



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

Date:	Tuesday 13 April 2021
Time:	9.00a.m.
Location:	Council Chamber, Civic House 110 Trafalgar Street Nelson

Agenda

Rārangi take

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

Quorum: 7

**Pat Dougherty
Chief Executive**

Nelson City Council Disclaimer

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

Environment and Climate Committee

Areas of Responsibility:

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

Delegations:

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

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

- Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements
- Developing, monitoring and reviewing strategies, policies and plans, with final versions to be recommended to Council for approval
- Developing and approving draft Activity Management Plans in principle, for inclusion in the draft Long Term Plan
- Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate
- Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes other than final approval
- Approving submissions to external bodies or organisations, and on legislation and regulatory proposals
- Approval of increases in fees and charges over the Consumer Price Index (CPI)

Powers to Recommend to Council:

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

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

1. Apologies

Nil

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

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

4.1 Nelson Residents Association - the climate change emergency and its financial effect on rate payers

4.2 Climate Action Group of the Nelson Tasman Climate Forum - Regional Climate Action Plan

5. Confirmation of Minutes

5.1 17 February 2021

7 - 14

Document number M15412

Recommendation

That the Environment and Climate Committee

1. Confirms the minutes of the meeting of the Environment and Climate Committee, held on 17 February 2021, as a true and correct record.

6. Chairperson's Report

7. Submission to the Climate Change Commission's Draft Advice to Government 15 - 49

Document number R23751

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Submission to the Climate Change Commission's Draft Advice to Government (R23751) and its attachment (A2598134); and**
- 2. Approves retrospectively Council's submission to the Climate Change Commission on the Draft Advice for Consultation (A2598134 – Attachment One of report R23751).**

8. Compliance, Monitoring and Enforcement Metrics Report 2019/20 50 - 128

Document number R22727

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Compliance, Monitoring and Enforcement Metrics Report 2019/20 (R22727) and its attachment (A2519419)**

9. Ratification of the updated Port Nelson Noise Contour Map 129 - 172

Document number R18192

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Ratification of the updated Port Nelson Noise Contour Map (R18192) and its attachment (A2428728); and**
- 2. Confirms ratification of the 2018 amendment of the Port Noise Contour Map (A2428728).**

CONFIDENTIAL BUSINESS

10. Exclusion of the Public

Recommendation

That the Environment and Climate Committee

1. ***Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that Chris Ward of PolicyWorks remains after the public has been excluded, for Item 2 of the Confidential agenda (Options for Regulatory Services), as he has knowledge that will assist the meeting.***

Recommendation

That the Environment and Climate Committee

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Resource Consents team - update on actions	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
2	Options for Regulatory Services Discussing commercial contract for regulatory activities.	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities



Minutes of a meeting of the Environment and Climate Committee

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

On Wednesday 17 February 2021, commencing at 9.07a.m.

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

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

Apology: Ms G Paine

1. Apologies

Resolved EC/2021/001

That the Environment and Climate Committee

1. Receives and accepts an apology from Ms G Paine.

Sanson/McGurk

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

Councillor Fulton advised of an update to the Interests Register, in that she became a Trustee of the Brook Waimarama Community Gardens in December 2020. No interests with items on the agenda were declared.

4. Public Forum (via Zoom)

4.1 Friends of the Maitai

Attendance: Councillor Skinner entered the meeting at 9.12a.m.

Attendance: Her Worship the Mayor Reese entered the meeting at 9.16a.m.

Steven Gray, accompanied by Tom Kennedy, on behalf of the Friends of the Maitai, spoke to the presentation (A2575066). Mr Gray answered questions regarding the health of the Maitai river.

Attachments

- 1 A2575066 Steven Gray public forum speaking notes

5. Confirmation of Minutes

5.1 1 December 2020

Document number M15310, agenda pages 8 - 17 refer.

Resolved EC/2021/002

That the Environment and Climate Committee

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

Courtney/McGurk

Carried

6 Chairperson's Report

Councillor Fulton tabled her Chairperson's Report (A2575231) and spoke to it.

It was requested that Council's submission on the He Pou a Orangi report include the need for financial support to deliver on the report's objectives.

Resolved EC/2021/003

That the Environment and Climate Committee

1. ***Receives the report Chairperson's Report (A2575231).***

Courtney/Skinner

Carried

Attachments

- 1 A2575231 - Chairperson's Report 17 February 2021

7. **Environmental Management Activity Management Plan - Levels of Service**

Document number R21449, agenda pages 18 - 25 refer.

Two documents were tabled providing the current levels of service and the proposed levels for comparison (A2574569 and A12051681).

Group Manager Environmental Management, Clare Barton, noted that an extra clause had been added to the recommendations, which had been omitted from the agenda. Ms Barton summarised the proposed levels of service and the rationale used in setting them. Along with Manager Consents and Compliance, Mandy Bishop, Manager Environmental Planning, Maxine Day and Principal Adviser Environmental Management, Jane Budge, Ms Barton answered questions regarding service levels, monitoring, legislation changes, measuring and reporting, regional council responsibilities and frequency of review. She noted that community outcomes had been set through the Long Term Plan process and this was only part of Council's environmental reporting.

Further questions were answered regarding legislation on environmental outcomes reporting, macroinvertebrate community index (MCI) levels, air quality and noise control breaches, food safety legislation, the City Centre Programme, consent processing fees, the parking review and parking and noise control.

The meeting was adjourned from 10.26a.m. until 10.27a.m.

Resolved EC/2021/004

That the Environment and Climate Committee

- 1. Receives the report Environmental Management Activity Management Plan - Levels of Service (R21449) and its attachment (A2558804); and***
- 2. Approves the levels of service for the non-financial performance measures in the draft Environmental Management Activity Management Plan (Attachment A2558804); and***
- 3. Notes that the Draft Environmental Management Activity Management Plan 2021 -2031 Levels of Service (A258806) will be updated and, the final Activity Management Plan – Levels of Service, approved, after the adoption of the Long Term Plan 2021-2031.***

McGurk/Brand

Carried

Attachments

- 1 A2574569 - Comparison with previous 2018 and proposed 2021 Levels of service for Environment LOS review

2 A2574567 - Proposed 2021-31 Levels of Service for Environment LOS review and comparison with 2018 LOS

The meeting was adjourned from 10.31a.m. until 10.46a.m., during which time Councillor Noonan left the meeting.

8. **2021 Environmental Management Fees and Charges review**

Document number R21403, agenda pages 26 - 99 refer.

Manager Consents and Compliance, Mandy Bishop, and Principal Adviser Environmental Management, Jane Budge, spoke to the report. They answered questions regarding the rationale for the proposed fees and charges and it was agreed that officers would work on a holistic approach on green/sustainable building incentives and engagement on the proposed increase in commercial fees

Attendance: Councillor Edgar left the meeting at 11.10a.m.

The meeting was adjourned from 11.17a.m. until 11.19a.m.

Attendance: Councillor O'Neill-Stevens left the meeting at 11.22a.m. and Councillor Noonan returned to the meeting at 11.23a.m.

Attendance: Councillor Rainey left the meeting at 11.26a.m.

Resolved EC/2021/005

That the Environment and Climate Committee

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

5. **Agrees the preferred option is to increase Food Act fees and charges to recover 48% of Council costs for these services; and**
6. **Adopts the Statement of Proposal for the Proposed Food Act 2014 fees and charges as detailed in Attachment 2 (A2554483) to Report R21403; and**
7. **Agrees a summary of information contained in the Statement of Proposal for the Proposed Food Act 2014 fees and charges is not necessary to enable public understanding of the proposal; and**
8. **Agrees the preferred option is to increase Building Act fees and charges to recover 71% of Council costs for these services; and**
9. **Adopts the Statement of Proposal for the Building Act 2014 and Property Information fees and charges as detailed in Attachment 3 (A2565321) to Report R21403; and**
10. **Agrees a summary of information contained in the Statement of Proposal for the Building Act 2014 and Property Information fees and charges is not necessary to enable public understanding of the proposal; and**
11. **Agrees the preferred option is to increase Environmental Health fees and charges as proposed in Attachment 4; and**
12. **Adopts the Statement of Proposal for the Proposed Environmental Health fees and charges as detailed in Attachment 4 (A2563976) to Report R21403; and**
13. **Agrees a summary of information contained in the Statement of Proposal for the Proposed Environmental Health fees and charges is not necessary to enable public understanding of the proposal; and**
14. **Notes the increases for the Dog Control fees and charges, that do not require public consultation, identified in Attachment 5 of Report R21403 (A2554765) will take effect from 1 July 2021; and**
15. **Notes no change will be made to the discretion to lower the rating of particular activities under the Sale and Supply of Alcohol Act; and**
16. **Approves the consultation approach (set out in section 7 of this report) and agrees:**

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

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

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

Courtney/McGurk

Carried

9. Biosecurity Annual Review

Document number R21465, agenda pages 100 - 110 refer.

Environmental Programmes Adviser, Richard Frizzell, and Team Leader Science and Environment, Leigh Marshall, spoke to the report, noting the review would begin as soon as possible. They advised that officers were compiling a table of pests, and answered questions on pest control in the Nelson and Tasman regions, in particular regarding Taiwan Cherry.

Attendance: Councillor O'Neill-Stevens returned to the meeting at 11.37a.m.

Resolved EC/2021/006

That the Environment and Climate Committee

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

Fulton/McGurk

Carried

Recommendation to Council EC/2021/007

That the Council

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

Fulton/McGurk

Carried

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

Document number R22605, agenda pages 111 - 117 refer.

Manager Environmental Planning, Maxine Day, presented the report and answered questions regarding space for aquaculture. Following discussion it was agreed that there would be a minor change to the submission to make it clear that Nelson City Council had not formed a view on aquaculture at this stage, with the wording to be approved by the Chairperson.

Resolved EC/2021/008

That the Environment and Climate Committee

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

Noonan/Skinner

Carried

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

Document number R22560, agenda pages 118 - 152 refer.

Group Manager Environmental Management, Clare Barton, answered questions regarding the Spatial Plan timeline, coastal inundation information availability, native forestry, litter trap trials, and a permanent location for the Pop Up Park.

Attendance: Councillor Rainey returned to the meeting at 12.13p.m.

Further questions were answered regarding Jobs for Nature funding, an explanation on the changes to LIM notations and the draft Emissions Reductions Action Plan.

Resolved EC/2021/009

That the Environment and Climate Committee

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

Skinner/Brand

Carried

There being no further business the meeting ended at 12.32p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Submission to the Climate Change Commission's Draft Advice to Government

1. Purpose of Report

- 1.1 To retrospectively approve the Council's submission on the Climate Change Commission's Draft Advice to Government.

2. Summary

- 2.1 The Climate Change Commission invited submissions on its proposed advice to central government on actions required to meet New Zealand's net zero carbon emissions targets by 2050. Submissions closed 28 March 2021.
- 2.2 A submission was prepared in discussion with the Environment and Climate Committee Chair and submitted on behalf of Council. Retrospective approval of the submission is sought from this Committee.

3. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Submission to the Climate Change Commission's Draft Advice to Government (R23751) and its attachment (A2598134); and***
- 2. Approves retrospectively Council's submission to the Climate Change Commission on the Draft Advice for Consultation (A2598134 – Attachment One of report R23751).***

Item 7: Submission to the Climate Change Commission's Draft Advice to Government

4. Background

- 4.1 Central Government has committed to reaching net zero emissions of all greenhouse gases other than biogenic methane by 2050. Biogenic methane emissions by between 24-47% from 2017 levels by 2050. Council adopted targets for its own emissions in line with these government targets at its meeting of 20 August 2020.
- 4.2 Current government policies will not enable New Zealand to meet these targets. Accordingly, the Commission has drafted advice on potential pathways to meet the 2050 targets.
- 4.3 The attached submission has a mix of support for, and suggested amendments to the proposed advice.

5. Discussion

Outline of the Commission's Draft Advice

- 5.1 The Draft Advice (www.climatecommission.govt.nz/get-involved/consultation/) included the Commission's views on whether achieving the targets will be possible.
- 5.2 The Commission noted that achieving the targets is possible and can lead us to be a thriving, climate-resilient, low-emissions country. However, strong and decisive action is needed now to drive transformational and lasting change across society and sectors.
- 5.3 However, the Commission also concluded that if "decisive action" is taken now then it is still possible to meet the targets. This would require transformational and lasting change across society and sectors.
- 5.4 The Commission provided recommendations for sectors including transport, building, electricity, natural gas, agriculture, forestry and waste.
- 5.5 The Commission is also proposing three emissions budgets. These budgets set a maximum amount of greenhouse gases Aotearoa can emit for the four years between 2022-2025 and then five-year time intervals. The budgets propose stepping down the emissions budgets for each interval. The Commission comments that the budgets are ambitious, but achievable. The proposed budgets are:

Years	Emissions budgets in million tonnes of CO ₂
2018 (baseline)	69.2
2022-2025	67.7

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2026-2030	57.3
2031-2035	44.6

- 5.6 The balance of the reduction of carbon budgets to zero would be undertaken between 2035-2050.

Scope of the Commission's feedback request

- 5.7 The Consultation Document requests feedback on six big issues and a further 24 more detailed areas. Council's submission (Attachment One) responds to each of these matters. The six big issues are:
- 1. Do you agree that the emissions budgets we have proposed would put Aotearoa on course to meet the 2050 emissions targets?*
 - 2. Do you agree we have struck a fair balance between requiring the current generation to take action, and leaving future generations to do more work to meet the 2050 target and beyond?*
 - 3. Do you agree with the changes we have suggested to make the Nationally Determined Contribution compatible with the 1.5°C goal?*
 - 4. Do you agree with our approach to meet the 2050 target that prioritises growing new native forests to provide a long-term store of carbon?*
 - 5. What are the most urgent policy interventions needed to help meet our emissions budgets?*
 - 6. Do you think our proposed emissions budgets and path to 2035 are both ambitious and achievable considering the potential for future behaviour and technology changes in the next 15 years?*

Council's submission

- 5.8 The submission included the following points:
- 5.8.1 Encouraged the Commission to consider methods that would decrease emissions sooner (65% of the reduction in the emissions budgets are left for the 15 years from 2035 – 2050). Similar comments were made by LGNZ and a number of other councils in their submissions.
 - 5.8.2 Supported faster transition to electric vehicles.
 - 5.8.3 Supported consideration of co-benefits of emissions reduction work, including social, economic and biodiversity outcomes.

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- 5.8.4 Supported the creation of genuine, active and enduring partnerships with iwi/Māori as part of the emissions work programme.
- 5.8.5 Supported central and local government working in partnership.
- 5.8.6 Supported establishing a process for incorporating the views of all New Zealanders and highlighted the Nelson Tasman Climate Change Forum as a model that could be adopted.

- 5.9 Two options are presented to the Committee to either retrospectively support the submission or not to support the submission. Officers recommend Option One.

Option One: Retrospectively approve the pro-forma submission on the proposed advice from the Climate Change Commission to central government	
Advantages	<ul style="list-style-type: none">• Signals overall support on the draft advice from the Commission• Is aligned with Council's climate change objectives
Risks and Disadvantages	<ul style="list-style-type: none">• None
Option Two: Do not retrospectively approve the pro-forma submission on the proposed advice from the Climate Change Commission to central government	
Advantages	<ul style="list-style-type: none">• None
Risks and Disadvantages	<ul style="list-style-type: none">• Council's views on the pathways that central government may take to meet its emissions targets will not be taken into consideration by the Commission when it finalises its advice

6. Next Steps

- 6.1 The Commission will review submissions to its draft advice and then finalise its advice to central government.
- 6.2 Central government will review the advice and use it to inform its work and policies that contribute to New Zealand reaching the emissions targets by 2050.

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- 6.3 The Government is proposing to include this advice in its first emissions reduction plan by 31 December 2021. A work programme of monitoring and developing updated emissions budgets are contained within the draft advice from the Commission.

Author: Mark Tregurtha, Manager Strategy

Attachments

Attachment 1: A2598134 Submission on Climate Change Commission Draft Advice to Central Government [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	<p>The submission is aligned with the purpose of Local Government in enabling “democratic decision-making and action by, and on behalf of, communities” as it reflects Council’s proposed actions and policies to contribute to the emissions targets. In the longer term meeting New Zealand’s emissions targets will contribute to the community’s economic, social, cultural and environmental wellbeing.</p>
2. Consistency with Community Outcomes and Council Policy	<p>The recommendations in this report support the following Nelson City Council Community Outcomes – “Our unique environment is healthy and protected”; “Our infrastructure is efficient, cost effective and meets current and future needs”; “Our communities are healthy, safe, inclusive and resilient” and “Our region is supported by an innovative and sustainable economy”.</p>
3. Risk	<p>Submitting on this report is consistent with Council’s strong commitment to climate change action and is of low risk.</p>
4. Financial impact	<p>The submission does not directly affect Council’s financial position. There may be an impact on Council’s work programme and budgets at later dates, both positive and negative, depending on Central Government’s implementation of the proposed work programme and actions.</p>
5. Degree of significance and level of engagement	<p>Deciding to retrospectively approve the submission is of low significance. The Climate Change Commission Draft Advice is open to the public to submit on. The submission supports the climate change objectives of Council.</p>
6. Climate Impact	<p>The submission outlines Council’s adoption of central government’s targets for net zero emissions of long-lived gases by 2050 and reducing biogenic methane. The submission emphasises the co-benefits that arise from reducing emissions.</p>

7. Inclusion of Māori in the decision making process

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

8. Delegations

The Environment and Climate Committee includes the following delegations to consider:

Areas of Responsibility:

- Climate Change policy, monitoring and review
- Climate change impact and strategy overview - mitigation, adaptation and resiliency
- Climate change reserve fund use

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

Submission from Nelson City Council on the Climate Change Commission's draft advice to Government

28 March 2021

Introduction

Nelson City Council (Council) thanks the Climate Change Commission for the opportunity to make this submission on the Draft Advice for Consultation.

Overall Council supports the direction in the Commission's draft advice - we are encouraged by the Commission's advice that reaching our emissions reduction targets by 2050 is both achievable and affordable.

Summary – One Big Thing

Achieving New Zealand's objectives of net zero emissions of long-lived gases by 2050 and reducing biogenic methane emissions by between 24-47% from 2017 levels by 2050, requires partnership and action by central government, local government, iwi, businesses, and residents. In August 2020 Council adopted central government's targets for our own greenhouse gas emissions reductions. Accordingly, the development of our Long Term Plan 2021-2031 Consultation Document and supporting Activity Management Plans included significant work on putting into place steps to contribute to this objective. We attach the climate change section (Appendix One) of our Consultation Document as it outlines our approach on climate change. The Commission may find this information useful in its work with the local government sector.

Our Six Big Issues

1. The Pace of Change

Big issues question 1: Do you agree that the emissions budgets we have proposed would put Aotearoa on course to meet the 2050 emissions targets?

*Strongly agree - Agree - Neutral - **Disagree** - Strongly disagree - Do not know*

Whilst we support the Commission's work and believe that reduction budgets are achievable, we are concerned that the first periods are not ambitious enough. We appreciate that changes will take time to implement, but we believe rapid accelerated action needs to begin now. Furthermore, placing emphasis on reductions closer to 2050 increases the risk that the targets will not be met. Lower targets early in the timeline may result in wrong messages being given to community, for example infrastructure, building and housing projects should include consideration of emissions right from the start, at the business case and design stages. Low targets prior to 2035 may result in current technology and best practice not being implemented now, and therefore need expensive retrofitting at a later date.

2. Future Generations

Big issues question 2: Do you agree we have struck a fair balance between requiring the current generation to take action, and leaving future generations to do more work to meet the 2050 target and beyond?

Item 7: Submission to the Climate Change Commission's Draft Advice to Government: Attachment 1

*Strongly agree - Agree - Neutral - **Disagree** - Strongly disagree - Do not know*

The Emissions Budget 1 (2022-2025) aims for only a 2% reduction, and the proposal is that the emissions budget reduces by only 35% by 2035. The work on the remaining 65% is being left to the next generation to manage within a 15 year period – this seems unfair. Higher targets through to 2030 are needed to signal that changes are required urgently. The Commission notes that the technology already exists in many areas, including Transport (page 14 of your advice) to deliver on the emissions reduction objectives.

The longer we take to reduce our emissions, the more damage to our environment, assets, and community. Furthermore, we need to factor in the 'cost of inaction' as a prompt to determine which actions would reduce emissions faster.

3. Our Contribution

Big issues question 3: Do you agree with the changes we have suggested to make the NDC compatible with the 1.5°C goal?

*Strongly agree - **Agree** - Neutral - Disagree (our changes are too ambitious) - Disagree (our changes are not ambitious enough) - Do not know*

We support the Commission's recommendations to strengthen the NDC to "reflect emission reductions of much more than 35% below 2005 levels by 2030".

However, we think that more work is required to determine what further opportunities exist for domestic cuts and offsets. This is preferable to purchasing high amounts of offshore mitigation. For example, New Zealand has the 9th longest coastline in the world - the use of blue carbon sequestration may enable New Zealand to offset a higher level of emissions earlier. Blue carbon sequestration has similar advantages to planting new permanent indigenous forests, in that it provides an opportunity to lock in carbon for centuries, as well as providing ecological, water quality, and coastal protection benefits.

See also issue 4.

4. Role and Type of Forests

Big issues question 4: Do you agree with our approach to meet the 2050 target that prioritises growing new native forests to provide a long-term store of carbon?

***Strongly agree** - Agree - Neutral - Disagree - Strongly disagree - Do not know*

We support prioritisation and provision of incentives for new permanent indigenous forests, but also acknowledge that exotic forests have an important role in providing building materials and jobs, contributing to the economy.

5. Policy Priorities to Reduce Emissions

Big issues question 5: What are the most urgent policy interventions needed to help meet our emissions budgets? (Select all that apply).

Transport

- Council supports the transition from internal combustion engines (ICE) to electric vehicles (EV). This mitigation initiative may need to be supported by central government funding to cover the difference in the up-front price to purchase an EV, compared with an ICE. Also, fast charging infrastructure in public places needs to increase substantially, to reduce range anxiety in EV owners and increase the uptake of EVs. Any policy intervention to support EVs should also consider the embodied carbon of EVs, compared to alternatives, such as e-bikes, and, how low-income households will be supported to make this transition.

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- Policy intervention is also needed to encourage the community to transition to more sustainable transport modes - choosing active transport (including walking, cycling, skateboarding, riding scooters), and public transport more often for their journeys. This will support social and environmental wellbeing and reduce greenhouse gas emissions. A reduction in car use (particularly single occupancy vehicles) will also contribute to improved traffic flows, and has the potential to reduce the need for investment in major road upgrades.

Energy

- For organisations/businesses where the highest source of emissions is not electricity, encouragement to consider energy efficiency from a financial perspective rather than a carbon perspective may be useful. This financial approach will help to get business cases approved, with the ultimate goal of emission reductions.
- Embodied carbon emissions in products and infrastructure are usually included in operational carbon emissions from organisations, communities, etc. as 'optional emissions'. There should be a clear definition and understanding on these different sources and the different carbon footprint accounting scopes.

Measurements and reductions targets discussed in this draft should include operational emissions and embodied emissions. Local government is in a unique position to support the reduction of embodied emissions with the development of a large-scale infrastructure in Council assets (horizontal and vertical infrastructure).

Organisations which claim to be carbon neutral do not always include all carbon emissions, e.g. embodied carbon emissions but consistency and the best information is needed to determine whether Aotearoa's emission budgets being set at the right level.

- We support EECA, central government and the Commission providing information and support to the public making smart choices that require less energy. The Gen Less programme is a good model to build on (<https://genless.govt.nz/>).

Waste

- We strongly support the principle of circular economy as the most effective means of reducing emissions. Reducing food and green waste to landfill will make an important contribution to reducing emissions (see also response to question 18).

6. Technology and Behaviour Change

Big issues question 6: Do you think our proposed emissions budgets and path to 2035 are both ambitious and achievable considering the potential for future behaviour and technology changes in the next 15 years?

*Strongly agree - Agree - Neutral - **Disagree** - Strongly disagree - Do not know*

We agree the emissions budgets are achievable, but they are not ambitious enough. There is an opportunity to use expenditure assigned to offset the effects of COVID-19 to also promote mitigation initiatives which also generate economic activity.

We note that existing technology may provide for a higher percentage of emissions reduction compared to what is proposed and would support faster implementation of technology that will reduce Aotearoa's carbon emissions.

New technology is usually financially viable when the other options are more expensive e.g. renewable energy vs. coal power generation. Not having ambitious targets may delay the process for technology to become available at competitive market prices. Important considerations as part of implementing new technology include whether greater benefits could be achieved through, consuming less, reducing

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the production and consumption of products with planned obsolescence and, where new technology is used, then taking into account the embodied carbon.

Detailed questions on the Climate Change Commission's Advice

The next set of questions are about the recommendations in the Commission's draft Advice report. There are 24 consultation questions from the Commission.

Approach and Emissions Budgets

1. How we developed our advice

Consultation question 1: Do you support the principles we have used to guide our analysis?

Fully support - Partially support - Neutral - Do not support - Do not know

We agree with the seven key principles used to guide the Commission's advice. Comments are included for Principles 2, 6 and 7.

- Principle 1: Align with the 2050 targets
- Principle 2: Focus on decarbonising the economy

We support this Principle but consider that the draft advice to government has a gap in implementation and should consider opportunities that can be implemented now as part of Aotearoa's transition to a zero-carbon economy.

This work would include how industries, employment, training and production and consumption patterns will be assisted to change. Some specific actions are:

- i) Assisting the creation of new industries and/or transformation of existing sectors through providing information to the public on how they can make low carbon investment choices using Kiwisaver.
- ii) Supporting the growth of low carbon sectors, for example the arts sector. This would also have additional co-benefits including, community development and wellbeing.
- iii) Considering unnecessary consumption from economically profitable activities e.g. energy use in bitcoin mining. And what role such activities should play in future economic thinking.
- iv) Assisting transformation of the tourism and hospitality industries which are already under significant pressure as a consequence of COVID-19.
- v) Implementing the Just Transition programme (<https://www.mbie.govt.nz/business-and-employment/economic-development/just-transition/>).

We have also included comments on the economy in the waste section of this submission.

Our Long Term Plan Consultation Document includes a summary of the importance of transitioning towards a new economy (see appendix two).

- Principle 3: Create options
- Principle 4: Avoid unnecessary cost
- Principle 5: Transition in an equitable and inclusive way
- Principle 6: Increase resilience to climate impacts

We support this principle and suggest that actions to increase the country's resilience take a multifaceted approach, i.e. include mitigation, adaptation, resiliency, and innovation considerations. An example of this is the proposed new Nelson library which is planned to include:

- A Green Star rating of five and demonstrate a range of sustainable and climate resilient features. For example:

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- Low embodied carbon design
- Passive heating/ventilation
- Solar power generation

The library would also:

- Be adaptable to sea level rise and river flooding for more than 100 years
- Be resilient to earthquakes
- Reflect the importance of the location to mana whenua

Also refer to Principle 7 (leverage of co-benefits) on the benefits of greater food resilience.

- Principle 7: Leverage co-benefits

We support the objective of leveraging co-benefits three examples are:

Transport

Transport modal shift benefits include improvements in health, social and environmental wellbeing, and a reduction in car use (particularly single occupancy vehicles). This contributes to improved traffic flows and has the potential to reduce the need for investment in major road upgrades.

Waste reduction

We support measures that reduce waste and note that waste reduction provides multiple co-benefits. For example, redirecting kitchen waste to composting, has co-benefits of job creation, supporting living soil for food production and a healthier environment. This in turn creates community food resilience, with the public being able to supply more of their food needs from local sources (including after natural disasters) and also generating increased community connections, which provides significant positive mental wellbeing benefits.

Urban Greening

Nelson is implementing an Urban Greening Plan which will expand our urban canopy, bringing more CO₂absorbing plants and trees into our City Centre, keeping our city cooler in hotter summer months, while reducing air and noise pollution, and supporting biodiversity and food resiliency.

2. Emissions budgets numbers

Consultation question 2: Do you support Budget Recommendation 1? Is there anything we should change and why?

	Too ambitious	About right	Not ambitious enough	Don't know
Emissions Budget 1 (2022 – 2025)			X	
Emissions Budget 2 (2026-2030)			X	
Emissions Budget 3 (2031-2035)			X	

We would like the Government to be as ambitious as possible. Uncertainty on the relative priority of actions is not a reason for delay, as it may not be possible to measure the mitigation outcomes of

everything. Therefore, we support consideration of qualitative as well as quantitative outcomes in setting work programmes, e.g. urban regenerative agriculture such as community gardens and urban food farms. It may be difficult to quantitatively measure emissions reductions, but this work has multiple adaption benefits by creating urban green spaces and promoting local food resiliency, as well as increasing community wellbeing and supporting resilience through improved social connections.

We are concerned that a significant percentage of the reduction in emissions budgets is proposed to be actioned after 2030 as stated the Draft Advice: "Net long-lived gas emissions would fall by 33% by 2030 and 64% by 2035 compared to 2018" (page 54). The proposed reduction in the Emissions Budget between 2031 and 2035 of 31% may not be achievable, and we suggest that some of that reduction be brought forward to the first two Emissions Budgets (2022- 2025 and 2026-2030). This would require a review of actions for these time periods.

3. Breakdown of emissions budgets

Consultation question 3: Do you support our proposed breakdown of emissions budgets between gross long-lived gases, biogenic methane, and carbon removals from forestry? Is there anything we should change, and why?

	Too ambitious	About right	Not ambitious enough	Don't know
Gross long-lived gases		X		
Biogenic methane		X		
Forestry			X	

We consider that there may be further opportunities for carbon removals from increased indigenous forests through restorative planning and would support work in this area, particularly considering the co-benefits that indigenous planting provides for biodiversity, soil health, water run-off, and employment.

4. Limit on offshore mitigation for emissions budgets and circumstances justifying its use

Consultation question 4: Do you support budget recommendation 4? Is there anything we should change, and why?

Fully support - Partially support - Neutral - Do not support - Do not know

We support limiting offshore mitigation for emissions budgets. New Zealand should lead by example and take as many actions as possible to reduce and offset our own emissions. Furthermore, our emissions are likely to be understated as a result of our global consumption of goods and services, including through the embodied carbon of imported goods, shipping, and air travel emissions. In the medium-term the right thing to do is to consider ourselves as global citizens and take these factors into account when setting emissions budgets.

We have noted that in section 3.4 of the Draft Advice that the inclusion of international aviation and shipping emissions will be reviewed by 2024. However, at a government and community level we can begin to qualitatively take this into account now.

Enabling recommendations

5. Cross-party support for emissions budgets

Consultation question 5: Do you support enabling recommendation 1 on cross-party support for emissions budgets? Is there anything we should change and why?

Fully support - Partially support - Neutral - Do not support - Do not know

We fully support a cross-party approach for emissions budgets. As the Commission notes, there are ten elections scheduled between now and 2050. Without cross-party support there is a high risk that targets will be changed, and different signals sent by successive governments. Similar to COVID-19, the Carbon Emissions budgets are for the “team of five million”.

6. Coordinate efforts to address climate change across Government

Consultation question 6: Do you support enabling recommendation 2 on coordinating efforts to address climate change across Government? Is there anything we should change and why?

Fully support - **Partially support** - Neutral - Do not support - Do not know

We note that the budget for climate change sits under the broader ‘Vote Environment’ appropriation for the Ministry for the Environment. Climate change is not just an environmental issue, it is also a societal and economic issue, therefore we support a separate ‘Vote Climate Change’ budget in the short term.

However, this needs to be weighed against the cost in money and time for departments to bid to a separate agency for funding before work is undertaken. Climate change actions should quickly become ‘work-as-usual’ for departments. For our Long Term Plan 2021-2031 each activity team was responsible for developing actions which contributed to appropriate climate change mitigation, adaptation, resilience, innovation and leadership actions. This model may also be appropriate for central government departments.

7. Genuine, active, and enduring partnership with iwi/Māori

Consultation question 7: Do you support enabling recommendation 3 on creating a genuine, active, and enduring partnership with iwi/Māori? Is there anything we should change and why?

Fully support - Partially support - Neutral - Do not support - Do not know

We support central and local government developing genuine, active, and enduring partnerships with iwi/ Māori. We recommend that the Commission review the recently approved Te Taihū Intergenerational Strategy as an example of a strategy that was supported through partnership with iwi.

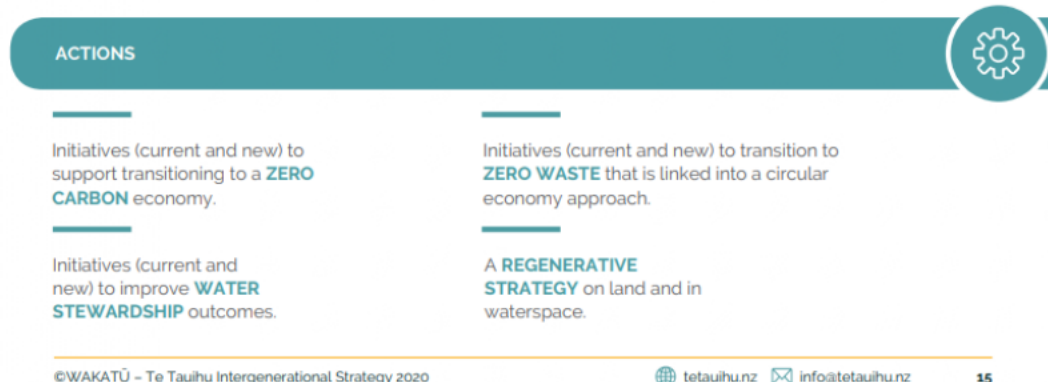
Te Taihū Intergenerational Strategy (tetaihu.nz) has a vision of *Tūpuna Pono: To Be Good Ancestors*, and was a culmination of thinking, analysis and work convened by Wakatū Incorporation in partnership with the three Te Taihū councils (Marlborough District, Nelson City and Tasman District), Ngā Iwi o Te Taihū (Ngāti Apa, Ngāti Kuia, Rangitāne, Ngāti Tama, Te Ātiawa, Ngāti Koata, Ngāti Toa and Ngāti Rārua), Central Government, Nelson Tasman Regional Development Agency, Nelson and Marlborough Chambers of Commerce, business, community, and the Nelson Marlborough Institute of Technology.

The climate change action section of this strategy is below and reiterates key themes in our

submission:

Climate Change section of the Te Taihū Intergenerational Strategy

Priority Area: Improved Climate Change and Regenerative Outcomes



8. Central and local government working in partnership

Consultation question 8: Do you support enabling recommendation 4 on central and local government working in partnership? Is there anything we should change and why?

Fully support - Partially support - Neutral - Do not support - Do not know

We support developing the relationship and partnership between central and local government on climate change and emissions budgets. As at June 2018 local government owned fixed assets worth \$123 billion, had a yearly operating expenditure of \$10.3 billion, and employed around 23,000 staff (Local government Funding and Financing 2019 – Productivity Commission).

Councils are currently in the processing of consulting on their proposed 2021-2031 Long Term Plans and have included climate change as an assumption in their planning and work programmes.

However, local government could move faster towards the proposed emissions budgets if further funding for associated projects was available. This could include major projects, such as modal shift and transitioning to EVs and EV based public transport, through to community projects such as diverting food waste and supporting community composting and community food gardens, as well as biodiversity regeneration. In this respect local government may be able to implement projects to assist with meeting the Emissions Budgets faster than central government, and we encourage dialogue on what can be achieved.

Climatorium in Nelson

We would like to work with central government on the implementation of a Climatorium in Nelson.

A Climatorium is a centre where the scientific community can come together with central and local government, industry, academics, and the community, to develop and share innovative solutions to the challenges of climate change.

In 2020 Council signed a Principles of Collaboration agreement with Wakatū Incorporation and four Danish organisations associated with the Lemvig Climatorium. The agreement identifies three key areas for collaboration: investigating the opportunity to establish a Climatorium in Nelson, sharing

knowledge on climate mitigation, adaptation, resilience and innovation as well as incorporating sustainability in education.

A Climatorium would establish Nelson as a centre of climate change solutions and show leadership in addressing the climate emergency. Council proposes to support this project, by bringing together key organisations to help explore the opportunity and progress the concept.

It is important that central government is agile and responsive to opportunities to work with local government, communities and businesses in the transition towards a zero-carbon economy. As well as the proposed Climatorium in Nelson, we are working with Port Nelson, in collaboration with the Cawthron Institute, to develop a Science and Technology Precinct. Information on this proposal is in Appendix Three.

9. Ensuring inclusive and effective consultation, engagement, and public participation

Consultation question 9: Do you support enabling recommendation 5 on establishing processes for incorporating the views of all New Zealanders? Is there anything we should change and why?

Fully support - Partially support - Neutral - Do not support - Do not know

We support the outcomes of this recommendation, including obtaining the “views and perspectives of people from all parts of society” in climate change planning. We note that the Commission has noted that some stakeholders have suggested an ongoing public forum or citizens’ assembly for climate change be established. In Nelson we have used a Climate Forum model (<https://nelsontasmanclimateforum.ning.com/>) and suggest that the Commission consider this model. Local Climate Forums enable input of the community at the national and local levels.

Whatever model is used, inclusion of youth and Aotearoa’s diverse communities is important, particularly given that the current plan is to provide for the largest decrease in net emissions at the end of the 2050 timeframe. We would support the inclusion of a climate change lens within primary, secondary and tertiary courses. This change would assist with increasing community awareness that a zero emissions society is now part of our planned future.

Our Path to 2035

10-11. Locking in net zero

Consultation question 10: Do you support our approach to focus on decarbonising sources of long-lived gas emissions where possible? Is there anything we should change and why?

Fully support - Partially support - Neutral - Do not support - Do not know

We support the focus on decarbonising sources of long-lived gas emissions. As noted in the Commission Draft Advice, technologies already exist that can be used to reduce or completely avoid gross emissions. We support increased implementation and use of solar energy, noting that this should include taking into account the embodied carbon of solar technology produced overseas. The principle Offsetting the embodied carbon of imports, through indigenous forest sequestration, is an important action.

Consultation question 11: Do you support our approach to focus on growing new native forests to create a long-lived source of carbon removals? Is there anything we should change and why?

Fully support - Partially support - Neutral - Do not support - Do not know

We fully support the proposed approach to grow new indigenous forests and using these to capture and store CO₂ on a long-term basis and note that this would have additional benefits of providing jobs and supporting biodiversity. Central government assistance to Council for planting projects as part of COVID-19 economic response actions has been much appreciated.

We do note that fast-growing exotic forests still have an important role in the medium term to meeting the 2030 and 2050 targets as the Commission's report states in paragraph 6.1.4. We believe that it is important that flat fertile land is retained for regenerative agriculture purposes. We also support increasing the use of specific indigenous forestry plantations for harvesting wood.

However, although landowners may be prepared to change land use from hillside pastoral land, there are practical limitations on establishing new indigenous forests at the scale required to store a significant quantity of CO₂.

The most cost-effective way to grow new indigenous forests is to allow hillside pastoral land to revert to indigenous forest by the process of natural regeneration. This has already happened on a large scale beginning in the early 1980s when short-fibre wool markets declined and steep marginal land became unprofitable for sheep farming, and government incentives were removed. However, for pastoral land to revert to indigenous forest some critical factors are required – warm temperatures, good rainfall, a local seed source and landowner decisions to permanently retire pastoral land to forest.

There has been large scale regeneration in inland Taranaki/Wanganui, the East Coast and Northland and there is probably more land in these regions that could also regenerate but, only if the landowners decide to stop grazing and undertake pest control and fencing.

In other colder, drier regions where there is limited local seed source, there are no proven methods of establishing indigenous forest on a large scale. There are numerous small-scale projects (5-50 ha) where trees are planted and maintained but, as the Council is aware from its own work, this is very expensive and can't be scaled up to large blocks. We propose that further research is undertaken to determine innovative cost-effective ways to support and grow new indigenous forests at scale.

Increasing indigenous forests requires a significant planning and support. The Commission may find the information from the relevant parts of the Environmental Section of our Long Term Plan 2021-2031 Consultation Document useful. This is attached as Appendix four.

Further support from central government for pest management and additional planting may enable

lower emissions budgets for the period leading up to 2035.

As noted earlier in the 'Six Big Issues: 3. Our Contribution' section of this submission, we also support the use of blue carbon sequestration actions.

12. The path to meeting the Budgets

Consultation question 12: Do you support the overall path that we have proposed to meet the first three budgets? Is there anything we should change and why?

Fully support - **Partially support** - Neutral - Do not support - Do not know

We have noted the opportunities outlined in your draft advice under 3.5.1, and support actions that translate these into actions and corresponding reductions in emissions. In addition to these we would support work on reducing CO₂ emissions from landfill – currently the emphasis is on managing methane gases, which trap approximately 30 times more heat in the atmosphere over a 100-year period than CO₂. However, nationally the CO₂ impact of landfills should be accounted for and mitigated.

13. An equitable, inclusive, and well-planned climate transition

Consultation question 13: Do you support the package of recommendations and actions we have proposed to increase the likelihood of an equitable, inclusive, and well-planned climate transition? Is there anything we should change, and why?

Fully support - Partially support - Neutral - Do not support - Do not know

We support the Commission's recommendations that climate transition should take into consideration the needs of Aotearoa's diverse communities. We note that the Commission will be asking the Government to *"work alongside people, and ensure they are including young people, regional Aotearoa, low-income communities, some Māori and Pasifika and people with disabilities to make sure they benefit from the opportunities and are not disproportionately impacted."*

Central Government support for retraining and creating jobs within new industries and sectors will be important to achieving the transition objectives. Refer also comments on Principle 2.

The direction of policy in the Government's emissions reduction plan

14. Transport

Consultation question 14: Do you support the package of recommendations and actions for the transport sector? Is there anything we should change and why?

Support all the actions - Support some of the action - Do not support these actions - Do not know - Neutral

General

- We agree that vehicle travel should be rapidly electrified, including appropriate consideration of subsidies/incentives for low emissions public transport and walk/cycleways, with enhanced central government support for local government.
- The government has recently outlined plans to purchase only zero-emissions public transport buses from 2025 and made a \$50 million commitment to help councils fully decarbonise the country's public transport bus fleet by 2035. This is an area of strong interest to local government and one that the Commission could undertake further assessment on, including determining if additional measures would be required beyond those steps already announced.

Electric Vehicles

- Council supports the transition from ICE vehicles to EVs as part of a package of modal shift, including increased active transport and use of public transport, and a decrease in the number of short vehicle trips. An important consequence of the uptake of EVs is that over time the increase in EVs and other low emission vehicles will result in a corresponding reduction in funds available from the Fuel Excise Duty. Combined with the current exemption of EVs from Road User Charges (RUCs), there is likely to be an increasing shortfall in funding for transport infrastructure. A review of the mechanism for funding transport infrastructure and operations is therefore strongly recommended in conjunction with the measures recommended in the Commission's advice.

Clean Public Transport

- The Commission could also recommend feebates or subsidies for electric buses or other clean public transport (as for light EVs). It appears likely that there will be a worldwide shortage of electric and other clean buses in the next few years. This would make it difficult for places like Nelson to acquire the small number of buses they require in the competitive market that is expected. We suggest that the Commission recommends that central government investigate options to bulk purchase clean buses and make them available to public transport operators at a subsidised cost.

Modal shift

- Proposed increases in walking, cycling and public transport are likely to only keep vehicle travel trends static because of Aotearoa's increasing population. We support the recommended increase in those areas but suggest that a more ambitious target for modal shift share may be appropriate. Although significant social and behavioural changes would be needed to reach a level of mode shift which will result in emissions reductions similar to those expected from a wholesale change to EVs, the co-benefits of lower traffic congestion and improved health outcomes and wellbeing support further resources in this area. Modal shift will also support community resiliency, as active transport modes or low carbon options are less impacted by increases in oil prices or natural disasters e.g. e-bikes.
- We suggest that the travel distance per person could provide useful information and then be used to assist what actions are needed to change behaviour - i.e. different actions may be required to reduce longer journeys, compared to shorter journeys. Transitioning to working from home for

one day per week, or household 'carless days', may be programmes that could make a significant difference to Aotearoa's transport emissions.

Cross-sectoral transport collaboration

- It is likely that local government will be responsible for implementing many of the Commission's transport recommendations, (such as walking, cycling, and public transport), and for dealing with many of the effects of other recommendations (such as switching to EVs for both the light vehicle fleet, and for public transport). It is therefore important that local government has adequate representation on the Commission's Transport Technical Reference Group. This is a gap which we recommend should be urgently addressed.

Transport Research

- The Commission suggests significant research into ways to reduce emissions in other sectors which contribute fewer emissions than transport but makes no mention of support or funding for research into ways we can reduce transport emissions. For example, there is extensive research into alternative EV charging systems currently underway (including in New Zealand), such as research on induction charging, loops being placed in road pavements to charge vehicles as they travel. Whilst such technology is currently in its infancy, and is not yet seen to be viable, it has the potential to have significant ramifications for local authorities. It is recommended that funding and support for research into ways of reducing transport emissions be provided.

15. Heat, industry, and power

Consultation question 15: Do you support the package of recommendations and actions for the heat, industry, and power sectors? Is there anything we should change and why?

Support all the actions - Support some of the actions - Do not support these actions - Do not know - Neutral

We support the objective of decarbonising energy and note that the Commission has proposed that Aotearoa transition away from fossil fuels and rely more heavily on renewable electricity and low emissions fuels like bioenergy and hydrogen.

There is also an opportunity to strengthen regional industry, for example the Nelson and Tasman regions have a high proportion of plantation forests and could be ideal locations for a converting plantation forest waste to energy, either to generate heat and power, or to convert it to biofuel. Any potential issues around air discharges in such processes would of course need to be considered and mitigated.

It is suggested that a recommendation for government funding to support regional development opportunities be included in the Commission's advice, for example support from central government for increased local generation of energy through solar panels, would assist with this objective.

Government legislation should also support the transition to a zero-carbon economy. Reviews of the Building Act and Resource Management Act provides opportunities to align legislation with this commitment. There is the opportunity to implement carbon zero housing as part of the proposed additional housing which is needed to assist with improving housing affordability. There are many examples available including <https://zeroenergyhouse.co.nz/>

Changes to building in Aotearoa could include the following:

- Establish a single "green star" standard to guide building and consumer choices
- Change towards building smaller houses so they have a low carbon footprint
- Use of low embodied carbon building materials such as locally sourced timber
- Minimise the use of concrete and steel

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- Create thermally efficient buildings – the building code is currently minimum standards rather than gold standard
- Use of passive heating – including positioning houses, and living areas within so they make full use of sun
- Support the use of rainwater tanks - collecting and retaining rainwater as stormwater detention and for garden use.
- Support the installation of solar panels on new dwellings - to providing electricity to buildings and reducing the use of cooling units which would in turn decrease hydropower demand in hot dry summer months when dams are low, and contribute renewable energy to the national grid
- Consider the use of ultra-low emission burners or pellet burners so local biomass waste is utilised to create energy (heat) versus installing air conditioning/ heat pump units in new houses. Consideration would include, the capacity of air sheds, costs, efficiency and thermal efficiency of new dwellings
- Provide guidance on naturally cooling buildings and houses, for example opening windows or installing fans instead of air conditioning. This is important as Aotearoa is expected to experience increasingly hot and dry summers and there is a risk that demand for air conditioning units will increase
 - The new Nelson airport terminal building is an example of what can be achieved in this area and included a passive heating/cooling regime with innovative solar chimneys and automatic, natural ventilation of public areas
- Determine what role heat pumps/air conditioning units play in new buildings into the future. This would include consideration of the greenhouse gases contained within these units (HFCs), possible leakage and future methods and cost of disposal of these gases. This is important as HFCs are 1000-9000 times more potent in their warming potential than CO₂. Refrigerants cause emissions in production, filling, service, and when they leak. The damage is greatest at the point of disposal unless disposed of properly.

16. Agriculture

Consultation question 16: Do you support the package of recommendations and actions for the agriculture sector? Is there anything we should change and why?

Support all the actions - Support some of the actions - Do not support these actions - Do not know - Neutral

We support actions that reduce biological agricultural emissions. It is important that a cross-party agreement is reached on targets and assistance to the primary sector so that a consistent message on reducing emissions is received.

Agriculture is an area in which Principles 6 (Increase resilience to climate impacts) and 7 (leverage of co-benefits) could be further explored. For example, the co-benefits of local food production include increasing community food resiliency, reduction of carbon miles for food, improvements to water quality, and reducing environmental damage. We would support the use of qualitative measures to determine progress in the agriculture sector, particularly where quantitative measures are not available or are expensive to implement.

Regenerative agriculture

Many of these benefits can be achieved through the adoption of regenerative agriculture techniques.

As part of the COP21 Paris Agreement 2015, New Zealand signed the 4per1000 Initiative. In signing this agreement New Zealand agreed to diversify land use towards zero carbon. This Initiative focuses on increasing carbon sequestration through ecologically conscious land and soil management.

Regenerative agriculture focuses on utilising the deep root and fungal systems of plant growth to restore soils and sequester carbon. It promotes a no-till and minimising chemical sprays and fertilisers in its approach to horticulture and land use. This approach improves soil structure and decreases soil erosion, run off and sedimentation. Instead of tilling, it utilises thatching layers and mulching which improves water retention and creates local microclimates. It also promotes composting food and green waste to create biologically living soils, as well as ecologically managed small herd grazing, because composted manure naturally enriches soils. As well as increasing food production, regenerative agriculture can result in increased income potential, and increased nutrient content of food, compared with chemical based intensive farming practices.

Healthy diets

We also support the Commission examining how programmes such as ones listed below can be used to promote healthy diets and sustainable (lower emissions) food production in Aotearoa:

- Good Food Cities (<https://www.c40.org/>)
- EAT Lancet (<https://www.thelancet.com/commissions/EAT>)
- <https://www.4p1000.org/>

As part of Aotearoa's commitment to a Zero Carbon future, we should consider healthy food choices, grown restoratively for our planet. Urban community gardens, edible landscaping and food forests are able to play an important role in providing local plant-based food sources.

Improving local food resiliency also creates greater connected communities, improves health and wellbeing outcomes, and improves environmental outcomes in our recreational green spaces. It delivers on one of the objectives of Good Food Cities which is to increase the consumption of healthy plant-based foods.

Council's work in this area includes a proposal to develop an Urban Greening Plan which will provide a greater strategic direction for options for Nelson's food resiliency, city greening and regenerative landscapes. This will allow our current work programmes and "Adopt-a-Spot" work relating to food resiliency to better align with Council's vision and objectives.

17. Forestry

Consultation question 17: Do you support the package of recommendations and actions for the forestry sector? Is there anything we should change and why?

Support all the actions - Support some of the actions - Do not support these actions - Do not know-
Neutral

We support using timber rather than concrete wherever possible in buildings. The new Nelson Airport building provides an excellent example of what can be achieved using timber.

nelsonairport.co.nz/airport-news/air/nelsons-timber-terminal-at-the-cutting-edge-of-airport-design

Local environmental issues need to be considered alongside the benefits of carbon sequestration. Commercial indigenous forests can contribute to building needs of Aotearoa, without some of the environmental problems associated with pine.

18. Waste

Consultation question 18: Do you support the package of recommendations and actions for the waste sector? Is there anything we should change and why?

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Support all the actions - Support some of the actions - Do not support these actions - Do not know -
Neutral

Council supports the actions proposed actions and recommendations for the waste sector, with the additional comments:

- Whilst we believe the target to reduce waste emissions by at least 15% by 2035 is possible, it will require sufficient support being provided to local government for the resources required both to reduce waste in the community and divert waste from landfill.
- In line with the waste hierarchy, the Commission's Necessary Action 13 needs to include a stronger focus on avoiding the creation of waste. At a national level this could include resourcing behaviour change programmes based on models such as those used for transport, as well as steps such as use of compliance measures to reduce organic waste to landfill. This will need to be accompanied by sufficient resources for local government.
- Economic models which have in the past promoted high levels of consumption and planned obsolescence need to be replaced with lower levels of consumption and avoiding creating waste, including food waste, in the first instance (see also response to question 16).

Our actions include allocating \$13.3m in our draft Long Term Plan 2021-2031 budgets for the collection of kitchen waste at the kerbside for diversion from landfill (this is dependent on the current trial being successful). Our aim is to reduce waste to landfill by 10% per capita by 2030. We also run a number of programmes to encourage the reuse of products and support workshops and activities that support our community rethinking waste.

- Whilst 'Necessary Action 13b' suggests investing the waste levy in promotion of reuse and recycling, this should be broadened to include actions relating to avoiding and reducing the creation of waste. This is critical for action 13c (measuring and increasing circularity) as concepts such as 'designing out waste' are a key part of achieving a circular economy. Further actions in this area could include:
 - i. Focusing on replacing single use plastics
 - ii. Taking into account the environmental pollution and emissions created when Aotearoa exports recyclables overseas e.g low quality recycling and transport emissions
 - iii. Transforming to a culture of deconstructing, rather than demolishing buildings, with a change from sending building materials to landfill instead building materials are recycled
 - iv. Developing a mature circular economy that considers production and deconstruction of consumer and industrial products in Aotearoa
- To reduce biogenic emissions from waste disposal each region may require a different approach, including addressing the lack of regional infrastructure, the needs for which will vary from region to region. Waste Levy expenditure should have a strong focus on supporting this area. The requirements of each region need to be identified and solutions put in place, for example by providing support for investment infrastructure to allow effective processing of organic materials, in tandem with central Government actions such as compliance measures to reduce organic materials going to landfill.
- There is currently no provision or incentive for reducing biogenic emissions from closed (legacy) landfills, clean fills, farm pits, etc. To improve outcomes in this area the Government should consider adding investment in infrastructure for methane use and capture to action 13b. In addition, there is no current mechanism to allow for allocation of emissions units for the capture and destruction of those emissions. It is suggested that the Commission recommend that the government re-examine the rules in respect of closed landfills. It is likely

that there are also wider implications for emissions reduction in other sectors. Government has previously provided support for projects that achieve demonstrated emissions reductions (e.g., the Projects to Reduce Emissions, or PRE scheme). It is suggested that such approaches are worth re-examining.

- As a participant in the NZ Emissions Trading Scheme, landfill operators are required to purchase and surrender emissions units. However, under current rules this is not considered as an 'offset' (instead a landfill operator would effectively need to pay twice to achieve carbon offsetting). It is suggested that these rules be revised to avoid such a situation of 'double counting'. There is also scope to allow for operators of multiple landfills to manage their ETS obligations jointly across all of their landfills. Additionally, consideration could be given to reviewing emissions factors in the ETS to incentivise organic waste reduction to landfill.
- We note that landfill gas projects could be recognised in the NZ ETS as an offset or removal activity and be issued NZ Units for the amount of greenhouse gas removed from the atmosphere in the same way that growing forests remove CO₂. The Australian Emission Reduction Fund includes landfill projects and has methodology established. See <http://www.cleanenergyregulator.gov.au/DocumentAssets/Documents/A%20Guide%20to%20the%20landfill%20gas%20method%202015.pdf>

This may be an appropriate model for Aotearoa as well. However, this should not diminish a focus on diverting organic waste from landfill as a first priority.

- We also support incentives to remove organic waste and green waste from the waste stream, before it reaches landfills. The current model focuses on the capturing of landfill methane, but an improved model would provide greater support for removal of waste streams, including organic and building waste. This would reduce the creation of methane in the future.

19. Multi-sector strategy

Consultation question 19: Do you support the package of recommendations and actions to create a multisector strategy, and is there anything we should change?

Support all the actions - **Support some of the actions** - Do not support these actions - Do not know - Neutral

We agree that a multi-sector strategy is critical to Aotearoa meeting the emissions budgets and contributing to limiting temperature increases to 1.5°C. We have noted that local government will have a significant role to play in developing and implementing this strategy, including through all five items listed on page 127 of the Commission's advice document. Clarity on expectations from central government as part of (c) below is important to enable planning by local government.

(c) Ensuring that central and local government considers climate change alongside other environmental, social, economic and cultural aspects by including requirements in new resource management legislation, such as the proposed Natural and Built Environments Act, the Strategic Planning Act and the Managed Retreat and Adaptation Act.

We welcome investigation of emission reduction potentials and interdependencies amongst multi-sector activities but are concerned if further pressure is put on the hospitality and tourism sectors in the short-term. These sectors have already paid a high price as a result of COVID-19 and the closing of New Zealand's borders. Resources to rapidly transition to meet new emissions targets are limited. Engagement with these sectors is important to determine what policy changes should be introduced and when.

20. Rules for measuring progress

Consultation question 20: **Do you agree with Budget recommendation 5 on the rules for measuring progress? Is there anything we should change any why?**

*Support all the actions - **Support some of the actions** - Do not support these actions - Do not know – Neutral*

Most of these rules proposed by the Commission are the same as those in place for measuring progress against the 2030 Paris Agreement target, and we have no further comment on those.

However, we do have a comment on (c) (v), which relates to tracking emissions and removals from organic soils and small lots of trees.

While in principle it would be good to include these (especially for farmers who might want to use them to offset their farm emissions) there are quantitative measurement and administrative difficulties which has meant that they are currently excluded. For accounting at a national level, the costs to measure soil carbon changes sufficiently accurately would be high in relation to recognising any extra carbon storage. Similarly mapping and tracking changes on the vast number of small lots of trees would likely exceed the benefit.

Notwithstanding the difficulty in quantitatively measuring the benefits arising from the contribution that organic soils and small lots of trees make, every activity that is undertaken in Aotearoa to reduce, remove or offset carbon emissions contributes to the outcome of moving towards a zero carbon society. Therefore, we would support the Commission undertaking work to qualitatively measure the contribution of these sectors to Aotearoa's carbon objectives. This could also include increased resiliency and co-benefits, such as local environment restoration and improved biodiversity outcomes, healthy soils and resilient regenerative food production.

Advice on the Nationally Determined Contribution (NDC) and potential reductions in biogenic methane

21-23. Our Nationally Determined Contribution (NDC)

Consultation question 21: **Do you support our assessment of the country's NDC? Do you support our NDC recommendation?**

Fully support - Partially support - Neutral - Do not support (too ambitious) - Do not support (not ambitious enough) - Do not know

The target in the NDC is to keep the country's net emissions to 30% below what total emissions were in 2005, using an emissions budget approach. How much the NDC is strengthened beyond 35% should reflect the current and future effects on climate change and adaptation measures that will need to be in place. The NDC should also be aligned with the economic impact of the adaptation initiatives that Aotearoa will need to put in place.

Consultation question 22: **Do you support our recommendations on the form of the NDC?**

Support - Somewhat support - Do not support (too ambitious) - Do not support (not ambitious enough) - Do not know

As a developed nation, New Zealand is in a good position to support developing countries reduce their emissions. This can be achieved through purchasing international carbon credits from projects that are aligned with New Zealand's criteria for greenhouse gas reduction, including consideration of the social and economic benefits associated with the project. These types of offsets are already used for voluntary carbon footprint inventories by some organisations classified as carbon neutral. This is not a new market for New Zealand, though it needs to be clearly regulated and separated from the ETS.

There is also an opportunity to strength connections with developing countries, to work on robust and credible reductions projects that help to improve the current perception of carbon offset schemes overseas being less robust and credible.

Offsets could include blue carbon opportunities e.g. saltmarshes, mangroves, and seaweed as well as supporting forestation and the protection of forests when new developments are planned.

Consultation question 23: **Do you support our recommendations on reporting on and meeting the NDC? Is there anything we should change, and why?**

Support - Somewhat support - Do not support (too ambitious) - Do not support (not ambitious enough) - Do not know

Clear criteria should be developed for international carbon credits, a decision to use them is agreed. However, Aotearoa's main reductions should be achieved by reduction activities, and only the absolute unavoidable portion (clearly defined) by offshore carbon credits.

24. Eventual reductions in biogenic methane

Consultation question 24: **Do you support our assessment of the possible required reductions in biogenic methane emissions?**

Fully support our assessment - **Somewhat support our assessment** - Do not support our assessment - Do not know - Neutral

While we support the reduction commitment for biogenic methane, it is important to have a more ambitious target that will trigger the innovative use of science and technology to find ways to reduce this greenhouse gas in the agricultural sector. New technologies are more likely to be developed and

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Attachment 1

become accessible if ambitious targets are set. New Zealand has an opportunity to lead the way in reducing these emissions and become a high-tech producer in the agriculture-livestock sector.

We consider that the use of regenerative agriculture principles and reductions in biogenic methane will make an important contribution towards a resilient and sustainable future for Aotearoa – especially as the co-benefits include local environmental restoration as well.

For additional information or questions please feel free to contact me at

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Kate Fulton

Chair Environment and Climate Committee

Nelson City Council

Appendix One

Climate Change section of Nelson City Council's Long Term Plan 2021-2031 Consultation Document.

Responding to climate change is our biggest global challenge. We have less than a decade to accelerate our emissions reductions to avoid the full effects of global warming. In Nelson, projected changes to our climate will impact our, economy, infrastructure, natural environment, lifestyles and future.

Acknowledging the need for urgent action, Council declared a climate emergency in May 2019. Our response prioritises working in partnership with iwi, central government, business, schools, community groups, households, and individuals to improve the resilience of the Nelson region. Responding to climate change is central to Te Taihū Intergenerational Strategy's vision of being good ancestors, as the greatest challenges will be faced by our tamariki.

This section outlines some of our plans but many other projects across all areas of Council's work are making a contribution to reducing our greenhouse gas emissions and improving community resilience. Council's entire work programme is viewed through a climate change lens. Actions and choices which support our climate change response have been woven throughout all our activities.

What are the projected effects of climate change?

The data compiled by New Zealand's Climate Change Commission (climatecommission.govt.nz) demonstrates that we are already experiencing the effects of climate change and that past emissions have locked in further change. The evidence in the Commission's 2021 report to the Government shows that to limit warming to 1.5°C will require rapid emission cuts of greenhouse gases between now and 2030, then slower reductions until the end of the century. To achieve our goals the response must be multifaceted:

- Quickly decrease our emissions to create a zero-carbon future
- Consider how we live with the effects of the emissions already in the atmosphere
- Create a safe and secure future for all by implementing strategies which will allow us to both reduce future impacts and adapt to an already changing climate
- Demonstrate leadership by using evidence-based knowledge, innovation, and embracing a partnership approach.

Our plans

How we will live and work:

By making smart choices over the next 10 years, including capitalising on new technology, we can improve our resilience and create a smart, sustainable city.

- Encouraging more inner city living and intensification to reduce traffic and congestion as well as support a more dynamic City Centre
- Progressing a transition towards a regenerative economy through Project Kōkiri 2.0 - the second phase of the region's COVID-19 economic recovery plan
- Participating in and supporting the Nelson Tasman Climate Forum to deliver on the Regional Climate Action Plan
- Supporting initiatives such as Businesses for Climate Action, who aim to get 1000 local businesses to measure and reduce their carbon footprint

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- Implementing an Urban Greening Plan to expand our urban canopy, bringing more CO₂ absorbing plants and trees into our City Centre while reducing air and noise pollution, and supporting biodiversity and food resiliency
- Building the proposed new library to the high Green Star rating, including a low carbon footprint, sustainable materials and energy efficient design
- Refurbishing Civic House (for an estimated \$18.3 million over eight years) to improve its environmental performance, its functionality, and to create a healthy working environment. Our focus will be on reducing the carbon footprint of the building, decreasing energy use (through efficiency and design measures), and increasing its resiliency to climate change.
- Working with partners to investigate the opportunity to develop a Nelson Climatorium as a centre of innovation in tackling climate change
- Considering climate change adaptation across Nelson through the development of the Draft Whakamahere Whakatū Nelson Plan. Check our website to be part of conversations about this Plan (nelson.govt.nz/environment/nelson-plan/)
- Investing \$52 million in our future resilience through projects to reduce flooding and coastal inundation.

How we will move:

Transport is one of the sectors where we can make the biggest reductions in CO₂ emissions (47% of New Zealand's CO₂ emissions were from transport in 2018).

- Continuing investment to support a shift away from single occupancy use of private vehicles towards public transport, cycling and walking between home, work and recreation e.g. \$3.5 million to improve shared walk/cycle paths
- Following an electric first policy when replacing/adding cars to Council's fleet.

How we will reduce consumption and waste:

The gas produced from the decomposition of organic material in landfills is roughly 50% methane and 50% CO₂. Methane traps approximately 30 times more heat in the atmosphere over a 100-year period than CO₂, so it is important we reduce methane emissions. The following projects are funded from the fees paid at the refuse centre (waste levy):

- Allocating \$13.3 million in the Plan for collection of kitchen waste at the kerbside for composting, if our current trial is successful. This is part of Council's commitment to supporting Nelson as a Good Food City and our aim to reduce waste to landfill by 10% per capita by 2030
- Encouraging reuse of products e.g. through our Secondhand Sunday events
- Establishing a grants programme to support everyone in our community to reduce waste
- Delivering a range of workshops and activities through the Rethink Waste programme, including support for Enviroschools.

How we will protect nature:

Restoring biodiversity is a major way of storing carbon. Healthy ecosystems can mitigate climate change impacts such as absorbing excess flood water or buffering us against coastal erosion and extreme weather events.

- Planting trees and restoring indigenous forests to help capture and store CO₂
- Funding for the Brook Waimarama Sanctuary to support biodiversity and the education of future generations on the importance of protecting our natural spaces

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- Funding through the Jobs for Nature programme to restore the Maitai River
- Implementing the Ecological Restoration Plans through an intensive weed 'knockdown' period.

We see many opportunities in our climate change response because it also allows us to restore local biodiversity, build sustainable urban environments, take better care of our soil and water, promote healthy lifestyle choices, support mental health and improve wellbeing by creating connected communities within a more livable City.

Council considers that the funding it has allocated is necessary to meet the requirements of the Climate Change Response (Zero Carbon) Act and the need to support community resilience to climate impacts.

What are the alternatives?

An alternative would be not to make provision for flooding and coastal inundation projects related to climate change. This would be a saving of \$52 million in debt and saving on rates of \$2.7 million per annum. However, Council believes it is necessary when doing physical works to build in climate change resilience in order to protect the community from future impacts.

KEY ISSUE

Q: There has been a strong community voice over many years asking Council to be proactive and show leadership on the issue of climate change. This is Council's preferred option. Do you think we should be more cautious and wait to see what Government direction and funding is planned or should we be proactive and move ahead with investments in a range of mitigation, adaptation, resilience, leadership and innovation actions?

Appendix Two

Extract from the COVID-19 and Economic Recovery and Regeneration section of Nelson City Council's Long Term Plan 2021-2031 Consultation Document.

Regeneration of our economy

We are now shifting into the next phase of economic recovery - Project Kōkiri 2.0 - which will support the transition towards a more regenerative, resilient and productive economy. The disruption caused by COVID-19 presents an opportunity to build back better.

Project Kōkiri 2.0 involves working with business and community to determine how we can meet the Te Taihū Intergenerational Strategy outcome for Nelson Tasman to have a "resilient economy that allows our people, places, communities, and businesses to thrive". Consideration of the transitions required within the current economy to a lower- emissions focus, and a focus on the future resilience of the region in response to the significant challenges presented by climate change, is at the heart of the regenerative economic thinking in Project Kōkiri. COVID-19 has demonstrated that an economy's resilience is critical to how well it can respond to shocks and disruptions.

Our economic opportunities and challenges require creative thinking and strategic analysis, engagement with businesses and our community, and partnership with iwi and central government to move forward. This work has started through the development of a Regional Economic Development briefing that sets out our region's partnership opportunities with central government.

Project Kōkiri 2.0 will develop an Economic Development Strategy that will set the overall direction of regeneration for our economy and include a range of strategic initiatives to improve our region's overall wellbeing. The alternative is to spend less on this project, however this funding will help with the economic recovery of the region which is crucial.

An extract from the Nelson Tasman Regional Economic Development Briefing (January 2021) is included below:

Zero Carbon Economy – We ask government to support our region's transition to a zero carbon economy. Our regional economic development must have a focus on realising the opportunities that a zero carbon economy will present. We ask government to back us as a region to pilot innovative low carbon, waste reduction and climate adaptation projects, models and solutions. Work with us to fund our regional transition and implementation plan.

Appendix Three

Science and Technology Precinct

Extract from Nelson City Council's Long Term Plan 2021-2031 Consultation Document.

Science and Technology Precinct

Port Nelson, in collaboration with the Cawthron Institute, is looking to develop a Science and Technology Precinct on a piece of land bordered by Wildman Ave and Vickerman Street alongside State Highway 6.

The Precinct will be a hub of innovation and creativity, and will further augment Nelson's leading position as a location for value-add companies working in the ocean economy and aquaculture space. The involvement of Nelson's Cawthron Institute, with its 100 years' experience delivering world-class science, will blaze a trail for a range of national and international tenants.

Companies from a variety of sectors working to provide solutions to some of our regions' most pressing challenges in science and research, information technology, software development, health, agritech and aquatech, will be targeted to locate in the Precinct. With a growing appetite for new ways to work, there has been increased interest from technology companies that are considering relocating to Nelson.

The campus will include a collaborative workspace and shared amenities such as conference facilities. With innovation as a key theme, it will be designed to a high environmental standard, which will include open spaces and a park-like environment, and connect to the City Centre via the Maitai River walkway and cycleway.

The Precinct will support the work being undertaken by Council to improve the City to Sea connection, contribute to economic development opportunities (which is consistent with our vision for Nelson to be A Smart Little City), and align with the Te Taihū Intergenerational Strategy.

The attraction of new-high value companies and their staff to Nelson will generate sustainable economic value for the region, and supports our desire to be a City that provides modern opportunities to live, work and play.

To support the right mix of companies to be attracted to the site, Council is proposing to provide support for the development of the Precinct in this Long Term Plan. There is an allocation of \$3.5 million proposed in the Long Term Plan and project initiation funding of \$1.5 million already available in the current year. This would result in total support of up to \$5 million which would have an impact on rates of \$250,000 per annum for 50 years.

Appendix Four

Extract from the Environment section of Nelson City Council's Long Term Plan 2021 2031 Consultation Document.

Forest Regeneration on Council Conservation and Landscape Reserves

Council owns over 10,000 hectares of conservation and landscape reserves. These reserves are Nelson's jewels and the backdrop to the City. Our Conservation and Landscape Reserve Management Plan 2009 has a goal to protect indigenous vegetation, habitats and ecosystems and, where appropriate, restore degraded vegetation, habitats and ecosystems.

Council's Landscape Reserves are at risk from invasive pest plants (weeds), particularly vine weeds, and as part of developing our Regional Pest Management Plan many people from our community submitted on the importance of getting these smothering weeds under control. As a result of this feedback from the community Council has developed Ecological Restoration Plans for these areas, and is now seeking the funding to implement those plans.

The Ecological Restoration Plans identify that an intensive weed 'knockdown' period is needed to allow for the protection and regeneration of the vegetation in the reserves and halt the loss of existing biodiversity areas. This initial investment will allow for lower cost maintenance activity in future years to keep the weeds under control. If a slower and less intensive approach is taken, the pest plants can come away again each season and it becomes difficult and expensive to make real progress. We intend to use both mechanical removal and 'cut and paste' gel application methods to combat weeds.

Controlling the pest plants is important for several reasons. It prevents the weeds from smothering old growth trees and destroying the canopy cover, which in turn means that future weed growth is suppressed by the protected canopy. A healthy canopy also reduces the impact of heavy rainfall. The leaves slow the rate at which the rain hits the ground, which can be an important factor in helping our waterways to respond to extreme rainfall events.

Pest plant control also reduces the seed source that can spread weeds to neighbouring land and impact on new plantings. Council invests significantly in new indigenous plantings, and weed control on adjacent land will reduce the risk to those plantings. Likewise, if weeds are controlled then forest regeneration can occur without the need to plant new trees. As long as there is healthy forest nearby the trees will grow by themselves and all we have to do is to make sure they have a chance. Supporting the growth of forest by planting new trees, protecting the trees we have, and allowing for forest regeneration is an important part of Council's actions to help mitigate climate change.

As part of looking at its weed control approach generally Council has considered whether it could cease use of glyphosate herbicide and replace it with a mix of methods which could include mulch, mechanical, steam/foam and plant-based herbicides. As these alternative methods require three to four times the budget, Council has instead worked to reduce use of glyphosate through increased mulching and grazing, and has allocated resources to develop a Glyphosate Policy in 2021/22.

As well as biodiversity gains, caring for these reserves has significant wellbeing benefits for our community. Nelsonians place a high value on the visual and recreational values of the Grampians, Tantragee and Botanical Hill Reserves that form the city backdrop, and the environmental health of these areas is closely linked to the wellbeing of the people who love these places.

This funding also has the potential to generate local jobs for our community. The proposed increase in service levels will result in some new jobs immediately, increasing as the budget increases. This will provide an important pipeline of long term employment opportunities for the ecological restoration workforce being trained through the two to five year Jobs for Nature projects underway in the region, such as Project Mahita

Council is a partner in the Kotahitanga mō te Taiao Alliance and delivery of landscape scale biodiversity outcomes is a key outcome for the Alliance. Council's financial commitment to undertake important kaitiakitanga on its own land signals to our partners including iwi, that we are committed to delivering on these key biodiversity outcomes and restoring our natural landscapes. This financial commitment also has the potential to leverage additional funding from Government through initiatives such as Jobs for Nature.

Current funding for pest plant control is around \$250,000 per year on average, which has not been sufficient to manage pest plants, especially vine species including Old Man's Beard, Banana Passionfruit, and Climbing Asparagus. We propose to include \$250,000 in 2021/22, \$669,000 in 2022/23, rising to \$1.7 million by 2027/28 and then inflation adjusted for the rest of the Long Term Plan. This funding is for widespread pest plant control work on Council land – totalling \$11.5 million over the next 10 years, with many significant benefits to both biodiversity and the wellbeing of our community.

What are the alternatives?

Council considered the alternative of a reduced investment in this Plan for the weed control programme, which would result in delivery over a longer timeframe. Reducing, by 50%, the investment on weed control results in a \$5.7 million saving on rates but with significantly reduced protection of our biodiversity.

Compliance, Monitoring and Enforcement Metrics Report 2019/20

1. Purpose of Report

- 1.1 To consider the third annual Compliance, Monitoring and Enforcement (CME) Metrics report for Regional and Unitary Councils for 2019/20.

2. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Compliance, Monitoring and Enforcement Metrics Report 2019/20 (R22727) and its attachment (A2519419).***

3. Background

- 3.1 On 1 March 2021, the third CME Metrics report was publicly released (see Attachment 1 for the full report). The Compliance and Enforcement Special Interest Group (CESIG) initiated the metrics report based on a survey conducted across all Regional and Unitary Councils. The report aims to provide insight and improvement to CME delivery, and share best practice across the sector.
- 3.2 Nationally the sector achieved a 99.2% response rate to environmental incidents and complaints in the most recent reporting year, demonstrating continual improvement over each of the past three reports. There were also over 7,000 individual enforcement actions taken for breaches of the Resource Management Act. The sector undertook almost 64,000 assessments of over 41,000 consents. Both the number of consents monitored and the number of assessments completed increased by approximately 13,000 when compared to the previous year.
- 3.3 Nelson City Council was one of three councils that monitored 100% of resource consents that required monitoring. The information gaps on pages 12, 13 and 38 are due to the service request system used for recording complaints does not have fields that identify whether the response included a physical attendance or if the outcome confirmed a breach of a rule or resource consent. There is also no field in the service

Item 8: Compliance, Monitoring and Enforcement Metrics Report 2019/20

request system or MagiQ to record if a warning has been given. The ability to capture this and other data required for reporting has been identified and is being addressed.

- 3.4 The report identifies, on page 18, that year on year Nelson is reporting a lower level of compliance. However, this is likely to be due to the way the level of compliance is being recorded than actual compliance by consent holders. Until recently the monitoring status could only be identified as "satisfactory" or "not applicable". The satisfactory status would often incorporate the low level of non-compliance on the understanding agreed measures will be taken to rectify this.
- 3.5 About halfway through the reporting year the monitoring status changed to be aligned with the Ministry for the Environment recommended compliance grades of: full compliance, low non-compliance, moderate non-compliance, significant non-compliance or not monitored. Before this change there was a higher level of compliance as the "satisfactory" status combined the full compliance and the low non-compliance categories. For future reports it is expected the results for this section will show similar or improving levels.
- 3.6 For the same reasons the results on page 20 of the report identify a high level of compliance grading in the "other" category. This level will decrease significantly for future reports. Importantly there were only 1% of consents in the last financial year that had moderate non-compliance and none at the significant non-compliant level.
- 3.7 The report also commented on page 41 that Nelson was the only region that had no prosecutions concluded over the period and that a reluctance to prosecute is unlikely to result in behaviour change due to a lack of consequence. Nelson has undertaken prosecutions in the past where other enforcement methods did not produce the expected environmental outcome. Prosecutions are undertaken but only where other enforcement approaches have not achieved the necessary improved outcomes.
- 3.8 Monitoring officers contact consent holders of the more risky activities and conduct pre work meetings on site with contractors to ensure the conditions are clearly understood so compliance can be proactively achieved. Focussing resources on activities that could lead to potential effects on the environment minimises the risk that environmental harm occurs at a scale that warrants prosecution. The information gaps on page 46 should be zeros as there were no prosecution fines.
- 3.9 The process to attain a decision for prosecutions has changed since the information identified on page 34 was provided. A decision to prosecute under the RMA is reached by way of officers' recommendation, then a legal recommendation is obtained and all information is provided to the decision panel consisting of the Group Manager, Senior Legal Adviser and the Chief Executive.

4. Conclusion

Overall Nelson's CME data is positive and is not showing any major areas of concern when compared to other regions.

Author: Mandy Bishop, Manager Consents and Compliance

Attachments

Attachment 1: A2519419 CME Metrics Report 2019-20 [↓](#)

ANALYSIS OF THE 2019/2020 COMPLIANCE MONITORING AND ENFORCEMENT METRICS FOR THE REGIONAL SECTOR



Prepared by
SPROUT



A2519419

FOREWORD

Welcome to the third annual CME Metrics report, capturing performance of the regional sector as it relates to compliance, monitoring and enforcement associated with the Resource Management Act.

We continue to hone our approach to measuring our own performance. In our first two years we were fortunate enough to engage an independent subject matter expert analyse our data providing commentary on our strengths and areas for improvement. These reports attracted considerable attention and have assisted us to focus on being 'better', particularly as it relates to achieving consistency of best practice.

This year's report marks the first in a different approach, in that it collects and collates three years of data, without providing detailed analysis from the previous two reports. This provides a platform for the regional sector, and others, to focus in on particular areas of interest. It is expected that future reports will include independent analysis from time to time, in order to "check in" on trends emerging from the data set, as it builds over time.

If you have time to look at nothing else, I invite you to view the graphic representation of our sectors collective work over the 2019/2020 period (page 51). It is my view that the scope and scale of the CME related work by the regional sector is substantial and would be very interesting to compare with national regulatory agencies. I believe it would be a favorable comparison for the regional sector. Over quarter of a million resource consents are administered. More than 31,000 individual environmental incidents were reported with a response rate nationally of over 99%. There were over 7,000 individual enforcement actions taken for breaches of the RMA. All available enforcement tools in the RMA toolbox are being utilised in what appears to be a proportionate manner.

The Compliance and Enforcement Special Interest Group (CESIG) has an absolute focus on continuous improvement and will spend some time analysing the content of this report, focusing on the trends developing over the last few years to continue to inform their program of work.



Patrick Lynch
Regional Compliance Manager – Waikato Region
Lead for the CME Metrics Working Group of CESIG

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PART 1 INTRODUCTION

The RMA is New Zealand's environmental legislation with the purpose of sustainably managing natural and physical resources. Regional councils, unitary authorities and territorial local authorities have the primary role in compliance, monitoring and enforcement of the Resource Management Act 1991 (RMA). CME is a tool in achieving the purpose of the RMA. Monitoring and understanding that implementation is critical to understanding our nations guardianship and protection of the environment. The success of that management is largely dependent on the quality of implementation.

Improving the availability of CME functions information is a sector-led initiative, under the leadership of CESIG. This report is the third report in an annual series, acting in response to concerns over poor information availability.

The questions are designed by the regional sector to improve and complement the present national monitoring system's compliance, monitoring and enforcement related questions and analysis. All 16 of New Zealand's regional councils and unitary authorities (collectively referred to as the 'regional sector') participated in this third edition.

Reading this report

Each council was sent an online survey comprising 46 questions (Appendix 1). They were given 3 weeks to collect and input the data into an online platform. After inputting the initial data they were sent a link that allowed them to log in and change their information at any time.

This report sets out data provided for each section of the survey, as follows:

- A boxed section containing the exact questions relevant to that section
- An overview of the purpose of the questions
- The tables and graphs of the information
- A short analysis of the findings, at both a regional and national scale
- Responses to open-ended questions have been aggregated and analysed and the theme of the response presented in this report.
- Verbatim answers are provided where responses can not be summarised

How does this reporting process differ year on year?

There were significant learnings and improvements made to the questionnaire following the first year, the questionnaire was refined based on these improvements. To track the successes and improvements over time it is critical question consistency is maintained. Keeping this in mind, there were minimal changes between the core questions this year, allowing comparability over time.

Throughout this document we have aimed to report data from previous years so we can see patterns when they are arising. In year two questions were condensed and rearranged, with the purpose of enriching the data by ensuring clarity in wording. This year's format follows year two, meaning all results are directly comparable.

In previous years the report has been analysed by an independent consultant Dr Marie Doole. This year data collection and reporting was conducted by Sprout Customer Research.

Data limitations

Reporting of activities in complex, reflective measures can be difficult. When reading the report keep in mind the following aspects and data:

- Not all requested information can be provided by all councils which results in gaps in the dataset.
- The project does not include any data auditing and it is therefore unknown how accurate the information provided by councils is. Each council had a representative that sense checked and was responsible for the final data points entered into the survey.

CME under the Resource Management Act New Zealand

Implementation of CME and the way it is adopted and exercised is up to individual councils under the broad framework of the RMA. Implementation in a robust manner leads to positive environmental outcomes. Limited national direction has placed an emphasis on individual councils to develop their own operations under the relatively broad framework of the RMA. This role has developed differently over the jurisdictions. The regions also differ based on GDP, area, population and population growth.

As the sector develops, formalisation and standardisation of parameters have been developed. In 2018, the Ministry released Best Practise Guidelines, this has been influential in forming standardised and comparable measures.

This report is a sector led effort by the Compliance and Enforcement Special Interest Group (CESIG). It aims to improve the quality of information available on the CME functions. Whilst the data set is not perfect it provides interesting insight into CME operations under the RMA and, it's value increases year on year. As we enter the third year we are starting to see trends arising, we are also starting to see the outcomes of improvements made by individual councils to improve how they implement CME.

Key definitions

Compliance: adherence to the RMA, including the rules established under regional and district plans and meeting resource consent conditions, regulations and national environmental standards.

Monitoring: the activities carried out by councils to assess compliance with the RMA. This can be proactive (e.g., resource consent or permitted activity monitoring) or reactive (e.g., investigation of suspected offences).

Enforcement: the actions taken by councils to respond to non-compliance with the RMA. Actions can be punitive (seek to deter or punish the offender) and/or directive (e.g. direct remediation of the damage or ensure compliance with the RMA).

PART 2 ANALYSIS

REGIONAL CONTEXT

This section sets out the context around differences between regions. It highlights that regions are extremely variable. The population, growth rates and regional GDP vary from region to region. Auckland has almost 50 times the population of the West Coast. For some regions population growth is as high as 14%, whilst others have negative population change.

GDP is also significantly different, for some regions GDP is lower than \$2 million, for Auckland it is \$114 million. Auckland differs from others as it has a much higher GDP and population.

Table 1: *Regional context data*

Regional Council	Population Estimates 2019	% change 2014-2019	Geographical Area (square KM)	Regional GDP (\$million) to March 2019
Northland Regional Council	186,700	13	13,778	7,861
Waikato Regional Council	477,300	12	24,147	25,835
Bay of Plenty Regional Council	321,100	14	12,303	17,243
Hawkes Bay Regional Council	172,600	9	14,138	8,673
Taranaki Regional Council	121,900	7	7,256	8,902
Horizons Regional Council	248,000	7	22,220	11,598
Greater Wellington Regional Council	525,200	7	8,142	38,997
Environment Canterbury	624,100	10	44,633	37,509
Otago Regional Council	234,300	11	31,280	13,583
West Coast Regional Council	32,600	-1	23,277	1,861
Southland Regional Council	100,800	5	32,184	6,359
Unitary Authorities				
Auckland Council	1,631,300	9	5,945	114,148
Gisborne District Council	49,100	4	8,386	2,161
Nelson City Council	52,900	9	477	5,458
Marlborough District Council	49,000	9	10,773	3,248
Tasman District Council	54,800	9	9,764	5,458

WORKING WITH IWI

Q4: In no more than 300 words describe your regional key commitments to work with iwi/Māori on CME. For example, joint management agreements or other co-management agreements.

Note: The report author may contact you for further information or clarification of your response.

Qualitative analysis reveals the relationship between local government and iwi and hapū continues to demonstrate a positive trend. Relationships and engagement between agencies and iwi is developing and diversifying.

We can see this through

- Iwi representation on committees and operational meetings
- Engagement with Iwi over prosecutions and victim impact statements
- Development of Iwi relationship agreements and engagement plans
- Special status
- Commitment to improved working practices with Iwi
- Joint work programmes and working parties
- Co-governance/ co-management and formalized agreements
- Collaborative strategies

Majority have a formalized commitment or working group. A full set of responses is available in appendix 2.

CME OPERATIONS (MANAGING THE WORKLOAD)

Responding to Complaints (Questions 4-9)

Q5. Does your council register/count:

- An individual “incident” per notification?
- One incident per event, regardless of the number of separate complainants?

Q6. How many notifications (complaints) were received from members of the public (or other sources, but excluding information from council monitoring activity) relating to environmental incidents or potential breaches of environmental regulation?

This might include information from, for example, emergency services attending an incident or perhaps a council staff member observing something while on other duties but excludes information from council monitoring activity. Please note answer unknown if your council does not record the information requested.

Q7. How many of these notifications were responded to by council?

This response may be in any form – e.g. phone call, site visit, desktop audit

Q8. How many of these notifications were physically attended by council staff?

If one incident had multiple visits, only count this as one.

Q9. How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?

Q10. How many of the breaches were for:

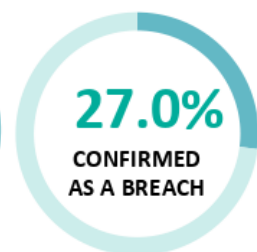
- Breach of a resource consent?
- Breach of permitted activity rules?

Registering notifications

Complaints are registered by individual councils in one of two ways, either as individual incidents or by event. Last year the ways in which they were registered were evenly split. This year Hawkes Bay, Greater Wellington and Gisborne have all moved to recording per incident. While Otago has moved from reporting individual incidents to one incident per event. The 2017/2018 report recommends it would be optimal for the sector to work towards a standardised approach.

Table 2: *Recording conventions for incoming complaints across the regional sector*

An individual "incident" per notification	One incident per event, regardless of the number of separate complainants
Waikato	Northland
Bay of Plenty	Taranaki
Hawkes Bay	Horizons
Greater Wellington	Environment Canterbury
West Coast	Otago
Southland	Marlborough
Auckland	
Gisborne	
Nelson	
Tasman	



Complaints received

Nationwide complaints and incidents vary considerably. For unitary authorities the individual complaints have remained consistent. However when we look at the regional complaints they have increased year on year. Individual incidents decrease for regional councils, while they increase for unitary authorities.

Table 3: Number of individual complaints and incidents

	Individual complaints			Individual incidents		
	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020
Regional councils						
Northland Regional Council				1,052	1,026	1,019
Waikato Regional Council	1,543	1,838	1,712			
Bay of Plenty Regional Council	2,834	3,519	3,862			
Hawkes Bay Regional Council			983	1,095	1,116	
Taranaki Regional Council				414	452	529
Horizons Regional Council				792	1,298	1,168
Greater Wellington Regional Council		1,244	1,398	1,308	1,192	1,258
Environment Canterbury		4,225	4,602	4,735	3,599	3,877
Otago Regional Council			1,936	1,913	2,056	1,184
West Coast Regional Council	102	233	199			13
Southland Regional Council	742	813	718			
REGIONAL SUBTOTAL	5,221	11,872	15,410	11,309	10,739	9,048
Unitary authorities						
Auckland Council	9,022	11,743	11,402			
Gisborne District Council				147	539	1,837
Nelson City Council	472	537	496			
Marlborough District Council				557	633	587
Tasman District Council	2,562	2,631	1,135			
UNITARY SUBTOTAL	12,056	14,911	13,033	704	1,172	2,424



Complaints

responded to & attended

Nearly all complaints made to councils were responded to. Councils responded to 100% of complaints with the exception of 2 regional councils. In line with previous years unitary councils responded to 100% of complaints.

About half of all complaints are physically attended, depending on the council this varies from 1/3 to all complaints.



Table 4: Number of individual complaints and incidents responded to

	Responded to				Physically attended			
	2017/2018	2018/2019	2019/2020		2017/2018	2018/2019	2019/2020	
Regional councils								
Northland Regional Council	100%	100%	100%	1,019	67%	68%	68%	694
Waikato Regional Council	100%	100%	100%	1,712	20%	28%	33%	570
Bay of Plenty Regional Council	100%	100%	100%	3,862		48%	39%	1,496
Hawkes Bay Regional Council	100%	100%	100%	983				
Taranaki Regional Council	100%	100%	100%	529	100%	100%	100%	529
Horizons Regional Council	100%	100%	100%	1,168	23%	31%	33%	389
Greater Wellington Regional Council	83%	100%	100%	1,398	42%	39%		
Environment Canterbury	80%	89%	85%	3,314	39%	37%	31%	1,206
Otago Regional Council		100%	100%	1,936				
West Coast Regional Council	100%	100%	100%	212		52%	63%	133
Southland Regional Council	91%	86%	97%	700	51%	38%	59%	427
REGIONAL SUBTOTAL	95.4%	97.7%	98.5%	16,833	48.8%	49.0%	53.3%	5,444
Unitary authorities								
Auckland Council	100%	100%	100%	11,402	43%			
Gisborne District Council	100%	100%	100%	1,837	100%			
Nelson City Council	100%	100%	100%	496	70%			
Marlborough District Council	100%	100%	100%	587	48%	51%	49%	287.0
Tasman District Council	100%	100%	100%	1,135				
UNITARY SUBTOTAL	100%	100%	100%	15,457	65%	51%	49%	287.0
TOTAL/OVERALL AVERAGE	97.7%	98.9%	99.2%	32,290	57.0%	49.8%	51.4%	5,731

* It should be noted the change in Environment Canterbury's physically attended figures, they are calculated using incidents this year.



Confirmed breaches

The average confirmed breaches resulting from complaints from members of the public is on par with last year. Highest validation rate is Environment Canterbury, the number of validations for Environment Canterbury was more than double previous years. West Coast Regional Council halved the number of validations. Unitary authorities remained static.

Table 5: Number and types of breaches

	Confirmed as a breach				Resource consent		Non-consented activity	
	2017/2018	2018/2019	2019/2020		% of breaches	# of breaches	% of breaches	# of breaches
					2019/2020	2019/2020	2019/2020	2019/2020
Regional councils								
Northland Regional Council		48%	42%	426	6%	25	90%	385
Waikato Regional Council	24%	7%	26%	443				
Bay of Plenty Regional Council		25%	20%	775				
Hawkes Bay Regional Council								
Taranaki Regional Council	37%	37%	40%	209	19%	39	80%	167
Horizons Regional Council								
Greater Wellington Regional Council	17%	15%	18%	232				
Environment Canterbury	23%	29%	68%	2,640	18%	462	83%	2,178
Otago Regional Council								
West Coast Regional Council	50%	41%	17%	35	57%	20	43%	15
Southland Regional Council	17%	18%	29%	206	12%	25	0	0
REGIONAL SUBTOTAL	28.1%	27.5%	32.5%	4,966	22%	571	59%	2,745
Unitary authorities								
Auckland Council		29%	22%	2,494				
Gisborne District Council								
Nelson City Council	70%							
Marlborough District Council	34%	23%	21%	123	7%	8	93%	115
Tasman District Council								
UNITARY SUBTOTAL	52%	26%	21%	2,617	7%	8	93%	115
TOTAL/OVERALL AVERAGE	40.0%	26.6%	27.0%	7,583				

*It should be noted that resource consents on a site do not usually cover all activities on a site. So a resource consent and a breach of a permitted rule or an unlawful activity can obviously occur in the same location. There may be subtle variation in how councils account for this which should be kept in mind, there is likely some grey area in between. In future surveys it is suggested that 'non-consented' is used in place of permitted as has been used here.



Monitoring resource consents

- Q11.** How many individual, active resource consents exist in your region?
Exclude Land Use Consents where the activity is completed e.g., Land use subdivisions where the subdivision is complete, and certificates issued or land use – building where the building has been constructed.
- Q12.** How many consents required monitoring during this period, in accordance with your monitoring prioritisation model/strategy?
- Q13.** How many of these consents were monitored (including desktop audit) in the period?

Councils administered 255,142 consents during the 2019/2020 period, of those 54,488 required monitoring (21%). The number of consents administered continues to increase annually. Most regional councils recorded an increase in consents with the exception of Bay of Plenty, Taranaki and West Coast. Most unitary councils recorded declines (except Marlborough).

Overall the sector continues to increase, eight of eleven regional councils recorded a similar or improved proportion of consents monitored. For the unitary councils there is an overall decline, the main reason for this is Tasman District councils 39% increase in the number of consents that required monitoring. Nine of eleven regional councils and two unitary authorities monitored over 80% of consents that required monitoring.

³ Gisborne District Council is currently going through a change in how they manage information relating to compliance and enforcement. The CME function now has dedicated admin support which is helping to provide better processes to allow better capture of data. This will enable Council to respond and answer fully to this survey in coming years.

Table 6: Monitoring workload from consents

	Total consents			Required monitoring			Number monitored			
	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020	2017/2018 (%)	2018/2019 (%)	2019/2020 (%)	2019/2020
Regional councils										
Northland Regional Council	3,812	9,738	9,910	3,724	3,847	3,731	94	93	88	3,296
Waikato Regional Council**	4,500	4,787	11,419	1,500^	525	1,674	77	100+	100	1,674
Bay of Plenty Regional Council	5,500	9,057*	8,458	1,900	2,380	3,316	69	70	85	2,808
Hawkes Bay Regional Council	3,144	5,928	8,300	3,144	3,446	3,550	94	93	93	3,304
Taranaki Regional Council	4,837	4,784	4,625	2,930	2,743	2,788	100	100	100	2,788
Horizons Regional Council	4,700	5,204	5,468	1,700	1,648	1,367	82	80	81	1,112
Greater Wellington Regional Council	6,375	6,604	6,863	1,544	1,782	1,633	94	95	94	1,539
Environment Canterbury	20,417	18,500	22,051	20,417	4,625	4,410	28	72	89	3,941
Otago Regional Council	5,984	5,588	5,656	3,827	1,161	3,256	66	52	64	2,069
West Coast Regional Council		3,474	3,000		868	900		100+	87	782
Southland Regional Council	5,376	5,590	5,824	3,188	4,586	4,127	100	78	73	3,019
REGIONAL SUBTOTAL	64,645	79,254	91,574	43,874	27,611	30,752	80	85	87	26,332
Unitary authorities										
Auckland Council	103,690	108,326	115,723	17,759	11,778	13,162	71	60	72	9,480
Gisborne District Council	1,250		10,500	699			34			76
Nelson City Council	1,200	784	656	550	619	656	100	100	100	656
Marlborough District Council	20,802	21,377	29,459	2,686	3,261	3,529	83	89	93	3,270
Tasman District Council	15,764	13,042	7,230	4,250	2,478	6,389	46	75	26	1,691
UNITARY SUBTOTAL	142,706	143,529	163,568	25,944	18,136	23,736	67	81	73	15,173
TOTAL	207,351	222,783	255,142	69,818	45,747	54,488	74	83	80	41,505

* Significant increase in total consents granted by Bay of Plenty Regional Council is linked to a change in reporting and data collection.

^ Waikato Regional Council records consents and determines monitoring priority on a 'per site' basis

** The monitoring prioritisation model at Waikato Regional Council was amended after the 2017/18 year resulting in resources being focused more on high priority consented sites resulting in a reduction in the total number of sites monitored. More consents were monitored than 'required' under the new prioritisation model

Compliance gradings

Q14. In the 2018/19 year, did you use the four compliance grades as recommended by Ministry for the Environment?

- Yes
- No

Q16. When will your council be adopting the four compliance grades recommended by Ministry for the Environment?

In 2018 the MfE released Best Practise Guidelines, including a suite of recommended compliance categories. The intention of this is to make data on compliance levels nationally comparable. Uptake of the framework has been rapid with 14 out of 16 councils integrating the framework into their recording system, an increase of 6 from the 2018/2019 reporting period. The remaining 2 councils intend to implement the framework in the coming year.



Compliance assessment

Q15. What grades do you apply to non-compliance? (e.g., technical non-compliance, significant non-compliance)

- Fully Compliant
- Technical/Low Non-Compliance
- Moderate Non-Compliance
- Significant Non-Compliance
- Other (please specify)

Q17. What were the levels of compliance with consents according to the grades you use?

Note 1: Numbers provided under each grade is per monitoring event not per consent. E.g. a consent may be monitored four times in the year: on one occasion it may be Technically Non-Compliance and on three occasions it may be Fully Compliant, this would add three to the total of Fully Compliant and one to the total for Technical Noncompliance.

Note 2: The compliance grade is based on the condition with the worst compliance grade. e.g. a consent with five conditions Fully Compliant and one condition Moderate Non-Compliance has an overall compliance grade of Minor Non-Compliance

Note 3: Daily telemetry water readings where compliance with water take limits is continuously monitored are to be excluded from compliance grade totals.

There is variation in the ways councils record compliance. This section focuses on the levels of compliance amongst those monitored based on the MfE framework. Numbers provided will not equate to the consents totals earlier in this report as some sites had more than one monitoring visit over the year. The tables below relate to the percentage of monitoring visits that fit within different grades. It is difficult to validate and compare levels of compliance until the framework is standardised and everyone is working of the same framework.

This year there was more consent monitoring events in the regional sector, with a similar amount for unitary authorities. The regional councils are seeing a downward trend in the percentage of full compliance consents monitored, with more low risk/ technical non compliance. Although we are seeing a lower percentage of fully compliant consents monitored, they still make up 2/3 of all consents monitored in the regional sector. They make up over half of all consents for unitary authorities. Hawkes Bay and West Coast continue to report the highest levels of full compliance for regional councils. Year on year Nelson City Council are reporting a lower proportion of full compliance, with Tasman District Council reporting more. Those reporting significant non compliance remains low, with 4 councils reporting no significant non compliance. Horizons and Southland both have the highest significant non-compliance.

Table 7: Percentages of consents in full compliance and low risk/ technical non compliance of compliance on a per monitoring event basis

	Total number of consents			Full compliance (%)			Low risk/Technical non-compliance (%)		
	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020
Regional councils									
Northland Regional Council	3,803	3,561	5,833	73	76	70	0	0	12
Waikato Regional Council*	1,078	1,157	1,674	44	25	39	22	35	23
Bay of Plenty Regional Council	1,842	3,059	4,027	76	75	84	14	19	9
Hawkes Bay Regional Council	2,943	3,198	3,304	93	96	92	0	1	4
Taranaki Regional Council	4,119	2,743	6,168	94	89	62	0	4	1
Horizons Regional Council	1,131	916	1,112	84	45	61	0	22	14
Greater Wellington Regional Council	1,457	1,692	1,633	76	64	58	18	15	18
Environment Canterbury	7,274	3,315	5,339	63	85	64	5	4	3
Otago Regional Council	7,025	607	5,909	60	36	43	10	6	43
West Coast Regional Council	1,309	1,126	767	96	95	88	0	3	5
Southland Regional Council	3,188	3,594	3,019	71	77	62	0	8	17
REGIONAL SUBTOTAL	35,169	24,968	38,785	75	69	66	6	11	14
Unitary authorities									
Auckland Council	18,732	20,188	19,430	22	59	31	21	18	25
Gisborne District Council									
Nelson City Council	550	1,245	1,707	86	60	34	0	0	11
Marlborough District Council	2,219	2,359	2,212	65	64	78	2	3	2
Tasman District Council	1,940	1,870	1,691	63	65	83	7	28	10
UNITARY SUBTOTAL	23,441	25,662	25,040	59	62	56	8	12	12

* The non-compliance rating system used at WRC considers multiple factors, and not solely whether the non-compliance results in actual significant environmental effect. As such the data is not directly comparable to those Councils that apply the MfE compliance rating system

Table 8: Percentages of consents in moderate non-compliance and significant non-compliance of compliance on a per monitoring event basis

	Total number of consents			Moderate non-compliance (%)			Significant non-compliance (%)		
Regional councils									
	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020
Northland Regional Council	3,803	3,561	5,833	20	19	8	8	5	3
Waikato Regional Council*	1,078	1,157	1,674	31	25	16	3	12	3
Bay of Plenty Regional Council	1,842	3,059	4,027	7	5	6	2	1	1
Hawkes Bay Regional Council	2,943	3,198	3,304	7	2	3	0	1	1
Taranaki Regional Council	4,119	2,743	6,168	0	5	3	1	2	1
Horizons Regional Council	1,131	916	1,112	8	10	7	8	9	8
Greater Wellington Regional Council	1,457	1,692	1,633	0	0	7	0	8	0
Environment Canterbury	7,274	3,315	5,339	8	9	15	1	1	5
Otago Regional Council	7,025	607	5,909	8	36	10	2	2	3
West Coast Regional Council	1,309	1,126	767	0	1	3	0	1	4
Southland Regional Council	3,188	3,594	3,019	0	7	13	0	8	8
REGIONAL SUBTOTAL	35,169	24,968	38,785	8	11	8	2	5	3
Unitary authorities									
Auckland Council	18,732	20,188	19,430	3	3	5	1	1	1
Gisborne District Council									
Nelson City Council	550	1,245	1,707	0	0	1	0	0	0
Marlborough District Council	2,219	2,359	2,212	31	27	17	0	0	0
Tasman District Council	1,940	1,870	1,691	5	5	7	1	2	0
UNITARY SUBTOTAL	23,441	25,662	25,040	10	9	8	1	1	0

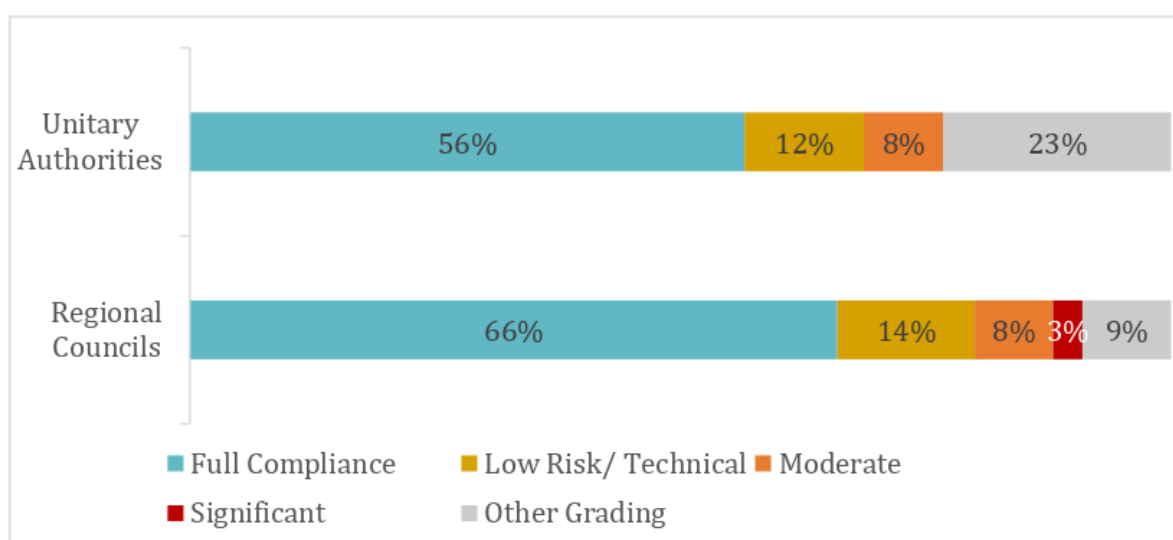
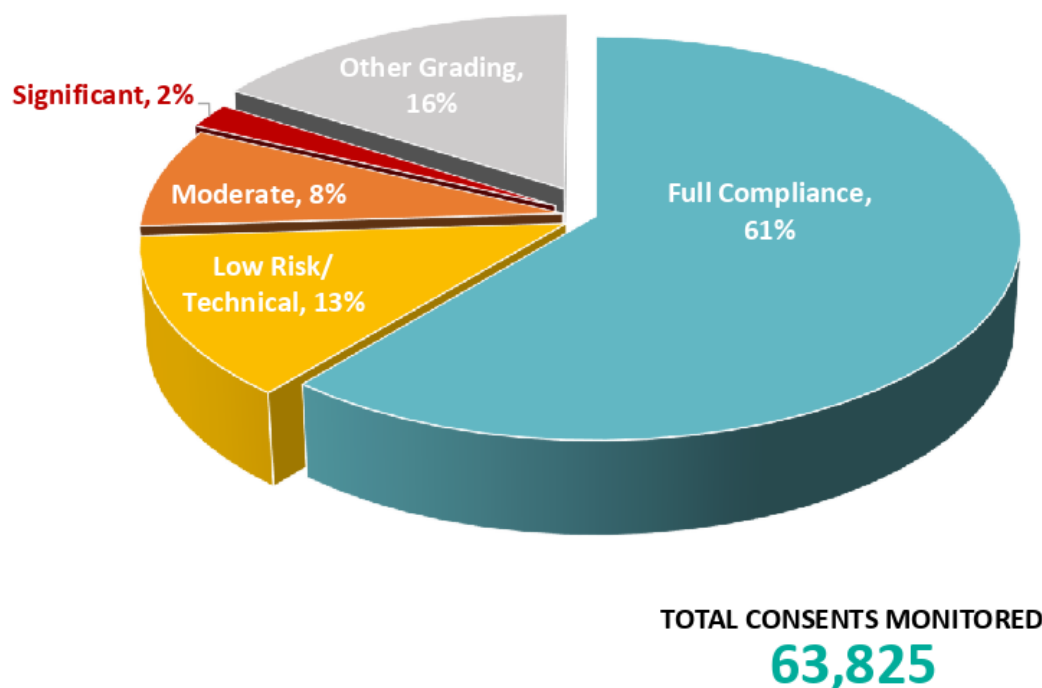
* The non-compliance rating system used at WRC considers multiple factors, and not solely whether the non-compliance results in actual significant environmental effect. As such the data is not directly comparable to those Councils that apply the MfE compliance rating system

Table 9: Percentages of consents in different categories of other compliance gradings on a per monitoring event basis

	Total number of consents			Other compliance grading (%)		
Regional councils						
	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020
Northland Regional Council	3,803	3,561	5,833	0	0	5
Waikato Regional Council*	1,078	1,157	1,674	0	3	19
Bay of Plenty Regional Council	1,842	3,059	4,027	0	0	0
Hawkes Bay Regional Council	2,943	3,198	3,304	0	0	0
Taranaki Regional Council	4,119	2,743	6,168	5	0	34
Horizons Regional Council	1,131	916	1,112	0	14	10
Greater Wellington Regional Council	1,457	1,692	1,633	6	14	16
Environment Canterbury	7,274	3,315	5,339	22	0	13
Otago Regional Council	7,025	607	5,909	21	20	2
West Coast Regional Council	1,309	1,126	767	4	0	0
Southland Regional Council	3,188	3,594	3,019	29	0	0
REGIONAL SUBTOTAL	35,169	24,968	38,785	8	5	9
Unitary authorities						
Auckland Council	18,732	20,188	19,430	52	19	37
Gisborne District Council						
Nelson City Council	550	1,245	1,707	14	40	53
Marlborough District Council	2,219	2,359	2,212	2	5	3
Tasman District Council	1,940	1,870	1,691	23	0	0
UNITARY SUBTOTAL	23,441	25,662	25,040	23	16	23

* The non-compliance rating system used at WRC considers multiple factors, and not solely whether the non-compliance results in actual significant environmental effect. As such the data is not directly comparable to those Councils that apply the MfE compliance rating system

 **NATIONWIDE:**
COMPLIANCE RATING OF CONSENTS MONITORED



Monitoring permitted activities

Q18. Which permitted activities do you have a monitoring programme for?

List of activities with tick box if yes:

- Agriculture (excluding dairy)
- Aquaculture
- Construction
- Dairy
- Forestry
- Horticulture
- Mining
- Oil and gas
- Tourism
- Vineyards
- Wineries
- Wintering
- Other (please specify)

Forestry and dairy made up nearly half of all permitted activities. All of the regional councils apart from Greater Wellington Regional Council and all unitary authorities have monitoring programs for forestry, which likely reflects the implementation of the National Environmental Standard for Plantation Forestry. Six regional councils and four unitary authorities had monitoring programs for dairy.

Compared to last year there is an increase in the number of permitted activities being monitored. Other permitted activities include moorings, domestic onsite effluent systems and small scale earthworks/construction/fill (erosion and sediment control).

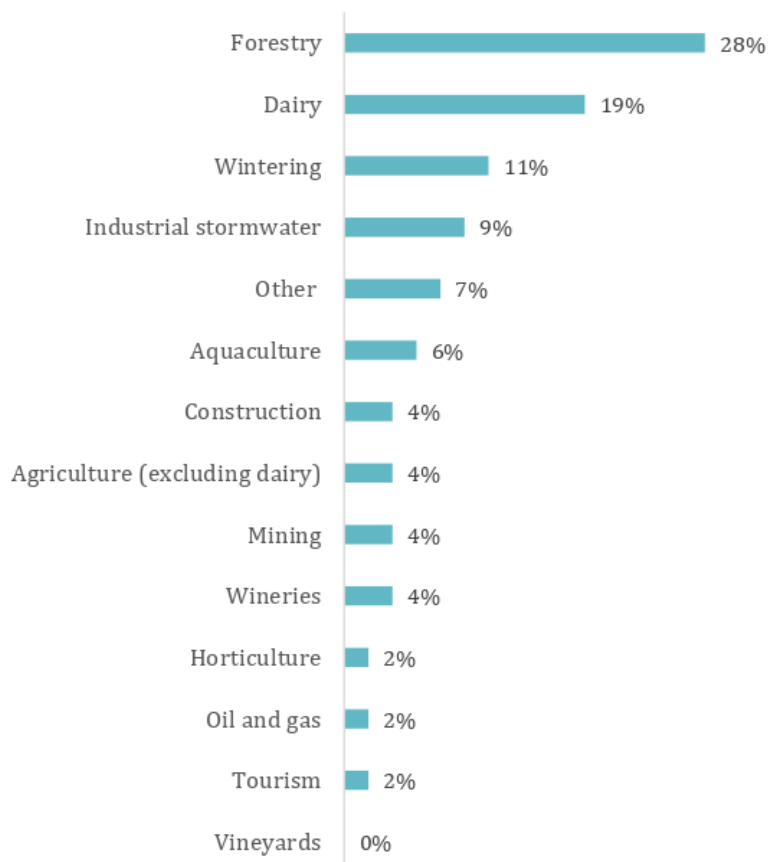


Figure 1: Proportion of permitted activity monitoring programmes for different industries

Making decisions on priorities

Q19. What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?

Q20. Describe how you determine which consents are monitored and how frequently? If there is a prioritisation model or compliance strategy, add link

Q21. Describe the basis, which was used for determining what, if any, permitted activities were monitored. If there is a prioritisation model or compliance strategy, add link

Most councils had established formalised prioritisation assessment for complaints, notifications and incidents, with many having a response time. The following factors were mentioned across different councils as part of that prioritisation assessment:

- If it was still happening/ duration
- Severeness/ adverse effect/ consequence
- Clean up/ mitigation
- Quality of the information provided
- Reliability of the source
- Frequency of notifications
- If it can be prevented

Risk based assessments, strategies and categorisation were commonly mentioned to determine which consents and permitted activities were monitored and how frequently.

Staffing levels

Note: FTEs should only be counted once under each of these categories. However, if a team member has more than one role then calculate what portion of their time is generally spent in each role, or only answer question 24 if your officers do a combination of roles. An example of an answer to each of the questions in this section might look like 22 FTEs spread across 40 individuals. Exclude any in-house or contract lawyers. Include managers in your count. Include any vacant positions in your counts.

Q22. How many FTEs does your council have who carry out monitoring roles?

Q23. How many FTEs does your council have who carry out environmental incident or pollution response roles?

Q24. How many FTEs does your council have who carry out investigation or enforcement roles?

Q25. How many FTEs does your council have who carry out a combination of the above roles?

Note 1: Include contractors

Note 2: Only answer this question if you have not included these staff in questions 21, 22 or 23

Q26. How many FTEs does your council have in CME support roles?

This includes administrative roles, e.g. staff who assist with issue of notices, reminder notices, upload of unpaid infringements to Ministry of Justice.

The total number of FTE's differs significantly across regions, this is to be expected given differences in population, area, development type and intensity and council funding base. Regional councils show differences in the staffing relative to population ranging between 0.03 and 0.34.

The number of FTE's has increased this year, for both regional and unitary authorities. Across the sector the number of FTE's has increased to 499, an increase of 4.2% on last year. There are no significant decreases in the number of FTE's.

FTE numbers for Auckland council remain stable following last years increase. Although Auckland has a higher overall number of staff, their numbers remain close to the national average per 1000.

Table 10: Council FTEs for different aspects of the CME role

	Total			Monitoring		Combination	
	2017/2018	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020
Regional councils							
Northland Regional Council	22	23	25	0		20	21
Waikato Regional Council*	47	45	44	20	20	0	
Bay of Plenty Regional Council	31	36	35	17	16	0	
Hawkes Bay Regional Council	10	14	14	9	9	0	0
Taranaki Regional Council	36	38	42	27	29	2	2
Horizons Regional Council	10	12	12	0		10	10
Greater Wellington Regional Council	16	14	16	0	0	13	15
Environment Canterbury	44	44	46	31	31	0	0
Otago Regional Council	23	24	28	15	15	8	3
West Coast Regional Council	6	6	6	0	0	5	5
Southland Regional Council	13	13	15	8	8	0	0
REGIONAL SUBTOTAL	257	267	282	126	128	57	56
Unitary authorities							
Auckland Council	146	179	182	65	69	19	16
Gisborne District Council	8	6	7	4	0	0	7
Nelson City Council	5	6	7	0	0	5	6
Marlborough District Council	9	10	11	2	2	7	8
Tasman District Council	11	12	11	0	0	10	9
UNITARY SUBTOTAL	179	213	217	71	71	41	46
UNITARY SUBTOTAL MINUS AUCKLAND	33	34	35	6	2	22	30
TOTAL	436	479	499	197	198	98	102
TOTAL MINUS AUCKLAND	290	300	317	132	129	79	86

* Questionnaire changes were made following 2017/2018. Differences between 2017/2018 and other years may reflect changes in the way roles are classified.

Table 11: Council FTEs for different aspects of the CME role

	Environmental incident or pollution		Investigation or enforcement		Support	
	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020
Regional councils						
Northland Regional Council	0		1	1	2	3
Waikato Regional Council*	9	8	10	10	7	6
Bay of Plenty Regional Council	4	4	4	3	12	12
Hawkes Bay Regional Council	2	2	1	1	2	2
Taranaki Regional Council	3	4	4	5	2	2
Horizons Regional Council	0		1	1	1	1
Greater Wellington Regional Council	0	0	0	0	1	1
Environment Canterbury	8	5	4	4	1	6
Otago Regional Council	0	3	0	3	1	4
West Coast Regional Council	0	0	0	0	1	1
Southland Regional Council	1	1	2	3	3	3
REGIONAL SUBTOTAL	26	27	26	31	32	40
Unitary authorities						
Auckland Council	32	41	49	43	14	13
Gisborne District Council	0	0	1	0	1	0
Nelson City Council	0	0	0	0	1	1
Marlborough District Council	0	0	1		0	1
Tasman District Council	0	0	0	0	2	2
UNITARY SUBTOTAL	32	41	51	43	18	17
UNITARY SUBTOTAL MINUS AUCKLAND	0	0	2	0	4	4
TOTAL	58	68	77	74	50	57
TOTAL MINUS AUCKLAND	26	27	28	31	36	44

* Questionnaire changes were made following 2017/2018. Differences between 2017/2018 and other years may reflect changes in the way roles are classified.

Table 12: Comparison of council FTEs, population and number of formal actions (excluding prosecutions but including warnings)

	FTE/1000			FTE	Population Estimates	Formal actions per 1000
	2017/2018	2018/2019	2019/2020	2019/2020	2019	2019/2020
Regional councils						
Northland Regional Council	.13	.13	.13	24.50	186,700	2.06
Waikato Regional Council	.10	.10	.09	44.36	477,300	1.08
Bay of Plenty Regional Council	.10	.11	.11	35.00	321,100	.44
Hawkes Bay Regional Council	.06	.08	.08	14.40	172,600	.59
Taranaki Regional Council	.31	.32	.34	42.00	121,900	2.39
Horizons Regional Council	.04	.05	.05	11.50	248,000	.74
Greater Wellington Regional Council	.03	.03	.03	16.00	525,200	.27
Environment Canterbury	.07	.07	.07	45.50	624,100	.99
Otago Regional Council	.10	.10	.12	27.80	234,300	.20
West Coast Regional Council	.17	.16	.17	5.50	32,600	2.15
Southland Regional Council	.13	.13	.15	15.00	100,800	1.11
REGIONAL SUBTOTAL/AVERAGE	.11	.12	.12	25.60	276,781	1.09
Unitary authorities						
Auckland Council	.09	.11	.11	182.00	1,631,300	2.50
Gisborne District Council	.18	.13	.14	7.00	49,100	.26
Nelson City Council	.10	.10	.12	6.50	52,900	.79
Marlborough District Council	.20	.20	.21	10.50	49,000	2.02
Tasman District Council	.15	.22	.20	11.00	54,800	1.19
UNITARY SUBTOTAL	.15	.15	.16	43.40	367,420	1.35
AVERAGE	0.12	0.13	0.13			

Taranaki has the highest ratios of FTE's per thousand, this transfers through to formal actions with one of the highest per 1000.

Wellington continues to have the lowest relative resourcing. Horizons, Environment Canterbury, Hawkes Bay and Waikato all have lower ratios below 0.1.

Figure 2 shows the relationships between staffing and formal actions taken compared to population. Here we can see a trend between the number of staff and the number of formal actions taken, increased staffing levels results in an increase in formal actions.

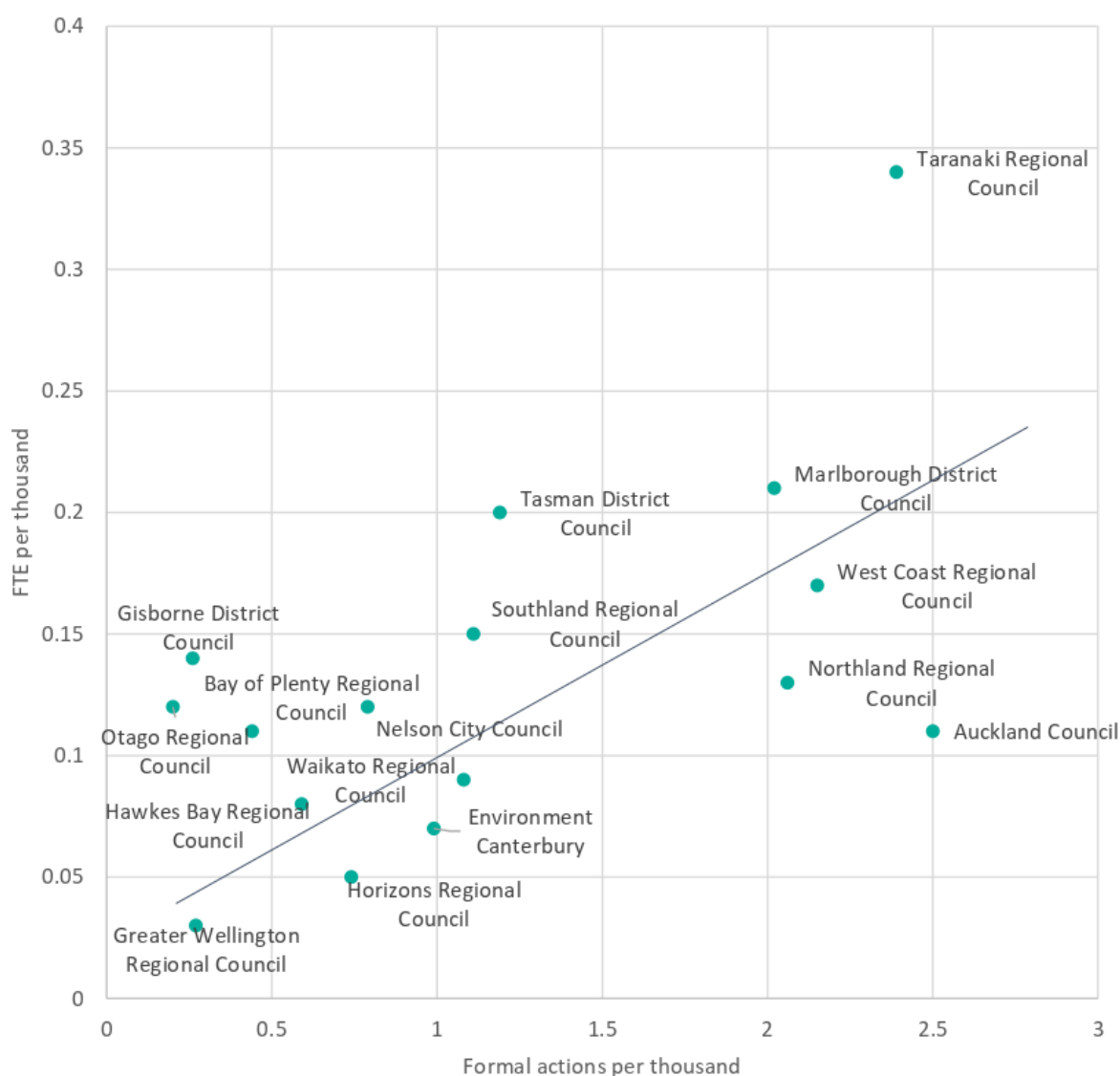


Figure 2: Comparison of CME resourcing and number of formal enforcement actions

Figure 3 shows the relationship between GDP and the number of FTE's. Five of the 6 councils with the highest GDP, also have the highest number of FTE's. Those councils with a GDP under \$10M tended to have a lower number of FTE's.

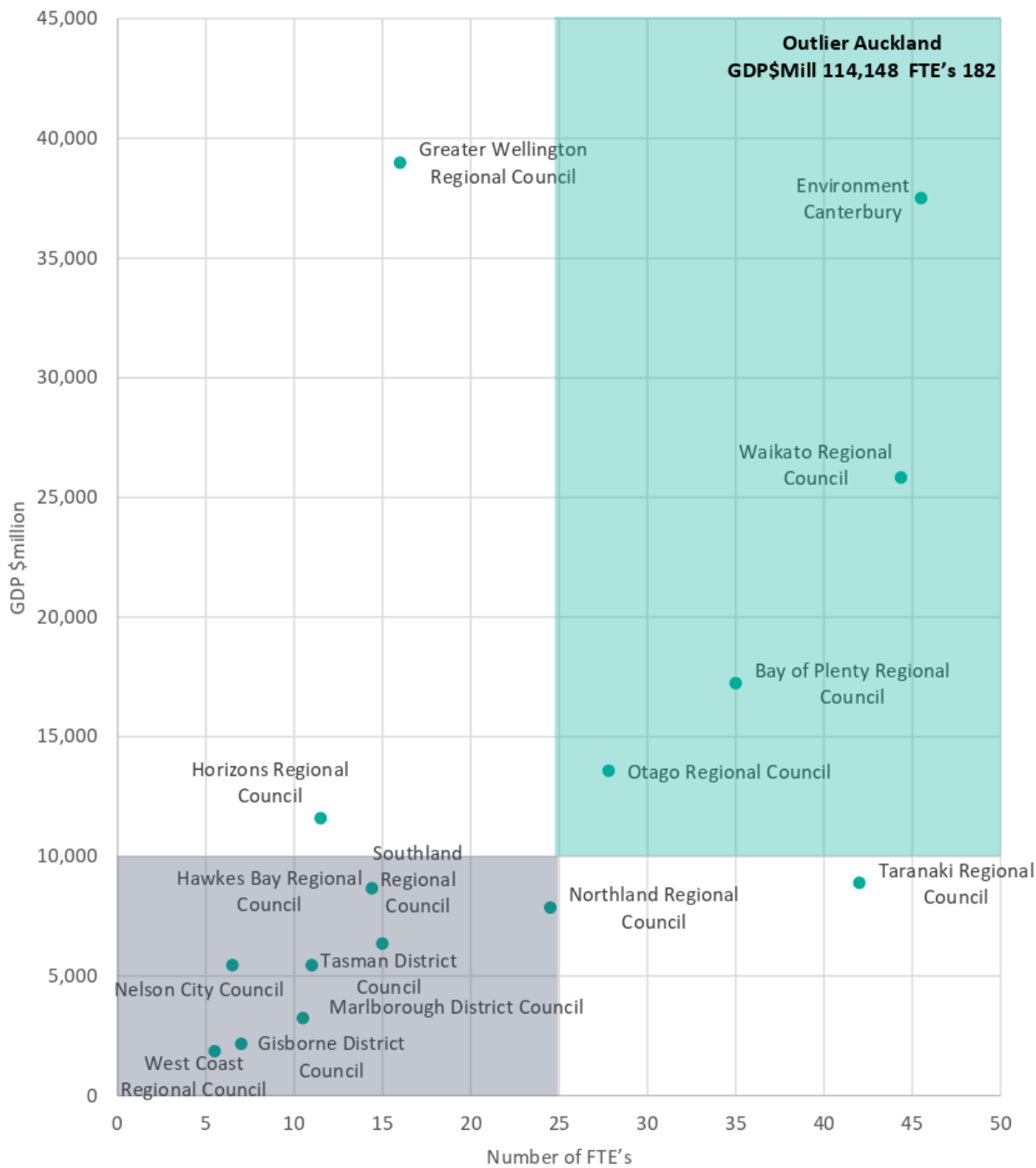


Figure 3: Comparison of CME resourcing and GDP

CME POLICIES AND PROCEDURES

Q27. Does your council have an enforcement policy? Yes No

Q28. What is your process for making decisions on prosecutions?

Q29. Who has the delegation to authorise filing of charges for a prosecution at your council?

Q30. Does your council have a conflict of interest policy? Yes No

Credibility of regulators is maintained through having coherent policy in place. These questions help us understand how policy informs CME operations and the decision making process with regulators.

The Guidelines state that all councils *'should have an operational enforcement policy, which the council uses to determine what enforcement action (if any) to take in response to non-compliance'*.*

The need for an active enforcement policy is set out in the best practise guidelines. All councils except Gisborne and Otago had enforcement policies. 2018/2019 results report Gisborne Council is currently preparing an enforcement policy. Gisborne has implemented a conflict of interest policy this year.

All councils have more than one party considering prosecutions. Usually this is a panel or decision group.

* MfE Best Practice Guidelines at p73

Table 13: Council decision-making and delegations for prosecutions

And, is this for	Enforcement policy	Decisions on prosecution	Delegation	Conflict of interest policy?
Northland Regional Council	Yes	An enforcement decision meeting is held to consider the facts and make a decision. The composition of the group changes depending on the activity which is being considered for prosecution. But the group always consists of the officer(s) who have done the investigation, at least 2 managers (one of which is the GM or the Deputy GM) and usually the enforcement specialist.	Two GMs and the Regulatory Services Deputy GM.	Yes
Waikato Regional Council	Yes	Investigating officer reports to a panel of 3 senior managers with recommendations. If the panel authorises prosecutions, this will be conditional on an independent legal review, which studies the file in entirety and applies the Evidential and Public Interest Tests. If the legal review is satisfied that the tests are met, charges are filed.	Investigating officer reports to a panel of 3 senior managers with recommendations. If the panel authorises prosecutions, this will be conditional on an independent legal review, which studies the file in entirety and applies the Evidential and Public Interest Tests. If the legal review is satisfied that the tests are met, charges are filed.	Yes
Bay of Plenty Regional Council	Yes	Investigation outcomes presented to an enforcement decision group made up of senior compliance staff and management; EDG makes recommendation to proceed (or not) pending legal review. Legal advice presented to GM for Regulatory Services for decision	General Manager for Regulatory Services	Yes

Table 14: Council decision-making and delegations for prosecutions

And, is this for	Enforcement policy	Decisions on prosecution	Delegation	Conflict of interest policy?
Hawkes Bay Regional Council	Yes	Enforcement Decision Group makes recommendations through to Compliance Manager, then Group Manager and then to CEO. Legal review may be undertaken prior to consideration by CEO.	CEO	Yes
Taranaki Regional Council	Yes	Chief Executive in collaboration with Director Resource Management and Compliance Manager	Chief Executive	Yes
Horizons Regional Council	Yes	Upon completion of a formal investigation, staff make a recommendation to the Regulatory Manager and Strategy and Regulation Group Manager, which is also accompanied by a legal review of the file by the Crown Solicitor. The review assesses both the evidential sufficiency and public interest matters. The matter is then put to the Chief Executive, for a formal report, for consideration.	CE and Group Manager Strategy and Regulation.	Yes
Greater Wellington Regional Council	Yes	<p>GWRC will generally take the following steps as part of its prosecution process under the Act:</p> <ul style="list-style-type: none"> Investigation of the incident Correspondence with the person/s suspected of breaching the Act, during which an opportunity is provided to respond to the allegations Incident presented to the Enforcement Decision Group Obtaining external legal advice about the merits of prosecution Final decision made by Prosecution Decision Group 	General Manager - Environment Group in conjunction with Manager - Environmental Regulation	Yes

Table 15: Council decision-making and delegations for prosecutions

And, is this for	Enforcement policy	Decisions on prosecution	Delegation	Conflict of interest policy?
Environment Canterbury	Yes	Follow MfE CME Guidelines, and an internal enforcement Decision Panel make a recommendation	Chief Executive	Yes
Otago Regional Council	No	Council has an Enforcement Decision Group (EDG). The case is presented by the Team Leader Investigations with the Investigating Officer in attendance. The EDG is made up of Compliance Manager, Legal Counsel, Group Manager Regulatory and the CEO.	The CEO in consultation with the other members of the EDG.	Yes
West Coast Regional Council	Yes	Prosecution recommendations are made by the Compliance Team Leader and go to an Enforcement Decision Group which must include the CEO and one other delegated senior manager.	The CEO or the Consents and Compliance Manager.	Yes
Southland Regional Council	Yes	Incident response – investigation – enforcement decision group meeting – legal opinion – CEO approval	Chief Executive	Yes

Table 16: Council decision-making and delegations for prosecutions

And, is this for	Enforcement policy	Decisions on prosecution	Delegation	Conflict of interest policy?
Auckland Council	Yes	Officer in charge presents the case to a panel consisting of Regulatory Compliance Manager, Investigations Manager and Legal Team Leader	Manager	Yes
Gisborne District Council	No	Enforcement Decision Group	Director - Environmental Services & Protection Chief Executive	Yes
Nelson City Council	Yes	Recommendation by investigating officer to team leader, manager then group manager (tier 2) for approving after receiving legal advice	Group Manager (tier 2) after receiving legal advice	Yes
Marlborough District Council	Yes	Stage 1 QA peer review panel Stage 2 Enforcement and Prosecution Committee Stage 3 Legal Counsel review	Officers, Compliance Manager or Consents & Compliance Group Manager following approval from the Enforcement & Prosecution Committee.	Yes
Tasman District Council	Yes	Investigating officer prepares a report to a decision-making group. If a recommendation meets the tests the decision to prosecute goes to group manager to approve as delegated authority.	The group manager of environment and planning (level 2).	Yes

EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

Q42. Does your council have, or support, any education or engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, workshops for earthworks contractors around erosion and sediment controls. Yes No
If yes, briefly describe

Inline with the 'four E approach' giving clear direction on what is expected to the regulated community creates a robust approach. This question helps us understand the programs councils have in place. All councils had at least one initiative in place. Some of the key methods of delivery are:

- Workshops and presentations
- Industry stakeholder meetings
- Compliance meetings
- Attendance and presentations at Fieldays
- Group creation e.g. Freshwater management groups
- Attendance at industry groups
- Making staff available for meetings
- Hui
- General outreach
- Superhero programs
- Skills courses
- Advertising campaigns
- Education campaigns
- Pocket guides
- Newsletters and emails
- Factsheets
- Website

Topics covered included silt and sediment control, rural and farming activities, wetlands, fish and game, farming, air quality, forestry, building/construction, storm water, wastewater, erosion and sediment control, earthworks and the National Resources Plan.

ACTING ON NON-COMPLIANCE

Q31. Question 31 relates to the instruments issued in relation to the different sections of the Act (listed once for brevity)

- Section 9 Use of land
- Section 12 Coastal marine area
- Section 13 Beds of lakes and rivers
- Section 14 Water
- Section 15 Discharges of contaminants
- Section 17 Duty to avoid, remedy & mitigate
- Other breach e.g., Section 22

Formal warnings issued

Abatement notices issued

Infringement notices issued

Enforcement orders applied for


The following question 31 helps us identify what at sector level is occupying the largest proportion of resources and how/ if that resource allocation is shifting over time. In turn this helps with understanding priority areas and challenges for compliance programs.

In total there were nearly 7,000 breaches this year, this is on par with last year. Majority of the cases were resolved with abatement notices. With 4,133 abatement notices, 978 formal warnings, 1,783 infringement fines and 14 enforcement orders.

Formal warnings are the main area of change with an increase of over 50% on last year. There was a drop in the 2018/2019 period then they increased to above 2017/2018 levels. Environment Canterbury was the main driver behind this change, between them and Waikato they made up 80% of all warnings issued. Unitary authorities had an increase in formal warnings, particularly Marlborough, however compared to the regional sector had minimal warnings issued.

Section 15-Discharges of contaminants into the environment had the most formal actions, 4,438 of the 6,908 breaches fell under this section.

Individual councils are highly variable in the number of formal actions. Auckland council being the largest council dominated the councils. Aside from Environment Canterbury's increase in formal warnings the remainder of the sector was similar to the 2018/2019 reporting period.



NATIONWIDE: ENFORCEMENT ACTIONS AND SECTIONS BREACHED





	 Formal warnings	 Abatement notices	 Infringement fines	 Enforcement orders	TOTAL ACTIONS
	978	4133	1783	14	6908
SECTION 9 Use of land	93	333	157	4	587
SECTION 12 Coastal marine area	4	19	20	0	43
SECTION 13 Beds of lakes and rivers	49	82	27	0	158
SECTION 14 Water	274	69	26	0	369
SECTION 15 Discharges of contaminants	531	2,914	983	10	4,438
SECTION 17 Duty to avoid, remedy & mitigate	0	3	0	0	3
OTHER e.g. Section 22	27	713	570	0	1,310

Table 17: Total use of formal instruments against relevant section of the Act (i. e., group of possible offences - summary of Table 18-20).

Table 18: *Total formal warnings and abatement notices*

	Total formal warnings			Total abatement notices		
	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020
Regional councils						
Northland Regional Council	6	4		373	271	230
Waikato Regional Council	198	301	305	89	134	134
Bay of Plenty Regional Council		0		106	87	117
Hawkes Bay Regional Council	14	0	12	46	40	20
Taranaki Regional Council	0	0	0	200	240	187
Horizons Regional Council	46	52	48	41	82	54
Greater Wellington Regional Council	57	43	54	11	17	24
Environment Canterbury	415	172	479	72	39	69
Otago Regional Council	5	5		12	14	20
West Coast Regional Council	50	28	15	24	20	20
Southland Regional Council	19	31	35	80	29	29
REGIONAL SUBTOTAL	810	636	948	1054	973	904
Unitary authorities						
Auckland Council		0		648	3,186	3,122
Gisborne District Council	50	0	4	19	11	9
Nelson City Council	41	0		28	18	29
Marlborough District Council	4	6	26	45	56	38
Tasman District Council		0		33	67	31
UNITARY SUBTOTAL	95	6	30	773	3338	3229
TOTAL (excluding Auckland)	905	642	978	1179	1125	1011
TOTAL	905	642	978	1827	4311	4133

Table 19: Total infringement notices and enforcement orders

	Total infringement notices			Total enforcement orders		
	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020
Regional councils						
Northland Regional Council	253	187	154	0	1	0
Waikato Regional Council	100	107	71	0	3	6
Bay of Plenty Regional Council	29	31	25	2	1	
Hawkes Bay Regional Council	91	101	69	0	1	1
Taranaki Regional Council	67	112	104	1	0	0
Horizons Regional Council	23	69	81	0	0	0
Greater Wellington Regional Council	25	27	66	0	0	0
Environment Canterbury	127	71	67	1	0	1
Otago Regional Council	22	36	26	0	1	1
West Coast Regional Council	10	27	35	0	0	0
Southland Regional Council	35	32	48	3	0	0
REGIONAL SUBTOTAL	782	800	746	7	7	9
Unitary authorities						
Auckland Council	456	1,210	956	10	2	4
Gisborne District Council	4	1	0	1	0	0
Nelson City Council	13	17	13	1	0	0
Marlborough District Council	11	50	34	2	2	1
Tasman District Council	23	63	34	0	0	0
UNITARY SUBTOTAL	507	1341	1037	14	4	5
TOTAL (excluding Auckland)	833	931	827	11	9	10
TOTAL	1289	2141	1783	21	11	14

Table 20: Total use of formal instruments (excluding prosecution)

	Total formal actions (including warnings)			Total formal actions (excluding warnings)		
	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020
Regional councils						
Northland Regional Council	632	463	384	626	459	384
Waikato Regional Council	387	545	516	189	244	211
Bay of Plenty Regional Council	137	119	142	137	119	142
Hawkes Bay Regional Council	151	142	102	137	142	90
Taranaki Regional Council	268	352	291	268	352	291
Horizons Regional Council	110	203	183	64	151	135
Greater Wellington Regional Council	93	87	144	36	44	90
Environment Canterbury	615	282	616	200	110	137
Otago Regional Council	39	56	47	34	51	47
West Coast Regional Council	84	75	70	34	47	55
Southland Regional Council	137	92	112	118	61	77
REGIONAL SUBTOTAL	2653	2416	2607	1843	1780	1659
Unitary authorities						
Auckland Council	1,114	4,398	4,082	1,114	4,398	4,082
Gisborne District Council	74	12	13	24	12	9
Nelson City Council	83	35	42	42	35	42
Marlborough District Council	62	114	99	58	108	73
Tasman District Council	56	130	65	56	130	65
UNITARY SUBTOTAL	1389	4689	4301	1294	4683	4271
TOTAL (excluding Auckland)	2928	2707	2826	2023	2065	1848
TOTAL	4042	7105	6908	3137	6463	5930

Prosecutions

Q32. How many RMA prosecutions were:

Note: For this question please consider an entire case (regardless of number of charges and defendants) as one prosecution.

- Concluded in the period?
- Still in progress in the period?

Q33. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

Q34. For all of these (person) defendants what is the total number of convictions entered against them? *For example, there may be a total of 27 separate convictions entered against a total of nine 'individual' defendants.*

Q35. What is the total number of corporate (e.g., Crown, company, body corporate etc.) defendants convicted as a result of RMA prosecutions concluded in this period?

Q36. For all of these (corporate) defendants what is the total number of convictions entered against them? *For example, there may be a total of 30 separate convictions entered against a total of 12 corporate defendants.*

Q37. Total number of convictions against an individual [see categories for sections of the Act as above] Total fine potential (Total x \$300,000)

Total number of convictions against a corporate entity [see categories for sections of the Act as above]
Total fine potential (Total x \$600,000)

Questions 32 to 37 address prosecutions, defendants and convictions. Prosecutions work to deter offenders and the use of these tools where appropriate, is valuable in encouraging compliance and behaviour change. Where councils are unlikely to prosecute it may be perceived that non compliance is unlikely to result in consequence.

Overall this period there were 70 prosecutions concluded and 118 in progress. Both these figures have increased on last year. For most councils the number concluded is relatively similar to last year. