

22 November 2007

The Chair and Councillors
Environment Committee

ENVIRONMENT COMMITTEE STATUS REPORT

1. Reason for report

- 1.1. To provide the Environment Committee with information on key issues the Committee will need to address.

2. Status of Actions from Environment Meeting of 11 September 2007

- 2.1. Palace Backpacker: Dave Enting

THAT His Worship the Mayor communicate the concerns raised at the meeting (31 July 2007) and those of the Council to the Police and organise a meeting with local businesses and Police representatives to discuss what options there might be to resolve the situation.

Action:

Meeting held 8 October 2007 with McDonalds, NZ Police, Environmental Inspections, Gaire Thompson, Palace Backpackers.

- 2.2. New Zealand Urban Design Protocol

Action: Decision for the new Council

- 2.3. In Committee: Nelson South – Richmond East Structure Plan

3. Key Environmental Policy Issues

3.1. Growth Management

- 3.1.1. Nelson Richmond Futures Working Group (NRFWG): Nelson City Council (NCC) and Tasman District Council (TDC) set up a joint working group to coordinate the management of growth in the Nelson-Richmond area. The working group oversees the implementation of the Nelson Urban Growth Strategy and Richmond Development Strategy. The working group is made up of the Mayors, and chairs of Environment, Infrastructure and Community Services, and will next meet on 18 December.
- 3.1.2. Nelson South-Richmond East Structure Plan. (In-Committee matter): A structure plan for the development of the Champion Road and Hill Street area is being developed by NCC and TDC. A draft plan and work programme will be presented to the NRFWG and then the Environment Committee meeting in February 2008.
- 3.1.3. Nelson-Richmond Intensification Study: A study on how NCC and TDC should encourage urban intensification was released on 14 November. Both councils want to accommodate a proportion of growth within the existing urban area. A proposed work programme for implementing the study's recommendations will go to the NRFWG and then to the Environment Committee in February 2008.

3.1.4. Inner City Strategy – the Nelson Urban Growth Strategy (NUGS) (2006) adopted by the previous Council identified the need for an Inner City Strategy. This was in response to submissions from the Chamber of Commerce and others. There is a need to map out:

- a) the future form and function of the inner city
- b) how the inner city can sustain itself as the cultural and commercial heart of the region
- c) how it can continue to develop and be a safe, vibrant, people friendly place to live, work, and shop.

A Councillor workshop is planned for 14 February 2008 to begin the process of developing the strategy.

3.1.5. Major Project Team

A senior staff group available free to developers and subdividers (including the Council itself) to provide early advice and input to major projects to promote better design and urban outcomes, and to align the timing of private infrastructure and reserves investment with Council's LTCCP programmes.

3.2 Review of Nelson Resource Management Plan

3.2.1 Urban Planning Objectives and Policies: the Nelson Resource Management Plan (NRMP) was notified in 1996. The majority of the NRMP is over 10 years old and needs reviewing. The NRMP does not state clearly in its objectives and policies the quality urban design outcomes included in the LTCCP, NUGS and other policy documents. Nelson has limited land left suitable for residential subdivision. Ensuring subdivisions are based on quality urban design principles is a priority. Staff are preparing an issues and options paper for the Environment Committee.

3.2.2 Subdivision Provisions and Engineering Standards: Linked to the above proposal, staff are reviewing the subdivision provisions in the NRMP. The current subdivision rules mean a subdivision based on quality urban design principles has a tougher resource consent status than a standard subdivision design. This sends the wrong message. The Engineering Standards for roading and stormwater will be reviewed, as will their linkage to the NRMP. Staff are preparing an issues and options paper for the Environment Committee.

3.2.3 Update of NRMP

- a) Improving the planning instrument

There are a number of plan changes that can be undertaken to remove complexity in the NRMP, amend the status of some activities, and clarify provisions so the NRMP is simpler to administer, and assists in more effective consent processes. This work needs to not be lost behind any proposals for a comprehensive review.

- b) A fundamental review.

Due to changes in the issues Nelson faces and changes in legislation, the outdated NRMP is not delivering the outcomes it should. In addition to the plan changes above, further changes are needed to provide for sustainable growth in particular areas (Nelson North, Nelson South, Inner City, Tahunanui, intensification nodes, Marsden Valley), and to address particular issues, such as outstanding landscapes and parking. Further changes will also be required in response to National Policy Statements and National Environmental Standards from central government.

3.3 Notified Plan Changes

- 3.3.1 Plan Change 05-01 (Nelson North): As part of NUGS and as an interim measure the Council notified this plan change in 2005 to protect the character of Nelson North (beyond Gentle Annie) with tougher subdivision controls. A hearing of submissions is still to be held. Advice will be provided to the Committee on whether to proceed with this plan change or whether a new plan change is required to provide for the option of a residential development at Hira as identified in NUGS (2006).
- 3.3.2 Plan Change 05-02 (General): This plan change included minor amendments to existing rules and policies intended to clarify existing provisions in the NRMP or to make them more workable. Decisions on submissions were notified on 27 October and the appeal period closes on 7 December. If there are no appeals the plan change will be adopted as operative at the 20 December Council meeting.
- 3.3.3 Private Plan Change 06-01 (Catal Developments Ltd): This private plan change proposed to provide for large format retail and trade outlets of no less than 500m² and associated activities to a maximum of 30,000m² total floor area on the site at the old Honda factory site in Quarantine Road. One appeal has been received.
- 3.3.4 Plan Change 06-04 (Stoke Railway Reserve): This plan change proposes to rezone a 5 metre strip of land adjacent to the Railway Reserve in Stoke from 'Industrial' to 'Residential' to address residents' concerns over shading from industrial buildings. An independent commissioner has heard submissions, and we are waiting for her recommended decisions.
- 3.3.5 Plan Variation 07/01 (Port Noise) – This plan variation aims to protect people living close to the Port from excessive noise, while allowing Port Nelson to operate efficiently. Further submissions on the variation close on 14 December. Submissions will be heard by independent commissioners in April 2008.

3.4 Air Quality

- 3.4.1 Plan Appeals: Two appeals on the air quality plan still need to be resolved. The appeal by Genera Ltd over methyl bromide fumigation has been heard in the Environment Court, and a decision is expected early next year. The other appeal by Solid Energy Ltd should be resolved by the end of this year.
- 3.4.2 Clean Heat Warm Homes: The Council will be spending approximately \$5.5 million over ten years on a loan scheme to help replace enclosed fireplaces. Council has succeeded in making the community aware that open fires cannot be used from 1 January 2008, and in getting people to replace their open fires. Further modelling will be done in 2008 to see if we are on track to meet the National Environmental Standards for air quality by 2013.

3.5 Harbour Safety Plan

- 3.5.1 The Council is responsible for navigational safety in Nelson Harbour and is required to produce and implement a Harbour Safety Plan. The Council and Port Nelson have commissioned a navigational risk assessment to help develop the Harbour Safety Plan and Harbour Safety management System that should be finalised during 2008. Changes to bylaws and the NRMP may then be required.
- 3.5.2 There is no formal basis on which harbour safety is implemented on the water. The Harbourmaster has the powers to take necessary action but the interaction of a growing recreational fleet with other harbour users is presently based on common sense and reasonable care. This is an area of risk for the Council.
- 3.5.3 Preliminary discussions have been held with TDC over sharing resources and services for policing and education of harbour and coastal water users.

3.6 Sustainability Strategy

3.6.1 Under the Local Government Act, RMA, and other legislation the Council is responsible for promoting sustainability. A strategy is proposed to coordinate across Council and the wider community our efforts to promote more sustainable ways of doing things. The LTCCP included developing an Environmental Education Strategy, but a more comprehensive document is seen as being needed to prioritise and coordinate actions by the Council and other groups in the community as part of the review of the LTCCP in 2008.

3.7 Environmental Monitoring Strategy

3.7.1 This strategy is timetabled in the LTCCP for release in June 2008. However, progress has been delayed due to other priorities and an attempt to align the strategy with work to review monitoring of performance in achieving LTCCP outcomes across the whole Council.

3.8 Regional Policy Statement Review

3.8.1 The Council is carrying out a statutorily required review of its Regional Policy Statement. A councillor workshop is being held on 4 December to discuss the review.

3.9 Communities for Climate Protection Programme

3.9.1 The Council is preparing an action plan and setting targets for reducing greenhouse gas emissions for Council and the whole Nelson community. A councillor workshop is being held on 11 December to consider draft targets and proposed actions.

3.10 Central Government Policies

3.10.1 Central Government has many environmental policy initiatives underway that require input from Council to ensure that what eventuates is workable, and so the Council can better position itself to take whatever action is necessary when these policy initiatives are implemented. These actions can range from plan changes to non-statutory actions. Some significant examples are: the National Coastal Policy Statement, Affordable Housing Bill, Freshwater Management National Policy Statement, and Renewable Energy National Policy Statement, NES on electricity transmission, NES on telecommunications cabinets, NES on water measuring devices, NPS and NES on contaminated land.

3.10.2 Draft submissions on these documents will be provided to the Environment Committee.

4. Key Consents Issues

4.1 Building Consent Authority

The Council has to be accredited by 30 June 2008. The main assessment visit by IANZ (International Accreditation NZ) is scheduled for early December 2007. IANZ is requiring greater information disclosure requirements as part of pre-assessment preparation as a result of the failure of a number of Councils to be ready for assessment on time.

This is a significant issue for the Council and has potential for significant changes to process and resourcing requirements.

A separate briefing of the Committee is required.

4.2 Earthquake Prone Buildings/ Dam Safety Policy

The Council adopted these two policies in 2006 and there is an implementation requirement that will create a new work stream to be prioritised after BCA accreditation.

4.3 Resource Consents

Staff recruitment and retention is an issue in this area. The consents team is quite inexperienced and they carry a significant workload. Extensive use of consultants as contractors is essential to maintain the flow of consents and provide a suitable level of service to applicants.

A Business Improvement Project is in hand to systematically review all steps in the consent processing chain, to review all standard forms and documents and public information, and to create tools to assist the planning team achieve consistent and timely quality in consent processing. This project has the primary goal of meeting statutory timeframes, and providing a supportive, collegial professional work team.

4.4 Consent Monitoring

Environmental Inspections Ltd (EIL) is contracted to monitor consents. An increased level of service budgeted in 2007-08 enables consents as they issue to be monitored on a priority basis. This is providing a proactive service.

Unresolved issues for monitoring are

- a) The major consents which involve a higher technical or expert input and which at present are not receiving the thorough review and analysis they warrant, eg York Valley, Sealords Outfall, North Nelson Outfall, Harbour dredging.
- b) Existing consents that have not been subject to a systematic monitoring programme in the past.
- c) Monitoring of permitted activities; at present the only monitoring done is reactive, mostly responding to complaints. The Council presently has no funding stream for monitoring permitted activities.

5. Key Environmental Services Issues

5.1 Contract

EIL holds the contract for a range of environmental services. It is due to be either re-tendered or brought back in-house by July 2008.

The annual report on contract services is attached (Attachment 1)

5.2 Public Health Bill

The first comprehensive review of the 1956 Act will require close examination and assessment. The Bill has just been released.

5.3 Food Safety Bill

The final form of this Bill is unknown but it signals a major change in Council roles and responsibilities for food safety. It will require close examination and assessment because it appears based on the same quality systems approach of the Building Act.

5.4 Fencing of Swimming Pools Act

At present the Council undertakes a low level of administration of this Act. The Council has a small budget to provide some preparatory work before making a budget bid for proactively checking and enforcing the requirements of the Act. A higher level of inspection will require additional resources.

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MW: RJ