



**Notice of the ordinary meeting of the
Environment and Climate Committee
*Te Kōmiti Taiao / Āhuarangi***

Date:	Wednesday 17 February 2021
Time:	9.00a.m.
Location:	Council Chamber, Civic House 110 Trafalgar Street Nelson

Agenda

Rārangi take

Chair	Cr Kate Fulton
Deputy Chairs	Cr Mel Courtney Cr Brian McGurk
Members	Her Worship the Mayor Rachel Reese Cr Yvonne Bowater Cr Trudie Brand Cr Judene Edgar Cr Matt Lawrey Cr Gaile Noonan Cr Rohan O'Neill-Stevens Cr Pete Rainey Cr Rachel Sanson Cr Tim Skinner Ms 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 and Climate Committee

Areas of Responsibility:

- Building control matters, including earthquake-prone buildings and the fencing of swimming pools
- Brook Waimarama Sanctuary Trust
- Bylaws, within the areas of responsibility
- Climate Change policy, monitoring and review
- Climate change impact and strategy overview - mitigation, adaptation and resiliency
- Climate change reserve fund use
- Environmental programmes including (but not limited to) warmer, healthier homes, energy efficiency, environmental education, and eco-building advice
- Environmental regulatory and non-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, sugar-sweetened beverages and smokefree environments, and other public health issues
- Environmental science monitoring and reporting including (but not limited to) air quality, water quality, water quantity, land management, biodiversity, biosecurity (marine, freshwater and terrestrial), pest and weed management, and coastal and marine science
- Environmental Science programmes including (but not limited to) Nelson Nature and Healthy Streams
- Hazardous substances and contaminated land
- Maritime and Harbour Safety and Control
- Planning documents or policies, including (but not limited to) the Land Development Manual
- Policies and strategies relating to compliance, monitoring and enforcement
- Policies and strategies related to resource management matters
- Pollution control
- Regulatory enforcement and monitoring
- The Regional Policy Statement, District and Regional Plans, including the Nelson Plan
- Urban Greening 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.

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, monitoring and reviewing strategies, policies and plans, with final versions to be recommended to Council for approval
- Developing and approving draft Activity Management Plans in principle, for inclusion in the draft Long Term Plan
- 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 other than final approval
- Approving submissions to external bodies or organisations, and on legislation and regulatory proposals
- Approval of increases in fees and charges over the Consumer Price Index (CPI)

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
- Actions relating to climate change not otherwise included in the Annual Plan or Long Term Plan
- Approval of final versions of strategies, policies and plans

1. Apologies

- 1.1 An apology has been received from Ms Paine

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

- 3.1 Updates to the Interests Register
- 3.2 Identify any conflicts of interest in the agenda

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

- 5.1 1 December 2020 **8 - 17**

Document number M15310

Recommendation

That the Environment and Climate Committee

- 1. Confirms the minutes of the meeting of the Environment and Climate Committee, held on 1 December 2020, as a true and correct record.***

6. Chairperson's Report**7. Environmental Management Activity Management Plan - Levels of Service **18 - 25****

Document number R21449

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Environmental Management Activity Management Plan - Levels of Service (R21449) and its attachment (A2558804); and***

2. ***Approves the levels of service for the non-financial performance measures in the draft Environmental Management Activity Management Plan (Attachment A2558804).***

8. 2021 Environmental Management Fees and Charges review

26 - 99

Document number R21403

Recommendation

That the Environment and Climate Committee

1. ***Receives the report 2021 Environmental Management Fees and Charges review (R21403) and its attachments (A2551172, A2554483, A2565321, A2563976, A2554765 and A2564096); and***
2. ***Agrees the preferred option is to increase Resource consent fees and charges to recover 45% of Council costs for these services; and***
3. ***Adopts the Statement of Proposal for the Amendments to the Charges under the Resource Management Act 1991 and the Housing Accords and Special Housing Areas Act 2013 commencing 1 July 2021 as detailed in Attachment 1 (A2551172) to Report R21403; and***
4. ***Agrees a summary of information contained in the Statement of Proposal Amendments to the Charges under the Resource Management Act 1991 and the Housing Accords and Special Housing Areas Act 2013 is not necessary to enable public understanding of the proposal; and***
5. ***Agrees the preferred option is to increase Food Act fees and charges to recover 48% of Council costs for these services; and***
6. ***Adopts the Statement of Proposal for the Proposed Food Act 2014 fees and charges as detailed in Attachment 2 (A2554483) to Report R21403; and***
7. ***Agrees a summary of information contained in the Statement of Proposal for the Proposed Food Act 2014 fees and charges is not necessary to enable public understanding of the proposal; and***

8. **Agrees the preferred option is to increase Building Act fees and charges to recover 71% of Council costs for these services; and**
9. **Adopts the Statement of Proposal for the Building Act 2014 and Property Information fees and charges as detailed in Attachment 3 (A2565321) to Report R21403; and**
10. **Agrees a summary of information contained in the Statement of Proposal for the Building Act 2014 and Property Information fees and charges is not necessary to enable public understanding of the proposal; and**
11. **Agrees the preferred option is to increase Environmental Health fees and charges as proposed in Attachment 4 (A2563976) ; and**
12. **Adopts the Statement of Proposal for the Proposed Environmental Health fees and charges as detailed in Attachment 4 (A2563976) to Report R21403; and**
13. **Agrees a summary of information contained in the Statement of Proposal for the Proposed Environmental Health fees and charges is not necessary to enable public understanding of the proposal; and**
14. **Notes the increases for the Dog Control fees and charges, that do not require public consultation, identified in Attachment 5 of Report R21403 (A2554765) will take effect from 1 July 2021; and**
15. **Notes no change will be made to the discretion to lower the rating of particular activities under the Sale and Supply of Alcohol Act; and**
16. **Approves the consultation approach (set out in section 7 of this report) and agrees:**
 - a) **the approach includes sufficient steps to ensure the Statements 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 Statements of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.**

- 17. Approves commencement of the Special Consultative Procedures, with the consultation period running from 16 March to 16 April 2021.**

9. Biosecurity Annual Review 100 - 110

Document number R21465

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Biosecurity Annual Review (R21465) and its attachments (A2262413, A2504242, A2504241, and A2486628).**

Recommendation to Council

That the Council

- 1. Approves the Operational Plan 2020-21 for the Tasman-Nelson Regional Pest Management Plan (A2486628), specifically as it relates to Nelson City Council's area.**

10. Submission to the Marlborough Environment Plan - Variations 1 and 1A 111 - 117

Document number R22605

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Submission to the Marlborough Environment Plan - Variations 1 and 1A (R22605) and its attachment (A2562993); and**
- 2. Approves the submission attached to report R22605 for release to Marlborough District Council.**

11. Environmental Management Quarterly Report - 1 October 2020 - 31 December 2020 118 - 152

Document number R22560

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Environmental Management Quarterly Report - 1 October 2020 - 31 December 2020 (R22560) and its Attachments (A2563404, A2548631, A2559930, A2553113, and A2497431).***



Minutes of a meeting of the Environment and Climate Committee

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

On Tuesday 1 December 2020, commencing at 9.08a.m.

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

In Attendance: Group Manager Environmental Management (C Barton), Group Manager Strategy and Communications (N McDonald), Governance Adviser (E Stephenson) and Governance Support (P Boutle and K McLean)

Apologies : Councillors J Edgar and P Rainey for absence

Karakia Timatanga

An opening karakia was given.

1 Apologies

Resolved EC/2020/039

That the Environment and Climate Committee

- 1. Receives and accepts the apologies for absence from Councillors Edgar and Rainey.***

Sanson/Paine

Carried

2. Confirmation of Order of Business

Item 9 – Environmental Management Quarterly Report – 1 July – 30 September 2020 was considered prior to Item 9 – National Policy Statement on Urban Development: Removal of minimum car parking rates from the Nelson Resource Management Plan.

3. Interests

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

4. Public Forum

4.1 Forest Committee - Lindy Kelly - Presenting a Petition

Ms Amy Shattock and Ms Lindy Kelly provided a PowerPoint presentation with supporting information (A2532470 and A2532647) and presented a petition from the Nelson Community titled – *Nelsonians deserve a say as an affected party in the proposed non-complying development in Enner Glynn* (A2537020).

Ms Shattock and Ms Kelly highlighted their concerns regarding the proposed development and its effects on neighbouring properties, including erosion caused by run-off, reverse sensitivities in a rural zoned area and the need to protect that taonga.

Te Atiawa Chief Executive, Harvey Ruru, noted that a Department of Conservation covenant was in place for Kelly's Conservation Forest. Tangata Whenua had not been consulted.

Following a brief adjournment at 9.28a.m. to consider his request, Mr Murray Leaning, Marketing Manager Mitre 10 Mega Nelson, was granted permission to speak briefly in support of the petition.

Group Manager Environmental Management, Clare Barton, clarified that Elected Members had no opportunity to influence this Resource Management Act regulatory matter and that an Independent Commissioner was in the process of determining the resource consent. It was also clarified that this is not a prohibited activity and Council must process the resource consent.

Attachments

- 1 A2532470 - Lindy Kelly Public Forum PowerPoint presentation
- 2 A2532647 - Lindy Kelly Public Forum Tabled Information
- 3 A2537020 - Lindy Kelly Petition - Save Kellys Forest

4.2 Nayland College Science Class - Climate Change

Ms Gerd Banke, accompanied by Nayland College Year 9 students, Bob Foy, Josina Frisk, Maggie O'Hara and Zoe Butcher, provided a PowerPoint presentation (A2537052). The students spoke to the presentation which focused on the activities they had undertaken regarding climate change impact on New Zealand, including the effects on animals, ocean acidification, the carbon cycle, the water cycle, the Albedo effect, and the difference between weather and climate.

Ms Banke noted that the students had collaborated with a Danish School and that the Danish climatorium would be opened on 2 December.

In response to questions, the students said that they felt that a Nelson climatorium was a good idea and that educating people regarding climate change was the approach that should be taken for the future.

Attachments

- 1 2537052 - Nayland College Public Forum PowerPoint Presentation

4.3 Lindsay Wood – Resilienz Ltd - the Relationship Between Decarbonisation and Growth

Mr Wood provided a PowerPoint presentation (A2532631) regarding the increasing rates of decarbonisation required and what was necessary to achieve this and levels of growth and GDP. He answered questions regarding absolute emissions/relative emissions and methods of reducing Nelson's emissions.

Attachments

- 1 A2532631 - Lindsay Wood Public Forum tabled information

5. Confirmation of Minutes

5.1 22 October 2020

Document number M15214, agenda pages 6 - 10 refer.

Resolved EC/2020/040

That the Environment and Climate Committee

- 1. Confirms the minutes of the meeting of the Environment Committee, held on 22 October 2020, as a true and correct record.***

Courtney/Bowater

Carried

6. **Environment and Climate Committee Chairperson's Report**

The Chair presented her report which was tabled (A2536999) She highlighted the importance of sustainable high quality lives, growing healthy food, a modal shift, CBD activation, urban greening, food production in parks and reserves and waste minimisation.

Questions were answered regarding Council's vehicle fleet, next steps with the Coastal Inundation maps, carbon accounting for projects and access to a national carbon accounting portal.

Resolved EC/2020/041

That the Environment and Climate Committee

1. Receives the report Environment and Climate Committee Chairperson's Report (A2536999).

Skinner/Bowater

Carried

Attachments

1 A2536999 - Chairperson's Report

The meeting was adjourned from 10.26a.m. until 10.39a.m.

7. **Port and Harbour Safety Management System**

Document number R21423, agenda pages 11 - 92 refer.

Manager Consents and Compliance, Mandy Bishop, introduced Harbourmaster, Andrew Hogg. Mr Hogg provided background on the risk assessment being undertaken, noting that the last risk assessment had been over 13 years ago. He answered questions regarding safety management system delineation, significant changes since the previous assessment which had not been captured in the annual self-assessments, the quality of the marine environment and the Regional Council responsibilities of Council.

Concerns were raised regarding the risk to Council relating to gaps in the process and oversight of ensuring that correct processes were being followed and that documentation was up-to-date.

The meeting was adjourned from 11.09a.m. until 11.11a.m. to consider an additional recommendation to address the risk to Council.

It was noted that, whilst this committee was the correct place to consider navigation safety, that the matter should be referred to the Audit, Risk and Finance Committee to consider the risk aspect and an additional clause (3.) was added to the recommendation to this effect.

Resolved EC/2020/042

That the Environment and Climate Committee

- 1. Receives the report Port and Harbour Safety Management System (R21423) and its attachments (A1418392 and A2474992); and***
- 2. Notes further updates will be provided to the Environment and Climate Committee as actions are undertaken to address the identified gaps in the Port and Harbour Safety Management System; and***
- 3. Refers this report (R21423) and resolutions to the Audit Risk and Finance Committee for consideration in the organisational Risk Register.***

Her Worship the Mayor/Courtney

Carried

8. Environmental Management Quarterly Report - 1 July - 30 September 2020 (Agenda Item 9)

Document number R21402, agenda pages 100 - 167 refer.

Environmental Programmes Adviser, Richard Popenhagen, introduced Warmer Healthier Homes Nelson Tasman and Marlborough Chairperson, Leeson Baldey. Mr Baldey noted key highlights for the project including achievement of 2000 insulated homes.

Mr Baldey and Mr Popenhagen answered questions regarding the Warmer Healthier Homes Project.

It was agreed to put clause 2. of the recommendation first.

Resolved EC/2020/043

That the Environment and Climate Committee

- 2. Receives the report "Warmer Healthier Homes Nelson Tasman Marlborough Project – Year End Report 1 July 2019 – 30 June 2020" (Attachment A2502472).***

Skinner/Her Worship the Mayor

Carried

The following officers summarised activities within their areas and answered questions relating to the Quarterly Report:

- Principal Adviser Environmental Management, Jane Budge

- Team Leader Science and Environment, Leigh Marshall
- Team Leader Science and Environment, Stefan Beaumont
- Team Leader City Development, Lisa Gibellini
- Manager Consents and Compliance, Mandy Bishop
- Project Manager Maitai Ecological Restoration, Susan Moore-Lavo

Attendance: Councillor Sanson left the meeting at 11.52a.m.

Resolved EC/2020/044

That the Environment and Climate Committee

- 1. Receives the report Environmental Management Quarterly Report - 1 July - 30 September 2020 (R21402) and its Attachments (A2497007, A2508033, A2497431, A2379467, A2505060 and A2502472).***

Fulton/McGurk

Carried

The meeting was adjourned at 12.47p.m. and reconvened at 1.21p.m. at which time Councillors Lawrey, Sanson and Skinner and Ms Paine were not present.

9. National Policy Statement on Urban Development: Removal of minimum car parking rates from the Nelson Resource Management Plan (Agenda Item 8)

Document number R21447, agenda pages 93 - 99 refer.

Group Manager Environmental Management, Clare Barton, and Principal Planner, Natasha Wilson, presented the report. Ms Barton explained the rationale to align the National Policy Statement (NPS) and Nelson Resource Management Plan (NRMP). An updated recommendation was tabled (A2531523).

Attendance: Councillor Lawrey returned to the meeting at 1.24p.m.

Attendance: Councillor Skinner returned to the meeting at 1.25p.m.

Manager Consents and Compliance, Mandy Bishop, Ms Barton and Ms Wilson answered questions regarding the process, and explained that the consequential amendments related to removal of cross references to parking rules.

Ms Barton reiterated that Council had no choice regarding the removal of parking requirements as it had to give effect to the NPS. She noted that leaving the requirements in the NRMP post-January would mean putting developers through a process to obtain a consent when they did not need to. Ms Wilson clarified that developers would still have a choice if they wanted to provide car parks.

Discussion took place regarding the need be clear that Council was not encouraging street permit parking, car park standard sizes and setbacks would remain. Appropriate communication of the removal for parking requirements will be required. Guidance may be required on implications for existing consent conditions.

Concerns were raised regarding effects on street parking.

Attendance: Her Worship the Mayor Reese left the meeting at 1.56p.m.

Councillor Skinner, seconded by Councillor Noonan, moved an alternative to the officer's recommendation to extend the effective date from 1 January 2021 to 1 September 2021.

That the Environment and Climate Committee

1. *Receives the report National Policy Statement on Urban Development: Removal of minimum car parking rates from the Nelson Resource Management Plan (R21447).*

Recommendation to Council

That the Council

1. *Agrees that the Nelson Resource Management Plan requirements for minimum on-site parking rates, including rules, assessment criteria, policies or objectives that have the effect of setting minimum parking rates, be treated as removed from the Nelson Resource Management Plan as from 1 September 2021 including consequential amendments in accordance with s.55 of the Resource Management Act.*
2. *Delegates to the Chair of the Environment and Climate Committee and the Group Manager Environmental Management, authority to approve the consequential amendments to the Nelson Resource Management Plan that flow from the removal of requirements for minimum on-site parking rates, including rules, assessment criteria, policies or objectives that have the effect of setting minimum parking rates, in accordance with s.55 of the Resource Management Act and to make those amendments as the Nelson Resource Management Plan work programme permits.*

Councillor Fulton, seconded by Councillor McGurk, moved an amendment to change the effective date to 1 January, which was the officer's recommendation.

That the Environment and Climate Committee

1. *Receives the report National Policy Statement on Urban Development: Removal of minimum car parking rates from the Nelson Resource Management Plan (R21447).*

Recommendation to Council

That the Council

1. *Agrees that the Nelson Resource Management Plan requirements for minimum on-site parking rates, including rules, assessment criteria, policies or objectives that have the effect of setting minimum parking rates, be treated as removed from the Nelson Resource Management Plan as from 1 January 2021 including consequential amendments in accordance with s.55 of the Resource Management Act.*
2. *Delegates to the Chair of the Environment and Climate Committee and the Group Manager Environmental Management, authority to approve the consequential amendments to the Nelson Resource Management Plan that flow from the removal of requirements for minimum on-site parking rates, including rules, assessment criteria, policies or objectives that have the effect of setting minimum parking rates, in accordance with s.55 of the Resource Management Act and to make those amendments as the Nelson Resource Management Plan work programme permits.*

The meeting was adjourned from 2.03p.m. until 2.05p.m.

The amendment was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Absent</u>
Cr Fulton (Chairperson)	Cr Bowater	Her Worship the Mayor Reese
Cr McGurk	Cr Noonan	Cr Sanson
Cr Brand	Cr Skinner	Ms G Paine
Cr Courtney		
Cr Lawrey		
Cr O'Neill-Stevens		
Cr Sanson		

The amendment was carried 7 - 3.

The substantive motion was put.

Resolved EC/2020/045

That the Environment and Climate Committee

- 1. Receives the report National Policy Statement on Urban Development: Removal of minimum car parking rates from the Nelson Resource Management Plan (R21447).**

Fulton/McGurk

Carried

Recommendation to Council EC/2020/046

That the Council

- 1. Agrees that the Nelson Resource Management Plan requirements for minimum on-site parking rates, including rules, assessment criteria, policies or objectives that have the effect of setting minimum parking rates, be treated as removed from the Nelson Resource Management Plan as from 1 January 2021 including consequential amendments in accordance with s.55 of the Resource Management Act.**
- 2. Delegates to the Chair of the Environment and Climate Committee and the Group Manager Environmental Management, authority to approve the consequential amendments to the Nelson Resource Management Plan that flow from the removal of requirements for minimum on-site parking rates, including rules, assessment criteria, policies or objectives that have the effect of setting minimum parking rates, in accordance with s.55 of the Resource Management Act and to make those amendments as the Nelson Resource Management Plan work programme permits.**

Fulton/McGurk

Carried

Attachments

- 1 A2531523 - Updated recommendations for the NPS on Urban Development: Removal of minimum car parking rates from the NRMP

There being no further business the meeting ended at 2.24p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Environmental Management Activity Management Plan - Levels of Service

1. Purpose of Report

- 1.1 To approve the levels of service to be incorporated in the draft Environmental Management Activity Management Plan for the non-financial performance measures.

2. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Environmental Management Activity Management Plan - Levels of Service (R21449) and its attachment (A2558804); and***
- 2. Approves the levels of service for the non-financial performance measures in the draft Environmental Management Activity Management Plan (Attachment A2558804).***

3. Background

- 3.1 The Environment Committee resolved at its meeting on 22 October 2020 to:

"Approve the Draft Environmental Management Activity Management Plan 2021-2031 (A2480683) as the version to inform the Long Term Plan 2021-31; and

Note that the Draft Environmental Management Activity Management Plan 2021-2031 (A2480683) will be updated and, the final Activity Management Plan approved, after the adoption of the Long Term Plan 2021-2031".

Item 7: Environmental Management Activity Management Plan - Levels of Service

- 3.2 At the meeting it was also noted that there would be a review of the levels of service (LOS) contained in the draft Environmental Management Activity Management Plan (AMP) and that the final proposed LOS would be brought back to the Committee. The review has been undertaken and the proposed LOS are attached.
- 3.3 The incorporation of the LOS into the AMP ensures Council is meeting its requirements for its non-financial performance measures under the Local Government Act 2002 (LGA). It also ensures Council is meeting its section 93 requirements for the Long Term Plan under the LGA.
- 3.4 The draft LOS intend to cover the breadth of work undertaken by the Environmental Management Group for Council as a Unitary Authority.

4. Options

Option 1: Adopt the LOS as part of the Environmental Management AMP	
Advantages	<ul style="list-style-type: none">• Meets the Local Government Act 2002 requirements.• Delivers on Council's statutory requirements under various pieces of legislation including the Resource Management Act 1991 and Building Act 2004.• Meets the Long Term Plan consultation requirements.
Risks and Disadvantages	<ul style="list-style-type: none">• Nil
Option 2: Not adopt the LOS as part of the Environmental Management AMP	
Advantages	<ul style="list-style-type: none">• Nil
Risks and Disadvantages	<ul style="list-style-type: none">• Does not meet the Local Government Act 2002 requirements.• Does not deliver on Councils statutory requirements under various pieces of legislation including the Resource Management Act 1991 and Building Act 2004.

5. Conclusion

- 5.1 If Council chose not to adopt the LOS in the draft AMP it will not be meeting its requirements under the Local Government Act.

Item 7: Environmental Management Activity Management Plan - Levels of Service

- 5.2 Officers recommend that the LOS be approved for incorporation into the draft AMP.

6. Next Steps

- 6.1 The revised draft AMP will be consulted on alongside the Long Term Plan. Subject to change, the AMP will then be adopted alongside the Long Term Plan 2021-31.

Author: Clare Barton, Group Manager Environmental Management

Attachments

Attachment 1: Environment LOS Review - January 2021 (A2558804) [↓](#)

Important considerations for decision making

1. Fit with Purpose of Local Government

The Environmental Management Activity Management Plan (AMP) supports the social, economic, environmental and cultural wellbeing of the Nelson community through:

- a) Providing regulatory functions that manage the natural and built environment.
- b) Enabling intensification and growth supporting social outcomes.
- c) Planning for the needs of the community and its development.
- d) Engaging with iwi and Māori to embed cultural outcomes in planning and science programmes.
- e) Supporting City Centre and wider development opportunities.
- f) Developing resilience for Nelson's natural environment through the delivery of science and environmental programmes.
- g) Ensuring monitoring, compliance and enforcement procedures protect the community.

2. Consistency with Community Outcomes and Council Policy

The Environmental Management Group Activities support the following community outcomes:

Our unique natural environment is healthy and protected.

Our urban and rural environments are people friendly, well planned and sustainably managed.

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

Our communities are healthy, safe, inclusive and resilient.

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

Our region is supported by an innovative and sustainable economy.

3. Risk

Not adopting the draft AMP LOS will leave Council without a document to support the goal of developing and adopting the Long Term Plan (LTP).

Item 7: Environmental Management Activity Management Plan - Levels of Service

4. Financial impact

There are no direct funding implications from the recommendation. The AMP LOS guides the funding in the proposed LTP and will be subject to a consultation process with the community.

5. Degree of significance and level of engagement

This matter is of high significance because the adoption of an LTP is a statutory requirement under the Local Government Act 2002. Consultation with the community will occur with the public advertising of the Draft LTP and draft AMP, including LOS.

6. Climate Impact

The LOS do not specifically address the climate impact, however the wider draft AMP considers the issues associated with, impacts and risks associated with climate change in Nelson. Examples of approaches to adaptation, mitigation and leadership are included in the draft AMP.

7. Inclusion of Māori in the decision making process

Iwi feedback was sought on the draft AMP.

- **Delegations**

The Environment and Climate Change Committee has the power to consider and approve Activity Management Plans:

- *Developing and approving draft Activity Management Plans in principle, for inclusion in the draft Long Term Plan.*

Item 7: Environmental Management Activity Management Plan - Levels of Service: Attachment 1 (A2558804)

Level of Service	Community Outcome	Performance Measure	Current Level of Performance	Future Performance Target			
				Year 1 - 2021/22	Year 2 - 2022/23	Year 3 - 2023/24	Year 10 - 2030/31
Compliance with National Environmental Standards for Air Quality for PM10	Our unique natural environment is healthy and protected. Our communities are healthy, safe, inclusive and resilient	Number of exceedances in any of the airsheds do not exceed one in a calendar year	Airshed A - 0 Breaches in 2020. Airshed B1 - 0 breaches in 2020. Airshed B2 & C - 0 breaches in 2020	No more than one exceedance in any calendar year in any airshed. Reported to Council each year	No more than one exceedance in any calendar year in any airshed. Reported to Council each year	No more than one exceedance in any calendar year in any airshed. Reported to Council each year	No more than one exceedance in any calendar year in any airshed. Reported to Council each year
Information on safe recreational bathing sites, marine and freshwater	Our unique natural environment is healthy and protected. Our communities are healthy, safe, inclusive and resilient	% of key bathing sites monitored and public advised if water quality standards are breached	100%	100% of key bathing sites are monitored	100% of key bathing sites are monitored	100% of key bathing sites are monitored	100% of key bathing sites are monitored
Compliance with the Biosecurity Act 1993 (amended 2015)	Our unique natural environment is healthy and protected. Our communities are healthy, safe, inclusive and resilient	Compliance with the Tasman Nelson Regional Pest Management Plan reporting requirements for operational plans	New measure	100% Delivery of operational plan reported to Council each year	100% Delivery of operational plan reported to Council each year	100% Delivery of operational plan reported to Council each year	100% Delivery of operational plan reported to Council each year
Provision of easily accessible, accurate, up to date and fit for purpose state of the environment monitoring data for all environmental domains	Our unique natural environment is healthy and protected. Our communities are healthy, safe, inclusive and resilient	Five yearly comprehensive State of the Environment report is published to achieve compliance with section 35 of the Resource Management Act 1991	Altered measure. 100%	Five yearly report due by December 2023	Five yearly report due by December 2023	Five yearly report due by December 2023	Five yearly report due by December 2033
Ensure Resource consent decision-making is robust and legally defensible	Our unique natural environment is healthy and protected. Our communities are healthy, safe, inclusive and resilient	No decisions are over turned by the High Court upon judicial reviews	New measure	No decisions are over turned by the High Court upon judicial reviews	No decisions are over turned by the High Court upon judicial reviews	No decisions are over turned by the High Court upon judicial reviews	No decisions are over turned by the High Court upon judicial reviews
Food safety and public health comply with legislative requirements	Our communities are healthy, safe, inclusive and resilient	Respond to food safety complaints within one working day	Altered measure.	100%	100%	100%	100%
Resource consent processes that comply with statutory timeframes	Our unique natural environment is healthy and protected. Our urban and rural environments are people friendly, well planned and sustainably managed. Our infrastructure is efficient, cost effective and meets current and future needs. Our region is supported by an innovative and sustainable economy.	All resource consents are processed within statutory timeframes. All resource consents requiring monitoring are monitored at least annually.	Altered measure. All condensed into one measure	100%	100%	100%	100%
Provision of dog and animal control services	Our communities are healthy, safe, inclusive and resilient	Respond to reports of dog attacks that have just occurred within 60 minutes.	Altered measure. 90%	90%	90%	90%	90%

Item 7: Environmental Management Activity Management Plan - Levels of Service: Attachment 1 (A2558804)

Navigation safety is delivered to meet all legislative requirements	Our communities are healthy, safe, inclusive and resilient. Our communities have access to a range of social, education and recreational facilities and activities	Safety checks are conducted for other vessels	New measure	At least 1,000 annually	At least 1,000 annually	At least 1,000 annually	At least 1,000 annually
		Inspect navigation safety aids and maintain, replace or provide additional aids as required	New measure	At least annual inspection	At least annual inspection	At least annual inspection	At least annual inspection
Sale of alcohol complies with legislative requirements	Our communities are healthy, safe, inclusive and resilient	Inspect high risk premises at least two times each year	New measure	100%	100%	100%	100%
Provide building control services in a professional and timely manner, to ensure building work is safe and in accordance with the Building Code	Our urban and rural environments are people friendly, well planned and sustainably managed. Our infrastructure is efficient, cost effective and meets current and future needs. Our communities are healthy, safe, inclusive and resilient	% building consents and code compliance certificated issues within 20 working days	Altered measure. 100%	100%	100%	100%	100%
		% building consents and code compliance certificated issues within 20 working days		100%	100%	100%	100%
Maintain current and enforceable environmental bylaws for dogs, urban environments, city amenity and navigation safety	Our unique natural environment is healthy and protected. Our urban and rural environments are people friendly, well planned and sustainably managed. Our communities are healthy, safe, inclusive and resilient	Bylaw reviews are completed within timeframes set out in the Local Government Act	100%	100% Urban Environment Bylaw (expries 02/06/22)	100% City Amenity Bylaw (expires 11/09/2024)	100%	100% Dog Control Bylaw (expires 27/07/32) Navigation Safety Bylaw (expries 01/10/31)
Create and implement a city centre programme	Our urban and rural environments are people friendly, well planned and sustainably managed. Our infrastructure is efficient, cost effective and meets current and future needs. Our communities have access to a range of social, educational and recreational facilities and activities. Our region is supported by an innovative and sustainable economy	Monitor performance every three years with a public life survey	Altered measure. 100%	Monitoring due in years 2023/24 and 2028/29	Monitoring due in years 2023/24 and 2028/29	Monitoring completed and reported to Council	Monitoring due in years 2031/32

Urban Development Capacity is sufficient to meet future demand	Our urban and rural environments are people friendly, well planned and sustainably managed. Our infrastructure is efficient, cost effective and meets current and future needs. Our region is supported by an innovative and sustainable economy	Report annually on Urban Development capacity and how the requirements of the NPS urban Development are met	New measure	100%. Reported to Council each year	100%. Reported to Council each year	100%. Reported to Council each year	100%. Reported to Council each year
The Compliance Strategy is reviewed for effectiveness	Our unique natural environment is healthy and protected. Our communities are healthy, safe, inclusive and resilient. Our urban and rural environments are people friendly, well planned and sustainably managed	The effectiveness of the Compliance Strategy is reported to Council annually	New measure	Reported to Council each year	Reported to Council each year	Reported to Council each year	Reported to Council each year

2021 Environmental Management Fees and Charges review

1. Purpose of Report

- 1.1 To seek approval for statements of proposal for proposed fees and charges for public consultation, using the Special Consultative Procedure for the following:
- 1.1.1 Resource Management including Housing Accord and Special Housing Area activities;
 - 1.1.2 Food Act activities;
 - 1.1.3 Building Unit activities; and
 - 1.1.4 Environmental health activities (other than food).

