Nelson City Council
te kaunihera o whakatū

Notice of the ordinary meeting of the

Environment Committee

Kōmiti Taiao

Date:	Thursday 22 October 2020
Time:	to follow extraordinary Council meeting
Location:	Council Chamber, Civic House
	110 Trafalgar Street
	Nelson

Agenda

Rārangi take

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

**Pat Dougherty
Chief Executive**

Quorum: 2

Environment Committee - Delegations

Areas of Responsibility:

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

Delegations:

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

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

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

Powers to Recommend to Council:

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

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

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Page No.

Document number M14084

Recommendation

> *That the Environment Committee*
>
> *1.   <u>Confirms</u> the minutes of the meeting of the Environment Committee, held on 3 September 2020, as a true and correct record.*

Document number R21387

Recommendation

> *That the Environment Committee*
>
> *1.   <u>Receives</u> the report Chairperson's Report (R21387) and its attachment (A2482749); and*

2. ***Approves*** *the submission to the Ministry of Business, Innovation and Employment regarding Building for Climate Change.*

7. Compliance Strategy 2020

Document number R19200

Recommendation

That the Environment Committee

1. ***Receives*** *the report Compliance Strategy 2020 (R19200) and its attachment (A2275547); and*

2. ***Adopts*** *the Compliance Strategy 2020 (A2275547) effective from 1 November 2020.*

8. Draft Environmental Management Activity Management Plan 2021-2031

Document number R21388

Recommendation

That the Environment Committee:

1. ***Receives*** *the report Draft Environmental Management Activity Management Plan 2021-2031 (R21388) and its attachment (A2480683); and*

2. ***Approves*** *the Draft Environmental Management Activity Management Plan 2021-2031 (A2480683) as the version to inform the Long Term Plan 2021-31; and*

3. ***Notes*** *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.*

Nelson City Council
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Minutes of a meeting of the Environment Committee

Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson on Thursday 3 September 2020, commencing at 9.09a.m.

Present:	Councillor K Fulton (Chairperson), Her Worship the Mayor R Reese, Councillors B McGurk (Deputy Chairperson), Y Bowater, T Brand, M Courtney, J Edgar, M Lawrey, G Noonan, R O'Neill-Stevens, R Sanson, T Skinner and Ms G Paine
In Attendance:	Group Manager Environmental Management (C Barton), Governance Adviser (E Stephenson) and Governance Support (K McLean)
Apologies :	Her Worship the Mayor Reese for lateness and Councillor Rainey for absence

Karakia Timatanga

There was an opening karakia.

The Chairperson acknowledged the passing of Council staff member Katherine Hunziker. Council's Kaihautu, Pania Lee, gave a purification karakia, which was followed by a minute of silence.

1. Apologies

Resolved EC/2020/030

> *That the Environment Committee*
>
> *1. <u>Accepts</u> the apologies from Her Worship the Mayor Reese for lateness and from Councillor Rainey for absence.*

<u>Courtney/Bowater</u>   <u>Carried</u>

2. Confirmation of Order of Business

The Chairperson's Report (Agenda Item 6) was considered as the last item of business.

3. Interests

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

M14084

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

5.1 23 July 2020

Document number M12016, agenda pages 5 - 9 refer.

> Resolved EC/2020/031
>
> **_That the Environment Committee_**
>
> 1. **_Confirms the minutes of the meeting of the Environment Committee, held on 23 July 2020, as a true and correct record._**

McGurk/Paine   Carried

6. Whakamahere Whakatū Nelson Plan Programme Update (Agenda Item 7)

Document number R18190, agenda pages 10 - 21 refer.

Manager Environmental Planning, Maxine Day, presented the report. She noted an amendment to change the word 'consultation' to 'public engagement' in the second bullet point of clause 2 of the officer recommendation, to better reflect the terminology in the Resource Management Act 1995.

Ms Day advised the Committee of a correction to paragraph 3.3 of the agenda report in that only the parts of the Nelson Plan that had not been released in phase 1 would be released at phase 2 in March 2021.

Ms Day answered questions regarding Council's communication and consultation/public engagement for the Nelson Plan. It was clarified that the public engagement phase was a pre consultation phase and agreed that it should be clearly communicated to the public that formal submissions to the Nelson Plan would begin when the Nelson Plan was notified in 2022, giving the public three opportunities to provide input to this significant document.

Further questions were answered regarding key stakeholder testing, the importance of public feedback, the significance of the Nelson Plan, the impact of the Randerson Report on new directions for resource management in New Zealand, the consultation process with local government on the Randerson Report, and issues relating to Nelson Plan software.

The Chairperson acknowledged officers' work on the Nelson Plan and the clear communication with Council's Nelson Plan Governance Steering Group.

Resolved EC/2020/032

> ***That the Environment Committee***
>
> *1.* ***Receives the report Whakamahere Whakatū Nelson Plan Programme Update (R18190) and its attachment (A2425419); and***
>
> *2.* ***Approves the updated programme for the Whakamahere Whakatū Nelson Plan, as follows***
>
>   - ***Undertaking two phases of public engagement, the first in October 2020, and the second in March 2021; and***
>
>   - ***Anticipated notification of the Proposed Plan in February 2022.***

McGurk/Lawrey   Carried

7.   Environmental Management Group - Quarterly Report (Agenda Item 8)

Document number R16951, agenda pages 22 - 1 refer.

Group Manager Environmental Management, Clare Barton, Manager Consents and Compliance, Mandy Bishop and Manager Science and Environment, Jo Martin answered questions regarding air quality, biosecurity and pest control, Marina incursions, wetland mapping, the Biodiversity Strategy and the Environmental Grant Scheme.

Attendance: Her Worship the Mayor Reese entered the meeting at 10.31a.m.

Team Leader City Development, Lisa Gibellini answered questions regarding progress and budget for the Pop up Park and the Intensification Action Plan.

Further questions were answered regarding costs and efficiencies, staff resources and future funding sources.

Resolved EC/2020/033

> ***The Environment Committee***
>
> *1.* <u>***Receives***</u> ***the report Environmental Management Group - Quarterly Report (R16951) and its attachments (A2367256, A2433854, A2415060 and A2282783).***

McGurk/Fulton   Carried

The meeting was adjourned from 10.48a.m. until 11.06a.m., during which time Councillors Noonan and Sanson left the meeting.

8.   Chairperson's Report (Agenda Item 6)

The Chairperson's report was tabled (A2455051).

The Chair summarised points in her report, which included food resilience in climate change, the contribution of food waste to greenhouse gases, regenerative agriculture, utilisation of Council owned land and urban spaces for food resiliency, development of the Urban Greening Plan, the Adopt a Spot programme, liveable cities, the Waste Minimisation Trial, Biodiversity Restoration, and the Saxton Creek Restoration Project.

Resolved EC/2020/034

That the Environment Committee

1.   Receives the Chairperson's Report (A2455051).

Paine/Courtney   Carried

Attachments
1   A2455051 - Chairperson's Report (R20282)

Karakia Whakamutunga

There was a closing karakia.

There being no further business the meeting ended at 11.42a.m.

Confirmed as a correct record of proceedings:

_____ Chairperson   _____ Date

Nelson City Council
Te Kaunihera o Whakatū

REPORT R21387

Chairperson's Report

1.   Purpose of Report

1.1   To update the Committee on matters relating to the Committee' areas of responsibility; and

1.2   In accordance with 5.2.2 of Council's Delegations Register, to report back to the Committee on matters within its areas of responsibility, that were considered directly by Council, at its 22 September 2020 meeting. This is for information only.

2.   Recommendation

> *That the Environment Committee*
>
> *1.   Receives the report Chairperson's Report (R21387) and its attachment (A2482749); and*
>
> *2.   Approves the submission to the Ministry of Business, Innovation and Employment regarding Building for Climate Change.*

3.   Matters considered by Council

3.1   The Environment Committee's areas of responsibility include:

- The Regional Policy Statement, District and Regional Plans, including the Nelson Plan

- Other planning documents or policies, including (but not limited to) the Land Development Manual

3.2   However, clause 5.2.2 of the Delegations Register allows matters to be considered directly by Council as follows:

> *5.2.2   On the recommendation of the Chief Executive, and with the agreement of the Chair of the relevant committee, subcommittee or subordinate decision-making body and Mayor, matters within the area of responsibility of a particular committee, subcommittee or subordinate decision-making body may be considered directly by Council instead. If this occurs, the Chair of the relevant committee, subcommittee or subordinate decision-making body will report to the following meeting of the committee, subcommittee or*

subordinate decision-making body regarding the reason for doing so, and the outcome of the matter at the Council meeting.

3.3   The following matters falling within the Environment Committee's areas of responsibility were considered by Council at its meeting on 22 September 2020:

    3.3.1   Nelson Tasman Land Development Manual – Delegation Resolution Amendment; and

    3.3.2   Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement

Nelson Tasman Land Development Manual – Delegation Resolution Amendment

3.4   The reasons for this report being considered by Council on 22 September 2020, rather than by the Environment Committee, were:

    3.4.1   Efficient and timely administration of the Nelson Tasman Land Development Manual; and

    3.4.2   To align timeframes with Tasman District Council.

3.5   The Chair of the Environment Committee, the Mayor and the Chief Executive agreed that the matter be considered at the 22 September 2020 Council meeting, with outcomes from that meeting to be reported back to the Environment Committee on 22 October 2020.

3.6   Council passed the following resolution on 22 September 2020:

Resolved CL/2020/143

That the Council

1.   <u>Receives</u> the report Nelson Tasman Land Development Manual - Delegation Resolution Amendment (R20307); and

2.   <u>Delegates</u> the Chairperson of the Environment Committee and the Group Manager Environment authority to approve minor technical wording amendments, or correction of errors to the Nelson Tasman Land Development Manual 2019.

Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement

3.7   The reasons for this report being considered by Council on 22 September 2020, rather than by the Environment Committee, were:

    3.7.1   Stakeholder feedback closed on 31 July 2020;

    3.7.2   Officers needed four weeks to consider feedback from stakeholders and, where appropriate, to incorporate that feedback in the Draft Whakamahere Whakatū Nelson Plan;

    3.7.3   The meeting dates for the Environment Committee fell either too early (3 September 2020) or too late (22 October 2020) to approve the release of

the Draft Whakamahere Whakatū Nelson Plan for engagement for eight weeks from 6 October 2020.

3.8   The Chair of the Environment Committee, the Mayor and the Chief Executive agreed that the matter be considered at the 22 September 2020 Council meeting, with outcomes from that meeting to be reported back to the Environment Committee on 22 October 2020.

3.9   Council passed the following resolution on 22 September 2020:

Resolved CL/2020/144

That the Council

1.   Receives the report Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement (R19195); and

2.   Approves the release of the Draft Whakamahere Whakatū Nelson Plan for Public Engagement on 6 October 2020; and

3.   Delegates the Mayor, the Environment Committee Chairperson and Deputy Chairperson authority to make amendments to the Draft Whakamahere Whakatū Nelson Plan for the purpose of correcting or updating information during engagement phases.

4.   Submission regarding Building for Climate Change

4.1   Attached is a submission to the Ministry of Business, Innovation and Employment regarding Building for Climate Change. The consultation document can be found on the Ministry of Business, Innovation and Employment website: https://www.mbie.govt.nz/have-your-say/building-for-climate-change-transforming-operational-efficiency-and-reducing-whole-of-life-embodied-carbon/.

4.2   I am seeking the Committee's approval (retrospectively) of the submission (Attachment 1, A2482749).

Author: Kate Fulton, Chairperson

Attachments

Attachment 1:   A2482749 - Submission on Building for Climate Change ⇩

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

5 October 2020

P (03) 546 0200
E clare.barton@ncc.govt.nz
nelson.govt.nz

Building for Climate Change
Building Performance
Ministry of Business, Innovation & Employment
PO Box 1473
Wellington 6140
New Zealand

By email: BfCC@mbie.govt.nz

Nelson City Council - Submission on Building for Climate Change

Thank you for the opportunity to provide comment on the proposed Building for Climate Change programme.

The Council wants to applaud the Government's aim for carbon neutrality. All sectors have a role to play in achieving that goal. It is acknowledged there are aspects of the building sector that can be improved to contribute towards the Government's aim, whilst being cognisant of the financial costs of that change.

The Nelson City Council has been proactive in its work in the climate change area for both mitigation and adaptation. The following provides a brief synopsis of the work:

a) Declaration of a Climate Emergency in May 2019.
b) Commitment to climate change initiatives through the allocation of $500,000 from the Port dividend.
c) Resolved to achieve Net Zero Carbon by 2050 for Councils own emissions, in-line with government targets.
d) Agreed a partnership with EECA for a Council-wide energy management programme.
e) Climate change incorporated into each updated draft Activity Management Plan.
f) Council Procurement Policy being updated to reflect preference for low-emissions products and services.
g) Climate change incorporated more effectively into the revised draft Infrastructure Strategy.
h) New bus card system introduced and public transport review underway.
i) Council support for community organic waste disposal – including collection and piloting of compost production.
j) Flights now being offset for all Council staff and governance travel.
k) Supporting the Nelson Tasman Climate Forum.

Internal Document ID: A2482749

Nelson The Smart Little City
He tāone tōrire a Whakatū

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l) Funding support provided from Council for a local business groups to help businesses measure and reduce their emissions.

m) Improved processes for considering climate change in Council work, such as business cases and reports to committees.

n) Council has agreed to the development of an Emissions Reduction Action Plan for reducing its own emissions.

o) The Council has been working with counterparts in Lemvig Denmark around the concept of a Climatorium, and agreed to sharing a protocol for climate change.

p) The Council contributes $100,000 per annum to the Warm Healthier Homes Nelson Marlborough Tasman Project.

q) Council provides free independent advice through the Eco Design Adviser service, on improving the health, warmth, sustainability and performance of Nelson homes. This covers existing homes, renovation and new builds.

The Council considers the proposed Building for Climate Change programme will be an effective means of achieving change towards the Zero Carbon 2050 target.

Council fully endorses the content of the submissions made by the Society of Local Government Managers (SOLGM) with the exception of Section 19 of that submission, and Wellington City Council.

The following comments build on those submissions and highlight those parts that are particularly supported.

a) The demonstration of compliance regarding carbon information should rest with the designers. Government financial support for the initial training of Building Team staff would be helpful. These staff will, as a minimum, need to verify the information provided by the designer and will need to be informed of what to assess and consider.

b) Wellington City Council's submission includes commentary on the volume of construction and demolition material that goes to landfill annually and proposes diversion targets and regulatory support for territorial authority level intervention. Nelson City Council supports the points made by Wellington City Council.

c) Council supports leadership in the deconstruction of buildings and where materials can be re-purposed. Council also supports leadership in development and trials of innovative environmentally sustainable low carbon and negative carbon building materials.

d) Council supports a transition from end of life existing enclosed burners. Depending on air quality in particular areas, ultra-low emission burners, may be possible. Council recognises for some there are financial barriers to home heating using electricity and supports Government's ongoing subsidy of winter power use so everyone can live in a warm dry healthy home.

e) On-site renewable energy generation and energy storage is a component of achieving overarching sustainability goals and low carbon construction. A point system could be developed depending on the size and intended use of the building. This would give homeowners and businesses flexibility in how they choose to achieve sustainability goals. The points could include options considered for passive heating and cooling versus electrical such as air conditioning units. Renewable
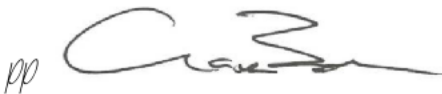
hydroelectricity is limited in dry summer months when the dams are low. We can anticipate increased temperatures and increasing periods of drought in our summer months. As such solar energy generation has potential in buildings where there is electricity used for cooling.

f)   Passive operational efficiency of buildings is seen as critical to maintaining warm homes and provide health benefits for inhabitants of those buildings. The links to the Resource Management Act need to be traversed by MBIE as to where changes are most appropriate to sit to achieve building orientation for passive solar gain.

g)   Council supports a mandatory requirement for every manufacturer or importer to disclose the embedded carbon value on a product. However, if MBIE considers the suggestion from SOLGM has merit then it behoves Government to assist any requirement for Council to assess designers' compliance statements against the statutory requirements.

h)   Water use efficiency is important. Nelson City charges urban users for the supply of potable water and meters use and charges for the actual use. This is not however, the only method for achieving behaviour change when it comes to water use. As drier weather during the summer continues, on-site storage of water in greenfield developments will be important. It is accepted this may not be reasonable for retrofitting into existing houses where there may not be space. Council agrees in supporting on-site storage it is important that standards for drinking water are retained at all times.

i)   As an additional point not contained in those submissions, the Council considers MBIE should investigate methods to prevent covenants being placed on land by developers which specify things such as requiring a double garage, size of house, building materials, preventing a second dwelling etc. These restrictive covenants can be barriers to sustainable land and housing development and can impact on housing affordability.

j)   Finally, the Council recognises there can be additional upfront costs to building sustainably however these can be off-set by building smaller and using alternative building materials. These costs can also be offset by the energy consumption savings over the life of the build. Plus they reflect the true cost of creating societies where local and global environmental restoration and protection is recognised as a priority.

