided by a condition of resource consent will be charged for at the

Item 10: Resource Management Act and Housing Accord and Special Areas Act charges:  
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appropriate hourly rate for Council staff or actual cost for specialist consultant.

2.11.3 Where the applicant is required or authorised to monitor the activity, the Council's costs in receiving and assessing the monitoring information will be charged directly to the consent holder at the appropriate hourly rate for Council staff or actual cost of the specialist involved.

2.11.4 Where permitted activity monitoring is able to be charged under legislative provisions (such as the National Environmental Standards for Plantation Forestry), the time taken by Monitoring Officers will be invoiced at the hourly rate for Council staff in 2.1 above.

2.11.5 Where annual monitoring is required up to half an hour of staff time per year, a higher initial monitoring fixed fee up front may be charged or the consent may identify regular intervals when monitoring charges will be invoiced calculated on anticipated staff time multiplied by a stated number of years for these types of consents.

## 2.12 Administration Charges

	Item/Details	Charge
2.12.1	Insurance levy – for each resource consent.	\$30
2.12.2	Street naming and numbering (costs of reporting to Hearings Panel and advising all statutory agencies).	Council staff hourly rate in 2.1 above
2.12.3	Street numbering – application for alteration.	\$125
2.12.4	Documents for execution – removal of building line restrictions; easement documents, caveats, covenants and other documents to be registered with LINZ presented after subdivision processed or where not associated with a subdivision application.	\$175 for each document
2.12.5	Certificate under Overseas Investment Act.	\$385
2.12.6	Confirmation of compliance with the Nelson Resource Management Plan for NZ Qualifications Authority.	\$385
2.12.7	Confirmation of compliance with the Nelson Resource Management Plan for liquor licence applications.	\$70
2.12.8	Section 357 Administration charge.	<del>\$255</del> <del>\$320</del>
2.12.9	Private right-of-way – review against existing names and advising all statutory agencies where appropriate.	<del>\$225</del> <del>\$320</del>
2.12.10	Authentication report for small-scale solid-fuel burning appliance or open fire.	<del>\$70</del> <del>\$120</del>
2.12.11	Removal of designation.	\$305
2.12.12	Swing Mooring annual charge (monitoring costs are additional, refer 2.10.3 above).	\$75

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	Item/Details	Charge
2.12.13	Transfer of Consents to new owner (S.135(1)(a), S.136(1), S.136(2)(a), or S.137(2)(a) Resource Management Act)	<del>\$150</del> \$240
2.12.14	Claiming a swing mooring the Council removed from the Coastal Marine Area that did not have a coastal permit	\$300
2.12.15	Claiming a vessel that was towed and hauled out of the Coastal Marine Area as it was tied to a non-consented mooring that was uplifted	Cost for tow and haul out

### 2.13 Discount for Late Consents

- 2.13.1 Where statutory processing timeframes have not been met a discount of 1% of the total of the administrative charges imposed for every working day on which the application remains unprocessed beyond the time limit, up to a maximum of 50 working days will apply.~~and this is the fault of the Council, a discount of 1% of the total processing costs per each day the consent is late, up to a maximum of 50%, will be credited.~~

## 3. Invoicing

- 3.1 Where processing costs exceed the level of the initial charge (deposit), monthly invoices for any additional charges may be sent to the applicant.
- 3.2 Annual swing mooring charges shall be due on 1 December. The initial payment is due within 30 days of the mooring being installed. Moorings installed 1 December to 1 June will incur the full annual charge. Moorings installed from 1 June to 30 November will be charged half of the annual charge. The Council reserves the right to agree to other arrangements in writing.
- 3.3 The Council has no obligation to perform any action on any application until the charges for the action have been paid in full; such payment will be required by the 20th of the month following invoice.
- 3.4 Where any interim invoice is disputed, work on processing the application will be stopped until the matter is resolved at the discretion of the Manager Consents and Compliance.
- 3.5 The option of monthly invoices only, in lieu of initial charges, may be available on strict credit conditions as follows:
- The consent process, or Council involvement in the project, is likely to extend over a period in excess of 6 months; and
  - The total amount for invoices is likely to exceed \$5,000; and

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- c) The applicant is in good financial standing with a satisfactory credit record and agrees to abide by the Council's usual credit terms or
- d) The applicant is a regular customer of the Council's Resource Consents Business Unit, is in good financial standing with no record of unpaid invoices, who agrees to pay each and every invoiced charge by the 20th of the month following the date of issue of the invoice.

Any disputes relating to an invoiced charge must be resolved after the invoice has been paid. Failure to meet these criteria will result in the option of monthly invoices, in lieu of initial charges plus monthly invoices being withdrawn.

The decision on whether to waive the required charge and institute a system of monthly invoicing shall be made by the Manager Consents and Compliance or Group Manager ~~Strategy and Environment~~Environmental Management, having regard to the above criteria.

#### 4. Pre-Application Charges

Detail	Charge
Pre-application discussion with staff on feasibility of a proposal that may not proceed to resource consent.	First half hour – no charge. Additional time charged on an hourly basis at the Council staff charge out rate as per 2.1.

#### 5. Resource Management Planning Documents

Copies of Plans	Cost
Nelson Resource Management Plan - Text (hard copy)	\$150
Nelson Resource Management Plan - Maps (hard copy)	\$150
CD ROM – combined Nelson Resource Management Plan and Nelson Air Quality Plan – updated annually in Spring	\$15 annually
Nelson Resource Management Plan - hard copy updates issued as required	\$25 annually for text \$25 annually for maps
Nelson Air Quality Plan	\$50
Land Development Manual	\$100

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## **Proposed Dog Control fees**

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### **1. Purpose of Report**

- 1.1 To approve the statement of proposal for the proposed Dog Control fees and that a special consultative procedure (SCP) commences for the proposed amendments.

### **2. Summary**

- 2.1 The Dog Control fees increased by 1.8% last year. This increase did not cover the increase in costs and the reserve account has been depleted with an overspend of \$92,594. The fees are proposed to increase to better cover the actual costs of providing the dog control services.

### **3. Recommendations**

#### ***That the Environment Committee***

- 1. Receives the report Proposed Dog Control fees (R14790) and its attachments (A2337793 and A2337794); and***
- 2. Agrees the preferred option is to increase dog registration fees to recover 90% of the costs to Council in providing dog control services; and***
- 3. Agrees a summary of information contained in the Statement of Proposal for the Proposed Dog Control fees is not necessary to enable public understanding of the proposal; and***
- 4. Approves the consultation approach (set out in sections 5.13 to 5.20 of this report) and agrees:***
  - a) the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be***

## Item 11: Proposed Dog Control fees

***publicised in a manner appropriate to its purpose and significance; and***

***b) the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation; and***

**5. Adopts the Statement of Proposal for the Proposed Dog Control fees as detailed in Attachment 2 (A2337794) to Report R10037; and**

**6. Approves commencement of the Special Consultation Procedure, with the consultation period to run from 17 March to 17 April 2020.**

### **4. Background**

- 4.1 Section 37 of the Dog Control Act 1996 (the Act) gives territorial authorities the power to set fees for the registration and control of dogs under the Act. Section 37(4) requires the territorial authority to have regard to the relative costs of the registration and control of dogs in the various categories set out in section 37(2). Section 37(8) states any increase in fees can only take effect at the commencement of that year (being 1 July 2020).
- 4.2 The dog control fees and charges were increased by 1.8% in 2019 and before that were increased by similar amounts reflecting the consumer price (CPI) index increases. For the 2015/16 financial year the fees met 98% of the costs and all costs were met by fees for 2016/17. In 2017/18 the fees met 85% of the costs or 91% of the costs when the extension to the pound is excluded. In 2018/19 the fees met 83% of costs and this year fees are tracking to meet 79% of the costs.
- 4.3 The shortfall has in part been off-set by the reserve account but since depletion the dog control activity is accruing debt (internal loans have been raised to cover costs).
- 4.4 The Long Term Plan Revenue and Financial Policy currently requires that 90-100% of dog control costs are met by fees and charges.

### **5. Discussion**

#### **Registration fees**

- 5.1 Dog control services are funded mostly by registration fees, dog impounding fees and some minor income from infringement fees and Court awarded costs. The level of impounding activities has been

## Item 11: Proposed Dog Control fees

decreasing resulting in approximately \$11,000 less income than three years ago.

- 5.2 The costs of the dog control services have increased due to an increase in overheads, an increase in the contractor price and an increase in legal expenses compared to budgeted costs. The table below demonstrates the impacts on fees and rates in order to meet the costs for the services, with and without the good dog owner category:

			With good dog policy	no good dog policy	with rates no good dogs	with rates retain good dogs	
		2019/20 forecast	AP 2020/21	AP 2020/21	AP 2020/21	AP 2020/21	
<b>Income</b>							
Dog registration fees		390,000	549,000	532,500	473,950	488,800	
Other income		53,000	53,000	53,000	53,000	53,000	
Rates contribution (10%)			-	-	58,550	60,200	
		443,000	602,000	585,500	585,500	602,000	
<b>Expenses</b>							
Staff costs		54,000	54,000	54,000	54,000	54,000	
Contract		490,000	490,000	473,500	473,500	490,000	
Legal		22,000	22,000	22,000	22,000	22,000	
Other		36,000	36,000	36,000	36,000	36,000	
total exp		602,000	602,000	585,500	585,500	602,000	
net deficit		- 159,000	-	-	-	-	
<b>Dog Control fees</b>	<b>number of dogs</b>	<b>Current fees</b>	<b>100% recovery with GDO</b>	<b>100% recovery no GDO</b>	<b>90% recovery no GDO</b>	<b>90% recovery with GDO</b>	
Standard dogs	3193	\$ 86.00	\$ 122.00	\$ 107.60	\$ 95.80	\$ 108.50	GST incl
Good dog owner	2240	\$ 66.20	\$ 94.00	\$ 107.60	\$ 95.80	\$ 84.00	GST incl
Rural	457	\$ 48.00	\$ 68.50	\$ 61.00	\$ 53.50	\$ 61.00	GST incl
	5890						
<b>Total income from fees</b>		\$ 386,801.74	\$ 549,052.61	\$ 532,580.70	\$ 473,852.96	\$ 489,110.87	GST excl
<b>Percentage Increase from current fees</b>							
Standard dogs	3193	\$ 86.00	42%	25%	11%	26%	GST incl
Good dog owner	2240	\$ 66.20	42%	63%	45%	27%	GST incl
Rural	457	\$ 48.00	43%	27%	11%	27%	GST incl

- 5.3 Costs for dog control services are not easily reduced. There are currently three dog control officers, plus management and administration support. There are around 6,000 dogs to register each year, officers investigate approximately 1,700 complaints or service requests (some resulting in dog seizures), issue over 280 infringement notices, provide information for and appear at prosecution hearings and proactively patrol popular dog exercising areas (averaging 10 hours per week). The costs could be reduced by \$16,500 per year if there were no good dog owner applications to process.

- 5.4 Nelson City Council is also supporting a dog education programme for schools and community groups that costs on average just over \$4,000



## Item 11: Proposed Dog Control fees

per year to present the programme to 80 classes or groups. Knowing how to behave appropriately around dogs helps ensure members of the public are able to make use of public places without being intimidated by dogs also using those public places. Dog owners can more easily control their dog's behaviour when other people act appropriately near them.

- 5.5 To provide some comparisons with what other territorial authority's charge in relation to dog control services, Tasman District Council have 2.5 dog control FTEs, administration and management at similar levels, over 11,000 dogs, investigate over 1,400 complaints and issue around 190 infringement notices. They are required to recover 55-85% of costs. A lower level of dog control activity costs is able to be spread amongst nearly twice as many dog owners. This enables their registration fees to be lower than Nelson's registration fees (currently \$50 for a standard registration).
- 5.6 Marlborough District Council has four animal control officers (plus administration and management support), slightly higher standard registration fees to Nelson City Council, close to 11,000 dogs, they respond to over 2,000 complaints and issue nearly 200 infringement notices. Their fees are set to recover 80% of costs. They also have a dog education programme for schools or groups and made 82 presentations last year. Marlborough officers proactively patrol on average five hours per week. Their standard dog registration is \$90.
- 5.7 Napier has a standard registration fee of \$110, New Plymouth's is \$155 and Palmerston North's standard registration fee is \$142 compared to Nelson's current standard registration fee of \$86.00. See Attachment 1 (A2337793) for more comparisons of dog control fees between these Councils.
- 5.8 The removal of the good dog owner category has been proposed in the Dog Control Policy and Bylaw review that is out for public consultation with submissions closing 28 February. Decisions on this proposal may occur before the start of the 2020/21 financial year. There are around 2,500 owners currently registered in this category but it is likely that figure could double given how easy it is to be in this category.
- 5.9 The rural dog category (where a property is one hectare or more as defined in Council's Dog Control Policy) is almost half the standard registration fee. Nelson has 457 dogs currently registered in this category. The fee for police, seeing-eye and hearing dogs essentially covers the cost of the registration tag on the basis that these dogs provide a community service, those owners do not pay the standard registration fees. There are currently 15 dogs in this category and it is proposed to add the words "Community working dog such as..." to this category so it is clearer that all types of disability assistance or other working dogs can be included and this is more consistent with the definition of working dog in the Act.
- 5.10 The registration of dogs takes the same amount of staff time regardless of whether the dog is a rural or police/working dog or belongs to a "good

## Item 11: Proposed Dog Control fees

dog owner". The Act enables (but does not require) reductions to certain categories of dog to reflect the likelihood that those categories of dogs will require less control services. However, officers respond to reports of rural dogs having attacked or worried stock and the good dog owner scheme takes more staff time than a standard registration to administer.

- 5.11 The actual average time taken to register a dog by updating details in the database, processing the payment and sending the registration tag is approximately half an hour of combined staff time. This does not include the substantial staff time required to respond to various queries relating to dog registration, preparing the system and letters for re-registrations and preparing public communications.
- 5.12 The after-hours call out fee is currently \$75 and this is set to recover the after-hours response time of an officer which is at least half an hour. It is proposed to increase this to \$80 to be consistent with the proposed staff hourly rate of \$160 for regulatory services. Additional charges apply if the impounding of a dog is required.

### **Consultation**

- 5.13 Section 37 of the Act gives territorial authorities the power to set fees for the registration and control of dogs without the need for public consultation. It simply requires a resolution, notified at least once during the month preceding the start of the registration year.
- 5.14 The impact from changes to dog registration fees will impact on approximately 6,000 dog owners. The proposed changes will result in either an 11% increase in dog registration fees or a 45% increase for good dog owners (currently 2,240 people). This change is considered to have a moderate significance.
- 5.15 Accordingly, there is no requirement to undertake the special consultative procedure (SCP) to change fees for the registration and control of dogs. However, in this case, the officers are recommending that the special consultative procedure is used because:
- For some regulatory fees and charges (eg Resource Management Act fees and charges and Food Act fees and charges), they are required to follow the SCP;
  - Council is consulting on a variety of fee proposals at the same time this year, some of which require SCP and some which do not; and
  - This year officers are recommending these proposals all follow the same consultation approach (ie, SCP) for consistency of timing and process and ease of understanding by the public.
- 5.16 Under section 78 of the Local Government Act 2002, a local authority must, in the course of its decision-making process give consideration to the views and preferences of persons likely to be affected by, or have an interest in, the matter. In undertaking a SCP the Local Government Act

## Item 11: Proposed Dog Control fees

2002 requires the territorial authority to make the statement of proposal publicly available, along with a description of how persons interested in the proposal will be provided with an opportunity to present their views and the period during which those views may be provided to the Council.

- 5.17 Under section 87(3) of the Local Government Act 2002 (which applies when the Council chooses to use the SCP) a Statement of Proposal must include:
- a) the proposed changes;
  - b) the reasons for the changes;
  - c) what alternatives to the changes are reasonably available; and
  - d) any other information that the local authority identifies as relevant.
- 5.18 Section 83 of the Local Government Act 2002 requires Council to consider whether a summary of the Statement of Proposal "is necessary to enable public understanding of the proposal." The proposed Statement of Proposal is not unduly complicated and therefore, a summary is not considered necessary to assist with the public understanding of it.
- 5.19 The public consultation process provides an opportunity for the public and other stakeholders to engage in the process and a structured way in which Council can respond to any concerns that may be raised. The proposed timeframe is outlined below:

<b>Proposed Consultation Process and Timeline</b>	
Council approves the release of the Statement of Proposals to the public for consultation (SCP)	5 March 2020
Statement of Proposal publicly notified and open for submissions	17 March 2020
Consultation closes	17 April 2020
Environment Committee – Hearing of Submissions	XX April 2020
Environment Committee – Deliberation of submissions and adoption of the changes	4 June 2020

- 5.20 The following are the key methods proposed to raise public awareness of the consultation process and to encourage those who may be affected or have an interest in this proposal to present their views, but these may be amended as the consultation process progresses:
- Information and key dates advertised in Our Nelson prior to, and near the end of the consultation period.
  - Nelson City Council website web page and web app.

## Item 11: Proposed Dog Control fees

- Media release outlining the proposal and the key issues.
- Copies of the Statement of Proposal will be available from the Customer Services Centre and Council libraries and also available on the Council website.
- Copies of the Statement of Proposal will be available for Councillors to take to any community meetings that they attend during the consultation period.

### **The Proposal**

- 5.21 The proposal is to increase registration fees to meet 90% of the Council's costs in providing registration and dog control services. There is a wider public good element in providing dog education services, patrols and responding to queries or complaints that have no resulting enforcement action so it is reasonable that some of the costs are funded from rates.
- 5.22 If the decision (being made through the separate Bylaw/Policy consultation process) is to keep the good dog owner category, the charges increase by 27%:
- The standard registration increases from \$86 to \$108.50
  - The good dog owner registration increases from \$66.20 to \$84
  - The rural dog registration increases from \$48 to \$61
- 5.23 If the decision (being made through the separate Bylaw/Policy consultation process) is to delete the good dog owner category, the charges increase by 11%:
- The standard registration increases from \$86 to \$95.80
  - The rural dog registration increases from \$48 to \$53.50
- The good dog owner registration becomes the standard registration (a 45% increase from \$66.20 to \$95.80).
- 5.24 It is proposed that the registration fee for disability assist dogs remains as it currently is at \$5.00.
- 5.25 Increase the afterhours call out fee from \$75 to \$80. This reflects the minimum time of half an hour per call out at the proposed staff hourly rate of \$160.

## **6. Options**

- 6.1 The preferred option is option 2 – increase the fees as proposed. Fees can be reviewed at any time but can only come into force at the commencement of the registration year.

## Item 11: Proposed Dog Control fees

<b>Option 1: Increase the fees by CPI (1.9% at December 2019)</b>	
Advantages	<ul style="list-style-type: none"> <li>• Dog owners do not face large increases to fees</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• The cost of the dog control functions is not sufficiently covered by income from fees and charges (around 80% of costs are currently being met from fees and at least 90% of costs being met from fees is required to meet the Revenue and Financial Policy)</li> <li>• The fees do not reflect the actual time taken for the activity/costs to Council</li> <li>• The increase to fees may need to be larger at a later date</li> <li>• The dog control account stays in debt</li> </ul>
<b>Option 2: Increase fees to recover 90% of the costs of the service as proposed in Attachment 2</b>	
Advantages	<ul style="list-style-type: none"> <li>• The proportional cost of the Dog Control services is better met by dog owners than ratepayers</li> <li>• The fees will better reflect the actual time taken to perform the functions</li> <li>• Prevents a larger increase at a later date</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Dissatisfaction by dog owners</li> <li>• The increase in costs could increase the occurrence of non-payment that requires more staff time to follow up</li> </ul>
<b>Option 3: Increase fees to meet all costs of the services</b>	
Advantages	<ul style="list-style-type: none"> <li>• The cost of the services is met by dog owners not ratepayers</li> <li>• Prevents a larger increase at a later date</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Some services have a wider public benefit so it is not reasonable to portion this to dog owners alone</li> <li>• Dissatisfaction by dog owners</li> <li>• The increase in costs could increase the occurrence of non-payment that requires more staff time to follow up</li> </ul>

## **7. Conclusion**

- 7.1 The proposal is that fees for Dog Control services are to increase to better meet the actual costs of providing the services.

**Author:** Mandy Bishop, Manager Consents and Compliance

### **Attachments**

Attachment 1: A2337793 Comparison of dog control fees and charges [↓](#)

Attachment 2: A2337794 Dog Control proposed fees - Statement of Proposal [↓](#)

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The recommendation in the report provides for the cost-effective delivery of the services provided, to achieve the well-being goals of the community.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The recommended fees are consistent with the criteria for fixing fees specified in the Dog Control Act 1996 and assist with achieving the stated funding outcomes in the Long Term Plan.
<b>3. Risk</b>	The do nothing option will not be consistent with the Revenue and Financial Policy. Increases in fees are likely to cause dissatisfaction for some dog owners and potentially negatively impact on Council's reputation.
<b>4. Financial impact</b>	The proposed increases in fees will better enable costs for the services to be met in the medium to long-term, at an appropriate proportion between dog owners and ratepayers.
<b>5. Degree of significance and level of engagement</b>	The Dog Control Act does not require the fixing of fees to occur by way of a special consultative procedure. The degree of significance is medium. However, officers have recommended the special consultative procedure.
<b>6. Climate Impact</b>	This matter has not been considered in the preparation of this report.
<b>7. Inclusion of Māori in the decision making process</b>	No engagement with Māori has been undertaken in preparing this report.
<b>8. Delegations</b>	<p>Officers have delegation to set dog control fees and charges under the Officer Delegation Manual (F2) but seek approval from the Environment Committee for the draft Statement of Proposal for the SCP.</p> <p><i>Areas of Responsibility:</i></p>

## Item 11: Proposed Dog Control fees

- *Environmental regulatory matters including (but not limited to) animals and dogs, amusement devices, alcohol licensing (except where delegated to the Alcohol Regulatory and Licensing Authority), food premises, gambling and public health*
- *Regulatory enforcement and monitoring*

### *Delegations*

*The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*

*The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):*

- *Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements*
- *Developing, approving, monitoring and reviewing policies and plans, including activity management plans*
- *Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate*
- *Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes*



## Appendix 1

### Comparison of Dog Control Fees and Charges 2019/20 (all charges include GST)

Registration Fees	Nelson	Tasman	Marlborough	Napier	New Plymouth	Palmerston Nth
Rural dogs	<b>48.00</b>	30.00	20.00	48.00	58.00	44-76
Good Dog Owner Scheme	<b>66.20</b>		60.00	74.00	80 - 125	92.00
All other urban dogs	<b>86.00</b>	50.00	90.00 (old dog 45.00)	110.00	155.00	142.00
All dogs classified as dangerous (standard registration fee, plus 50% surcharge as required by statute)	<b>129.00</b>	75.00	135.00	165.00	232.50	213.00
Police, Seeing Eye and Hearing Dogs	<b>5.00</b>	0	0	0		0
Replacement registration disc	<b>5.00</b>	5.00	5.00	5.00		
<b>Registration discounts (applied annually):</b> Neutered dog (proof from vet is required)	<b>-5.00</b>					
First Impounding	<b>75.00</b>	70.00	75.00	85.00	70.00	
Second Impounding	<b>150.00</b>	100.00	150.00	100.00	150.00	
Third Impounding	<b>225.00</b>	150.00	200.00	150.00	270.00	
Daily charge (for each day following impounding)	<b>15.00</b>	15.00	15.00	10.00	7.30	
After hours callout charge (outside normal working hours)	<b>75.00</b>			175.00 Per hr		
Install microchip to impounded dogs where required	<b>38.00</b>	25.00	25.00	30.00	45.00	



## **Statement of Proposal**

### **AMENDMENTS TO THE DOG CONTROL FEES**

**For 2020/21**

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## 1. Nelson City Council's proposed amendments to the Dog Control Fees

Nelson City Council (**Council**) would like to know what you think of the proposed amendments to the fees relating to the registration and control of dogs.

Council has reviewed these fees and is proposing some changes as described below. In making decisions on this proposal, Council will be taking account of all submissions made.

**The proposed Dog Control Fees are attached to this Statement of Proposal, with the changes underlined. Paper copies of this document are available at the Council's Customer Service Centre and in Nelson libraries.**

## 2. The Proposal

Detailed analysis of the issues and options is provided in section 4 of this proposal. The fees schedule with proposed changes is included in Attachment 1. In summary, it is proposed to:

- a) Delete the good dog owner scheme category (should this be decided through the separate review of the Dog Control Policy and Bylaw) and increase the:
  - standard registration from \$86 to \$95.80 and
  - rural dog registration from \$48 to \$53.50 **or**
- b) Retain the good dog owner scheme category (should this be decided through the separate review of the Dog Control Policy and Bylaw) and increase the:
  - standard registration from \$86 to \$108.50 and
  - good dog owner registration category from \$66.20 to \$84 and
  - rural dog registration from \$48 to \$61 **and**
- c) Increase the afterhours call out fee from \$75 to \$80 **and**
- d) Include the words "Working dog such as" at the start of the Police, seeing-eye dogs category

## Consideration under the Dog Control Act 1996 and the Local Government Act 2002

This Statement of Proposal to amend the Dog Control fees has been prepared in accordance with the following legislation:

- Dog Control Act 1996, section 37
- Local Government Act 2002 (LGA), sections 83 and 150

Note: Section 37 of the Dog Control Act does not require Council to use the special consultative procedure (SCP) when setting fees for registration and dog control activities, but Council has chosen to use it this year because:

- For some regulatory fees and charges (e.g. Resource Management Act fees and charges and Food Act), they are required to follow the SCP.
- Council is consulting on a variety of fee proposals at the same time this year, some of which require SCP and some which do not and having all proposals follow the same consultation approach (i.e. SCP) is helpful for consistency of timing and process and ease of understanding by the public.

The LGA provides that the special consultative procedure must include:

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- A statement of proposal (and a summary of it if required) being made as widely available as practicable as a basis for consultation section 83(1)(c)). The statement of proposal must include a statement of the reasons for the proposal, an analysis of the reasonably practicable options and any other information the local authority identifies as relevant (section 87(3)).
- An identified consultation period of at least one month during which feedback on the proposal may be provided to Council (section 83(b)(iii)).
- An opportunity for people to present their views to the Council (section 83(d)) and a description of how Council will provide persons interested in the proposal with an opportunity to present their views (section 83(b)(ii)).

### **Special Consultative Procedure**

Outcomes of this special consultative procedure could include:

- Retaining the existing fees and charges
- Adopting the proposed amendments outlined in this Statement of Proposal, or a variation of these, based on community feedback
- Adopting different fees and charges, based on community feedback

### **3. Criteria for Fixing Fees and Charges**

Section 37(4) of the Dog Control Act requires the Council to have regard to the relative costs of the registration and control of dogs in the various categories set out in section 37(2). Section 37(2) states penalties for late registrations shall not exceed 50% of the registration fee and section 37(8) states any increase in fees can only take effect at the commencement of that year (being 1 July 2020).

In addition, when fixing these fees Council may have regard to any other matters the territorial authority considers relevant.

The Local Government Act enables Council to prescribe fees or charges under other enactments as long as the fees do not recover more than the reasonable costs incurred by the Council for the service for which the fee is charged.

### **4. Issues and Options**

Dog control services are funded mostly by registration fees, dog impounding fees and some minor income from infringement fees and Court awarded costs.

The costs of the dog control services have increased due to an increase in overheads, an increase in the contractor price for dog control services and an increase in legal expenses compared to budgeted costs.

The dog control fees and charges were increased by 1.8% in 2019 and before that were increased by similar amounts reflecting the consumer price (CPI) index increases. For the 2015/16 financial year the fees met 98% of the costs and all costs were met by fees for 2016/17. In 2017/18 the fees met 85% of the costs or 91% of the costs when the extension to the pound is excluded. In 2018/19 the fees met 83% of costs and this year fees are tracking to meet 79% of the costs.

Costs for dog control services are not easily reduced. There are currently three dog control officers, plus management and administration support. There are around 6,000 dogs to register each year, officers investigate approximately 1,700 complaints or service requests (some resulting in dog seizures), issue over 280 infringement notices, provide

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## Item 11: Proposed Dog Control fees: Attachment 2

information for and appear at prosecution hearings and proactively patrol popular dog exercising areas (averaging 10 hours per week).

### *Standard registration fee*

The actual staff time to register a dog (in any category) is half an hour to check and update details in the database, process payment and send out a registration tag. There are also large amounts of staff time required to prepare systems, prepare public communications and send letters each year for re-registration. This equates to a total of 0.75 hours of staff time for each registration.

If the fees were set at the actual time taken to perform the registration function the charge would be \$120, 40% more than the current charge. The proposal is instead to increase income earned from fees by between 23% and 27%, to ensure more of the Council's costs in providing registration and dog control services are funded by dog owners instead of through rates income.

### *Registration categories*

Staff time to register a dog is the same for all categories. The Dog Control Act enables the charges to be reduced for working dogs and responsible dog owners anticipating there is an associated reduced level of dog control services required. It actually takes more staff time to administer the good dog owner scheme (an additional cost of \$16,500 each year), and this category is proposed to be deleted in the review of the Dog Control Policy and Bylaw, which was consulted on separately.

It is proposed to increase the rural dog registration fee and the good dog owner scheme (if it is retained) by the same percentage to maintain the same degree of difference that currently exists.

The category for police, seeing-eye and hearing dogs is proposed to be renamed as a working dog category to be more inclusive of the various types of working dogs providing benefits to the community. The fee is proposed to remain unchanged at \$5.00 which essentially covers the cost of the registration tag.

### *Registration penalties*

Penalties are set at no more than 50% of the standard registration category in compliance with legislation. The increase in the penalties simply reflects the increase in the registration fee.

### *After hours call out fee*

The minimum staff time required for a call out is half an hour. The current fee of \$75 is proposed to increase to \$80 to reflect the minimum time of half an hour per call out.

The proposed registration fees in the various categories provide reasonable relativity between the categories consistent with the expectations of section 37(4) of the Dog Control Act.

### **Assessment of options against criteria**

The options are to keep the current fees as they are, increase fees as proposed in Attachment 1, or increase the fees to meet all of the costs of providing the services.

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## Item 11: Proposed Dog Control fees: Attachment 2

	Reasonable	Relativity of costs
<b>Option 1</b> No changes	Current fees do not fairly cover costs at a rate proportional to the private benefit gained from the services. Current fees do not fully reflect the actual time to carry out the various tasks	The current fees have different fees between categories
<b>Option 2</b> Increase fees as proposed	Increasing fees better reflects the private benefit proportion of the services and better reflects the actual time and costs for the services	Proposed amendments are considered to maintain relativity for those categories that are retained and more fairly represent the actual time to register the dogs
<b>Option 3</b> Increase fees to cover all costs of providing the services	Some services have a wider public benefit so it is not reasonable to portion this to dog owners alone	Different fees between categories can be retained at the higher level to meet all costs in providing the services

### *Options Analysis*

**Option 1** — While dog owners would not face increased fees, the current fees do not reflect the actual time to perform that activity. In addition the dog owners are not paying a large enough proportion of the costs of the services that have increased. If no changes to the fees are made now there may need to be larger increases in the future.