2. Summary

- 2.1 Current regulatory fees and charges have been reviewed and changes proposed, where required, to:
- Better achieve Council's Revenue and Financial Policy.
 - More accurately reflect staff time to provide services.
 - Ensure reasonable cost recovery goals are met and to meet increased national legislative and reporting requirements.
- 2.2 The main changes proposed are as follows:

Activity	2019/20 charge	2020/21 charge (current charge)	2021/22 proposed charge	% increase (CPI 1.4)
Resource consents - hourly rate	\$150	\$160	\$162	1.3

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Activity	2019/20 charge	2020/21 charge (current charge)	2021/22 proposed charge	% increase (CPI 1.4)
Food registration – national programme/ food control plan	\$148/\$222	\$148/\$222	\$162/\$243	9.5
Building - hourly rate (other changes see attachment 3)	\$100/\$135	\$160	\$164	2.5
LIMS				
-residential	\$285	\$285	\$300	5.3
-commercial	\$440	\$440	\$460	4.5
-multiple titles	N/A	N/A	\$164 hourly rate	
Hairdressers	\$155	\$155	\$162	4.5
Offensive trades	\$236	\$236	\$243	3.8
Camping grounds	\$270	\$270	\$270 (no change)	0
Funeral directors	\$170	\$170	\$170 (no change)	0
Animal Control (other than dogs) - hourly charge out rate	\$125	\$125	\$162	29.6
Processing Site Marine Contingency Plans – hourly charge out rate	Not identified	Not identified	\$162	
Pollution response – hourly charge out rate	Not identified	Not identified	\$162	
Dog control - urban registration	\$66.20/\$86	\$95.80	\$97	1.3
Alcohol licensing - set by statute, can use discretion to lower activity rating and fees	No change	No change	No change	0

3. Recommendation

That the Environment and Climate Committee

- 1. Receives the report 2021 Environmental Management Fees and Charges review (R21403) and its attachments (A2551172, A2554483, A2565321, A2563976, A2554765 and A2564096); and***
- 2. Agrees the preferred option is to increase Resource consent fees and charges to recover 45% of Council costs for these services; and***
- 3. Adopts the Statement of Proposal for the Amendments to the Charges under the Resource Management Act 1991 and the Housing Accords and Special Housing Areas Act 2013 commencing 1 July 2021 as detailed in Attachment 1 (A2551172) to Report R21403; and***
- 4. Agrees a summary of information contained in the Statement of Proposal Amendments to the Charges under the Resource Management Act 1991 and the Housing Accords and Special Housing Areas Act 2013 is not necessary to enable public understanding of the proposal; and***
- 5. Agrees the preferred option is to increase Food Act fees and charges to recover 48% of Council costs for these services; and***
- 6. Adopts the Statement of Proposal for the Proposed Food Act 2014 fees and charges as detailed in Attachment 2 (A2554483) to Report R21403; and***
- 7. Agrees a summary of information contained in the Statement of Proposal for the Proposed Food Act 2014 fees and charges is not necessary to enable public understanding of the proposal; and***
- 8. Agrees the preferred option is to increase Building Act fees and charges to recover 71% of Council costs for these services; and***
- 9. Adopts the Statement of Proposal for the Building Act 2014 and Property Information fees and charges as detailed in Attachment 3 (A2565321) to Report R21403; and***
- 10. Agrees a summary of information contained in the Statement of Proposal for the Building Act 2014 and***

Property Information fees and charges is not necessary to enable public understanding of the proposal; and

- 11. Agrees the preferred option is to increase Environmental Health fees and charges as proposed in Attachment 4 (A2563976); and***
- 12. Adopts the Statement of Proposal for the Proposed Environmental Health fees and charges as detailed in Attachment 4 (A2563976) to Report R21403; and***
- 13. Agrees a summary of information contained in the Statement of Proposal for the Proposed Environmental Health fees and charges is not necessary to enable public understanding of the proposal; and***
- 14. Notes the increases for the Dog Control fees and charges, that do not require public consultation, identified in Attachment 5 of Report R21403 (A2554765) will take effect from 1 July 2021; and***
- 15. Notes no change will be made to the discretion to lower the rating of particular activities under the Sale and Supply of Alcohol Act; and***
- 16. Approves the consultation approach (set out in section 7 of this report) and agrees:***
 - a) the approach includes sufficient steps to ensure the Statements 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 Statements of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***
- 17. Approves commencement of the Special Consultative Procedures, with the consultation period running from 16 March to 16 April 2021.***

4. Background

4.1 The Environmental Management Group fees and charges cover:

- 4.1.1 Resource consents including Housing Accord and Special Housing Areas Act (HASHAA).

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- 4.1.2 Food businesses.
- 4.1.3 Building unit related fees and charges.
- 4.1.4 Environmental health licensing - including animal control, hairdressers, mortuaries and maritime activities.
- 4.1.5 Dog control.
- 4.1.6 Alcohol licensing.
- 4.2 Fees and charges contribute towards Council's costs and administration of its regulatory functions. Section 101(3) of the LGA requires funding to be from those sources determined to be appropriate following consideration of factors including the distribution of benefits between the community as a whole and those individuals undertaking the activity, the period of when those benefits are expected to occur and contributions to community outcomes by the activity.
- 4.3 The private benefit gained from regulatory services is often greater than the public benefit. The costs of providing the service then need to be met by individuals, owners or operators to a greater degree than the general rate.
- 4.4 The current Revenue and Financial policy requires:
 - 4.4.1 40-60% of resource consent activity costs are to be recovered from charges. The activities include consent processing, monitoring, enforcement and responding to public enquiries;
 - 4.4.2 30-50% of public health costs are to be met by fees and charges. Public health includes alcohol licensing, food and health licencing activities, animal control, enforcing bylaws and navigation safety activities. There are no fees and charges associated with the enforcing of bylaws and navigation safety activities other than the fines set through the Bylaw process;
 - 4.4.3 60-80% of Building Unit costs are to be met by charges; and
 - 4.4.4 Dog control activities are to recover 90-100% of costs through registration and other charges.
- 4.5 Council resolved to increase fees and charges at the Environment Committee meeting held on 28 May 2020 (R17006) for the activities under the following legislation:
 - 4.5.1 Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013;
 - 4.5.2 Building Act 2004; and
 - 4.5.3 Dog Control Act 1996.

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- 4.6 The public health fees and charges have not changed since 2016 to provide certainty while food activity businesses transitioned to the new Food Act requirements, the transition spanned a three year timeframe. In addition, the Revenue and Finance policy for the bundled public health, food, maritime and other activities was being met by existing charges due to some activities effectively subsidising others within the bundled revenue and finance category.
- 4.7 The current and proposed fees and charges are contained in the statements of proposals in attachments 1 to 4 for Resource Management, Food, Building and Environmental Health activities. The current and proposed Dog Control fees are contained in attachment 5.

5. Discussion

Resource consents

- 5.1 This section considers proposed changes to charges for the following:
- 5.1.1 Resource Consents: processing, monitoring and administration; and
 - 5.1.2 HASHAA: resource consents for qualifying developments in special housing areas. The process for establishing special housing areas ceased on 16 September 2019 and HASHAA will be fully repealed on 16 September 2021. Resource consent applications for developments within special housing areas that were lodged before 16 September 2019 will continue to be processed through the permissive resource consent process provided by the Act, until 16 September 2021.
- 5.2 Section 36AAA of the RMA requires that the sole purpose for charges is to recover reasonable costs incurred in respect of the activity to which the charge relates. It also requires those gaining the benefit from the regulatory service to pay a reasonable cost for that service.
- 5.3 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 reference to the RMA as in force on 4 September 2013. Section 36(4) of the RMA 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—*

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(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.

- 5.4 In the 2017/18 financial year, resource consent charges recovered 52% of the Council's costs. In 2018/19, 46% of costs were recovered from charges and the last financial year 43%. This year it is tracking at 45% of costs being recovered. The Revenue and Financial Policy in the Long Term Plan (LTP) is to recover 40-60% of total costs.
- 5.5 The fees and charges increase for 2019/20 expected to recover 48% of costs. Part of the reason this was not realised was less complexity/value consents during Covid-19 and the reduction in the use of external consultants was still being transitioned.
- 5.6 The main factors influencing the level of income received from charges are the hourly charge out rate and the number of complex resource consent applications. Consent numbers have remained the same for the last two years but income from fees and charges decreased slightly from 2018/19 to 2019/20. The income for 2020/21 is on track to be similar to last year.
- 5.7 The total expenses for the resource consent activity for the 2021/22 financial year are expected to be \$2,399,000 GST exclusive. These expenses include costs that cannot be on charged to customers such as staff time responding to public enquiries and consent holder objections and appeals. Current charges at current levels of activity will recover approximately 44% of total costs.

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- 5.8 It is proposed to increase the hourly charge out rate by the Consumer Price Index (and rounded to the nearest dollar), to \$162 which will cover 45% of the costs and match the anticipated income from fees and charges in year one of the LTP.
- 5.9 To provide some comparison the hourly rates of other neighbouring councils and councils of similar sizes are included in the table below. Tasman District Council's current hourly rate is \$160 and is proposed to increase to \$164 per hour.

	Hourly rate	Cost recovery policy from fees and charges
Nelson	\$160 (proposed to be \$162)	40 – 60%
Tasman	\$160 (proposed to be \$164)	15 – 45% (includes other activities such as plan making and state of the environment)
Marlborough	\$153 planner \$182 senior	60%
Napier	\$160 planner \$180 senior	40-59%
New Plymouth	\$188 planner	60-80%
Palmerston North	\$190 planner \$203 senior	80-100% consent processing 0-19% public advice, monitoring and enforcement

Options

- 5.10 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 above have met this criteria as follows:
- 5.10.1 The proposed charges recovers reasonable costs incurred by the Council to which the charge relates;
- 5.10.2 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;
- 5.10.3 The processing and monitoring actions directly relate to, and are as a result of, the actions of the applicant;
- 5.10.4 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

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5.10.5 Overall, the proposed increased charges have been set at levels that will recover approximately 45% of the reasonable anticipated costs incurred by the consent authority.

- 5.11 Of the options to retain the current charges or amend the charges to recover 45% of the costs or increase the charges to recover 48% of the costs, the preferred option is option 2 – amend the charges as proposed in Attachment 1 (A2551172).

Option 1: Retain the current fees and charges	
Advantages	<ul style="list-style-type: none"> • Applicants and consent holders do not face increased charges • Would not receive any criticism for increasing fees
Risks and Disadvantages	<ul style="list-style-type: none"> • The costs of the activity is not sufficiently covered by income from charges • The increase to charges may need to be bigger at a later date • There would be an additional rates burden of \$13,000
Option 2: Increase the charges to recover 45% of the costs as proposed in Attachment 1 – RECOMMENDED OPTION	
Advantages	<ul style="list-style-type: none"> • The proportional cost of the services is better met by applicants and consent holders than ratepayers • Prevents a larger increase at a later date • Less rates requirement
Risks and Disadvantages	<ul style="list-style-type: none"> • Dissatisfaction by applicants and consent holders for the increase in charges that could increase the occurrence of querying about or objecting to the charges
Option 3: Increase the charges to recover 48% of the costs	
Advantages	<ul style="list-style-type: none"> • The proportional cost of the service will be met by applicants and consent holders • Prevents a larger increase at a later date
Risks and Disadvantages	<ul style="list-style-type: none"> • Dissatisfaction by applicants and consent holders for the 5% increase in charges following last year's 7% increase that could increase the occurrence of querying or objecting to the charges

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	<ul style="list-style-type: none">• The large increase is not considered reasonable• Higher charges could deter developments or achieve poorer environmental outcomes• The charges may not meet the criteria in section 36AAA of the RMA or section 77 of HASHAA
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Food businesses

5.12 The Food Act 2014 (the new Act) came into force on 1 March 2016 and brought with it an entirely new regime for food management. Food businesses are categorised by their risk profile depending on the type of operation. Food businesses were given a three year period commencing 1 March 2016 to transition to the new regime. All premises in Nelson transitioned within this timeframe with considerable assistance from officers.

5.13 Prior to the introduction of the new Act costs to administer the public health licensing activities were around \$86,000 which equated to approximately 1348 staff hours. For the 2019/20 financial year a total of 3272 staff hours was required to administer food and public health licences with the vast majority of these hours administering the Food Act. An additional 1924 hours per year have been required since the introduction of the Food Act 2014:

Health Licencing activity	Prior to 2015	Post Food Act Introduction – 2019/20
Hours	1348 officer hours	3272 officer hours (an additional 1924 hours)
Costs for officer time	\$86,000	\$172,500
Income received	\$101,700 2014/15	\$100,000

Setting Food fees

5.14 Section 205 of the Food Act 2014 enables Council to set its fees to recover the direct and indirect costs of any registration, verification, compliance and monitoring functions. The territorial authority must use the special consultative procedure when setting its fees (section 205(2)) and the new fees are to take effect at the commencement of the financial year. The current fee structure was based on the estimates of officers at the time and advice received from the Ministry of Primary Industries (MPI).

5.15 When fixing fees Council must not provide for the recovery of more than the reasonable costs incurred by it in performing the function and it must take into account the matters outlined in section 198(2) of the Food Act, which are:

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- 5.15.1 Equity – funding for services should generally, and to the extent practicable be sourced from the users or beneficiaries of those services at a level commensurate with their use; and
- 5.15.2 Efficiency – costs should generally be allocated and recovered to ensure maximum benefits are delivered at minimum cost; and
- 5.15.3 Justifiability – cost should be collected only to meet the actual and reasonable costs (including indirect costs) of the service; and
- 5.15.4 Transparency – costs are identified and allocated as closely as practicable to tangible service provisions.

Current fees

- 5.16 The fees under the Food Act 2014 have been in place since 1 July 2016. The statement of proposal for the proposed initial fees under the new Act included a clause that the proposed fees remain without change for the period of the transition. The fees are a mixture of an initial fee for registrations and suspensions and an hourly charge for other functions.
- 5.17 The current initial fees for new and renewing registrations are based on an estimated time to undertake the activity at an hourly charge out rate of \$148. On average, the actual staff time required is more than estimated for each registration.
- 5.18 Verifications involve visiting the site, determining compliance and reporting. The time to complete this task ranges greatly depending on the complexity of the business and level of compliance. Charging at an hourly rate for verifications and compliance activities is considered a fair method to accommodate the variability.
- 5.19 The Revenue and Financial funding target for the food and public health activity for 2021/22 is 40-60% of costs recovered from fees and charges. This recognises the public benefits from healthy premises to the general community. The community is assured minimum health standards apply to food businesses through verification and enforcement.
- 5.20 However, there is a significant private benefit arising from individual licences that certify individuals and owners of premises. These businesses create the need for inspections and enforcement activity. Ensuring businesses meet minimum standards is by user pays through fees and charges.
- 5.21 In 2018/19, 56% of costs were met by fees and charges and 45% of costs were recovered in 2019/20. Income for this financial year is tracking 14% lower than last year due to lower levels of activity as a result of Covid-19 impacts on food businesses.
- 5.22 At least a third of officers' time is not chargeable to food businesses. Much of this time is spent answering public enquiries or completing the training and reporting requirements for the Ministry of Primary Industries.

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- 5.23 MPI has introduced an on-line tool to assist food operators to better understand the registration and verification requirements. In theory this could reduce the time Council officers spend assisting operators understand these requirements (and therefore reduce the costs of providing the service) but the tool itself is complex and MPI envisages officers assisting operators as they work through the tool together.
- 5.24 MPI has also introduced a compulsory Continued Professional Development (CPD) requirement for each officer to complete annually. This requires officers to develop a training plan that contains minimum hours in different categories. MPI will certify the plan and also receive reports from officers demonstrating how the learning has been applied. With the CPD requirements and assisting food operators with general enquiries or other requirements, it is expected the level of resourcing required will not reduce. There will continue to be a need to have about a third of an officer's time that is not cost recoverable through registration or verification functions.

Food Act fee comparison

- 5.25 The Ministry of Primary Industry (MPI) undertakes registration and verification activities at the national level and have set registration fees based on an hourly rate of \$155.25. It requires a fee based on the expected time it would take to register the various programmes or plans. There is a smaller charge for National Programme registrations compared to Food Control Plans.
- 5.26 MPI has indicated on its website that verifications for medium sized businesses (up to 50 people) can take up to six or eight hours to verify depending on the complexity and any non-compliance issues. Verifiers typically charge between \$115 and \$210 per hour.
- 5.27 The following current rates for various councils have been used to assist with the review of the registration and verification charges:

Fees and charges	NCC	Napier	New Plymouth	Tasman	MDC
New National Programme registration	\$148	\$234	\$300*	\$146	\$254
New Food Control Plan registration	\$222	\$234	\$300*	\$242	\$254
Renewals/Amendments/Suspensions	\$74	\$102	\$150	\$98	\$108
Hourly rate	\$148	\$160	\$150	\$160	\$145
Specific disbursement fees, including travel time, boat fees etc				yes	yes

*NPDC includes two hours within a new registration (all the others were an hour)

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- 5.28 Although New Plymouth District Council appears to have the highest fees above it is similar to many of the Upper North Island councils which are not listed. It has also recognised that a new registration takes more than an hour to complete and have incorporated two hours into the new registration fee. Recognising the difficulties businesses have faced this year it has also implemented a Covid-19 recovery package where it has reduced its fees to \$1 for this financial year.
- 5.29 Nelson, unlike most other councils, has different new registration fees with a fee of \$148 for a new National Programmes registration and \$222 for a new Food Control Plan. There are usually fewer new National Programmes registration fees received compared to new Food Control Plan registrations. In 2019/20, 17 were received and 26 in the 2018/19 financial year, compared to 42 new Food Control Plan registrations (in 2019/20) and 70 in 2018/19.

Proposed fees

- 5.30 The total expenses for the food and public health activity for the 2021/22 financial year are expected to be \$229,500 GST exclusive. Current charges and level of activity will recover approximately 40% of these costs. It is proposed to increase the initial fees and the hourly charge out rate to be consistent with most other regulatory hourly charge out rates (\$162) and to meet at least 48% of the costs of providing the services.
- 5.31 The proposed charges in Option 2 in the table below result in the least increase per category and are aligned with the charge out rate for most other regulatory activities. The charges in Option 3 are more aligned with other council charging and would meet the income budget for 2021/22. Many fees would increase by a larger amount if they were set at the actual average time to process the application at the current hourly charge out rate (\$148, option 4). This change would be significant compared to the level of current charges and there could be some criticism received for such a significant increase in the current economic context. The options and fee changes are identified in the table below:

Food premises	Status Quo Option 1 - Current charge (40% recovery)	Proposed charge Option 2 - 48% recovery (recommended option based on increasing the hourly charge out rate)	Proposed charge Option 3 – 51% recovery (increasing charges to being similar to other councils’ charges)	Proposed charge Option 4 – 56% recovery (increasing charges to cover the actual time to process at the current charge out rate)
New Registration	\$222 initial fee	\$243 initial fee	\$250 initial fee Plus	\$259 initial fee Plus

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Food premises	Status Quo Option 1 - Current charge (40% recovery)	Proposed charge Option 2 - 48% recovery (recommended option based on increasing the hourly charge out rate)	Proposed charge Option 3 – 51% recovery (increasing charges to being similar to other councils’ charges)	Proposed charge Option 4 – 56% recovery (increasing charges to cover the actual time to process at the current charge out rate)
Food control plan	Plus \$148 per hour after the first 1½ hours	Plus \$162 per hour after the first 1½ hours	\$162 per hour after the first 1½ hours	\$148 per hour after the first 1.75 hours
New Registration National programme	\$148 initial fee Plus \$148 per hour after the first hour	\$162 initial fee Plus \$162 per hour after the first hour	\$250 initial fee Plus \$162 per hour after the first hour	\$259 initial fee Plus \$148 per hour after the first 1.75 hours
Renewal	\$74 initial fee Plus \$148 per hour after the first ½ hour	\$81 initial fee Plus \$162 per hour after the first ½ hour	\$100 initial fee Plus \$162 per hour after the first ½ hour	\$148 initial fee Plus \$148 per hour after the first hour
Amendment to Registration	\$74 initial fee Plus \$148 per hour after the first ½ hour	Simple name or contact detail change \$40 or Other changes \$81 initial fee Plus \$162 per hour after the first ½ hour	Simple name or contact detail change \$40 or Other changes \$100 initial fee Plus \$162 per hour after the first ½ hour	Simple name or contact detail change \$37 or Other changes \$148 initial fee Plus \$148 per hour after the first hour
Voluntary suspension	\$74 initial fee Plus	\$81 initial fee Plus	\$100 initial fee Plus	\$74 initial fee Plus \$148 per hour

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Food premises	Status Quo Option 1 - Current charge (40% recovery)	Proposed charge Option 2 - 48% recovery (recommended option based on increasing the hourly charge out rate)	Proposed charge Option 3 – 51% recovery (increasing charges to being similar to other councils’ charges)	Proposed charge Option 4 – 56% recovery (increasing charges to cover the actual time to process at the current charge out rate)
	\$148 per hour after the first ½ hour	\$162 per hour after the first ½ hour	\$162 per hour after the first ½ hour	after the first ½ hour
Verification	\$148 per hour	\$162 per hour	\$162 per hour	\$148 per hour
Compliance	\$148 per hour	\$162 per hour	\$162 per hour	\$148 per hour
Monitoring (where there is compliance)	No charge	No charge	No charge	No charge

5.32 The table below identifies the percentage cost recovery from charges for various hourly rates and identifies the impacts on rates for the different level of charges increases:

Option	Income from charges	% of 2021/22 costs from fees	Rates component	% increase in charges
Option 1 \$148 (current)	\$92,000	40	\$129,500	0
Option 2 (preferred option, increase charge out rate)	\$109,500	48	\$120,000	9.5 – 9.9

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Option	Income from charges	% of 2021/22 costs from fees	Rates component	% increase in charges
Option 3 (increase to levels similar to other Councils)	\$118,000	51	\$111,500	9.5 – 68.9
Option 4 (charge actual time at current hourly rate)	\$129,500	56	\$100,000	0 – 100

Options

- 5.33 The recommended option is option 2 – increase the fees and charges as proposed to recover 48% of the costs. These fees and charges will better reflect the cost recovery requirement of the Food Act than retaining the current fees.

Option 1: Retain the current fees and charges	
Advantages	<ul style="list-style-type: none"> Operators do not face increased fees Would not receive criticism
Risks and Disadvantages	<ul style="list-style-type: none"> The cost of the food registration, verification and compliance functions is not sufficiently covered by income from fees and charges Some fees do not reflect the actual time for the activity Does not meet the cost recovery requirements of the Food Act 2014 Increases to fees and charges will be required at a later date and potentially greater. The hourly rate continues to be inconsistent with other regulatory services No rates savings are realised for these activities Food operators have not received an increase since the fees and charges were set in 2016
Option 2: Increase fees and charges to recover 48% of the costs as proposed in Attachment 2 (RECOMMENDED OPTION)	
Advantages	<ul style="list-style-type: none"> The proportional cost of services is better met by food operators than ratepayers

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	<ul style="list-style-type: none"> • Better meets the cost recovery requirements of the Food Act 2014 • Prevents a significantly larger increase at a later date • Hourly rates are more consistent with other regulatory functions and are more transparent • The rates component is reduced • Recognises food operators have not received an increase since the fees and charges were introduced in 2016
Risks and Disadvantages	<ul style="list-style-type: none"> • Some dissatisfaction by operators for the increase in costs • Could increase costs following non-payments requiring more staff follow up time • Could receive criticism from food businesses for increasing fees in the current economic context
Option 3: Increase fees and charges to recover 51% to 56% of the costs	
Advantages	<ul style="list-style-type: none"> • The proportional cost of the services are better met by operators than ratepayers compared to the existing rate and increases over time • The registration costs will better reflect the actual time taken to perform the function • The rates component is reduced • Prevents a significantly larger increase at a later date • Recognises food operators have not received an increase since the fees and charges were introduced in 2016 • More in line with other councils
Risks and Disadvantages	<ul style="list-style-type: none"> • Likely to receive criticism from operators (particularly those under the National programme regime) for increasing fees in the current economic context • Could increase costs following non-payments requiring more staff follow up time

Building consents

- 5.34 Building consent fees and charges are based on applications and their processing costs. A comprehensive review was undertaken in early 2020 and new fees and charges set. These applied from 1 July 2020.

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- 5.35 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 as a Building Consent Authority (BCA) including issuing building consents, inspecting building work and issuing property information (e.g. project information memoranda). Under section 281A of the Building Act 2004, Council has a discretion as to how the fee or charge is set and how it may be paid or collected.
- 5.36 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. Council is not required to carry out consultation before imposing fees and charges.
- 5.37 Under Council's Revenue and Financial Policy, the Building Unit is required to recover 60-80% of the total costs. For the 2018/19 financial year the recovery was 78% and in 2019/20 the recovery was 65%. This financial year is tracking at 71% to date. The level of building activity has remained steady over the last couple of years but costs to provide the service to meet audit standards are escalating.
- 5.38 It is proposed to incorporate the systems fee into the consent deposit fees to help minimise customer confusion with the layout of the fee schedule. A new deposit level is proposed for consents between \$400,001 to \$600,000 value of works, to better reflect the actual costs in processing consents in this category.
- 5.39 Increased costs for meeting audit requirements and officer costs e.g. training has resulted in a recommendation to raise the hourly rate for commercial processing and inspections to \$200 per hour, aligning with other similar sized councils around the country.
- 5.40 The hourly rate for all other building unit staff is proposed to be raised from \$160 to \$164, which aligns with Tasman District Council's proposed increase for 2021/22. A higher hourly rate compared to the other regulatory hourly charge out rate of \$162 is required to better meet the higher increase in costs. A comparison of current hourly rates with other similar sized councils is shown in the table below:

Council	Residential	Commercial
Tasman	164	164
New Plymouth	172	193
Napier	172	172
Hastings	205	225
Invercargill	160	160
Whangarei	219	283
Palmerston North	190	208
<i>average</i>	183	201
NCC current	160	160
NCC proposed	164	200

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- 5.41 An increase to the QA levy by 50c per \$1,000 over \$20,000 value of work is also proposed. This fee targets the higher value work where extra training and higher competency resource is required. These higher commercial competencies are now required due to the increase in multi-level apartment construction and larger commercial projects.
- 5.42 The Certificate of Acceptance fee is proposed to be raised to \$1000 per application from \$800 that will incorporate a new systems fee for this category. This fee is intended to help discourage illegal building works within the region. The proposed fee also aligns with Tasman District Council's fee of \$1,000.
- 5.43 Bathroom alterations, swimming pools and proprietary garage applications are proposed to be added to minor works. This ensures more consistency across projects. The swimming pool fencing consent deposit (minor works) is proposed to be raised to \$450 from \$325, which better reflects the actual costs, including hourly inspection rates and administration.
- 5.44 An express service timeframe is proposed for commercial marquees.
- 5.45 In 2020, the notification of exempt works and unauthorised building work applications were set at \$315 but this has been shown to be too high. It is proposed to reduce these fees to \$250 and this will better reflect the actual costs associated with this work. See Attachment 3 for the full proposed building fee and property information charges and Attachment 6 for differences in fees between current and proposed for a sample of activities.