If you require any clarification on any aspect of the submission, please contact Clare Barton, Group Manager Environmental Management at clare.barton@ncc.govt.nz or (03) 546 0343.

Yours sincerely

Kate Fulton
Chair, Environment Committee

Nelson City Council
Te Kaunihera o Whakatū

Environment Committee

22 October 2020

REPORT R19200

Compliance Strategy 2020

1. Purpose of Report

1.1 To adopt the draft Compliance Strategy 2020 (Attachment 1) as the overarching guide for staff and contractors in exercising enforcement obligations on behalf of the Council.

2. Recommendation

That the Environment Committee

1. Receives the report Compliance Strategy 2020 (R19200) and its attachment (A2275547); and

2. Adopts the Compliance Strategy 2020 (A2275547) effective from 1 November 2020.

3. Background

3.1 As a unitary authority there are a broad range of Acts, Bylaws, Resource Management provisions and Policies seeking to ensure the Nelson community is healthy and safe and the environment is protected. It is important that activities are monitored in a consistent and fiscally prudent manner.

3.2 The legislative framework requires Council to enforce the rules and regulations. A strategic approach to monitoring and enforcement is considered best practice to ensure Council resources are focussed to achieve the best possible outcome for the community.

3.3 Council adopted the Compliance Strategy 2017 (the Strategy, A1855717) on 14 December 2017. The Strategy was developed to be consistent with the Regional Sector Compliance and Enforcement Special Interest Group (CESIG) Strategic Compliance Framework 2016-2018. This framework was designed (with support from regional council chief executives) to give councils a comprehensive set of principles and guidelines to assist in their own development of monitoring and enforcement strategies.

3.4   Since the adoption of the Strategy, the Ministry for the Environment (MfE) has published "Best practice guidelines for compliance, monitoring and enforcement under the Resource Management Act" in July 2018 and CESIG have published the "Regional Sector Strategic Compliance Framework 2019-2024" and Compliance Monitoring and Enforcement Metrics reports.

3.5   Officers have reviewed the Strategy against the documents identified in 3.4 above and recommend the Strategy be updated to be more consistent with these documents. A legal review of the revised Strategy was undertaken. Their recommended amendments have been incorporated into the Strategy in Attachment 1.

4.   Discussion

4.1   The proposed changes to the Strategy are:

- Update the purpose of the Strategy to refer to the latest CESIG Compliance Framework and MfE's best practice guidelines

- Change the main components of the Strategy from:

    o   monitoring, encouraging compliance and non-compliance

    to:

    o   principles, monitoring, enforcement policy and reporting and review

- including more information on what a compliance monitoring programme seeks to achieve, the different monitoring methods and how resources are prioritised

- expanding the dealing with non-compliance section to identify investigation methods

- expanding the decision making factors section to be consistent with best practice and Court guidelines

- expanding the reporting and reviewing section to better identify information to be collected and how this is reported internally and externally

4.2   Current enforcement practices and processes are largely consistent with the proposed changes. It is important the Council encourages a high level of compliance with the legislative framework to ensure the outcomes expected by the various statutes and provisions are achieved.

4.3   Should activities be identified as non-compliant the responsible party and the community should have a clear understanding of what to expect from enforcement action. A compliance strategy guides Council's monitoring and enforcement duties so these outcomes are achieved. The Strategy

also guides decision making to ensure the use of discretion is reasonable and consistently applied.

4.4   The Compliance Strategy includes guidelines and principles that are applied to all types of enforcement – resource management, bylaw, dog control and parking etc. In the supporting information section there is an example of further detail that will be updated in compliance monitoring programmes and Promapp processes for each activity type once the Strategy has been adopted (see section 7.3 of Attachment 1).

4.5   The changes to the Compliance Strategy are not considered to be significant enough to warrant community engagement in accordance with the Local Government Act 2002 and Council's Significance and Engagement Policy because:

- The changes to the Strategy only result in a low level of change to the compliance, monitoring and enforcement services

- There is a low level of financial impact – only staff time to review and adjust procedures is required

- The impact on the community is a positive one in that there will be clearer understanding of monitoring and enforcement actions

- The Strategy can be reviewed and amended in the future

- There is no history of the Strategy generating widespread public interest.

5.   Options

5.1   The preferred option is that the Committee adopts the draft Compliance Strategy as it has been developed to be consistent with the documents identified in 3.4 above.

5.2   Alternatively the Committee could seek further information or changes to the draft Strategy.

6.   Next Steps

6.1   Once the Compliance Strategy 2020 is adopted, staff will review compliance monitoring programmes, procedures and performance measures and update these where required to be consistent with the updated strategy.

Author: Mandy Bishop, Manager Consents and Compliance

Attachments

Attachment 1:   A2275547 draft Compliance Strategy 2020 ⇩

Important considerations for decision making

1. Fit with Purpose of Local Government

Section 10 of LGA 2002 states the purpose of local government is to promote the social, economic, environmental and cultural well-being of communities. A Compliance Strategy helps to achieve this purpose by focussing Council monitoring and enforcement resources to achieve these outcomes.

2. Consistency with Community Outcomes and Council Policy

The purpose of the Compliance Strategy is to encourage a high level of compliance with various regulations that protect our natural environment, sustainably manage our urban and rural environments, provide for safe and healthy communities and provide access to recreational activities. Identifying a clear approach to compliance, monitoring and enforcement activities provides leadership and confidence in the community that Council fairly ensures standards are being met.

3. Risk

The key risks are in the delivery of the enforcement responsibilities rather than deciding to adopt this Strategy. Enforcement delivery risks are reduced by having a Compliance Strategy that eliminates the perception of uneven or inconsistent practice in enforcement decision making. A clear strategy provides confidence for the community and users that processes and decisions are robust and transparent.

4. Financial impact

No additional resources have been requested. Officer time is required to update processes.

5. Degree of significance and level of engagement

This matter is of low significance because current practices are aligned with the Strategy and therefore no engagement has been undertaken. The Strategy once finalised will be publicly available through the Council website.

6. Climate Impact

There is no impact on current and future climate change as a result of changes to the Compliance Strategy.

7. Inclusion of Māori in the decision making process

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

8. Delegations

The Environment Committee has the following delegations to consider the Compliance Strategy 2020:

Areas of Responsibility:

- *Regulatory enforcement and monitoring*

- *Policies and strategies related to compliance, monitoring and enforcement.*

Powers to decide:

- *The Environment 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.*

Nelson City Council

Compliance Strategy

2020

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Date of Council passing the Strategy	22 October 2020
The Strategy that was amended, revoked or revoked and replaced	Compliance Strategy 2017
Review by date	1 November 2023

Nelson City Council   Compliance Strategy 2020

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A2275547

Nelson City Council   Compliance Strategy 2020

1   PURPOSE OF THIS STRATEGY

The purpose of this compliance strategy is to:

- provide a strategic approach to monitoring and enforcement;
- encourage a high level of compliance;
- provide guidance to ensure monitoring and enforcement duties are consistently applied by Council staff or contractors;
- provide a process to monitor and review the effectiveness of the compliance strategy;
- be consistent with the Regional Sector Strategic Compliance Framework 2019-2024;
- be consistent with the Ministry for the Environment's Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991.

1.1   Legal Status

This strategy is not legally binding. It provides a Council endorsed approach to enforcement activities to be adopted or referenced in job descriptions or contracts for services to ensure principles of transparency, procedural fairness and natural justice are applied. The Strategy provides guidance on the exercise of discretion but does not define or limit the exercise of that discretions

2   WHY DO WE NEED A COMPLIANCE STRATEGY?

The challenges of increased population, intensification and diversity of industry and infrastructure puts pressure on Nelson's natural and physical resources and also on Council's resources to enforce the laws it administers. As a Unitary authority there are a broad range of Acts, Bylaws, Resource Management provisions and Policies seeking to ensure our community is healthy and safe and our environment is protected. There are a growing number of consented activities and growing cultural and community expectations that activities are monitored in a fiscally prudent manner.

This Compliance Strategy focuses Council resources to achieve the best possible outcome for the community. It manages the Council's compliance and enforcement responsibilities and duties by employing a risk-based approach and dealing with non-compliance using a 'toolbox' of enforcement tools proportionate to the degree of non-compliance. The model below describes a strategic approach to achieving compliance:

Figure 1: Strategic Compliance
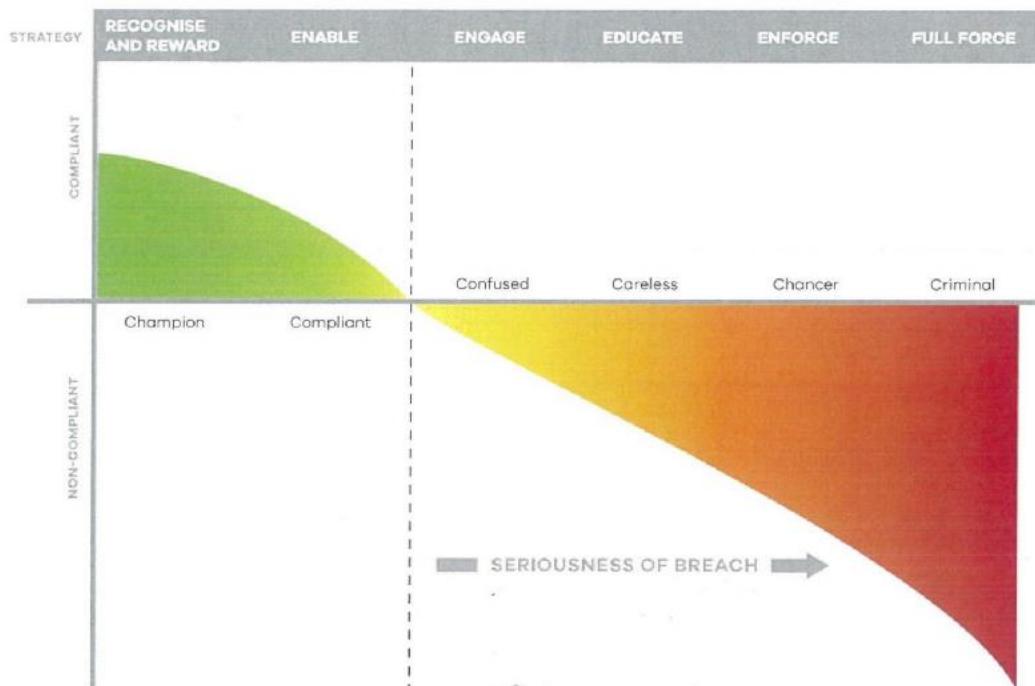
Source: Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991, Ministry for the Environment 2018.

There are four major components to the Compliance Strategy:

- **Principles** – these guide the development of strategic compliance programmes
- **Monitoring** – how compliance monitoring programmes are developed;
- **Enforcement Policy** – how Council responds to non-compliance;
- **Reporting and review** – transparent reporting to the public and feedback to policy writers.

4

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3   PRINCIPLES

The legislative framework provides the ability for Council to enforce the rules and regulations and the following principles guide the development of strategic compliance programmes for Nelson City Council:

Transparency

Council will provide clear information and explanation to the community about the standards and requirements for compliance. Council will ensure that the community has access to information about performance measures as well as actions taken by Council to address issues and non-compliance.

Consistency of process

Actions will be consistent with the legislation and within Council powers. Compliance and enforcement outcomes will be consistent and predictable for similar circumstances. Council will ensure that staff have the necessary skills and are appropriately trained, and that there are effective systems and policies in place to support them.

Fair, reasonable and proportional approach

Council will apply regulatory interventions and actions appropriate for the situation. Council will use discretion justifiably and ensure decisions are appropriate to the circumstances. Interventions and actions will be proportionate to the risks posed to people and the environment and the seriousness of the non-compliance.

Evidence based, informed

Council will use an evidence-based approach to decision-making. Decisions will be informed by a range of sources, including sound science and monitoring data, information received from other regulators, members of the community, industry and interest groups.

Collaborative

Council will work with and, where possible, share information with other regulators and stakeholders to ensure the best compliance outcomes for the region. Council will engage with the community and consider public interest, those regulated, and Government to explain and promote requirements, and achieve better community and environmental outcomes.

Lawful, ethical and accountable

Council will conduct activities lawfully and impartially and in accordance with these principles and relevant policies and guidance. Council will document and take responsibility for the regulatory decisions and actions. Council will measure and report on regulatory performance.

Outcomes-focussed

Council will focus on the most important issues and problems to achieve the best community and environmental outcomes. Council will target regulatory intervention at poor performers and illegal activities that pose the greatest risk to the community or the environment. Council will apply the right tool for the right problem at the right time.

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Responsive and effective

Council will consider all alleged non-compliance to determine the necessary interventions and action to minimise impacts on the environment and the community and maximise deterrence. Council will respond in an effective and timely manner in accordance with legislative and organisational obligations.

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4 MONITORING

A compliance monitoring programme ensures the appropriate resources are allocated to activities by determining the monitoring frequency and intervention method, dependant on the risk of that activity on the community and the environment. Limited resources are targeted at the highest-priority risks. Reviews occur to ensure proactive monitoring of changing and emerging risks in a cost effective manner.

The programming will consider the following:

a) Criteria to assess the likelihood and consequence of non-compliance – priority areas, tangata whenua and community expectations, the health and safety of people, sensitive environments, growth patterns, compliance history of industry type;
b) Ranking sites dependant on risk or activity groupings (e.g. forestry, water takes, earthworks etc.). See section 4.3 below for more information on risk assessments;
c) Determining the type or level of intervention according to a risk profile and compliance history;
d) Determining resourcing to match interventions – consider skills required, delegations, warrants, external expertise, self-monitoring practices and joint monitoring with other Councils or iwi;
e) Determining monitoring frequencies – one-off, regular, tailor-made or performance-based; and
f) Documenting procedures, charging regime, record keeping.

4.1 Purpose of a compliance monitoring programme under the Resource Management Act (RMA)

Compliance monitoring under the RMA is to:

a) Check that consent holders are meeting the conditions of consent;
b) Enable and ensure resource users avoid, remedy or mitigate adverse environmental effects;
c) Monitor effects of activities to help assess the effectiveness of resource management documents through the monitoring of plan rules and permitted activity standards;
d) Provide information for state of the environment monitoring and reporting; and
e) Provide information for the Ministry for the Environment's National Monitoring System.

4.2 Monitoring methods

Compliance monitoring can be carried out in the following ways:

a) Inspections – triggered by complaints, responding to environmental incidents, consent monitoring or permitted activity monitoring. A site is visited to gather information and evidence and assess compliance. If non-compliance is detected liability needs to be established, evidence collected to confirm the breach and inform any enforcement recommendation or decision or action;
b) Desk top audits – a review of supplied monitoring data or reports to assess compliance;
c) Pro-active campaigns or compliance promotion – targets particular activity types to encourage and support compliance through education.

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4.3 Prioritising monitoring resources

A risk-based approach to monitoring:

a) Enables limited monitoring resources to be prioritised according to the level of risk to the environment;
b) Allows for efficient use of those resources;
c) Provides for robust and transparent decision-making;
d) Provides for consistency.

Risk is calculated using the likelihood of a non-compliance occurring (low, possible or certain) and the consequent magnitude of harm to human health and the environment (low, moderate or severe) as shown in figure 2 below. The level of risk determines the appropriate monitoring response including the frequency, type and scale of monitoring required.