**Option 2** — Amend fees as proposed in Attachment 1 improves the proportionality of dog owners covering the cost of services under the Dog Control Act, better reflects the actual time taken to perform tasks and reduces the potential for large increases in the future. Increasing fees may cause dissatisfaction or difficulty for some dog owners, but the impounding fees and infringement fines help ensure the responsible dog owners are not subsidising the costs of repeat offenders.

**Option 3** — Increase the fees to cover all the costs of providing the services do not reasonable portion the services between dog owners and ratepayers when there are services that have wider public benefit (such as the dog education programme). The larger fee increase is likely to cause more dissatisfaction and difficulty for some dog owners.

### *Preferred Option*

**Option 2** — Increase Dog Control fees as proposed in Attachment 1 and outlined in section 2 above.

### *Reasons*

The proposed amendments better cover the actual costs for the service and are a reasonable increase compared to existing fees. Higher increases could be justified but on balance it was not considered fair or reasonable to propose this.

## Submissions

Anyone may make a submission about any aspect of the Dog Control fees and any other options that have been considered. Council, in making its decision, will take account of all submissions made.

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## Item 11: Proposed Dog Control fees: Attachment 2

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

Submissions can be made:

- online at [nelson.govt.nz/council/consultations](https://nelson.govt.nz/council/consultations)
- by post to Dog Control Fees Amendments, PO Box 645, Nelson 7010
- by delivering your submission to Civic House, 110 Trafalgar Street, Nelson.

**Submissions must be received no later than 4pm 17 April 2020.**

Any person who wishes to speak in support of their submission will be given the opportunity to address the Council at a hearing on **21 April 2020**.

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**Attachment 1****Proposed Dog Control Fees for 2020/21 – with the Good Dog Owner Scheme****(all charges include GST)**

<b>Registration Fees</b>	<b>Fee \$</b>
Rural dogs (properties of 1 hectare or more)	<del>48.00</del> <u>61.00</u>
Good Dog Owner Scheme	<del>66.20</del> <u>84.00</u>
All other urban dogs	<del>86.00</del> <u>108.50</u>
All dogs classified as dangerous (standard registration fee, plus 50% surcharge as required by statute)	<del>129.00</del> <u>162.75</u>
<u>Community working dog such as</u> Police, Seeing Eye and Hearing Dogs	5.00
<b>A late payment penalty of 50% of the registration shall apply to all registrations remaining unpaid on 1 August of each year and all dogs unregistered after 1 September of each year shall incur a further \$300 infringement fee, plus penalty. Such penalties (set by statute) are to be made clear on the invoice for registration.</b>	
Replacement registration disc	5.00
<b>Registration discounts (applied annually):</b> Neutered dog (proof from vet is required)	-5.00
<b>Impounding Fees (in any 12 month period)</b>	
First Impounding	75.00
Second Impounding	150.00
Third Impounding	225.00
Daily charge (for each day following impounding)	15.00
After hours callout charge (outside normal working hours)	<del>75.00</del> <u>80.00</u>
Install microchip to impounded dogs where required	38.00

**or**

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### Proposed Dog Control Fees for 2020/21 – without the Good Dog Owner Scheme

(all charges include GST)

Registration Fees	Fee \$
Rural dogs (properties of 1 hectare or more)	<del>48.00</del> 53.50
<del>Good Dog Owner Scheme</del>	<del>66.20</del>
All other urban dogs	<del>86.00</del> 95.80
All dogs classified as dangerous (standard registration fee, plus 50% surcharge as required by statute)	<del>129.00</del> 143.70
<u>Community working dog such as</u> Police, Seeing Eye and Hearing Dogs	5.00
<b>A late payment penalty of 50% of the registration shall apply to all registrations remaining unpaid on 1 August of each year and all dogs unregistered after 1 September of each year shall incur a further \$300 infringement fee, plus penalty. Such penalties (set by statute) are to be made clear on the invoice for registration.</b>	
Replacement registration disc	5.00
<b>Registration discounts (applied annually):</b> Neutered dog (proof from vet is required)	-5.00
<b>Impounding Fees (in any 12 month period)</b>	
First Impounding	75.00
Second Impounding	150.00
Third Impounding	225.00
Daily charge (for each day following impounding)	15.00
After hours callout charge (outside normal working hours)	<del>75.00</del> 80.00
Install microchip to impounded dogs where required	38.00

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## **Building Unit Fees and Charges Review 2020/21**

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### **1. Purpose of Report**

- 1.1 To seek approval of the statement of proposal for the proposed fees and charges under the Building Act 2004 for public consultation and notification using the Special Consultative Procedure (section 83 of the Local Government Act 2002). The draft Statement of Proposal is attached to this report (Attachment 1).

### **2. Summary**

- 2.1 Current fees and charges Council imposed under the Building Act 2004 have been reviewed and changes are proposed where required to meet increased costs for national quality assurance requirements and to better reflect the actual and reasonable costs in providing these services.

### **3. Recommendations**

#### ***That the Environment Committee***

- 1. Receives the report Building Unit Fees and Charges Review 2020/21 (R13746) and its attachments (A2342140, A2341824, and A2341910); and***
- 2. Agrees a summary of information contained in the Statement of Proposal is not necessary to enable public understanding of the proposal; and***
- 3. Agrees the preferred option is to increase Building Unit Fees and Charges by a total of 18% that includes increasing the staff hourly rate to \$160, introducing a systems fee and increasing the insurance and quality assurance levies; and***
- 4. Adopts the Statement of Proposal for the proposed Fees and Charges under the***

***Building Act 2004 contained in Attachment 1 (A2342140) of Report R13746; and***

***5. Approves the consultation approach (set out in section 5 of this report) and agrees:***

***a) the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***

***b) the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***

***6. Approves commencement of the Special Consultation Procedure with the consultation period to run from 17 March to 17 April 2020.***

**4. Background**

- 4.1 Council's Building Unit is responsible for carrying out many of Council's functions as a Building Consent Authority (BCA) including issuing building consents, inspecting building work and issuing property information (e.g. project information memoranda).
- 4.2 Under section 219 of the Building Act 2004, Council is permitted to impose fees and charges for many of the services the Building Unit is responsible for - including in relation to building consents and for the performance of other functions and services under the Building Act 2004.
- 4.3 Under section 281A of the Building Act 2004, Council has a discretion as to how the fee or charge is charged or set and how it may be paid or collected.
- 4.4 Council must act reasonably when imposing fees and charges under the Building Act 2004. This means that Council should generally not make a profit out of performing its functions under the Building Act 2004.
- 4.5 The current fees and charges were implemented from 1 July 2019 with only minor changes occurring compared to the fees and charges at 1 July 2014.
- 4.6 BCAs are audited by International Accreditation New Zealand (IANZ) every two years. Nelson City Council's last audit in June 2019 identified 32 general non-compliances. As a result Council as a BCA has been placed on an annual audit rotation. IANZ will return in June 2020 to complete another audit of the BCA.

## Item 12: Building Unit Fees and Charges Review 2020/21

- 4.7 While the Council is not required to carry out consultation before imposing fees and charges under the Building Act 2004, officers are recommending that the proposals outlined in this report be subject to a Special Consultative Procedure (SCP) for the reasons outlined in section 6 below.

### **5. Discussion**

#### **Fees and charges**

- 5.1 Under Council's Revenue and Financial Policy, the Building Unit is required to recover 60% - 80% of the total costs of the Building Unit. Last year the recovery was 78%, however, the recovery this year is expected to be lower as a high level of staff time is required to address the findings of the IANZ audit.
- 5.2 Contractors have also been used more regularly since October 2018 (with the introduction of the AlphaOne consenting system) to assist with the processing of consents so that statutory timeframes are largely met. This has increased costs to the Building Unit.
- 5.3 Some of the Council's current fees and charges are lower than those imposed by other territorial authorities of similar size for the same work. For example, Council's technical staff hourly rate (currently \$135) is well below that of Napier (\$165), New Plymouth (\$168) and Palmerston North (\$184) despite staff having the same levels of qualifications (see fee comparisons in Attachment 2).
- 5.4 The current time allowance and charge out rate for staff completing Project Information Memorandums (PIMs) does not reflect the actual time required to carry out this service nor the proposed staff hourly rate.
- 5.5 The Alpha One and GoGet processing systems charge Council \$125 per consent. This charge is not currently being on-charged to the consent holder.
- 5.6 The earthquake prone building (EPB) assessments are ratepayer funded. However, it is proposed to charge for EPB applications for exemption, extension of time for a heritage building and assessment of information submitted relating to an EPB status as these activities are triggered by the individual owner for their benefit.
- 5.7 The current Quality Assurance levy is not recovering the costs of performing this function. The insurance levy needs to increase to better cover legal fees and claims. The Ministry of Business, Innovation and Employment (MBIE) levy has decreased and this needs to be reflected in the schedule.
- 5.8 The current fees have a fixed fee amount and a deposit amount and there is no refund if the total costs are less than the fixed fee. The fixed fee is not a maximum as notes explain additional charges can apply where the time involved exceeded the assumed time that the fixed fee was based on. It is considered clearer and less confusing to just have

## Item 12: Building Unit Fees and Charges Review 2020/21

deposits and staff hourly rates listed with an indication of estimated costs for a variety of building work categories provided on the website.

### **Consultation**

- 5.9 The Building Act 2004 gives territorial authorities the power to impose fees and charges without the need for public consultation. Officers have delegated authority to set fees and charges (delegation F2). Accordingly, there is no requirement to undertake the special consultative procedure (SCP) to change fees and charges imposed under the Building Act. However, in this case, officers are recommending the SCP is used because:
- a) For some regulatory fees and charges (e.g. Resource Management Act and the Food Act fees and charges), Council is required to follow the SCP.
  - b) Council is consulting on a variety of fees and charges proposals at the same time this year, some of which require SCP and some of which do not.
  - c) This year, officers are recommending these proposals all follow the same consultation approach (i.e. SCP) for consistency of timing and process and ease of understanding by the public.
- 5.10 Under section 78 of the Local Government Act 2002, a local authority must, in the course of its decision-making process give consideration to the views and preferences of persons likely to be affected by, or have an interest in, the matter. In undertaking an SCP, the Local Government Act 2002 requires the territorial authority to make the Statement of Proposal publicly available, along with a description of how persons interested in the proposal will be provided with an opportunity to present their views and the period during which those views may be provided to the Council.
- 5.11 Under section 87(3) of the Local Government Act 2002 (which applies when the Council chooses to use the SCP) a Statement of Proposal must include:
- a) the proposed changes;
  - b) the reasons for the changes;
  - c) what alternatives to the changes are reasonably available; and
  - d) any other information that the local authority identifies as relevant.
- 5.12 Section 83 of the Local Government Act 2002 requires Council to consider whether a summary of the Statement of Proposal "is necessary to enable public understanding of the proposal." The proposed Statement of Proposal is not unduly complicated and therefore, a summary is not considered necessary to assist with the public understanding of it.

## Item 12: Building Unit Fees and Charges Review 2020/21

- 5.13 The public consultation process provides an opportunity for the public and other stakeholders to engage in the process and a structured way in which Council can respond to any concerns that may be raised. The proposed timeframe is outlined below:

Proposed Consultation Process and Timeline	
Council approves the release of the Statement of Proposals to the public for consultation (SCP)	5 March
Statement of Proposal publicly notified and open for submissions	17 March
Consultation closes	17 April
Environment Committee – Hearing of Submissions	To be confirmed
Environment Committee – Deliberation of submissions and adoption of changes	4 June

- 5.14 The following are the key methods proposed to raise public awareness of the consultation process and to encourage those who may be affected or have an interest in this proposal to present their views, but these may be amended as the consultation process progresses:

- a) Information and key dates advertised in Our Nelson and Share newsletters prior to, and near the end of the consultation period.
- b) Nelson City Council website, web page and web app.
- c) Media release outlining the proposal and the key issues.
- d) Copies of the Statement of Proposal will be available from the Customer Services Centre and Council libraries and also available on the Council website.
- e) Copies of the Statement of Proposal will be available for Councillors to take to any community meetings that they attend during the consultation period.

### **The proposal**

- 5.15 The proposal is to increase most fees and charges imposed by the Building Unit. A full outline of the proposed amendments to these fees and charges is included in Attachment 1 to the Statement of Proposal. There are a number of reasons for the proposed changes. In summary:

- a) Higher costs are anticipated to address feedback from IANZ and maintain Council's BCA accreditation;
- b) Many fees and charges are below the actual cost to Council because they do not reflect realistic time allowances; and

## Item 12: Building Unit Fees and Charges Review 2020/21

- c) Many fees and charges are out of step (being too low) when compared with those imposed by other territorial authorities of similar sizes.

### 5.16 The proposal includes:

- a) Increasing the Building Unit staff hourly rates for administration and residential technical services from \$135 per hour to \$160 per hour to be more consistent with regulatory charge out rates within this Council and more consistent with other Councils charge out rates. Tasman District Council's proposed charge out rate is \$160 per hour for 2020/21. See Appendix 2 for comparisons with other councils.
- b) Changing the fee for Project Information Memorandums from \$150 to a staff hourly rate of \$160.
- c) Including a computer system fee per consent based on the estimated value of the works:
  - A \$75 fee for works up to \$10,000 in value
  - \$125 for works between \$10,001 and \$800,000 in value and
  - \$250 for works over \$800,000 in value
- d) Including the earthquake prone building fees in the schedule (application for exemption, extension of time for a heritage building and assessment of information relating to a building's status) with a \$610 deposit.
- e) Increasing the quality assurance levy from \$1 per \$1,000 of the estimated value of the works to \$2.50 per \$1,000. This applies to projects with a value of \$20,000 or more and is capped at \$10 million value of works. If the proposed increase in levies is approved, the additional quality assurance resourcing will be firmed up prior to the year end.
- f) Increasing the insurance levy from \$0.75 per \$1,000 to \$1.50 per \$1,000. This applies to projects with a value of \$20,000 or more and is capped at \$10 million value of works.
- g) Reducing the MBIE levy from \$2.01 per \$1,000 to \$1.75 per \$1,000. This applies to works valued at \$20,444 and over.
- h) Changing the current fixed fee/deposit combinations to deposits and final costs based on the actual number of hours taken to provide the service. Most of the deposits will increase to reflect the average time to complete the task.

### 5.17 A comparison of the current and proposed charges for some building consent types are in the table below. Attachment 3 includes further cost examples and an estimated comparison with proposed Tasman District Council charges.

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	Old fee	New rate \$160 hr		New rate \$150 hr	
		Estimated fee	Increase	Estimated fee	Increase
Residential \$100,000 value	\$3,556.00	\$4,400.00	24%	\$4,185.00	18%
Residential \$432,000 value	\$7,123.82	\$8,561.00	20%	\$8,231.00	16%
Residential \$650,000 value	\$9,436.50	\$11,790.00	25%	\$11,350.00	20%
Commercial \$190,000 value	\$4,944.40	\$6,127.50	24%	\$5,842.50	18%
Commercial \$900,000 value	\$10,849.00	\$14,114.00	30%	\$13,654.00	26%

Table 1 Comparison of current building consent charges with proposed charges based on the same hours spent on the consent

- 5.18 Full details of the proposed changes to the Building Unit Fees and Charges are in the Statement of Proposal in Attachment 1.
- 5.19 The proposed Building Unit fees are estimated to realise a \$387,000 (excluding GST) increase in budgeted revenue for the financial year 2020/21. This is based on an hourly rate increase to \$160 per hour and increases to the insurance levy, quality assurance levy and the introduction of a systems fee. Should the hourly rate be \$150 the estimated increase in income is \$257,000 (assuming the other changes occur).
- 5.20 The table below identifies the increases in costs and the changes to income from fees and rates based on fees remaining the same and three other increases in fees options for this service.



## Item 12: Building Unit Fees and Charges Review 2020/21

Account	Draft AP Budget 2020/21 – no fee change	Draft AP Budget 2020/21 – hourly rate \$150	Draft AP Budget 2020/21 – hourly rate \$160	Draft AP Budget 2020/21 – hourly rate \$170
Hourly Rate (GST excl)	117	130	139	148
Hourly Rate (GST incl)	135	150	160	170
Hourly Rate Increase	0%	11%	19%	26%
Income increase %	0%	12%	18%	23%
% cost recovery from fees	62%	69%	72%	76%
<b>Building Services</b>				
<b>Income</b>	<b>(3,593,412)</b>	<b>(3,593,412)</b>	<b>(3,593,412)</b>	<b>(3,593,412)</b>
Rates Income	(1,379,843)	(1,122,400)	(992,400)	(862,400)
Other Income	(2,213,569)	(2,471,012)	(2,601,012)	(2,731,012)
<b>Expenses</b>	<b>3,593,412</b>	<b>3,593,412</b>	<b>3,593,412</b>	<b>3,593,412</b>
Staff Operating Expenditure	3,202,096	3,202,096	3,202,096	3,202,096
Base Expenditure	338,782	338,782	338,782	338,782
Unprogrammed Expenses	10,000	10,000	10,000	10,000
Programmed Expenses	33,684	33,684	33,684	33,684
Depreciation	8,850	8,850	8,850	8,850

Table 2 Building Unit income from fees and resulting rates component based on four different options

## 6. Options

The options are to increase the fees and charges by a total of 18% as proposed in Attachment 3, increase the fees and charges by CPI at 1.9%, or to increase the fees and charges by a total of 12%. The preferred option is to approve the fees and charges as proposed in Attachment 3 (option 1).

<b>Option 1: Approve the proposed increases to fees and charges by a total of 18% under the Building Act 2004 (preferred option)</b>	
Advantages	<ul style="list-style-type: none"> <li>An increase in fees and charges will better ensure the budgeted recovery levels of the Building Unit are met</li> <li>The increased charges will more ably cover the costs of attaining and meeting national quality assurance requirements</li> <li>The new staff hourly rates of \$160 per hour (inspection/processing/administration) and the other fees and charges increases, are more</li> </ul>

## Item 12: Building Unit Fees and Charges Review 2020/21

	<p>consistent with charges imposed by other territorial authorities</p> <ul style="list-style-type: none"> <li>• Prevents a larger increase at a later date</li> <li>• The proposed increase to fees and charges provides less dependence on rates subsidy of the Building Unit</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• The increase may result in customer dissatisfaction with the charges</li> </ul>
<b>Option 2: Increase the fees and charges by CPI at 1.9%</b>	
Advantages	<ul style="list-style-type: none"> <li>• Users do not face large increased charges</li> <li>• Less potential for customer dissatisfaction with the charges</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Fees and charges may not meet budgeted recovery levels</li> <li>• Reduced ability to cover the costs of meeting quality assurance requirements could put the accreditation at risk</li> <li>• Fees and charges will not provide for resourcing needs identified within the recent accreditation (IANZ) and MBIE audits.</li> <li>• Fees and charges are less consistent with local and national industry levels and the Council will need to fund the Building Unit more from rates income (estimated 38% in 2019/20)</li> <li>• A larger increase may be required at a later date</li> </ul>
<b>Option 3: Increase the fees and charges by a total of 12% with the hourly staff rate at \$150</b>	
Advantages	<ul style="list-style-type: none"> <li>• An increase in fees and charges will better ensure the budgeted recovery levels of the Building Unit are met compared to current fees and charges</li> <li>• The increased charges will cover some of the costs of attaining and meeting national quality assurance requirements</li> <li>• Prevents a larger increase at a later date</li> <li>• The proposed increase to fees and charges provides less dependence on rates subsidy of the Building Unit compared to current charges</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Fees and charges would not align with local and national industry levels</li> <li>• Potential for customer dissatisfaction with the charges</li> </ul>

## **7. Conclusion**

- 7.1 The proposal is that fees and charges imposed under the Building Act 2004 need to increase to better enable costs of providing the services to be met.

## **8. Next Steps**

- 8.1 Proceed to public consultation on the proposed changes then decide on any changes once public comments have been considered.

**Author:** Mark Hunter, Manager Building

### **Attachments**

- Attachment 1: A2342140 Building Unit proposed fees and charges - Statement of Proposal [↓](#)
- Attachment 2: A2341824 Building Unit fees and charges comparisons [↓](#)
- Attachment 3: A2341910 Proposed consent fees examples [↓](#)

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The recommendation in the report provides for the cost-effective delivery of services to achieve the well-being goals of the community.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The recommended fees and charges assist with achieving the stated funding outcomes in the Long Term Plan.
<b>3. Risk</b>	The do nothing option will not assist the Territorial Authority and Building Consent Authority (BCA) meet its statutory obligations under the Building Act 2004 and Building Accreditation Regulations 2006 and Amendments 2017. The risk to councils BCA attaining more General Non Compliances within future IANZ audits is heightened, possibly threatening future accreditation.
<b>4. Financial impact</b>	The proposed increases in fees and charges will better enable the costs for the services to be met in the medium to long-term and are more likely to meet recovery levels anticipated by the Long Term Plan and the Revenue and Finance Policy.
<b>5. Degree of significance and level of engagement</b>	This matter is of medium significance because proposed changes while justified will impact on a number of applicants and consent holders. A SCP is recommended by officers given the concurrent processes Council is undertaking that require the SCP. However, the SCP is not required by the Building Act.
<b>6. Climate Impact</b>	This matter has not been considered in the preparation of this report.
<b>7. Inclusion of Māori in the decision making process</b>	No engagement with Māori has been undertaken in preparing this report.
<b>8. Delegations</b>	Officers have delegation to set Building Unit fees and charges under the Building Act 2004 but seek approval from the Environment Committee for the draft Statement of Proposal for the SCP.

*Areas of Responsibility:*

- *Building Control matters, including earthquake-prone buildings and the fencing of swimming pools*

*Delegations:*

*The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*

*The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):*

- *Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements*
- *Developing, approving, monitoring and reviewing policies and plans, including activity management plans*
- *Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate*
- *Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes.*



## **Statement of Proposal**

### **AMENDMENTS TO THE FEES AND CHARGES under the BUILDING ACT 2004**

**Commencing 1 July 2020**

## 1. Nelson City Council's proposed amendments to fees and charges under the Building Act 2004

Nelson City Council (**Council**) would like to know what you think of the proposed amendments to the fees and charges relating to building consent applications, inspections and other services provided by the Building Unit.

The current fees and charges came into effect on 1 July 2019 (although changes have been minor compared to the level of fees and charges from five years ago). The fees and charges were set to ensure those who benefit from the services pay a fair and reasonable share of the costs of these services.

Council has reviewed these fees and is proposing some changes as described below. We want to know what you think of the proposed changes. In making decisions on this proposal, Council will be taking account of all submissions made.

**The proposed fees and charges are attached to this Statement of Proposal as Attachment 1 along with the current fees and charges at Attachment 2. Paper copies of this document are available at the Council's Customer Service Centre and in Nelson libraries.**

## 2. The Proposal

Detailed analysis of the issues and options is set out in section 4 of this proposal. The fees and charges schedule with proposed changes are included in Attachment 1. A summary of the proposed amendments is outlined below:

- a) Increase the staff hourly rate for administrators from \$100 per hour to \$160 per hour
- b) Increase the staff hourly rate for residential technical officers from \$135 per hour to \$160 per hour
- c) Increase the staff hourly rate for commercial technical officers from \$135 per hour to \$180 per hour
- d) Change the fee for Project Information Memorandums from \$150 to a staff hourly rate of \$160
- e) Include a system fee per consent based on the estimated value of the works:
  - A \$75 fee for works up to \$10,000 in value
  - \$125 for works between \$10,001 and \$800,000 in value and
  - \$250 for works over \$800,000 in value
- f) Include the earthquake prone building fees in the schedule (application for exemption, extension of time for a heritage building and assessment of information relating to a building's status) with a \$610 deposit.
- g) Increase the quality assurance levy from \$1 to \$2.50 per \$1,000 of the estimated value of the works (applies when the value of works is \$20,000 and over and is capped at \$10 million)
- h) Increase the insurance levy from \$0.75 to \$1.50 per \$1,000 of the estimated value of the works (applies when the value of works is \$20,000 and over and is capped at \$10 million)
- i) Reduce the Ministry for Business, Innovation and Employment (MBIE) levy from \$2.01 to \$1.75 per \$1,000 of the estimated value of the works (applies when the value of works is \$20,444 and over)
- j) Change the fixed fee/deposit combinations to deposits and most of these will increase to reflect the average time to complete the task.

The objective of the proposal is to review current fees under the Building Act 2004 relating to building consent applications, inspections and other services provided by the

Building Unit, to make any necessary changes to better reflect the actual cost to Council in providing this service and to ensure reasonable cost recovery goals can be met.

### **Consideration under the relevant legislation**

This Statement of Proposal to amend the fees and charges under the Building Act 2004 has been prepared in accordance with the following legislation:

- Building Act 2004, sections 219 and 281A
- Local Government Act 2002 (LGA), sections 83 and 101(3)

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

Section 219 of the Building Act enables a territorial authority to impose fees or charges in relation to a building consent and for the performance of any other function or service under the Building Act.

Section 281A of the Building Act 2004 gives a territorial authority discretion as to how fees or charges are charged or set and how they may be paid or collected.

Public consultation in the form of a special consultative procedure is not a requirement under the Building Act before fees and charges can be imposed. However, Council is running a special consultative procedure in this instance given it is also consulting on a number of other fees and charges at the same time. When used section 83 of the LGA provides that the special consultative procedure must include:

- A statement of proposal (and a summary of it if required) being made as widely available as practicable as a basis for consultation (section 83(1)(c)). The statement of proposal must include a statement of the reasons for the proposal, an analysis of the reasonably practicable options and any other information the local authority identifies as relevant (section 87(3)).
- An identified consultation period of at least one month during which feedback on the proposal may be provided to Council (section 83(b)(iii)).
- An opportunity for people to present their views to the Council (section 83(d)) and a description of how Council will provide persons interested in the proposal with an opportunity to present their views (section 83(b)(ii)).

### **Special Consultative Procedure**

Outcomes of this special consultative procedure could include:

- Retaining the existing fees and charges
- Adopting the proposed amendments outlined in this Statement of Proposal, or a variation of these, based on community feedback
- Increasing the fees and charges at a higher level than the proposed increases

## **3. The Approach to Fees and Charges**

Council's current charging structure for building consent applications and other services is based on applicants lodging an initial sum of money determined by the nature or the estimated value of the works. This is credited to the applicant's account. As the application is processed those processing costs are debited against the applicant's



account.

The cost of the processing is based on:

- a) The time spent by Council staff and any specialist advisers assessing the application; and
- b) The staff hourly charge or the consultant charges (if external expertise is required); and
- c) Administrative costs; and
- d) Various levies if relevant.

When the processing is completed, the costs are calculated, and further payment is sent if the costs exceed the amount of the initial fixed charge. Inspections are charged at the hourly rate based on each required inspection taking one hour. If additional time or additional inspections are required these will be charged separately.

#### **4. Issues and Options**

Council's Building Unit is responsible for carrying out many of Council's functions as a Building Consent Authority (BCA) including issuing building consents, inspecting building work and issuing property information (e.g. project information memoranda). BCAs are audited by International Accreditation New Zealand (IANZ) every two years or annually as required. Nelson City Council's audit is currently on an annual rotation. Increased staff time and training is required to meet audit requirements that has not been accounted for in current budgets.

Contractors have also been used more regularly in the last year to assist with the processing of consents so that statutory timeframes are largely met. This has increased costs to the Building Unit.

Some of the Council's current fees and charges are lower than those imposed by other territorial authorities of similar size for the same work. For example, Council's technical staff hourly rate (currently \$135) is well below that of Napier (\$165), New Plymouth (\$168) and Palmerston North (\$184) despite staff having the same levels of qualifications.

The current time allowance and charge out rate staff completing Project Information Memorandums (PIMs) does not reflect the actual time required to carry out this service and the proposed staff hourly rate.

The computer processing systems provider charge Council \$125 per consent. This charge is not currently being on-charged to the consent holder.

The earthquake prone building (EPB) assessments are ratepayer funded. It is proposed to charge for EPB applications for exemption, extension of time for a heritage building and assessment of information submitted relating to an EPB status as these activities are triggered by the individual owner for their benefit.

The current Quality Assurance levy is not recovering the costs of performing this function. The insurance levy needs to increase to better cover legal fees and claims. The Ministry of Business, Innovation and Employment (MBIE) levy has decreased and this needs to be reflected in the schedule.

The current fees have a fixed fee amount and a deposit amount. The fixed fee is not a maximum as notes explain additional charges can apply where the time involved exceeded the assumed time that the fixed fee was based on. It is considered clearer and less confusing to just have deposits and staff hourly rates listed.

### **Hourly rate**

The current hourly rate charges will not cover the increased costs required to attain and maintain national quality assurance requirements. Some of the current charges do not cover the actual costs of providing the service. Increasing charges so that consent applicants pay a greater share of these costs than ratepayers is considered reasonable.

All Building Unit services involve technical staff (consent processors, planning checks and inspectors) and administration staff. The amount of time required by staff from each component can vary with staff workload management issues so to be fair to all customers it is considered reasonable to have one rate for both. It is proposed to increase the hourly rate to \$160 as this rate will better cover actual costs of providing the services (staff time and overheads) and is a reasonable rate when compared to some other Council charges (up to \$210 per hour).

The proposed higher rate for commercial building technical staff at \$180 per hour reflects the level of complexity of projects and higher competency levels and training required for staff. The change from a fee of \$150 for Project Information Memorandums to an hourly rate of \$160 for all staff better reflects the variability involved in the different projects.

### **System fee**

The Council currently incurs a charge of \$125 per building consent application from the computer system provider for building unit processes. It is proposed to on-charge this amount to building consent applicants in a graduated manner based on the value of the proposed works.

### **Earthquake prone building fees**

Council currently meets the costs for initial earthquake prone building assessments through ratepayer funding on the basis that this information is beneficial to the entire community. However, Council proposes to introduce charges for applications for exemptions, extensions of time and assessments of status based on further information. This is because these costs have a direct benefit to individual building owners (rather than the community as a whole). On this basis, Council considers it is fair and reasonable that building owners meet the costs of these services.

### **Levies**

The quality assurance levy is designed to cover the cost of ensuring all processes, documents and training of staff meet national audit requirements. The costs of this function are not being met by the current charge and an increase is proposed to meet the increase in staff time needed to meet the audit requirements. The levy is linked to the value of building work as more complex building work requires a higher level of assessment, training and documentation requirements.

The insurance levy needs to increase to cover the actual costs of legal fees and claims associated with building consent processing.

The Ministry of Business, Innovation and Employment has reduced their levy under section 53 of the Building Act 2004, so a reduction is proposed in the schedule of fees and charges.

### **Fixed charges/deposits**

The current schedule has both a fixed fee and deposit component for some activities. The fixed fee component includes a note that additional charges may be incurred should the anticipated time to perform that task be exceeded.

For transparency, Council proposes to instead list the deposit amount and the staff hourly rate that will apply for any time spent above that covered by the deposit amount. Council also proposes to increase most deposits have increased to reflect the increase in the staff hourly rate and to better reflect the actual time for those functions.

### **Assessment**

In exercising its discretion about what fees and charges to impose, Council should ensure charges are cost-effective, with the purpose of recovering the reasonable costs incurred by the Council in respect of the activity to which the charge relates, and with those gaining the benefit from the regulatory service paying the reasonable cost for that service.

Council considers that the proposed amendments that it is seeking your feedback on achieves this balance.