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- 5.46 The total expenses for the building activity for the 2021/22 financial year are estimated to be \$3,700,000 GST exclusive. Current charges will recover approximately 66% of these costs, with the proposed fee increases adopted, approximately 71% will be recovered. The increase will also meet the budgeted income for 2021/22. The table below identifies the percentage cost increases for a sample of activity types for the proposed increase in the hourly rates:

Activity	Old fee	New rate \$164 hr		New rate \$200 hr (commercial)	
		Estimated fee	Increase	Estimated fee	Increase
Residential \$100,000 value	\$4,000.00	\$4,139.00	3.4%		
Residential \$432,000 value	\$7,888.00	\$8,256.50	4.6%		
Residential \$650,000 value	\$9,640.00	\$10,139.00	4.9%		
Commercial \$190,000 value	\$5,560.00			\$6,818.00	18.5%
Commercial \$900,000 value	\$11,280.00			\$13,576.00	16.9%
Commercial \$16,800,000	\$90,560.00			\$104,726.00	13.5%

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

LIMs

- 5.47 Land Information Memoranda (LIMs) application fees have not changed since 2016. The following rates for various councils have been used to help review the LIM application fees:

LIMs	NCC	Tasman	MDC	PNCC	New Plymouth*		Napier
Residential	\$285	\$272	\$322	\$455	Standard	\$280	\$305
					Urgent	\$400	
Commercial/Industrial	\$440	\$409	\$557	\$455	Standard	\$380	\$455
					Urgent	\$530	
Properties involving multiple titles	N/A	Quote for work	N/A		\$150		\$102

*NPDC all applications have an allowance of 2.5 hours, any additional processing time are calculated at \$120.00 per hour

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- 5.48 An increase is proposed to \$300 for a residential application and \$460 for a commercial/industrial property. The new fees incorporate CPI increases over the last five years and better reflects the costs of providing the service. Generally up to four LIM applications can be processed per day, with a mixture of both residential and commercial applications.
- 5.49 There has been an increase in applications for commercial consents on multiple titles. This increases the workload associated with an application and it is recommended that an additional charge be introduced for large commercial applications.
- 5.50 An application with multiple titles can take a significant amount of time and resources and it is recommended that Council adopt an hourly rate approach charged for all time taken above the minimum fee. This aligns with the time and cost approach for all building unit activities.
- 5.51 For example an application was received last year which included one parent title and nine smaller titles within the overall title. Each individual title was required to be searched for additional information. This particular LIM application took two days to process.

Options

- 5.52 The options are to retain the current fees and charges, increase the fees and charges in line with CPI at 1.4% or increase the charges at a higher rate to better cover foreseeable increase in costs. The recommended option is Option 3 to approve the fees and charges at the higher rate as proposed in Attachment 3. Building fees and charges can be reviewed at any time.

Option 1: Retain the current fees and charges	
Advantages	<ul style="list-style-type: none">• Applicants and consent holders do not face increased charges• Would not receive any criticism from increasing fees
Risks and Disadvantages	<ul style="list-style-type: none">• The fees do not reflect the actual time taken for the activity/costs to Council• Fees and charges continue to not align with local and national industry levels• Increases to charges may need to be bigger at a later date• Continue to collect too much from some fees

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Option 2: Increase the fees and charges by CPI at 1.4%	
Advantages	<ul style="list-style-type: none"> • The fees better reflect the actual time taken to perform functions • The increased charges will cover some of the costs of attaining and meeting national quality assurance requirements • Increases provide less dependence on rates
Risks and Disadvantages	<ul style="list-style-type: none"> • Fees and charges may not meet budgeted recovery levels • May not sufficiently cover the costs of meeting quality assurance requirements could put the accreditation at risk • Fees and charges will not provide for resourcing needs identified within the recent accreditation (IANZ) and MBIE audits. • Fees and charges continue to be less consistent with local and national industry levels and the Council will need to fund the Building Unit more from rates income • A larger increase may be required at a later date
Option 3: Increase the fees and charges as proposed in Attachment 3 (RECOMMENDED OPTION)	
Advantages	<ul style="list-style-type: none"> • The fees better reflect the actual time taken to perform functions • The increased charges will cover most of the costs of attaining and meeting national quality assurance requirements • Increases provide less dependence on rates subsidy of the Building Unit • Prevents a larger increase at a later date
Risks and Disadvantages	<ul style="list-style-type: none"> • May receive criticism from applicants for increasing fees in the current economic context • Could increase cost challenges or queries requiring more officer time to follow up

Environmental health

- 5.53 Environmental Health fees and charges for activities such as animal control, registration of hairdressers, offensive trades, and oil spill contingency plan approval costs are authorised under the Local Government Act 2002 (LGA), Health Act 1956 (and associated Regulations), Impounding Act 1955 and the Maritime Transport Act

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1994. Criteria for fixing these fees and charges is not set in this legislation but the charges should be appropriate, reasonable and relate to the costs for providing the service.

- 5.54 The environmental health fees and charges have not changed since 1 July 2016. Officers have reviewed the charges in previous years but due to the bundling of a number of activities in the revenue and finance policy, the income target for the fees and charges had been met by current charges. These activities have now been separated with more appropriate revenue and finance targets identified for each activity.
- 5.55 The fees and charges have been reviewed to reflect the actual time taken for officers to complete the service. The current hourly charge out rate for animal control, which includes wandering stock, is \$125. An hourly rate is used rather than a fixed fee as the investigations (for wandering stock) and/or non-compliance follow ups can take a range of time depending on the issues.
- 5.56 The animal control services including wandering stock are seldom required. The approximate \$20,000 cost per year for providing this service is currently met by rates. It is proposed to increase the hourly charge out rate to \$162 for the situations when an owner of the stock can be charged the cost of responding to the incident. This charge out rate is consistent with most other regulatory activities hourly rates and is comparable with other council charges as identified in the table in 5.64 below.
- 5.57 The activities under the Health Act are not large in numbers, or incomes and costs. The income and costs have recently been separated from the Food Act activity with the current public health activity income recovering approximately 55% of costs. An increase of 4.5% for the hairdressers annual licence fee is proposed (from \$155 per year to \$162 per year for the 50 businesses) to cover the one hour to process the application. The hourly charge out rate of \$162 is consistent with most other proposed regulatory hourly rates.
- 5.58 The offensive trades annual licence fee is proposed to increase by 3% (from \$236 per year to \$243 per year) reflecting 1.5 hours to process at the hourly charge out rate of \$162. The proposed increases in fees will result in income levels within the Revenue and Finance policy targets and are also comparable with other councils' fees.
- 5.59 Section 33R of the Maritime Transport Act 1994 allows for regional councils to prescribe fees and charges for any function, duty, power, or service performed, exercised, or provided by Council in respect of any ship, maritime facility, offshore installation, pipeline, oil transfer site, navigational aid, or marine farm and any maritime-related activities it undertakes. It allows for such fees and charges on any differential basis (for example, based on the size of a ship, or on the basis of the nature, the location, and use of a facility).

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- 5.60 Under the Maritime Protection Rules, Rule 130B.4, no person may operate an oil transfer site without the Director's written approval of a site marine oil spill contingency plan that complies with the requirements of the Schedule. The Council has been delegated the power to approve a site marine oil spill contingency plan by the Director pursuant to sections 270 and 444 of the Maritime Transport Act and Part 130B of the Marine Protection Rules.
- 5.61 Processing marine contingency plans and responding to pollution incidents takes a range of time depending on the complexity and nature and scale of the incident. An hourly charge out rate is appropriate plus on-charging any disbursements such as replacing materials used in an oil spill clean-up. This ensures those receiving the benefit of Council services pays the reasonable cost for that service.
- 5.62 The current hourly charge out rate is not identified in the licence and activity fees table. The charge out rate needs to be identified to transparently recover the reasonable costs of providing the services.
- 5.63 A charge out rate of \$162 per hour is proposed and is consistent with other regulatory services hourly rates. This ensures coverage of all overheads associated with providing the service. Similarly, the proposed hourly charge out rate will apply to processing Site Marine Oil Spill Contingency Plans and maritime oil spill responses. Disbursement charges will remain at cost. Other councils do not specifically list their fees for these services but their general charge out rates are often higher.
- 5.64 No changes are proposed for the campgrounds (\$270) and funeral director registrations (\$170). These sufficiently reflect the actual time to process the applications at the hourly charge out rate of \$162 and are comparable to other councils' fees. The proposed environmental health licence fees and charges compared to other councils' fees are contained in the table below:

Licence and Activity Fees	NCC current	NCC proposed	TDC	MDC	PNCC	NPDC	Napier
Hairdressers	\$155	\$162	\$183	\$178	\$167	\$155	\$188
Offensive trades	\$236	\$243	\$264	\$108	\$422	\$156	\$183-\$336
Camping grounds	\$270	\$270	\$285 +	\$262	\$422	\$310	\$336
Funeral directors	\$170	\$170	\$285	\$200	\$422	\$155	\$239
Animal Control - hourly charge out rate	\$125	\$162	\$164	\$100 +	\$124 +	\$167 +	\$110 +
Processing Site Marine Contingency Plans – hourly charge out rate	Not listed	\$162	Not listed	Not listed	Not listed	Not listed	Not listed

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Licence and Activity Fees	NCC current	NCC proposed	TDC	MDC	PNCC	NPDC	Napier
Pollution response - hourly charge out rate - disbursements	Not listed	\$162 cost	Not listed	Not listed	Not listed	Not listed	Not listed

Options

- 5.65 The recommended option is option 2 – increase the fees and charges as proposed. Fees and charges better reflect the costs incurred and can be reviewed at any time.

Option 1: Retain the current fees and charges	
Advantages	<ul style="list-style-type: none"> Operators do not face increased fees Unlikely to receive any criticism from operators
Risks and Disadvantages	<ul style="list-style-type: none"> Some fees do not reflect the actual time for the activity Increases to fees and charges will be required at a later date and potentially be greater. The hourly rate continues to be inconsistent across regulatory services No rates savings are realised for these activities
Option 2: Increase fees and charges as proposed in Attachment 4 (RECOMMENDED OPTION)	
Advantages	<ul style="list-style-type: none"> The proportional cost of services is better met by operators than ratepayers The registration costs will better reflect the actual time taken to perform the function Restricts a larger increase at a later date Hourly rates are consistent with most other regulatory functions and are more transparent The rates component is reduced
Risks and Disadvantages	<ul style="list-style-type: none"> Dissatisfaction by operators Could increase costs following non-payments requiring more staff follow up time Could receive criticism from the business community given the effects of Covid-19

Alcohol licensing

- 5.66 Alcohol licensing fees and charges are set by the Sale and Supply of Alcohol (Fees) Regulations 2013. Local authorities can only use discretion to lower the rating of particular activities by one rating which will in turn lower those charges. Reductions are only applied if there has been no enforcement actions.
- 5.67 Council has applied lower ratings to specified activities since 2014. The specified activities were expanded in 2016 as income was exceeding costs at that time. In the last three financial years the costs have slightly exceeded the income therefore no change to the current list of discretions is proposed.

Dog control

- 5.68 Dog control fees and charges underwent a comprehensive review in 2020 in tandem with the review of the Dog Control Bylaw and Policy. Increases and changes were set from 1 July 2020 after public consultation. Council received approximately 80 complaints from dog owners after the fee increase with many not happy with the large increase and did not believe they were getting any benefit from paying this registration fee.
- 5.69 Income from current registrations and other charges are on track to recover 90% of costs. No significant changes to the dog control fees are proposed with only a CPI increase recommended for the 2021/22 financial year given there were larger increases last year. See Attachment 5 for details of the proposed changes.

Options

- 5.70 The recommended option is option 2 – increase the fees by CPI. Fees can be reviewed at any time but can only come into force at the commencement of the registration year.

Option 1: Retain the current fees	
Advantages	<ul style="list-style-type: none">• Dog owners do not face another increase to fees following last year's increases
Risks and Disadvantages	<ul style="list-style-type: none">• The cost of the dog control functions may not be sufficiently covered by income from fees and charges• The fees do not reflect the actual time taken for the activity/costs to Council• The increase to fees may need to be larger at a later date• The dog control account stays in debt

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Option 2: Increase fees by CPI (1.4% at December 2020) as proposed in Attachment 5 (RECOMMENDED OPTION)	
Advantages	<ul style="list-style-type: none"> • The proportional cost of the Dog Control services is better met by dog owners than ratepayers • The fees better reflect the actual time taken to perform functions • Prevents a larger increase at a later date
Risks and Disadvantages	<ul style="list-style-type: none"> • Dissatisfaction by dog owners • Criticism levelled at Council for again increasing fees following the increase last year • Could increase costs following non-payments requiring more staff follow up time
Option 3: Increase fees by a higher level	
Advantages	<ul style="list-style-type: none"> • The cost of the services is met by dog owners and any surplus contributes to paying back the internal loan raised • Prevents a larger increase at a later date
Risks and Disadvantages	<ul style="list-style-type: none"> • Some services have a wider public benefit so it is not reasonable to portion this to dog owners alone • Dissatisfaction by dog owners • Criticism levelled at Council for again increasing fees following the increase last year • Could increase costs following non-payments requiring more staff follow up time

6. Consultation

- 6.1 Under section 78 of the Local Government Act 2002, a local authority must, in the course of its decision-making processes give consideration to the views and preferences of persons likely to be affected by, or have an interest in, the matter. Council's Significance and Engagement Policy identifies criteria to assess proposals for their degree of significance and therefore the appropriate form of community engagement.
- 6.2 The most relevant criteria for this proposal is e) impacting a significant number of the community. Any potential changes are also likely to affect the Revenue and Financing policy and any rates contribution.
- 6.3 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

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special consultative procedure (SCP) set out in section 83 of the LGA, and in accordance with s 36AAA.

- 6.4 Section 205 of the Food Act 2014 gives territorial authorities the power to set fees for registration, verification and compliance and monitoring activities under this Act. The territorial authority must use the SCP when setting its fees (section 205(2)) and the new fees are to take effect at the commencement of the financial year.
- 6.5 The other Environmental Management regulatory fees and charges that can be set by Council do not require a SCP under their legislation. However the proposed changes to the fees and charges for building, food and environmental health activities are above CPI so a SCP is recommended for these activities. The dog control fee increase is recommended to increase only by CPI so a SCP is not proposed for these changes. No change is proposed for the lowering of ratings for alcohol licensing.
- 6.6 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.
- 6.7 Under section 87(3) of the Local Government Act 2002 a Statement of Proposal must include:
- 6.7.1 the proposed changes;
 - 6.7.2 the reasons for the changes;
 - 6.7.3 what alternatives to the changes are reasonably available; and
 - 6.7.4 any other information that the local authority identifies as relevant.
- 6.8 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's understanding of it.
- 6.9 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 and will run alongside the LTP:

Proposed Consultation Process and Timeline	
Council approves the release of the Statement of Proposals to the public for consultation (SCP)	18 February

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Proposed Consultation Process and Timeline	
Statement of Proposal publicly notified and open for submissions	16 March
Consultation closes	16 April
Environment Committee – Hearing of Submissions	11 May
Environment Committee – Deliberation of submissions and adoption of changes	10 June

6.10 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:

6.10.1 Information and key dates advertised in Our Nelson and Share newsletters prior to, and near the end of the consultation period.

6.10.2 Nelson City Council website, web page and web app.

6.10.3 Media release outlining the proposal and the key issues also to be sent to relevant industry associations.

6.10.4 Copies of the Statement of Proposal will be available from the Customer Services Centre and Council libraries and also available on the Council website.

6.10.5 Copies of the Statement of Proposal will be available for Councillors to take to any community meetings that they attend during the consultation period.

7. Conclusion

7.1 The proposal is that Environmental Management fees and charges increase to better meet the actual costs of providing the services.

7.2 Only two activities require public consultation by legislation, Resource Management and Food Act activities. The proposed changes to the dog control fees are a CPI increase only and public consultation is not required or proposed given the minor impact of the changes on a limited number of people.

7.3 The building, food and environmental health activity charges are proposed to increase by more than CPI. Public consultation is considered warranted for these activities to provide transparency for the number of people potentially impacted by the proposed changes.

8. Next Steps

- 8.1 Proceed to public consultation on the proposed changes for the Resource Management, Building, Food Act and Environmental Health activities and follow a special consultative procedure. Once public comments have been received and considered then Council will confirm the changes to the fees and charges.

Author: Clare Barton, Group Manager Environmental Management

Attachments

- Attachment 1: A2551172 Proposed Resource Management fees and charges - Statement of Proposal [↓](#)
- Attachment 2: A2554483 Proposed Food Act charges - Statement of Proposal [↓](#)
- Attachment 3: A2565321 Proposed Building Unit fees and charges - Statement of Proposal [↓](#)
- Attachment 4: A2563976 Proposed Environmental Health charges - Statement of Proposal [↓](#)
- Attachment 5: A2554765 Proposed Dog Control fees [↓](#)
- Attachment 6: A2564096 Building activity examples comparing current and proposed fees [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	The recommendations in the report provides for the cost effective delivery of regulatory services that protect the environmental, cultural and social well-being of the community.
2. Consistency with Community Outcomes and Council Policy	The recommended charges assist with achieving the stated funding outcomes in the Long Term Plan. The fully resourced regulatory activities also contribute to our natural environment being healthy and protected, ensuring our communities are healthy and safe and communities have access to social and recreational activities.
3. Risk	The do nothing option will not be consistent with the criteria for fixing charges specified in the various legislation. It will also likely to lead to far greater increases in the future. Increasing fees and charges by too high a level however could result in dissatisfaction by those impacted by the increase even if that increase is potentially justified. Proposed increases minimise the risk of dissatisfaction by increasing fees at a reasonable rate compared to current fees.
4. Financial impact	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. The changes outlined are likely to require an amendment to the Revenue and Financing policy.
5. Degree of significance and level of engagement	This matter is of medium significance because proposed increases while justified will impact on a number of applicants and consent holders. The Food Act, RMA and HASHAA require a special consultative procedure to occur when fixing charges.
6. Climate Impact	This matter has not been considered in the preparation of this report.
7. Inclusion of Māori in the decision making process	No engagement with Māori has been undertaken in preparing this report.

8. Delegations

The Environment and Climate Committee has the following delegations to consider the regulatory fees and charges:

Areas of Responsibility:

- *Building control matters, including earthquake-prone buildings and the fencing of swimming pools*
- *Environmental regulatory and non-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, sugar-sweetened beverages and smokefree environments, and other public health issues*
- *Maritime and Harbour Safety and Control*
- *Regulatory enforcement and monitoring*

Delegations:

- *Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes other than final approval*
- *Approval of increases in fees and charges over the Consumer Price Index (CPI)*



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 2021

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 1 July 2020. 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 minor 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 hourly charge out rate from \$160 per hour to \$162 per hour
- b) To have the ability to increase the hourly charge out rate by the Consumer Price Index (CPI) annually automatically

The objective of the proposal is to review current charges under the RMA and HASHAA and make any necessary changes to ensure the costs associated with providing services are fairly met by those benefitting from that service.

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 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 hourly charge out rate 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 new national provisions to consider, monitor and report on. Organisational support costs and external expertise costs increase by CPI annually. The resource consent hourly charge out rate is proposed to increase to match the increase in costs. It is also proposed to have the ability to apply the CPI increase to the hourly charge out rate automatically on an annual basis when no other changes are required.

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 hourly charge out rates

The main factors influencing the level of income received from charges are the hourly charge out rate and the number and complexity of resource consent applications. Consent numbers have remained the same for the last two years but income from fees and charges decreased slightly from 2018/19 to 2019/20. The income for 2020/21 is on track to be similar to 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 on track to recover 45% of costs. It is proposed to increase the hourly rate to \$162 to cover 46% of the anticipated costs as this is considered a reasonable increase (less than 2%), in the current economic context. The table below identifies the percentage cost recovery from charges for various hourly rates.

Hourly charge out rate	% of 2021/22 costs met by charges
\$160 (current)	45
\$162 (proposed)	46
\$168	48
\$176	50
\$185	53
\$195	55
\$205	58

Automatic CPI increase for the hourly charge out rate

Having the ability to increase the hourly charge out rate by CPI automatically without the need for specific consultation each year will enable this reasonable and minor change to occur efficiently when there are no other changes required. The increased hourly charge out rate will take effect from the start of the next financial year on 1 July. Details of the increase will be made public at least one month prior to the change coming into effect on the Council website and through other media forums.

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 hourly charge out rate ensures the applicant better meets 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 charge out rate so a better portion of the costs are met by the applicant or consent holder;
- b) It is considered reasonable to increase the hourly charge out rate by CPI automatically if required to cover the increasing costs of providing the service. This reduces staff time in administering the procedural costs of the change when no other changes to charges are required; and
- c) Overall, the proposed increased hourly charge out rate has been set at a level that will recover the reasonable anticipated costs incurred by the consent authority.

The proposed increase is similar to other councils which are currently charging hourly rates ranging from \$153 to \$203 for planning staff.

Options Analysis

Option 1 — Retain the existing charges

While applicants and consent holders would not face increased charges 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 hourly charge out rate to recover 46% of overall costs as proposed in Attachment 1

This option improves the recovery rate from applicants and consent holders, 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 commensurate with the increase in costs of providing the service. The proposed hourly charge out rate will be at a level that is comparable to the charges for similar activities in other councils.

Option 3 — Increase the charge out rate to recover 50% of overall costs

This option ensures applicants and consent holders cover the costs of their service but results in a 10% increase in the hourly rate from \$160 to \$176. The large increase is not considered reasonable and could deter developments.

Preferred Option

Option 2 — Increase the charge out rate to recover 46% of overall costs as proposed in Attachment 1 and outlined in section 2 above.

Reasons

The proposed amendment better covers the costs for the service than the existing charges and is 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
- 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 16 April 2021.

Any person who wishes to speak in support of their submission will be given the opportunity to address the Council at a hearing on **11 May 2021**.



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)	\$1,500
1.2	Subdivision 1-3 lots	\$1,500
	Subdivision 4 plus lots	\$2,500
1.3	Bore permits; Certificate of Compliance; Change of consent 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; Simple consent process; Transfer/part transfer of Permits	\$500

	Activity	Charge
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)	\$480
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.	\$160 162 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 applicant, to provide expertise not available in-house under s.92(2) RMA.	Cost plus administration charges

	Details	Charge
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.	\$160 162 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 ~~\$160~~ ~~162~~.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 charge out 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 appropriate hourly charge out 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 charge out 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 charge out 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 hourly charge out 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.	\$320
2.12.9	Private right-of-way – review against existing names and advising all statutory agencies where appropriate.	\$320
2.12.10	Authentication report for small-scale solid-fuel burning appliance or open fire.	\$120
2.12.11	Removal of designation.	\$305
2.12.12	Swing Mooring annual charge (monitoring costs are additional, refer 2.10.3 above).	\$75

	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)	\$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.

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
 - 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 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 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

Proposed amendments to the charges under the Resource Management Act 1991 and the Housing Accord and Special Housing Areas Act 2013

Email: **Tel:**

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]

Submissions can be made:

- Online at **nelson.govt.nz**
- By post to **Proposed amendments to the charges under the RMA and HASHAA, PO Box 645, Nelson 7010**
- By dropping off to **Civic House, 110 Trafalgar Street, Nelson**



Statement of Proposal

AMENDMENTS TO THE FOOD ACT FEES AND CHARGES

Commencing 1 July 2021

1. Nelson City Council's proposed amendments to the Food Act Fees and Charges

Nelson City Council (**Council**) would like to know what you think of the proposed amendments to the fees and charges relating to registration, verification, compliance and monitoring activities for food businesses. The current fees and charges came into effect on 1 July 2016 and were set based on the expected time for staff to carry out the various services.

Council has reviewed these fees and 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 Food Act Fees and 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 fees and charges schedule with proposed changes are included in Attachment 1 and are outlined below:

- a) Increase the hourly charge out rate from \$148 per hour to \$162 per hour
- b) Increase the initial fee for new registrations of a food business using a templated food control plan from \$222 to \$243
- c) Increase the initial fee for new registrations of a food business subject to a national programme from \$148 to \$162
- d) Increase the fee for the renewal of registrations from \$74 to \$81
- e) Change the amendments to registrations to identify if the amendment is a simple change such as the name or contact details or a significant change in circumstance of the food business. Charge an initial fee of \$40 for simple changes and \$81 for the significant change in circumstance. The current amendment charge has an initial fee of \$74
- f) Increase the initial fee for a voluntary registration suspension from \$74 to \$81

Process for consideration

This Statement of Proposal to amend the Food Act fees and charges has been prepared in accordance with the Food Act 2014, sections 198 and 205 and the Local Government Act 2002 (LGA), sections 83 and 150. Section 205(2) of the Food Act requires Council to use the special consultative procedure when fixing fees to recover costs of registration, verification, compliance and monitoring activities.

The LGA provides that the special consultative procedure must include:

- a) 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)).
- b) An identified consultation period of at least one month during which feedback on the proposal may be provided to Council (section 83(b)(iii)).
- c) 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 a higher increase to Food Act fees and charges

3. Criteria for Fixing Fees and Charges

When fixing fees Council must not provide for the recovery of more than the reasonable costs incurred by it in performing the function and it must take into account the matters outlined in section 198(2) of the Food Act, which are:

- a) Equity – funding for services should generally, and to the extent practicable be sourced from the users or beneficiaries of those services at a level commensurate with their use; and
- b) Efficiency – costs should generally be allocated and recovered to ensure maximum benefits are delivered at minimum cost; and
- c) Justifiability – cost should be collected only to meet the actual and reasonable costs (including indirect costs) of the service; and
- d) Transparency – costs are identified and allocated as closely as practicable to tangible service provisions.

4. Issues and Options

Equity

The current fees covered 45% of the Council's costs in providing services for the 2019/20 financial year. Business owners receive the registration and verification services directly from the Council and should be paying a greater share of the costs to provide the service, compared to ratepayers. The proposed increases to fees would result in the business owners meeting 49% of Council's costs.

Efficiency

During the three year transition period since the introduction of the Food Act in 2016 Council processes have been established, reviewed and refined to ensure services meet legislative requirements and are fit for purpose for the business owner.

Justifiability

Fees and charges did not change during the three year transition period to allow officers and applicants' time to better understand the new Act requirements. Fees and charges were set based on expected times to perform various tasks and now actual times to complete tasks are known.

It takes officers on average 1.75 hours to process new registration applications, one hour to renew an application, 15 minutes to amend registration details such as names or contact details, one hour to amend the scope of a registration, and half an hour to suspend a registration when volunteered by the food business.

Verifications involve visiting the site, determining compliance and reporting. The time to complete this task ranges greatly depending on the complexity of the business and level of compliance. Charging at an hourly rate with no fixed initial fee is considered a fair

method to accommodate this variability.

Monitoring food businesses outside of verifications is usually triggered by Council receiving a complaint or notice of an incident. If investigations found the business was operating in accordance with all requirements it is considered the costs of this monitoring had more of a public than private benefit and the costs are not charged to the business owner. If investigations found some level of non-compliance then costs related to following up on that non-compliance would be charged to the business owner at an hourly rate.

Transparency

Actual costs for each service under the Food Act have been identified above. The proposed changes to fees are based on the reasonable costs for Council to provide that service.

The current initial fee for registering a new food business under the National Programme is \$148 based on the expected time to process this kind of application at one hour. It actually takes officers on average 1.75 hours to process these applications which is the same time it takes to register a templated food control plan. MPI charges for national programme registrations are based on the process taking 0.75 hours compared to templated food control plan registrations taking 1.25 hours.

If the initial fee to register national programmes is set at the actual time to process it the fee would almost double. National programmes are for lower and medium-risk businesses so it is reasonable to expect these businesses would not attract the same registration costs as a higher risk business. National programmes only need to be renewed every two years so this will also provide savings compared to templated food control plans.

Similarly if the initial fee to renew registrations is set at the actual time to process it (one hour), the fee would more than double. The proposed charge is calculated at half an hour of the proposed hourly charge out rate that equates to a 10% increase of the current charge.

The hourly charge out rate for registration, verification and compliance services of \$148 was set in 2016 at the same level as other regulatory services. MPI currently charge \$155.25 per hour and a sample of other Council hourly rates range from \$145 to \$205 per hour.

Assessment of options against criteria

The options are to keep the current charges as they are, increase fees and charges as proposed in Attachment 1, or change the fees and charges at a higher level to better reflect the actual costs for the services.