Figure 2: Generic Environmental Risk Matrix
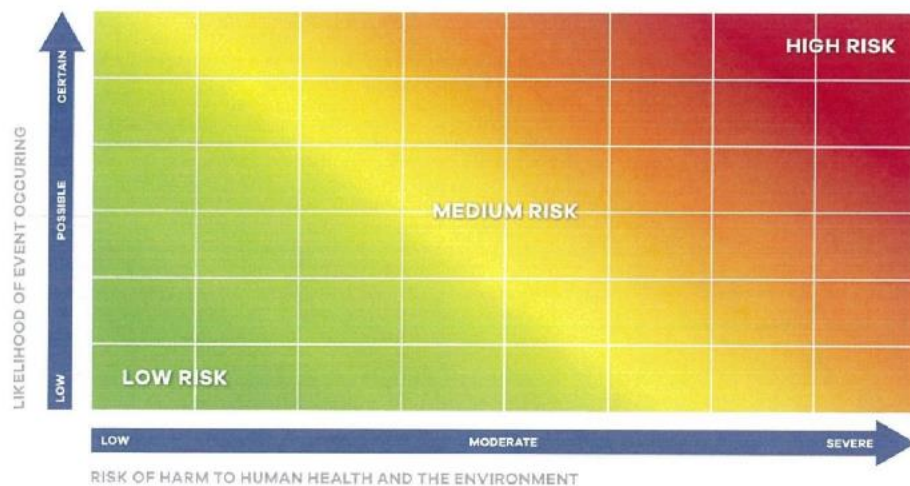
Source: Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991, Ministry for the Environment 2018.

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5   ENFORCEMENT POLICY

Council has a statutory obligation to enforce its legal duties and responsibilities under the wide range of Acts it administers. The reasons to enforce the law include:
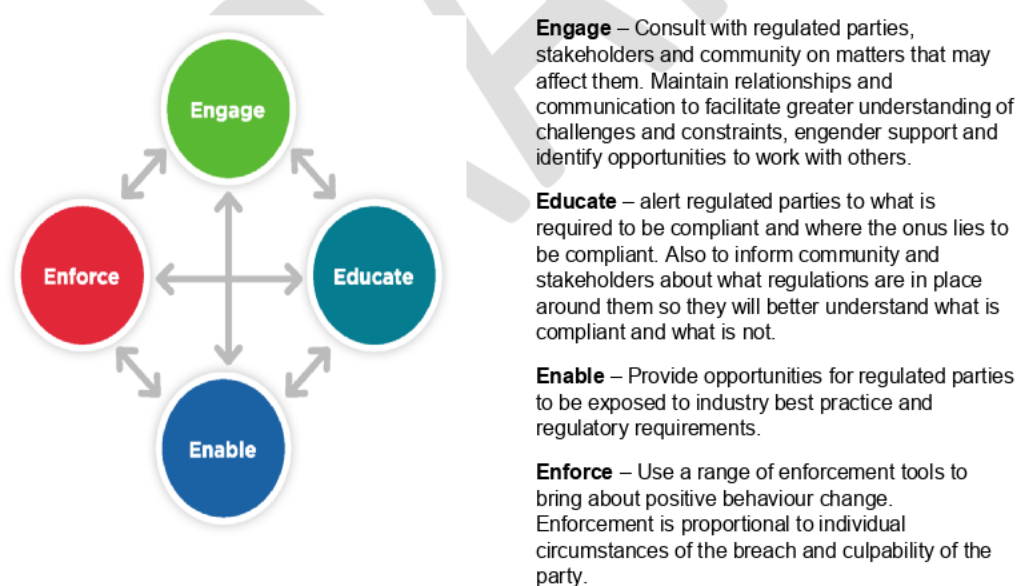
- To maintain people's health and safety;
- Prevent environmental damage;
- Remediate damage;
- Penalise the offender, ensure reparation if this is possible and deter them from repeat offending;
- Deter others from offending.

Council responses need to be appropriate, proportionate and consistently applied. Responses include compliance promotion as well as utilising a range tools to deal with non-compliance

5.1 Compliance promotion

It is important the Council encourages the highest level of compliance through developing understanding and sustained behaviour change. The Strategic Compliance model (Figure 1) goes further than the 4Es Model to ensure responses are tailored relative to the seriousness of the breach and the true compliance champions are appropriately recognised and rewarded. The components are not exclusive of each other but may be delivered by different teams within Council. A high level of co-ordination and communication is key to ensure the full effect is being achieved.

Figure 3: The 4Es

Engage – Consult with regulated parties, stakeholders and community on matters that may affect them. Maintain relationships and communication to facilitate greater understanding of challenges and constraints, engender support and identify opportunities to work with others.

Educate – alert regulated parties to what is required to be compliant and where the onus lies to be compliant. Also to inform community and stakeholders about what regulations are in place around them so they will better understand what is compliant and what is not.

Enable – Provide opportunities for regulated parties to be exposed to industry best practice and regulatory requirements.

Enforce – Use a range of enforcement tools to bring about positive behaviour change. Enforcement is proportional to individual circumstances of the breach and culpability of the party.

Source: Regional Sector Strategic Compliance Framework 2016-2018, Compliance and Enforcement Special Interest Group authors – Nick Zaman, Patrick Lynch, Marty Mortiaux, Susan Smith and Al Cross.

An example of compliance promotion is proactive information flyers for residents prior to the start of a large development detailing how potential noise, sedimentation and dust effects are going to be managed. Council website information can helpfully provide guides for

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activities (such as earthworks, forestry and farming) to achieve compliance with plan provisions.

5.2 Dealing with the effects of non-compliance

Upon discovery, the initial response will be to assess the actual or potential effects resulting from the offence. Significant adverse effects will require an immediate response prior to any other action. This may include:

- Pollution prevention – to prevent further serious environmental damage from starting or continuing;
- Immediate closure – of a premises or location to prevent risk to health and safety of people or prevent environmental damage spreading;
- Seizure of a dog in the case of a dog attack.

5.3 Investigation

To find out how and why the breach occurred and enable informed decisions to be made. The depth and scope of the investigation will be dependent on the seriousness of the incident and may include:

- Writing to the offender requiring a written explanation as to why the offence occurred and the circumstances leading to it;
- Inspecting a site – enforcement officers have the power to enter a site but must have a search warrant to enter a dwelling house. The officer's warrant of appointment must be produced on entry or upon any reasonable request. A search warrant is also required when the main reason for the site inspection is to gather evidence for a prosecution;
- Taking samples – soil, water, air or organic matter and any substance that may be a contaminant;
- Using equipment or other experts to assist with the inspection;
- Evidence collection – photographs, documents, maps, records of interviews, witness or offender statements, containers, vehicles, equipment or other items;
- Leaving a notice of inspection in a prominent place – if the owner or occupier is not present at the time of inspection. The notice outlines the date and time of inspection and the enforcement officer's name;
- File notes including notes taken at the time of inspection.

Enforcement officers do not have to give prior notice of inspections but will likely give prior notice when carrying out routine inspections, when the presence of the contact person would be helpful for health and safety and when the activities or processes need to be explained.

5.4 Dealing with non-compliance

When non-compliant activities are identified there needs to be an explicit response that is proportionate to the overall circumstances of the offending with outcomes that account for public interest factors. The response should be clear, efficient, legally robust, free of political influence or conflict of interest, consistent and be able to be understood by the culpable party as well as the community. Decisions on enforcement action must be based on reliable and correctly obtained information to determine whether a breach has occurred and the seriousness of that breach.

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Enforcement options

Enforcement tools can be categorised into two main functions: directive (looking forward and righting the wrong) and punitive (looking back and holding people to account). The specific types of tools available depend on the various legislative provisions. Figures 4 and 5 below identify the tools available under the Resource Management Act. Other tools under other Acts or Bylaws are specified in Council process documents.

Figure 4: Directive actions

Directive actions

ACTION	DESCRIPTION OF ACTION	POTENTIAL IMPACTS ON THE LIABLE PARTY	WHEN MIGHT THIS ACTION BE APPROPRIATE?
Letter of direction	To prevent further breaches, or to remedy or mitigate the effects of non-compliance, council can give a written direction for a party to take or cease a particular action.	Such a direction is not legally enforceable.	Letters of direction should be reserved for dealing with co-operative parties, who are motivated to follow the direction, and where the breach is of a minor nature, consistent with a breach that would perhaps also receive a formal warning.
Abatement notice	An abatement notice is a formal, written directive. It is drafted and served by council instructing an individual or company to cease an activity, prohibit them from commencing an activity or requiring them to do something. The form, content and scope of an abatement notice are prescribed in statute.	A direction given through an abatement notice is legally enforceable. To breach an abatement notice is to commit an offence against the RMA and make liable parties open to punitive actions.	An abatement notice may be appropriate any time that there is a risk of further breaches of environmental regulation or remediation or mitigation is required as a result of non-compliance.
Enforcement order	Like an abatement notice an enforcement order can direct a party to take particular action. However, an application for an enforcement order must be made to the Environment Court but can also be made during the course of a RMA prosecution.	A direction given through an enforcement order is legally enforceable. To breach an enforcement order is to commit an offence against the RMA and make liable parties open to punitive actions.	An application for an enforcement order may be appropriate any time there is a risk of further breaches of environmental regulation, or remediation or mitigation is required as a result of non-compliance.

Source: Regional Sector Strategic Compliance Framework 2016-2018, Compliance and Enforcement Special Interest Group authors – Nick Zaman, Patrick Lynch, Marty Mortiaux, Susan Smith and Al Cross.

Where a breach has been established Council may also decide to require immediate action be taken to stop and/or remediate the impacts of the activity. The Council may also decide to take punitive action.

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Figure 5: Punitive actions

Punitive actions

ACTION	DESCRIPTION OF ACTION	POTENTIAL IMPACTS ON THE LIABLE PARTY	WHEN MIGHT THIS ACTION BE APPROPRIATE?
Formal warning	A formal warning Is documented by way of a letter to a culpable party informing them that an offence against the RMA has been committed, and that they are liable.	No further action will be taken in respect of that breach. However, the warning forms part of a history of non-compliance and will be considered If there are future incidents of non-compliance.	A formal warning may be given when: • an administrative, minor or technical breach has occurred; and • the environmental effect or potential effect, is minor or trivial in nature; and • the subject does not have a history of non-compliance; and • the matter Is one which can be quickly and simply put right; and • a written warning would be appropriate In the circumstances.
Infringement notice	An infringement notice Is a written notice which requires the payment of a fine. The amount of the fine Is set in law. Depending on the breach the fine will be between $300 and $1000.	No further action will be taken in respect of that breach. However, the Infringement notice forms part of the history of non-compliance and will be considered if there are future incidents of non-compliance.	An infringement notice may be issued when: • there is prima facie (on the face of It) evidence of a legislative breach; and • a one-off or Isolated legislative breach has occurred which is of minor impact and which can be remedied easily; and • where an Infringement notice is considered to be a sufficient deterrent.
Prosecution	A prosecution is a process taken through the criminal courts to establish guilt or innocence and, if appropriate, the court will impose sanctions. RMA matters are heard by a District Court Judge with an Environment Court warrant. All criminal evidential rules and standards must be met In a RMA prosecution.	A successful prosecution will generally result in a conviction, a penalty imposed and consideration to costs of the Investigation. A prosecution forms part of the history of non-compliance and will be considered if there are future incidents of non-compliance.	A prosecution may be considered appropriate when the factors listed above indicate that the matter is sufficiently serious to warrant the intervention of the criminal law.

Source: Regional Sector Strategic Compliance Framework 2016-2018, Compliance and Enforcement Special Interest Group authors – Nick Zaman, Patrick Lynch, Marty Mortiaux, Susan Smith and Al Cross.

Enforcement orders, a directive action, can also be obtained at a prosecution sentencing. They would seek to right the wrong and also prevent future transgressions

Decision making factors

Factors to consider in deciding which, if any, enforcement response is appropriate and proportionate include:

• the statutory limitation period – the timeframe from when the breach first became known to the filing of the charging document;

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- the enforceability of the rule or consent condition – if the provision is ambiguous it is difficult to establish non-compliance;
- the requirement for actions to be taken to address the effects of the offending;
- the standard of proof required – is Council required to establish the non-compliance beyond reasonable doubt or the balance of probabilities?
- Statutory defences – does the offender have a statutory defence (e.g. sections 340 and 341 of the RMA).

The courts have provided useful guidelines as to what factors are appropriate to consider in Resource Management Act cases to determine the seriousness of a breach:

Impacts

a) Actual adverse effects of the breach;
b) Likely or potential adverse effects of the breach;
c) The value or sensitivity of the environment affected by the breach;
d) The toxicity of discharge;
e) The significance of the receiving environment to iwi;

Nature of the offending

f) Was the breach a result of deliberate, negligent or careless behaviour?
g) Degree of care taken by the culpable party and how foreseeable was the incident;
h) Efforts made by the culpable party to remedy or mitigate the effects of the breach;
i) How effective was the remediation or mitigation;
j) Whether steps have been put in place to prevent future occurrences;
k) Any profit or gain by the culpable party from the breach;
l) Is the incidence a repeat non-compliance or has previous enforcement action been taken against the culpable party for similar breaches; and
m) Has the culpable party failed to act on prior instruction, advice or notice?

Legal considerations

n) How the activity aligns with the purpose and principles of the RMA;
o) If intending prosecution the alignment with the Solicitor-General's Prosecution Guidelines (see section 7.2);

Desired outcomes

p) Does the enforcement action achieve desired environmental outcomes?
q) The degree of deterrence required for the offender or wider general deterrence for the activity or industry; and
r) Is the enforcement action the most cost-effective for the level of offending and desired outcomes sought?

Not every factor will be relevant and one single factor may be so overwhelmingly aggravating, or mitigating, that it may influence the ultimate decision. The individual circumstances need to be considered on each occasion to achieve a fair and reasonable outcome. There is also a need to demonstrate consistency in decision making for similar situations and in the exercise of Council's discretion.

Investigating officers are to prepare an enforcement recommendation for approval by the delegated officer in accordance with Council procedures. Decision making factors for other Acts or Bylaws will follow principles contained in the above and best practice including case law findings.

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6   REPORTING AND REVIEWING

Monitoring, encouraging compliance and dealing with non-compliance activities need to be reported on and reviewed on a regular basis. This informs the Council, communities and industries on the level of compliance and what interventions have been used. It also confirms the Compliance Strategy is appropriately targeted and the community has a clear understanding of what to expect from enforcement action.

Analysis of monitoring and enforcement data will also assist in:

- Identifying trends in non-compliance – has the level of compliance increased or decreased and why?
- Using limited resources more effectively – how effective has compliance promotion or responses been?
- Targeting high risk areas;
- Establish the frequency of compliance visits;
- Refining the compliance programme and strategy;
- Inform bylaw, policy and plan provision development;
- Respond to media enquiries; and
- Complete central government compliance reporting requirements.

6.1 Information to be collected

Council systems are being reviewed to enable the capturing of the following information recommended to be collected and recorded in the Ministry for the Environment's Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991:

a) The number of resource consents requiring monitoring and the number actually monitored;
b) The frequency of monitoring;
c) The type of activity monitored – e.g. forestry, farming, earthworks;
d) The form of monitoring – site inspection, desk-top, drone etc.;
e) Level of compliance – significant non-compliance, moderate non-compliance, low-risk non-compliance or full compliance;
f) Type of breach – consent condition or RMA section;
g) Enforcement decision – how the decision was reached;
h) Response – no enforcement action, formal warning, abatement notice etc.;
i) The effectiveness of the response – did it achieve the desired outcome, was it cost-effective?
j) How an incident was detected – programmed monitoring, complaint, notification of an incident etc.;
k) The nature of the incident;
l) How an incident was dealt with;
m) Numbers of incident notifications received.

Enforcement officers should also keep detailed records about site visits using notebooks, photographs etc. that incorporates when they produced their warrant and to who, the chain of custody for handling evidence, cautioning an offender or suspect when interviewing them. Information is to be retained in accordance with Council processes for saving and storing information in Council's database systems.

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6.2 Reporting

Internal reporting to staff and councillors assist in informing decisions on the effectiveness of documents, levels of resourcing and reviews of strategies or programmes.

External or public reporting provides assurance that provisions are being enforced, educates the public on how the council responds to non-compliance and potentially deters future non-compliance. It can also provide further opportunity for compliance promotion and recognition of compliance improvements (specific names are not reported). Media releases supporting compliance outcomes based on particular cases are to be considered where general deterrence and education can be achieved.

Reporting back to consent holders on the completion of a monitoring event or cycle provides an opportunity to give feedback to the consent holder on how they are doing, what they need to do or reward them with a top rating if fully compliant.

7   SUPPORTING INFORMATION

7.1 Enforcement duties and responsibilities

The statutes the Council has enforcement responsibilities and duties include:

- Resource Management Act 1991
- Local Government Act 2002
- Local Government Act 1974
- Building Act 2004
- Food Act 2014
- Sale and Supply of Alcohol Act 2012
- Dog Control Act 1996
- Impounding Act 1955
- Health Act 1956
- Land Transport Act 1998
- Biosecurity Act 1993
- Maritime Transport Act 1994
- Hazardous Substances & New Organisms Act 1996
- Litter Act 1979
- Freedom Camping Act 2011
- Reserves Act 1977
- Council Bylaws including: Navigation Safety; Urban Environments; Parking and Vehicle Control, Reserves, City Amenity and Freedom Camping.