### **Options Analysis**

**Option 1** — Amend the fees and charges as proposed in Attachment 1 and above

In addition to the reasons set out above, this option will help to achieve improved proportionality in terms of costs associated with building consents and performance of other Council functions under the Building Act 2004 being met by building customers rather than ratepayers. Council is incurring increased costs in providing building services and the proposed amendments will help achieve a higher rate of recovery for those costs. Council considers the proposed changes better reflects the average time taken to perform tasks and reduces the potential for large increases to fees and charges in the future.

Some of the increased costs incurred include the staff time and training required to prepare for and meet the requirements of the national audit. While staff are involved in this process contractors are need to meet statutory processing timeframes and also increases costs to Council.

Council appreciates that an increase to fees and charges may cause dissatisfaction to some customers. However, it considers that the proposed increases more fairly reflect the actual costs incurred by Council (currently met through rates), costs associated with processing, inspecting and compliance duties.

**Option 2** — Retain the current fees

While customers would not face increased fees and charges, many current fees and charges do not reflect the average time to perform that activity. In addition customers obtaining the benefit of building services are not currently meeting the actual costs to Council in providing these services. If no increases are made to fees and charges now, Council may need to impose a higher increase in the future. In addition there will need to be an increase in funding from rates to meet the increase in actual costs.

**Option 3** — Increase the fees and charges to the higher hourly rate for residential staff to \$170 per hour (and commercial technical staff to \$180 per hour)

This will better ensure the budgeted recovery levels of the Building Unit are met, more ably cover the costs of meeting national audit requirements and less dependence on rates. However the rate will be larger than most other comparable Council rates and the larger increase is likely to cause dissatisfaction to more customers.

### **Preferred Option**

**Option 1** — Amend fees as proposed in Attachment 1 and outlined in section 4 above.

### **Reasons**

The reasons for this option are outlined in sections 2 and 4 above. In summary:

- Higher costs are anticipated to address feedback from IANZ and maintain Council's Building Consent Authority accreditation;
- Many fees and charges are below the actual cost to Council because they do not reflect realistic time allowances; and
- Many fees and charges are out of step (being too low) when compared with those imposed by other territorial authorities of similar sizes for the same work.

### **Submissions**

Anyone may make a submission about any aspect of the proposed amendments to the Building Unit fees and any other options that have been considered. Council, in making its decision, will take account of all submissions made.

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

Submissions can be made:

- online at [nelson.govt.nz/council/consultations](https://nelson.govt.nz/council/consultations)
- by post to Building Unit Fees and Charges Amendments, PO Box 645, Nelson 7010
- by delivering your submission to Civic House, 110 Trafalgar Street, Nelson.

**Submissions must be received no later than 17 April 2020.**

Any person who wishes to speak in support of their submission will be given the opportunity to address the Council at a hearing on **April 2020**.



## Attachment 1

## Proposed Amendments to the Building Unit Fees

<b>All applications are subject to the following fees:</b> <ul style="list-style-type: none"> <li><b>Deposit</b> as listed below – <b>to be paid on application.</b></li> <li>At time of building consent issue - cost based on staff hourly rate, less deposit, plus estimated inspections fees, all levies and contributions as applicable, payable prior to issue of consent.</li> <li>All additional time will be charged at hourly staff rates</li> </ul>	
<b>Development and financial contributions:</b> Building consents may also incur development and/or financial contributions - see <a href="http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/">website information</a> - <a href="http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/">http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/</a>	
<b>Table below applies to all applications:</b> Commercial/Residential/New or Alteration & Additions. Costs exceeding the deposit are charged at the staff hourly rate.	
Estimated value of Work:	Deposit paid on application
- up to \$5,000	\$665.00
- \$5,001 to \$10,000	\$910.00
- \$10,001 to \$20,000	\$1,520.00
- \$20,001 to \$50,000	\$2,275.00
- \$50,001 to \$100,000	\$2,500.00
- \$100,001 to \$200,000	\$2,772.00
- \$200,001 to \$450,000	\$3,352.00
- \$450,001 to \$800,000	\$4,137.00
- \$800,001 to \$1,200,000	\$4,260.00
- \$1,200,001 to \$4,000,000	\$5,575.00
- \$4,000,001 or more	\$9,000.00
Systems fee – charge per consent based on the estimated value of works	Fixed charge
Up to \$10,000 estimated value of works	\$75.00
\$10,001 to \$800,000 estimated value of works	\$125.00
Over \$800,000 estimated value of works	\$250.00
<b>Levies - fixed and required under Building Act 2004 - fee based on 'Estimated value of work'</b> Note: an Amendment that adds value to the original consent, may cause it to incur (additional) Levies.	
<b>BRANZ Levy - Building Research Association New Zealand Levy</b> - where estimated value is \$20,000 and over	\$1.00 per \$1,000
<b>MBIE Levy - Ministry of Business, Innovation and Employment Levy</b> where estimated value is \$20,444 and over	\$1.75 per \$1,000
<b>Insurance Levy</b> - where estimated value is \$20,000 and over and capped at \$10,000,000	\$1.50 per \$1,000
<b>QA Levy - Quality Assurance/Building Consent Authority Levy</b> - where estimated value is \$20,000 and over and capped at \$10,000,000	\$2.50 per \$1,000
Minor Works – * see notes at the end of the schedule Costs exceeding the deposit are charged at the staff hourly rate.	Deposit
<b>Swimming pool barrier audit</b> (no system fee applies)	\$150.00

<b>Swimming pool fencing application</b>	\$325.00
<b>Solid fuel burner/ Space heater</b>	\$350.00
<b>Inbuilt burner/heater requiring extra cavity inspection</b>	\$160 per hour
<b>Demolition work</b>	\$500.00
<b>Marquee - RESIDENTIAL &gt; 100m2</b>	\$300.00
<b>Marquee</b> - any size in place for more than one month - commercial or private	\$500.00
<b>Express Service For Marquees</b>	\$1,175.00
<b>Any Relocated dwelling</b>	\$2,175.00

Charge for <b>Hourly Rates</b> of staff, meetings and external contractors	
Building Control Administrators (hourly rate)	\$160.00
Residential Building Consent technical officers	\$160.00
Commercial Building Consent technical officers (processing and inspections)	\$180.00
Any meeting with technical or Duty Building Officer, no fee up to 30 minutes -	Then \$160 per hour
External contractors or specialists engaged by Council	At cost

<b>Schedule 1: Works for which a Building Consent is Not Required</b>	
<b>Notification of Exempt Work - Part 1, 2 and 3</b> - no assessment by Territorial Authority, application placed on property File, one-off fixed fee	\$315.00
<b>Notification of Exempt Work - Part 1(2)(a) (b)</b> - Requires Territorial Authority assessment and decision. Costs exceeding the deposit are charged at the staff hourly rate	\$315.00
<b>Unauthorised building works report</b> ( <i>works prior to 1991</i> )	\$315.00

<b>Notice to Fix (NTF) and Other Enforcement</b>	<b>Deposit</b>
Costs exceeding the deposit are charged at the staff hourly rate	
Notice to fix (each) issue	\$370.00
Other notices (each) issued under Building Act 2004	\$160.00
Section 124 notices for Dangerous or Insanitary Buildings (except where issued as a result of a natural disaster)	\$370.00
Building Officer time and monitoring of notices issued	Hourly staff rate

<b>Registration of Documents with Land Information New Zealand</b>	<b>Deposit</b>
Costs exceeding the deposit are charged at the staff hourly rate	
Section 73 Building Act 2004	\$450.00
Section 75 Building Act 2004	\$450.00
Removal of section 73 or 75 (or equivalent under the Building Act 1991)	\$450.00

<b>Other Services Provided by the Building Unit</b>	<b>Deposit</b>
Costs exceeding the deposit are charged at the staff hourly rate	
Project Information Memorandum (PIM) – charged at \$160 per hour for all staff. The deposit is only required if the PIM application is not part of a building consent application	\$300.00
Property information review	\$160.00
Compliance schedule - New	\$200.00
Compliance schedule - Amendment	\$160.00
Building Warrant of Fitness (BWof) each renewal	\$175.00
BWof Audit of commercial premises	\$175.00



BWoF back flow preventer only - plus any additional time to review 12A forms at staff hourly rate	\$50.00
Application fee for alternative solutions assessment	\$495.00
Building code waivers and modifications	\$250.00
Application for addition to register of Independent Qualified Persons (IQP)	\$150.00
Determinations, lapsed consents, section 93 decisions	hourly staff rate
Code of Compliance Certificate	hourly staff rate
Certificate for public use fee (public buildings)	\$400.00
Certificate for public use extension of time will be invoiced for \$600 plus staff time at hourly rate	\$600.00 +hourly rates
Application for Exemption, for an Earthquake Prone Building	\$610.00
Application for Extension of time for Heritage Earthquake Prone Building	\$610.00
Assessment of information related to a Building's EQP status	\$610.00
Electronic file management charge	\$50.00
Minor Variations	Hourly staff rate
Amendment to modify building code clause B2 – Durability	\$185.00
Certificate of compliance (District Licensing Agency) Building code compliance assessment for fire safety and sanitary facilities in a building, prior to an alcohol licence application	\$150.00
Commercial report of Monthly Building Consents Issued - Annual Fee	\$750.00 per annum
Commercial report of Monthly & Mid-monthly Building Consents Issued - Annual Fee	\$2,500.00 per annum
Debt recovery - Applicant shall be liable for all costs incurred by Council as a result of debt recovery	Hourly staff rate

Notes relating to minor works *	
<b>Swimming pool barrier audit</b> under the Building Act 2004 (section 162D - every 3 years) plus any additional compliance staff time - charged at hourly rate, where non-compliance noted.	
<b>Swimming pool fencing application</b> - allows for 2 hours processing/administration and 1 inspection	
<b>Space heaters</b> – all fuel types (solid fuel burners, solar, wetback) - Non-refundable deposit plus additional processing and inspections will be on charged at hourly staff rate.	
<b>Marquees - RESIDENTIAL &gt; 100m<sup>2</sup></b> in place for less than one month.	
<b>Marquees any size</b> (not camping tents), <b>in place for more than one month.</b> <b>Commercial or private</b> (Residential) - with at least 6 weeks' notice of planned event (to allow for RFIs)	
<b>Express Service For Commercial Marquees</b> - If submitted 10 working days or less from planned construction date, Nelson City Council will endeavour to complete, but cannot guarantee: 1. Issue of consent before construction is required to start; or 2. The sign off of inspections before required use. <b>NOTE – Excludes cost of CCC and/or Certificate for Public Use (CPU) which will be required until CCC is issued.</b>	
<b>** Certificate of Acceptance (COA):</b> Applicants will be charged an \$800.00 application fee PLUS: all applicable consent fees and levies that would have been payable had building consent been applied for BEFORE carrying out the work. Any specialist input, where applicable, will be charged out at cost. Hourly rate will be	

charged for all staff. All building work completed without a Building Consent or Exemption application, will require a COA. If a COA is not applied for, a Notice to Fix will be issued.



**Attachment 2****Current Building Unit fees and charges**

<b>General Information Regarding Building Control Authority Fees and Charges</b>
<p><b>Other fees and levies may apply to any building consent or certificate of acceptance</b></p> <p>Charges for 'Fixed Fee Building Consents' do not include 'Fixed Levies' (see section 1) or compliance schedules charges (see section 7) where applicable.</p>
<p><b>Development and financial contributions</b></p> <p>Building consents may also incur development and/or financial contributions (see <a href="http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/">website information</a> - <a href="http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/">http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/</a>)</p>
<p><b>Deposit fee payable at lodgement (based on value of work)</b></p> <p>The deposit (full fee) is required at time of lodgement on work valued up to \$49,999 for all building work which is not commercial. A deposit is required on all other application lodgements for building work.</p> <p>Where a residential application deposit is paid, the remainder of the fixed fee must be paid prior to release of the issued building consent.</p> <p>Due the varied nature of commercial work, these consents are a time charged fee and require a deposit at time of lodgement. Payment for time incurred to date plus the estimated inspections cost will be invoiced when the consent is issued. Any additional inspections or re-inspections will be charged prior to issue of a code compliance certificate.</p>
<p><b>**Limitations of 'Fixed Fee' and 'fair and reasonable time use' (Section 219(2) of the Building Act 2004)</b></p> <p>The 'Fixed Fee' system is based on reasonable time to complete processing and inspections.</p> <p>Poor quality and/or insufficient information requiring additional processing time and/or failed, missed, or additional inspections will likely incur additional costs. These additional charges will be notified to the agent and owner and must be paid prior to the issue of building consent or code compliance certificate (as applicable).</p> <p><b>Additional charges:</b> will be invoiced and must be paid within one month of the invoice date.</p> <p>All outstanding debts must be paid prior to the issue of a code compliance certificate.</p> <p><b>Formal Amendments:</b> All amendments to building consents incur a submission cost and then the hourly rate for Building Officer and administration time incurred over and above the initial fee charged.</p>
<p><b>Determinations, lapsed consents and consents without code compliance certificates (CCC) will all be charged at hourly rate</b></p> <p><u>Determinations:</u> Preparation of submission(s) for determination prior to signing Form D2 for the Ministry of Building Innovation and Employment.</p> <p><u>Lapsed consents:</u> 12 months from the date of issue, the building consent will lapse under section 52 of the Building Act 2004, if work has not commenced. Consents can be extended, prior to lapsing date, for a further period as approved by the Building Consent Authority.</p> <p><u>Code compliance certificates (CCC) that have not been issued within two years:</u> Under section 93 of the Building Act, the Building Consent Authority must decide whether it can issue a code compliance certificate at 24 months from granting date.</p> <p><u>Code compliance certificates (CCC) applications on older properties:</u> Where a consent is over four years old additional work is required to decide if a code compliance certificate can be issued. This includes meeting with the customer, desk top review of the file, any letters, final inspection, administration time and any other works. Additional costs will be levied (charged per hour) to cover this work.</p>

**Building Consent Fee Quick Reference Sheet –**Please refer to **\*\*Limitations** (on previous page)

<b>Fixed Fee** Building Consents</b>	<b>Fixed Fee (inc GST)</b>	<b>Deposit (inc GST)</b>
Includes reasonable processing, inspection and administration time, and CCC		
<b>New Residential (new complete buildings/ workshops/ houses)</b>		
<b>Resource Management Act check, any consent requiring a RMA planning check</b>		<b>\$300 fixed fee</b>
Value – up to and including \$200,000	\$2,990	\$2,000
Value – \$200,001 to \$300,000	\$3,850	\$2,000
Value – \$300,001 to \$499,999	\$4,750 ♦	\$2,000
Value – \$500,000 to \$999,999	\$6,950 ♦	\$2,000
Value – \$1,000,000 to \$3,999,999 (deposit)	Time charge	\$7,500
Value – \$4,000,000 or more (deposit)	Time charge	\$9,000
Relocated building	\$2,000	\$2,000
<b>All other building work not commercial including adaptation and alteration (includes other ancillary buildings i.e. new sleep outs, sheds and all retaining walls) to any existing property.</b>		
Minor residential building works under \$2,000 (includes one inspection) Fees will be charged at the per hour rate for any additional inspections required		\$350
<b>Resource Management Act check, any consent requiring a RMA planning check</b>		<b>\$300 fixed fee</b>
Value – \$2,001 \$5000	\$500	\$500
Value – \$5,001 to \$10,000	\$850	\$850
Value – \$10,001 to \$19,999	\$1,650	\$1,650
Value – \$20,000 to \$49,999	\$2,000	\$2,000
Value – \$50,000 to \$99,999	\$2,900	\$2,000
Value – \$100,000 to \$499,999	\$4,000	\$2,000
Value – \$500,000 to \$999,999	\$6,950	\$2,000
Value – \$1,000,000 to \$3,999,999	Time charge	\$7,500
Value – \$4,000,000 or more	Time charge	\$9,000
<b>Commercial: All works</b>		
<b>Resource Management Act check, any consent requiring a RMA planning check</b>		<b>\$300 fixed fee</b>
Value – \$0 to \$19,999	\$1,650	\$550
Value – \$20,000 to \$800,000	Time charge	\$550
Value – \$800,001 upwards	Time charge	\$2,250

♦ Excludes multiple unit projects and 'multi-proof' consents, estimated costs will be advised before consent is issued

<b>Other Simple Residential and All Marquee Building Consents</b>		<b>Fixed Fee (inc GST)</b>
Includes reasonable processing, inspection and administration time, planning check and CCC. Levies and/or contributions may also be chargeable.		
Full fee is payable at lodgement of building consent and is non-refundable.		
Space heaters – all fuel types (solid fuel burners, solar, wetbacks) and minor residential building works under \$2,000 includes one inspection	Fees will be charged at the per hour rate for any additional inspections required	\$350
Marquees > 100m <sup>2</sup>	Residential	\$200
Marquee (any size in place for more than 1 month) ■	Commercial (20 days to 11 days from proposed construction date)	\$350
Express Service For Commercial Marquees <u>If submitted 10 working days or less from planned construction date Nelson City Council will endeavour to complete but cannot guarantee the issue of consent before construction starts or the sign off of inspections before use. NOTE – Excludes cost of certificate for public use</u>		\$900
All demolition (full or part building)		\$450
Swimming pool fencing application - allows for 2 hours processing/administration and 1 inspection		\$260
Swimming pool (proprietary pre-formed, in ground or above ground) allows for 1 hour processing/administration and 2 inspections Additional inspections required will be charged at hourly rate of \$135/hr		\$400
Proprietary garages and carports up to 50m <sup>2</sup> (allows for 3 inspections)		\$1,350
Bathroom alterations only (allows for 2 inspections) Wet-floor/wall system inspection are charged separately at \$135/hr		\$450

■ This covers marquees/large tents for private (residential) or commercial functions that are not ordinarily classed as 'camping tents'

<b>Amendments to Consents</b>	<b>Deposit (inc GST)</b>
Amendment deposit – for formal amendment (after consent granted and before CCC)  Additional related charges may apply e.g. PIM, RMA rechecking, additional inspections. All amendments to issued building consents are charged per hour at appropriate staff hourly rates.	\$250

<b>Resource Management Act Check</b>	<b>Fixed Fee (inc GST)</b>
Any consent requiring a RMA planning check	\$300

<b>Levies as required by Building Act 2004 and fixed by legislation</b>	<b>\$ based on value of work</b>	
Insurance Levy (Capped at \$10,000,000 estimated value)	\$20,000 and over	\$0.75 per \$1,000 or part of
Building Research Association New Zealand Levy (BRANZ)	\$20,000 and over	\$1.00 per \$1,000
Department of Building and Housing Levy (MBIE)	\$20,444 and over	\$2.01 per \$1,000
Quality Assurance Levy (QA) (capped at \$5,000,000 estimated value)	\$20,000 and over	\$1.00 per \$1,000

**Schedule 1: Works for which a Building Consent is Not Required**

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

**Notice to Fix and Other Enforcement**

<b>Enforcement</b>	<b>Fixed Fee (inc GST)</b>
Notice to fix (each) issue and administration	\$150
Other notices (each) issued under Building Act 2004. For example: Section 124 notices (except where issued as a result of a natural disaster)	\$150
Building Consent Officer time and monitoring of notices issued - charged at hourly rate	
Infringement offences and fixed fines as per Building (Infringement Offences, Fees and Forms) Regulations 2007, adopted by Council 19 September 2009	

**Charge for Hourly Rates of BCA Staff, External Contractors and Meetings**

<b>Staff, External Contractors and Meetings</b>	<b>Fee (inc GST)</b>
All Building Unit technical/management staff (hourly rate)	\$135/hr
Building Control Administrators (hourly rate)	\$100/hr
Technical advice or duty meetings and other meetings with Building Unit staff	No fee up to 30 minutes 30 minutes or more \$135/hr or part there of
Schedule 1 Building Act 2004 exemptions meeting	30 minutes or more \$135/hr or part there of
Pre lodgement meetings (commercial only, over \$50,000 estimated value)	30 minutes or more \$135/hr or part there of
External consultants engaged by Council to provide expertise not available in house for building consent related peer reviews.	At cost notified by external contractor/peer reviewer

**Certificates of Acceptance and Unauthorised Building Works**

<b>Certificate of Acceptance</b>	<b>Deposit (inc GST)</b>
<p>Certificate of acceptance (COA), section 96 Building Act 2004</p> <p>Applicants will be charged a \$800.00 application fee, plus any processing costs and levies that would have been payable had building consent been applied for before carrying out the work. Any structural checks or other engineering checks, where appropriate will be charged out at cost. The deposit will be a down-payment towards these costs.</p> <p>Hourly rate will be charged for all officer and administrator time.</p>	\$800 fee (deposit)
<p>Building Officer time at hourly rate will be charged as applicable for the following:</p> <ul style="list-style-type: none"> <li>Insurance, MBIE, BRANZ &amp; QA levies</li> <li>Nelson City Council development or financial Contributions</li> <li>Compliance schedule fee</li> </ul>	

<b>Unauthorised Building Works</b>	<b>Fixed Fee (Inc GST)</b>
Unauthorised building works reports	\$100 (lodgement fee)

**Registration of Documents with Land Information New Zealand**

<b>LINZ</b>	<b>Fixed Fee (inc GST)</b>
Section 73 Building Act 2004	\$250
Section 75 Building Act 2004	\$250
Removal of either section 73 or 75 (or equivalent under the Building Act 1991)	\$250

**Other Services Provided by the Building Unit**

<b>Other Services</b>	<b>Fee (inc GST)</b>
Project information memorandum (PIM) (includes certificate) Document for new construction, additions/alterations (voluntary)	\$300
Property information review	\$100/hr
Compliance schedule – new <b>plus</b> any additional staff time at hourly rate \$135/hr	\$200 each
Compliance schedule – amendment <b>plus</b> any additional staff time at hourly rate \$135/hr	\$150
Building warrant of fitness renewal <b>plus</b> any additional time to review 12A forms at hourly rate \$135/hr	\$175 each renewal
Building warrant of fitness <b>back flow preventer</b> only <b>plus</b> any additional time to review 12A forms at hourly rate \$135/hr	\$50
Application fee for alternative solutions assessment	\$495 (Deposit)
Building code waivers and modifications	\$250
Application for addition to register of Independent Qualified Persons (IQP)	\$150 each
Determinations, lapsed consents, section 93 and old code compliance certificate (CCC) at hourly rate \$135/hr	\$135/hr
Certificate for public use fee (public buildings) <b>plus</b> staff time at hourly rate \$135/hr	\$200

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<b>Other Services</b>	<b>Fee (inc GST)</b>
Swimming pool barrier audit under the Building Act 2004 (s162D every 3 years) <b>plus</b> any additional staff time where non-compliance noted charged at hourly rate \$135/hr	\$100

**Other Miscellany**

<b>Miscellaneous</b>	<b>Fixed Fee (inc GST)</b>
<b>Certificate of compliance (District Licensing Agency)</b> Building code compliance assessment for fire safety and sanitary facilities in a building, prior to an application for a liquor licence	\$150 each
<b>Reports of issued building consents</b>	\$135 (per annum)
<b>Debt recovery</b> Applicant shall be liable for all costs incurred by Council as a result of debt recovery	

## Appendix 2

### Building fees and charges comparisons

	Napier	New Plymouth	Palmerston North	MDC	TDC	Nelson current	Nelson proposed
Financial policy on cost recovery by fees and charges	60-79%	80-100%	60-79%	80%	55-85%	60-80%	60-80%
Technical staff	\$165	\$168	\$184	\$137	\$157 (\$160 is proposed)	\$135	<b>\$160</b>
Administrators	\$80	\$143	\$114			\$100	<b>\$160</b>
Specialist or Senior officers		\$204	\$202			\$135	<b>\$160*</b>
Inspections Residential (excluding Multi-storey apartment) not exceeding 1 hr	\$165	\$189	\$193	\$160 plus travel charge		\$135	<b>\$160</b>
Inspections Commercial (including Multi-storey apartment) not exceeding 1 hr	\$165	\$189				\$135	<b>\$160 *</b>

\* External consultants engaged by council will be charged out at cost.

## Appendix 3

## Proposed consent fees examples

Example BC190522 R2 **residential dwelling \$432,000**

Approx BC fee	TDC	\$5,280.00	NCC at \$160 hr	\$5,405.00	NCC at \$150 hr	\$5,075.00
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(Including, vetting, processing, admin, inspections, CCC fee, system fee)

Approx RMA and Levies	TDC	\$2,229.00	NCC at \$160 hr	\$3,156.00	NCC at \$150 hr	\$3,156.00
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(Including RMA, QA, Insurance, BRANZ, MBIE Levies)

Approx <b>Total BC fees</b>	<b>TDC</b>	<b>\$7,509.00</b>	<b>NCC at \$160 hr</b>	<b>\$8,561.00</b>	<b>NCC at \$150 hr</b>	<b>\$8,231.00</b>
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Example BC190620 C2 **Alteration to service bays and showroom \$900,000**

Approx BC fee	TDC	\$7,360.00	NCC at \$160 hr	\$7,485.00	NCC at \$150 hr	\$7,025.00
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(Including, vetting, processing, admin, inspections, CCC fee, system fee)

Approx RMA and Levies	TDC	\$4,664.00	NCC at \$160 hr	\$6,629.00	NCC at \$150 hr	\$6,629.00
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(Including RMA, QA, Insurance, BRANZ, MBIE Levies)

Approx <b>Total BC fees</b>	<b>TDC</b>	<b>\$12,024.00</b>	<b>NCC at \$160 hr</b>	<b>\$14,114.00</b>	<b>NCC at \$150 hr</b>	<b>\$13,654.00</b>
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Full cost details of the above examples:

	Activity	Hrs	TDC 2020 Rate	Costs	Hrs	NCC 2020 \$160 Rate	Costs	Hrs	NCC 2020 \$150 Rate	Costs	Profit
	Vetting	1	\$ 160.00	\$ 160.00	1	\$ 160.00	\$ 160.00	1	\$ 150.00	\$ 150.00	
	Plan processing	10	\$ 160.00	\$ 1,600.00	10	\$ 160.00	\$ 1,600.00	10	\$ 150.00	\$ 1,500.00	
RESIDENTIAL EXAMPLE BC190522	Admin & Mgt Fee	4.5	\$ 160.00	\$ 720.00	4.5	\$ 160.00	\$ 720.00	4.5	\$ 150.00	\$ 675.00	
	Inspections	15	\$ 160.00	\$ 2,400.00	15	\$ 160.00	\$ 2,400.00	15	\$ 150.00	\$ 2,250.00	
\$432,000 Detached Dwelling	CCC Fee	2.5	\$ 160.00	\$ 400.00	2.5	\$ 160.00	\$ 400.00	2.5	\$ 150.00	\$ 375.00	
	System Fee	1		\$ -	1	\$ 125.00	\$ 125.00	1	\$ 125.00	\$ 125.00	
R3				\$ 5,280.00	Cost to BCA		\$ 5,405.00	Cost to BCA		\$ 5,075.00	New Approximate BC Fee
	RMA	1.5	\$ 190.00	\$ 285.00	1.5	\$ 160.00	\$ 240.00	1.5	\$ 160.00	\$ 240.00	
	QA Levy		\$1.00/\$1000	\$ 432.00		\$2.50/\$1000	\$ 1,080.00		\$2.50/\$1000	\$ 1,080.00	
	Insurance Levy		\$0.75/\$1000	\$ 324.00		\$1.50/\$1000	\$ 648.00		\$1.50/\$1000	\$ 648.00	
	BRANZ Levy		\$1.00/\$1000	\$ 432.00		\$1.00/\$1000	\$ 432.00		\$1.00/\$1000	\$ 432.00	
	MBIE Levy		\$1.75/\$1000	\$ 756.00		\$1.75/\$1000	\$ 756.00		\$1.75/\$1000	\$ 756.00	
				\$ 2,229.00			\$ 3,156.00			\$ 3,156.00	RMA and levies
	Total Charges to			\$ 7,509.00	Total Cost		\$ 8,561.00	Total Cost		\$ 8,231.00	Total BC fee including levies
TDC will also charge for all failed or cancelled inspection at \$160. NCC allow X amount of inspections and calculate a time for this. As long as the inspection time doesn't exceed the amount calculated, no further charges are allocated. If the actual time does exceed time allocated, a further invoice is generated.											
	Activity	Hrs	TDC 2020 Rate	Costs	Hrs	NCC 2020 \$160 Rate	Costs	Hrs	NCC 2020 \$150 Rate	Costs	Profit
	Vetting	2	\$ 160.00	\$ 320.00	2	\$ 160.00	\$ 320.00	2	\$ 150.00	\$ 300.00	
	Plan processing	16	\$ 160.00	\$ 2,560.00	16	\$ 160.00	\$ 2,560.00	16	\$ 150.00	\$ 2,400.00	
COMMERCIAL EXAMPLE BC190620	Admin	5	\$ 160.00	\$ 800.00	5	\$ 160.00	\$ 800.00	5	\$ 150.00	\$ 750.00	
	Inspections	20	\$ 160.00	\$ 3,200.00	20	\$ 160.00	\$ 3,200.00	20	\$ 150.00	\$ 3,000.00	
\$900,000 Alteration to Service bays, showroom	CCC Fee	3	\$ 160.00	\$ 480.00	3	\$ 160.00	\$ 480.00	3	\$ 150.00	\$ 450.00	
	System Fee	1	\$ -	\$ -	1	\$ 125.00	\$ 125.00	1	\$ 125.00	\$ 125.00	
	Commercial time & Cost			\$ 7,360.00	Cost to BCA		\$ 7,485.00	Cost to BCA		\$ 7,025.00	New Approximate BC Fee
C2	RMA	2	\$ 190.00	\$ 380.00	2	\$ 160.00	\$ 320.00	2	\$ 160.00	\$ 320.00	
	QA Levy		\$1.00/\$1000	\$ 900.00		\$2.5/\$1000	\$ 2,250.00		\$2.5/\$1000	\$ 2,250.00	
	Insurance Levy		75c/\$1000	\$ 675.00		\$1.5/\$1000	\$ 1,350.00		\$1.5/\$1000	\$ 1,350.00	
	BRANZ Levy		\$1/\$1000	\$ 900.00		\$1/\$1000	\$ 900.00		\$1/\$1000	\$ 900.00	
	MBIE Levy		\$1.75/\$1000	\$ 1,809.00		\$1.75/\$1000	\$ 1,809.00		\$1.75/\$1000	\$ 1,809.00	
				\$ 4,664.00			\$ 6,629.00			\$ 6,629.00	RMA and levies
	Likely Cost to BCA			\$ 12,024.00			\$ 14,114.00			\$ 13,654.00	Total BC fee including levies
TDC will also charge for all failed or cancelled inspection at \$160. NCC allow X amount of inspections and calculate a time for this. As long as the inspection time doesn't exceed the amount calculated, no further charges are allocated. If the actual time does exceed time allocated, a further invoice is generated.											

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## **Environmental Management Group - Quarterly Report - 1 October - 31 December 2019**

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### **1. Purpose of Report**

- 1.1 To provide a quarterly update on Environmental Management Group functions: Building, City Development, Consents and Compliance, Planning, and Science and Environment. The report also provides a legal proceedings update relating to the Environmental Management Group functions where not reported to Audit and Risk.