	Equity	Efficiency	Justifiability	Transparency
Option 1 No changes	Current charges do not fairly cover costs at a rate proportional to the private benefit gained from the services	The lower registration cost of national programmes compared to template food control plans is supported by MPI which is beneficial to business owners in this category but it does not cover the actual	Current charges do not fully reflect the actual time to carry out the various tasks The current approach to not on charge monitoring costs when the food business is compliant is justified	Current charges do not reflect the true costs of the service The current hourly rate is at the lower end when compared to MPI and other Councils.

		cost to Council		
Option 2 Increase fees and charges as proposed	Increasing charges better reflects the private benefit proportion of the services	Increasing charges better reflects the actual time and costs for the services	Proposed amendments are considered fair and are reasonable changes compared to current charges and actual costs of the service	Proposed amendments better reflect the true costs of the services and are open to the public for comment before decisions are made
Option 3 Increase fees and charges at a higher level to better cover the actual costs for all services	The changes will improve the current allocation of costs between food business owners and ratepayers	The changes will best reflect the actual time and costs for the services	The changes are justifiable but the higher level of increase for some categories would not be reasonable compared to other categories and compared to current fee levels	The fees will be at the higher level when compared to fees for the same services imposed by some other Councils and higher than MPI expectations

Options Analysis

Option 1 — While food business owners would not face increased fees, many current initial fees do not reflect the actual time to perform that activity. In addition the food businesses are not paying a large enough proportion of the costs of the services relative to the costs covered by general rates. If no increases are made now there may need to be larger increases in the future.

Option 2 — Amending fees as proposed in Attachment 1 improves the proportionality of food business owners covering more of the cost of services under the Food 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 food business owners but the proposed increases are reasonable compared to current charges and compared to fees imposed by other Councils.

Option 3 — Increasing the fees at a higher level to best reflect the actual time for all services will ensure the business owner meets the actual Council costs for providing the service and lower the dependence on rates to provide these services. However, it is not reasonable to increase charges by this larger amount compared to current fees and the larger change is likely to cause dissatisfaction with some business owners.

Preferred Option

Option 2 — Increase Food Act 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 charges. Higher increases could be justified (particularly for National Programme registrations), but on balance it was not considered fair or reasonable to propose this.

Submissions

Anyone may make a submission about any aspect of the proposed amendments to the Food Act fees and charges and any other operations 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
- by post to Food Act 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 16 April 2021.

Any person who wishes to speak in support of their submission will be given the opportunity to address the Council at a hearing on **11 May 2021**.



Attachment 1

Proposed Amendments to the Fees under the Food Act 2014

Food premises under the Food Act 2014	Fee (includes GST)
New Registration - Food control plan (based on a template issued by MPI)	\$222-243 initial fee Plus \$148-162 per hour spent on processing application after the first 1½ hours
New Registration - National programme	\$148-162 initial fee Plus \$148-162 per hour spent on processing application after the first hour
Renewal of Registration - Food control plan or national programme	\$74-81 initial fee Plus \$148-162 per hour spent on processing application after the first ½ hour
Amendment to Registration - Food control plan or national programme	<u>Simple name or contact detail change \$40 or other changes</u> \$74-81 initial fee Plus \$148-162 per hour spent on processing application after the first ½ hour
Suspension - Voluntary suspension of food control plan or national programme	\$74-81 initial fee Plus \$148-162 per hour spent on processing the application after the first ½ hour
Verification - Includes site visits, corrective action follow up, correspondence and documentation for food control plans.	\$148-162 per hour
Compliance - Investigation of complaint resulting in the issue of an improvement notice by food safety officer or Application for review of improvement notice.	\$148-162 per hour

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Monitoring - Monitoring for food safety and suitability.	No charge
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Note – Time charged per hour will be measured to the nearest 15 minute interval.

Name:

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

Address:

Email: **Tel:**

The Hearing is scheduled for Tuesday 11 May 2021. *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 **Proposed amendments to the charges under the Food Act,
PO Box 645, Nelson 7010**
- By dropping off to **Civic House, 110 Trafalgar Street, Nelson**

Statement of Proposal

AMENDMENTS TO THE FEES AND CHARGES under the BUILDING ACT 2004 and the Local Government Official Information and Meetings Act 1987

Commencing 1 July 2021

1. Nelson City Council's proposed amendments to fees and charges under the Building Act 2004 and the Local Government Official Information and Meetings Act 1987

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 for building activities came into effect on 1 July 2020. The charges for Land Information Memorandum (LIM) reports have not changed since 2016. 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. Paper copies of this document are available at the Council's Customer Service Centre and in Nelson libraries.

2. The Proposal

The 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 hourly charge out rate for Building Unit staff from \$160 per hour to \$164 per hour on all residential consents;
- b) Increase the hourly charge out rate for commercial technical officers from \$160 per hour to \$200 per hour;
- c) Incorporate the system fee into the deposit and apply the higher system fee per consent from \$600,000 estimated value of works, instead of \$800,000 currently;
- d) Increase the quality assurance levy from \$2.50 to \$3.00 per \$1,000 of the estimated value of work (applies when the value of work is \$20,000 and over);
- e) Raise the deposit amounts to better reflect actual costs and consequently minimise larger invoices at Code Compliance Issue;
- f) The swimming pool fencing consent deposit (minor works) is proposed increase from \$325 to \$450;
- g) Identify that the express service for commercial marquees is for all applications received within the 20 working day statutory time frame;
- h) Increase the Certificate of Acceptance application fee from \$800 to \$1,000;
- i) Reduce fees for the notification of exempt works from \$315 to \$250;
- j) Remove the Electronic File Management charge;
- k) Increase LIM application fees from \$285 to \$300 for residential properties and commercial LIM applications from \$440 to \$460; and
- l) Introduce an hourly rate for multiple property title LIM applications.

The objective of the proposal is to review current fees 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 has been prepared in accordance with the following legislation:

- Building Act 2004, sections 219 and 281A
- Local Government Official Information and Meetings Act 1986, section 44A
- 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 and some of the proposed increases are higher than the December 2020 Consumer Price Index increase at 1.4%. 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 lower 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 hourly charge out rate 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 charge out rate based on each required inspection taking one hour. If additional time or additional inspections are required these will be charged separately.

LIM charges are fixed charges based on the average time it takes officers to produce the report at the hourly charge out rate.

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). Costs to recruit and retain qualified and experienced officers are increasing as are costs to engage external consultants or specialists.

The proposal is to raise the hourly charge out rates and fees to better cover the costs of providing the building and LIM services. Some of 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 charge out rate (currently \$160) is below that of Hastings (\$205 residential, \$225 commercial), New Plymouth (\$172 residential, \$193 Commercial) and Palmerston North (\$190 residential, \$208 commercial) despite staff having the same levels of qualifications.

The proposed deposits have had the current system fee incorporated into the initial charge to help minimise customer confusion. The level of deposits have increased to better reflect actual costs of the service.

The swimming pool fencing consent deposit (minor works) is proposed to increase from \$325 to \$450. This increase better covers the actual cost of vetting, processing and inspection of the property.

It is proposed to increase the quality assurance levy from \$2.50 to \$3.00 per \$1,000 of the estimated value of work which applies when the value of work is \$20,000 and over. The proposed levy better covers the costs of training and maintaining the higher levels of competencies officers require.

The Certificate of Acceptance application fee is proposed to increase from \$800 to \$1,000. This application fee aligns with Tasman District Council and will now cover the system fee introduced for this activity.

A reduction in fees for the notification of exempt works from \$315 to \$250 is proposed to better reflect the average actual costs involved with providing this service. Removing the Electronic File Management charge is also proposed as this has been incorporated within the hourly charge out rate.

LIM application fees are proposed to rise from \$285 to \$300 for residential properties and commercial applications increase from \$440 to \$460. LIM application fees have not changed since 2016 and have increased to better reflect the time taken to produce a LIM report. Addition hours spent undertaking checks for multiple titles are proposed to be charged at the hourly rate. LIM charges for other Councils of similar size to Nelson City Council range between \$272 and \$455 for residential properties and between \$380 and \$557 for commercial properties.

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 — No change to current fees

Customers will not face increased fees and charges but the current fees will not reflect the increasing costs of providing the services. Council will likely need to impose a larger increase to fees in the future and an increase in funding from rates is required to meet the increasing costs.

Option 2 — Increase the fees by CPI at 1.4%

While customers would not face the larger proposed increased fees and charges, this level of fees and charges will not reflect the anticipated increase in costs to provide the services. If this level of increase is made to fees and charges now, Council may need to impose a larger 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 as proposed

This will better ensure the cost recovery level of the Building Unit are met compared to option 2, and provide less dependence on rates. The increase could potentially cause dissatisfaction to customers.

Preferred Option

Option 3 — Amend fees as proposed in Attachment 1 and outlined in sections 2 and 4 above.

Reasons

The reasons for this option are outlined in section 4 above. In summary:

- Higher costs are anticipated to recruit and retain qualified and experienced officers;
- Changes are proposed to better reflect the actual cost of providing the service; and
- Proposed changes better align with 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
- 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 16 April 2021.

Any person who wishes to speak in support of their submission will be given the opportunity to address the Council at a hearing on **11 May 2021**.



Proposed Building Unit Fees and Charges commencing 1 July 2021

Yellow highlight are the current charges, **Green** highlight and far right column are the proposed changes.

All applications are subject to the following fees:

- **Deposit** as listed below – **to be paid upon application** (now includes System Fee)
- **Upon Granting of building consent** - all additional costs will be invoiced and must be paid prior to Issue of Building Consent. These include: Specialist fees, Staff time at hourly charge out rate in excess of deposit, plus estimated inspections fees, all levies and Development/Financial contributions as applicable.
- **Before CCC Issue** - Any further time will be invoiced at hourly charge out rates.

Development and financial contributions: Building consents may also incur development and/or financial contributions - see [website information](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/>

Table 1 below, applies to all applications: Commercial, Residential, New or Alteration & Additions. Costs exceeding the deposit are invoiced at hourly charge out rate prior to issue.

Deposit now includes the application fee and is chargeable upon application:	Current Deposit	Proposed Deposit
Amendment to Issued Building Consent - deposit plus hourly rate.	Hourly rate	
Value of Work - up to \$5,000	\$665.00	\$750.00
- \$5,001 to \$10,000	\$910.00	\$1000.00
- \$10,001 to \$20,000	\$1,520.00	\$1,670.00
- \$20,001 to \$50,000	\$2,275.00	\$2,430.00
- \$50,001 to \$100,000	\$2,500.00	\$2,660.00
- \$100,001 to \$200,000	\$2,772.00	\$3,100.00
- \$200,001 to \$400,000	\$3,352.00	\$4,000.00
- \$400,001 to \$600,000 - New category to even out the spread of costs		\$5,000.00
- \$600,001 to \$800,000	\$4,137.00	\$6,000.00
- \$800,001 to \$1,200,000	\$4,260.00	\$7,000.00
- \$1,200,001 to \$4,000,000	\$5,575.00	\$7,500.00
- \$4,000,001 or more	\$9,000.00	\$9,500.00

Levies - fixed and required under Building Act 2004 - fee based on value of work. Note: an Amendment that adds value to the original consent may cause it to incur (additional) Levies.

BRANZ Levy - Building Research Association New Zealand Levy - where estimated value is \$20,000 and over	\$1.00 per \$1,000	No change
MBIE Levy - Ministry of Business, Innovation and Employment Levy where estimated value is \$20,444 and over	\$1.75 per \$1,000	No change
Insurance Levy - where estimated value is \$20,000 and over and capped at \$10,000,000	\$1.50 per \$1,000	No change
QA Levy - Quality Assurance/Building Consent Authority Levy - where estimated value is \$20,000 and over.	\$2.50 per \$1,000	\$3.0 per \$1,000

Hourly charge out rates for staff, meetings and external contractors	Current Per Hour	Proposed Per Hour
Building Control Administrators & Residential Building (Technical) Officers	\$160.00	\$164.00
Commercial Building (Technical) Officers (Includes any commercial meeting with customer/project managers etc.)	\$160.00	\$200.00
Any other meeting with Building Unit Staff or Duty Building Officer - chargeable after first 30 minutes.	\$160.00	\$164.00

Appendix 1

External contractors or specialists engaged by Council	At cost	At Cost
Minor Works – includes system fee and deposit - payable upon application. Costs exceeding deposit are charged at hourly charge out rate	Current Deposit	Proposed Deposit
Swimming pool fencing application	\$325	\$450.00
Solid fuel burner/Space heater	\$350	\$430.00
Inbuilt burner/heater requiring extra cavity inspection	Hourly rate	\$595.00
Demolition work	\$500	\$630.00
Marquee – Private/Residential > 100m2	\$300	\$380.00
Marquee any size in place for more than one month, commercial/ private	\$500	\$630.00
Express Service For Commercial Marquees (less than 20 working days notice)	\$1,175.00	\$1,320.00
Swimming Pool Application	\$910.00	\$1,050.00
Bathroom Alterations including wet area shower	\$910.00	\$1,195.00
Proprietary Garage >\$20k – Non-refundable deposit plus hourly charge out rate	\$1,520.00	\$1,665.00
Any Relocated dwelling	\$2,175.00	\$2,330.00
Works for which a Building Consent is Not Required	Current Deposit	Proposed Deposit
Notification of Exempt Work - Schedule 1 (except clause 2) – no assessment by Territorial Authority, application placed on Property File, one-off fixed fee.	\$315.00	\$255.00
Application for Discretionary Exemption – Schedule 1 (2) only – Requires Territorial Authority assessment and decision. Costs exceeding the deposit are charged at the hourly charge out rate	\$315.00 +	\$320.00 +
Unauthorised building works report (works prior to 1991) to file	\$315.00	\$255.00
Certificate of Acceptance (COA)	Current Deposit	Proposed Deposit
Applicants will be charged a \$1,000.00 application fee PLUS: all applicable consent fees (including processing & inspection fees) and levies that would have been required and payable, had building consent been applied for BEFORE carrying out the work. Any specialist input, where applicable, will be charged out at cost. The hourly charge out rate will be charged for all staff time. 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.	\$800 plus all fees that would have been payable for processing & inspecting BC	\$1,000 plus all fees that would have been payable for processing & inspecting BC
Notice to Fix (NTF) and Other Enforcement Costs exceeding the deposit are charged at the hourly charge out rate	Current Deposit	Proposed Deposit
Notice to fix (each) issue	\$370.00	\$520.00
Other notices (each) issued under Building Act 2004	\$160.00	\$175.00
Section 124 notices for Dangerous or Insanitary Buildings (except where issued as a result of a natural disaster)	\$370.00	\$520.00
Building Officer time and monitoring of notices issued	Hourly rate	Hourly charge out rate
Registration of Documents with Land Information New Zealand Costs exceeding the deposit are charged at the hourly charge out rate	Current Deposit	Proposed Deposit
Section 73 Building Act 2004	\$450.00	\$455.00

Item 8: 2021 Environmental Management Fees and Charges review: Attachment 3

		Appendix 1
Section 75 Building Act 2004	\$450.00	\$455.00
Removal of section 73 or 75 (or equivalent under the Building Act '91)	\$450.00	\$455.00
Other Services Provided by the Building Unit	Current Deposit	Proposed Deposit
Costs exceeding the deposit are charged at the hourly charge out rate		
Project Information Memorandum (PIM) – charged at \$164 per hour for all staff. The deposit is only required if the PIM application is not part of a building consent application	\$300.00	\$305.00
Compliance schedule - New	\$200.00	\$400.00
Compliance schedule - Amendment	\$160.00	\$250.00
Building Warrant of Fitness (BWoF) each renewal	\$175.00	\$180.00
BWoF back flow preventer only - plus any additional time to review 12A forms at hourly charge out rate	\$50.00	\$50.00
BWoF Audit of commercial premises plus additional time if necessary	\$175.00	\$180.00
Swimming pool barrier audit plus additional time if necessary	\$150.00	\$180.00
Determinations; Lapsed consents; Extension of time under section 52; and Section 93 decisions	Hourly rate	Hourly charge out rate
Certificate for public use (CPU) fee - public buildings only	\$400.00	\$405.00
CPU extension of time will be invoiced for \$610 plus staff time at hourly charge out rate	\$600.00 + hourly rates	\$610.00 + hourly rates
Code Compliance Certificate	Hourly rate	Hourly rate
Electronic file management charge – under \$20,000 no charge.	\$50.00	
Application for Exemption, for an Earthquake Prone Building	\$610.00	\$620.00
Application for Extension of time for Heritage Earthquake Prone Building	\$610.00	\$620.00
Assessment of information related to a Building's EQP status	\$610.00	\$620.00
Minor Variations deposit plus hourly charge out rate	Hourly rate	\$80.00
Amendment to Issued Building Consent - deposit plus hourly rate.	Not identified	\$125 +
Building Code Clause modification or waivers – e.g. B2 Mod. - Durability Amendment to modify building code clause (e.g. B2 – Durability)	\$185.00	\$190.00
Certificate of compliance (District Licensing Agency) Building code compliance assessment for fire safety and sanitary facilities in a building, prior to an alcohol license application	\$150.00	\$160.00
Commercial report of Monthly Building Consents Issued - Annual Fee	\$250.00 per annum	\$260.00 per annum
Commercial report of Monthly & Mid-monthly Building Consents Issued - Annual Fee	\$500.00 per annum	\$550.00 per annum
Debt recovery - Applicant shall be liable for all costs incurred by Council as a result of debt recovery. In making an application to Council you agree to abide by the Council Debtor Terms and Conditions: http://www.nelson.govt.nz/assets/Our-council/Downloads/working-with-council/customer-accounts/Debtor-Terms-Conditions.pdf	Hourly charge out rate	Hourly charge out rate
LIMS	Current	Proposed
Residential	\$285	\$300
Commercial	\$440	\$460
Multiple titles		Hourly rate



Name:

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

Address:.....

Email: **Tel:**

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

The Hearing is scheduled for Tuesday 11 May 2021. *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 **Proposed amendments to the Building and LIM charges, PO Box 645, Nelson 7010**
- By dropping off to **Civic House, 110 Trafalgar Street, Nelson**



Statement of Proposal

AMENDMENTS TO THE ENVIRONMENTAL HEALTH FEES AND CHARGES

Commencing 1 July 2021

1. Nelson City Council's proposed amendments to the Environmental Health Fees and Charges

Nelson City Council (**Council**) would like to know what you think of the proposed amendments to the fees and charges relating to Council's environmental health activities such as animal control, registration of hairdressers, offensive trades, and oil spill contingency plan approval costs. These activities are administered under the Local Government Act 2002 (LGA), Health Act 1956 (and associated Regulations), Impounding Act 1955 and the Maritime Transport Act 1994.

The environmental health fees and charges have not changed since 1 July 2016. These fees and charges should be appropriate, reasonable and relate to the costs for providing the service.

Council has reviewed these fees and 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 Environmental Health Fees and 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 fees and charges schedule with proposed changes are included in Attachment 1 and are outlined below:

- a) Increase the hairdressers annual licence fee from \$155 to \$162 and if paid after 31 July increase from \$186 to \$194
- b) Increase the offensive trades annual licence fee from \$236 to \$243 and if paid after 31 July increase from \$283 to \$292
- c) Increase the hourly charge out rate for animal control (other than dog control) from \$125 per hour to \$162 per hour
- d) Identify the staff hourly rate for processing Site Marine Oil Spill Contingency Plans as being \$162 per hour
- e) Identify the staff hourly rate for maritime oil spill responses is \$162 per hour and other disbursement charges will apply at cost

Process for consideration

This Statement of Proposal to amend the Environmental Health (including Maritime) fees and charges has been prepared in accordance with the following legislation:

- Health Act 1956 sections 120 and 120B and the Health (Registration of Premises) Regulations 1966
- Impounding Act 1955 Parts 4 and 7
- Maritime Transport Act 1994 sections 33R, 270 and Part 130B of the Maritime Protection Rules
- Local Government Act 2002 (LGA), sections 83 and 150

Council has chosen to use the special consultative procedure for amending the fees and charges under the Health Act, the Impounding Act and Maritime Transport Act because a number of changes are increases above the Consumer Price Index December 2020 rate of 1.4%, the consistency of timing and process with fee changes for other

activities and for ease of understanding by the public.

This Statement of Proposal has been prepared in accordance with sections 83 and 150 of the Local Government Act 2002 (LGA), sections 83 and 150. The LGA provides that the special consultative procedure must include:

- a) 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)).
- b) An identified consultation period of at least one month during which feedback on the proposal may be provided to Council (section 83(b)(iii)).
- c) 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 a higher increase to Food Act fees and charges

3. Criteria for Fixing Fees and Charges

Health Act 1956

The Health (Registration of Premises) Regulations 1966 is relevant to the registration of hairdressers (see also section 120(2)(f) of the Health Act 1956) and offensive trades (see also section 54 and 120(2)(d) of the Health Act 1956). The purpose of the regulations is to provide a uniform procedure for the registration of all premises required or permitted to be registered by the Council under the Health Act 1956 or under any regulations made under that Act.

Fees and charges the Council can fix:

- a) The Council may charge an appropriate fee when it receives an application for the registration of any premises (Regulation 4).
- b) The Council may charge an appropriate fee for the issue of certificate of registration (Regulation 5(1)).
- c) On the renewal of the registration of any premises the Council may charge an appropriate fee (Regulation 5(4)).
- d) If the premises subject to registration have a new occupier, that occupier is required to apply to the Council to have the change noted in the record of registration and on the certificate of registration. The Council may charge a fee in respect of such noting (Regulation 6).

Regulation 7 allows these fees to be set by the Council, by resolution.

Impounding Act 1955

This Act provides powers for local authorities to manage wandering stock through the provision of public pounds and poundkeepers. Part 4 identifies fees and charges in relation to poundage fees, driving charges and trespass rates. Part 7 enables the stock to continue

to be detained until all charges are paid.

Section 14 allows these fees to be set by the Council, by resolution publicly notified.

Maritime Transport Act 1994

Section 33R of the Maritime Transport Act 1994 allows for the regional council to prescribe fees and charges for any function, duty, power, or service performed, exercised, or provided by the council in respect of any ship, maritime facility, offshore installation, pipeline, oil transfer site, navigational aid, or marine farm and any maritime-related activities it undertakes. It allows for the regional council to fix such fees and charges on any differential basis (for example, based on the size of a ship, or on the basis of the nature, the location, and use of a facility). Section 33R does not provide any further criteria for the setting of fees and charges.

Under the Maritime Protection Rules, Rule 130B.4, no person may operate an oil transfer site without the Director's written approval of a site marine oil spill contingency plan that complies with the requirements of the Schedule. The Council has been delegated the power to approve a site marine oil spill contingency plan by the Director pursuant to sections 270 and 444 of the Maritime Transport Act and Part 130B of the Marine Protection Rules.

4. Issues and Options

Actual times to complete tasks are known or can vary depending on the complexity of the activity. It takes officers on average one hour to process hairdresser registrations including an inspection, and about 1.5 hours to process offensive waste registrations. The proposed minor increase for the hairdresser licence fee from \$155 to \$162 reflects the time required to process the applications. The increase proposed for the offensive trades from \$236 to \$243 also recognises the time taken to process the applications.

Additional inspections, animal control or non-compliance follow ups take a range of time depending on the issues. It is appropriate this is charged at an hourly rate rather than a fixed fee. An hourly rate of \$162 is proposed for additional inspections or compliance activities. It is seldom that the hourly rate is charged for these services and the rate at \$162 is consistent with other regulatory services charge out rates.

Processing marine contingency plans and responding to pollution incidents also take a range of time depending on the complexity and nature and scale of the incident. An hourly rate for staff time is appropriate plus on-charging any disbursements such as replacing materials used in an oil spill clean-up. This ensures those receiving the benefit of Council services pays the reasonable cost for that service. The rate of \$162 per hour is proposed and consistent with other regulatory services charge out rates. This covers all overheads associated with providing the service.

Options Analysis

Option 1 — No changes

Likely to require larger increases in the future. The income received for these activities are currently not meeting Council's costs and non-users are currently subsidising these regulatory activities.

Option 2 — Amend fees and charges as proposed

Amending charges as proposed in Attachment 1 better reflects the actual time taken to perform tasks, clearly identifies charges and reduces the potential for larger increases in the future. The more complete and compliant an application and business is, the lower

the costs associated with inspection and compliance duties since these are based on an hourly rate. The \$162 hourly rate is consistent with other regulatory activity hourly rates.

Option 3 — Increase the staff hourly rate at a lower rate of \$150 per hour

The hourly rate for animal control is currently \$125. The proposed rate of \$162 per hour is a 28% increase. Having a lower hourly rate will lessen the impact on users of these activities. The impact of the large increase will not actually be realised by applicants or owners as animal control and compliance services are seldom needed. In addition this lower rate will not be consistent with other regulatory services hourly rates and will likely require larger increases in the future.

Preferred Option

Option 2 — Amend Environmental Health fees and charges as proposed in Attachment 1 and outlined in section 2 above.

Reasons

The proposed increases better cover the actual costs for the service and are a small and reasonable increase compared to existing charges and charges. The identification of charges under the Maritime Transport Act improves the transparency of costs associated with these activities or incidents. Is also consistent with other regulatory hourly rates.

Submissions

Anyone may make a submission about any aspect of the proposed amendments to the Food Act fees and charges and any other operations 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
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- by delivering your submission to Civic House, 110 Trafalgar Street, Nelson.

Submissions must be received no later than 16 April 2021.

Any person who wishes to speak in support of their submission will be given the opportunity to address the Council at a hearing on **11 May 2021**.