7.2 Solicitor-General's prosecution guidelines

The Council's prosecutions are conducted by external lawyers and the Solicitor-General's prosecution guidelines provide the basis for considering whether a prosecution should be initiated or continued.

Under the *Solicitor-General's Prosecution Guidelines* there are two tests to consider the value of taking a prosecution – an evidential test (is the evidence sufficient to provide reasonable prospect of a conviction) and the public interest test (is this in the best interest of the public to proceed). Legal advisors will advise on the evidential test whereas the prosecutor will advise on the public interest factors. A prosecution is more likely to be considered in the best interest of the public if:

a) A conviction is likely to result in a significant sentence;

b) The offence caused significant harm or created a risk of significant harm;

c) The offence was committed against a person serving the public for example, a police officer or Council officer;

d) The individual was in a position of authority or trust;

e) The evidence shows that the individual was a ringleader or an organiser of the offence;

f) There is evidence that the offence was premeditated;

g) There is evidence that the offence was carried out by a group;

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h) The victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance;

i) The offence was committed in the presence of, or in close proximity to, a child;

j) There is an element of corruption;

k) The individual's previous convictions or cautions are relevant to the present offence;

l) There are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct;

m) The offence, although not serious in itself, is widespread in the area where it was committed;

n) A prosecution would have a significant positive impact on maintaining community confidence;

o) The individual is alleged to have committed the offence while subject to an order of the court; and

p) A confiscation or some other order is required and a conviction is a pre-requisite.

7.3 Current compliance monitoring programmes

Resource consents

All regional consents are monitored for compliance with resource consent conditions. Land use consents are monitored where there is a reliance on a condition being complied with that does not form part of another approval process (such as a building consent) or there is a safety or amenity outcome reliant on condition(s) being complied with.

Non-compliance matters requiring enforcement action are investigated then an enforcement recommendation report is prepared for signing by the appropriate manager.

Permitted activity standards and High-Risk activities

Approximately 800 hours of officer time each year is spent checking compliance with permitted standards on a risk and priority basis determined by the Manager Consents and Compliance and Group Manager Environmental Management. For the last two years the priority has been:

a) checking industrial sites for hazardous substance storage and stormwater management;
b) compliance with standards for wood burners in residential properties;
c) a focus on forestry activities and earthworks compliance; and
d) dairy farms are inspected at least annually.

Bylaws

Largely respond to complaints although the Freedom Camping Bylaw requires routine patrols and checks of the restricted areas.

Food and alcohol premises

Routine checks are conducted apart from the relicensing process.

7.4 Enforcement process

All officers involved in the investigation, preparation or conduct of any enforcement action will act fairly, promptly, without any actual or perceived conflict of interest and in accordance with the law. The first step is usually to educate and escalate to appropriate enforcement action where there is a deliberate activity or where the impact of the activity has an environmental, health or safety consequence.

After investigation the officer prepares an enforce recommendation reviewed and authorised by the team leader and manager. Any enforcement decision will be free from undue or improper pressure from any source, political or otherwise. The decision to prosecute is made by the Group Manager Environmental Management after obtaining legal advice.

Property seizure

The steps to seize property are identified in the Local Government Act s164-168:

a) Make every effort to find the owner and make them aware of their responsibilities – provide a written warning to resolve the issue within a reasonable timeframe and what the Council will do after that date if there's been no action;

b) If the owner cannot be found put at least two public notices in the paper identifying the issue and what needs to happen by a date and contact details (also consider using community/club noticeboards and document what was done);

c) After the deadline if no contact was made and the issue remains take the required action taking photos demonstrating due care;

d) Keep the item for a further period of time (6 months) to enable the owner to make contact, if no contact made proceed to dispose of the property.

Lease non-compliance

Leases of public spaces include the outdoor dining areas in the CBD and marina berths. Any non-compliance or disputes are currently pursued by the Council team managing the lease. Legal advice is sought prior to undertaking actions in accordance with the terms of the lease.

There is opportunity for regulatory enforcement officers to be involved in monitoring compliance with some of Council's lease agreements provided there is a clear separation of any commercial and regulatory actions to ensure the appropriate delegations and enforcement action (if required) are used.

Nelson City Council
Te Kaunihera o Whakatū

Environment Committee

22 October 2020

REPORT R21388

Draft Environmental Management Activity Management Plan 2021-2031

1. Purpose of Report

1.1 To recommend the approval of the Draft Environmental Management Activity Management Plan 2021-31 (EMAMP) as the version to inform the Long Term Plan 2021-31 (LTP).

2. Recommendation

> *That the Environment Committee:*
>
> *1. <u>Receives</u> the report Draft Environmental Management Activity Management Plan 2021-2031 (R21388) and its attachment (A2480683); and*
>
> *2. <u>Approves</u> the Draft Environmental Management Activity Management Plan 2021-2031 (A2480683) as the version to inform the Long Term Plan 2021-31; and*
>
> *3. <u>Notes</u> 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.*

3. Background

3.1 Draft Activity Management Plans are prepared for the approval of Council to inform the development of the Long Term Plan. The EMAMP will inform the development of the 2021-31 LTP.

3.2 Following consultation and adoption of the LTP, the Activity Management Plans will be updated to align with the adopted LTP. The final updated EMAMP will be brought back to Council early in 2021/22 for adoption.

4.   Discussion

4.1   The Draft EMAMP sets out the background to Council's Environmental Management activities and includes details of the following:

- Areas of focus for the activities during 2021-31;

- Levels of Service;

- The activity budgets for operations and capital expenditure.

4.2   A focused workshop on the Environmental Management activities was held on 1 September 2020. The workshop helped shape the priorities for 2021-31 contained in the Draft EMAMP.

4.3   The following are the key outcomes from the workshop:

Building Consents

4.3.1   Council's continued commitment toward meeting statutory timeframes and IANZ accreditation for all building processes including consents, compliance, earthquake prone building requirements and swimming pools.

Resource Consents and Compliance

4.3.2   Providing timely, statutorily compliant and customer focused delivery of resource consent processes.

4.3.3   Providing timely, safe, environmentally and customer focused delivery of: monitoring of consent conditions and permitted activity standards; animal, noise and parking control; food safety; public health; alcohol licensing; navigation safety; pollution response; hazardous substances; and response to complaints.

4.3.4   Continued delivery of full time harbourmaster services.

City Development

4.3.5   Enabling urban development capacity including through delivery of an intensification action plan.

4.3.6   Achieving city centre activation including the delivery of the city centre spatial plan.

4.3.7   Review of the Development Contribution policy to support development and growth outcomes.

Science and Environment

4.3.8   Effective delivery of monitoring and reporting on state of the environment requirements.

4.3.9 Delivery of all statutory programmes covering land management; biodiversity; biosecurity; air quality; water quality and quantity. Working in a collaborative manner with all parties including iwi. Effective delivery of all programmes including when Government funding ceases.

4.3.10 Meet all existing and new monitoring and reporting requirements set by various National Policy Statements and Environmental Standards including: Freshwater; Air Quality and Indigenous Biodiversity.

4.3.11 Developing a coastal and marine state of the environment monitoring programme.

4.3.12 Develop and improve management, analysis and reporting of all data.

Environmental Planning

4.3.13 Delivery of a robust Whakamahere Whakatū Nelson Plan supported by the iwi working group and addressing key issues including climate change adaptation.

4.3.14 Ensure environmental bylaws are reviewed as required e.g. the Urban Environment Bylaw.

4.3.15 Maintaining the Nelson Tasman Land Development Manual to guide and support infrastructure outcomes.

4.3.16 Process changes to the current Nelson Resource Management Plan.

4.4 Officers have undertaken a high level review of budgets across Council activities however, the AMP's are at different stages of development and amendments may be required to the draft LTP once all AMP's have been reviewed by their respective Committees and, the cumulative effect of the AMP's has been considered at the workshops in December 2020 and January 2021.

5. Options

5.1 The Committee has two options – to either recommend to Council to adopt the EMAMP or to not adopt the EMAMP.

Option 1: Adopt the Draft EMAMP	
Advantages	• Meets the requirements of the Local Government Act 2002.
	• Delivers on Councils statutory requirements under various pieces of legislation including

	the Resource Management Act 1991 and Building Act 2004.
Risks and Disadvantages	• Nil
Option 2: Not adopt the Draft EMAMP	
Advantages	• Nil
Risks and Disadvantages	• Fails to meet the requirements of the Local Government Act 2002. • Fails to deliver on Councils statutory requirements under various pieces of legislation including the Resource Management Act 1991 and Building Act 2004.

6. Conclusion

6.1 As the Draft EMAMP is a relatively short document it has been *attached* in entirety. The Draft EMAMP has been prepared to inform the LTP and will support Council in meeting its obligations under section 93 and Schedule 10 of the Local Government Act 2002.

Author: Clare Barton, Group Manager Environmental Management

Attachments

Attachment 1: A2480683 - Draft Environmental Management Activity
                    Management Plan - October 2020 ⇩

Important considerations for decision making

1. **Fit with Purpose of Local Government**

   The Environmental Management 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 EMAMP will leave Council without a document to support the goal of developing and adopting the LTP.

4. Financial impact

There are no direct funding implications from the recommendation. The EMAMP 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 EMAMP.

6. Climate Impact

The Draft EMAMP 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 EMAMP.

7. Inclusion of Māori in the decision making process

Iwi feedback is being sought on the draft AMP and any matters that require additional consideration will be covered at the December LTP workshop.

8. Delegations

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

- *Developing, approving, monitoring and reviewing policies and plans, including activity management plans.*

Draft
Environmental Management
Activity Management Plan 2021-2031

Mahere Taiao

Nelson City Council
Te Kaunihera o Whakatū

Quality Assurance Statement	
Version:	7 October 2020
Status	Draft
Activity Managers	Maxine Day Lisa Gibellini Mandy Bishop Jo Martin Mark Hunter Jane Budge
Author	Clare Barton, Group Manager Environmental Management
Adopted by the Council	

1

Contents

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2

1. Executive Summary

The Environmental Management Activity comprises five inter-related teams:

- City development
- Environmental planning
- Resource consents and compliance
- Building consents
- Science and Environment

Each team individually and collectively deliver all eight of the Council's 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 communities have opportunities to celebrate and explore their heritage, identity and creativity.

- Our communities have access to a range of social, educational and recreational facilities and activities.
- Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.
- Our region is supported by an innovative and sustainable economy.

The Environmental Management Activity carries out work in all four Long-term Plan (LTP) priorities and one of the triennium focus areas as follows:

Infrastructure

Outcome: Meets current and future needs for Nelson.

Delivery includes: The Development Contributions Policy; the Future Development Strategy; implementation and monitoring of resource and building consent controls for delivery of infrastructure; establishing provision for infrastructure and the control of the effects of infrastructure through the Nelson Plan; projects to reduce impacts of infrastructure on the natural environment in the short and long term.

Environment

Outcome: Healthy and protected environment.

Delivery includes: Resource consent conditions and monitoring those conditions and permitted standards; advocacy and support programmes for environmental protection and enhancement; a resource management planning framework; monitoring of the natural environment; delivery of environmental projects; delivery of a regulatory biosecurity programme; and reporting of information on state and trend of natural resources.

City Centre Development

Outcome: People friendly, well planned and sustainably managed.

Delivery includes: City Centre Programme plan and six key moves, City Centre Spatial Plan, Business, landowner and developer relationship building, Resource management planning to support an attractive, well built, resilient and walkable city; guidance on urban design outcomes; sustainable management of areas susceptible to earthquake prone building matters; assessing, planning and responding to growth needs, delivery of projects; modelling and planning for future issues including growth pressures and climate change.

3

Lifting Council performance

Outcome: Leadership and fostering partnerships.

Delivery includes: Enabling Participation in partnerships where there are multiple authorities e.g. the top of the south marine biosecurity partnership; forming strategic partnerships e.g. with the Department of Conservation and the Kotahitanga mo te Taiao Alliance; partnering with iwi to co-manage and deliver programmes e.g. Project Mahitahi; and leveraging Government funding to assist project delivery e.g. Jobs 4 Nature, MPI Hill Country erosion funding.

Housing affordability and intensification

Outcome: Supportive frameworks for housing supply and intensification.

Delivery includes: The planning framework of the Whakamahere Whakatū Nelson Plan; delivery of the Intensification Action Plan; delivery of the changes to the National Policy Statement on Urban Development; resource consents and building consents.

Key Focus Areas

The key focus areas for Environmental Management over the next three years are:

- Customer focused delivery of all services.
- Increased collaboration, and co-management, with key partners including iwi, Government, the regional sector/local government and the community.
- Effective delivery of Government legislation and regulation, in particular the suite of new National Policy Statements.
- Delivery of Council's second generation resource management plan Whakamahere Whakatū Nelson Plan.
- Collection, management, analysis and reporting of accurate, reliable and appropriate information/data to meet the needs of the community and regulatory requirements. This is crucial to respond to audit and Government monitoring and reporting requirements.

- Retain IANZ Accreditation for Building Control functions and increase the quality assurance and compliance aspects of the Building team.
- Effectively deliver Government funded programmes; and pursue opportunities to leverage additional funding.
- Respond to climate change matters and initiatives.
- Respond to new biosecurity incursions and emerging pests, including anticipating what changes there may be due to change in climate
- Support actions to enable greater residential intensification through the delivery of an Intensification Action Plan.
- City centre programme delivery including city centre activation; completion of the City Centre Spatial Plan; review of the Development Contributions Policy.

4
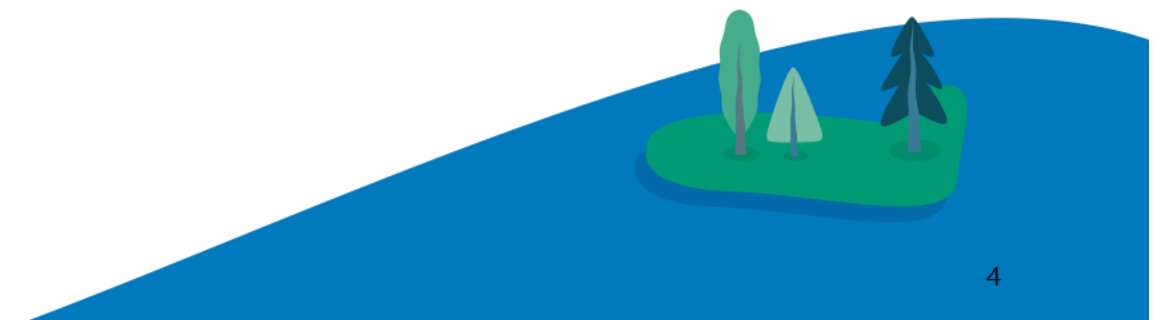
2. The Purpose of the Plan

The purpose of the Environmental Management Activity Management Plan [EMAMP] is to provide strategic direction for the Environmental work/programmes of the Council to deliver on Nelson being a Smart Little City.

The EMAMP will respond to key themes and priorities, which will be referred to throughout the EMAMP. Without considering their order of importance these include:

- A population that is predicted to grow, albeit more slowly over the first three years.

- Partnering with iwi.

- Community engagement and customer service.

- Mitigating and adapting to the effects of climate change.

- Government legislation that impacts the delivery of environmental management activities.

The Environmental Management Activity provides the policy direction, implementation, monitoring and review of Nelson's natural and physical resources and the built environment. The Environmental Management Activity covers both regulatory and non-regulatory functions of NCC as a unitary authority.
While the Environmental Management Activity has a leadership role, delivery of positive environmental outcomes is not solely achieved through this EMAMP. Other activity and asset management plans support the implementation of actions to achieve environmental outcomes e.g., all infrastructure, parks and reserves, property and facilities, and heritage AMPs.

Legislative Context

Local government is established and empowered by legislation. The powers vested in local government range from substantive discretion and autonomy through to delegated powers to implement regulation with little or no discretion.

The main laws that currently govern and empower the environmental management activity are set out in Attachment 2: Legislative Context.

Situational Context

There are many factors that affect the delivery of the EMAMP and its activities. These can include:

- Population and economic growth and demographic change.
- Meeting community expectations.
- Environmental changes such as natural hazards and climate change.
- Changes in legislation and planning documents.
- Changes in the environmental risk profile.

5

## Roles and activities of the Environmental Management Activity

NCC is legislatively required to deliver both regional council and territorial authority functions. These functions require integration across the Council for our freshwater, coastal environment, land management, air quality, biodiversity, and biosecurity outcomes at the same time as providing quality built environments and enabling growth.