### **2. Recommendation**

#### ***The Environment Committee***

- 1. Receives the report Environmental Management Group - Quarterly Report - 1 October - 31 December 2019 (R13729) and its attachments (A2326033, A2342072, A2331749, A2329142, A2334348, and A2328796); and***
- 2. Approves retrospectively the proposed Resource Management Act 1991 Reform feedback (A2329142); and***
- 3. Approves the proposed submission for lodging with the Ministry for the Environment on the National Policy Statement for Indigenous Biodiversity (A2334348); and***
- 4. Approves retrospectively the proposed Future of Kingsland Forest submission to Tasman District Council (A2331749); and***
- 5. Notes the range of current environmental management national direction initiatives that impacts on the Environmental Management Group (A2328796).***

### 3. Summary

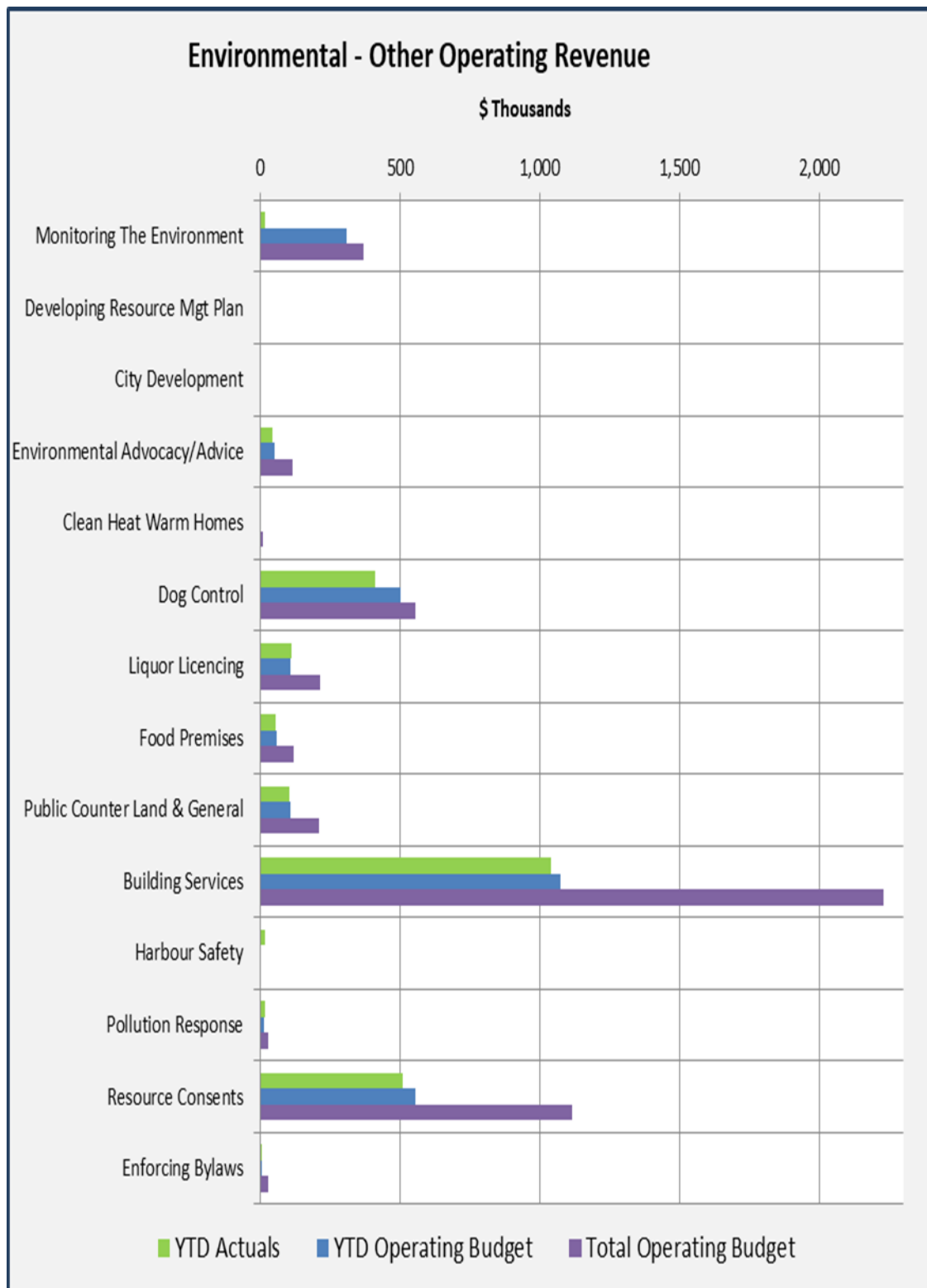
Activity	Level of service	Achievement
Building	Compliance with statutory requirements.	<p>Compliance with Building Consent timeframes are 96% overall for the quarter with October 2019 91%, November 97% and December 100%.</p> <p>Compliance with Code Compliance timeframes are 98% overall for the quarter with October 2019 94%, November 99% and December 100%. Statistics are included in Attachment 1 (A2326033)</p>
City Development	Coordinated growth with infrastructure. A well planned City that meets the community's current and future needs.	<p>The Council approved additional funding from the Climate Change Reserve for the City Centre Spatial Plan to ensure the plan can be responsive to resilience issues. The plan is now underway and will be a focus for the next 6 months.</p> <p>The scope of the Intensification Action Plan was agreed and the draft is nearing completion with a Council workshop to be held on 18 February and actions informing cross Council work streams.</p>
Consents and Compliance	Compliance with statutory requirements.	Compliance with resource consent timeframes averaged 94% for the quarter. Application numbers are at a similar level as the first quarter and slightly less than the same time period last year. Statistics are included in Attachment 1 (A2326033).
Planning	Resource management plans are current and meet all legislative requirements.	<p>Plan Change 27 was notified as operative in December 2019.</p> <p>A new Project Management and Governance Structure was established for the Nelson Plan.</p> <p>Elected member briefings on the Draft Nelson Plan were held in December 2019.</p> <p>The Nelson Plan and Coastal hazards engagement has been planned throughout late 2019 and commenced with a meeting with the Iwi Working</p>

Item 13: Environmental Management Group - Quarterly Report - 1 October - 31 December 2019

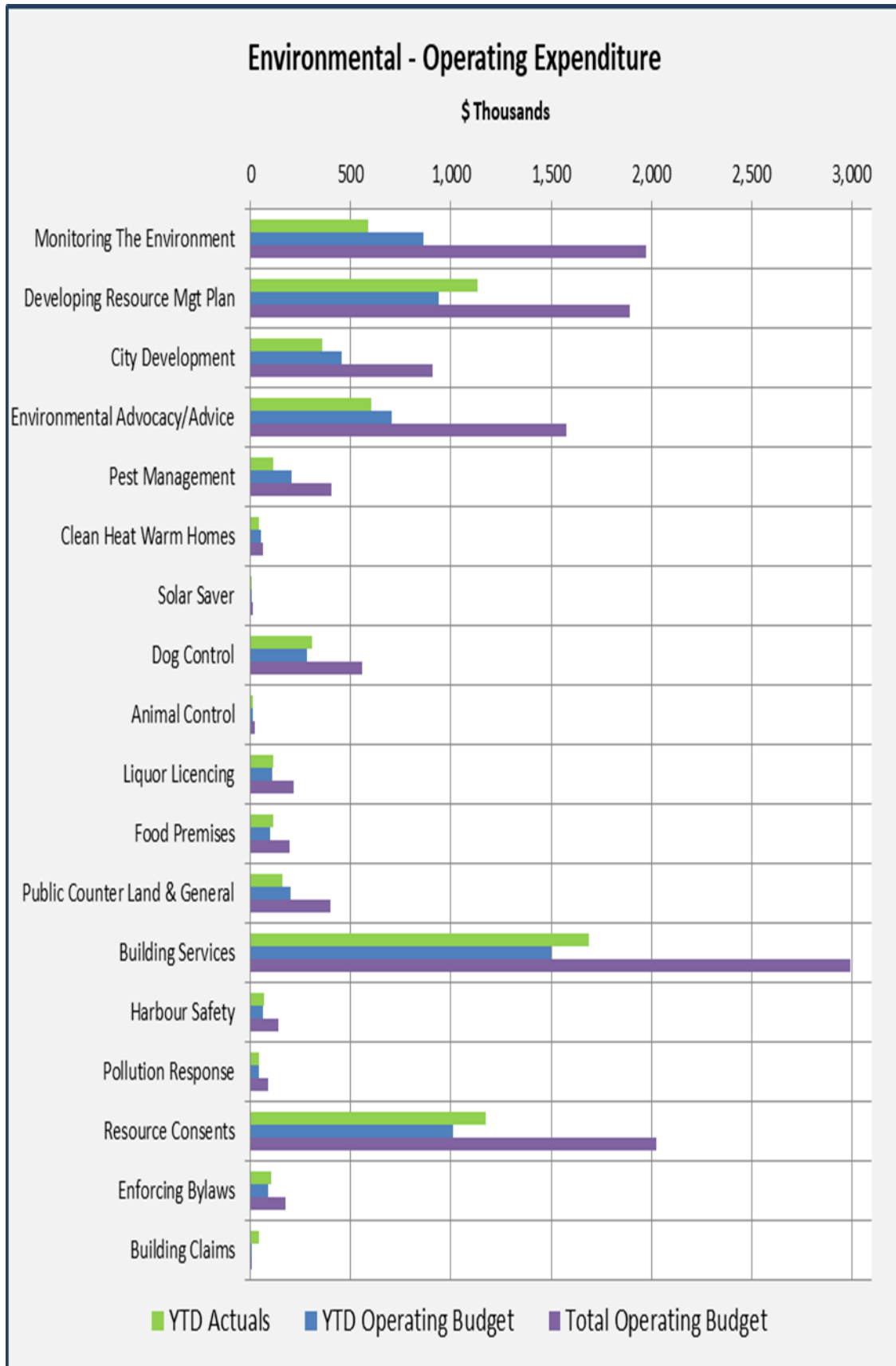
Activity	Level of service	Achievement
		<p>Group in January and public communications on 26 February 2020. The Dog Policy and Bylaw was approved by the Committee for public engagement which commenced on 27 January 2020.</p> <p>Delaware Bay discussions are to be undertaken with boaties and iwi representatives.</p>
Science and Environment	<p>Compliance and reporting against relevant policy statements and standards.</p> <p>Delivery of all programmes.</p>	<p>There were no exceedances of the National Environmental Standards for Air Quality in the quarter.</p> <ul style="list-style-type: none"> <li>• Three freshwater bathing exceedances were reported for the Maitai at Collingwood Street Bridge and one exceedance at Wakapuaka at Paremata Flats Reserve over the month.</li> <li>• Routine cyanobacteria toxic algae monitoring detected emerging algae mats, which peaked at moderate levels (20% cover) in November. No incidents were reported to council.</li> <li>• The hydrology monitoring site on the Maitai River North Branch has been upgraded so that river levels can be monitored using real time data.</li> <li>• In late-December a low presence of <i>Lindavia intermedia</i> (Lake Snow) was confirmed in the Maitai Reservoir.</li> <li>• Ecological restoration plans are in progress for the Maitai River and Poorman Valley Stream catchments.</li> <li>• The November round of the Environmental Grants Scheme received 21 applications (further details will be provided in the newsletter) and a total of \$66,158 was awarded to 18 projects.</li> </ul>

#### 4. Discussion

##### Financial Results



Item 13: Environmental Management Group - Quarterly Report - 1 October - 31 December 2019



4.1 Staff costs are overall ahead of budget by \$248,000 across the Environmental Management Group. Staff costs include all expenditure

Item 13: Environmental Management Group - Quarterly Report - 1 October - 31 December 2019

relating directly to the employment of staff, as well as some overheads which are allocated to cost centres on the same basis as staff time.

- 4.2 Individual variances in the cost centres are noted below where significant. In each case, these variances may be the result of actuals occurring in a different cost centre than budgeted, timing, or cost variances (overspends or underspends).
- 4.3 **Monitoring the Environment income is less than budget by \$292,000.** This is a timing variance relating to the Ministry of Primary Industry contribution to hill country erosion work with payment expected in June 2020 once milestones are completed.
- 4.4 **Monitoring the Environment expenditure is less than budget by \$275,000.** Staff costs are behind budget by \$77,000 due to incorrect staff costs split between Monitoring the Environment and Environmental Advocacy and Advice cost centres (which has staff costs ahead of budget by \$62,000). This will be remedied. Tasman Bay monitoring and research expenditure is behind budget by \$51,000 with no spend to date. However \$27,000 of this amount is committed for the estuarine monitoring programme and a marine biodiversity project. The remaining \$24,000 relates to operational funding, which is expected to be managed in Q3. Other items are behind budget due to timing.
- 4.5 **Developing Resource Management Plan expenditure is greater than budget by \$197,000.** Staff costs are ahead of budget by \$66,000. Nelson Plan expenditure is greater than budget by \$101,000. This variance is the result of a number of reasons including: carrying staff vacancies that have not been able to be recruited resulting in an increased use of consultants; an overspend for the Urban Design Panel due to Special Housing Area work; bringing forward engagement work; a re-write of draft Plan provisions to align with the national planning standards. As a result of these factor a full year overspend of \$250,000 is currently forecast for the Nelson Plan. A report is being prepared for the 26 March 2020 Council meeting to discuss the details of the overspend and seek Governance direction and signalling costs for future years.
- 4.6 **City Development expenditure is less than budget by \$98,000.** Staff costs are \$20,000 ahead of budget. City development projects (\$80,000) and consultants (\$38,000) are behind budget.
- 4.7 **Environmental Advocacy and Advice expenditure is less than budget by \$102,000.** Staff operating expenditure is ahead of budget by \$62,000 which largely relates to the split of staff costs with Monitoring the Environment (which is behind budget by \$77,000). Expenditure is behind budget across several codes due to timing.
- 4.8 **Pest Management expenditure is less than budget by \$87,000.** Staff operating expenditure is behind budget by \$10,000 due to staff timesheet coding errors (which will be remedied going forward). The

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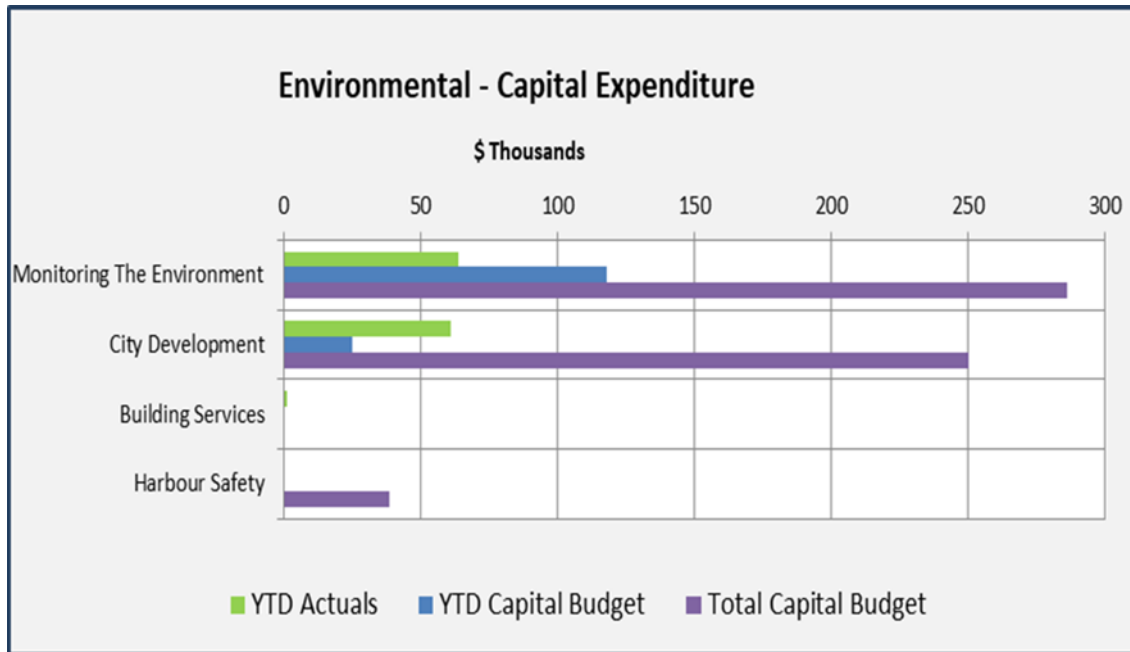
remainder of the variance relates to invoice timing for providing the biosecurity activity (\$71,000).

- 4.9 **Dog Control income is less than budget by \$89,000.** Dog registration fees are under budget by \$88,000. Fees to date are in line with the prior year. The variance is expected to exacerbate over the remainder of the year, with a full year variance expected of \$100,000.
- 4.10 **Dog Control expenditure is greater than budget by \$25,000.** Staff operating expenditure is greater than budget by \$22,000. The cost of providing dog control services is over budget by \$6,000 and the provision of doggie doo bags is behind budget by \$5,000.
- 4.11 **Public Counter Land and General expenditure is less than budget by \$38,000.** Staff operating expenditure is behind budget by \$39,000.
- 4.12 **Building Services expenditure is greater than budget by \$193,000.** Staff operating expenses are ahead of budget by \$203,000. This variance includes the use of contractors, consultants within the building team and legal fees.
- 4.13 **Resource Consent income is less than budget by \$48,000.** Fee income is behind budget. **Resource Consent expenditure is greater than budget by \$159,000.** Staff costs are \$27,000 behind budget. The cost of providing resource consent services is over budget by \$9,000, and contract and geotechnical costs are \$75,000 over budget to date. Resource consent fee expenditure is over budget by \$105,000. This is due to the use of consultants who continue to assist with staff capacity constraints (workloads and complexity).
- 4.14 **Building Claims expenditure is greater than budget by \$37,000.** Claim expenditure of \$38,000 has been incurred against a nil budget.

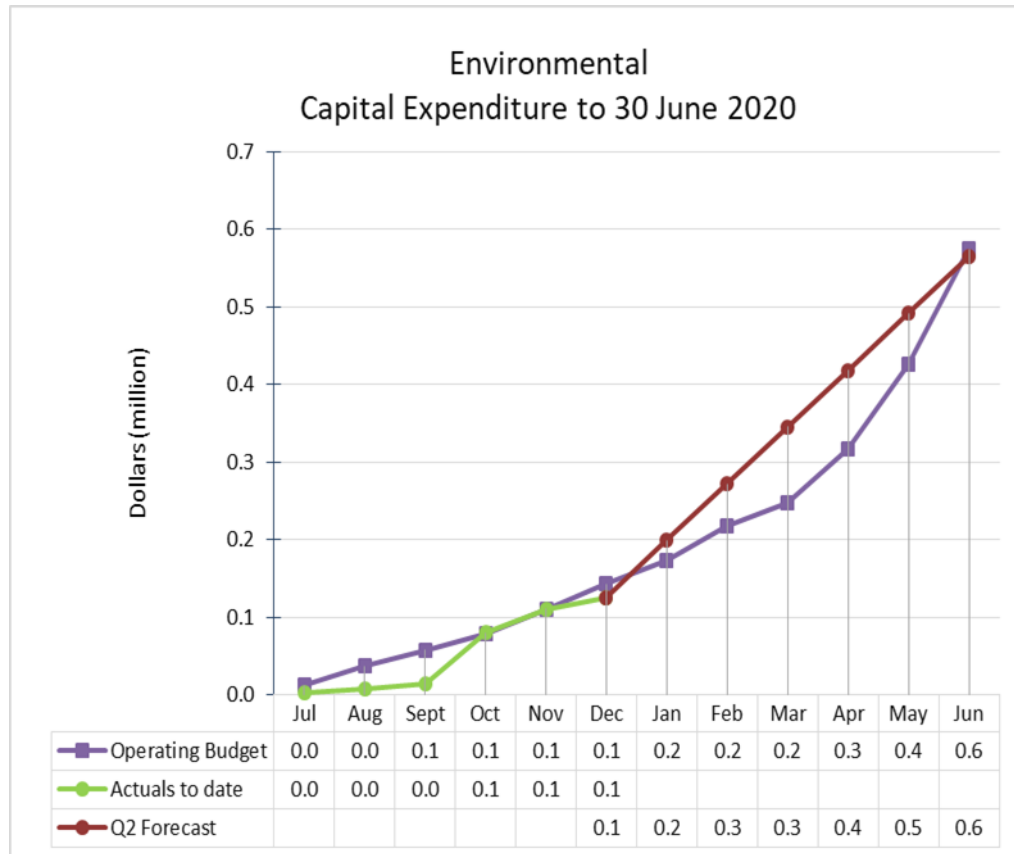
Terms used
<ul style="list-style-type: none"> <li>Ahead/behind – this indicates that the variance is due to timing, or that it is not yet known whether the variance will continue for the full year. This should be clarified in the commentary.</li> </ul>
<ul style="list-style-type: none"> <li>Over/under – this indicates that a budget has been overspent or underspent, and that it is likely there is an actual cost saving or overrun. This should be made clear by the commentary.</li> </ul>
<ul style="list-style-type: none"> <li>Less/greater – these header terms are used to describe the total variance to budget for a cost centre and account type.</li> </ul>



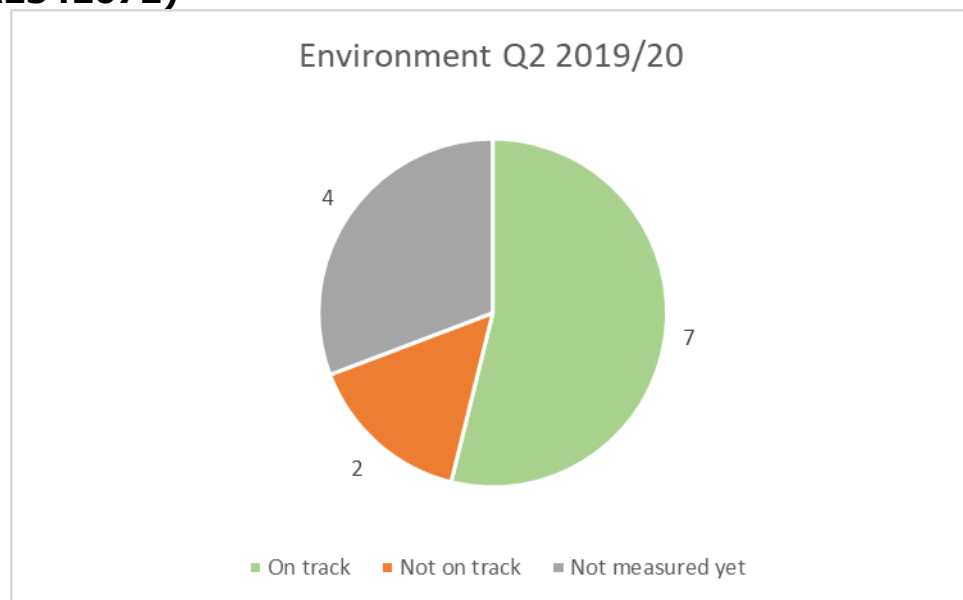
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**Key Performance Indicators – Long Term Plan (attachment 1: A2342072)**



- 4.15 Dog and animal control, food safety and public health, alcohol licensing, and pollution response measures have not been measured yet because as described in the 2018/19 Annual Report, Council's reporting systems are not currently at a level that enables results for these performance

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measures to be 100% verified. Non-compliance with these measures was identified this year which means that the measures for the whole financial year are considered non-compliant. A review of how this information can be provided to substantiate performance in future years is being undertaken.

- 4.16 The 'Natural water ways complying with National Policy Statement Freshwater requirements' performance measure has not been measured yet because although the regular monitoring is occurring, the annual analysis will not be completed until June 2020.
- 4.17 The Resource Consents Statutory Timeframes and Building Unit Compliance measures have not been met due to a small number of consents not being processed within the statutory timeframes.

## **5. Environmental Management Activity Update by Business Unit**

### **BUILDING**

#### **Achievements**

- 5.1 The Building team have been busy clearing the IANZ audit General Non-Compliance's (GNC's). There is one part GNC remaining to be cleared. This needs to be cleared by 28 February 2020.

#### **Trends**

- 5.2 There were 230 building consents and amendments issued in this quarter compared to 305 in the last quarter. The code of compliance certificates issued in this quarter were 176 compared to 215 in the last quarter.
- 5.3 The total number of building inspections undertaken in this quarter were 1343 compared to 1711 in the same period last year.
- 5.4 Graphs showing the Building consent trends are included in Attachment 1 (A2326033).

#### **Strategic Direction and Focus**

- 5.5 The focus will be on making improvements for the next IANZ audit in June 2020. As a result of incurring a large number of General Non-Compliances (GNC s) the team has been placed on a one year audit cycle, down from the two year standard rotation.
- 5.6 The June 2019 IANZ accreditation audit has highlighted areas within competency, training and quality assurance (regulations 10, 11, 17 of the Building Regulations 2006) which will be a focus for IANZ at the upcoming June 2020 accreditation. A recent MBIE audit in relation to compliance within the Building area (the Territorial Authority part of the business) has identified the need for additional compliance assistance.

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Interim assistance will be obtained to manage these areas with a longer term plan will be developed.

- 5.7 Ensuring timeframes comply with statutory requirements is a critical focus area. A review of the fees and charges is being undertaken. The building control digital system AlphaOne is being replaced with GoGet which went live on 13 February 2020.

### **Risks and Challenges**

- 5.8 The Building Unit's accreditation is at risk if the remaining IANZ GNC is not cleared by 28 February 2020. A clear IANZ audit in June 2020 is required to be back on a two year accreditation audit cycle.

### **CITY DEVELOPMENT**

#### **Achievements**

- 5.9 Upper Trafalgar Street pedestrian mall light touch and permanent designs are underway. Phase two of the summer light touch is currently being designed and manufactured and will be in place by the end of March. The permanent design for this financial year is currently being procured and will be completed by 30 June in time for the Light Nelson installations this winter.
- 5.10 Following the 17 December Council meeting and the allocation of \$100K of funding for the spatial plan to include consideration of resilience to climate change, officers have engaged consultants to work part time in house over the next 6 months to assist with the preparation of the City Centre Spatial Plan. This work will include Marina Spatial Plan and library and surrounding area adjacent to the Maitai River, and will incorporate strategic property and climate change work streams, as well as work across a number of other Council teams to coordinate opportunities for the city centre across already funded LTP projects (e.g. bus interchange).
- 5.11 A lease will be entered into with Wakatu Incorporation to establish a children's pop up park on the site at 29 Halifax Street adjoining the library. Wakatu are currently demolishing the existing buildings, and it is anticipated that the pop up park which is a temporary activation will be completed by mid-2020.
- 5.12 Following the approval of the scope of the Intensification Action Plan (IAP) officers have been working on a draft to workshop with councillors ahead of proposed adoption of the plan in mid-2020. While officers have been working with officers from Tasman District Council on the IAP, both Councils will have separate but aligned IAPs with one overall joined introductory document.
- 5.13 Officers have been working with the developers on Maitahi and Bayview proposed greenfield developments (previously called Kaka), following the Council workshop on 3 December 2019. Governance groups are in place

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to liaise and work with the developers. An additional resource has been appointed and officers have started formalising the proposed funding model with the developers. Officers from many groups of the organisation attended a design charrette on 22 January led by the developers, which included a site visit.

- 5.14 The raw data from the parking survey undertaken late last year has been received and officers are in the process of analysing the data which will be shared via the Councillors newsletter. The parking survey is a qualitative survey seeking information about the reasons why people choose to come to Nelson or Richmond, including questions in relation to whether parking affects that decision.
- 5.15 The team has procured a number of consultant projects in the last quarter including the City Centre Streetscape Design Guide, the summer Public Life Survey, the establishment of a Tactical Urban Initiatives Supplier Panel, the light touch stage 2 and permanent designs for Upper Trafalgar Street.
- 5.16 The City Centre Working Group has met frequently before and after Christmas to assist with guiding the spatial plan, tactical projects and the Upper Trafalgar Street pedestrian mall.
- 5.17 The City Development Team took over managing the Urban Design Panel and the Major Projects team (officers across Council who provide advice in a one stop shop approach for developers), in April 2019. No meetings of the urban design panel were required in the last quarter.
- 5.18 Officers have continued working and meeting with Makeshift Spaces Incorporated, and the two grants Council provided to fund Makeshift as a pilot has been used to get the pilot off the ground. The Group will be seeking additional funding from other sources in order to keep up momentum.

**Strategic Direction and Focus**

- 5.19 One of the outcomes of the Future Development Strategy is the development of an Intensification Action Plan. As well as developing the action plan officers are focusing on a number of key actions required to influence and enable intensification, and will be working across teams to ensure they are incorporated into Council work and funding programmes.
- 5.20 With the City Centre Programme Plan adopted implementation is a key aspect of the work programme for the 2019/20 year. The creation of the spatial plan and delivery plan are key focus areas.
- 5.21 Work for the permanent design for Upper Trafalgar Street from winter 2020 and a number of tactical urban initiative are planned for the city centre.

### **Risks and Challenges**

- 5.22 The team has been working closely with project managers allocated from the capital projects team to ensure that capacity risks around delivering city centre activations and long term projects are minimised.
- 5.23 The team has a vacancy for the Senior City Development Planner. One round of recruitment has been completed and was unsuccessful and a second is underway.

### **CONSENTS AND COMPLIANCE**

#### **Achievements**

- 5.24 Resource consent compliance with timeframes is slightly down from last quarter (97%) to averaging 94% for this quarter. The quarter included completing some complex applications such as the NPD service station in Tahunanui, the extension of the Manuka Street Hospital, two four storey residential and commercial buildings and more stages of larger subdivision developments.
- 5.25 The new harbourmaster, Andrew Hogg (ex Navy), commenced duties in December. The windy conditions for this quarter has meant fewer boaties have been out on the water but the deputy harbourmaster has already conducted around 450 safety checks. Some survey results are positive; 94% of boaties are wearing lifejackets, 97% had a form of waterproof communication and about half had registered their boat.
- 5.26 The harbourmasters have been involved in three "No Excuses" days with Maritime NZ officers, taking safety workshops, school visits and water sport club meetings.

#### **Trends**

- 5.27 Resource consent application numbers are steady following the influx before Christmas.

### **Strategic Direction and Focus**

- 5.28 The agreement between Nelson City Council and Port Nelson Limited regarding the appointment of the harbourmaster and related activities will expire 30 June 2020. A separate report to Council on this is being prepared for a subsequent meeting.
- 5.29 Resourcing of planners is being reviewed as additional staff are likely to cost less than contracting external consultants. More staff will also be able to share the public enquiries received by email, phone or through duty planner appointments.

## **Risks and Challenges**

- 5.30 After investigating difficulties with current data systems to capture and report on a range of regulatory activities with current providers there have been only minor changes. Further changes may not be easy or quick to occur meaning compliance with LTP measures and other reporting requirements may not be at an auditable standard through current systems.

## **PLANNING**

### **Achievements**

#### *Draft Nelson Plan and Coastal Hazards Engagement Underway*

- 5.31 The focus for the last quarter of 2019 was to finalise the Draft Nelson Plan, brief the Council, and prepare for public engagement. Engagement commenced on both the Draft Nelson Plan and coastal hazards with an Iwi Working Group meeting on 30 January 2020, followed by letters to directly affected landowners and key stakeholders ahead of a public communication launch.
- 5.32 Numerous public drop-in sessions are planned around the city. These drop in sessions will be supplemented by key stakeholder meetings and information drop in sessions for Councillors over the feedback period. The feedback period extends from February to 31 May 2020.