Attachment 1

Proposed Environmental Health Fees

Environmental Health Licence and Activity Fees	\$ if paid on or before 31 July	\$ if paid after 31 July
Hairdressers	155.00 162.00	186.00 194.00
Offensive trades	236.00 243.00	283.00 292.00
Animal Control (other than dogs) time taken at hourly charge out rate	125.00 162.00 per hour	125.00 162.00 per hour
Processing Site Marine Contingency Plans	162.00 per hour	162.00 per hour
Pollution response – hourly charge out rate	162.00 per hour	162.00 per hour
- disbursements		cost

Proposed amendments to the Environmental Health charges under the Local Government Act 2002, Health Act 1956, Impounding Act 1955 and the Maritime Transport Act 1994

Email: **Tel:**

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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Submissions can be made:

- Online at **nelson.govt.nz**
- By post to **Proposed amendments to the Environmental Health charges, PO Box 645, Nelson 7010**
- By dropping off to **Civic House, 110 Trafalgar Street, Nelson**

Attachment 5**Proposed Dog Control Fees for 2021/22 (all charges include GST)**

Registration Fees	Current fee \$	Proposed fee \$
Rural dogs (properties of 1 hectare or more)	53.50	54.50
All other urban dogs	95.80	97.00
All dogs classified as dangerous (standard registration fee, plus 50% surcharge as required by statute)	143.70	145.50
Community working dog such as Police, Seeing Eye and Hearing Dogs	5.00	5.00
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.		
Replacement registration disc	5.00	5.00
Registration discounts (applied annually): Neutered dog (proof from vet is required)	-5.00	-5.00
Impounding Fees (in any 12 month period)		
First Impounding	75.00	76.00
Second Impounding	150.00	152.00
Third Impounding	225.00	228.00
Daily charge (for each day following impounding)	15.00	15.00
After hours callout charge (outside normal working hours)	80.00	81.00
Install microchip to impounded dogs where required	38.00	38.50

A2554765

Item 8: 2021 Environmental Management Fees and Charges review: Attachment 6
(A2564096)

Appendix A - Example of Building Consent Costs for 2021-22								
All Building Types - Res/Comm New/Alt & Addition								
			2020-21		2021-22			
All Building Types	Activity	Hrs	Rate	Costs	Hrs	Rate	Costs	Comments
Residential	Non refundable Deposit	1	\$ 2,500.00	\$ 2,500.00	1	\$ 2,660.00	\$ 2,660.00	Application fee inc. in deposit.
\$50,000 to \$100,000	Vetting	1.0	\$ 160.00	\$ 160.00	1.0	\$ 164.00	\$ 164.00	
	Plan processing	6.0	\$ 160.00	\$ 960.00	6.0	\$ 164.00	\$ 984.00	
	Admin & Mgt Fee	2.5	\$ 160.00	\$ 400.00	2.5	\$ 164.00	\$ 410.00	
EXAMPLE	Inspections	10.0	\$ 160.00	\$ 1,600.00	10.0	\$ 164.00	\$ 1,640.00	
BC190078 -	CCC Fee	2.0	\$ 160.00	\$ 320.00	2.0	\$ 164.00	\$ 328.00	Extra above deposit = staff costs - deposit + system fee
R1	RMA (if applicable)	1.0	\$ 160.00	\$ 160.00	1.0	\$ 162.00	\$ 162.00	
\$100,000 Pool, Pool shed & deck	Subtotal - Actual BC staff costs			\$ 3,600.00			\$ 3,688.00	\$ 1,153.00
	QA Levy		\$2.50/\$1000	\$ 200.00		\$3.00/\$1000	\$ 240.00	BCA Accreditation Levy
	Insurance Levy		\$1.50/\$1000	\$ 120.00		\$1.50/\$1000	\$ 120.00	Legal Claims NCC Levies
	Total income to NCC			\$ 3,920.00			\$ 4,048.00	\$ 360.00
	BRANZ Levy		\$1.00/\$1000	\$ 80.00		\$1.00/\$1000	\$ 80.00	Government Levies
	MBIE Levy		\$1.75/\$1000	\$ 139.22		\$1.75/\$1000	\$ 139.22	
	DCs (if applicable)							Development & Financial Cont
	Application Fee	1	\$ 125.00	\$ 125.00	1	\$ 125.00	\$ 125.00	Paid to Simpli & GoGet
	Total Cost to Customer			\$ 4,264.22		Total Cost	\$ 4,392.22	
	Total BC fee increase based on Proposal:							\$ 128.00
All Building Types	Activity	Hrs	Rate	Costs	Hrs	Rate	Costs	Comments
Residential	Non refundable Deposit	1	\$ 3,352.00	\$ 3,352.00	1	\$ 5,000.00	\$ 5,000.00	Application fee inc. in deposit.
\$400,001 to \$600,000	Vetting	2.0	\$ 160.00	\$ 320.00	2.0	\$ 164.00	\$ 328.00	
	Plan processing	12.0	\$ 160.00	\$ 1,920.00	12.0	\$ 164.00	\$ 1,968.00	
	Admin & Mgt Fee	4.5	\$ 160.00	\$ 720.00	4.5	\$ 164.00	\$ 738.00	
EXAMPLE	Inspections	16.0	\$ 160.00	\$ 2,560.00	16.0	\$ 164.00	\$ 2,624.00	
BC190522 -	CCC Fee	2.5	\$ 160.00	\$ 400.00	2.5	\$ 164.00	\$ 410.00	Extra above deposit = staff costs - deposit + system fee
R3	RMA (if applicable)	1.5	\$ 160.00	\$ 240.00	1.5	\$ 162.00	\$ 243.00	
\$432,000 Detached Dwelling	Subtotal - Actual BC staff costs			\$ 6,160.00			\$ 6,311.00	\$ 1,436.00
	QA Levy		\$2.50/\$1000	\$ 1,030.00		\$3.00/\$1000	\$ 1,236.00	BCA Accreditation Levy
	Insurance Levy		\$1.50/\$1000	\$ 618.00		\$1.50/\$1000	\$ 618.00	Legal Claims NCC Levies
	Total income to NCC			\$ 7,808.00			\$ 8,165.00	\$ 1,854.00
	BRANZ Levy		\$1.00/\$1000	\$ 412.00		\$1.00/\$1000	\$ 412.00	Government Levies
	MBIE Levy		\$1.75/\$1000	\$ 720.22		\$1.75/\$1000	\$ 720.22	
	DCs (if applicable)							Development & Financial Cont
	Application Fee	1	\$ 125.00	\$ 125.00	1	\$ 125.00	\$ 125.00	Paid to Simpli & GoGet
	Total Cost to Customer			\$ 9,065.22		Total Cost	\$ 9,422.22	
	Total BC fee increase based on Proposal:							\$ 357.00
All Building Types	Activity	Hrs	Rate	Costs	Hrs	Rate	Costs	Profit
Residential	Non refundable Deposit	1	\$ 4,137.00	\$ 4,137.00	1	\$ 6,000.00	\$ 6,000.00	Application fee inc. in deposit.
\$600,001 to \$800,000	Vetting	2.0	\$ 160.00	\$ 320.00	2.0	\$ 164.00	\$ 328.00	
	Plan processing	15.0	\$ 160.00	\$ 2,400.00	15.0	\$ 164.00	\$ 2,460.00	
	Admin & Mgt Fee	4.5	\$ 160.00	\$ 720.00	4.5	\$ 164.00	\$ 738.00	
EXAMPLE	Inspections	18.0	\$ 160.00	\$ 2,880.00	18.0	\$ 164.00	\$ 2,952.00	
BC190726 -	CCC Fee	2.5	\$ 160.00	\$ 400.00	2.5	\$ 164.00	\$ 410.00	Extra above deposit = staff costs - deposit + system fee
R2	RMA (if applicable)	2.0	\$ 160.00	\$ 320.00	2.0	\$ 162.00	\$ 324.00	
\$650,000 Dwelling Alterations & addition	Subtotal - Actual BC staff costs			\$ 7,040.00			\$ 7,212.00	\$ 1,462.00
	QA Levy		\$2.50/\$1000	\$ 1,575.00		\$3.00/\$1000	\$ 1,890.00	BCA Accreditation
	Insurance Levy		\$1.50/\$1000	\$ 945.00		\$1.50/\$1000	\$ 945.00	Legal Claims NCC Levies
	Total income to NCC			\$ 9,560.00			\$ 10,047.00	\$ 2,835.00
	BRANZ Levy		\$1.00/\$1000	\$ 630.00		\$1.00/\$1000	\$ 630.00	Government Levies
	MBIE Levy		\$1.75/\$1000	\$ 1,101.72		\$1.75/\$1000	\$ 1,101.72	
	DCs (if applicable)							Development & Financial Cont
	Application Fee	2	\$ 125.00	\$ 250.00	2	\$ 125.00	\$ 250.00	Paid to Simpli & GoGet
	Total Cost to Customer			\$ 11,541.72		Total Cost	\$ 12,028.72	
	Total BC fee increase based on Proposal:							\$ 487.00

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All Building Types	Activity	Hrs	Rate	Costs	Hrs	Rate	Costs	Comments
Commercial	Non refundable Deposit	1	\$ 2,772.00	\$ 2,772.00	1	\$ 3,100.00	\$ 3,100.00	Application fee inc. in deposit.
\$100,001 to \$200,000	Vetting	1.5	\$ 160.00	\$ 240.00	1.5	\$ 164.00	\$ 246.00	
	Plan processing	10.0	\$ 160.00	\$ 1,600.00	10.0	\$ 164.00	\$ 1,640.00	
	Admin & Mgt Fee	3.5	\$ 160.00	\$ 560.00	3.5	\$ 164.00	\$ 574.00	
EXAMPLE	Inspections	12.0	\$ 160.00	\$ 1,920.00	12.0	\$ 164.00	\$ 1,968.00	
BC190546	CCC Fee	2.0	\$ 160.00	\$ 320.00	2.0	\$ 164.00	\$ 328.00	Extra above deposit =
C1	RMA (if applicable)	1.0	\$ 160.00	\$ 160.00	1.0	\$ 162.00	\$ 162.00	staff costs - deposit + system fee
\$190,000 Commercial	Subtotal - Actual BC staff costs			\$ 4,800.00			\$ 4,918.00	\$ 1,943.00
Alterations	QA Levy		\$2.50/\$1000	\$ 425.00		\$3.00/\$1000	\$ 510.00	BCA Accreditation
	Insurance Levy		\$1.50/\$1000	\$ 255.00		\$1.50/\$1000	\$ 255.00	Legal Claims NCC Levies
	Total income to NCC			\$ 5,480.00			\$ 5,683.00	\$ 765.00
	BRANZ Levy		\$1.00/\$1000	\$ 170.00		\$1.00/\$1000	\$ 170.00	Government Levies
	MBIE Levy		\$1.75/\$1000	\$ 296.72		\$1.75/\$1000	\$ 296.72	
	DCs (if applicable)							Development & Financial Cont
	Application Fee	1	\$ 125.00	\$ 125.00	1	\$ 125.00	\$ 125.00	Paid to Simpli & GoGet
	Total Cost to Customer			\$ 6,071.72		Total Cost	\$ 6,274.72	
	Total BC fee increase based on Proposal:							\$ 203.00
All Building Types	Activity	Hrs	Rate	Costs	Hrs	Rate	Costs	Comments
Commercial	Non refundable Deposit	1	\$ 4,260.00	\$ 4,260.00	1	\$ 7,000.00	\$ 7,000.00	Application fee inc. in deposit.
\$800,001 to \$1,200,000	Vetting	2.0	\$ 160.00	\$ 320.00	2.0	\$ 164.00	\$ 328.00	
	Plan processing	16.0	\$ 160.00	\$ 2,560.00	16.0	\$ 164.00	\$ 2,624.00	
	Admin & Mgt Fee	5.0	\$ 160.00	\$ 800.00	5.0	\$ 164.00	\$ 820.00	
EXAMPLE	Inspections	20.0	\$ 160.00	\$ 3,200.00	20.0	\$ 164.00	\$ 3,280.00	
BC190620	CCC Fee	3.0	\$ 160.00	\$ 480.00	3.0	\$ 164.00	\$ 492.00	Extra above deposit =
C2	RMA (if applicable)	2.0	\$ 160.00	\$ 320.00	2.0	\$ 162.00	\$ 324.00	staff costs - deposit + system fee
\$900,000 Commercial	Subtotal - Actual BC staff costs			\$ 7,680.00			\$ 7,868.00	\$ 1,118.00
Service Bay Alterations	QA Levy		\$2.50/\$1000	\$ 2,200.00		\$3.00/\$1000	\$ 2,640.00	BCA Accreditation
	Insurance Levy		\$1.50/\$1000	\$ 1,320.00		\$1.50/\$1000	\$ 1,320.00	Legal Claims NCC Levies
	Total income to NCC			\$ 11,200.00			\$ 11,828.00	\$ 3,960.00
	BRANZ Levy		\$1.00/\$1000	\$ 880.00		\$1.00/\$1000	\$ 880.00	Government Levies
	MBIE Levy		\$1.75/\$1000	\$ 1,539.22		\$1.75/\$1000	\$ 1,539.22	
	DCs (if applicable)			\$ 17,905.00			\$ 17,905.00	Development & Financial Cont
	Application Fee	1	\$ 125.00	\$ 125.00	2	\$ 125.00	\$ 250.00	Paid to Simpli & GoGet
	Total Cost to Customer			\$ 31,649.22		Total Cost	\$ 32,402.22	
	Total BC fee increase based on Proposal:							\$ 753.00
All Building Types	Activity	Hrs	Rate	Costs	Hrs	Rate	Costs	Comments
Commercial	Non refundable Deposit	1	\$ 9,000.00	\$ 9,000.00	1	\$ 9,500.00	\$ 9,500.00	Application fee inc. in deposit.
\$4,000,001 and over	Vetting	3.0	\$ 160.00	\$ 480.00	3.0	\$ 164.00	\$ 492.00	
	Plan processing	86.0	\$ 160.00	\$ 13,760.00	86.0	\$ 164.00	\$ 14,104.00	
	Admin & Mgt Fee	5.0	\$ 160.00	\$ 800.00	5.0	\$ 164.00	\$ 820.00	
EXAMPLE	Inspections	47.0	\$ 160.00	\$ 7,520.00	47.0	\$ 164.00	\$ 7,708.00	
BC190769	CCC Fee	3.0	\$ 160.00	\$ 480.00	3.0	\$ 164.00	\$ 492.00	Extra above deposit =
C3	RMA (if applicable)	2.0	\$ 160.00	\$ 320.00	2.0	\$ 162.00	\$ 324.00	staff costs - deposit + system fee
\$16,800,000 -	Subtotal - Actual BC staff costs			\$ 23,360.00			\$ 23,940.00	\$ 14,690.00
Apartment Building	QA Levy		\$2.50/\$1000	\$ 41,950.00		\$3.00/\$1000	\$ 50,340.00	BCA Accreditation
Multi-Unit Dwelling	Insurance Levy		\$1.50/\$1000	\$ 25,170.00		\$1.50/\$1000	\$ 25,170.00	Legal Claims NCC Levies
	Total income to NCC			\$ 90,480.00			\$ 99,450.00	\$ 75,510.00
	BRANZ Levy		\$1.00/\$1000	\$ 16,780.00		\$1.00/\$1000	\$ 16,780.00	Government Levies
	MBIE Levy		\$1.75/\$1000	\$ 29,364.22		\$1.75/\$1000	\$ 29,364.22	
	DCs (if applicable)			\$481,061.62			\$481,061.62	Development & Financial Cont
	Application Fee	2	\$ 125.00	\$ 250.00	2	\$ 125.00	\$ 250.00	Paid to Simpli & GoGet
	Total Cost to Customer			\$617,935.84		Total Cost	\$626,905.84	
	Total BC fee increase based on Proposal:							\$ 8,970.00

Biosecurity Annual Review

1. Purpose of Report

- 1.1 To present a summary of the achievements of the 2019-20 Operational Plan for the Tasman-Nelson Regional Pest Management Plan (RPMP), and to present the Operational Plan for the 2020-21 financial year.

2. Summary

- 2.1 The Tasman-Nelson Regional Pest Management Plan 2019-2029 (RPMP) provides a framework for the efficient and effective management of eradication of specified organisms (declared 'pests') across the Tasman and Nelson regions. Tasman District Council is the management agency for the joint RPMP. Section 100B (2(a)) of the Biosecurity Act 1993 requires the management agency to prepare an Operational Plan for the RPMP and then review that plan annually and report on its implementation.
- 2.2 Because each Council is responsible for reporting pest management activities against its own Annual Plan targets, the 2019-20 Operational Plan was prepared for each region in the form of two volumes – the Nelson region volume (Attachment 1) was approved by the Environment Committee at its meeting on 28 November 2019.
- 2.3 The review of the 2019-20 Operational Plan summarises the activities undertaken and is in two parts (Attachments 2 and 3). Attachment 2 summarises the activities against the objectives of the Operational Plan, and Attachment 3 provides a more extensive analysis against specific targets for each pest.
- 2.4 The review confirms Nelson City Council is meeting its biosecurity obligations and work undertaken was within budget.
- 2.5 The 2020-21 Operational Plan (Attachment 4) outlines the objectives and activities to be undertaken in implementing the RPMP. The total approved budget is \$745,000 across both Tasman and Nelson regions and the budget for implementing the Operational Plan for the Nelson region is \$262,000.

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- 2.6 The Operational Plans and review have also been reported to Tasman District Council as a joint partner and the management agency for the RPMP.

3. Recommendation

That the Environment and Climate Committee

1. ***Receives the report Biosecurity Annual Review (R21465) and its attachments (A2262413, A2504242, A2504241, and A2486628).***

Recommendation to Council

That the Council

1. ***Approves the Operational Plan 2020-21 for the Tasman-Nelson Regional Pest Management Plan (A2486628), specifically as it relates to Nelson City Council's area.***

4. Background

- 4.1 Nelson City Council and Tasman District Council have operated a joint Regional Pest Management Strategy/Plan, and provided an annual Operational Plan, as required by the Biosecurity Act since its introduction in 1993.
- 4.2 This report presents activity undertaken over 2019-20 to implement the RPMP which came into effect on 1 July 2019.
- 4.3 The 2019-20 Operational Plan (Attachment 1) was the first year of the new RPMP under the Biosecurity Act revisions in 2015 which established the National Policy Direction for Pest Management. The new format sets out objectives and targets to be achieved in that period. Progress on the objectives is outlined in Attachment 2. For additional detail on targets and explanation, reference should be made to the annual review report in Attachment 3.
- 4.4 The 2020-21 Operational Plan (Attachment 4) outlines the objectives and activities to be undertaken when implementing the RPMP in 2020-21. There have been a number of learnings related to the provisions of the new RPMP and the practical application of the performance indicators in the Operational Plan. Metrics in the 2020-21 Operational Plan have been streamlined and simplified to enable better monitoring of performance with the RPMP.
- 4.5 The Operational Plans are based on the pests and programmes contained in the RPMP along with the requirements of the National Policy Direction for Pest Management 2015.

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- 4.6 There are five types of pest management programmes to be carried out under the RPMP. These are summarised below, along with a number of key projects which highlight the range of activities covered in the programme.
- Exclusion pest programme – preventing 12 high threat pests from establishing in the Tasman and Nelson regions.
 - Eradication pest programme – eliminating 24 high threat pests from the regions (or parts of a region).
 - Progressive containment pests programme – containing and reducing the extent of seven pest plants across the regions.
 - Sustained control pest programme - ongoing control of 23 widespread pest plants and other organisms to reduce their impacts and spread to other properties.
 - Site-led pest programmes – control of named pests to reduce their impacts on natural biodiversity values at specific sites. There are three key sites or places covered by the RPMP, all of them are in Tasman District Council region.
- 4.7 The following classifications are used for RPMP pest inspections: new site; active property; monitoring property; and historic property. A new site is a property with a pest first recorded within the current financial year. An active property has live material (plants, seedlings, tubers, etc) present. A monitoring property has no live material up to a specific period for each pest (e.g. Taiwan cherry five years; saffron thistle 20 years). An historic property has no live material for more than the period specified for each pest.
- 4.8 The 2019-20 Operational Plan achieved the objectives and was delivered within budget.
- 4.9 In addition to meeting its obligations under the RPMP, the Council undertakes extensive control of plant and animal pests that are not included in the RPMP but which threaten ecological values on Council land or important areas for biodiversity. The details of this plant and animal pest control are reported by staff in the Parks and Science and Environment teams in relevant Quarterly Reports.
- 4.10 To address marine biosecurity responsibilities, and enhance eradication of the RPMP listed marine pest *Sabella*, both Nelson City Council and Tasman District Council participate in the Top of the South Marine Biosecurity Partnership along with Marlborough District Council and the Ministry for Primary Industries. This continues to be an effective forum through which to prepare for, and respond to, marine pest incursions.

5. Discussion

Exclusion pests

- 5.1 Surveillance monitoring and investigations continued to check and prevent the following exclusion pests becoming established in the region: Cape tulip, Chilean needle grass, hornwort, Indian myna, Johnson grass, Koi carp; *Phragmites*; rooks; Senegal tea; velvet leaf; wallabies; and water hyacinth.

Eradication pests

- 5.2 Twelve of the 24 eradication pests occur in Nelson. With the exception of saffron thistle and Taiwan cherry, these are on track to be eradicated over the duration of the RPMP (i.e. by 2029). All new, active and monitoring sites were inspected during the year. All live plants found were destroyed, and/or control programmes initiated and plant numbers reduced.
- 5.3 There are two African feather grass sites of concern, both in Nelson. One is presently active and one shifted from active to monitoring status over 2019-2020 because the site is clear of the pest. There have been no new sites since 2011-2012.
- 5.4 The Nelson region remains free of Bathurst bur, however a dump site that received soil from a potentially contaminated site is being actively monitored and presently remains clear of the pest.
- 5.5 There are presently no active sites of boxthorn in the Nelson region, and two sites are being monitored.
- 5.6 Cathedral bells is very close to being eradicated, with three remaining active sites in Nelson checked during the year and two of them moving to monitoring status and the other site greatly reduced.
- 5.7 Infestations at the two active sites of climbing spindleberry in Nelson are slowly reducing.
- 5.8 There are no active infestations of *Egeria* or entire marshwort in Nelson and indications are that these pests are no longer present in the Tasman and Nelson regions.
- 5.9 There are no known active or monitored infestations of Indian ring-necked parakeet, knotweed, or red-eared slider turtles in the Nelson region.
- 5.10 There are presently 15 active sites of Madeira vine in the Nelson region; and eight monitoring sites which are presently clear of the pest.
- 5.11 There was a spike in new infestations of saffron thistle due to seasonal conditions, longevity of the seed in the soil and its ability to re-erupt after disturbance following long periods of dormancy. There is one active site in the Nelson region and four monitoring sites. There are five historic

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sites which are also checked occasionally as the records for these sites have yet to reach beyond the 20-year viability of the seedbank. Control of saffron thistle towards eradication continues.

- 5.12 The focus for 2019-2020 Taiwan cherry activity was to work with Tasman District Council to delimit infestation extent and prepare a joint 15-year eradication plan. Work has progressed well to control Taiwan cherry in the Nelson region, removing 63 mature and six juvenile plants and many seedlings mainly in the Atawhai/Dodson Valley sites of original plantings. However, delimitation in the Tasman region has revealed that the area of spread and level of infestation is far wider than that originally assumed with 548 (and increasing) active sites. The cost of maintaining this plant as an eradication pest in the Tasman region is significantly higher than originally forecast. Tasman District Council is reconsidering the eradication classification of Taiwan cherry across the region to reduce operational costs and conflict with landowners with this plant located in areas where there is a low risk of spread. Any change in status will require a review of the relevant provisions in the Tasman-Nelson Regional Pest Management Plan and consideration of implications for successful eradication in the Nelson region.
- 5.13 Regular surveillance for Mediterranean fanworm (*Sabella spallanzanii*) in Nelson Haven continued. As part of scheduled delimitation/ elimination work, three single *Sabella* specimens were found between June and November 2019 on marina structures, and the discovery of approximately 20 small specimens were discovered on a catamaran in the marina in June 2020. Two further *Sabella* were found on a yacht on a mooring in Nelson Haven during the annual Top of the South Marine Biosecurity Summer Survey in March 2020. All *Sabella* found were treated and removed.
- 5.14 Progress towards eradication of wild kiwifruit appears to be slow with the number of infestations reported as eradicated in 2019-2020 being fewer than the number of new sites found over the same period. There are three new sites, two active sites, one monitoring site and one historic site in Nelson.
- 5.15 The Department of Conservation (DOC) is the lead organisation for the eradication of introduced pest fish species in the Tasman and Nelson regions (ie *Gambusia*, rudd, tench and perch). There have been no new incursions of rudd, tench and perch and DOC continues to keep these pests in check. A programme of active surveillance of *Gambusia* by DOC in recent years culminated in a report in June 2020 that identifies 53 known active sub-sites which can be grouped into four main infestation regions in Nelson and Tasman, including Waimea Inlet. The report identifies that further trial work is needed to determine the feasibility of *Gambusia* eradication.
- 5.16 DOC is also the lead management organisation for the eradication of *Spartina*. The infestation is now limited to five active sites (four in Tasman and one in Nelson) concentrated around Waimea Estuary. An additional benefit of the *Spartina* surveillance programme has been the

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identification and treatment of non-RPMP but highly invasive pest plants in Waimea Inlet, in particular Jelly bean ice plant.

Progressive Containment pests

- 5.17 The Progressive Containment Pest programmes for bomarea, Chinese pennisetum, nassella tussock, variegated thistle and white-edged nightshade have been effective and indications are that these pests are well on the way to being contained within their respective containment zones. There has also been some reduction of infestation inside the containment zones.
- 5.18 The Nelson region remains free of bomarea, Chinese pennistenum, and purple loosestrife.
- 5.19 Five new sites of variegated thistle were recorded and treated in the Nelson region, all within the containment zone.
- 5.20 18 new sites of white-edged nightshade were identified in Nelson, all within the containment zone. All sites were treated.
- 5.21 A lack of occupier reporting on reed sweet grass makes it difficult to assess progress on this species. Further work is noted in the Operational Plan 2020/21 to determine the extent of this pest in Nelson.

Sustained Control pests

- 5.22 The ongoing control of 23 widespread pests to reduce their impacts and spread to other properties continued under the Sustained Control Programme, with many of the sustained control areas located in Tasman District.
- 5.23 Targets in the Operational Plan 2020-21 include collaboration with Tasman District Council staff to identify priority sites for management of chocolate vine, *Gunnera* species, *Lagarosiphon*, Queensland poplar, yellow flag, and yellow jasmine.
- 5.24 In most cases, progress toward RPMP outcomes for sustained control pests are not able to be reliably audited. Measuring success, particularly with pest plants that affect natural values, comes down to checking that priority sites remain clear of the pest. Further work is needed to identify priorities and to set annual performance targets on those.

Site-led pests

- 5.25 There are no site-led pest programmes under the RPMP in the Nelson region.

Pest control in addition to RPMP

- 5.26 In addition to controlling pests in the RPMP, the Council also has extensive programmes directed at organisms not listed in the RPMP but

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which threaten ecological values on Council land or important areas for biodiversity.

- 5.27 In Conservation Reserves pest control is focussed on feral ungulates, wilding conifers and a range of vine, ground cover, shrub and tree weeds.
- 5.28 Weed management in Landscape and Esplanade Reserves is increasingly being directed by Ecological Restoration Plans, which are complete or being developed.
- 5.29 Nelson Nature also provides support for animal and plant pest control for groups and landowners on private land. This support ranges from technical advice for lower priority sites to funding for contractors and herbicide at high value biodiversity sites. Most funding is provided through the Council's Environmental Grant scheme.

2020-21 Operational Plan

- 5.30 The 2020-21 Operational Plan sets the programme of work that has already been committed to via the RPMP and is budgeted. It builds on learnings from implementing the RPMP in 2019-20 outlined above. Targets have been updated, and metrics have been streamlined and simplified to enable better monitoring of performance with the RPMP. This includes:
- clarifying assessment, delimitation, and control requirements following discovery of new sites of some eradication pests (eg African feather grass, Cathedral Bells);
 - new targets for control of active sites of climbing spindleberry and Madeira vine; and
 - further work to identify priority sites for managing sustained control pests.

6. Options

Option 1: Approve 2020-21 Operational Plan (Preferred option)	
Advantages	<ul style="list-style-type: none">• Continue work to effectively implement the Regional Pest Management Plan.• Meets Biosecurity Act 1993 requirements.• Work is budgeted for.
Risks and Disadvantages	<ul style="list-style-type: none">• Minimal as meets the requirement of the Plan and is within budget.

Option 2: Amend 2020-21 Operational Plan	
Advantages	<ul style="list-style-type: none"> Provides for changes if deemed inconsistent with the Regional Pest Management Plan.
Risks and Disadvantages	<ul style="list-style-type: none"> Creates delays/reprioritisation of work. Potential additional costs. Potential significant risk of not controlling pest plants and animals. May not meet Biosecurity Act 1993 requirements.

7. Conclusion

- 7.1 This report details the implementation of the Tasman-Nelson Regional Pest Management Plan in Nelson and associated biosecurity matters.
- 7.2 The 2019-20 Operational Plan was the first year of an all new RPMP under the revised Biosecurity Act 1993 and National Policy Direction for Pest Management 2015. As such, it was significantly different than previous ones. There have been a number of learnings related to the provisions of the new RPMP and the practical application of the performance indicators in the Operational Plan.
- 7.3 In particular, Tasman District Council has reported that due to costs being significantly higher than expected, it is reconsidering the eradication classification of Taiwan cherry across the Tasman region. Any change would require a review of the relevant provisions in the Tasman-Nelson Regional Pest Management.
- 7.4 The 2020-21 Operational Plan provides for a consistent and efficient approach to biosecurity management across both Nelson and Tasman. The plan ensures the Council meets statutory obligations under the Biosecurity Act 1993 and activities are within budget.

8. Next Steps

- 8.1 Continue to implement the Operational Plan 2020-21 for the Tasman-Nelson Regional Pest Management Plan.
- 8.2 Consider potential changes to the RPMP related to Taiwan cherry should this be initiated during the year by Tasman District Council or delayed until further information is available.
- 8.3 If a change to the RPMP related to Taiwan cherry is considered, it may be appropriate to also consider other timely changes, such as introducing wilding conifer control requirements and alignment of *Sabella* rules similar to those in Marlborough District Council RPMP at the same time in order to improve consistency across the Top of the South.

Item 9: Biosecurity Annual Review

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

Attachments

- Attachment 1: A2262413 - Tasman-Nelson Regional Pest Management Plan Operational Plan 2019-2020 Vol 2 (NCC) (*Circulated separately*) [⇒](#)
- Attachment 2: A2504242 - Report on Tasman-Nelson RPMP Operational Plan 2019-2020 Objectives (*Circulated separately*) [⇒](#)
- Attachment 3: A2504241 - Report on and review of Tasman-Nelson RPMP Operational Plan 2019-2020 Targets (*Circulated separately*) [⇒](#)
- Attachment 4: A2486628 - Tasman-Nelson RPMP Operational Plan 2020-2021 (*Circulated separately*) [⇒](#)

Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>The report and recommendations achieve a consistent and cost-effective approach to pest management across the Nelson-Tasman regions by working jointly with the Tasman District Council to meet the requirements of the Biosecurity Act 1993. It also provides a valuable service to the Nelson community, ensuring environmental and economic risks from pests are effectively addressed.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The report and recommendations detail implementation of the Regional Pest Management Plan and align with the strategy vision of “Enhancing community wellbeing and quality of life” by providing a framework for efficient and effective pest management and making the best use of available resources. This contributes to the Council’s following Community Outcomes in particular:</p> <ul style="list-style-type: none"> • Our unique natural environment is healthy and protected • Our urban and rural environments are people-friendly, well-planned and sustainably managed.
<p>3. Risk</p> <p>The Operational Plan for 2020/21 will meet the Council’s requirements under the Tasman-Nelson Regional Pest Management Plan. Any changes would risk delaying the ongoing implementation of the Plan.</p>
<p>4. Financial impact</p> <p>This activity is already funded within the Council’s Long Term Plan and no additional funding is sought.</p>
<p>5. Degree of significance and level of engagement</p> <p>This matter is of low significance. This annual report is a statement of accountability and while the activity affects a large number of landowners, it is delivery of statutory requirements. The Operational Plan identifies programmed work which falls within budget limits. The activity is important for those landowners who are involved with managing pests, but receiving the Operational Plan is not a significant decision.</p>
<p>6. Climate Impact</p> <p>Climate change has not been considered within this report. However it is acknowledged that it will have implications for future biosecurity risks and incursions and responding to these.</p>

7. Inclusion of Māori in the decision making process

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

8. Delegations

The Environment and Climate Committee has the following delegations to consider review of Operational Plans for the Tasman-Nelson Regional Pest Management Plan:

5.4.1 Areas of Responsibility:

- *Environmental science monitoring and reporting including... biosecurity (marine, freshwater and terrestrial), pest and weed management....*

5.4.2 Delegations:

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its area of responsibility, except where they have been retained by Council, or have been referred or 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, monitoring and reviewing strategies, policies and plans, with final versions to be recommended to Council for approval*

5.4.3 Powers to Recommend to Council:

- *Approval of final versions of strategies, policies and plans*

Submission to the Marlborough Environment Plan - Variations 1 and 1A

1. Purpose of Report

- 1.1 To approve the release of a submission on Marlborough District Council's Marlborough Environment Plan.

2. Summary

- 2.1 In December 2020, Nelson City Council was notified of proposed variations to the Proposed Marlborough Environment Plan. Variation 1 provides a suite of provisions for aquaculture activities being proposed. Variation 1A provides additional provisions specifically for finfish farming.
- 2.2 As Nelson City Council and Marlborough District Council share a marine boundary, it is appropriate for Council to consider potential impacts from plan changes affecting the management of the marine space.
- 2.3 Officers have prepared a submission on the proposed variations (Attachment 1). Approval of the submission is sought from the Environment and Climate Committee.

3. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Submission to the Marlborough Environment Plan - Variations 1 and 1A (R22605) and its attachment (A2562993); and***
- 2. Approves the submission attached to report R22605 for release to Marlborough District Council.***

4. Background

- 4.1 On 2 December 2020, the Marlborough District Council publicly notified Variation 1: Marine Farming and Variation 1A: Finfish Farming. The variations are open for public submission until Friday 26 February 2021.

Item 10: Submission to the Marlborough Environment Plan - Variations 1 and 1A

Marlborough District Council have produced guidance information about the variations (see <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/variations/variation-1-and-1a/background-information>). The following excerpt from that website explains what the variations cover:

Proposed Variation 1: Marine Farming - this is the main variation. It adds provisions to the Proposed Marlborough Environment Plan that contains objectives, policies and rules about how marine farming activities will be sustainably managed in the Marlborough District. Variation 1 mainly addresses longline farming like mussels, oysters, and seaweed. It also divides the Sounds into small Coastal Management Units and Aquaculture Management Areas to make things easier to talk about.

Proposed Variation 1A: Finfish Farming - this variation specifically addresses finfish farming in the District. Finfish farms would be managed by the objectives, policies and rules in the proposed aquaculture provisions

5. Discussion

- 5.1 As Nelson City Council is currently reviewing its Resource Management plans, including the coastal plan, consideration has been given to the proposed variations for:
- Consistency in approach to common issues;
 - Implications for potential conflict between the management approaches;
 - Possible changes that may need to be made to each respective plan; and
 - Submission points that could be made to MDC.
- 5.2 The review concluded that despite each Council having very different coastal environments and industry pressures, there was a good degree of alignment between the approaches taken in the Variations and Draft Nelson Plan.
- 5.3 The review highlighted the importance of having a consistent resource management approach to effects management in the coastal environment; and to sharing data and information.
- 5.4 The proposed submission supports the provisions in the Variations and requests a non-regulatory method to support sharing of data.

Item 10: Submission to the Marlborough Environment Plan - Variations 1 and 1A

6. Options

- 6.1 The options are to approve the release of the submission, or not. The recommended option is to release the submission.

7. Next Steps

- 7.1 To send the submission to Marlborough District Council by 26 February 2021.

Author: Maxine Day, Manager Environmental Planning

Attachments

Attachment 1: A2562993 Submission to Marlborough District Council on MEP Variation 1 and 1A [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	The submission contributes to integrated environmental management across local government boundaries.
2. Consistency with Community Outcomes and Council Policy	The recommendations in this report support the following Nelson City Council Community Outcomes: Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement and Our unique natural environment is healthy and protected.
3. Risk	This report decision represents a low risk activity as the submission does not seek substantive changes from Marlborough District Council's approach proposed in Variations 1 and 1A. Marlborough District Council will consider the submission via the Schedule 1 Resource Management Process.
4. Financial impact	Nil
5. Degree of significance and level of engagement	<p>This matter is of low significance because it is a submission on a Resource Management process at Marlborough District Council.</p> <p>No engagement of consultation on this submission is required.</p>
6. Climate Impact	NA
7. Inclusion of Māori in the decision making process	No engagement with Māori has been undertaken in preparing this report.
8. Delegations	<p>The Environment and Climate Committee has the following delegations to consider a submission on Marlborough District Council's Marlborough Environment Plan.</p> <p><i>Areas of Responsibility (5.4.1):</i></p> <ul style="list-style-type: none"> • <i>Environmental science matters</i>

Item 10: Submission to the Marlborough Environment Plan - Variations 1 and 1A

- *Policies and strategies related to resource management matters*
- *Maritime*
- *District and Regional Plans, including the Nelson Plan*

Delegations (5.4.2):

Approving submissions to external bodies or organisations, and on legislation and regulatory proposals

Item 10: Submission to the Marlborough Environment Plan - Variations 1 and 1A:
Attachment 1



Ref: A2562993

Civic House, 110 Trafalgar Street
PO Box 645, Nelson 7040, New Zealand

11 February 2021

P (03) 546 0514
E sue.robbs@ncc.govt.nz
nelson.govt.nz

Mr M Wheeler
Chief Executive Officer
Marlborough District Council

PO Box 443

BLenheim 7240

Email: variations@marlborough.govt.nz

Attention: Planning Technician

Dear Mr Wheeler

Submission on Aquaculture Variations

Thank you for the opportunity for Council to provide a submission on Variation 1: Marine Farming and Variation 1A: Finfish Farming.

We appreciate the work that has gone into these documents and wish to congratulate the Marlborough District Council on the outcomes.

We support the proposed provisions.

1. Submitter Details

Nelson City Council

Contact Person: Sue Robb, Senior Planning Officer

Postal Address: PO Box 645, Nelson 7040

Email: sue.robbs@ncc.govt.nz

Ph: 03 546 0514

2. Trade Competition

Nelson City Council has no advantage in trade competition in making this submission.

Item 10: Submission to the Marlborough Environment Plan - Variations 1 and 1A:
Attachment 1

3. Council Hearing

Nelson City Council does not wish to be heard in support of their submission.

4. Nelson City Council Submission

Nelson City Council acknowledges that there are currently significant difference between the two regions, in terms of demand for aquaculture space. To clarify our position, Nelson City Council is not opposed to aquaculture within the Nelson region, but we do recognise that there are significant constraints that would influence where aquaculture could suitably occur. However, we also acknowledge that with potential new technology or scientific changes increased demand for aquaculture could occur within the Nelson area in the future.

As you will be aware we are currently working on the draft Nelson Plan. We have considered the Aquaculture variations in detail and consider that the fundamental approaches taken by our two councils are well-aligned and complementary.

However we are keen to ensure there is an on-going and strong integration between our two councils with regard to future aquaculture development. In this context we seek the following decision from Marlborough Council.

5. The decision sought from Council:

Nelson City Council requests the inclusion of an explicit integration method specifically addressing future aquaculture growth and changes in technology. This would include for example: sharing of monitoring data, advice on consent conditions and past experiences, methodologies relating to adaptive management etc. To achieve this we propose the following wording:

Methods of Implementation:

13.M.36A Integrated management

The Council will work collaboratively with Nelson City Council to ensure that future aquaculture growth is managed consistently and effectively between the two regions. This would include, but not be limited to: sharing of monitoring data, sharing advice on consent matters, and discussing methodologies relating to adaptive management and monitoring.

Yours sincerely

Clare Barton

Group Manager Environmental Management

**Environmental Management Quarterly Report - 1 October
2020 - 31 December 2020**

1. Purpose of Report

- 1.1 To report on financial and non-financial performance measure results for the second quarter of the 2020/2021 financial year for the Environmental Management Group activities. The activities included are: Building, City Development, Resource Consents and Compliance, Planning, and Science and Environment.

2. Recommendation

That the Environment and Climate Committee

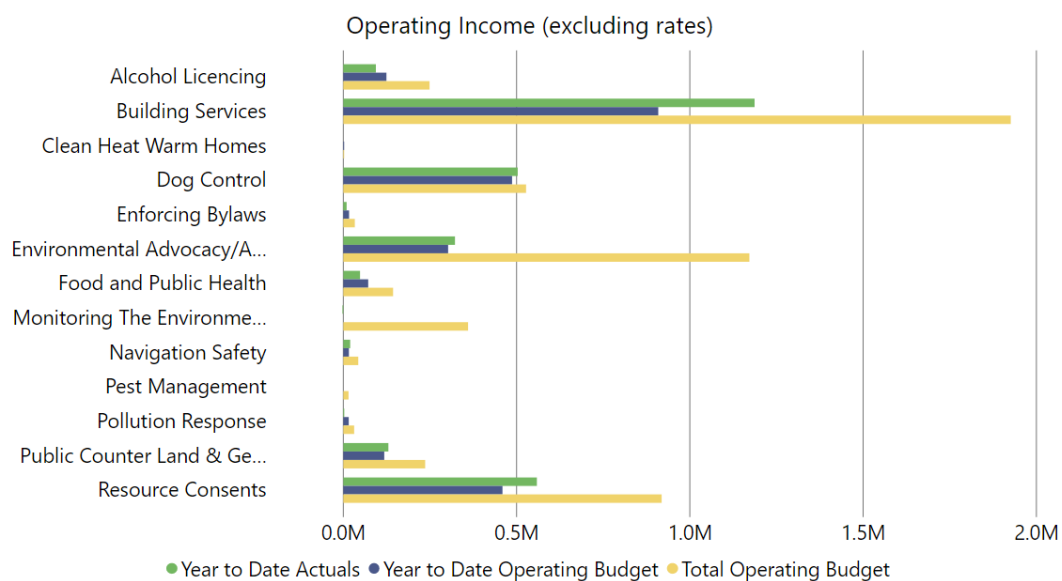
- 1. Receives the report Environmental Management Quarterly Report - 1 October 2020 - 31 December 2020 (R22560) and its Attachments (A2563404, A2548631, A2559930, A2553113, and A2497431).***

Item 11: Environmental Management Quarterly Report - 1 October 2020 - 31 December 2020

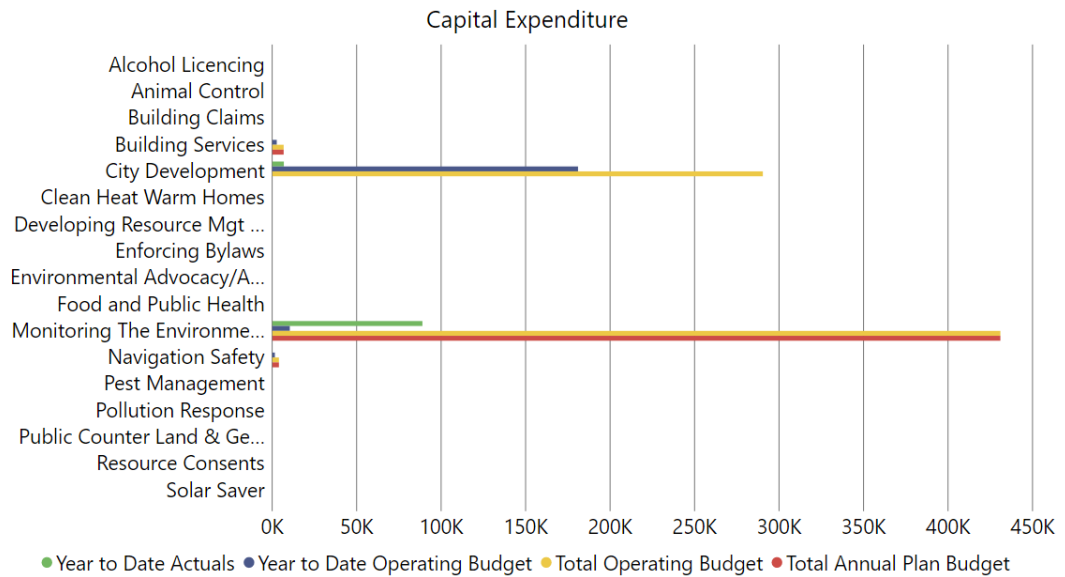
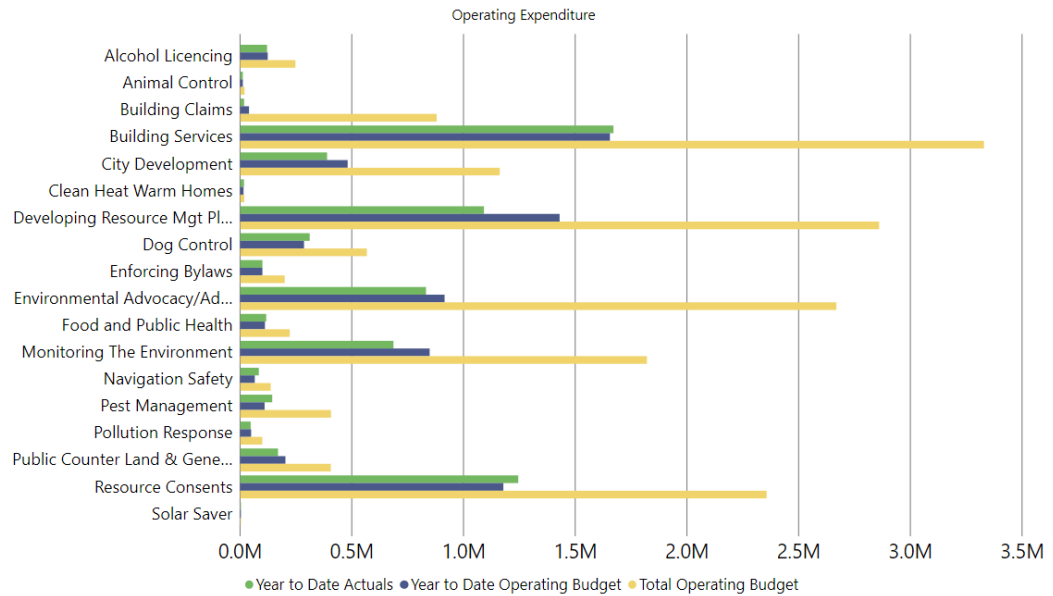
3. Discussion

Financial Results

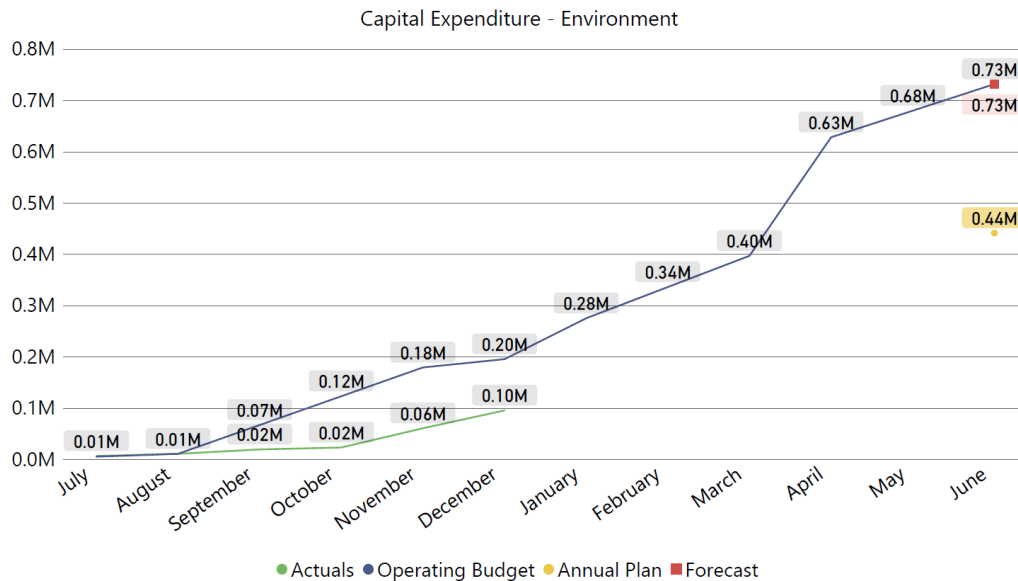
Environment	YTD Actuals	YTD Operating Budget	YTD Variance	Operating Budget	Annual Plan Budget	Forecast
Income						
Rates Income	(4,839,162)	(4,838,882)	(280)	(9,677,167)	(9,677,166)	(9,677,166)
Other Income	(2,867,795)	(2,521,060)	(346,735)	(5,656,759)	(4,566,089)	(5,667,848)
Total	(7,706,957)	(7,359,942)	(347,015)	(15,333,926)	(14,243,255)	(15,345,014)
Expenses						
Unprogrammed Expenses	63,046	26,998	36,048	832,000	832,000	835,000
Staff Operating Expenditure	4,324,723	4,339,122	(14,399)	8,678,245	8,678,244	8,678,245
Programmed Expenses	621,861	941,386	(319,525)	2,832,231	1,752,953	2,804,943
Finance Expenses	24,895	32,640	(7,745)	65,284	65,284	65,284
Depreciation	26,345	41,604	(15,259)	83,195	83,195	69,789
Base Expenditure	1,998,244	2,245,124	(246,880)	4,913,959	4,788,181	5,008,948
Total	7,059,113	7,626,874	(567,761)	17,404,914	16,199,857	17,462,209
Total	(647,844)	266,932	(914,776)	2,070,988	1,956,602	2,117,195



Item 11: Environmental Management Quarterly Report - 1 October 2020 - 31 December 2020



Item 11: Environmental Management Quarterly Report - 1 October 2020 - 31 December 2020

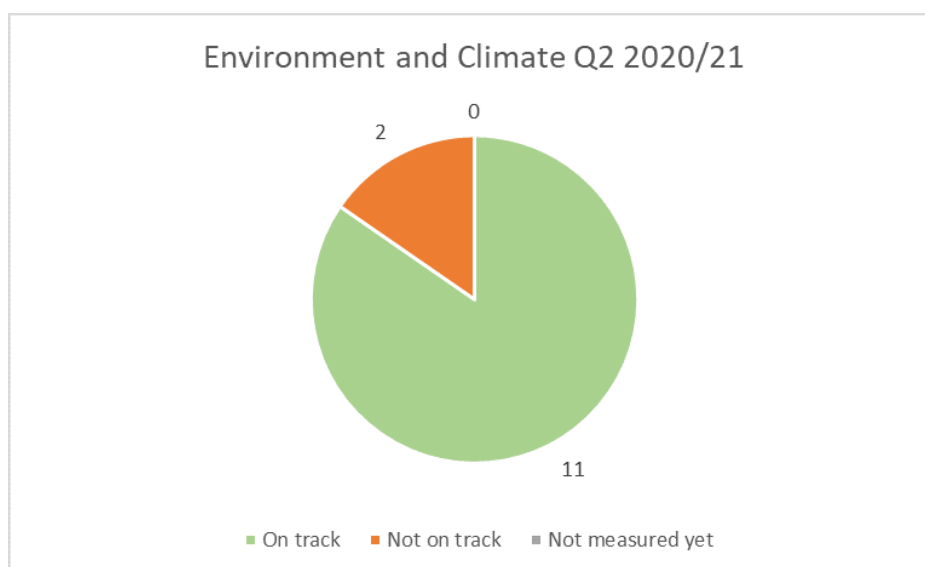


- 3.1 **Monitoring the Environment expenditure is less than budget by \$162,000.** Expenditure relating to Hill Country Erosion is behind budget by \$86,000 with programme spend occurring differently to budget phasing. Other programmes behind budget include; healthy streams (\$35,000), hydrology monitoring (\$20,000) and sustainable land management (\$17,000). All are anticipated to be spent by end of financial year.
- 3.2 **Developing the Resource Management Plan expenditure is less than budget by \$339,000.** This is the expenditure relating to the Nelson Plan. It is anticipated that further technical work will be undertaken in during Q3 and Q4.
- 3.3 **City Development expenditure is less than budget by \$92,000.** City development project and consultant costs are behind budget by \$51,000 and \$28,000 respectively, with work now anticipated to occur in last quarter of the year.
- 3.4 **Environmental Advocacy/Advice expenditure is less than budget by \$83,000.** Nelson Nature expenditure is behind budget by \$123,000, with work expected to occur in the second half of the year. Maitai ERP Expenditure is \$38,000 behind budget and is a timing variance, meanwhile expenditure for Kaimahi for Nature is \$57,000 ahead of budget.
- 3.5 **Building Services income is more than budget by \$278,000.** Building consent fees are ahead of budget by \$192,000, BCA QA levy income is ahead of budget by \$71,000 and Insurance Levy income is \$33,000 ahead of budget. This is due to a combination of higher fees, and higher consent numbers in November and December compared with prior years, as well as reduced budgets for an expected decrease in income due to COVID-19.

- 3.6 **Resource Consents income is more than budget by \$99,000.** Resource Consent Income is \$96,000 ahead of budget.
- 3.7 **Resource Consents expenditure is greater than budget by \$67,000.** Consultancy costs are over budget by \$127,000. Consultant use is reducing, with consultants no longer being used once they have finished with a consent. Consultants use: 21 – July, 10 – August, 8 – September, 7 – October, 4 – November, and zero in December. Staff costs are \$46,000 behind budget, due to vacancies within the Resource Consent team.

Key Performance Indicators

- 3.8 The Environment Management Group is on track to meet all except two performance measures. Refer to Attachment 1: Environmental Management Group Performance Measures Levels of Service for more information.
- 3.9 Building consents are slightly behind target for processing within the statutory timeframes of 20 working days at 99.4% rather than 100%. Consent numbers are continuing to increase, with the highest number received in three years.
- 3.10 The technical issues with the food and alcohol performance measures reporting have been resolved. Food premises receiving an inspection is on track to be achieved.
- 3.11 Alcohol premises receiving two inspections per year is not on track. With changes to the Sale and Supply of Alcohol Act the focus is on high risk premises as required by the changes to the Act.
- 3.12 Refer to Attachment 1 for a complete list of the current performance measures.



Summary of activities

- 3.13 Building consent numbers are continuing to rise and the highest number of applications numbers have been received over the last 3 years. This has led to six breaches of the statutory timeframes occurring, however, all instances have been reviewed to mitigate these from occurring again. A significant number of LIM applications (205) were also received with no breaches of the statutory timeframes despite some large applications.
- 3.14 The City Development team has been working on various activities, including the City Centre Spatial Plan, population projections, the Housing Capacity Assessment, the Development Contributions Policy and the Future Development Strategy. These will help formulate decisions through the Long Term Plan (LTP) and other planning documents.
- 3.15 The Draft Nelson Plan was released to the public in early October 2020 to seek early feedback on various issues. Officers are currently reviewing the early engagement and will bring a paper to Council for its consideration in early 2021.
- 3.16 The Coastal Inundation maps were also released for public consultation between 18 November and 18 December 2020. The feedback is being reviewed and will help formulate developing various options for further discussion with the Council and the community.
- 3.17 The minimum parking rates contained in the Nelson Resource Management Plan (NRMP) have been removed and took effect on 1 January 2021. Work is also being undertaken on the National Policy Statement on Freshwater Management (NPS-FM) in collaboration with stakeholders, iwi and Tasman and Marlborough District Councils.
- 3.18 The Science and Environment team has been undertaking a significant amount of monitoring and surveys, including: cyanobacteria at Avon Terrace; recreation bathing monitoring which commenced 30 November 2020; and sediment core and diatom samples from the reservoir. A survey of the Nelson coastline for coastal birds was completed in December and a highlight was the discovery of King Shag roosting near Cape Souci, the first record within the Nelson region.
- 3.19 Another highlight has been recognition of Council's Sustainable Land Programme and Hill Country Erosion work. The NZ Herald has written an article highlighting the Sustainable Land programme and the Ministry for Primary Industries (MPI) has added the Hill Country Erosion work to its website.
- 3.20 Of the new 54 FTE roles to be created over the next five years for Project Mahitahi, 30 are already in place. These newly established roles have been placed at Nelmac and the Brook Waimarama Sanctuary, with the remaining likely to be in place by February 2021.

Risks and Challenges

Building

- 3.21 Due to COVID-19, building consent numbers were projected to be down by approximately 20-30%. As a consequence, the service contractor was released for both processing and inspections. To date there is only a 3.5% reduction on formally received consents in relation to this time last year.
- 3.22 Recruitment in specialist building roles is a challenge with a shortage of skilled experienced Building Control officers nationwide.

City Development

- 3.23 Officers are working closely to align the City Centre Spatial Plan and the Parking Strategy. This will inform the Streets for People place making and the Long Term Plan.
- 3.24 The NPS-UD requires cross territorial authority boundary work to develop the Housing and Business Capacity Assessment and review of the Future Development Strategy. This work contains risks and challenges as the two Councils have different levels of resourcing and budget, deadlines and priorities.

Planning

- 3.25 There is a significant risk the Nelson Plan programme will be delayed as a consequence of the proposed Resource Management Act reforms. The Minister for the Environment announced in late 2020 that the reforms would be a priority for this term of Government. The proposed major changes announced in the Randerson Report include:
- planning for positive outcomes not just managing adverse effects
 - a more effective role for Māori and improved recognition of Te Tiriti
 - more integrated and strategic long-term planning
 - a move to equitable and efficient resource allocation within environmental limits
 - effective partnering of central and local government and iwi/Māori in planning and delivery
 - improved evidence, monitoring, feedback and oversight.
- 3.26 Cabinet announcements on the scope, process and approach are anticipated in early 2021.
- 3.27 The Nelson Plan programme has also been affected by Central Government delays to the release of further National Policy documents (e.g. NES Air Quality; Highly Productive Land; and Indigenous Biodiversity). Officers are awaiting an updated work programme and timeframes from the Ministry for the Environment (MfE). Anticipating

Item 11: Environmental Management Quarterly Report - 1 October 2020 - 31 December 2020

changes, officers are preparing an alternative programme for the delivery of the Nelson Plan for the Council to consider in early 2021.

Resource Consents and Compliance

- 3.28 The alcohol licensing measure is not achieved as the Alcohol Legislation now requires a focus on targeting all high risk premises. The work programme has been changed to align with the changed legislation to achieve 100% inspections of high risk premises twice per year.

Science and Environment

- 3.29 The recreation bathing monitoring commenced on 30 November with exceedances at Maitai Camp, Paremata Flats and Collingwood Street Bridge due to contaminants from stormwater runoff over land. The programme included additional sampling at Paremata Flats to assess bacteria and pathogen levels as part of a national programme coordinated by Institute of Environmental Science (ESR), funded by MfE.

4. Legal Proceedings Update

- 4.1 The Building team currently has four legal proceedings in progress. These are being reported to the Audit, Risk and Finance Committee.
- 4.2 A Financial Assessment Hearing for the payment of costs associated with court proceedings for a dog attack resulted in a decision that the monthly payments were to increase. This has not occurred by the date it was due to commence.
- 4.3 A prosecution for another dog attack is taking a similar approach to proceedings with the appeal abandoned due to a lack of security of costs. The hearing of the incident occurred on 2 December 2020 and the Judge's decision to euthanise was made on the 18 December 2020. This decision has been appealed.
- 4.4 A recommendation has also been made to progress a prosecution of a disqualified dog owner that continued to have two dogs. Another dog that attacked a policeman has been seized and neutered, along with an additional dog from the same litter. This case is also recommended for prosecution.

5. Climate Change

- 5.1 Climate Reserve funding has been used to assist in the development of a draft Emissions Reduction Action Plan, which is yet to be completed. Climate Reserve funding has also supported an assessment of the suitability of solar panels on the roof of Civic House.
- 5.2 The coastal and flood hazard risk maps were consulted on alongside the Nelson Plan in November 2020, representing a key step in public engagement on climate adaptation. Council has established a new Climate Adaptation Advisor position, with recruitment carried out during

the quarter. Work continues on strengthening cross-council collaboration on climate change, with an increasing number of councils and MfE expressing an interest in accelerating work on climate adaptation.

- 5.3 Council has commenced reviewing the strategic, engagement and action plan documents developed by the Nelson-Tasman Climate Forum, and providing feedback to the Forum co-ordination group.

6. Environmental Management Activity Update by Business Unit

Building

Achievements

- 6.1 Building consent numbers are increasing with the end of the second quarter having the highest application numbers for the same quarter for the last 3 years.
- 6.2 There were six breaches where the statutory timeframes were not met during this quarter. Breaches were due to:
- confusion encountered by processing contractor over local land and wind zone features;
 - a breakdown in communication between an inspector and the administration team resulting in three non-compliances; and
 - workload pressures due to significant numbers.
- 6.3 All instances have been reviewed and steps implemented to mitigate these from occurring again.

Trends

	2020-21 2nd Quarter	2019-20 2nd Quarter
Building Consents and amendments	218	230
Code Compliance Certificates	204	190
Inspections	1940	1187
LIMs	205	148

- 6.4 Building Consent applications and inspections numbers are continuing to increase as the industry remains positive and buoyant. Refer to Attachment 2 for a complete list of the numbers.
- 6.5 Land Information Memorandum's (LIMs) applications have also continued to be high. However, they are returning to a more usual levels this quarter. There were no breaches of the 10-day statutory timeframes.

Strategic Direction and Focus

- 6.6 The construction sector is operating well locally, despite the COVID-19 economic forecasts with reports of good workflows and property sales to new subdivisions. A number of larger construction projects are underway including the Malthouse Lane and Ocean View apartment buildings, and the retirement villages at Summerset and Coastal View. New subdivisions are continuing to be developed and housing demand remains strong.
- 6.7 In 2021, both the Building Consent Authority (BCA) and the Territorial Authority (TA) will be audited by IANZ and Ministry of Business, Innovation and Employment (MBIE) respectively. Focus is being given to these areas in preparation for the auditor visits.
- 6.8 There is currently a severe skill shortage in the Building Control sector. A cadet position is being considered in the 2021/22 financial year. This will help bring new young people into the sector and build resilience.
- 6.9 The current consenting system provider has assisted with developing and streamlining the building processes and technology. This will gain some building unit efficiencies. A further update to the system is due for release which will again bring further efficiencies and testing will begin shortly.