The Environmental Management Activity seeks to protect our environmental and community wellbeing into the future, whilst considering and incorporating social, cultural and economic outcomes. The activities are:

- Environmental Planning
- City Development
- Resource Consents
- Compliance and Enforcement
- Building Consents
- Science and Environment

Navigation safety is also part of this activity; a responsibility that has been transferred to Port Nelson Ltd and is managed through the appointment of a Harbourmaster and Deputy Harbourmasters. Council is responsible for the marine environment for 12 nautical miles out into Tasman Bay from Waimea Estuary in the south to Cape Soucis in the north.

The following diagram details the activities and deliverables. The diagram is a wheel to depict the inter-related nature of the activities, the relationship between regulatory and non-regulatory functions and the cycle of monitoring, analysis, reporting and review.

6
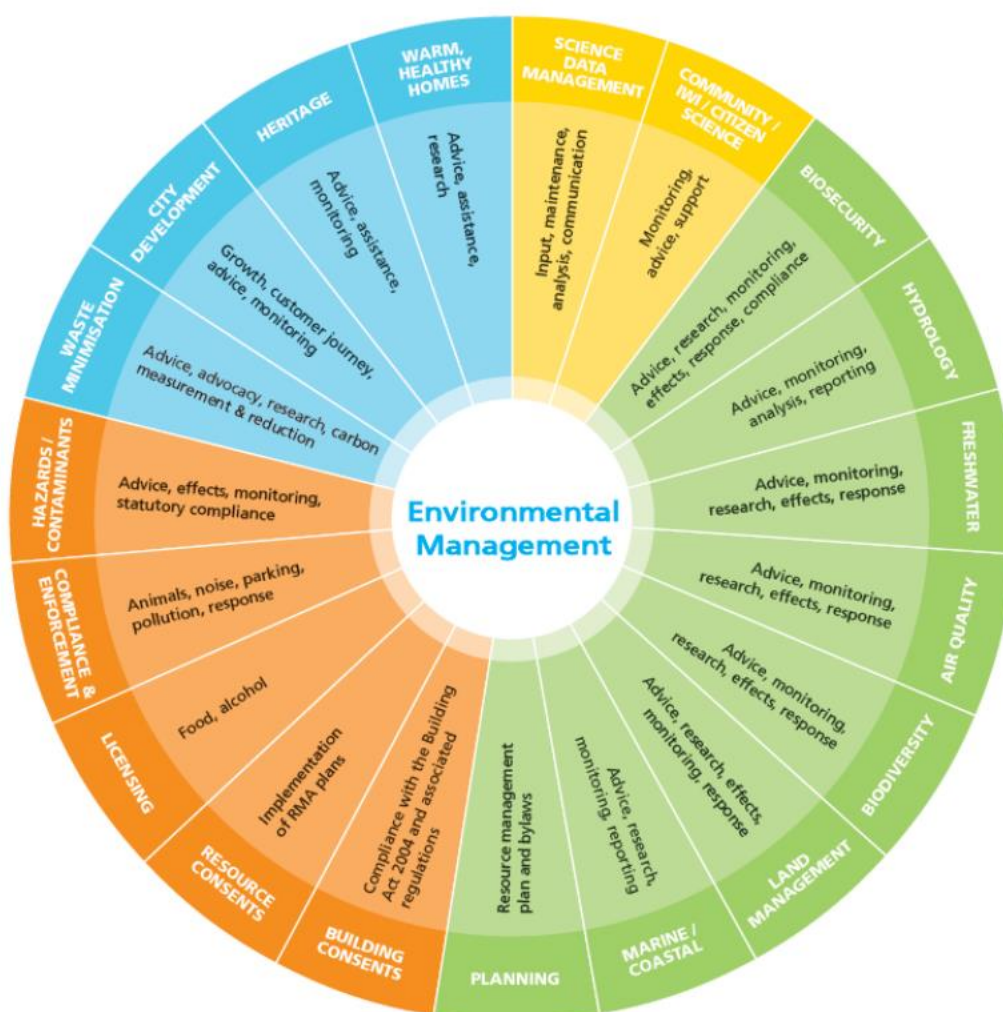
3. Assumptions

The most significant assumptions and uncertainties underlying the approach outlined in this EMAMP are:

- Population remains as per growth projections. However, projections must be carefully tracked to ensure that they remain a reliable indicator of likely future trends.

- Government regulation changes are not yet fully known. Assumptions have been made in the EMAMP but Government work programmes will need to be watched.

- Future budgets are based on a similar level of effort required to respond to the demands of this activity, but with growth and increasing contests over resource use, the outlook is for a slow increase in effort required over the ten year period.

- We understand the values held by our community.

- We understand the growing impacts of climate change, and rapid developments in understanding the science of adaptation and mitigation to maintain agile reactions.

4. Risk Management Profile

Risk management is an important part in the development and management of Council environmental management activities. It is difficult to fully eliminate all risk and there are four manners in which these can be managed:

Avoidance:

Where we make an assessment and due to the inherent risk involved avoid undertaking the project or task.

Reduction:

Where we know the risks associated with a task and improve planning and procedures to ensure the task is completed safely.

Transfer:

Where the risk is clear and we transfer the liability such as purchasing insurance in case of the risk occurring.

Acceptance:

Where we accept the risk as the reward outweighs the risk, such as providing a Pop-Up park for the community when some only see risk.

The high levels of risk in environmental management include:

- Extreme weather conditions, increasing erosion, flooding, natural disasters, rising sea levels, fires, due to climate change.

- New regulatory controls, such as new National Policy and Environmental Standards introduced by Government.

- Health and safety concerns for our staff, particularly from angry and disgruntled recipients of regulatory controls such as parking infringements.

- Loss of reputation due to a number of factors including: poor customer experiences and decision making.

- Uncertainty in the financial markets particularly due to COVID-19, this could cause significant reduction to revenue as the national and regional economies shrink.

- Growing international political and market unrest, again due to COVID-19, leading to increases in tariffs and regulatory controls which could contribute to a slowing of the Nelson economy which is highly reliant on international markets.

- Adverse media attention and coverage.

- Failure to identify risks and concerns

Various tools are used by Council to mitigate these risks, including:

- Identifying the threats and hazards.

- Coordinating and planning activities related to the threats and hazards.

- Monitoring financial and economic data to plan for growing recessions and potential reduction in revenue.

- Assessing and analysing options and implications clearly for robust decision-making.

- Encouraging cooperation and joint action within the region and our neighbouring councils.

- Determining our communities needs through consultation and understanding.

- Examining and monitoring the risks and hazards within our region.

- Ensuring our staff are well trained in customer services and health and safety.

- Carrying out due diligence through thorough work practices and project management.

- Reviewing Government consultation documents and participating on working groups to ensure early notifications of potential regulatory changes.

Council will determine the likelihood and severity of risks by making a Council wide risk determination.

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5. Strategic Direction

The Council's vision, mission, community outcomes and four key priorities set out in the Long Term Plan 2021-31 provide the context for the EMAMP. These are summarised below. As outlined in section 11 Environmental Management delivers across all eight community outcomes not just the outcome related to the natural, urban and rural environments.

Vision
Nelson is a Smart Little City: Whakatū Tōrire

Mission
We leverage our resources to shape an exceptional place to live, work and play.

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 communities have opportunities to celebrate and explore their heritage, identity and creativity.

- Our communities have access to a range of social, educational and recreational facilities and activities.
- Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.
- Our region is supported by an innovative and sustainable economy.

Four Key Council Priorities

- Infrastructure – Ko ngā Tūāpapa
- Lift Council Performance – Whakapikinga pukenga

- CBD Development – Whakahou Taone
- Environment – Ko te Taiao

The environment is one of the key priority areas to meet the Nelson community's aspirations. Environmental work implements the requirements of a wide range of legislative and policy directives. Feedback from the community demonstrates that water quality in streams, our beaches and in the marine environment, along with maintenance of natural habitats and ecosystems and air quality have strong support.

City Centre development is also one of the key priorities for Council and has a strong connection with delivery of the Environmental Management Activity and in particular through the City Development Team and also though the regulatory functions and the development of the Whakamahere Whakatū Nelson Plan.

6. Climate Change

In 2019, NCC declared a Climate Change emergency. In August 2020 Council adopted a net zero emission target by 2050 and is working on an Emissions Reduction Action Plan. Reducing greenhouse gas emissions helps reduce the effects of climate change, e.g. increased planting to stabilise coastlines and erodible hillsides also absorbs more of the greenhouse gas carbon dioxide.

The main greenhouse gas emissions generated from Environmental Management activities are predicted to be from the use of vehicles, electricity and travel. The NCC Greenhouse Gas Emissions Inventory Report for the 2017-18 business year shows that emissions from these sources are relatively small compared to the total emissions estimated for NCC operations. These types of emissions are also generated by all other NCC business units, so it is sensible that these emissions receive an organisation-wide mitigation response.

Environmental Management will contribute to NCC's mitigation and adaptation responses. These are outlined in detail in section 14.

7. Our Customers and Stakeholders

The Environmental Management Activity interacts on a daily basis with a significant number of customers and stakeholders. These interactions range from one on one customer service delivery such as counter enquiries for building and resource consents; interactions with key developers, businesses and landowners as part of City Development's work; to community meetings on complaints; discussing significant policy work with the community e.g. the Nelson Plan; partnering with iwi and agencies to deliver projects e.g. Project Mahitahi; and working with landowners and community groups eg predator trapping groups.

Environmental Management activities will be professional and courteous, working with people. Of course there are regulatory functions that may involve delivering difficult news but within all that the focus will be on working to find solutions. Building on improving customer service and delivery with stakeholders is a focus area for the Environmental Management activity.

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8. Relationship with Iwi/Maori

Environmental Management has a partnership with Te Tau Ihu iwi through delivery of a number of aspects of the work programme. This partnership results in effective delivery for Whakatū Nelson. The work programme includes:

- The Whakamahere Whakatū Nelson Plan has been developed in partnership with an iwi working group. Iwi wrote some provisions and have been active in the development of all the Plan provisions. Council is grateful for iwi support and their energy and commitment in working on this critical piece of resource management policy.

- The Science and Environment Team has various working relationships and partnerships with Te Tau Ihu iwi ranging from iwi developing cultural monitoring indicators through to partnerships for delivery of the Maitai Ecological Restoration project which has received Government funding of $3.7 million.

- The City Development team works with iwi through growth planning, the city centre spatial plan and is a member of the Te Tau Ihu Maori Housing Forum.

- Working on a framework with iwi for involvement in resource consent processes for private applicants.

- Involvement in the Kotahitanga mō te Taiao Alliance.

- Involvement in the Biodiversity Forum which has some iwi representation.

- Iwi involvement in resource consent processes, including provision of cultural impact assessments for significant Council projects and other consent applications.

- Giving effect to Iwi Management Plans.

- Recognising post settlement development opportunities.

- Protecting areas of significance to iwi.

9. Objectives for Environmental Management Activities

The following are the objectives for each activity:

Environmental Planning
Nelsons natural environments are protected and enhanced; built environments are well planned for current and future generations through smart resource management frameworks and sustainable development.

Resource Consents and Compliance
Natural resources are used wisely and activities are undertaken without causing public nuisance or risking health and safety.

Building Consents
Buildings and facilities pose no risk to public health and safety.

Science and Environment
Sufficient information is available to underpin environmental management decisions and emerging issues are documented, projects are delivered to support the protection and restoration of our natural environment, and opportunities for partnership and funding are acted on.

City Development
Nelson City Centre is an attractive, well built, resilient and walkable city and urban development occurs in the right place at the right time.

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10. Key Linkages

The following flow diagram articulates the links between overarching policy and strategies and the work streams that deliver on the outcomes for the community.

Policy	Strategic	Workstreams	Tactical	Outcomes
Central Government -Legislation -National Policy Statements -National Environmental Standards **Nelson Resource Management Plan** **Tasman-Nelson Regional Pest Management Plan** **Council priorities and focus areas** - Modal Shift - Intensification - Climate Change - Environment - City Centre	**Nelson 2060** **Infrastructure Strategy** **Growth Strategies** **NZ Biodiversity Strategy** **Nelson Biodiversity Strategy** **Long Term Plan** **Compliance Strategy** **Future development Strategy**	**Resource Consents** **Whakamahere Whakatū Nelson Plan** **Building Consents** **Environment Development** **City Development** **Compliance & Enforcement** **Harbour Master Duties** **State of the Environment Monitoring**	**City Centre Programme** **Intensification Action Plan** **Behaviour change programmes** **Climate Change Adaptation** (Adaptive Pathways Planning)	**Strong relationships with Te Tau Ihu iwi** **Climate Change Resilience** **Environmental data** **Environmental health** **Good Activity Management** **Biodiversity Improvements** **Biosecurity Management** **Liveable City**

11. Contribution to Community Outcomes

Community Outcomes	How the Environmental Management Activity contributes to achieving the outcome	Teams
Our unique natural environment is healthy and protected	The Activity provides for implementation of resource management instruments such as the Resource Management Act (RMA), National Policy Statements (NPSs), and National Environmental Standards (NESs). The Activity also provides for the implementation of other legislation aimed at managing the natural environment e.g. the Biosecurity Act. Implementation is achieved through a variety of means including: a) Managing resource consent conditions for activities which use natural resources. b) Developing a resource management planning framework to protect the natural environment. c) Advocacy and supporting programmes for environmental protection and enhancement. d) Monitoring of the natural environment and reporting of information on the state and trend of natural resources. The Nelson Regional Policy Statement, Nelson Resource Management Plan and Nelson Air Quality Plan are being reviewed and combined into a single planning document - The Whakamahere Whakatū Nelson Plan. Once notified, this will set out an updated framework for managing Nelson's natural and physical resources.	Environmental Planning City Development Resource Consents Compliance Building Science and Environment
Our urban and rural environments are people friendly, well-planned and sustainably managed	The Environmental Management Activity contributes to the achievement of this Outcome through: • Undertaking planning to achieve an attractive, well-built, safe, resilient and walkable city for people of all ages and abilities. • Providing guidance on urban design outcomes. • Protecting unique built and natural sites and systems. • Supporting the community to make environmentally sustainable choices. • Ensuring sustainable management of land in the rural community through land management programmes. • Assessing, planning for and responding to growth needs. • Sustainable management of areas susceptible to earthquake prone building matters. • Ensuring growth related infrastructure expenditure is paid for by those that create the need.	Environmental Planning City Development Resource Consents Compliance Building Science and Environment
Our infrastructure is efficient, cost effective and meets current and future needs	The Environmental Management Activity contributes to this Outcome by: • Co-ordinating implementation of the NCC's growth and infrastructure planning. • Programming growth to areas where infrastructure efficiencies can be made. • Available funding mechanisms are utilised. • Building infrastructure that meets the needs of those within it and complies with the Building Act. • Reducing the carbon footprint of infrastructure and urban development. • Increasing the resilience of infrastructure (including natural infrastructure such as wetlands) to the impacts of climate change. • Complying with regulatory requirements for infrastructure e.g. discharges to meet community needs. • Ensuring growth related infrastructure expenditure is paid for by those that create the need.	Environmental Planning City Development Resource Consents Compliance Building Science and Environment
Our communities are healthy, safe, inclusive and resilient	The Environmental Management Activity achieves this Outcome by: • Providing a high standard of statutory compliance for the built and natural environments. • Providing a healthy and safe built environment. • Providing data and information on natural hazards so communities understand the risks and can make informed decisions in response. • Providing information to support communities to manage the impact of climate change, specifically adaptation to impacts.	Environmental Planning City Development Resource Consents Building Science and Environment

Contribution to Community Outcomes

Community Outcomes	How the Environmental Management Activity contributes to achieving the outcome	Teams
Our communities have opportunities to celebrate and explore their heritage, identity and creativity	The Environmental Management Activity provides for this Outcome by ensuring protection, retention and promotion of Nelson's heritage sites and resources.	Environmental Planning City Development Science and Environment
Our communities have access to a range of social, educational and recreational facilities and activities	The Environmental Management Activity provides for this Outcome by using sound planning, regulatory processes that include iwi and communities to ensure that the environment is suitable for a range of range of activities on land and water in relation to air.	Environmental Planning City Development Resource Consents Building
Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement	The Environmental Management Activity contributes to this Outcome by: • Establishing partnerships where multiple local authorities can achieve more than NCC alone, e.g, growth planning, pest management and biosecurity management; • Forging strategic partnerships to achieve even greater gains for Nelson's Environment, e.g., with the Department of Conservation and private philanthropists. • Partnering with iwi to achieve greater outcomes within the development delivery.	Environmental Planning City Development Science and Environment
Our region is supported by an innovative and sustainable economy	The Environmental Management Activity provides for this Outcome by promoting a helpful and business-friendly approach to building, regulatory and planning activities while promoting environmental management best practice.	Environmental Planning City Development Resource Consents Building Science and Environment

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12. Achieving our Outcomes

An objective of the EMAMP is to match what we do in providing a service, as required by law, with the expectations of the community and their willingness to pay for the service. Activity management planning requires a clear understanding of what we do, why we do it and the levels of service delivered. The levels of service are intended:

- To inform people of the proposed type and levels of service offered. (now and in the future)
- To focus our work required to deliver the agreed levels of service.
- To enable people to assess suitability, affordability and equity of the services offered.
- There are many factors to be considered when deciding what level of service the Council will aim to provide. These include:
  - Needing to understand and meet the needs and expectations of the community
  - Meeting Council's statutory obligations
  - Operating within Council policy and objectives
  - Needing to be able to fund the level of service provided

To this end levels of service have been designed to align with statutory requirements, community feedback, Council strategies, responding to environmental issues, and measuring effectively and efficiently the achievement of the EMAMP outcomes. Levels of service are detailed in section 16.

13. Key Issues

There are various issues, challenges, opportunities and priorities that affect the Environmental Management Activity. The key issues are outlined below.

Key Issues

Many of the key issues for the Environmental Management Activity are directly related to the United Nations Sustainable Development Goals and this is depicted in the diagram that follows. The Environmental Management Activity delivery is outlined below each goal.

Environmental Management's contribution to Sustainable Development Goals

2 ZERO HUNGER

END HUNGER, ACHIEVE FOOD SECURITY AND IMPROVED NUTRITION AND PROMOTE SUSTAINABLE AGRICULTURE

- Soil health
- Access to safe water for recreation and food gathering
- Provisioning ecosystem services
- Biodiversity
- Productive land

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6 CLEAN WATER AND SANITATION

ENSURE AVAILABILITY AND SUSTAINABLE MANAGEMENT OF WATER AND SANITATION FOR ALL

- Water quality and quantity
- Access to safe water for recreation and food gathering
- Water stress
- Regulate waste flows into waterways and coastal marine environments

7 AFFORDABLE AND CLEAN ENERGY

ENSURE ACCESS TO AFFORDABLE, RELIABLE, SUSTAINABLE AND MODERN ENERGY FOR ALL

- Warmer Healthy Homes
- Energy resources and consumption
- Renewable energy
- Enviroschools

11 SUSTAINABLE CITIES AND COMMUNITIES

MAKE CITIES AND HUMAN SETTLEMENTS INCLUSIVE, SAFE, RESILIENT AND SUSTAINABLE

- Housing and housing quality
- Urban development
- Active transport
- Urban biodiversity
- Levels of pollutants Heritage assets

14 LIFE BELOW WATER

CONSERVE AND SUSTAINABLY USE THE OCEANS, SEA AND MARINE RESOURCES FOR SUSTAINABLE DEVELOPMENT

- Regulating ecosystem services
- Biodiversity-native species
- Ecological integrity
- Quality of water resources

15 LIFE ON LAND

PROTECT, RESTORE AND PROMOTE SUSTAINABLE USE OF TERRESTRIAL ECOSYSTEMS, SUSTAINABLY MANAGE FORESTS, COMBAT DESERTIFICATION, AND HALT AND REVERSE LAND DEGRADATION AND HALT BIODIVERSITY LOSS

- Regulate waste flows into waterways and coastal marine environment
- Biodiversity- native species
- Efficiency of land use Regulating ecosystems

17 PARTNERSHIPS FOR THE GOALS

STRENGTHEN THE MEANS OF IMPLEMENTATION AND REVITALIZE THE GLOBAL PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT

- Kotahitanga mō te taiao alliance
- Central Government agencies
- Neighbouring councils
- Te tau ihu iwi
- Residents, landowners and developers
- Regional sector
- Professional and community groups
- Organisations e.g. Uniquely Nelson

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The particular issues that fall out of the goals for the EMAMP and are beyond business as usual include:

- Ensuring NCC has an enduring delivery of land management functions once the Ministry of Primary Industries funding ends in June 2023. (Funding included in the LTP)

- Providing for changes the Government proposes in the biodiversity space e.g. the NPS Indigenous Biodiversity. The significant change to current work programmes will be the need to develop and implement a biodiversity monitoring framework. (Partial funding included in the LTP)

- Providing for the National Policy Statement Freshwater requirements to map and monitor wetlands in the region. (Partial funding included in the LTP)

- Changes to the National Policy Statement Freshwater requiring Freshwater Panels for hearing Plan submissions, changes to frequency, types and methods of freshwater quality and quantity monitoring and management, stock exclusion, real time reporting of data, and monitoring of rule implementation and consent conditions. (Partial funding included in the LTP)

- Climate change actions particularly for planning for adaptation and ensuring ecosystems can adapt; including increasing likelihood of new biosecurity incursions and emerging risks as the climate changes. (Partial funding included in the LTP)

- Warmer healthier homes and eco-advice services are increasing in demand and need to continue to be serviced. (Funding included in the LTP)

- Potential changes to the National Environmental Standard for Air Quality requiring changes to monitoring equipment and reporting and standards that are set in the Nelson Plan. (Partial funding included in the LTP)

- Changes to the National Policy Statement on Urban Development requiring strategies and plans for growth, housing and urban form and increased monitoring and feasibility analysis. (Partial funding included in the LTP)

- Potential legislative changes to the Resource Management Act requiring spatial planning for the Region and the delivery of services for resource consents adapting to legislative change. (Not yet funded as extent not yet known)

- Quality assurance and compliance in the Building area to ensure a quality built environment. (Funding included in the LTP)

Sustainable development

Sustainable development of the built environment includes: how building materials are reused; Carbon emission reduction; Orientation of buildings for positive solar gain; Green star ratings for buildings; Biodiversity gains within the city; solar energy; and Adopting Climate Change solutions to things like increased drought e.g. water tanks. These issues will be responded to through work programmes such as the Whakamahere Whakatū Nelson Plan, Eco-Design advice service as well as advocacy to Government for changing standards.

14. Challenges and Opportunities

Challenges are truly opportunities and are interchangeable. Opportunities come out of challenges and allow us to grow.

The Government has either recently completed or is planning a number of new National Policy Statements (NPS) and National Environmental Standards (NES) and amendments to the Resource Management Act (RMA) that will require implementation by NCC. Existing National Policy Statements and National Environmental Standards are also subject to ongoing review and resulting amendments may require changes to current implementation by NCC.

The following legislation and standards are expected to have an impact for NCC during the term of this EMAMP:

- Reform of the RMA (Phase 2);
- Updated NPS for Freshwater Management;
- Updated NES for Freshwater;
- New NES for Wastewater Discharges and Overflows;
- Various RMA regulations;
- New NPS for Indigenous Biodiversity;
- New NPS on Urban Development;

- New NPS for Highly Productive Land;
- New NES for Marine Aquaculture;
- Amended NES for Sources of Drinking Water;
- Amended NES for Air Quality;
- Amended NPS for Electricity Transmission Activities; and
- Proposed NES for the Outdoor Storage of Tyres.

At this time officers are only at the beginning of understanding the wide ranging implications of these changes. The following synopsis is intended to provide the key challenges and opportunities, as we see them at this time, for the more significant changes.

The challenge is how implementation can be achieved in the most cost-effective manner while achieving the intended outcomes. Consideration has been given to some of the above provisions in relation to additional cost.

Implementation of Freshwater Changes (including stock exclusion)	
Issue	**Comment**
Iwi management	Te Tau Ihu Iwi - freshwater management frameworks under Te Mana o Te Wai provisions of the NPS for Freshwater. The nature and extent of the management frameworks need to be established in partnership with Iwi. The costs of this have not been included in the LTP as they are not known.
Implementation through resource management plans	Ensure the embedding of all NPS Freshwater Requirements and Te Mana o Te Wai. Limit setting. This work has been anticipated, in part, due to changes required to the Whakamahere Whakatū Nelson Plan for Te Mana o Te Wai.

Implementation of Freshwater Changes (including stock exclusion)

Issue	Comment
State of environment reporting, data requirements and monitoring standards	Changes to national state of environment reporting framework and regional data will be an ongoing challenge. Similarly, the implementation of the National Environmental Monitoring Standards to support nationally consistent methods for environmental monitoring and data collection including real time data collection. Estimated budgets for this are included in the LTP.
Stock exclusion	The provisions can be included in the Nelson Plan. The monitoring and enforcing of these requirements will necessitate additional work. Partial budget has been included in the LTP.
Farm planning	The annual auditing requirements will require dedicated personnel. Budget is included in the LTP.
Wetland management	There are new requirements to identify, map and monitor wetlands over time. This will require working closely with landowners and development of new data capture systems. Additional budget for this has been included in the LTP budgets.

Reform of the Resource Management Act

Issue	Comment
Potential for separate legislation covering natural and physical environments and spatial strategies/ planning	Could require the formation of regional partnerships, joint committee with iwi, quasi autonomous committees for the spatial plan, changes to the way consenting is managed, changes to the way a Plan is framed, and/or new plans under separate pieces of legislation. These are significant changes in the way resource management business is transacted. These costs are unknown and have not been included in the LTP.

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National Policy Statement on Urban Development

Issue	Comment
Provisions requiring planning for growth	The Nelson Plan has anticipated this by providing for intensification and zoning. Further work is required for parking and housing bottom lines. Planning with Tasman District Council for growth across urban areas is progressing. Developing, monitoring and maintaining an evidence base for demand and supply and pricing is required. These costs are unknown and have not been included in the LTP.

Amended NES for Air Quality

Issue	Comment
Replacing PM10 with PM2.5	Will require changes to the air monitors and the frequency of monitoring. Funding for AQ monitor renewals are included in the LTP.

NES for Marine Aquaculture

Issue	Comment
Provision for marine aquaculture	Will involve consenting requirements if marine aquaculture activities are proposed in Tasman Bay. The Whakamahere Whakatū Nelson Plan has proposed a regulatory framework for marine aquaculture that will be reviewed prior to finalisation to ensure the Whakamahere Whakatū Nelson Plan is not inconsistent with the NES for marine aquaculture. Budget is included in the LTP.

NPS for Indigenous Biodiversity

Issue	Comment
A new NPS requiring effective management of biodiversity	Being anticipated for inclusion in the Nelson Plan. Will require development and implementation of a new biodiversity monitoring framework and ongoing programme. Estimated budgets for this are included in the LTP.

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Resource management planning

The RMA requires NCC to ensure its resource management plans are kept up to date and reviewed every ten years. NCC resource management plans are due or overdue for review.

The review process has resulted in the development of a single document bringing all the current plans into one called the Whakamahere Whakatū Nelson Plan. The Whakamahere Whakatū Nelson Plan will provide an updated planning framework for managing the natural and built environments and play a major role in enabling progress toward NCC's "Smart Little City" vision and many Community Outcomes.

This is a complex document requiring delivery of various national instruments, iwi partnership and community consultation. The Proposed Plan also needs to comply with National Planning Standards (templates) including the requirements for electronic accessibility.

The formal plan change process will require significant resourcing especially during the hearing of submissions and appeals. The indicative timetable shows that the planning process will run through to 2028 when the process is expected to be completed by making the Whakamahere Whakatū Nelson Plan operative. There will need to be changes to the NRMP to give effect to some of the NPS Urban Development requirements.

July 2021-22	2022	2022-24	2025-27	2028
Proposed Nelson Plan finalised	Proposed Nelson Plan	Submissions process and decisions	Appeal process and decisions	Nelson Plan

The challenge for the Council is progressing the Plan through the Formal RMA planning process as efficiently as possible, while meeting statutory timeframe obligations including those under the NPS for Freshwater and NPS on Urban Development. The development and finalisation of the Whakamahere Whakatū Nelson Plan is a key priority for Council.

Budget requirements are presented in the financial section.

Addressing Climate Change

The Environmental Management Activity contributes to NCC's mitigation response by:

- Reducing fuel use by using electric vehicles and alternative modes of transport when practicable; and
- Using energy efficient ways of working, especially in terms of electricity usage when practicable.

The Environmental Management Activity has a bigger role in helping the Nelson region achieve reductions in greenhouse gas emissions and helping the community respond proactively to the predicted adverse effects of climate change.

This means continuing and where appropriate expanding the following programmes:

- Ensuring development of the Whakamahere Whakatū Nelson Plan provides for climate change mitigation and adaptation;
- Working with the community to better understand and plan for future hazards related to climate change and sea level rise, such as river flooding, coastal erosion and coastal inundation (flooding) applying the Adaptive Pathways approach recommended by the Ministry for the Environment;

- Working with landowners to manage their land sustainably, minimise carbon emissions and plan for climate change impacts (eg drought);
- Ensuring implementation of the City Development Programme and Nelson Tasman Future Development Strategy is underpinned by good data and are consistent with NCC's climate change policy;
- Enabling teachers and learners to educate and prepare for the future by participating in the Enviroschools programme;
- Protecting and building resilience of our natural environment and biodiversity through Nelson Nature, Healthy Streams and Sustainable Land Management programmes;
- Planning and responding to biosecurity incursions including anticipating what changes there may be with climate change impacts;
- Delivering large sale native planting and biodiversity restoration projects;
- Responding to national directions on climate change; and
- Providing Eco Design advice to residents to help reduce energy usage.

Marine and coastal environments programme

There is a need to continue NCC's greater focus on the marine and coastal environments it has responsibility for.

The marine and coastal environments have high significance for Whakatū-Nelson. The eight iwi of Te Tau Ihu have Statutory Acknowledgements over the coastal marine area which provide recognition of their cultural, spiritual, historical and traditional association with the coastal and marine environments. It forms a fundamental part of people's lives and experience of Nelson. Port Nelson, fishing, tourism and aquaculture activities make a significant contribution to the regional economy and it is widely used by locals and visitors for enjoyment and recreation.

The work programme seeks to address a number of issues related to the marine and coastal environment including sea level rise, coastal erosion, marine biosecurity, Tasman Bay water quality and biodiversity, and estuarine health. NCC also needs to respond to national and regional initiatives in the coastal and marine areas such as the Sustainable Seas National Science Challenge. A comprehensive estuarine monitoring programme has been developed since the 2018 AMP, and a marine state of the environment monitoring programme is currently under development to provide better information to inform future marine management.

A recent clarification of the roles of the RMA and Fisheries Act also supports a greater focus on the coastal and marine area (Court of Appeal – Motiti Decision). Although previously considered a Fisheries Act matter, the decision provides a pathway for protection of marine environments under the RMA that includes controlling fishing if necessary. Information from an enhanced monitoring programme will place NCC in a good position to evaluate this in the future. evelopment to provide better information to inform future marine management.

The multidisciplinary nature of the work programme requires a collaborative approach, e.g. to minimise the risk of invasive marine species impacting on the Tasman Bay ecosystem and productivity, NCC must work collaboratively though the Top of the South Marine Biosecurity Partnership and other biosecurity agencies. This AMP identifies the resources required for ongoing implementation of these programmes.

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Maximising return on environmental monitoring investment

NCC has developed an effective environmental monitoring programme, and has a raft of data that is potentially able to be utilised and reported on e.g. consent data to assist understanding for growth on housing.

Maximising the return on NCC's environmental monitoring investment is identified as a challenge. This AMP identifies the resources required to make steady progress on resolving this issue.

The data on its own is a valuable resource. NCC reports data for 34 water quality sites, 11 swim spot sites, four river flow sites, three rainfall stations and four air quality monitoring sites on the public- facing national environmental monitoring LAWA database. However, to make full use of the data it needs to be turned into information. In its simplest form, understanding the reason for data trends is necessary for identifying and evaluating options for future management.

The success of our data collection programme is outpacing our capacity to turn this data into the kind of information required for its many applications. As technology advances there is an increasing volume of data being stored in databases that require quality control and analysis, and in some cases we do not have the right data systems or skills for collection and reporting. Responding to this challenge is therefore a priority and the shortfall is addressed through the LTP by identifying the additional resources required

Collaboration with key regional partners including Delivery of Government Funded Projects

Many environmental issues do not recognise regional boundaries, and require regional collaboration to address them. Examples include our combined Nelson-Tasman approach to biosecurity, and our participation in the Kotahitanga mō te Taiao Alliance, which aims to deliver landscape scale biodiversity restoration. This approach of working collaboratively with our treaty partners and other regional partners is something that will increasingly need to be adopted for the delivery of our work programmes.

A recent new partnership trend is the government funding of large environmental projects, particularly for the delivery of economic stimulus through 'Jobs for Nature'. Although much of the cost of delivering these projects is recoverable through the funding, the oversight of project delivery increases workload across Council. The $3.7m Jobs 4 Nature Project Mahitahi funding over the next four years, and other economic stimulus projects, will require careful management to achieve successful delivery of the programme.

There are likely to be other opportunities to work collaboratively and leverage external funding for environmental projects over the life of the AMP. It is important that the Environmental Management Activity is resourced to be able to participate in collaborative projects, and access and manage external funding to bring both environmental and economic benefits to the region. Funding has been included in the LTP.

Healthy Streams Programme

Healthy Streams is NCC's long-term freshwater improvement programme. It provides a platform to pull together, align and support freshwater monitoring and science, Council projects, and community initiatives seeking to enhance Nelson's freshwater resources.

The programme began with the successful Project Maitai/Mahitahi in 2014-2018, and has now been expanded to include all Nelson catchments in a staged approach. The scope of the programme has also been widened to include all freshwater monitoring and science, as well as freshwater projects and on-going community education.

This AMP identifies the ongoing operating and capital budget resources required to support Healthy Streams projects focused on improving stream health in both rural and urban areas, to make further progress toward programme outcomes and deliver to the requirements of the National Policy Statement Freshwater.

Nelson Nature Programme

Nelson Nature is NCC's long-term programme for the protection, restoration and enhancement of native ecosystems and species, and sustainable management of land. A key success factor for the programme is partnerships with collaborative groups such as the Nelson Biodiversity Forum; government agencies and other councils; private landowners; and the many local enthusiasts who already work tirelessly and passionately carrying out weed control and trapping pests.

The programme is aligned with the Nelson Biodiversity Strategy, the New Zealand Biodiversity Strategy, the Kotahitanga mō te Taiao Allaince Strategy, and the Tasman-Nelson Regional Pest Management Plan. Deliverables include running an Environmental Grants scheme, offering support for pest plant and animal control, providing advice and support for management of significant natural areas and coastal margins, development of bio-corridors, identification of threatened species, and habitat restoration. The Nelson Nature programme scope has recently been widened to include the biosecurity and land management programmes alongside biodiversity management.

The Ministry for the Environment have advised that the NPS for Indigenous Biodiversity will likely be finalised in 2021. Although the Nelson Nature Programme is likely to be compatible with it, there are expected to be requirements beyond the current programme, such as the development and implementation of a state of the environment biodiversity monitoring framework. Similarly to the NPS Freshwater, it is expected that implementation of this NPS will need additional resources.

It should also be noted that the Nelson Nature programme was originally funded for 10 years through till 2025. However with the development of the NPS Biodiversity, Council will have additional statutory requirements for biodiversity management, and therefore funding for Nelson Nature is likely to be needed beyond 2025 to meet these requirements.
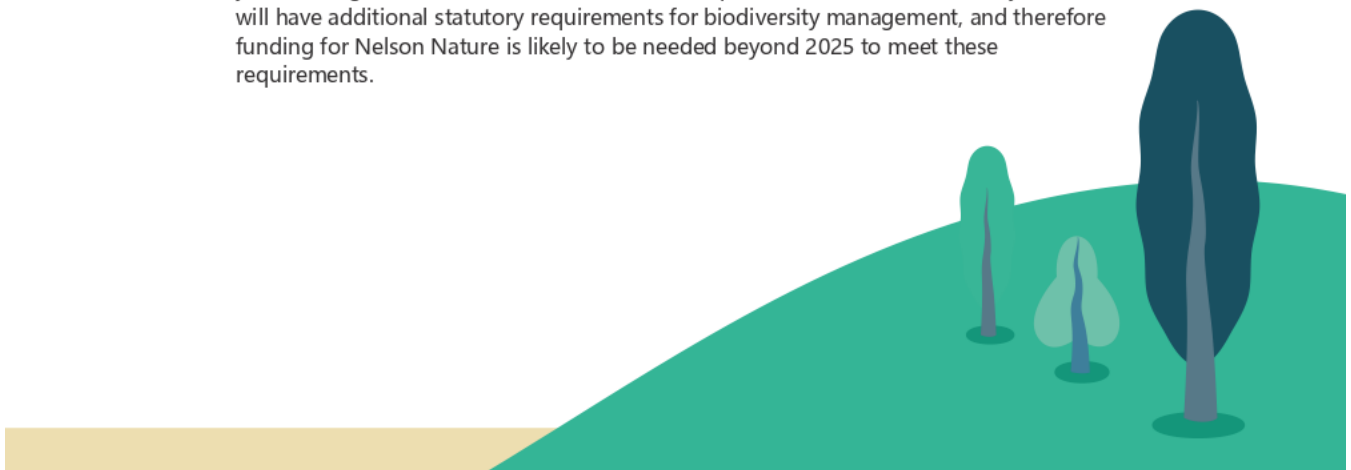
Biosecurity

The Tasman Nelson Regional Pest Management Plan (2019-29) [TNRPMP] review was finalised in 2019. The priority is to ensure successful implementation of the Plan and its associated operational plan. This AMP identifies the resourcing required to fulfil NCC's implementation obligations.

The AMP also identifies resourcing requirements for the development of a biosecurity strategy to guide management of pests not covered by the TNRPMP. In particular, additional resource is needed for the response to new incursions by emerging pests such as myrtle rust, mycoplasma bovis, water celery, Lindavia (lake snow) and Vietnamese parsley. The incidence of new pests and new incursions, including marine pests, is likely to increase as the climate changes and becomes more suitable for species not usually found here.

Finally, Government is overhauling the Biosecurity Act 1993. NCC will need to respond to consultation opportunities as this progresses and fulfil any new obligations once the new biosecurity Act is finalised.

Housing and Urban development

NCC has resolved to make the intensification and affordability of housing one of three key focus areas for the triennium 2019-22. Housing intensification is a key response identified in the Nelson Tasman Future Development Strategy which forms part of the City Development work programme.

Nelson's population is projected to grow to approximately 54,520 people by 2028. The Nelson Tasman Future Development Strategy (FDS) identified that more intensive residential development will be necessary if we are to accommodate the projected 8,000 additional households in the combined Nelson-Richmond area by 2048.

Intensification occurs when an existing building, site or area within the existing urban area is developed or redeveloped at a density higher than that which currently exists. To achieve this:

- Appropriate supporting and enabling rules and policies need to be provided and this in part is being delivered through the Whakamahere Whakatū Nelson Plan;

- Planning and provision in Long Term Plans for necessary infrastructure to ensure sufficient capacity is available for intensification; and

- Appropriate use of funding tools to support implementation of NCC's intensification objectives, e.g., development contributions and private developer agreements.

Note: There is a timing issue in terms of the NPS Urban Development meaning capacity requirements may not be met.

An Intensification Action Plan that gives effect to Nelson's growth actions from the Nelson Tasman Future Development Strategy has been adopted. This provides the foundation for Council's intensification growth action focus. This work includes encouraging an increase in housing supply within existing neighbourhoods which are suitable for residential intensification and the integrated, smart development and infrastructure planning needed to achieve it.

City Centre Programme Plan

Development of the Nelson City Centre is one of the four priorities for NCC identified in its Long Term Plan. The City Centre Programme Plan (the CCPP) sets the strategy to achieve a step-change in the Nelson City Centre environment.

The CCPP approach is people-focused, aiming to create a social hub where people 'linger longer'. Growing residential occupancy is identified as key to revitalising the City Centre. The CCPP also seeks to create a successful regional heart, attracting high-quality development reflecting the goals of a Smart Little City. The outcome will be a memorable place that draws talent, offers great hospitality and celebrates events and activation, connected to and enveloped by stunning natural landscapes.

The CCPP includes a Spatial Plan for the City Centre area.   The Spatial Plan will deal with a range of opportunities to develop and activate the city centre and, in conjunction with the Six Key Moves identified in the CCPP, will form the city centre programme of work into the future. The Spatial Plan is given effect in planning of specific projects to ensure they are consistent with CCPP outcomes.

The Spatial Plan, developed in 2020-21, will be implemented during the life of this AMP.

Meeting community expectations (customer focus)

Enhancing NCC's reputation in a climate of increasing community customer experience expectation is both a challenge and an opportunity. There is an expectation of a high level of communication, consultation and online access to services such as resource consents, building consents and planning documents.

Most environmental issues are consistently perceived by residents as of high importance, but there is room for improvement in satisfaction with NCC's environmental management performance. There are also ongoing expectations that Council will provide resources to support eco advice, and environmental grants to enable the public good derived from these initiatives.

Much of the Environmental Management Activity is demand driven and carried out within a regulatory framework and the service may involve unwelcome messages about restrictions, time delays or costs. The challenge is to make the interaction as stress-free as possible while maintaining process integrity and statutory timeframes.

Recruitment and retention of staff, particularly senior or experienced staff, is a challenge. Additional staff are being recruited as appropriate to make workloads manageable, enhance relations with iwi, reduce the reliance on consultants, and meet the service expectations of our customers.

Ongoing evaluation and provision of customer-friendly information systems and financial support for non-regulatory programmes is required to meet the changing service expectations of the community. Improving the customer experience is a priority for the next three years. Actions provided for in this AMP are:

- Building staff member capability to enhance the customer experience;
- Introduction of dedicated in-house staff point of contact for key customers;
- Improved co-ordination between teams to achieve a smoother service delivery;
- Review of guides, procedures and templates;
- Evaluation of enhancing the current resource consents management software or obtain alternative software to provide the best support tool for staff and customers;
- Retention of IANZ accreditation for building control functions to meet customer requirements; and
- Maintainance of statutory timeframe compliance for building and resource consents.

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Integration across Teams at Nelson City Council (NCC)

Implementation of NCC's other asset and activity management plans has a significant impact on the achievement of environmental goals. Integration between the environmental management programmes such as planning, consents and monitoring is good. Integration across other activities has also improved with inclusion of environmental outcomes and related levels of service that sit alongside asset management outcomes.

Further progress can be made and integration of environmental outcomes across NCC will continue under this EMAMP.

NCC's role to ensure that sufficient urban development capacity in the form of zoned, serviced and planned to be serviced land for residential and business activities in accordance with the NPS Urban Development requires a coordinated approach across AMPs.

15. Key Activities and Work Programme

Environmental Planning

Environmental Planning contributes to the Environmental Management Activity by providing policy development, policy review and policy advice for NCC and its community. The primary role is policy implementation of the Resource Management Act 1991 [RMA].

The outputs shape resource management, natural and physical resources including city form into the future.

The key NCC RMA documents currently in force are the:

- Nelson Regional Policy Statement [RPS];
- Nelson Resource Management Plan [NRMP]; and
- Nelson Air Quality Plan [NAQP]

The RPS, NRMP and NAQP set out the issues, objectives, policies, methods (including rules) and anticipated environmental results for management of the Region's natural and physical resources. NCC has a duty under the RMA to review its policies and plans at no more than 10-year intervals.

The NRMP is being reviewed and combined into a single planning document. This Plan will be notified as the Proposed Whakamahere Whakatū Nelson Plan.

Bylaws that sit within the Environmental Management Activity are reviewed in line with statutory requirements. Current Bylaws include: Urban Environment Bylaw, City Amenity Bylaw and Dog Control Bylaw

These Bylaws are required to be reviewed regularly.

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Environmental Planning		
What we do	**Why we do it**	**Framework**
Lead role in regional and district resource management planning processes for Nelson	Establishing, monitoring and reviewing the framework for sustainable management of Nelson's natural and physical resources	RMA
Responding to and implementing national resource management instruments, e.g. National Policy Statements (NPS) and National Environmental Standards (NES)]	NPSs and NESs are promulgated by Government to provide sustainable management of resources across NCC must evaluate how these apply locally, and then, as necessary, give effect to the national directions	RMA
Development and review of Environmental Bylaws	Bylaws are developed and adopted by NCC to address issues related to public health and safety, nuisance, and environmental amenity issues	Various Acts and Regulations
Provide Planning/and Environmental Strategic advice	To enable the community to understand NCC's resource management framework and make informed decisions	Plans and priority direction

City Development

Council's City Development work implements the National Policy Statement on Urban Development, the City Centre Programme Plan and the Development Contributions Policy. This activity focuses on ensuring there is an adequate supply of residential and business land; city centre development and opportunities for reinvigoration; and facilitates the relationships between developers and the Council to leverage better development outcomes.

City Development manages, implements and reports on:

- The City Centre Programme Plan;
- The NPS on Urban Development;
- The Intensification Action Plan;
- The Development Contributions Policy;
- Population Projections;
- The Nelson Tasman Future Development Strategy.

Note: Council's role under The Housing Accord and Special Housing Areas Act 2013 will cease when it is repealed on 16 September 2021.

Council works closely with Tasman District Council, developers, land and business owners, infrastructure providers, and the wider community to monitor and propose means of ensuring there is adequate supply of feasible residential and business land. It also works closely with City Centre developers, landowners, retail, and hospitality providers in partnership with the Nelson Regional Development Agency and Uniquely Nelson to ensure a vibrant attractive city centre.

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City Development

What we do	Why we do it	Framework
Implementation of the City Centre Programme Plan	Creates a successful regional heart, attracting high-quality development reflecting the goals of a Smart Little City.	Four top priorities for Council
Urban Development and Infrastructure Planning	Support housing supply and business capacity for the Nelson Urban Environment. Ensuring that growth related infrastructure costs are funded by those who create the growth via development contributions and private developer agreements	RMA, NPS Urban Development, Local Government Act 2002
Lead Implementation monitoring and review of the Nelson Tasman Future Development Strategy	Implementation of the Strategy provides the basis for ensuring sufficient and adequate business and residential land supply and infrastructure provision for the Nelson-Tasman urban environment for the next 30 years	NPS Urban Development
Monitor and analyse the Business and Housing Market	Reports on the state and trends of the business and housing demand and supply in Nelson. Provides fact-based information for decision-making by NCC and the community	NPS Urban Development
City Development Projects & Advice	Builds and maintains relationships with key partners for an integrated and coordinated process to facilitate development. Underpins achieving good outcomes e.g. City Centre enhancement	City Centre Programme Plan, Future Development Strategy and Intensification Action Plan
Population Projections	Providing robust peer reviewed population projections to guide planning of all Council activities	Local Government Act 2002
Development Contributions Policy	Establishes how infrastructure for growth is funded	Local Government Act 2002

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Resource Consents

Resource Consents contribute to the Environmental Management Activity by implementing the regulations adopted by NCC in its RMA plans and monitoring activities to ensure compliance with the regulations.

The workload is demand driven. Applications for resource consents are processed and monitored. Monitoring of resource management matters also occur.

The navigation safety activity has been transferred to Port Nelson Ltd and is undertaken by the Harbourmaster and deputy Harbourmasters. Oversight is provided by the Manager Consents and Compliance.

Resource Consents

What we do	Why we do it	Framework
Provide planning information for customers	To help people work through what is required if their activity requires resource consent and how to apply for consent.	RMA
Process applications for resource consents	The activities requiring resource consents are specified in the NRMP and NAQP. Applications are assessed to meet the requirements of the Resource Management Act. Consent planners work with applicants to ensure resource consent decisions are fit for purpose within the RMA framework	RMA
Resource use and consent Compliance monitoring	Consent conditions and permitted activity standards are monitored to check compliance and evaluate the effectiveness of the conditions	RMA
Navigation safety	To ensure the safety of various users of the coastal marine area	Maritime Transport Act 1994, and Navigation Safety Bylaw 2019

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Compliance and Enforcement

The Compliance and enforcement area oversees regulatory activities performed by external contractors and provides strategic advice and project management for tasks within the Environmental Management Activity.

Compliance and Enforcement		
What we do	**Why we do it**	**Framework**
Dogs and other animal control	Ensures public safety and nuisance effects of keeping dogs and other animals in Nelson are minimised by educating owners, monitoring and controlling these activities and responding to non-compliances	Dog Control Act 1996, NCC's Dog Control Policy and Bylaw and the Impounding Act 1955
Noise control	Monitors the adverse effects of excessive noise levels and non-compliances controlled to mitigate public nuisance	LGA, RMA, and NRMP
Parking enforcement	Monitors and enforces vehicle parking places to ensure safety, accessibility and availability for all users	Land Transport Act 1998, regulations, rules and Parking and Vehicle Control Bylaw 2011
Food safety and public health compliance	Undertakes this activity to ensure the safety and suitability of food for sale to protect public health. Other activities are monitored to protect public health such as hairdressers and camping grounds	Food Act 2014, the Health Act 1956 and other legislation
Alcohol licensing and compliance	Undertakes this activity to promote the safe, responsible sale, supply, and consumption of alcohol and minimise the harm caused by its excessive or inappropriate consumption	Sale and Supply of Alcohol Act 2012
Freedom Camping and other Bylaw compliance	Ensures activities are carried out in accordance with legislation and local Bylaws to minimise impacts on the environment and the wellbeing of others	Freedom Camping Act 2011, NCC's Freedom Camping Bylaw and various other Bylaw compliance
Incident response including Pollution Hotline – 0800 NO POLLUTE	Reports and reponds to pollution incidents, hazardous substances and other public concerns likely to harm people and the environment. Regular training and exercises occur with other agencies for marine pollution preparedness	RMA, Hazardous Substances and New Organisms Act 1996 and the Maritime Transport Act 1996

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Building

Councils Buildingwork programme contributes to the Environmental Management Activity by implementing the provisions of the Building Act 2004, regulations, the Building Code and Land Information Memorandum (LIM) provisions of Local Government Official Information and Meetings Act 1987. The purpose of this work is to ensure that:

- Buildings are designed, constructed and able to be used in ways that promote sustainable management;
- They are safe, accessible and are not a danger to public health (including swimming pools); and
- Information on properties and building requirements is available for the community to make informed decisions.

Building		
What we do	**Why we do it**	**Framework**
Process applications for building consents, undertake inspections related to building consent processing and inspections, and certification of acceptance for unauthorised works	Ensures new buildings and alterations are safe, accessible and are not dangerous to public health	Building Act 2004
Building warrant of fitness compliance	Ensures buildings open to members of the public are safe to use and required safety systems are well maintained and operating, e.g. fire alarms	Building Act 2004
Implement the identification and remediation framework for earthquake-prone buildings	Identifies and manages earthquake prone buildings ensuring public safety	Building Act 2004
Compile and provide PIMs and LIMs	Ensures those undertaking building projects and property purchases have the most up-to-date Council information for decision-making	Building Act 2004 and LGOIMA 1987
Compliance monitoring of residential swimming pool fencing	Provides for the safety of young children by reviewing and monitoring of measures in accordance with legislation to prevent access and drowning in residential swimming pools	Building Act 2004
Certificates of Acceptance, Illegal building work, Notices to Fix, Dangerous and Insanitary Buildings and the issuing of relative notices	Ensures buildings are compliant with the Building Act 2004 and are healthy and safe to use	Building Act 2004

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Science and Environment

The Science and Environment work programme manages and implements:

- NCC's environmental science and state of the environment monitoring programmes;
- Non-RMA policy implementation, e.g., the Tasman-Nelson Regional Pest Management Plan; and
- Environmental protection and enhancement projects including pest and plant and animal control and capital works eg fish passage installation; and
- Non-regulatory community based programmes, e.g., providing advice and assistance to landowners and community groups; participation in collaborative regional initiatives such as the Nelson Biodiversity Forum; and education programmes eg Enviroschools, and the Eco Building Design Advisor.

NCC undertakes science and monitoring programmes to ensure accurate environmental data is available for decision-making by NCC and the community and to contribute to meeting Government reporting requirements.

Science and Environment		
What we do	**Why we do it**	**Framework**
Freshwater quality and quantity monitoring	To monitor the state and trends of freshwater quality, river flows, and groundwater levels to provide fact-based information for: • Freshwater resource management planning decision-making by NCC and the community; • Health-risk advice for recreational use of freshwater; • Tracking progress on implementation of the NPS Freshwater Management and NES Freshwater; • Identification of emerging freshwater ecosystem health issues • Management of resource consents when low flows or levels are measured; • Flood warning and hazard management; and • State of the Environment reporting at a local and national level to contribute to the requirements of the Environmental Reporting Act 2015	RMA, NPS for Freshwater Management

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What we do	Why we do it	Framework
Coastal and estuarine monitoring	To identify state and trends of coastal and marine water quality and estuarine health and provide fact-based information for: • Resource management planning decision-making by NCC and the community; • Health-risk advice for recreational use of beaches; and • Identification of emerging estuarine, coastal and marine ecosystem health issues • State of the Environment reporting at a local and national level.	RMA, NZ Coastal Policy Statement
Air quality monitoring	Identifies state and trends of air quality and provides data and information for: • Air quality resource management planning decision-making by NCC and the community; • Health-risk advice for the community; • Tracking progress on implementation of the National Environmental Standard for Air Quality; and • State of the Environment reporting at a local and national level.	RMA, National Environmental Standard for Air Quality
Biodiversity monitoring	Identifies state and trends of indigenous biodiversity and provides data and information for: • Resource management planning decision-making by NCC and the community; • Implementing and tracking progress on implementation of the National Policy Statement for Indigenous Biodiversity; and • State of the Environment reporting at a local and national level	RMA, National Policy Statement for Indigenous biodiversity and Nelson Biodiversity Strategy
Report on environmental science programmes and provide advice to external and internal customers	Keeping the community and Council up-to-date with current information, enables informed decision-making and evaluation of the effectiveness of environmental policies and programmes	RMA

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NCC undertakes environmental protection and enhancement programmes that encourage and support best practice environmental management. Most of these programmes are non-regulatory responses. These involve iwi, community and landowner participation. Other programmes are undertaken to implement non-RMA legislation, e.g., the Tasman-Nelson Regional Pest Management Plan.

What we do	Why we do it	Framework
Biodiversity management non-regulatory programmes	Promotes and supports activities that protect and restore native species and natural ecosystems of Nelson Whakatū	RMA
Freshwater quality and quantity enhancement non-regulatory programmes	Promotes and supports activities that improve in-stream values of waterways, whilst encouraging community participation and reconnection with Nelson waterways	RMA and NPS Freshwater Management
Land management	Promotes and supports activities that reduce soil erosion and encourage sustainable land management in Nelson Whakatū	RMA
Biosecurity management and pest management programmes	Manages and minimises the risks posed to production and indigenous biodiversity by pest plant and animal pests in the district Manages and minimises the risk of invasive marine species impacting on the Tasman Bay environment and industry, through working collaboratively with the Top of the South Marine Biosecurity Partnership	Biosecurity Act 1993 and guided by the Tasman-Nelson Regional Pest Management Plan
Air quality management non-regulatory programmes	Improves air quality in Nelson Whakatū by providing advice and community support	RMA, Nelson RPS and Nelson Air Quality Plan
Eco building design advice	Improves the performance of the residential built environment, and support community health and resilience	RMA and Building Act 2004
Heritage incentives programme	Encourages and enables protection and maintenance of heritage buildings	RMA, Nelson RPS, NRMP and Local Government Act 2002
Enviroschools programme	To promote a culture of environmental responsibility within our community, through educating and empowering children and youth to be catalysts for positive change within their communities	RMA

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16. Levels of Service

Levels of Service	Community Outcome	Performance Measure	Current Level of Performance	Future Performance Targets

Levels of service are currently being reviewed.
This section of the EMAMP will be presented to the Environment Committee on 1 December 2020.

Levels of Service	Community Outcome	Performance Measure	Current Level of Performance	Future Performance Targets

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17. EMAMP review

The EMAMP is a living document. To ensure the EMAMP remains useful and relevant, an ongoing process of AMP monitoring and review will be undertaken, including a comprehensive review at intervals of not less than three years to inform Long Term Plan reviews.

18. Conclusion

The Council will undertake its Environmental Management Activity Management activities in accordance with its legal obligations, in a manner that ensures community outcomes are achieved and as set out in the EMAMP.

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Attachment one:
Environmental Management AMP Budgets 2021-2031

Cost Centre	Full Year Actuals 2019/20	Total Operating Budget 2020/21	2021/22 AMP (2021/31)	2022/23 AMP (2021/31)	2023/24 AMP (2021/31)	2024/25 AMP (2021/31)	2025/26 AMP (2021/31)	2026/27 AMP (2021/31)	2027/28 AMP (2021/31)	2028/29 AMP (2021/31)	2029/30 AMP (2021/31)	2030/31 AMP (2021/31)
Grand Total	2,229,869	4,004,451	4,569,135	6,555,444	4,494,661	4,842,355	5,285,300	4,410,912	4,484,445	3,895,368	3,824,086	3,733,631
Income	(4,734,065)	(4,564,091)	(5,133,366)	(5,149,763)	(2,797,934)	(2,749,012)	(2,519,479)	(2,519,479)	(2,519,479)	(2,519,479)	(2,519,479)	(2,519,479)
4502 Monitoring The Environment	(335,445)	(360,000)	(360,000)	(350,000)	(30,000)	(30,000)	(30,000)	(30,000)	(30,000)	(30,000)	(30,000)	(30,000)
4508 City Development	(27,120)	0	0	0	0	0	0	0	0	0	0	0
4514 Environmental Advocacy/Advice	(105,193)	(81,095)	(461,086)	(467,482)	(345,268)	(290,656)	(51,123)	(51,123)	(51,123)	(51,123)	(51,123)	(51,123)
4518 Pest Management	(15,000)	(15,000)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)
4702 Dog Control	(450,342)	(527,343)	(527,409)	(527,409)	(527,409)	(527,409)	(527,409)	(527,409)	(527,409)	(527,409)	(527,409)	(527,409)
4706 Liquor Licencing	(198,120)	(248,799)	(196,201)	(196,201)	(221,586)	(227,276)	(227,276)	(227,276)	(227,276)	(227,276)	(227,276)	(227,276)
4708 Food Premises	(100,899)	(143,600)	(101,500)	(121,500)	(131,500)	(131,500)	(141,500)	(141,500)	(141,500)	(141,500)	(141,500)	(141,500)
4712 Public Counter Land & General	(192,627)	(236,194)	(237,479)	(237,479)	(237,479)	(237,479)	(237,479)	(237,479)	(237,479)	(237,479)	(237,479)	(237,479)
4714 Building Services	(2,110,263)	(1,926,013)	(2,181,347)	(2,181,348)	(2,181,348)	(2,181,348)	(2,181,348)	(2,181,348)	(2,181,348)	(2,181,348)	(2,181,348)	(2,181,348)
4720 Harbour Safety	(49,045)	(43,100)	(41,500)	(41,500)	(41,500)	(41,500)	(41,500)	(41,500)	(41,500)	(41,500)	(41,500)	(41,500)
4722 Pollution Response	(43,761)	(31,215)	(32,265)	(32,265)	(32,265)	(32,265)	(32,265)	(32,265)	(32,265)	(32,265)	(32,265)	(32,265)
4738 Resource Consents	(1,073,705)	(918,586)	(955,396)	(955,396)	994,604	994,604	994,604	994,604	994,604	994,604	994,604	994,604
4742 Enforcing Bylaws	(32,544)	(33,146)	(19,183)	(19,183)	(24,183)	(24,183)	(24,183)	(24,183)	(24,183)	(24,183)	(24,183)	(24,183)
Expenses	6,701,664	7,575,374	7,869,323	9,572,029	6,890,417	6,128,189	6,466,601	6,588,213	5,975,746	5,976,669	5,901,387	5,774,932
4502 Monitoring The Environment	869,444	960,754	1,420,712	1,414,949	1,129,949	1,183,109	1,113,633	1,113,633	1,097,028	1,079,949	1,166,030	1,130,712
4504 Developing Resource Mgt Plan	890,410	1,604,010	2,150,000	3,745,750	1,320,000	570,750	1,012,500	1,038,250	538,250	522,500	325,000	270,000
4508 City Development	200,696	512,686	387,447	387,447	437,447	337,447	337,447	387,447	337,447	337,447	387,447	337,447

4514 Environmental Advocacy/Advice	994,757	956,780	1,284,914	1,344,914	1,344,914	1,344,914	1,344,914	1,344,914	1,344,914	1,344,914	1,344,914	1,344,914
4518 Pest Management	243,090	277,715	313,108	325,108	313,108	313,108	313,108	325,108	313,108	313,108	333,108	313,108
4702 Dog Control	543,635	511,810	533,043	533,043	533,043	533,043	533,043	533,043	533,043	533,043	533,043	533,043
4704 Animal Control	19,483	19,899	20,058	20,058	20,058	20,058	20,058	20,058	20,058	20,058	20,058	20,058
4706 Liquor Licencing	176,030	185,945	186,000	186,000	186,000	186,000	186,000	186,000	186,000	186,000	186,000	186,000
4708 Food Premises	194,453	197,000	197,000	197,000	197,000	197,000	197,000	197,000	197,000	197,000	197,000	197,000
4712 Public Counter Land & General	6,218	10,070	10,238	4,594	4,594	4,594	4,594	4,594	4,594	4,594	4,594	4,594
4714 Building Services	245,081	352,470	251,012	297,374	288,512	322,374	288,512	322,374	288,512	322,375	288,512	322,375
4720 Harbour Safety	151,149	129,123	146,386	146,386	146,386	146,386	146,386	146,386	146,386	146,387	146,387	146,387
4722 Pollution Response	78,234	99,000	99,000	99,000	99,000	99,000	99,000	99,000	99,000	99,000	99,000	99,000
4738 Resource Consents	1,158,755	695,399	681,293	681,293	681,293	681,293	681,293	681,293	681,293	681,294	681,294	681,294
4742 Enforcing Bylaws	183,748	182,713	189,113	189,113	189,113	189,113	189,113	189,113	189,113	189,000	189,000	189,000
4747 Building Claims	746,481	880,000	0	0	0	0	0	0	0	0	0	0
Capital Expenditure	**262,270**	**993,168**	**1,833,178**	**2,133,178**	**402,178**	**1,463,178**	**1,338,178**	**342,178**	**1,028,178**	**438,178**	**442,178**	**478,178**
4502 Monitoring The Environment	101,841	430,974	329,778	329,778	294,778	309,778	234,778	234,778	274,778	234,778	234,778	274,778
4508 City Development	158,603	551,394	1,500,000	1,800,000	100,000	1,150,000	1,100,000	100,000	750,000	200,000	200,000	200,000
4714 Building Services	1,826	6,800	3,400	3,400	3,400	3,400	3,400	3,400	3,400	3,400	3,400	3,400
4720 Harbour Safety	0	4,000	0	0	4,000	0	0	4,000	0	0	4,000	0

Attachment two:
Legislative Context

- Amusement Device Regulations 1978
- Animal Welfare Act 1999
- Biosecurity Act 1993
- Building Act 2004 and Building Regulations
- Camping Ground Regulations 1985
- Dog Control Act 1996
- Environmental Reporting Act 2015
- Food Act 2014, Food Act 1981, Food Hygiene Regulations 1974
- Hazardous Substances and New Organisms Act 1996
- Health Act 1956 and Health Regulations 1966
- Health Burial Regulations 1946
- Health Hairdressers Regulations 1980
- Impounding Act 1955
- Climate Change Response (Zero Carbon) Amendment Act 2019
- COVID-19 Recovery (Fast-track Consenting) Act 2020
- Freedom Camping Act 2011
- Soil Conservation and Rivers Control Act 1941

- Land Transport Act 1998 and Regulations 1998, 1999, 2011
- Litter Act 1979
- Local Government Act 2002
- Local Government Official Information and Meetings Act 1987
- Machinery Act 1950
- Maritime Transport Act 1994
- Plumbers, Gasfitters and Drainlayers Act 2006
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012
- Waste Minimisation Act 2008
- Burial and Cremation Act 1964
- Bylaws Act 1910
- Climate Change Response Act 2002
- Hazardous Substances and New Organisms Act 1996
- Housing Accords and Special Housing Areas Act 2013
- Marine and Coastal Area (Takutai Moana) Act 2011

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National Policy Statements

- New Zealand Coastal Policy Statement 2010
- National Policy Statement for Freshwater Management 2020
- National Policy Statement on Urban Development 2020
- National Policy Statement for Renewable Electricity Generation 2011
- National Policy Statement on Electricity Transmission 2008

National Environmental Standards

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Human Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry
- National Environmental Standards for Freshwater
- National Environmental Standards for Marine Aquaculture

Council's Strategic Documents

- Long term plan 2018-2028
- Regional Policy Statement and Resource Management Plans
- City Vision
- Nelson 2060 Strategy
- Biodiversity Strategy
- Regional Pest Management Strategy and Plan
- Marine Biosecurity Partnership
- Other Activity and Asset Management Plans
- Future Development Strategy
- Reserve Management Plans
- Land Development Manual
- Compliance Strategy
- Dog Control Policy and Bylaw 2020
- Navigation Safety Bylaw
- Other bylaws including City Amenity, and Urban Environments
- Regional Authority Policy on Dangerous Dams
- Policy on Dangerous, Insanitary and Affected Buildings.