#### *Dog Control Policy and Bylaw Engagement Underway*

- 5.33 The Dog Control Policy and Bylaw changes and Statement of Proposal were approved for community engagement at the Environment Committee meeting on 28 November 2019. Submissions opened on 27 January 2020 and ran through until 28 February 2020. Officers are currently preparing for the hearing on 24 March 2020.

#### *Delaware Bay Boat Ramp Education Programme and Discussions Progress.*

- 5.34 An education programme for boaties was run at Delaware Bay over the 2019/2020 summer outlining the District Plan requirements and highlighting the values of the estuary. Meetings were also held with local iwi and boaties.

#### *Plan Change 27 was Notified as Operative*

- 5.35 PC27 sought to update engineering standard references within the Nelson Resource Management Plan from the 2010 Nelson Land Development Manual version to the jointly approved Nelson Tasman Land Development Manual 2019 (NTLDM). Alterations were also made to the building over drain rule.

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- 5.36 PC27 was approved to become operative at the Council meeting on 12 December 2019. PC27 was notified as being operative on 23 December 2019.

**Strategic Direction and Focus**

- 5.37 The focus for the remainder of the financial year will be on completing the Draft Nelson Plan and coastal hazards engagement and completing the Dog Policy and Bylaw hearing and decision process.
- 5.38 Additional coastal hazards technical work and engagement will be undertaken building on the community feedback provided to date.

**Risks and Challenges**

- 5.39 Vacancies at the Manager and Team Leader level and in the Communication team have been challenging given the volume of work involved in preparing for the engagement phase while updating the Draft Nelson Plan. Recruitment for the Manager position has been successful with the person starting 10 March 2020.

**SCIENCE AND ENVIRONMENT**

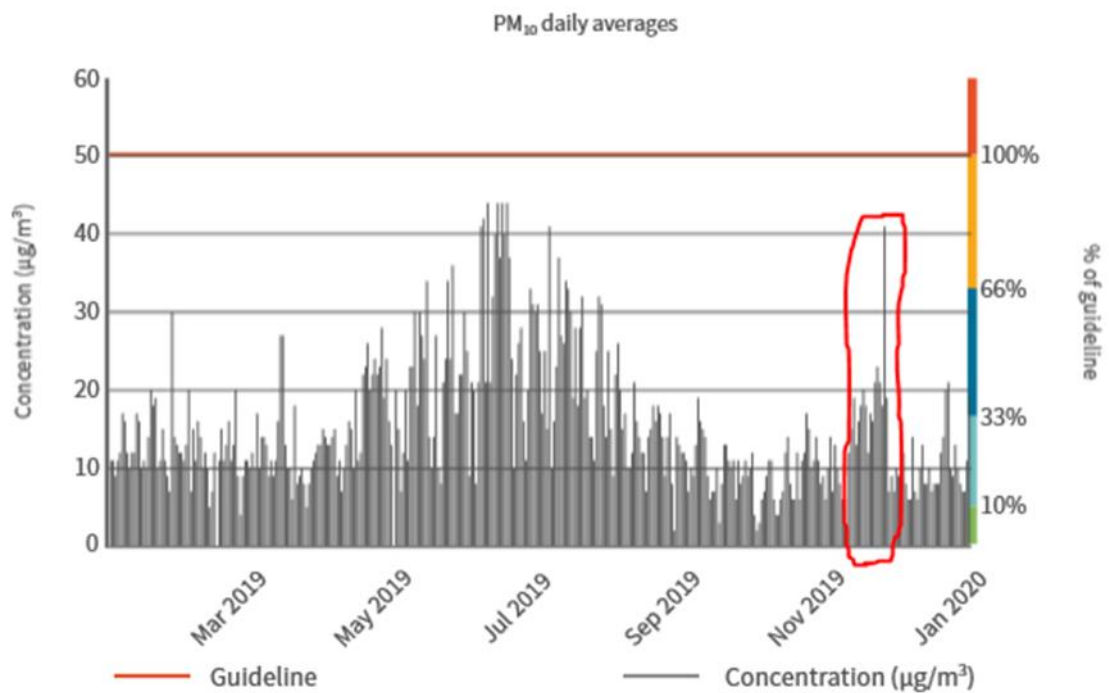
**Achievements**

*Air Quality*

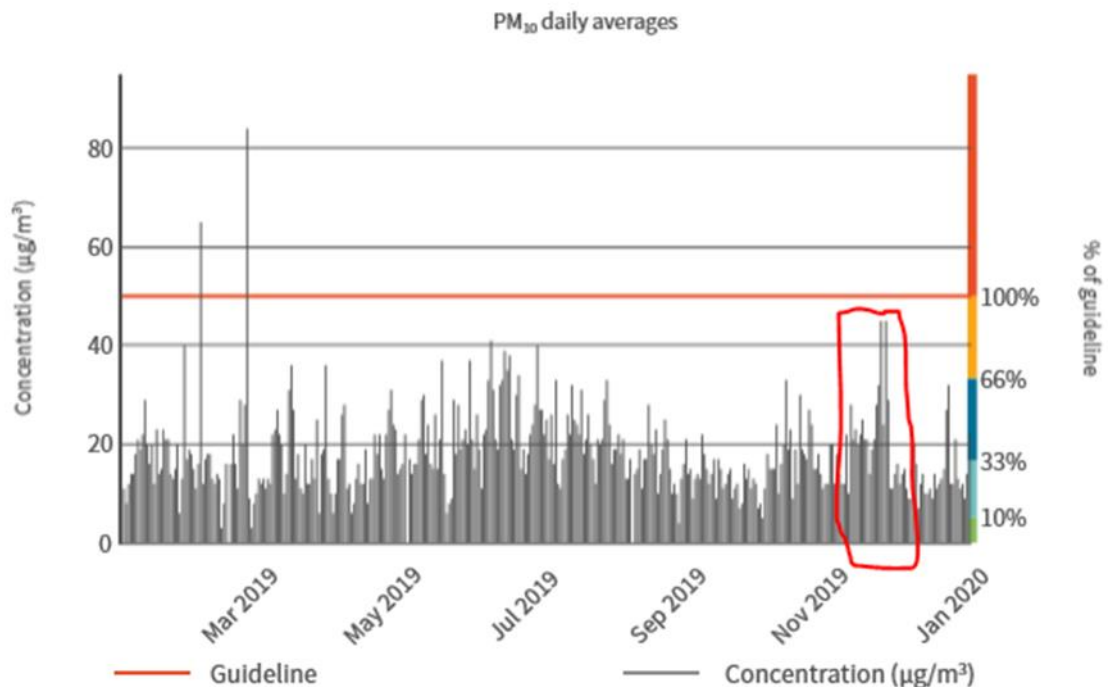
- 5.40 There were no exceedances of the National Environmental Standards for Air Quality (NESAQ) in this quarter. As reported in the 24 December 2019 Councillor's Newsletter, westerly winds transported particulate matter from the Australian bush fires across the Tasman Sea to New Zealand. This had an adverse effect on air quality across New Zealand, causing exceedances of the NESAQ in some parts of the country. Although air quality monitoring stations have recorded higher readings than expected for this time of year, fortunately no exceedances have occurred in this area to date (end of Dec 2019).



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Graph above: St Vincent Street – showing elevated pollution levels for time of year in Dec 2019



Graph above: Blackwood Street – showing elevated pollution levels for time of year in Dec 2019

- 5.41 A "Buy Your Firewood Now" promotion was run during November/December 2019, encouraging people to buy their firewood

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early and get it stored away dry in preparation for winter. During the promotion, 151 loads of firewood were delivered to Nelson homes. This was slightly down on 2018, but still well above the 108 loads in 2017.

*State of the Environment Monitoring*

- 5.42 Routine cyanobacteria toxic algae monitoring detected emerging algae mats, which peaked at moderate levels (20% cover) in November. No incidents were reported to Council. Cawthron scientists undertook a project to measure cyanobacteria growth and water quality drivers in the lower Maitai, to be reported in March 2020.
- 5.43 Summer recreational bathing monitoring of bacterial risk commenced in December at eleven sites. Three exceedances were reported for the Maitai at Collingwood Street Bridge and one exceedance at Wakapuaka at Paremata Flats Reserve over the month. Additional warning signage is in place at both sites to inform the public of the potential health risk for contact recreation.
- 5.44 Monitoring of dissolved oxygen, water temperature and plankton sampling in the Maitai Reservoir was completed in collaboration with the Infrastructure team. Work is in progress to provide more 'real-time' monitoring data to assist in managing water quality in the reservoir.
- 5.45 The hydrology monitoring site on the Maitai River North Branch has been upgraded so that real time data can be telemetered from this site back to the office. This will be particularly useful during summer low flows so that river levels can be monitored.
- 5.46 Winter freshwater fish surveys were extended into November with additional Upland Bully nests found in the lower Maitai River. A project is in progress with GIS and the Whakatū Nelson Plan teams to map fish spawning habitat.
- 5.47 Water temperature loggers have been deployed at State of the Environment (SOE) water quality sites to investigate impacts of nuisance algae, stream channel works, and riparian restoration programmes. Dissolved oxygen and pH sensors will be deployed later in the summer.
- 5.48 The Ministry for the Environment is running a national pilot study to review the current recreation swimming microbiological guidelines. Nelson is part of the pilot study and the sampling programme at Wakapuaka at Paremata Flats is commencing in February 2020.
- 5.49 Reports on the Nelson Haven and Delaware Bay habitat assessments were received and will be circulated via the Councillors Newsletter once finalised. Additional sediment plate monitoring is planned for Delaware Bay, and a broadscale survey of the Waimea Estuary (jointly with TDC) will commence in January and March 2020.

*Healthy Streams Programme*

- 5.50 Ecological restoration plan for the Maitai catchment is being undertaken, including the management of riparian areas and identifying opportunities for instream habitat enhancements. This work is being undertaken jointly with the Parks and Facilities Team, and is expected to be completed by June 2020.
- 5.51 In December, Council partnered with NZ Landcare Trust, and Tasman and Marlborough District Councils, to deliver a workshop for landowners and Council staff on E.coli mitigations and current research. The meeting was well attended by the Nelson rural community.
- 5.52 An Ecological Restoration Plan has been developed for the length of the Poorman Valley Stream from below the Marsden Valley Reserve to the coast. This plan will help guide both Council and private restoration efforts, and to help co-ordinate community volunteer efforts.
- 5.53 The Drains to Harbour schools programme was delivered to approximately 240 students in its first year (Jan-Dec 2019) and has been well received. A community stormwater workshop at the Bloom Festival at Isel Park in October was also delivered through the programme, reaching an estimated 85 people.

*Biosecurity*

- 5.54 The Taiwan cherry tree removal programme continued, and for the period of September to December 63 mature and 6 juvenile trees were controlled, including a major infestation of seedlings from a single property. The trees were centred in the Atawhai/Dodson Valley area where many were originally planted, creating dense areas of seedlings in some areas.
- 5.55 Taiwan Cherry is now an eradication pest in the Tasman-Nelson Regional Pest Management Plan, which has strengthened the Council's ability to undertake control. Generally people have accepted this, with a notable increase in owners reporting presence of this pest.

*Nelson Nature Programme*

- 5.56 A fifth year of bird monitoring was completed in the Nelson Halo, as part of a Nelson Nature project to enhance native bird populations in the area outside the Brook Waimarama Sanctuary. The bird count data will be analysed, alongside similar data collected by the Sanctuary, to see if there are any trends in Nelson bird populations over the last five years.
- 5.57 Significant Natural Areas (SNAs) are sites that have been identified as holding particularly high biodiversity values. Sites that reach strict significance criteria trigger protection under the RMA. There are 165 confirmed SNA sites in Nelson, with 90% of these occurring on private land. Landowners of SNAs are offered non regulatory support through the Nelson Nature Programme, to help prevent the degradation of the

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sites due to threats such as pest incursions. In total 21 sites are currently involved in the SNA programme, including 10 actively supported in the Oct-Dec quarter.

- 5.58 The November round of the Environmental Grants Scheme received 21 applications from groups and individuals requesting support for biodiversity and land management projects. From applications for \$71,937, a total of \$66,158 was awarded to 18 projects. Of this amount, 63% is funded through the Ministry for Primary Industries' Hill Country Erosion fund and includes over 12,000 native plants. Alongside restoration projects, funding was provided for predator trapping and tools for community groups.
- 5.59 A new community trapping project was established on Haulashore Island with technical support from Nelson Nature. Port Nelson is sponsoring the group's trapping and transport cost and the Nelson MenzShed provided labour and expertise to construct the traps. The project aims to reduce rat and stoat numbers to extremely low levels to allow the resident penguins, nesting coastal birds and lizards to flourish.
- 5.60 The Mayor hosted a Christmas morning tea in December to thank volunteers working to restore Nelson's natural environment. The annual event is delivered through the Nelson Nature and Healthy Streams programmes and is an opportunity to network and thank Nelson's conservation volunteers. Approximately 50 volunteers representing their community groups attended.

*Sustainable Land Management*

- 5.61 There is increasing interest from rural landowners to participate in the Hill Country Erosion project, in particular with native plantings on hill country. The November round of the Environmental Grants Programme has brought the total to date of plants for next season to landowners to 26,328.
- 5.62 A community get together for those landowners who planted trees in the last planting season was held at Cable Bay Adventure Park in November. This enabled landowners to connect with each other to offer support for similar projects and learn more about maintaining their plantings from expert advisors.
- 5.63 The Maitai Forestry Forum continues to meet, involving Council representatives, two forestry companies, Ngati Koata, Cawthron, and Friends of the Maitai. At the November meeting, Tasman Pine Forests and PF Olsen presented current erosion management practices.

*Environmental Education*

- 5.64 A new three year contract is in place for a new EnviroSchools' Facilitator for Primary and Secondary schools. Rick Field formerly held an education role with the Brook Sanctuary and is well known to students and teachers in Nelson schools.

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- 5.65 Actions from the Drains to Harbour and Enviroschools programmes have included students taking part in the Litter Intelligence waste audits with Sustainable Coastlines, and installing Littatrap in their school grounds. Clifton Terrace School cleaned out their drain to ensure the new Littatrap would fit and found various items including hair ties, spoons, erasers, and marbles.

**Strategic Direction and Focus**

- 5.66 The position of Team Leader within the Science and Environment Team was advertised in December. This role will primarily lead the team working in the freshwater and air quality space, including State of the Environment Monitoring and the Healthy Streams programme.
- 5.67 A meeting was held in November between representatives from Ngati Koata, Ngati Tama, Ngati Rarua, Ngati Toa and the three Top of the South Councils to identify environmental and other opportunities in relation to iwi owned forestry land. This project is expected to progress to the next stages of developing a strategic plan during the course of this financial year. The meeting was part funded by the Ministry for Primary Industries Hill Country Erosion Fund.
- 5.68 Biodiversity priorities within the Nelson region have been identified by a study commissioned through Nelson Nature, using a methodology consistent with most Regional Councils (including Tasman District Council). The analysis shows that since human settlement, the Nelson region has lost approximately half of its native vegetation cover, with the greatest losses occurring in lowland forest ecosystems. The study identifies the best sites to manage in order to protect a full range of the regions' terrestrial and freshwater ecosystems. An analysis of priorities across the Nelson and Tasman Regions was also made, and showed a high number of Nelson sites being important pan-regionally. Staff are currently reviewing the analysis to determine how the results can be used in future planning.

**Risks and Challenges**

*Biosecurity: Lindavia intermedia (Lake Snow) in Maitai Reservoir*

- 5.69 In late-December a low presence of *Lindavia intermedia* (Lake Snow) was confirmed in the Maitai Reservoir. This creates potential biosecurity risks if spread to other catchments (it is already present in the Buller River), and possible implications to water supply infrastructure (i.e. blocking of treatment membranes). It is important to note that the density of Lake Snow detected in the Maitai Reservoir is currently lower than in any lake to date (where presence has been detected).
- 5.70 A monitoring plan has been developed to determine the full extent of this pest in the Maitai Reservoir and Maitai River, and this will inform management options and work by the Infrastructure team to manage downstream infrastructure. In the meantime the Council has increased promotion of the national Check Clean Dry programme encouraging

people to ensure any equipment is thoroughly checked and cleaned after use in our waterways to avoid spread of any pests.

*Biosecurity: Water Celery in Stoke Streams*

- 5.71 Water celery, an invasive freshwater plant pest, has become a significant problem in Stoke streams, densely smothering some sections, especially in Orphanage Creek and Saxton Creek. Attempts have been made to remove it by hand, combined with trials of stream bank spraying to control its spread. A resource consent application is being developed to provide potential use of sprays in streams as this may be the only effective management option in the long-term. Envirolink funding has been granted for two projects related to managing this pest: An aquatic pest plant identification and management course for staff and contractors, and a feasibility study into a potential biocontrol agent.

*Low Summer Rainfall*

- 5.72 The reduced rainfall and hot weather is expected to bring a number of challenges, including the presence of Cyanobacteria partially resulting from low river flows, and the threat to plant survival as soil moisture levels reduce and rainfall is unpredictable. Fire risk also increases as landscapes become drier. Relevant and timely information and communications on these issues will be undertaken to advise and inform the public about action that can be taken by the community, and action that Council is taking.

**SUBMISSIONS**

***The Future of Kingsland Forest, Richmond***

- 5.73 Tasman District Council is undertaking a public consultation process on the future of Kingsland Forest. Kingsland Forest is a 103 ha plantation forest due for harvesting. The forest is located on the Barnicoat Range and connects to NCC owned reserves further north via recreational and biodiversity connections. The three water catchments which flow through Kingsland forest, feed into the Waimea Inlet.
- 5.74 It is proposed that NCC support the recommended option for the future of Kingsland Forest which is to retire the land from plantation forestry, and replant in a mix of native and exotic species.
- 5.75 The reasons for supporting this option are that the cost of converting this block to native forest, while a desirable long term outcome, is both financially prohibitive and less likely to achieve the management of erosion on these slopes in the short term. The use of exotic trees to achieve good erosion control, thereby reducing potential sediment depositing into the Waimea Inlet, and to assist in the regeneration of native forest for the longer term is a cost effective option which will also support the regions wider goals of reducing carbon emissions through fast growing exotic, non-invasive trees.

- 5.76 Retrospective approval is sought for the proposed submission which is attached to this report as attachment 3 (A2331749)

***The National Policy Statement for Indigenous Biodiversity***

- 5.77 A draft National Policy Statement for Indigenous Biodiversity (NPSIB) and discussion document was released by the Ministry for the Environment (MfE) in November 2019 for public consultation. The draft NPSIB sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity under the Resource Management Act 1991 (RMA).
- 5.78 An MfE roadshow was held for council staff in Nelson on 17 January 2020 and officers have prepared a draft submission. Approval for the NPSIB submission is sought as part of this quarterly report (attachment 5: A2334348). Consultation closes on 14 March 2020.
- 5.79 In summary the submission supports the broad direction of the NPSIB, while seeking the following relief:
- Government funding and technical guidance to assist with the implementation of the proposed NPSIB.
  - A broader package of regulatory and non-regulatory tools to effectively manage biodiversity in New Zealand.
  - Clarification of the roles and responsibilities of central and local government in delivering biodiversity outcomes.
  - Tools and resources to support nationally consistent biodiversity monitoring methods, mapping and reporting.
  - Amendments to NPSIB policies, definitions and appendices to provide greater clarity and certainty.

***Resource Management Act (RMA) Reform Feedback***

- 5.80 The Government is undertaking a comprehensive review of the resource management system.
- 5.81 A Government-appointed Resource Management Review Panel published a report titled: *Transforming the resource management system: opportunities for change issues and options paper* in November 2019.
- 5.82 Officers provided feedback on the issues and options paper to the Ministry for the Environment on 3 February 2020.
- 5.83 Retrospective approval is sought for officer's feedback, which is attached to this report (attachment 4: A2329142). In summary the feedback included:

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- Support for RMA Reform in principle and amendments to Part 2 to recognise the concept of Te Mana o Te Wai (the integrated, holistic management of water) and improve integration and outcomes for the natural and built environments.
- Support for amendments to the hierarchy of section 8 (recognising Te Tiriti o Waitangi/The Treaty of Waitangi) to improve the recognition of the Treaty in resource management plans. Feedback on options to increase iwi capacity, capability and funding for RMA matters.
- A request for regulatory and non-regulatory measures to provide support and direction for councils to undertake climate change adaptation planning.
- Supporting the establishment of a range of new resource allocation tools at the national and local level.
- Support for improved RMA system reporting.
- Support for changes to improve compliance, monitoring and enforcement.

## **6. Legal Proceedings Update**

- 6.1 Prosecutions are occurring for a dog on dog attack incident and for an owner failing to ensure their dog is muzzled in public.
- 6.2 Environment Court mediation reconvened in August for remediation following a slip caused by unauthorised earthworks in Farleigh Street.
- 6.3 The Marine and Coastal Area applications are not progressing quickly.
- 6.4 The Determination in relation to a property owner's challenge over his neighbour's garden works is still being considered by the Ministry of Business Innovation and Employment (MBIE).

## **7. Other Notable Achievements, Issues or Matters of Interest**

### *Workshop update*

- 7.1 An elected member briefing was held in December 2019 to provide Councillors with an overview of the Draft Nelson Plan. A further briefing was provided to the Mayor, Councillor McGurk and Councillor Fulton covering the Intensification provisions in the Draft Nelson Plan in January 2020. A workshop briefing with Councillors on the engagement process took place in early February and a summary of the Plan provisions and process will be included in the Councillors newsletter on 24 February 2020.



*National Direction*

- 7.2 Attachment 6 (A2328796) outlines the range of national policy change currently out for feedback and the status of Councils response to this work.

**Author: Clare Barton, Group Manager Environmental Management**

**Attachments**

- Attachment 1: A2326033 - Building and Consents and Compliance Statistics [↓](#)
- Attachment 2: A2342072 - Quarterly Reporting - Environmental Management Performance [↓](#)
- Attachment 3: A2331749 - Submission on the Future of Kingsland Forest, Richmond [↓](#)
- Attachment 4: A2329142 - Proposed RMA reform submission [↓](#)
- Attachment 5: A2334348 - NPS Indigenous Biodiversity submission [↓](#)
- Attachment 6: A2328796 - Environmental Management National Direction [↓](#)

<b>Important considerations for decision making</b>
<p><b>1. Fit with Purpose of Local Government</b></p> <p>This quarterly report identifies the performance levels of regulatory and non-regulatory functions that seek to provide for healthy and safe communities and natural environments.</p>
<p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>The Council's Long Term Plan includes performance measures for various activities and this report enables the Council to monitor progress towards achieving these measures.</p> <p>The Environmental Management work programme addresses a number of community outcomes by protecting our environment and our heritage, sustainably managing our urban and rural environments, co-ordinating our growth and infrastructure planning, keeping our community safe through statutory compliance and making people aware of hazard risk, engaging with iwi and our community and establishing key partnerships, and taking a business friendly approach while promoting environmental management best practice.</p> <p>Approval of the feedback and submissions to national policy will enable Council's policy position to be heard by Government and Tasman District Council.</p>
<p><b>3. Risk</b></p> <p>Staff vacancies have the potential to impact on work programmes and statutory timeframes. Recruitment for these roles is continuing.</p> <p>The establishment of a Governance Liaison Group and proposal to undertake a combined engagement step for the Nelson Plan seeks to minimise risk by maximising opportunities for input into the Draft Plan and alignment with national direction ahead of public notification.</p> <p>Increased national direction (National Policy Statements) has the potential to impact on work programmes and statutory timeframes.</p>
<p><b>4. Financial impact</b></p> <p>No additional resources have been requested.</p>
<p><b>5. Degree of significance and level of engagement</b></p> <p>This matter is of low significance.</p>
<p><b>6. Climate impact</b></p> <p>Information gained through the provision of regulatory and non-regulatory services will assist Council to take appropriate action or advocate for others to take action to address the impacts of climate change.</p>

## **7. Inclusion of Māori in the decision making process**

No consultation with Māori has been undertaken regarding this report.

## **8. Delegations**

The Environment Committee has the following delegation:

*Areas of Responsibility:*

- *Building control matters*
- *Environmental regulatory matters*
- *Environmental science matters*
- *Environmental programmes*
- *The Nelson Plan*

*Delegations:*

*The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*

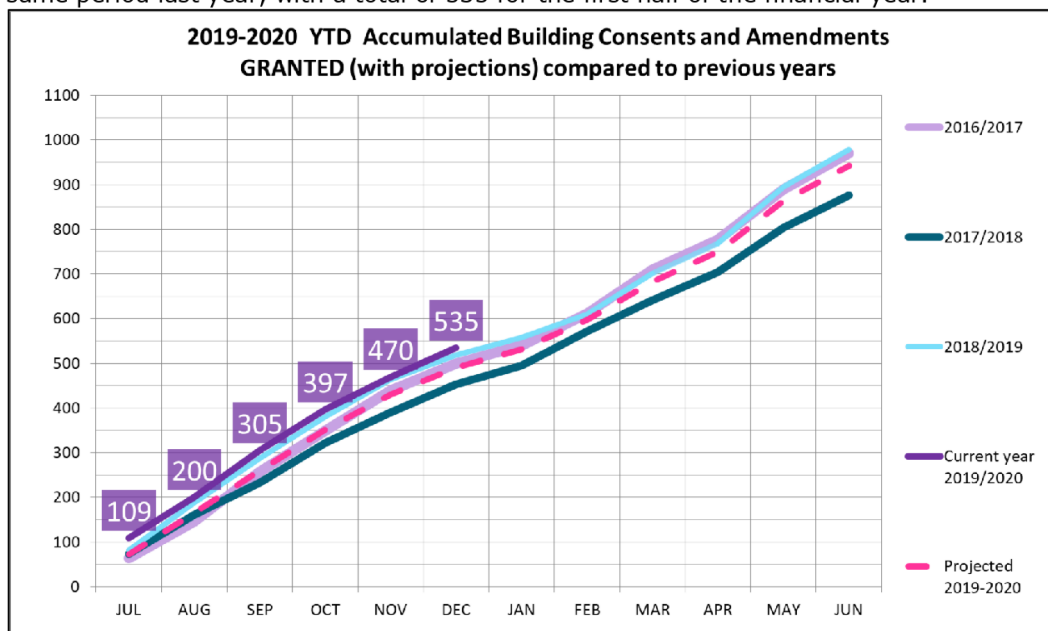
**Attachment 1**

**Building Unit Statistics 1 October – 31 December 2019**

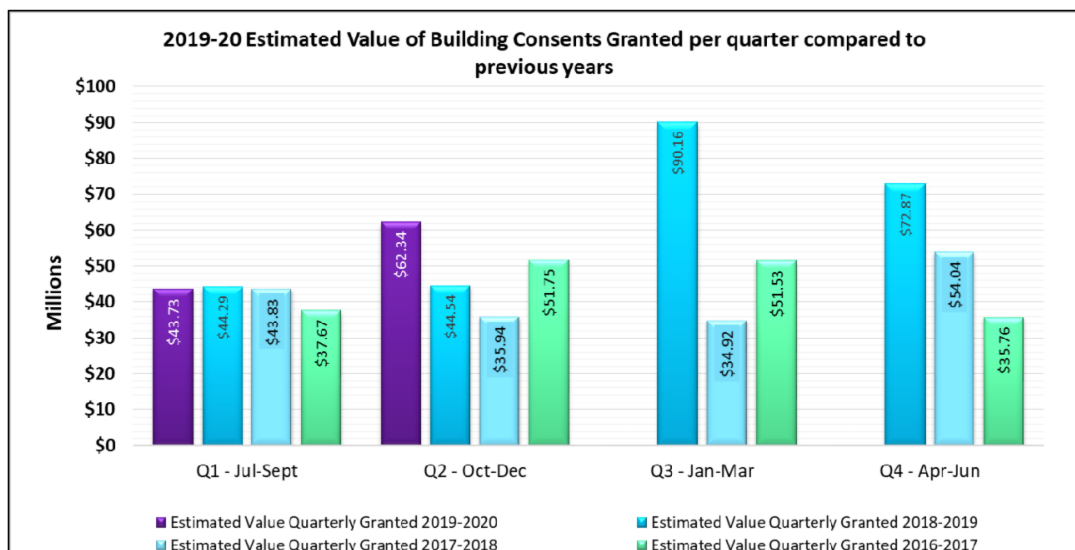
**1. Quarter 2 summary for the building consent authority activity.**

The second quarter of this year has seen the number of building consent (and amendments) granted trending in line with 2018/19 figures.

A total of **230** consents were **granted** for the second quarter, which is tracking similar to the same period last year, with a total of 535 for the first half of the financial year.



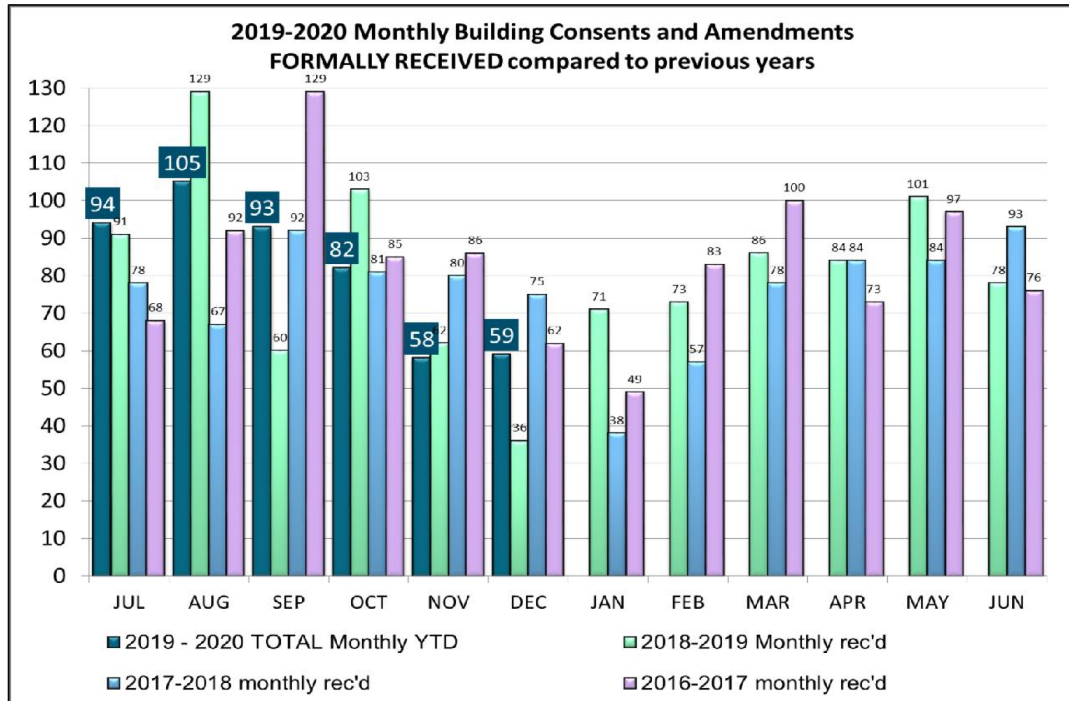
The total estimated value of consents GRANTED so far this year is \$106.07m which is up \$17.24m so far on the same period last year.



# Item 13: Environmental Management Group - Quarterly Report - 1 October - 31 December 2019: Attachment 1

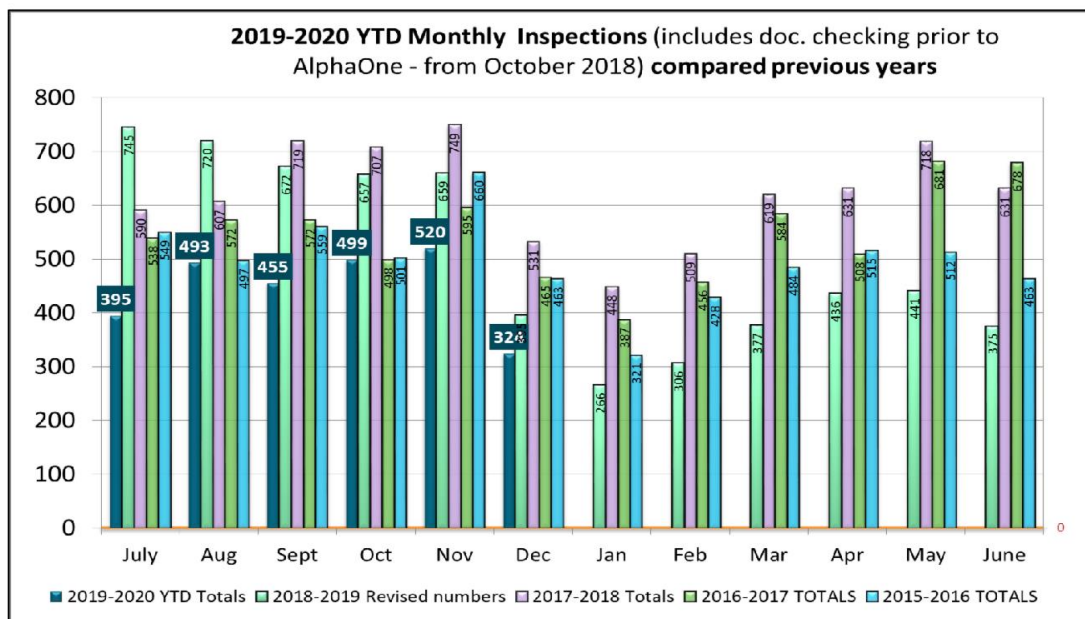
In total there were **491** building consent and amendment applications formally **received** in the first half of this financial year, having received 199 in quarter two (201 last year Q2).

The estimated value of consents received in quarter two is \$53.04m, \$4m less than the same period last year. A total of \$102.78m so far this year.

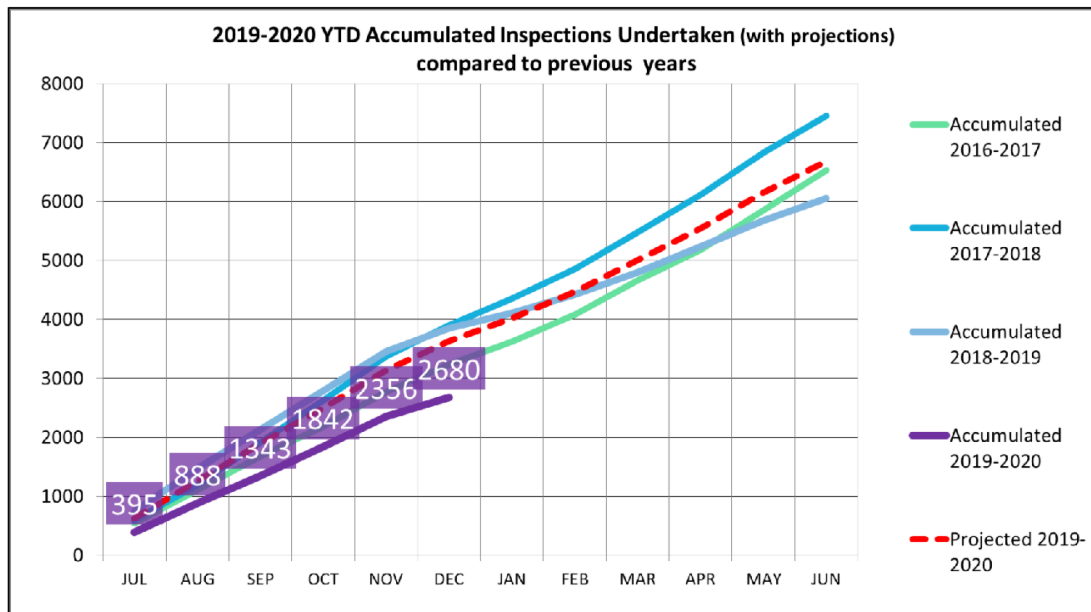


## 2. Building Inspections

There were 2686 Building Inspections undertaken in the first half of the financial year, compared to 3674 for the same period last financial year. These numbers are more in line with 2015-16 figures.

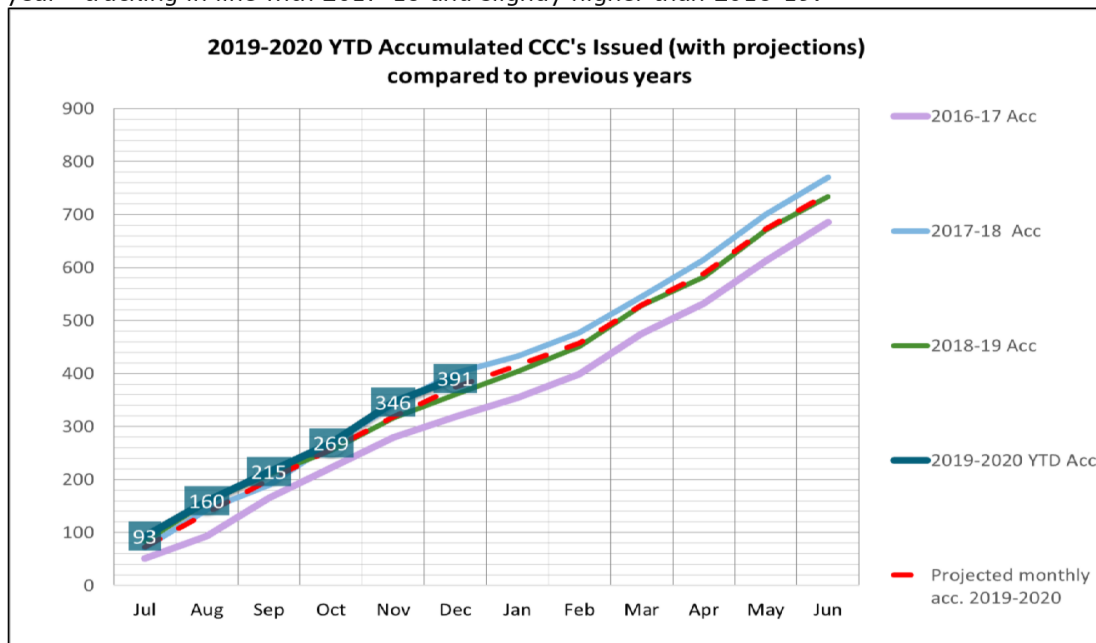


The number of building inspections undertaken in the first half of the year are significantly lower than the same period last year (2018/19).



### 3. Code Compliance Certificates Issued

There were 176 code compliance certificates issued in the second quarter of this financial year - tracking in line with 2017-18 and slightly higher than 2018-19.

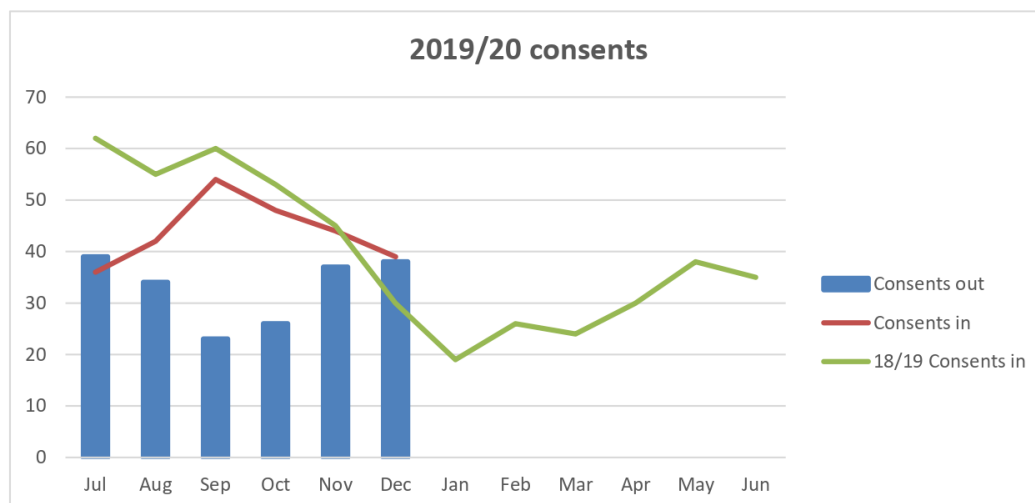


## Consents and Compliance Statistics 1 October – 31 December 2019

### 1. Resource Consent Processing Times

Month	NON NOTIFIED				NOTIFIED AND LIMITED NOTIFIED		
	% on time	Average process days	Median process days	Consent numbers	% on time	Average process days	Consent numbers
October	96	28	16	26			
November	89	22	20	36	0	83	1
December	97	17	17	38			
<b>Average from 1 July 2019</b>	<b>96</b>	<b>21</b>	<b>18</b>	<b>31</b>	<b>67</b>	<b>81</b>	<b>4</b>
<b>Total from 1 July 2019</b>				<b>186</b>			<b>11</b>
2018/19 average	83	22	19	29	100	383	0.33
2018/19 totals				344			4

### 2. Resource Consent numbers



### 3. Parking Performance

Activity	October	November	December
<b>Enforcement</b>			
Safety	105	75	99
Licence labels /WOF	233	191	252
Licence labels/WOF (Warnings)	84	61	182
Meters/Time restrictions	706	359	820
<b>Total Infringement notices issued</b>	<b>1128</b>	<b>686</b>	<b>1353</b>

Item 13: Environmental Management Group - Quarterly Report - 1 October - 31 December  
2019: Attachment 1

Activity	October	November	December
<b>Service Requests</b>			
Abandoned Vehicles	47	56	50
Requests for Enforcement	94	61	35
Information /advice	16	15	15
<b>Total service requests</b>	<b>157</b>	<b>132</b>	<b>100</b>
<b>Courts</b>			
Notices lodged for collection of fine	264	164	146
<b>Explanations Received</b>	<b>96</b>	<b>62</b>	<b>120</b>
Explanations declined	6	11	16
Explanations accepted	63	51	104

#### 4. Environmental Health and Dog Control Activities

Activity	Responses			Total 2019/20	Total 2018/19
	October	November	December		
Dog Control	143	154	149	<b>884</b>	1913
Resource consent monitoring	132	164	227	<b>1259</b>	1562
Noise nuisance	134	118	478	<b>634</b>	1214
Bylaw / Building / Planning	46	55	46	<b>296</b>	562
Alcohol applications	25	59	43	<b>285</b>	497
Alcohol Inspections	4	2	4	<b>16</b>	138
Pollution	28	31	21	<b>144</b>	289
Stock	3	9	9	<b>46</b>	114

#### 5. Freedom Camping Enforcement

Activity	2019/20 year to date	2018/19
Service Requests	50	173
Numbers of Patrols	87	221
Vehicles Checks	2891	8078
Infringements Issued	56	193
Education/Warnings Issued	319	851



## 6. Summary of Legal Proceedings

Party	Legislation	Matter & date of the initial action	Status
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 mediated on 1 February 2019, a reconvened mediation occurred on 20 August, experts caucused on 23 October. The wording of the consent order is being worked on.
J LeFranz	Dog Control Act 1996, section 57	Prosecution as the dog was walked without the required muzzle	The first call occurred on 10 July where no plea was entered. Adjourned until 7 August and then delayed until 30 October, the plea was not guilty. Case review hearing scheduled for 7 February
Newlands	Dog Control Act 1996, section 57	Prosecution for dog on dog attack also without the required muzzle March 2019	Newlands seeking declaratory judgement, NCC applied to High Court to strike out application. Judge alone trial for incident hearing 18 March 2020

Item 13: Environmental Management Group - Quarterly Report - 1 October - 31 December 2019: Attachment 2

Quarterly reporting 2019-20

What Council will provide	Performance measures		Targets			Further information					Result	
		Historic performance	Year 2 (2019/20)	Year 3 (2020/21)	Years 4 - 10	Mandatory measure	Person responsible for comment	Person responsible for monitoring	Monitoring frequency	Monitoring process	Quarter 2 2019/20 comment	Quarter 2 2019/20 result
Clean air	Compliance with National Air Quality Standards – number of breaches in each airshed	Number of breaches in airshed A: 1 in 2016 1 in 2017	No more than 3 breaches in winter 2019	No more than 3 breaches in winter 2020	No more than 1 breach per winter	No	Richard Popenhagen	Richard Popenhagen	Quarterly	Air quality data - all on LAWA	No exceedances recorded this quarter.	On track
		Number of breaches in airshed B1: 1 in 2016 2 in 2017	No more than 1 breach in winter 2019	No more than 1 breach in winter 2020	No more than 1 breach per winter	No	Richard Popenhagen	Richard Popenhagen	Quarterly	Air quality data - all on LAWA	No exceedances recorded this quarter.	On track
		Number of breaches in airshed B2: none in 2016 or 2017	No breaches			No	Richard Popenhagen	Richard Popenhagen	Quarterly	Air quality data - all on LAWA	No exceedances recorded this quarter.	On track
		Number of breaches in airshed C: None in 2016 or 2017	No breaches			No	Richard Popenhagen	Richard Popenhagen	Quarterly	Air quality data - all on LAWA	No exceedances recorded this quarter.	On track
Natural water ways complying with National Policy Statement Freshwater requirements	% of pristine water bodies maintained at current state (2017 baseline) as a minimum	New measure	100%			No	Paul Fisher	Paul Fisher	Annual	N/A	Monthly State of the Environment water quality monitoring completed this quarter.	On track
Safe recreational bathing sites, marine and freshwater	% key bathing sites monitored and public advised if water quality standards breached	New measure	100%			No	Paul Fisher	Paul Fisher	Annual	N/A	The recreation bathing programme commenced on 2 Dec 2019 with weekly sampling as per the schedule at key bathing sites. Signage is in place at all key sites and monitoring results are reported 'live' to LAWA.	On track
Resource consent processes that comply with statutory timeframes	% non-notified processed within 20 working days	90% in 2018/19	100%			No	Mandy Bishop	Mandy Bishop			94% of non-notified consents were processed within 20 working days	Not on track
	% fast track consents within 10 working days	New measure	100%			No	Mandy Bishop	Mandy Bishop			97% processed within 10 working days	Not on track
Building unit compliance	% building consents (BC) and code compliance certificates (CCC) issued within 20 working days	99% in 2017	100%			Yes	Patrick Schofield	Patrick Schofield	Quarterly	Consent processing system monitoring for BC and CCC's	There were 230 BC's issued in Q2 96% within 20 working days. There were 176 CCC's issued in Q2 with 98% being within 20 working days. Above 95%, substantive compliance achieved.	Not on track
Dog and animal control	% of all complaints responded to within one day	90% in 2017	90% of complaints responded to within one day			No	Mandy Bishop	Mandy Bishop			As described in the 2018/19 Annual Report, Council's reporting systems are not currently at a level that enables results for these performance measures to be 100% verified. A review of how this information can be provided to substantiate performance in future years is being undertaken.	Not measured yet
Food safety and public health	% premises receiving inspection as per statutory requirements	New measure	100% of premises are inspected according to legislative requirements on frequency			No	Mandy Bishop	Mandy Bishop				Not measured yet
Alcohol licensing	% of licensed premises receiving two inspections per year	New measure	100% of premises inspected two times per year			No	Mandy Bishop	Mandy Bishop				Not measured yet
Pollution response	% responses to emergencies within 30 minutes and all other incidents within one day	New measure	100% of emergencies responded to within 30 minutes and all other incidents within one day			No	Mandy Bishop	Mandy Bishop				Not measured yet

A2342072

# WHAT'S THE FUTURE FOR KINGSLAND FOREST IN RICHMOND?

**CONSULTATION OPEN 18 DECEMBER 2019 – 6 MARCH 2020**

A summary of the draft Kingsland Forest Development Plan

**HAVE  
YOUR  
SAY**







HAVE  
YOUR  
SAY

## CONSULTATION CLOSES FRIDAY 6 MARCH 2020

We want to know what you think of the draft Kingsland Forest Development Plan.  
Here's how you can have your say:



Head to [tasman.govt.nz/feedback](https://tasman.govt.nz/feedback)  
to submit your feedback online.



Fill in the submission form attached, scan  
and email it to [info@tasman.govt.nz](mailto:info@tasman.govt.nz) with  
'Kingsland Forest Draft Development Plan'  
in the subject line.



Fill in the submission form and post to:

**Kingsland Forest Draft Plan**  
Tasman District Council  
189 Queen Street  
Private Bag 4, Richmond 7050

Or drop it in to any Council office or library.

This document contains a summary of the  
draft Kingsland Forest Development Plan.  
You can find a copy of the full plan online,  
or at any Council office or library.

### Tasman District Council Offices:

- Golden Bay: 78 Commercial Street, Takaka 7142
- Motueka: 7 Hickmott Place, Motueka 7143
- Murchison: 92 Fairfax Street, Murchison 7007
- Richmond: 189 Queen Street, Private Bag 4, Richmond 7050

### Tasman District Libraries:

- Motueka: 12 Pah Street, Motueka 7120
- Murchison: 92 Fairfax Street, Murchison 7007
- Richmond: 280 Queen Street, Private Bag 3, Richmond 7050
- Takaka Memorial: 3 Junction Street, Takaka 7110



## ABOUT KINGSLAND FOREST

Kingsland Forest, on the flanks of the Barnicoat Range that forms the backdrop to Richmond, is a plantation forestry block that has become a popular recreation destination for bikers and walkers.

The 150-hectare forest is owned by Tasman District Council. Approximately two-thirds of the land within Kingsland Forest is in plantation forest and a third contains remnant and regenerating native forest. The plantation forest helps to generate revenue to fund Council activities, reducing the amount of rates income we need to collect.

Kingsland is the least profitable of the plantation forests the Council owns and manages. Harvest cycles impinge on recreational use of the area and on biodiversity. Harvesting can also present a downstream risk to the urban community of Richmond, particularly given the more frequent storms we are experiencing in the District.

The private owners of the neighbouring Silvan Forest are planning to transition from a commercial forestry operation to a large-scale arboretum of natives and exotic species to better complement the mountain bike park within the forest. There are potential future synergies for Kingsland and Silvan Forest, both for future replanting and the development of recreational links.

A new harvesting cycle is about to start in Kingsland Forest. That cycle will take the next 20 years to complete. We need to decide now whether to replant pines for future harvest or to manage the forest solely as a recreational and biodiversity asset for Richmond, replanting in either native or permanent exotic species.

That's where you come in – what's your vision for the future of Kingsland Forest?



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## 210

## OTHER KEY ACTIONS

The draft plan also sets out specific actions to protect the natural values of the forest and improve recreational use and enjoyment. Below is a summary.

### Biodiversity

- Maintain an active weed control programme.
- Work with volunteers to help enable and advocate for the important work they do.
- Work with neighbours to encourage the control of invasive weeds.

### Landscape protection

- Maintain the forest as a green backdrop to Richmond.
- Consider a common landscape development approach with neighbours.
- Limit new network utility development to existing areas.
- Create and maintain a range of viewpoints within the walking and biking track network.

### Recreation

- Increase the number and quality of entrance points into the forest.
- Improve track naming, signage, and wayfinding.
- Improve car parking and provide toilets at Easby Park.
- Improve existing and develop new mountain bike tracks (full detail can be found on pages 35 – 38 in the draft plan).
- Improve existing and develop new walking tracks (full detail can be found on pages 39 – 42 of the draft plan).
- Provide seating and picnic tables at key sites within the forest.
- Provide toilets at the top of the Richmond Hill.

### Cultural, historical and archaeological values

- Ensure protection of the Reservoir Creek area as a registered historic site.
- Include rongoā (medicinal) and raranga (weaving) species in planting plans for native restoration areas so they are available for sustainable harvest.
- Reflect manawhenua iwi's association with the land on any new signage and provide partnership opportunities during forest development.

### Stormwater management

- Ensure best practice harvest techniques to manage runoff and sediment, limit the construction of new roads and consider debris barriers and extra detention areas if needed.
- Make sure active revegetation happens as soon as possible after forestry harvest using species with good erosion-control properties.

### Fire safety

- Consider using low-flammability species next to tracks.
- Maintain designated safe areas as evacuation points.

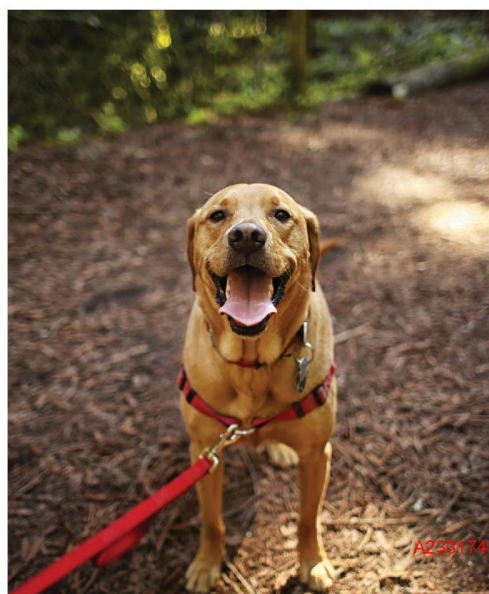
## DOG WALKING IN THE FOREST

We're keen for there to be places in Kingsland Forest where dogs are allowed, while making sure there aren't negative effects on other users and wildlife.

At the moment, Dellside Reserve, including a track up into the Richmond Hills, is a designated dog exercise area where dogs are allowed off the lead. This is a very popular area for dog walkers but it is also home to an increasing wildlife population (including weka) that is vulnerable to uncontrolled dogs.

At the moment we are not planning to change the existing rules for dogs in Kingsland Forest. However, the draft plan does propose we:

- Monitor issues associated with the current rules for dogs in Kingsland Forest.
- Consider future changes to the Dog Control Bylaw to require dogs to be on a lead within native forest restoration areas if required.





## DRAFT KINGSLAND FOREST DEVELOPMENT PLAN

# FEEDBACK FORM

### MAKE A SUBMISSION

**Submissions close Friday 6 March 2020**

- Head to [tasman.govt.nz/feedback](https://tasman.govt.nz/feedback) to submit your feedback online
- Post to Draft Kingsland Forest Plan, Tasman District Council, Private Bag 4, Richmond
- Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)
- Drop in to Tasman District Council offices and libraries

Tell us what you think about the proposals and actions in the plan.

### FOREST – LAND USE

**1. Do you agree with the proposal to phase out production forestry in Kingsland Forest and replant in a combination of permanent native forest and exotic woodland?**

☒ Agree ☐ Neither ☐ Disagree

Nelson City Council supports this option as a cost effective approach to transition plantation forest to native forest (in the long term). The planting of exotic, erosion control species will assist in preventing/mitigating erosion resulting in sediment entering the Waimea Inlet and wider Tasman Bay, while the planting of native species will support the biodiversity values of the wider Barnicoat Range, Marsden Valley, and the outcomes sought through the Nelson Nature Programme.

The use of faster growing exotic species, interplanted with slower growing native species, supports NCC's commitments to reducing and mitigating carbon emissions.

### BIODIVERSITY

**2. Do you agree with the objectives and actions to protect and enhance the native areas and biodiversity of Kingsland Forest?**

☒ Agree ☐ Neither ☐ Disagree

Protection and enhancement of biodiversity values in the Kingsland Forest will support the wider outcomes being sought through the Nelson Nature programme and the investment that Nelson City Council has made and continues to make, in restoring native habitats, biodiversity corridors, and the control of wilding conifers in the city backdrop, including the Barnicoat Range.

### LANDSCAPE PROTECTION

**3. Do you agree with the landscape protection and enhancement objectives and actions?**

☒ Agree ☐ Neither ☐ Disagree



## RECREATION

### 4. Do you agree with the proposed objectives and actions for recreational use and supporting facilities?

☒ Agree ☐ Neither ☐ Disagree

Continuing to support and develop the recreational network of walking and biking tracks in the forest will support and integrate with the work Nelson City Council is doing to...  
enhance the recreational connections in the wider Barnicoat Range, and beyond.....

### 5. Do you agree with the objectives and actions for mountain biking?

☒ Agree ☐ Neither ☐ Disagree

As per point 4 above.....

### 6. Do you agree with the objectives and actions for walking?

☒ Agree ☐ Neither ☐ Disagree

As per point 4 above.....

### 7. Do you agree with the objectives and actions for dog walking?

☐ Agree ☒ Neither ☐ Disagree

Nelson City Council has no comment on this section.....

## TOILETS

### 8. Do you agree with the provision of a public toilet facility at the top of Richmond Hill?

☐ Agree ☒ Neither ☐ Disagree

Nelson City Council has no comment on this section.....



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2019: Attachment 3

CULTURAL, HISTORICAL AND ARCHAEOLOGICAL VALUES

9. Do you agree with the cultural, historical and archaeological values objectives and actions?

☒ Agree ☐ Neither ☐ Disagree

STORMWATER MANAGEMENT

10. Do you agree with the catchment management objectives and actions?

☒ Agree ☐ Neither ☐ Disagree

Nelson City Council supports best practice forestry management including harvesting, to mitigate the impacts of forestry on the Waimea Inlet and wider Tasman Bay.

Permanent forest cover will support improved water quality outcomes in the long term.

FIRE SAFETY

11. Do you agree with the fire safety and management objectives and actions?

☒ Agree ☐ Neither ☐ Disagree

Nelson City Council supports the selection of fire retardant species as part of a wider planting to help mitigate the increased risk of fire due to warmer, drier weather

being predicted in our wider region.

OTHER

12. Do you have any other comments you would like to make on the draft plan?

CONTACT DETAILS (PLEASE PRINT CLEARLY)

Name Clare Barton, Group Manager, Environmental Management Organisation (if appropriate) Nelson City Council

Address 110 Trafalgar Street, Nelson

Phone 03 546 0343 Email clare.barton@ncc.govt.nz

Tick box to select ☐ I/we wish to be heard in agree of my/our submission in Richmond on 16 March 2020

Feel free to contact us:



**Tasman District Council**  
Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
Website [tasman.govt.nz](http://tasman.govt.nz)  
24 hour assistance

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189 Queen Street  
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Phone 03 528 2022  
Fax 03 528 9751

**Takaka**  
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New Zealand  
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Fax 03 525 9972



Civic House, 110 Trafalgar Street  
PO Box 645, Nelson 7040, New Zealand

2 February 2020

P (03) 546 0342  
E [clare.barton@ncc.govt.nz](mailto:clare.barton@ncc.govt.nz)  
[nelson.govt.nz](http://nelson.govt.nz)

Ministry for the Environment  
Po Box 10362  
Wellington 6143

Submitted to: [RMreview@mfe.govt.nz](mailto:RMreview@mfe.govt.nz)

Nelson City Council (NCC) Feedback on:

Transforming the resource management system: Opportunities for Change Issues and  
Options paper (November 2019)

#### **Issue 1: Legislative architecture**

*Should there be separate legislation dealing with environmental management and land use  
planning for development, or is the current integrated approach preferable? (Q1)*

1. The Resource Management Act 1991 (RMA) should continue to combine environmental management and land use planning under the same legislation. The key issue is how the RMA interacts with other pieces of legislation which may also have an impact on land use planning and management of parts of the environment e.g. the Zero Carbon legislation, Local Government Act, Land Transport Act, Reserves Act and the like. How can these myriad layers be better streamlined?

#### **Issue 2: Purpose and principles of the RMA**

*What changes should be made to Part 2 of the RMA? (Q2-8).*

1. In making changes to Part 2 of the RMA, the Government needs to be cognisant of the costs this imposes as new case law is developed through the Courts and Plans then require change. That said there are two areas that may benefit from greater clarity and relate to the comments made in the previous section around integration across legislation:
  - a) Separate statements of principles for environmental values and development (housing and urban development) in section 6 to integrate with the Urban Development Bill.
  - b) The inclusion of Te Mana o Te Wai in section 6 would more accurately reflect te ao Māori in resource management and improve the protection of cultural and environmental values.

Internal Document ID: A2329142

- c) Greater clarity around climate change which currently focuses on adaptation and how this integrates with the Zero Carbon legislation for mitigation.

**Issue 3: Recognising Te Tiriti o Waitangi/The Treaty of Waitangi and Te Ao Māori**

*Are changes required to s8, including the hierarchy with regard to ss. 6 and 7? Are other changes needed to address Māori interests and engagement when decisions are made under the RMA? (Q9-10)*

1. Barriers to the adoption of joint management arrangements under section 36B and the transfer of powers under section 33 are complex. These barriers can include the lack of consistent national direction on iwi rights and interests (for example, freshwater), council resourcing and iwi capability, capacity and funding.
2. The requirement for councils to proactively consult with iwi and hapū when making resource management plans has been effective in Nelson and has resulted in the formation of a positive long-term relationship between Nelson City Council (NCC) planning staff and the eight Iwi in the Top of the South.
3. There is a range of partnership arrangement options available now, including the recent addition of Mana Whakahono ā Rohe in 2018. While these options may not suit every iwi or council, it is important to provide a range of different mechanisms for iwi to participate in RMA processes and to support iwi and council relationships. Council and iwi resourcing can be a barrier to the adoption of these options.
4. The meaning of iwi authorities and hapū has not been an issue so far in the Nelson City Council rohe, however, we support clarifying the RMA to assist with improved interpretation of these terms nationally.
5. A nationally consistent, centrally-administered iwi funding model for iwi participation in RMA processes has the potential to reduce the administrative and budgetary burden on councils. However, a central funding model may not necessarily increase iwi participation due to variable levels of capacity and interest in RMA processes by iwi.
6. Options for increasing iwi capability in RMA matters at a local level could include training for Iwi to learn about the RMA and utilisation of Treaty Settlement grants to fund up-skilling of whanau to increase Iwi knowledge and participation in RMA processes.

**Issue 4: Strategic integration across the resource management system**

*How can spatial planning be best provided for? (Q11-15)*

1. There is currently no impediment to the development of spatial planning within the RMA. The impediment is the most likely cost and time to develop. Where they are prepared then the following would be needed:

- a) Spatial plans should be 'live' and should be able to adjust to changes in local or national information or direction. Spatial plans could be externally referenced documents in a resource management plan.
- b) Fully integrated spatial planning would need to include links to other relevant legislation (LGA, LTMA) to provide for infrastructure and funding mechanisms.
- c) Integrated spatial planning should be carried out at a local or regional scale rather than nationally. Triggers for spatial planning could include; future growth areas identified in a Future Development Strategy, a degraded freshwater management unit/catchment or a location impacted by rising sea level and coastal hazards.

#### **Issue 5: Addressing climate change and natural hazards**

*Should the RMA be used to address climate change mitigation, and what changes are required to address adaptation and natural hazard management? How should the RMA be amended to align with the Climate Change Response Act 2002? (Q16-18)*

1. Climate change mitigation relies on a number of factors many of which sit outside an RMA frame. For example; NCC has embarked on an emission reduction programme for its own activities. There have been difficulties which Council would be happy to provide further detail on. Once this is extended to reducing carbon emissions within a community the ability to effect action becomes exponentially more difficult.
2. Matters that would assist include (and Council would be happy to discuss these points further with you):
  - a) Clearer nationally set RMA planning restrictions for new development in high-risk areas, including the clarification of existing use rights during the managed retreat.
  - b) Improved alignment and integration between national policy and national guidance, particularly; the RMA, Building Act, NZ Coastal Policy Statement (NZCPS), NPS on Urban Development and *Coastal hazards and climate change: Guidance for local government* (2017). For example; the Building Code has a 50-year time horizon at current day, the NZCPS sets a 100-year time frame and the MfE guidance for Councils provides a range of scenarios depending on an activity. So where a house comes in for building consent a different level is applied than when it comes in through a resource consent process. That makes little sense.
  - c) How can alternative low carbon building materials (the creation, construction, life of and demolition (including disposal to landfill and the associated carbon impact)) be managed to reduce emissions? (Replacing the unnecessary use of concrete as an example including for carparking and driveway surfaces). Where should this control best sit and how e.g. the Building Act? How can a transition to low or zero carbon building materials be supported?
  - d) Given the aspects raised in c. above - how do the competing outcomes of affordable housing, brownfield intensification close to transport corridors and emission reduction, whilst maintaining amenity and creating green urban spaces get reconciled? Providing sufficient permeable spaces while providing for housing intensification is difficult particularly in brownfield situations.

- e) How do we address private covenants on subdivisions which require certain larger size and construction requirements for houses? How can green star building ratings be applied?
- f) How can alternative housing models (such as tiny houses, co housing) be achieved with positive environmental outcomes (e.g. access to winter sun, summer shade, urban biodiversity) without creating additional cost?
- g) A requirement for Dynamic Adaptive Policy Pathways (DAPP) in the RMA to manage climate adaptation. National guidance and a consistent DAPP framework.
- h) Guidance and advice for councils on managing the new risks associated with climate change including, increased risk of fire, rising temperature, wind damage, frosts, rainfall intensity/slope failure and biosecurity risks.
- i) Funding for councils to resource and manage new risks, including the increased biosecurity risks associated with climate change.

#### **Issue 6: National direction**

*What role should a more mandatory national direction have? (Q19)*

1. Additional national policy and standards are supported where they add value and address priority national issues.
2. Improved consultation with councils to prioritise national policy and standards would be beneficial in ensuring that national direction is fit-for-purpose and addresses local issues.
3. National policy and standards improve the ability for councils to manage and control activities but can be time consuming and costly to implement and administer. The timing of national policy and standards is often aligned with central government election cycles and this doesn't necessarily align with local government timeframes for resourcing the required changes. There is an opportunity for improved alignment of local and central government timelines as well as ensuring that where costs are being devolved to Councils they are funded for that by Government.

#### **Issue 7: Policy and planning framework**

*How can plan contents and process certainty be improved? (Q20-23)*

1. The resource management plan review process can be long, slow and expensive. Plans can take between 8-10 years to develop from start to finish and cost millions. Nelson City Council is currently developing an integrated unitary plan (the Nelson Plan) and this is projected to cost approximately \$10 million.
2. Standardisation of the plan-making process is supported, however, any requirements should incorporate an assessment of costs and benefits to councils and include a 'phase-in' period for adoption.
3. The single-stage plan-making process identified in the issues and options paper is supported. The use of independent hearings commissioners as an alternative to the

current Schedule 1 process and appeals to the Environment Court could streamline the plan-making process provided councils had guidance and implementation support including funding for this model.

4. The lack of availability of trained planners in New Zealand is a significant issue and can impact the council's ability to deliver resource management plans (both preparation and implementation). Action is needed at the national level to facilitate the training and development of planners in New Zealand.
5. The digital plan requirement in the National Planning Standards is an improvement in the accessibility and usability of resource management plans. However, more competition is needed between digital ePlan providers as there is currently only one main player. Nelson City Council has experienced delays and resourcing issues from this ePlan provider.

#### **Issue 8: Consents/approvals**

*How can consent processes be improved to enhance outcomes whilst preserving public participation opportunities? (Q24-28)*

1. RMA direction for councils to identify significant activities versus minor activities could improve clarity and streamline the resource consent process for applicants. This would need to be directed by central government and be nationally consistent.
2. A list of minor activities could be identified in the RMA with guaranteed 'less than minor' effects. These activities could be adequately managed without an assessment of environmental effects. Or, these activities could be deemed to be permitted activities and therefore not require a consent.
3. NCC supports a separate permitting process and dispute resolution pathway for residential activities with localised or minor effects. Deemed permitted boundary activities are well received by the public.
4. A separate permitting system with dispute resolution is a potential solution. However, the triggers for third party involvement, dispute resolution process, and cost recovery mechanisms would need to be considered.
5. Removing automatic hearings and appeal rights is likely to add another decision-making step to determine whether a hearing is necessary, depending on what the effects might be and what might be raised in submissions. Councils may also experience submitters with high expectations arguing that they should be heard, or complaining that they were not heard.
6. All applications and issued resource consents should be available to the public electronically.
7. A national online system for managing resource consents would be beneficial, however, national funding is needed to ensure a fit-for-purpose and nationally consistent solution that includes database support.

### **Issue 9: Economic instruments**

*Is the RMA the appropriate legislative vehicle for economic instruments? (Q29-30)*

1. Much of the income generated from the use of New Zealand's natural resources are not often available for use at the local level despite the social, environmental and cultural costs being carried by the local community. A fairer distribution of costs and benefits is needed to improve the status quo.
2. Economic instruments that facilitate payments for 'resource rental' could be beneficial, especially if those funds were made available for local projects such as environmental clean-up funds, community initiatives, and environmental monitoring and evaluation. This would need to be carefully managed and resourced to avoid unintended outcomes.
3. Resource ownership will need to be considered and addressed prior to enabling economic instruments for resource use. This applies especially to freshwater resources.

### **Issue 10: Allocation**

*Should the RMA guide resource allocation, and should the use of resources such as water and coastal space be dealt with under the RMA or separately? (Q31-33)*

1. Clarification of the ownership of resources is an important consideration and something that resource allocation is dependent upon. This is particularly relevant to freshwater resources where the ownership, use, and management of these resources are currently being discussed with Iwi at the national level.
2. The 'first in first served' principle does not always provide for the responsible or sustainable management of natural resources. For example, this approach does not guarantee the practical avoidance of over-allocation of freshwater quality and quantity in Freshwater Management Units.
3. Proven allocation tools are urgently required to manage resource use, especially for the allocation of freshwater resources within the environmental limits and national bottom lines required by the National Policy Statement for Freshwater Management.

### **Issue 11: System monitoring and oversight**

*What changes are needed to improve monitoring of the resource management system, including data collection, management, and use, and who should oversee these functions? (Q34-35)*

1. An outcomes-based monitoring system for resource management would greatly improve the quality, usability, and integration of this information at the local level. This system should include appropriate cultural monitoring and recognise mātauranga Māori. Those outcomes need to be clearly defined centrally so the data collected is for a reason that reports on those outcomes. Data collection can only effectively be done at a local level and indeed local government has those functions so why replicate them? The concern is the Government being unclear about what data they require for their own reporting, or changing what should be collected partway through, resulting in a significant shift for local government with significant cost implications.



2. An integrated webpage and portal for all resource management system data and summary information could improve the accessibility of this information to councils, iwi and the public. This would need to be led and funded by Government.

**Issue 12: Compliance, monitoring, and enforcement (CME)**

*What changes are required to improve compliance, monitoring and enforcement, and who should deliver, oversee and bear the cost of these? (Q36-38)*

1. Retaining the existing devolved CME system is preferred.
2. Councils have demonstrated improvements in CME over the last 10 years and this progress improves over time. Best practice CME guidelines published in 2018 have assisted in providing nationally consistent guidance for councils. However, resourcing and cost-recovery efficiency can be a barrier for some councils in the adoption of best practice guidance across all CME activities.
3. It is recognised that monitoring the effectiveness of the resource management system is complex. For example, the cumulative effects of resource use and 'death by 1000 cuts' make it difficult to determine cause and effect. Teasing out the causes of adverse environmental effects is complicated. For example, how do councils determine whether the cause of environmental degradation is a result of overly permissive plan rules, inadequate consent conditions, poor performance by the consent holder, inadequate enforcement or insufficient state of the environment reporting?
4. Improved and expanded options for cost recovery are required, particularly for permitted activity monitoring to measure the effectiveness of regulatory and non-regulatory outcomes contained in resource management plans. Cost recovery mechanisms are also needed to fund the investigation and remediation of unauthorised activities.

**Issue 13: Institutional roles and responsibilities**

*Are changes to the functions and roles of institutions exercising authority needed, can existing bodies be rationalised or improved, and are new bodies required? (Q39-41)*

1. Consideration needs to be given to how existing structures fit with the continuously evolving needs of Government e.g. the Parliamentary Commissioner for the Environment, Environmental Protection Agency, Ministry for the Environment, Stats NZ and the new role of a water regulator.

**Issue 14: Reducing complexity across the system**

*Generally, what changes to the RMA should be made to reduce complexity (including removing unnecessary detail), improve accessibility and increase efficiency and effectiveness? Are there interface issues between the RMA and other legislation (not LGA or LTMA)? (Q42-44)*

1. As noted in the response to issue 1.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clare Barton', with a stylized, flowing script.

**Clare Barton**

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### **Nelson City Council (NCC) Submission on:**

- ***He Kura Koiora i hokia – A discussion document on a proposed National Policy Statement for Indigenous Biodiversity***
- **Draft National Policy Statement for Indigenous Biodiversity**

### **A. GENERAL COMMENTS**

1. Thank you for providing Nelson City Council (NCC) the opportunity to provide feedback on *He Kura Koiora i hokia – A discussion document on a proposed National Policy Statement for Indigenous Biodiversity* and the Draft National Policy Statement for Indigenous Biodiversity (NPSIB). Council would like the opportunity to be heard in relation to this submission.
2. The general intent of the Local Government New Zealand submission is supported. NCC's submission has a direct focus on the implications for Nelson City and the relevant Council work programmes.
3. In general terms NCC supports the broad direction of the indigenous biodiversity proposals to:
  - Address the decline in New Zealand's indigenous flora and fauna
  - Recognise te ao Māori and the principles of the Treaty of Waitangi
  - Identify important biodiversity and taonga
  - Manage the adverse effects of certain activities on biodiversity
  - Restore and enhance biodiversity
  - Provide methods for monitoring and the implementation of a national biodiversity policy
4. NCC is in a good position to implement the proposed National Policy Statement for Indigenous Biodiversity due to:
  - Community and council support for protecting and enhancing biodiversity
  - Good existing relationships between council, iwi, community groups, neighbouring councils, landowners, the Department of Conservation and other stakeholders.

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- A proven track record and ability to deliver biodiversity projects in Nelson through the Nelson Biodiversity Forum, including; a Nelson Biodiversity Strategy, Project Maitai and Nelson Nature programmes and a dedicated Forestry Management Adviser for the Top of the South.
  - Significant Natural Area survey and mapping in Nelson since the late 1990s.
5. Over recent years NCC has undertaken substantial work with the local community, iwi and the Department of Conservation to understand and protect Nelson's indigenous biodiversity. This work will need to be adapted and supported by new measures to meet the proposed NPSIB requirements, such as the monitoring and assessment requirements for indigenous biodiversity. In addition, NCC will be required to implement biodiversity off-setting and compensation methods and improve data storage and management for biodiversity information at Council. This submission highlights some of the specific issues with what is proposed.
6. Broadly NCC seeks:
- Government funding and technical guidance to assist with the implementation of the proposed NPSIB
  - A broader package of regulatory and non-regulatory tools to effectively manage biodiversity in New Zealand
  - Clarification of the roles and responsibilities of central and local government in delivering biodiversity outcomes
  - Tools and resources to support nationally consistent biodiversity monitoring methods, mapping and reporting
  - Amendments to NPSIB policies, definitions and appendices to provide greater clarity and certainty

#### **Specific Comments**

7. The remainder of this submission identifies key issues and, where necessary, detailed relief in relation to the Draft National Policy Statement for Indigenous Biodiversity. The submission follows the format of the discussion document and Draft National Policy Statement for Indigenous Biodiversity for ease of interpretation.

### **B. HE KURA KOIORA I HOKIA – A DISCUSSION DOCUMENT ON A PROPOSED NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY**

#### **SECTION: Associate Minister's Message**

1. NCC is a member of the Nelson Biodiversity Forum. The Forum is made up of 32 partner organisations, including Te Tau Ihu iwi, who work together to implement the Nelson Biodiversity Strategy. The Forum meets quarterly to identify and align actions to improve biodiversity in the Nelson area. Some key achievements include; development of the Waimea Inlet Strategy and Action Plan, formation of the Waimea Inlet Forum and the creation of a Living Heritage Guide.

2. NCC is a signatory to the Nelson Biodiversity Strategy which was developed by a group of 32 partner organisations, including Te Tau Ihu iwi. The Strategy was adopted by NCC in 2007 and since this time has provided strategic direction and alignment of outcomes for numerous biodiversity restoration and protection projects in the Nelson area. Some key achievements to date include; the establishment of a local assistance programme to connect communities with biodiversity advice and resources, restoration of the natural communities of the Nelson Boulder Bank, on-going ecological restoration of the Maitai River, support for the Stoke Streams project and support for the Brook Waimarama Sanctuary restoration project.
3. NCC is currently developing a new combined and integrated unitary plan called the Nelson Plan. The Nelson Plan will replace existing RMA Plans, some of which were prepared many years ago. This includes; the Nelson Regional Policy Statement, the Nelson Air Quality Plan and the Nelson Resource Management Plan. The new Draft Nelson Plan is being released for public feedback in the first half of 2020.
4. NCC have already identified a total of 165 Significant Natural Areas (SNAs) in the Nelson area, most of which occur on private land. These areas have been surveyed and mapped by NCC, and draft provisions for the protection and management of SNAs have been included in the Draft Nelson Plan. These will need to be updated following adoption of the NPSIB. The NCC Nelson Nature programme provides support and funding to private landowners of SNAs to help manage the threat of plant and animal pests on their properties.
5. NCC requires funding and additional guidance to successfully implement all aspects of the NPSIB. These details are provided in the submission.

#### **SECTION: Biodiversity Collaborative Group Forward**

1. NCC supports the direction of the NPSIB and the goal of improving New Zealand's indigenous biodiversity policy framework. NCC will implement the proposed NPS for Indigenous Biodiversity through the Draft Nelson Plan, its non-regulatory science and environment programmes and in collaboration with the Nelson Biodiversity Forum.

#### **SECTION: Introduction**

- Q1. Do you agree a National Policy Statement for Indigenous Biodiversity (NPSIB) is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Yes/no? Why/why not?
- The proposed NPSIB provides additional direction for NCC's existing biodiversity work. However, additional funding and guidance is needed to support implementation and clarify local government and central government roles.
- Q2. The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Yes/no? Why/why not?
- Further clarification is needed to achieve integration between the existing national policy statements and standards (NZCPS, NESPF and Action for Healthy Waterways package), and the

proposed NPSIB. It would be logical to manage New Zealand's indigenous biodiversity (terrestrial, coastal and freshwater) through one NPS. This would need to consider input from councils and align with the National Planning Standards. One example of the need for further clarification is coastal wetlands. Coastal wetlands have a level of protection through the NZCPS, but are not included in the NPSIB so are not required to have the same level of identification, monitoring and mapping as terrestrial wetlands. Further national direction on other coastal and marine biodiversity values would also be welcome.

- Q3. Do you agree with the objectives of the proposed NPSIB? Yes/no? Why/why not? (see Part 2.1 of the proposed NPSIB)

The proposed NPSIB objectives are broadly fit-for-purpose and recognise the need to protect, maintain and restore indigenous biodiversity. NCC recommends that biodiversity is protected as a priority over restoration. This could be achieved by elevating this objective in the proposed NPSIB. Te ao Māori is explicitly incorporated into Objectives 2, 3 and 6, and the objectives recognise the role of communities, landowners and iwi in the protection of indigenous biodiversity.

## **SECTION A: Recognising te ao Māori and the principles of the Treaty of Waitangi**

### **A.1 – Providing for the concept of Hutia te Rito**

- Q4. Hutia te Rito recognises that the health and wellbeing of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Yes/no? Why/why not?

NCC supports the concept of Hutia te Rito which recognises that the health and wellbeing of nature is vital to our own health and wellbeing.

- Q5. Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Yes/no. Is there anything else that should be added to reflect te ao Māori in managing Indigenous Biodiversity?

Guidance material with case studies would be helpful in providing tangible examples of how the concept of Hutia te Rito is being implemented around the country.

### **A.2 – Providing for the principles of the Treaty of Waitangi and engaging with tangata whenua**

- Q6. Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Yes/no? Why/why not?

The proposed NPSIB takes into account the principles of the Treaty of Waitangi. We note that Part 2 of the RMA is currently being reviewed by Government and NCC has provided a submission on the RMA Reform Issues and Options paper.

- Q7. What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management?

The key challenge for implementing the NPSIB will be capacity, capability and funding for councils and tangata whenua involvement. This issue is fundamental to the implementation of all national policy and standards and requires Government attention. The capability and

capacity of iwi to participate in resource management matters remains an issue even for those iwi and hapū who have reached treaty settlements. National funding and training that is available at a local scale could assist with this issue.

- Q8. Local authorities will need to consider opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including by allowing for sustainable customary use of indigenous flora. Do you think the proposed NPSIB appropriately provides for customary use? Yes/no? Why/why not?

The proposed NPSIB objectives, policies and implementation requirements provide for tangata whenua to exercise kaitiakitanga over indigenous biodiversity. The provision for customary use is articulated in the Resource Management Act but could be made more explicit in the proposed NPSIB.

- Q9. What specific information, support or resources would help you implement the provisions in this section (section A)?

Guidance and examples on how to achieve the protection and restoration of indigenous biodiversity alongside allowing for customary use would be helpful.

## **SECTION B: Identifying important biodiversity and taonga**

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### **B.1 – Identifying and mapping Significant Natural Areas**

- Q10. Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?

NCC has been mapping SNAs on both private and Council land since the late 1990s. This was initially on a voluntary basis with landowners. An additional desktop study and further site surveys have informed the development of SNA maps and associated rules in its new draft Resource Management Plan, the Draft Nelson Plan, which will be released for public feedback in 2020. Not all SNAs have been site surveyed yet, and some of the SNAs were surveyed a long time ago. Additional and/or updated condition assessments may be needed which will require significant resourcing.

One challenge we face is a lack of experienced ecologists with the regional expertise to conduct significance surveys. General ecologists usually do not have specific expertise in less common fauna/flora (e.g. fungi, herpetofauna) and tend to have a vegetation focus. This may lead to the omission of SNAs that contain these values. Contracting ecologists from outside the Nelson area to conduct surveys adds significant costs to SNA mapping and can be logistically difficult to arrange as surveys often need to be planned around the availability of the landowner.

When NCC began mapping SNAs, around 240 sites were identified as potentially meeting significance criteria. It has taken 20 years to survey 126 of these sites and there are 165 sites that have been confirmed as significant either through survey or through desktop analysis.



Q11. Of the following three options, who do you think should be responsible for identifying, mapping and scheduling of SNAs? Why?

- a. territorial authorities
- b. regional councils
- c. a collaborative exercise between territorial authorities and regional councils.

NCC prefers option C as this provides flexibility for the allocation of tasks. Territorial authorities do not usually have the resourcing and expertise to complete SNA surveys. Further collaboration with other agencies such as the Department of Conservation would be beneficial for the survey of SNAs on public land.

Q12. Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Yes/no? Why/why not?

The proposed criteria is consistent with the criteria NCC has used to map SNAs to date, however the 'Key Assessment Principles' and the 'Attributes' for each criteria are worded in a way that would require some analysis to determine how the changes would affect the SNA mapping we currently have. This would require resources to employ consultant ecologists to cross reference the new criteria. It seems the criteria are more inclusive than the criteria NCC has used in the past.

Q13. Do you agree with the principles and approaches territorial authorities must consider when identifying and mapping SNAs? (see Part 3.8(2) of the proposed NPSIB) Yes/no? Why/why not?

Clarification is required to establish whether desktop analysis is sufficient to determine biodiversity significance in a resource management plan where landowner permission is not given to survey. Desktop mapping and the offer to have SNAs surveyed by an appropriately qualified ecologist would be the best way of applying the NPSIB requirements to SNAs on private land. This would give landowners the opportunity to verify the initial desktop mapping and refine the extent of significance on their property, while ensuring that SNAs (where permission is not granted to survey) are still protected through resource management plans. This is consistent with the approach NCC has taken and ensures that good relationships with landowners are maintained.

Q14. The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?

- a. regional policy statement
- b. regional plan
- c. district plan
- d. a combination.

Option D. Territorial authorities' function in respect of biodiversity is limited only to the control of land use. Regional councils' biodiversity function is not limited to any of its "control" functions but is a stand-alone function that can be given effect to through any methods (regulatory or non-regulatory).

Q15. We have proposed a timeframe of five years for the identification and mapping of SNAs and six years for scheduling SNAs in a district plan. Is this reasonable? Yes/no? What do you think is a reasonable timeframe and why?



This timeframe is reasonable as NCC have already identified and mapped SNAs for the Nelson area. For other large councils who have not yet started the process this may not be reasonable. The NCC process has taken 20 years and this is a small region with roughly 165 SNAs.

## **B.2 – Recognising and protecting taonga species and ecosystems**

- Q16. Do you agree with the proposed approach to identifying and managing taonga species and ecosystems? (see Part 3.14 of the proposed NPSIB) Yes/no? Why/why not?

Yes, however depending on the species, it may be very difficult to map (e.g. kereru which are widely distributed). It may be better to describe these in some situations. Is there a process whereby indigenous species and/or ecosystems can be identified as taonga (or equivalent) for cultural reasons (rather than the SNA significance criteria) by groups other than tangata whenua? What does the obligation in 3.14 (5) mean in practice? Guidance would be helpful for implementation of this requirement.

## **B.3 – Surveying for and managing 'highly mobile fauna'**

- Q17. Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs. Do you agree with this approach? Yes/no? Why/why not?

The requirement to survey is supported. However, councils do not usually have the expertise to identify or manage highly mobile species, so this process would need to be managed alongside DOC. Clarification is required as to whether identified habitat of threatened or at risk highly mobile fauna would become an SNA. Also clarification is required over whether this clause includes non-threatened mobile fauna. Guidance is needed on how to describe and map these habitats. We query whether there is an opportunity for highly cryptic species (e.g. lizards) to be managed in a similar way as mobile fauna.

- Q18. What specific information, support or resources would help you implement the provisions in this section (section B)?

A national database of best practice guidance for each species that can be used and adapted by councils would be helpful. This would aid consistency and could be updated as knowledge improves. Council will need specialist ecologist expertise and knowledge from DOC (or elsewhere) to assist with the implementation of this requirement. As many of these species are widely distributed and national expertise rare, there could be value and efficiency in a nationally led approach to survey and identify habitats. This would ideally be led by a national agency (e.g. DOC), with councils contributing local knowledge to the process.

## **SECTION C: Managing adverse effects on biodiversity from activities**

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### **C.1 – Managing adverse effects on biodiversity within Significant Natural Areas**

- Q19. Do you think the proposed NPSIB provides the appropriate level of protection of SNAs? Yes/no? Why/why not? (see Part 3.9 of the proposed NPSIB)

Yes, 3.9 is worded in a way that allows an appropriate level of protection provided that resource consent officers/planners are given appropriate guidance on how these should be applied. The use of the word 'avoid' in Part 3.9 (1) a) is strong guidance for the appropriate level of protection for SNAs with a High classification. This is supported by NCC. Part 3.9 (2) provisions place (private) mineral and aggregate extraction on the same level of priority as nationally significant infrastructure within Medium classified SNAs, where there is a functional need for the extraction and no practicable alternative locations for the extraction. NCC questions the rationale for this priority for mineral and aggregate extraction. Private mineral or aggregate extraction does not have the same level of public benefit as nationally significant infrastructure, and is not recognised in Part 2 of the RMA as being of national importance. Furthermore, private mineral or aggregate extraction is likely to have significant adverse effects on a SNA due to common extraction methods. Why does 3.9 (1) a) iv. not include at risk species? A reduction in population size or occupancy of at risk species using the SNA for any part of their life cycle should also be avoided.

- Q20. Do you agree with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group? Yes/no? Why/why not?

NCC supports the approach in principle as it provides more certainty for applicants, however the current wording is too loose in regard to biodiversity offsetting and compensation, which are not required, but only need to be considered. This is not consistent with a 'no net loss' approach. There is the potential for cumulative effects to be significant should multiple developments over time choose not to offset or compensate for residual adverse effects.

- Q21. Are there any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs? Please explain.

No additional adverse effects need to be included.

### **C.2 – Providing for specific new activities within SNAs**

- Q22. Do you agree with the distinction between high- and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities? Yes/no/unclear? Please explain. If no, do you have an alternative suggestion?

The distinction between medium and high significance is unclear. Sites should be prioritised for the management and allocation of resources for protection and restoration only. Sites are either significant or not significant and there should be no sliding scale of protection for Significant Sites. Once a site has been managed with development in it, its natural values may have been undermined to a point where it is no longer significant (death by 1000 cuts). It is unclear whether the effects on high significance SNAs is to be avoided.

- Q23. Do you agree with the new activities the proposed NPSIB provides for and the parameters within which they are provided for? (see Part 3.9(2)-(4) of the proposed NPSIB) Yes/no? Why/why not?

NCC does not support (2) and (3) as we believe adverse effects of 1(a) on all SNAs should be avoided, not just high value SNAs. However, accepting that a balance does need to be accommodated between allowing developments in some scenarios, and the total protection of all SNAs, if there is a distinction made between medium and high significance SNAs the following feedback is provided on the proposed provisions (2) and (3).

- NCC agrees that providing for nationally significant infrastructure, single dwellings and activities on Māori land are appropriate, provided the effects management hierarchy is used to manage effects on medium value SNAs.
- NCC agrees with the exceptions provided by 3.9 (4), – these seem like logical exclusions. However we would like more guidance about what scenarios 3.9 (4) d) is providing for.
- NCC does not agree that mineral and aggregate extraction should be given the same priority as nationally significant infrastructure, especially with regard to aggregate extraction. While 3.9 (2) b) requires there to be a functional or operational need for the use to be in that particular development, NCC notes that small landowners looking to undertake mineral and/or aggregate extraction in an SNA are likely to have a functional or operational need to locate their operation in an SNA if it is the only site which they have access to that is suitable for mineral and/or aggregate extraction.
- NCC questions the choice of the words ‘where practicable’ in 3.9 (2) c) as the discussion document acknowledges that ‘where practicable’ is a weaker word choice than ‘where possible’ and results in less avoidance of effects. NCC recommends replacing ‘where practicable’ with ‘where possible’ in 3.9 (2) c) to be consistent with the effects management hierarchy wording.
- NCC notes that very few circumstances in Nelson would be assessed under 3.9 (2) because of the “and” clauses between 3.9 (2) subparts a), b), c) and d).

- Q24. Do you agree with the proposed definition for nationally significant infrastructure? Yes/no? Why/why not?

Yes, consistency between higher level document definitions is encouraged. It is important that this definition aligns with other definitions of nationally significant infrastructure provided for in New Zealand legislation.

### C.3 – Managing significant biodiversity in plantation forests

- Q25. Do you agree with the proposed approach to managing significant indigenous biodiversity within plantations forests, including that the specific management responses are dealt with in the NESPF? (see Part 3.10 of the proposed NPSIB) Yes/no? Why/why not?

NCC does not agree that significant indigenous biodiversity within plantation forests should be excluded from 3.9, and considers that plantation forestry should be considered in the same way as any development or use in a SNA. If significant indigenous biodiversity within plantation forests is excluded from the NPSIB then the NPSPF should be reviewed to ensure there is consistency and forestry land meets the same levels of protection as non-forestry land.

#### **C.4 – Providing for existing activities, including pastoral farming**

Q26. Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the proposed NPSIB? Yes/no? Why/why not?

Yes, it is agreed that existing activities should be reviewed to assess adverse effects on biodiversity within SNAs. Pastoral grazing should be reviewed as part of this. Grazing the understorey of SNAs removes the chance for succession at these sites and can lead to their demise in the long-term. NCC considers sub-clause 3.12 (4) will be difficult to establish and enforce, especially in large regions with significant pastoral farming activities.

NCC queries how periodic clearance of regenerating indigenous vegetation will be managed and whether the precautionary approach will apply to sub clause 3.12 (4) b), requiring an assessment to prove that the regenerating indigenous vegetation has not in itself become a SNA in the time since the last clearance event? We note that the habitat of the highly cryptic Nelson green gecko is often located in regenerating indigenous vegetation. This threatened species could be easily overlooked in regenerating indigenous vegetation if it was cleared without an assessment from a suitably qualified ecologist.

National consistency regarding when resource consent will be required under sub clause 3.12 (4) c), may be challenging. Guidance is requested around each of the circumstances in which resource consent will be required, particularly:

- i. When looking at clearance that has previously been undertaken as part of a regular cycle, how regular is regular? Do the areas, site and methods of clearance all have to be the same for each clearance for it to be part of a regular cycle? Who bears the burden of proof to show that clearance is part of a regular cycle and that effects are no greater in character, scale and intensity, and does the precautionary approach apply?
- ii. What is considered adequate information to demonstrate a regular cycle of clearances to maintain improved pasture, and is this something that the majority of farms/Councils have available to them?
- iii. Is a survey or ecological assessment required to prove that an area supports any threatened or at risk species? Does the precautionary approach apply?
- iv. Why are alluvial landforms specifically mentioned in 3.12 (4) c) iv), and why not other landforms that may support pastoral farming, such as volcanic plains, marine or glacial terraces?

#### **C.5 – Managing adverse effects on biodiversity outside SNAs**

Q27. Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs with enough flexibility to allow other community outcomes to be met? Yes/no? Why/why not?

Yes, NCC supports the proposed general rules applying outside of SNAs and thinks the provisions provide for local flexibility and protection. NCC notes this provision does rely on councils having the knowledge and initiative to ensure there are appropriate rules in Resource Management Plans to protect a wide range of potential habitats and species, this also relies on good species and habitat mapping and data.



- Q28. Do you think it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs? Yes/no? Why/why not?

No, NCC believes this undermines the effects management hierarchy and could lead to offsetting almost never being considered. This could result in a net loss of biodiversity which is inconsistent with the aims of the NPSIB.

#### **C.6 – The use and development of Māori land**

- Q29. Do you think the proposed NPSIB adequately provides for the development of Māori land? Yes/no? Why/why not?

Yes, the NPSIB adequately provides for the development of Māori land, acknowledging the context of barriers to Māori land development while giving effect to the RMA matters of national importance. NCC agrees that it is appropriate that the development of Māori land is given the same provisions as nationally significant infrastructure.

#### **C.7 – Consideration of climate change in biodiversity management**

- Q30. Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Yes/no? Why/why not?

Yes, NCC will need to work with our community to give adequate consideration to managing habitat retreat, extent and resilience proactively in response to climate change impacts. This will present a significant challenge in our region and nationwide as we have highly built up areas that will need to be managed to reduce the potential inundation impacts of climate change. Changes to existing development, and the need for new development, will likely constrain areas available for habitat retreat, adjustment and/or connectivity (corridors). NCC suggests clarification of what part 3.5 c) “promoting the enhancement of connectivity” means, for national consistency of approach.

NCC agrees that there is a lack of data on climate change impacts (existing and forecast) on biodiversity in different regions, and suggests that further work needs to be done to identify those species (flora and fauna) likely to be particularly at risk from greater temperature and rainfall extremes or biosecurity challenges.

NCC would like to see increased alignment between the NPSIB and the Biosecurity Act 1993 to recognise that biosecurity risks to indigenous biodiversity are likely to increase as a result of the changing climate. Existing biosecurity risks may be magnified (e.g. more beech mast years), and there may be an increased likelihood of novel incursions as a result of warmer sea and air temperatures. There is currently a strong national focus on biosecurity risks related to economic activity, however NCC would like to see an equal focus on identifying potential climate change driven biosecurity risks to indigenous biodiversity.

### **C.8 – Applying a precautionary principle to managing indigenous biodiversity**

- Q31. Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Yes/no? Why/why not?

Yes, NCC supports consistency across higher level documents and in particular with the NZCPS. Having the precautionary approach specifically listed in the NPSIB provides certainty of approach for applicants and consistency across jurisdictions. Consideration should be given to how the precautionary approach interacts with requirements throughout the NPSIB as highlighted in other parts of this submission.

### **C.9 – Managing effects on geothermal ecosystems**

- Q32. What is your preferred option for managing geothermal ecosystems? Please explain.

- a. Option 1
- b. Option 2
- c. Option 3
- d. Or your alternative option – please provide details.

The Nelson area does not contain any geothermal systems.

- Q33. We consider geothermal ecosystems to include geothermally influenced habitat, thermo-tolerant fauna (including microorganisms) and associated indigenous biodiversity. Do you agree? Yes/no? Why/why not?

The Nelson area does not contain any geothermal systems.

### **C.10 – Biodiversity offsetting and biodiversity compensation**

- Q34. Do you agree with the framework for biodiversity offsets set out in Appendix 3? Yes/no? Why/why not?

Yes, NCC supports the inclusion of a framework for offsets within the NPSIB. Having the framework specifically listed in the NPSIB provides certainty of approach for applicants and consistency across jurisdictions.

NCC does not agree that Principle 13 should be optional for an action to qualify as biodiversity compensation. Principle 13 is loosely worded and only requires that the opportunity for effective participation of stakeholders 'should' be demonstrated. Providing for the opportunity for effective participation of stakeholders is not the same as ensuring effective participation of stakeholders, and is quite a low bar to set. To then have this low bar be optional effectively renders stakeholder participation as best practice only, and enables less ethical applicants to choose to exclude stakeholders in biodiversity offset planning. NCC suggests that Principle 13 be included as a 'must be complied with' principle, and suggests that the wording should be strengthened to 'opportunity for effective participation of stakeholders must be demonstrated.'

- Q35. Do you agree with the framework for biodiversity compensation set out in Appendix 4? Yes/no? Why/why not? Include an explanation if you consider the limits on the use of biodiversity compensation set out in Environment Court Decision: Oceana Gold (New Zealand) Limited v Otago Regional Council as a better alternative.

Yes, NCC supports the inclusion of a framework for compensation within the NPSIB. Having the framework specifically listed in the NPSIB provides certainty of approach for applicants and consistency across jurisdictions.

NCC does not agree that Principle 12 should be optional for an action to qualify as biodiversity compensation. Principle 12 is loosely worded and only requires the opportunity for effective participation of stakeholders 'should' be demonstrated. Providing for the opportunity for effective participation of stakeholders is not the same as ensuring effective participation of stakeholders, and is quite a low bar to set. To then have this low bar be optional effectively renders stakeholder participation as best practice only, and enables less ethical applicants to choose to exclude stakeholders in biodiversity compensation planning. NCC suggests that Principle 12 be included as a 'must be complied with' principle, and suggests that the wording should be strengthened to 'opportunity for effective participation of stakeholders must be demonstrated.'

- Q36. What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?

- a. More than minor residual adverse effects
- b. All residual adverse effects
- c. Other. Please explain.

Option B, all residual adverse effects. At the very least minor adverse effects should be offset or compensated, to avoid cumulative adverse effects across regions and the death by 1000 cuts effect.

- Q37. What specific information, support or resources would help you implement the provisions in this section (section C)?

National guidance documents as identified in the comments provided will help with consistency of implementation.

## **SECTION D: Restoration and enhancement of biodiversity**

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### **D.1 – Restoration and enhancement of degraded Significant Natural Areas, connections, buffers and wetlands**

- Q38. The proposed NPSIB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (see Part 3.16 of the proposed NPSIB) Do you agree with these priorities? Yes/no? Why/why not?

NCC recognises that these areas are particularly vulnerable and worthy of attention, although there needs to be national guidance clearly defining criteria for degraded wetlands and clear direction on how these are to be managed if they are currently pasture/forestry. Guidance is also needed around how to record the location of degraded SNAs as most SNAs are degraded in some way, and how these sites should be prioritised for restoration. Some of the biggest

threats to the biodiversity values of SNAs in Nelson are landscape-scale pest incursions such as old man's beard, rats and stoats which require significant resources to control and have a high re-invasion rate. Site-led control of these threats within SNAs is required to protect the significant values but ensures an on-going, expensive commitment due to reinvasion. These sites would benefit greatly from landscape-scale control of widespread pests, like old man's beard. Clarity is required on how national priorities are to be identified (3.16 4(e)) and what the relative order of priority of each of those described under (4).

- Q39. Do you see any challenges in wetland protection and management being driven through the Government's Action for healthy waterways package while wetland restoration occurs through the NPSIB? Please explain.

The separation could be problematic as the various policies affecting biodiversity don't currently talk to each other. There needs to be clear and consistent guidance on how to identify degraded and former wetlands, which definition of wetland councils should use (Singers, Landcare Research or RMA). Wetlands within forestry are managed under the NESPF and this is inconsistent with NPSFW. It would seem more efficient to have the main wetland policies in one NPS and have the others refer to it.

## **D.2 – Restoring indigenous vegetation cover in depleted areas**

- Q40. Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Yes/no? Why/why not?

Clarification is needed on the scale of the area for the target – is this 10% of a catchment? The 10% target may be low for some areas, such as Nelson, so may set the bar too low (e.g. developers considering that since the area is already at 10% no need to do any more). Does an area need to be 100% indigenous cover to qualify as 'indigenous vegetation'? The 10% target is arbitrary and may not translate to positive biodiversity outcomes. No timeframe is given for the target to be achieved which will impact implementation.

## **D.3 – Regional biodiversity strategies**

- Q41. Do you think regional biodiversity strategies should be required under the proposed NPSIB, or promoted under the New Zealand Biodiversity Strategy? Please explain.

Yes, if biodiversity strategies are not required by an NPS, they are unlikely to be completed by councils nationally. Technical guidance is needed to ensure strategies are nationally consistent and developed as collaboratively as possible.

- Q42. Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Yes/no? Why/why not?

Yes, the list of proposed principles for regional biodiversity strategies looks to be comprehensive and will bring the delivery of the policies and intent of the NPSIB together at a regional level.



- Q43. Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (eg, predator control or preventing the spread of pests and pathogens)? Please explain.

Yes, biosecurity has a direct impact on biodiversity values and the two should be managed together.

- Q44. Do you agree with the timeframes for initiating and completing the development of a regional biodiversity strategy? (see Part 3.18 of the proposed NPSIB) Yes/no? Why/why not?

NCC supports the timeframes for completing biodiversity strategies. The Nelson area already has a successful regional biodiversity strategy that was developed together with stakeholders and iwi over 10 years ago and has been reviewed recently. Some regions may require a longer lead-in time, especially if SNAs have not yet been identified or stakeholder relationships are needed to be developed. 10 years may be more appropriate for these councils. The current Nelson Biodiversity Strategy partly meets the requirements outlined in Appendix 5 for regional biodiversity strategies. Significant gaps are: the identification of recognition and provision of Hutia Te Rito and taonga species; spatially identifying all areas for restoration and enhancement and national protection; development of specific milestones for implementation of the Strategy; consideration of incentive opportunities for Maori land. Apart from the development of specific milestones for the Strategy, these gaps will be required to be filled in the implementation of other parts of the NPS-IB.

- Q45. What specific information, support or resources would help you implement the provisions in this section (section D)?

Consultant support from an independent facilitator in the development of a regional biodiversity strategy would be beneficial and was a valuable component of the Nelson Biodiversity Strategy development. Other information, support and resources required for this section are consistent with needs to implement the NPS-IB overall.

## **SECTION E: Monitoring and implementation**

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### **E.1 – Monitoring and assessment of indigenous biodiversity**

- Q46. Do you agree with the requirement for regional councils to develop a monitoring plan for indigenous biodiversity in its region and each of its districts, including requirements for what this monitoring plan should contain? (see Part 3.20) Yes/no? Why/why not?

Yes. NCC supports this requirement, however NCC require guidance on how to implement this and support for the resources to implement the monitoring. NCC suggests this guidance should be integrated with national DOC monitoring (e.g. Tier 1 monitoring), and regional monitoring needs to fit within a framework of national monitoring and reporting led by MfE.

- Q47. Part 4.1 requires the Ministry for the Environment to undertake an effectiveness review of the proposed NPSIB. Do you agree with the requirements of this effectiveness review? Yes/no? Why/why not?

Yes, NCC notes that MfE will have a challenge to determine what indicators to monitor, and these indicators should be developed in consultation with councils and key stakeholders.

## **E.2 – Assessing environmental effects on indigenous biodiversity**

- Q48. Do you agree with the proposed additional information requirements within Assessments of Environment Effects (AEEs) for activities that impact indigenous biodiversity? (see Part 3.19 of the proposed NPSIB). Yes/no? Why/why not?

Yes, NCC supports the inclusion of minimum information requirements for AEEs within the NPSIB. Having the minimum information requirements specifically listed in the NPSIB provides certainty of approach for applicants and consistency across jurisdictions. NCC notes that the minimum information requirements set high standards for information, with significant expert input requirements that less well-resourced applicants may struggle to meet, especially where an activity is not within a SNA, but may affect an SNA or other area. NCC would like clarification of the inclusion of 'an area of indigenous vegetation' in section 3.19 (1) b). Is this intended to include all indigenous vegetation or only indigenous vegetation that is identified in the regional or district plan as requiring an assessment under clause 3.13 (1) c)? National guidance about what constitutes 'best practice for ecosystem types' under part 3.19 (2) c) is also requested.

## **E.3 – Timeframes and implementation approaches**

- Q49. Which option for implementation of the proposed NPSIB do you prefer? Please explain.
- a. Implementation as soon as reasonably practicable – SNAs identified and mapped in five years, scheduled and notified in plans in six years.
  - b. Progressive implementation programme – SNAs identified and mapped within seven years, scheduled and notified in plans in eight years.

NCC supports the option to have SNAs identified and mapped in five years and scheduled and notified in plans in six years. NCC has surveyed and mapped 165 SNAs in the Nelson area and is in a good position to implement the proposed NPSIB requirements within five years. NCC would require additional resourcing to fund the on-going monitoring of SNAs. NCC is working with Whakatū Nelson iwi to develop cultural monitoring for freshwater and estuarine environments but would require additional resourcing to work with iwi to develop cultural monitoring methods for terrestrial biodiversity. NCC is currently reviewing its resource management plans and intends to notify the Proposed Nelson Plan in 2021. The proposed NPSIB will require NCC to collaborate with tangata whenua to identify taonga and develop additional plan objectives, policies and methods that recognise and provide for Hutia te Rito. NCC established an Iwi Working Group (IWG) in 2015, with representatives from all eight iwi in Whakatū Nelson, to assist with the development of the Nelson Plan. The NPSIB requirement will require additional hui with our IWG to identify biodiversity taonga and develop plan provisions that recognise and provide for Hutia te Rito.

- Q50. Do you agree with the implementation timeframes in the proposed NPSIB, including the proposed requirement to refresh SNA schedules in plans every two years? Yes/no? Why/why not?

NCC supports the need to update SNA schedules in resource management plans regularly. However, there will be significant resourcing costs associated with plan changes to update these schedules, particularly for councils currently reviewing their plan(s). It would be most appropriate to allow councils to decide how and when they update the SNA schedules, for

example by combining this with other plan changes to maximise efficiency and effectiveness of council resources.

#### **E.4 – SNAs on public land**

Q51. Which of the three options to identify and map SNAs on public conservation land do you prefer? Please explain.

- a. Territorial authorities identify and map all SNAs including public conservation land
- b. Public conservation land deemed as SNAs
- c. No SNAs identified on public conservation land

Option B is preferred. It is important to recognise the value of these large intact indigenous forests within the same system for consistency and context. The level of protection they already receive makes their future more 'stable' than other types of land so field assessments can be done separately (possibly by DOC) and then integrated later.

When the mapping and description of large public conservation land (PCL) SNAs is carried out, a suitable level of resolution will be required to identify high value sites within the larger unit. This will be important to understand the importance of these sites within the ecological district, improve species information, and give context to private SNAs. There may be opportunities to identify public conservation land that doesn't have appropriate levels of protection through SNA assessments.

Q52. What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?

We support SNA mapping for non PCL public land. This is only a small proportion of the Nelson region and many (if not all) of these sites have already been included in SNA survey and mapping. High biodiversity value sites on non PCL public land are likely to be most at risk from loss of biodiversity values from development as they are unlikely to have similar levels of protection as PCL. On-going monitoring of these areas would require additional council resourcing.

#### **E.5 – Integrated management of indigenous biodiversity**

Q53. Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. Do you agree with this provision? Yes/no? Why/why not?

NCC supports the requirement to manage the effects of subdivision, use and development on indigenous biodiversity. However, clarification is needed at the national level through the RMA and other legislative instruments to articulate how councils can achieve the integrated management of natural environment values and growth and development values.

#### **E.6 – Managing indigenous biodiversity within the coastal environment**

Q54. If the proposed NPSIB is implemented, then two pieces of national direction – the NZCPS and NPSIB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPSIB states if there is a conflict between these instruments the NZCPS prevails. Do you think the proposals in the NPSIB are clear enough for regional councils and territorial authorities to

adequately identify and protect SNAs in the landward-coastal environment? Yes/no? Why/why not?

No, the SNA network does not currently capture modified landward coastal sites that are used by all coastal endemic/nationally threatened species, e.g. shorebird roosting/rest sites for banded dotterel and modified wetlands that host migrant wetland birds, e.g. bittern. The NPSIB proposals go some way to recognise mobile species and protect their habitat requirements. The proposal needs to clarify habitat range and be consistent with IUCN criteria, i.e. consider area of occupancy (i.e. potential habitat within the species range where rare or cryptic species are occasionally seen) and connectivity across different habitats that reflect the life history of the species. There are still potential risks that cumulative effects from land development in the coastal area will not be fully addressed through the NZCPS, NPSIB and NPSFM if the significance of the coastal margin is not recognised.

#### **E.7 – Guidance and support for implementing the proposed NPSIB**

- Q55. The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders, and central government are set out in [Section 32 Report and Cost Benefit Analysis](#). Do you think these costs and benefits are accurate? Please explain, and please provide examples of costs/benefits if these proposals will affect you or your work.

As stated in the Section 32 Report and Cost Benefit Analysis, the majority of the costs of implementing the NPSIB will fall on councils. While NCC has already identified and mapped SNAs in the Nelson area, there will be significant costs associated with the additional NPSIB requirements including; on-going SNA monitoring, identification of habitats of highly mobile fauna and taonga species, degraded environments, undertaking restoration, updating plan provisions and plan change costs (including hearings and submissions). Councils will not be able to fund the entirety of this work through rate payer funding alone due to competing and urgent local needs, for example freshwater management, coastal hazards and climate change adaptation and supporting growth and development. National funding will be required to contribute to the high cost of protecting New Zealand's biodiversity.

- Q56. Do you think the proposed NPSIB should include a provision on use of transferable development rights? Yes/no? Why/why not?

No, as transferable development rights are allowed for in the RMA. The NPSIB should focus on biodiversity offsetting and compensation after the effects management hierarchy has been applied.

- Q57. What specific information, support or resources would help you implement the provisions in this section (section E)?

As stated in our response to Q 55. NCC would require national funding to complement existing local funding in order to implement the NPSIB.

- Q58. What support in general would you require to implement the proposed NPSIB? Please detail.

- a. Guidance material
- b. Technical expertise
- c. Scientific expertise
- d. Financial support

- e. All of above.
- f. Other (please provide details).

Option E, as specifically noted in the comments provided in this submission.

## **SECTION F: Statutory frameworks**

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### **F.1 – The proposed NPSIB and other government priorities**

- Q59. Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? Yes/no? If yes, what specific provisions do you consider are effectively delivered through a planning standard tool?

A planning standard is not needed to support the consistent implementation of the proposed NPSIB. The NPSIB provisions will be included in the 'Ecosystems and Indigenous Biodiversity' chapter under 'Natural Environment Values' domain in the National Planning Standards.

- Q60. Do you think there are potential areas of tension or confusion between the proposed NPSIB and other national direction? Yes/no? Why/why not?

Yes, as described in this submission, clarification is needed between the NPSIB, Action for Healthy Waterways package, NESPF and NZCPS. Clarification of RMA principles in Part 2 is also need to improve integration of environmental and growth/development values. A review of overlap between relevant existing and proposed national direction as well as a gap analysis to identify missing elements (e.g. marine biodiversity) could help inform any decisions about what is needed to further clarify.

- Q61. Do you think it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993? Yes/no? Why/why not?

Yes, the RMA could seek to manage activities that threaten biodiversity in a way that is complementary to regional pest management plans under the Biosecurity Act. Further consideration would be required to assess this option with opportunity provided for council input.



## C. DRAFT NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

### Objective 5

1. Elevate Objective 5 to the position of Objective 1 to articulate the protection of indigenous biodiversity as a priority.

### Policy 3

1. Policy 3 reads like an objective. Clarify the wording of Policy 3 to define what support is needed to ensure resiliency of indigenous biodiversity against the effects of climate change.

### Policy 4

1. Policy 4 reads like an objective. Clarify the wording of Policy 4 by stating how integrated management of biodiversity across administrative boundaries could be achieved e.g. by requiring combined regional biodiversity strategies?

### Policy 5

1. Clarify the wording of Policy 5 by stating what specific information on the effects of existing subdivision, use and development will be needed.

### Policy 11

1. Clarify Policy 11 to more clearly reference the three priority focus areas; degraded SNAs, areas that provide important connectivity or buffering functions and wetlands.

### Definitions

1. Clarify if 'identified taonga' are also considered to be SNAs.
2. Ensure that the definition of 'nationally significant infrastructure' aligns with other definitions of nationally significant infrastructure provided for in New Zealand legislation.
3. Add a definition for 'wetland.' Consideration should be given to the source of wetland definition used (e.g. Singers, Landcare Research or RMA).

### Appendix 3

1. Strengthen the wording for Principle 13 to 'must be demonstrated':

*13. Stakeholder participation: Opportunity for the effective participation of stakeholders **should** **must** be demonstrated when planning for biodiversity offsets, including their evaluation, selection, design, implementation and monitoring. Stakeholders are best engaged early in the offset consideration process.*

### Appendix 4

1. Strengthen the wording for Principle 12 to 'must be demonstrated':

*12. Stakeholder participation: Opportunity for the effective participation of stakeholders ~~should~~  
must be demonstrated when planning for biodiversity compensation, including evaluation,  
selection, design, implementation and monitoring. Stakeholders are best engaged early in the  
process.*

**Section 3.9**

1. Strengthen the wording of 3.9 (2) c) to 'where possible':  
(2) c) there are no ~~practicable~~ possible alternative locations for the subdivision, use or  
development; and



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## National Initiatives – that influence the Environmental Management Group

This table provides a list of resource management matters the Government is developing national direction on. The original list has been modified from the Ministry for the Environment website.

National Direction Instrument	Lead agency	Commentary	Nelson City Council
<a href="#">Proposed National Policy Statement for Urban Development (NPS-UD)</a>	MfE and Ministry of Housing and Urban Development (MHUD)	Replacing the existing <a href="#">National Policy Statement on Urban Development Capacity</a> .  Public consultation undertaken from August – October 2019.  Submissions under review.  The NPS-UD is likely to take effect in mid-2020.	Joint NCC and TDC officer submission. Mayors of NCC and TDC wrote a joint submission cover letter (A2280520 and A2280523).  NCC submission was reported to 28 November 2019 Environment Committee.  The Draft Nelson Plan will be aligned with NPS once the final policy is gazetted in mid-2020.
<a href="#">Proposed National Policy Statement for Highly Productive Land (NPS-HPL)</a>	MPI with support from MfE	Public consultation undertaken from August – October 2019.  Submissions under review.  The NPS-HPL is likely to take effect in mid-2020.	No submission from NCC as limited extent of HPL in Nelson.  TDC submission recognised the importance of the FDS process in determining which growth areas should be exempt from the NPS provisions.  The Draft Nelson Plan will be aligned with NPS once the final policy is gazetted in early/mid-2020.
<a href="#">Essential Freshwater work programme</a>  Proposed National Policy Statement for Freshwater	Cross-government water taskforce	Replacing the existing <a href="#">NPS for Freshwater Management</a> .  Submissions under review.	NCC officer submission (A2277745) reported to 28 November 2019 Environment Committee.  The Draft Nelson Plan will be aligned with these

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National Direction Instrument	Lead agency	Commentary	Nelson City Council
<p>Management (NPS-FM)</p> <p>Proposed National Environmental Standard for Freshwater (NES-FW)</p> <p>Proposed Stock Exclusion section 360 Regulations</p>		<p>Public consultation undertaken from September – October 2019.</p> <p>The NPS-FM, NES for Freshwater Management and Regulations are likely to take effect in mid-2020.</p>	<p>regulations once they are finalised in mid-2020.</p>
<p>Proposed amendments to the National Environmental Standard for Sources of Human Drinking Water (NES-DW)</p>	<p>MfE with support from DIA and MoH</p>	<p>These amendments are part of the drinking water regulatory reforms being progressed through the <a href="#">Three Waters Review</a>.</p> <p>To be confirmed</p>	<p>NCC are awaiting these amendments.</p>
<p>Proposed National Environmental Standards for Wastewater Discharges and Overflows (NES-WDO)</p>	<p>MfE with support from DIA</p>	<p>This proposed standard is part of the three waters regulatory reforms being progressed through the <a href="#">Three Waters Review</a>.</p> <p>To be confirmed.</p>	<p>NCC are awaiting this NES.</p>
<p><a href="#">Proposed National Policy Statement for Indigenous Biodiversity</a></p>	<p>MfE with support from DoC</p>	<p>Public consultation closes on 14 March 2020.</p> <p><a href="#">Our environment - join the kōrero, have your say.</a></p>	<p>Joint MfE and DoC Roadshow held on 17 January 2020.</p> <p>NCC submission being prepared for 14 March deadline.</p> <p>NCC submission will be reported at the 5 March Environment Committee.</p> <p>The Draft Nelson Plan will be aligned with NPS once the final policy is gazetted (date yet to be confirmed by MfE).</p>

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National Direction Instrument	Lead agency	Commentary	Nelson City Council
Proposed amendments to the National Policy Statement for Renewable Electricity Generation (NPS REG)	MBIE with support from MfE	The Government is developing amendments to this NPS in response to the <a href="#">Interim Climate Change Committee's recommendations on accelerated electrification</a> and the Productivity Commission's recommendations on low-emissions economy.  Public consultation likely to be undertaken in 2020.	Public consultation is planned for 2020.  The Draft Nelson Plan will be aligned with NPS once the final policy amendments are gazetted (date yet to be confirmed by MBIE).
Proposed amendments to the National Environmental Standards for Air Quality 2004	MfE	Public consultation will be undertaken from March to May 2020.	Public consultation planned for March to May 2020. The Draft Nelson Plan will be aligned with NES once the final amendments are gazetted (date yet to be confirmed by MfE).
<a href="#">Proposed National Environmental Standards for the Outdoor Storage of Tyres (NES-OST)</a>	MfE	Public consultation on the proposed NESOST was undertaken 22 June to 4 August 2017.  Finalising instrument. The NES-OST is likely to take effect early 2020.	No submission from NCC or TDC.  LGNZ submitted on behalf of Local Government.  The Draft Nelson Plan will be aligned with NES once it is gazetted.
<a href="#">Proposed National Environmental Standards for Marine Aquaculture</a> [Ministry of Primary Industries website]	MPI with support from MfE and DoC	Public consultation on the proposed NESMA was undertaken 4 June to 8 August 2017. <a href="#">Read the submissions and discussion document.</a>  Finalising instrument.  The NES-MA is likely to take effect in 2020.	No submission from NCC.  The Draft Nelson Plan will be aligned with NES once it is gazetted.
Resource Management Reform package	MfE supported by RM Review Panel	The RM Review Panel published an Issues & Options paper in mid-November 2019.	NCC provided feedback on the Issues & Options paper on 3 February 2020. Feedback (A2329142) will be

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National Direction Instrument	Lead agency	Commentary	Nelson City Council
		<p>The paper identifies the main issues to be addressed in the reform process and offers possible ways in which they might be addressed.</p> <p>A final report will be delivered to the Minister for the Environment on 31 May 2020. Engagement with public, stakeholders and iwi will commence at this time (date TBC).</p>	reported to 5 March Environment Committee.
Urban Development Bill	MHUD	<p>This omnibus bill provides for functions, powers, rights, and duties of the Crown entity Kāinga Ora—Homes and Communities, to enable it to undertake its urban development functions.</p> <p>This bill follows on from the Kāinga Ora—Homes and Communities bill, which disestablished Housing New Zealand and set up a Crown entity in the same name.</p> <p>Public submissions on the Bill closed on 14 February 2020.</p>	NCC is considering its response to the Urban Development Bill.
New Zealand's next Biodiversity Strategy and Action Plan	DoC	New Zealand's current Biodiversity Strategy is nearly 20 years old and expires in 2020. DOC is leading a consultation to develop our next strategy and action plan.	NCC submission (A2270025) was reported to 28 November 2019 Environment Committee.
National Planning Standards	MfE	The first set of Planning Standards came into force on 3 May 2019. Since then minor changes have been made and the standards have been updated with these changes	The Draft Nelson Plan was aligned with the first set of National Planning Standards in Nov/Dec 2019. Minor changes were made to the Planning Standards in Dec 2019 and these are being incorporated into the Draft

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			Plan prior to public engagement on the Plan in Feb 2020.
Proposed product stewardship scheme	MfE	<p>The Government is looking to declare 'priority products' for six product groups that can create harm at end of life and prepare ministerial guidelines for the design of accredited schemes to manage the priority products.</p> <p>Submissions closed 4 Oct 2019.</p>	<p>NCC submission (A2276930) was reported to the Infrastructure Committee on 21 November 2019.</p> <p>NCC is awaiting the gazettal of the Product Stewardship Scheme.</p>
National climate change risk assessment	MfE	<p>The first national climate change risk assessment will provide an overview of how NZ may be affected by climate change. This will be used to prioritise action to reduce risks/opportunities through a national adaptation plan.</p> <p>The Ministry will make a decision on the prioritised national risks in Jan/Feb 2020.</p>	NCC is involved and keeping up-to-date with progress.
Climate Change Response (Zero Carbon) Amendment Act 2019 (2019/61)	MfE	<p>The purpose of this Act is to provide a framework by which New Zealand can develop and implement clear and stable climate change policies that contribute to the global effort under the Paris Agreement.</p> <p>The changes set a new domestic greenhouse gas emissions reduction target for NZ, establishes an emissions budget system, requires further national policy and establishes a Climate Change Commission.</p> <p>There will be a transitional period to 2021 to get the new provisions up and running.</p>	<p>NCC is keeping up-to-date with progress.</p> <p>NCC Mayoral submission (A2012211) and attachments (A2039395 and A2039379) were reported to the 9 October 2018 Planning &amp; Regulatory Committee.</p>

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Emissions trading scheme regulations	MfE	<p>These have been amended under the Climate Change Response (Zero Carbon) Amendment Act 2019. MfE is developing a provisional emissions budget for 2021–2025.</p> <p>This will provide an early sense of direction before the first three emissions budgets (for the emissions budget periods 2022–25, 2026–30 and 2031–35) are recommended by the Climate Change Commission in early 2021, and set by the Government by the end of 2021.</p>	NCC is keeping up-to-date with progress.
Proposed expansion of the landfill levy	MfE	<p>The Government is proposing to increase the levy and apply it to more landfill types.</p> <p>Feedback on the consultation document is due 3 Feb 2020. Final policy decisions will be made in mid-2020.</p>	NCC submission on this levy (A2328996) will be reported to the Infrastructure Committee on 20 February 2020.
Changes to National Monitoring Standards (NMS)	MfE	<p>The NMS requires local authorities, the Environmental Protection Authority and the Ministry to provide detailed data each year on the functions, tools, and processes that they are responsible for under the RMA.</p> <p>Minor amendments have been made to the 2019/20 NMS template.</p>	NCC have received the 2019/20 NMS template and this will be submitted to MfE by 31 August 2020.
Improvements to HSNO Act	MfE	The purpose of this Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects	NCC is keeping up-to-date with progress.

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		of hazardous substances and new organisms.	
Draft MBIE Research, Science and Innovation (RSI) Strategy	MBIE	<p>The Strategy sets out the vision for RSI in NZ and its role in delivering a productive, sustainable, and inclusive future.</p> <p>The Strategy will guide the direction of government investment in RSI and help ensure the system is optimised for success.</p>	Submissions closed 10 November 2019. NCC did not submit on this strategy.
PCE recommended changes to the Environmental Reporting Act	MfE	<p>A report was published by the PCE in November 2019 proposing a number of amendments to the Act including; a clearer purpose, longer interval between full state of the environment (SoE) reports, expanding the reporting framework to include drivers and outlooks and a refocusing of domain reports as commentaries on themes based on those used in Environment Aotearoa 2019.</p> <p>There will be a requirement for Ministers to respond to SoE reports and minor adjustments will be made to some government roles.</p>	NCC is keeping up-to-date with progress.

**Additional national direction being scoped:**

The Ministry for Culture and Heritage (MCH) with support from MfE are scoping the need for national direction to support heritage protection and assessing whether a national direction instrument is appropriate to manage this issue.

Note: until decisions are made by the Minister for the Environment, there is no commitment to delivering a national direction instrument on a particular resource management issue.

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