City Development

Achievements

- 6.10 The Pop Up Park was opened in mid-September and the library door and CCTV cameras have since been installed. The design and installation is underway for shade sails for summer comfort. Council appeared on an episode of Stuff's Kea Kids regarding the initiative. The park has proven very popular and it has been great to see increased numbers of tamariki in the city centre.
- 6.11 Work is continuing on the City Centre Spatial Plan and community engagement will occur shortly. Alignment will occur with the Parking Strategy once started. Officers are now working on project planning and will be bringing an update to Council's Urban Development Subcommittee in March 2021.
- 6.12 Upper Trafalgar Street multi-function pole fabrication and catenary lights received additional budget from Council for fabrication and installation. Project delivery will take place starting in April 2021. (Refer to Attachment 4 for the project sheet).
- 6.13 Custom population projections have been developed to take into account the impacts of COVID-19. These were adopted by Council on 12 November 2020 for use in the LTP and other Council planning.

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- 6.14 The National Policy Statement on Urban Development 2020 (NPS-UD) was gazetted on 20 August 2020. Officers have been planning the work programme going forward, noting the Housing Capacity Assessment is due to be adopted by 31 July 2021.
- 6.15 In June 2020, the annual housing and business capacity monitoring report under the National Policy Statement Urban Development Capacity 2016 was reported to Council on 12 November 2020.
- 6.16 The Mayoral Liaison team for the Future Development Strategy met on 16 October 2020. Officers from both Nelson and Tasman Councils took a report to the Joint Committee on 10 November 2020 providing an update and decision on the urban environment for the review of the Future Development Strategy.
- 6.17 Officers are currently preparing the Development Contributions Policy review and schedules to be included with the LTP consultation document.
- 6.18 The Urban Design Panel met in mid-December 2020 (Zoom) as a follow up review of one of the three recent intensification projects. The original review occurred in October 2020.

Strategic Direction and Focus

- 6.19 The key strategic focus areas are:
- the City Centre Spatial Plan by mid-2021 alongside the Parking Strategy. This will inform Streets for People place making and the LTP
 - the review of the Development Contributions Policy so it can be updated with the LTP
 - the Housing and Business Capacity Assessment required under the NPS-UD ready for adoption by 31 July 2021.
- 6.20 Officers are continuing to work on implementing the Intensification Action plan and build developer relationships to leverage greater investment in housing.

PLANNING

Achievements

Draft Nelson Public Engagement

- 6.21 The Draft Nelson Plan (the Plan) and its associated E-plan were released to the public in early October 2020. The purpose of releasing the Draft Plan was to seek early feedback on the direction and content of a range of issues. (Refer to Attachment 3 for the project sheet)
- 6.22 The engagement phase included a series of drop-in sessions across the City along with on-line interactions, direct mailing and contact with a range of landowners. The engagement phase was completed on 6 December 2020. Feedback from the engagement has begun to be

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processed and will be presented to Council for consideration in early 2021.

Coastal Inundation

- 6.23 Officers across Council have worked on releasing Coastal Inundation maps showing up to 2m of sea level rise. Approximately, 4500 letters were sent to properties potentially vulnerable to the impacts of sea level rise. Approximately 100 people attended the drop-in sessions, whilst others contacted officers directly or provided written feedback. Feedback was sought between 18 November and 18 December 2020.
- 6.24 The Coastal Inundation mapping was a continuation of the Dynamic Adaptive Pathways Planning (DAPP) approach, recommended by MfE. Subsequent steps will include reviewing feedback, undertaking risk and vulnerability assessments and developing options for further discussions with the community, prior to making decisions via the Nelson Plan and Long Term Plan.
- 6.25 Land Information Memorandum (LIM) notations for properties potentially affected by up to 2m sea level rise were updated in November 2020.
- 6.26 A subsequent review of the LIM notations has resulted in some changes. The changes include revision of out-dated mapping information for a small number of properties where works on a site had occurred subsequent to LIDAR data being taken; and a revision of the timeframe for applying LIM notations. Only properties affected by sea level rise for up to 100-110 years (1.5m sea level rise under the RCP 8.5H⁺ model) will now be notated on a LIM. The change to timeframe reflects:
- higher degrees of uncertainty about sea level rise projections beyond 100 years
 - greater alignment with national planning practice that generally applies a 100 year timeframe for consideration of coastal hazards for most developments
 - greater consistency with Tasman District Council LIM statements.
- 6.27 This approach is consistent with the obligation to include information in a LIM where there is a reasonable possibility objectively determined of the coastal inundation hazard occurring in the future. The LIM statements will be reviewed as and when Council receives further reports or guidance about projected sea level rise; and when planning decisions have been made through the Nelson Plan.

Nelson Plan Development

- 6.28 Officers have continued to prepare technical work needed to support the development of the Draft Nelson Plan. The work has covered freshwater management, including:
- re-establishing the Technical Working Groups across Nelson catchments; and meeting with Te Tau-Ihu iwi;

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- meeting with iwi over identification of Sites of Significance to Maori;
- completing Significant Tree assessments;
- progressing coastal margin and structures work; and
- further development of natural hazard information.

Nelson Tasman Land Development Manual (NTLDM)

- 6.29 The NTLDM was issued as a revised version in November 2020. This followed minor and technical corrections to a small number of provisions.

National Policy Statement on Urban Development (NPS-UD)

- 6.30 Following requirements of the NPS-UD, Council resolved to remove the Nelson Resource Management Plan provisions relating to minimum parking rates. The NRMP provisions no longer have effect (from 1 January 2021). The necessary changes to the NRMP will be progressed in the first quarter of 2021.

National Policy Statement on Freshwater Management (NPS-FM)

- 6.31 As part of the work programme to implement the NPS-FM, officers coordinated the re-establishment of a catchment-based community freshwater working group in December 2020, the Freshwater Working Group (FWG). Residents, farmers, agency and organisation representatives and technical staff met to input and review NPS-FM implementation via Nelson Plan provisions. This work will continue into 2021, and potentially beyond.
- 6.32 Officers across Nelson City, Tasman and Marlborough Districts have continued to meet with iwi representatives to progress implementation of the NPS-FM provisions relating to te mana o te wai (among others). The aim has been to enable an efficient framework for iwi to contribute to the plan-making processes of the three councils of Te Tau Ihu; and to have a consistent framework within the Councils. This work will continue into 2021.
- 6.33 In December 2020, MfE issued a report outlining the Implementation of National Freshwater Policies and Regulations. The report provides a high level, theme based summary of the reviews undertaken for each regional council or unitary authority regarding the extent of implementation of the National Policy Statement for Freshwater Management 2014 (NPS-FM (as amended 2017)) and consistency with new requirements of the draft National Policy Statement for Freshwater Management 2019 (NPS-FM as notified 2019) and proposed National Environmental Standards for Freshwater (proposed NES-FW).
- 6.34 The work builds on the previous implementation review undertaken by MfE which was published in 2017. The review was undertaken on a 'traffic light' system, scoring each provision as red, amber or green with respect to the extent of implementation.

- 6.35 The review considered the Draft Nelson Plan (as at March 2020) – prior to the release of the revised NPSFM in August 2020. The report identifies five areas of the Draft Plan as 'green'; one as amber; and six as 'red'. The amber and red areas generally reflect new requirements of the 2020 NPSFM and have been (and continue to be) the subject of further work by officers; and input from the Freshwater Working Group and Iwi Working Group. A link to the Review report can be found here: <https://www.mfe.govt.nz/publications/fresh-water/national-freshwater-policies-and-regulations-review>

Strategic Direction and Focus

- 6.36 The focus for 2021 will be on:
- responding to feedback gathered through Engagement on the Draft Nelson Plan
 - finalising technical work and undertaking targeted and wider public engagement on specific issues and the Draft Plan
 - continuing with the Dynamic Adaptive Pathways Planning approach for coastal hazards
 - implementing Central Government freshwater reforms
 - anticipating and responding to Central Government Resource Management Act reforms and other legislative changes.

RESOURCE CONSENTS AND COMPLIANCE

Achievements

- 6.37 Resource consent compliance timeframes are 100% for this quarter (refer to Attachment 2 for a complete list of numbers). Consents issued in this period include:
- a bundle of eight consents for the Special Housing Area subdivision (and related activities) of rural zoned land into 74 residential-sized lots;
 - a consent for an additional building on The Male Room site; and
 - installing up to 10 temporary classrooms at Nayland College
- 6.38 A MagiQ consultant was onsite in November 2020 to assist with the reports associated with the LTP measures covering dog and animal control, food safety and public health, and pollution response. These can now all be reported on and most are on track to be achieved.
- 6.39 Due to Bay Dreams being held on 5 January 2021, a significant amount of work was undertaken preparing for the event. Officers processed the various licences, consents and exemptions required.
- 6.40 The deputy harbourmaster held two successful marine safety expos at the boat ramp with support from other agencies, and was featured on the AM Show and One News for boat safety messaging. Stand up

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paddleboard safety courses were also held and assistance was given with the Haulashore Island clean up.

Trends

- 6.41 Freedom Camping patrols (morning and evening) commenced on 1 December 2020. As expected due to COVID-19 the numbers of campers are well down on previous years.
- 6.42 Educational patrols have commenced at the Delaware Bay boat launching area. The numbers of boat trailers parked nearby are at similar levels to last summer.
- 6.43 Pre-Christmas shopping in the city centre increased the demand for parking enforcement. An additional Parking Officer has been engaged to assist with an increased enforcement presence over the summer period.

Strategic Direction and Focus

- 6.44 Officers are participating in regional and national forums to provide consistency in how the new Policy Statements and Environmental Standards are implemented.

SCIENCE and ENVIRONMENT

Achievements

- 6.45 Refer to Attachment 5 for a list of the science and environment projects.

Air Quality

- 6.46 There were no exceedances of the National Environmental Standards for Air Quality (NESAQ) during this quarter.

Warmer Healthier Homes

- 6.47 Total programme installations year to date (December 2020) has been 331. This represents the highest number of homes completed in any six month period since the inception of the programme.

Healthy Streams

- 6.48 Cyanobacteria levels increased in November to moderate levels at Avon Terrace with additional warning signage and media communications undertaken to manage the public risk. Rainfall through December has flushed the majority of the established cyanobacteria mats away, though monitoring for further blooms will continue.
- 6.49 Sediment core and diatom samples have been taken from the reservoir to investigate the occurrence of the Lindavia diatom (known to form the nuisance mucilage 'lake snow'). The surveys are in preparation for

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aerating the reservoir to promote mixing and maintaining excellent water quality year-round.

- 6.50 A green infrastructure project was completed in the Lud Valley to trial an alternative method to the use of rock armour for bank erosion. Prior to works being undertaken, there were a surprising 24 longfin eels, 158 elvers, 11 bullies and 15 koura salvaged.
- 6.51 The project involved the use of logs, salvaged from an infrastructure project, to use as natural timber groynes to deflect water over a flood plain that had been reformed. Extensive planting in autumn 2021 will further enhance habitat and stabilise the bank, to eventually replace the logs as they rot down over time. The work will be monitored over time for both ecological and engineering outcomes.
- 6.52 The first community art project for the Poorman Valley Stream community engagement project was completed and is currently on display at the Greenmeadows Centre. This features over 250 original artworks completed during a range of workshops with schools, the general community and Stoke Seniors, combined into a larger piece.
- 6.53 The annual volunteer Christmas celebration afternoon tea was held on 14 December 2020, where volunteers working in restoration, water quality and trapping across Nelson are thanked for their hard work during the year and are able to network with each other.

Coastal and Marine

- 6.54 The draft coastal and marine programme has been reviewed by Cawthron. After consideration of their feedback, implementation of the water quality sampling and a range of restoration, community engagement, and citizen science projects will commence.

Nelson Nature Programme

- 6.55 Field work to measure changes in pest plants and animals in the Maitai and Roding Water Reserves and Nelson Halo was completed by officers and contractors. The five-yearly monitoring programme measures the change in presence of target pest plants and animals since the Nelson Nature programme began. Results of the monitoring will be analysed and reported in the final quarter.
- 6.56 Nelson Nature has been supporting trapping groups with technical advice, funding for traps, and recording the location of their traps and pest captures in the national trapping database trap.nz. This helps build a picture of trapping efforts in the Nelson Halo as well as providing information to the national Predator Free programme. There are currently 20 groups in Nelson logging their projects in trap.nz, and over 2,100 traps targeting rats, mice, possums or mustelids (stoats and weasels) deployed in Council parks and reserves. In the 2020 calendar year, more than 2,800 predators were caught by Halo groups on Council land, including almost 1000 rats and more than 200 possums.

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- 6.57 A survey of the Nelson coastline for coastal birds was completed in December, as part of a wider survey of the entire Nelson and Tasman coastline. The survey focused on breeding locations of banded dotterel and variable oystercatcher, but also recorded locations of other coastal birds. A highlight of the survey was the discovery of King Shag roosting near Cape Souci, the first record within the Nelson region. King Shag are a highly endangered species, previously only known from the Marlborough Sounds. A full report of the survey will be produced by May 2021 and will improve Council's understanding of important habitat for coastal birds.

Sustainable Land Management Programme

Envirolink Grants

- 6.58 Officers were successful in applying to the Envirolink Fund to undertake two projects. The first will be delivered by Manaaki Whenua Landcare Research, working with all regional councils through the Land SIGs (Special Interest Groups) to understand more about Mātauranga Māori in relation to land science (\$50,000). The second grant involves working with a forest ecologist, through Canterbury University, to develop guidelines for transitioning plantation forestry to native forestry taking into account a number of variables such as climate, soil type, and context (\$40,000).

Sustainable Land Management Programme Media Coverage

- 6.59 The work Council has been delivering through the Sustainable Land Programme was highlighted during this quarter through the New Zealand Herald article and MPI website. These are two examples of where Nelson, as a smaller region, can design and deliver unique programmes which cater to the needs of its rural community. Larger councils can then base similar approaches on these models. More information on the Sustainable Land Programme can be found here <http://www.nelson.govt.nz/environment/sustainable-land-management/>. The articles can be found here:

- The New Zealand Herald article, as part of a series on freshwater initiatives called "The Vision is clear", focused on Wakapuaka Bursting with Life <https://www.nzherald.co.nz/the-vision-is-clear/news/community-comes-together-to-protect-river/Q4M73D5L5EBLBT3LNFPS6QQMWQ/>
- The Ministry for Primary Industries highlighted the Hill Country Erosion Funded work to develop land environment plans for lifestyle blocks as a case study <https://www.mpi.govt.nz/funding-and-programmes/forestry/sustainable-land-management-and-hill-country-erosion-programme/>

Project Mahitahi

- 6.60 Project Mahitahi was formally launched on 3 December 2020 with guests from a range of organisations and community groups there in support <https://our.nelson.govt.nz/stories/collaborative-project-mahitahi-restoration-project-launched/>. The project is a co-governed, co-designed, and co-delivered project with iwi, the Department of Conservation, MfE, and Council. It has a total external funding over five years of \$3.7 million to restore the terrestrial environment of the Maitai / Mahitahi Valley.
- 6.61 MPI - Te Uru Rākau - has also granted \$62,610 to fund trees for planting projects at Shakespeare Walk, Nile Street, and the Mahitahi Wetland.
- 6.62 A total of 54 FTE roles are to be delivered over the 5 years of the Project, and to date, 30 of these are in place at either Nelmac or at the Brook Waimarama Sanctuary. The remaining are likely to be agreed to with prospective employers by February 2020.

Biosecurity

- 6.63 A successful trial removal of the pest Mosquito fish *Gambusia* has been undertaken with the Department of Conservation in the intertidal reaches of Maire stream at Nelson Golf course. Over 180 *Gambusia* were removed over two months. The trial will inform a collaborative strategy for managing *Gambusia* within the Moutere-Waimea estuaries.
- 6.64 A resource consent has been granted enabling the use of aquatic herbicides that will help provide effective control of water celery in Stoke steams. Staff are developing an operational plan to begin spray applications in Orphanage Stream, including consultation with the Department of Conservation and iwi and notification to nearby residents.

Strategic Direction and Focus

- 6.65 There was a strong focus this quarter on developing the Science and Environment budget requirements for the Long Term Plan. Particular focus has been given to the National Policy Statement for Freshwater (NPS-FM), the National Environment Standard for Freshwater (Freshwater NES), and the draft National Policy Statement for Indigenous Biodiversity (NPS-IB) requirements.
- 6.66 The quarter was also busy with the Government 'Jobs for Nature' initiative and the Kotahitanga mō te Taiao Alliance, and opportunities for Council to be involved. Several new projects are being explored in addition to Project Mahitahi.
- 6.67 The Regional Sector has been collaborating on projects to guide and support the implementation of the NPS-FW and NES freshwater. Officers are looped into these projects and looking for opportunities to leverage off existing resources and government funding streams to support our implementation programme.

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Author: Clare Barton, Group Manager Environmental Management

Attachments

- Attachment 1: A2563404 Environmental Management Group Performance Measures Levels of Service [↓](#)
- Attachment 2: A2548631 Building and Consents and Compliance statistics 1 Oct - 31 Dec 2020 [↓](#)
- Attachment 3: A2559930 Nelson Plan Project sheet update for Dec 2020 for Quarterly report [↓](#)
- Attachment 4: A2553113 Upper Trafalgar St Improvements Project Sheet December 2020 for Quarterly Report [↓](#)
- Attachment 5: A2497431 2020-21 Environment Committee Quarterly Report - Project data and health - Environmental Management [↓](#)

Important considerations for decision making
1. Fit with Purpose of Local Government Section 10 of LGA 2002 requires local government to perform regulatory functions in a way that is most cost-effective for households and businesses. This quarterly report identifies the performance levels of regulatory and non-regulatory functions.
2. Consistency with Community Outcomes and Council Policy The Council's Long Term Plan includes performance measures for various activities and this report enables the Council to monitor progress towards achieving these measures. The Environmental Management work programme addresses the following community outcomes: <ul style="list-style-type: none">• Our unique natural environment is healthy and protected.• Our urban and rural environments are people friendly, well planned and sustainably managed.• Our infrastructure is efficient, cost effective and meets current and future needs.• Our communities are healthy, safe, inclusive and resilient.• Our communities have opportunities to celebrate and explore their heritage, identity and creativity.• Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.• Our region is supported by an innovative and sustainable economy.
3. Risk Increased national direction (National Policy Statements) has the potential to impact on work programmes, budgets and statutory timeframes.
4. Financial impact Currently behind budget on all of our activities. No further financial implications.
5. Degree of significance and level of engagement This matter is of low significance and no engagement has been undertaken.

6. Climate Impact

The provision of regulatory and non-regulatory services directly assists Council to take appropriate action or advocate for others to take action to address the impacts of climate change.

7. Inclusion of Māori in the decision making process

No consultation with Māori has been undertaken regarding this report.

8. Delegations

The Environment and Climate Committee has the following delegation:

Areas of Responsibility:

- *Building control matters, including earthquake-prone buildings and the fencing of swimming pools*
- *Brook Waimarama Sanctuary Trust*
- *Bylaws, within the areas of responsibility*
- *Climate Change policy, monitoring and review*
- *Climate change impact and strategy overview - mitigation, adaptation and resiliency*
- *Climate change reserve fund use*
- *Environmental programmes including (but not limited to) warmer, healthier homes, energy efficiency, environmental education, and eco-building advice*
- *Environmental regulatory and non-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, sugar-sweetened beverages and smokefree environments, and other public health issues*
- *Environmental science monitoring and reporting including (but not limited to) air quality, water quality, water quantity, land management, biodiversity, biosecurity (marine, freshwater and terrestrial), pest and weed management, and coastal and marine science*
- *Environmental Science programmes including (but not limited to) Nelson Nature and Healthy Streams*
- *Hazardous substances and contaminated land*
- *Maritime and Harbour Safety and Control*
- *Planning documents or policies, including (but not limited to) the Land Development Manual*
- *Policies and strategies relating to compliance, monitoring and enforcement*
- *Policies and strategies related to resource management matters*
- *Pollution control*

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- *Regulatory enforcement and monitoring*
- *The Regional Policy Statement, District and Regional Plans, including the Nelson Plan*
- *Urban Greening 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.

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Attachment: Environmental Management Group Performance Measures/Levels of Service

Activity	Level of Service Performance Measure	Measure	Achievement – 1 st Quarter	Achievement – 2 nd Quarter
Building	% building consents and code compliance certificates issued within 20 working days	100%	100% – on track	99.4% - Not on track (99.8% processing and 99.03% CCC issuing) (YTD 99.7% – not on track)
Resource Consents and Compliance	% non-notified processed within 20 working days	100%	99% – not on track	100% - On track this quarter (YTD 99.5% – not on track)
	% fast track consents within 10 working days	100%	100% – on track	100% - On track
Dog and animal control	% of all complaints responded to within one day	90% of complaints responded to within one day	90% – on track	99% - On track
Food safety and public health	% premises receiving inspection as per statutory requirements	100% of premises are inspected according to legislative requirements on frequency	There are currently some technical issues reporting on these performance measures where the system is unable to differentiate working and weekend days. Officers are currently working to rectify these issues.	100% - On track
Alcohol licensing	% of licensed premises receiving two inspections per year	100% of premises inspected two times per year	There are currently some technical issues reporting on these performance measures where the system is unable to differentiate working and weekend days. Officers are currently working to rectify these issues.	58% - Not on track (However, focus is on high risk premises only as per the Sale and Supply of Alcohol Act. This measure will be changing through the LTP as the current measure is not in step with the updated legislation.)
Pollution response	% responses to emergencies within 30 minutes and all other incidents within one day	100% of emergencies responded to within 30 minutes and all other incidents within one day	89% – not on track (2 complaints were delayed in being notified to EIL)	100% - On track 100% - On track (YTD 94.5% – not on track)
Science and Environment	Compliance with national Air Quality Standards – number	Number of breaches in airshed A:	0 – on track	0 – on track

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Activity	Level of Service Performance Measure	Measure	Achievement – 1 st Quarter	Achievement – 2 nd Quarter
	of breaches in each airshed	No more than 3 breaches in winter 2020		
		Number of breaches in airshed B1: No more than 1 breach in winter 2020	0 – on track	0 – on track
		Number of breaches in airshed B2: No breaches	0 – on track	0 – on track
		Number of breaches in airshed C: No breaches	0 – on track	0 – on track
	% of pristine water bodies maintained at current state	100%	On track – Monthly monitoring underway	On-track – Monthly Monitoring underway
	% key bathing sites monitored and public advised if water quality standards breached	100%	On track – Monitoring commencing 30 November	On track – Due to commence Q3

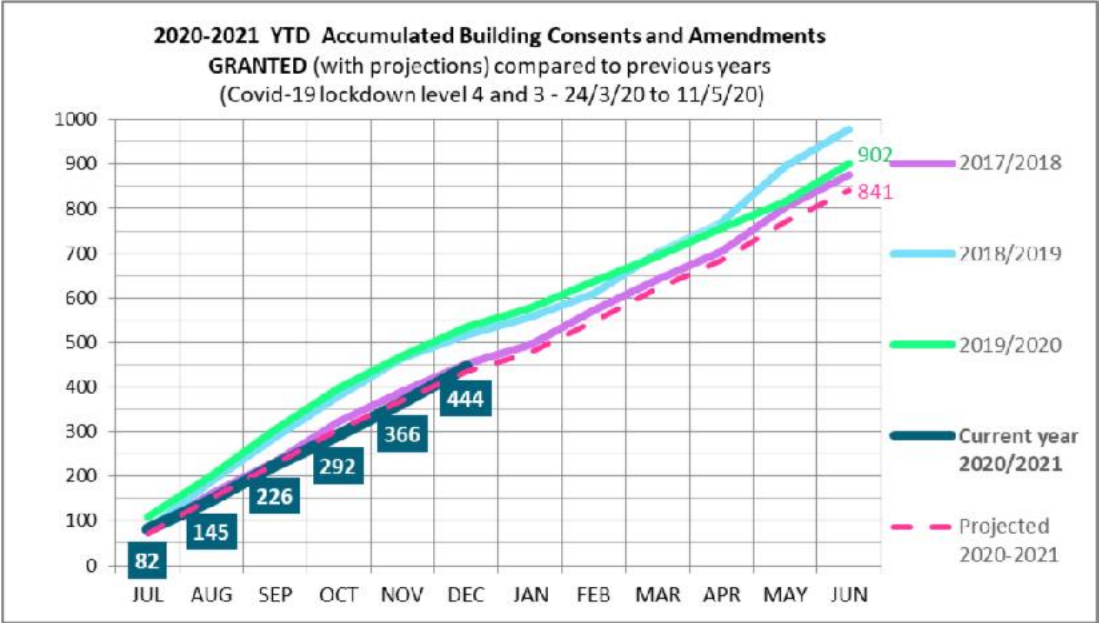
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Attachment 2

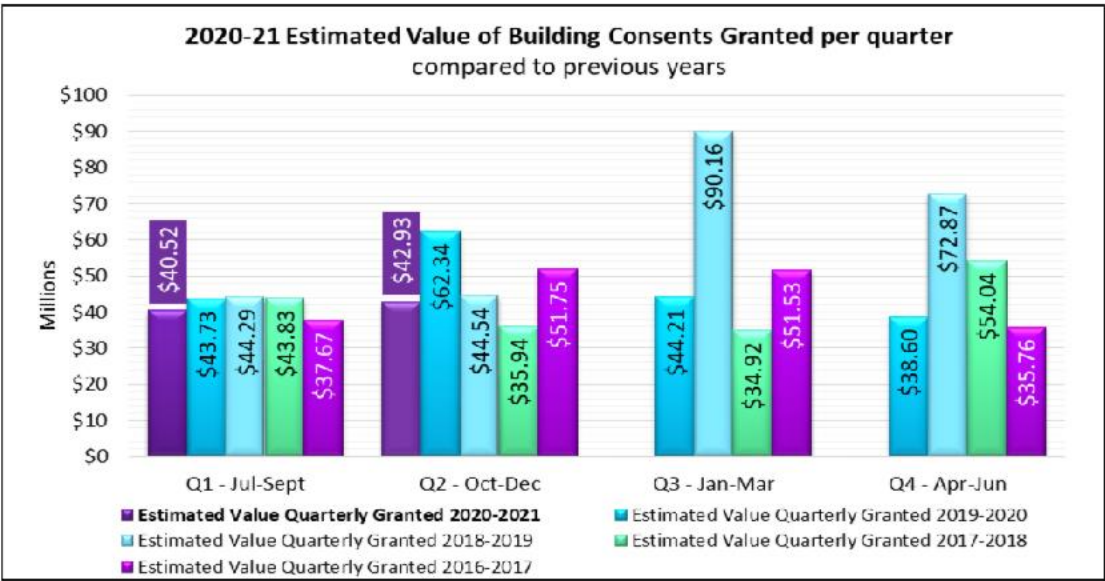
Building Unit Statistics 1 October – 31 December 2020

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

There were 218 building consents and amendments granted in this quarter compared to 230 in the same quarter last year. We have had 2 breach's of the 20 day statutory timeframes, details provided in the quarterly report.

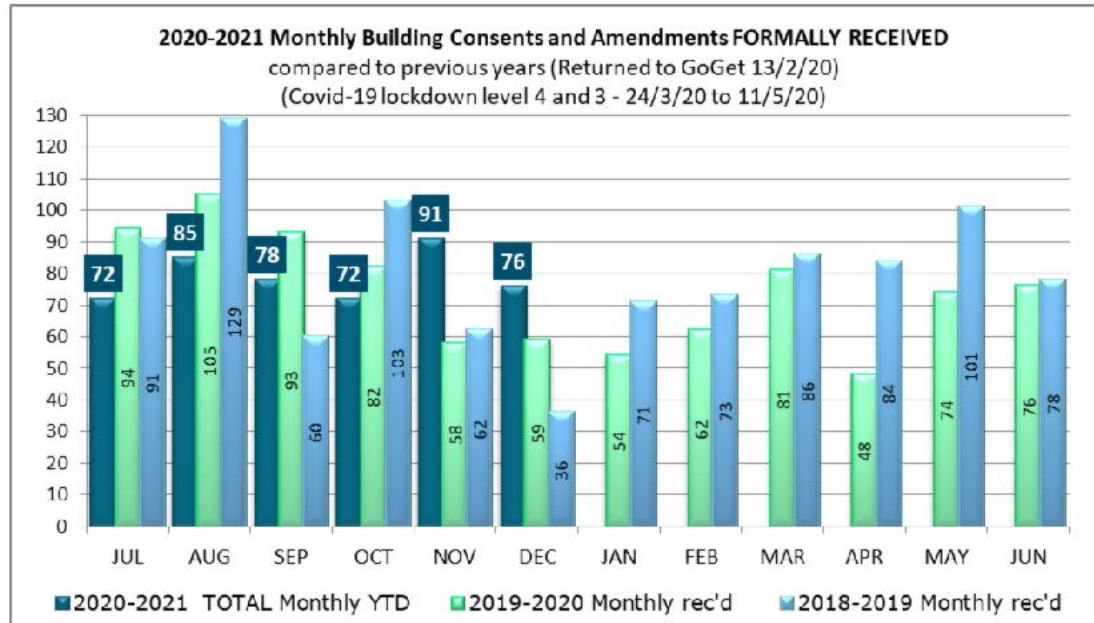


The total estimated value of consents GRANTED in the second quarter of this year is \$42.93m – this is down from 2019/20 but comparable to 2018/19 and above 2017/18 estimated values.



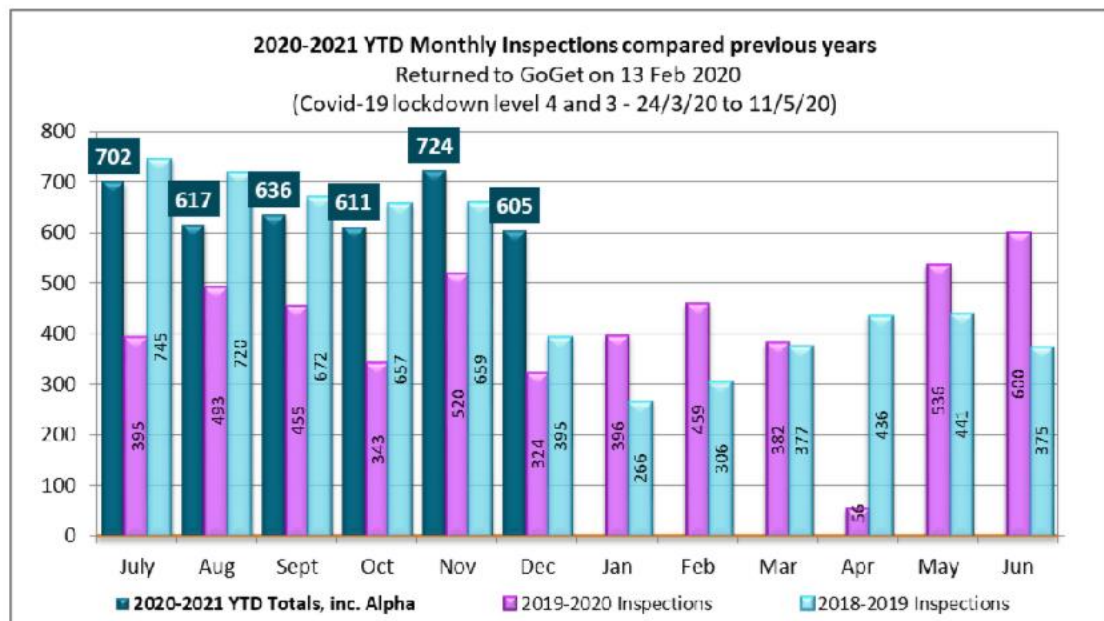
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239 Building Consents and Amendments were formally received compared to 199 in the same quarter 2019 and 201 in 2018.



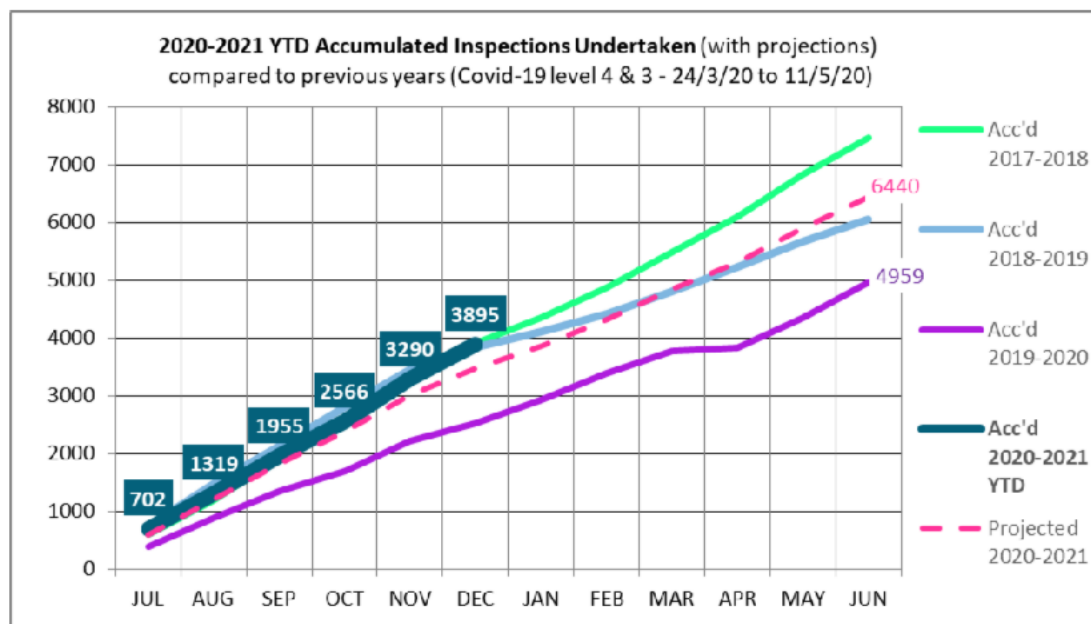
2. Building Inspections

The building inspectors undertook a total of 1,940 inspections within the second quarter of this year compared to 1,187 in 2019 and 1,711 in 2018



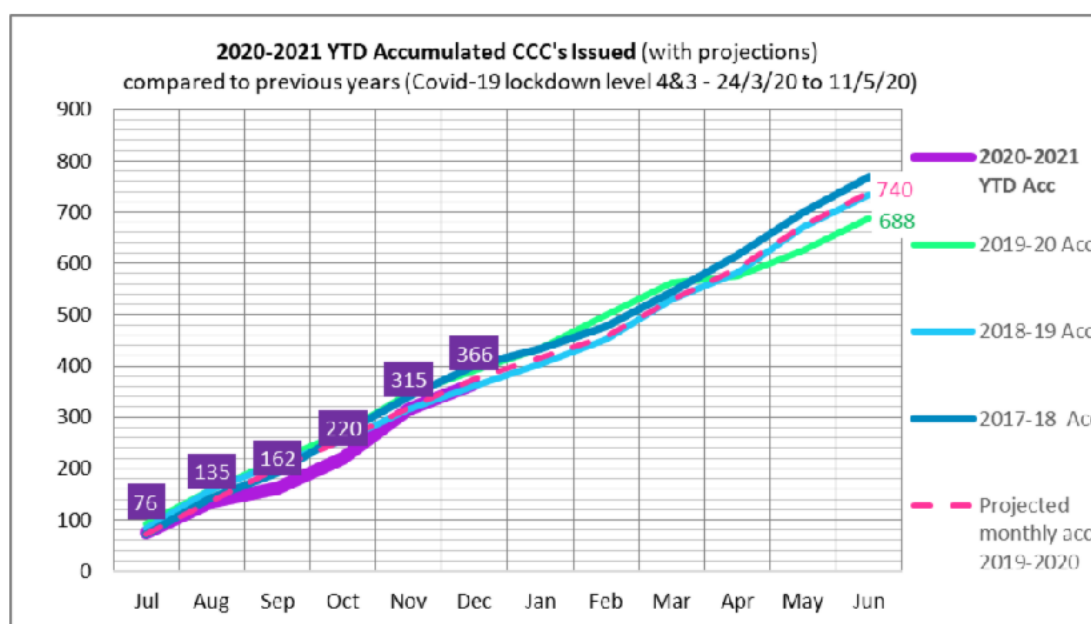
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Inspection figures are currently tracking on a par with the figures for 2017/18 with the highest inspection numbers for the last three years.



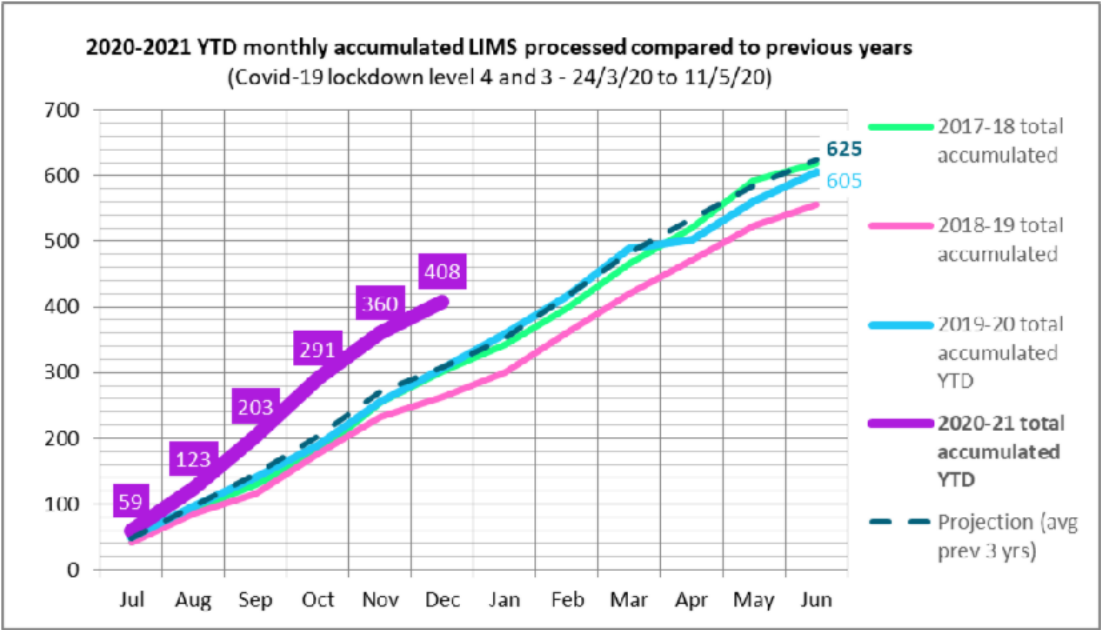
3. Code Compliance Certificates Issued

204 Code Compliance certificates were issued this quarter compared to 190 for the same period in 2019. Unfortunately we incurred 4 breach's of the 20 day statutory timeframes, details provided in the quarterly report.

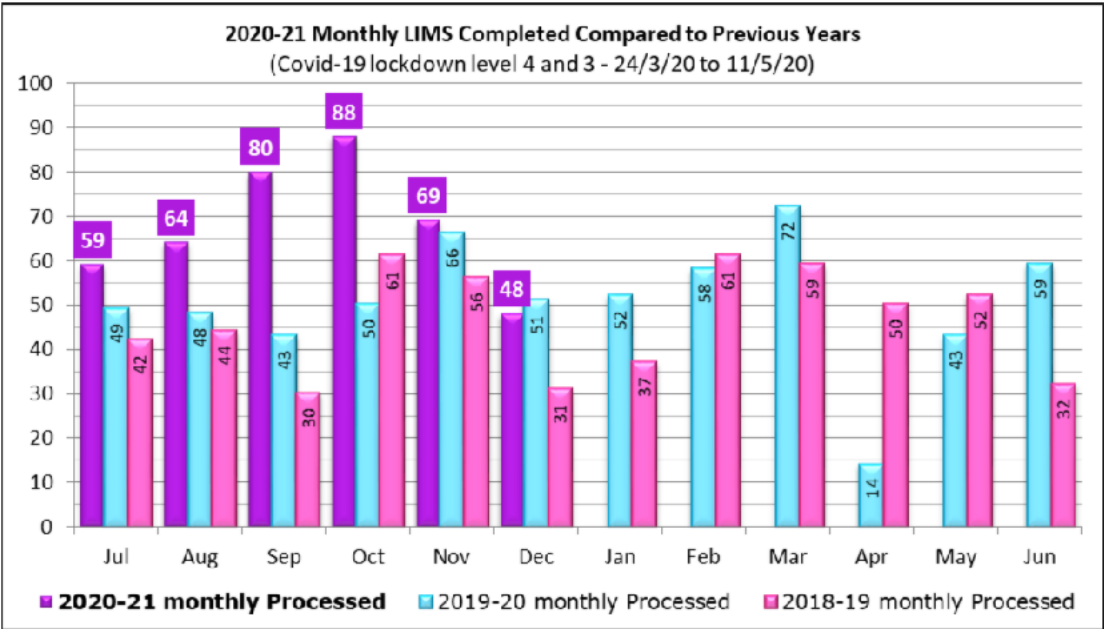


4. Land Information Memorandum

205 LIM applications were received within the second quarter of 2020, this compares to 167 in the same period of 2019 and 148 applications in 2018.



After the very high numbers of applications received in the previous quarter and first month of this quarter, application numbers seem to have returned to a more manageable level.

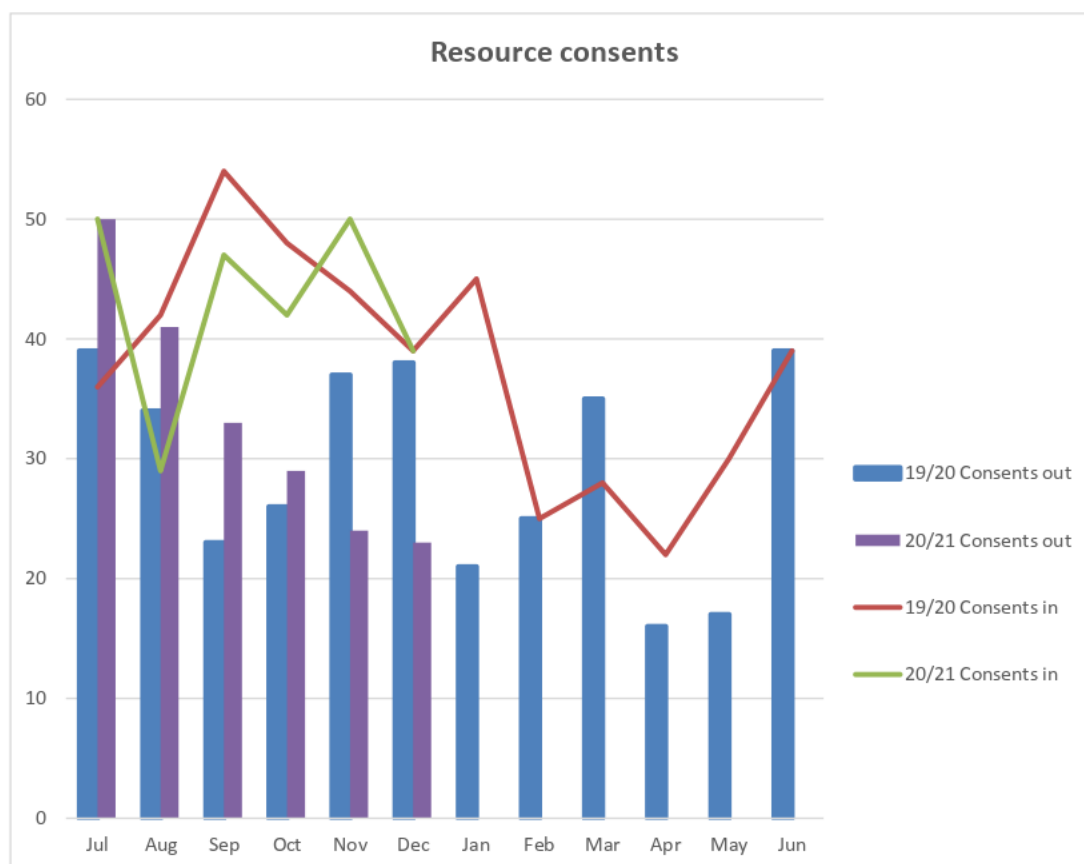


Consents and Compliance Statistics 1 October – 31 December 2020

1. Resource Consent Processing Times

Period of time	NON NOTIFIED				NOTIFIED AND LIMITED NOTIFIED		
	% on time	Average process days	Median process days	Consent numbers	% on time	Average process days	Consent numbers
October	100	48	21	29			
November	100	25	22	22	100	144	2
December	100	24	24	23			
2020/21 year to date average	100	29	22	33	67	133	1
2020/21 year to date total				195			5
2019/20 average	97	21	18	28	60	132	3
2019/20 totals				335			15

2. Resource Consent numbers



3. Parking Performance

Activity	Oct	Nov	Dec
Enforcement			
Safety	158	160	270
Licence labels /WOF	288	258	452
Licence labels/WOF (Warnings)	146	222	268
Meters/Time restrictions	208	233	598
Total Infringement notices issued	800	900	1588
Service Requests			
Abandoned Vehicles	45	29	49
Requests for Enforcement	63	81	67
Information /advice	5	8	18
Total service requests	113	118	134
Courts			
Notices lodged for collection of fine	129	105	67
Explanations Received	109	113	179
Explanations declined	11	26	35
Explanations accepted	98	87	144

4. Environmental Health and Dog Control Activities

Activity	Responses			Total year to date 2020/21	Total 2019/20
	October	November	December		
Dog Control	140	121	158	792	1693
Resource consent monitoring	89	91	131	691	2496
Noise nuisance	127	138	152	687	1360
Bylaw / Building / Planning	49	43	37	287	560
Alcohol applications	52	46	23	232	465
Alcohol Inspections	27	2	9	59	99
Pollution	21	28	18	143	256
Stock	10	6	12	57	78

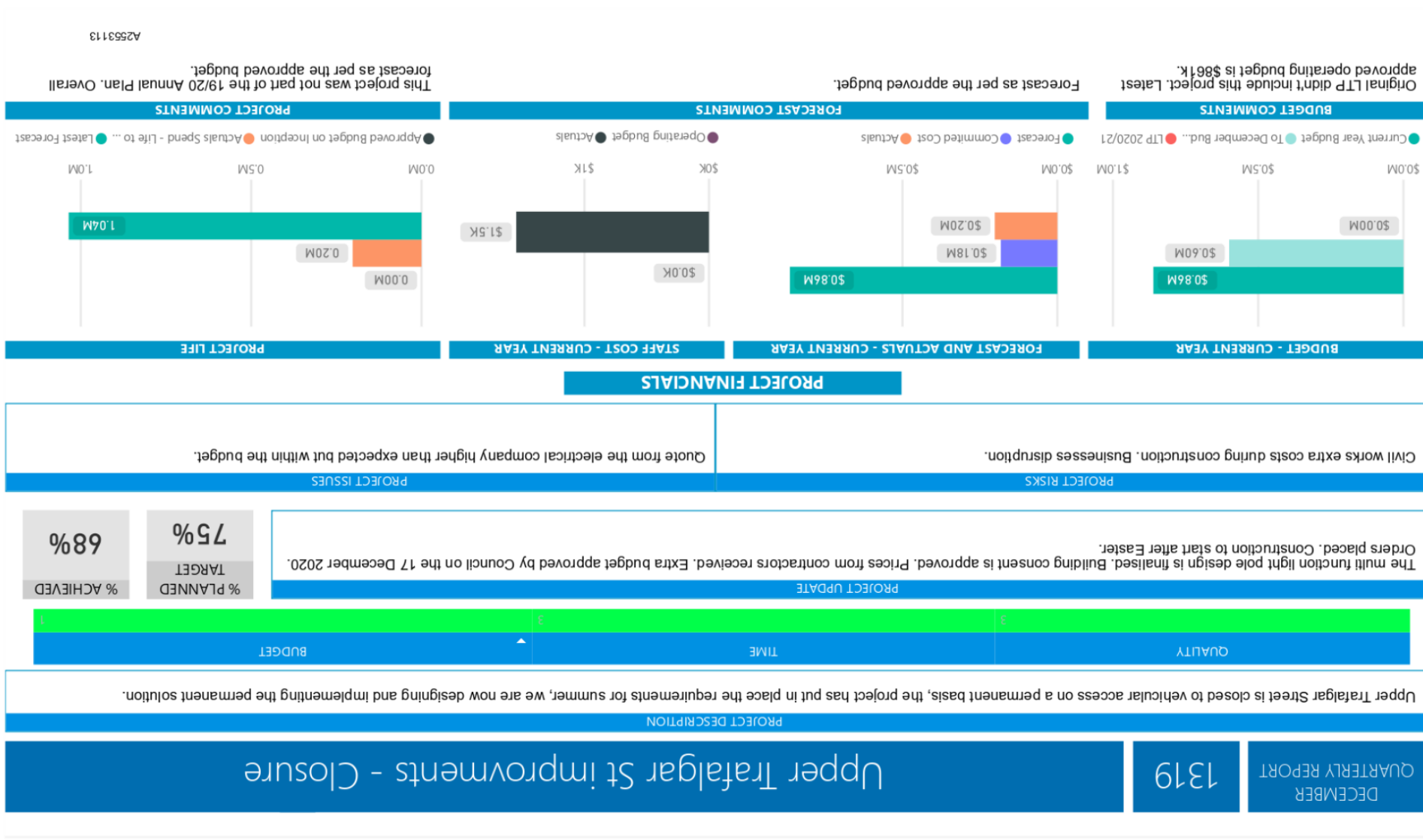
5. Freedom Camping Enforcement

Activity	Year to date total 2020/21	Total 2019/20
Service Requests	57	129
Numbers of Patrols (commenced in December)	47	242
Vehicles Checks	864	10937
Infringements Issued	31	244
Education/Warnings Issued	63	684

PROJECT ID		The Nelson Plan		DECEMBER 2020 QUARTERLY REPORT	
QUALITY		TIME		BUDGET	
PROJECT UPDATE		OVERALL HEALTH		AMBER	
Draft Nelson Plan engagement (phase 1) has been completed, with feedback currently being processed and considered. Engagement also was undertaken on the coastal inundation mapping during November and December. The coastal hazard Dynamic Adaptive Pathways planning (DAPF) work continues into 2021 in conjunction with the Nelson Plan programme. Preparation for Nelson Plan Phase 2 Engagement in 2021 was initiated in December. Protected Tree assessments were completed in December, as was a review of Slope Instability information. This quarter has seen implementation of the NPS Freshwater Management included re-ignition of the community-based Freshwater Working Group, meeting with Te Tau Ihu, MDC and TDC, and internal staff collaboration.					
PROJECT RISKS		PROJECT ISSUES			
RMA reform announcements in late 2020 indicate a significant change to plan-making legislation will occur through 2021-2023. The reforms are likely to impact the content, processes, timeframes and budget for making the Nelson Plan. Further analysis of the impacts will occur in the first quarter of 2021 with a revised programme to be presented to Council in early 2021.		Delays to the delivery of the flood models and completion of the mapping information on Sites and Areas of Significance to Maori will delay Phase 2 Engagement, initially intended for March 2022. A revised programme is being prepared for Council approval.			
PROJECT FINANCIALS					
Year 1	Year 2	Year 3	Years 4-10	Total	
Long Term Plan Budget		1603336	0		
Carry-forwards / Amendments		1603336			
Total Budget		1603336			
Actual Spend to Date		467030			
Full Year Forecast		1603336			
BUDGET COMMENTS		FORECAST COMMENTS		PROJECT COMMENTS	
Budget costs are behind the estimate of costs for second quarter of 20/21 financial year. The timing of costs for the Nelson Plan are uneven. Increased costs are anticipated for the natural hazard and freshwater portfolios in particular. The budget will be revised in alignment with the amended programme and may affect the full year forecast.					

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Business Unit	Project/ Programme Name	Project/ Programme manager	Project/Programme Description	Work undertaken Oct-Dec 2020	% complete	% budget used	Project Health	Comments, Risks and Issues	Project/ Programme Budget \$	Project/ Programme Actuals to date
Science & Environment	Nelson Nature	Leigh Marshall	Protecting, restoring and enhancing Nelson/Whakatu's native ecosystems and species, from the mountains to the coast.	Weed control underway for forest weeds in Maitai/Roding. Support for SNA landowners for weed and animal pest control. Annual bird counts for Halo project. Technical support for community trapping groups. Coastal bird survey of Nelson coastline.	40%	39%	G	Staff capacity was reduced during this quarter due to two vacant positions as a result of internal transfer of staff to new roles. Vacancies filled in Jan 21 and project back on track for delivering objectives with some minor shifts in project deliverables to be completed this FY.	441,836	170,279
Science & Environment	Healthy Streams	Joanna Wilson	Working with the community and across Council to achieve improved outcomes for freshwater in the Nelson Region.	Poorman Valley Stream community engagement project first art project completed. Contracts for fish passage and Erosion and Sediment Control projects set up ready to be completed in 3rd quarter of the FY. Implementation of the Poorman Valley Stream Ecological Restoration Plan underway through the Cemetery section with tree weed control to prep for planting. Volunteer celebration afternoon tea. National Advisory Group for Freshwater Citizen Science meetings. Completion of the Lud Green Infrastructure project.	33%	22%	G	The majority of physical works/plantings etc fall in the 3rd and 4th quarter.	440,603	96,571
Science & Environment	Land Management	Asita Langi	New programme from July 2019. Working with the community and across Council to achieve improved outcomes for sustainable land management in the Nelson Region. Includes activities such as erosion management, farm forestry plans, rural riparian	Envirolink grants received to undertake two projects. The first is to understand more about Mātauranga Māori in relation to land science (\$50,000). The second is to develop guidelines (with Canterbury University) for transitioning plantation forestry to native forestry taking into account a number of variables such as climate, soil type, and context (\$40,000). Delivery of environmental grants to address hill country erosion. On track to deliver 10 farm environment plans by June 30th	40%	22%	G	This programme has been showcased in several media articles: Life https://www.nzherald.co.nz/the-vision-is-clear/news/community-comes-together-to-protect-river/Q4M73D5L5EBLBT3LNFP56QQMWQ/ and https://www.mpi.govt.nz/funding-and-programmes/forestry/sustainable-land-management-and-hill-country-erosion-programme/	365,614	79,768
Science & Environment	Biosecurity	Richard Frizzell	Tasman Nelson Regional Pest Management Plan implementation.	Annual review of RPMP Operational Plan undertaken; resource consent for aquatic herbicide granted/programmed control of water celery; Taiwan cherry control substantially completed; initiated first round of Sabella delimitation	50%	31%	G	Much of the budgeted work is still to be completed/invoiced in the next two quarters. Implementation of RPMP to be transitioned from Tasman District Council to new NCC Biosecurity Officer role.	277,715	86,126
Science & Environment	Sustainable building	Richard Popenhagen	Warmer, healthier, sustainable homes and heritage project grants to support the upkeep of Heritage buildings	Heritage Project Fund allocated for this year. Warmer Healthier Homes work ongoing.	50%	24%	Y	Insulation grant likely to be underspent. Reduced Eco Design Advice Service due to other work programmes taking precedence.	212,749	51,613

Item 11: Environmental Management Quarterly Report - 1 October 2020 - 31 December 2020: Attachment 5

Science & Environment	Air quality	Richard Popenhagen	Air quality monitoring and behaviour change	Routine AQ monitoring. Quarterly service of AQ monitors. Buy Your Firewood Now promotion.	20%	19%	Y	Risk of AQ monitoring gaps due to equipment near end of life. Awaiting direction on amended NESAQ and NEMS as to complying monitoring equipment going forward. Gasses study scheduled for 4 th quarter.	276,144	53,119
Science & Environment	Freshwater monitoring - quantity and quality	Paul Fisher/ Emma reeves	SoE monitoring and Hydrology monitoring	Routine hydrometric inspections and SoE monitoring. The Rec bathing program started and temperature sensors were deployed. Installation of a continuous water quality sensor measuring temp, DO, pH, conductivity and turbidity as a trial for further continuous water quality monitoring	40%	22%	G	Waiting on outstanding invoices for Q2 work	349,290	75,506
Science & Environment	Estuarine, coastal and marine monitoring	Paul Fisher/Vikki Ambrose	SoE estuarine monitoring, marine water quality monitoring, coastal/marine ecosystem health and biodiversity programmes including shorebirds, citizen science and participation in benthic restoration projects	Marine monitoring programme in development and reviewed by Cawthron. Implementation now in planning stage. Estuarine/coastal health monitoring starting later in Q3.	5%	1%	G	Marine programme in draft phase only Majority of work to be undertaken in Q3 and Q4	129,777	6,700
Science & Environment	Environmental Education	Joanna Wilson	Environmental Education for Sustainability programme to promote positive behaviour change in the wider community	Nelson Intermediate School Silver Reflection, Hira School Green-Gold Reflection, Early Childhood Nature Play hui, Nga Takaro hui with Bi-lingual units, Regional Co-ordinator hui	50%	45%	G		107,939	48,936
Science & Environment	Project Mahitahi	Susan Moore-Lavo	Ecological restoration of the Maitai/Mahitahi catchment through Jobs for Nature grants from MfE and DoC.	Contract let to Nelmac for 24FTE over 5 years, and grant given to Brook Sanctuary for 4 FTE over 2 years. Establishment of governance and project groups. Project launch. Funding agreement signed with DoC. Work programme under development.	25%	TBA		Funding and budgets still being finalised. Financial information will be provided in Q3 quarterly report.	TBA	TBA
Planning	Whakamahere Whakatū Nelson Plan	Maxine Day	Develop an integrated Resource Management Plan for Nelson	Project health reported separately			G			
City Development	HASHAA	Lisa Gibellini	Legal Advice and Deed and private developer agreements for SHAs	Project health reported separately			G			
City Development	City Development	Lisa Gibellini	NPS Capacity Assessment, Future development Strategy and City Development Projects	Project health reported separately			G			
END OF REPORT										

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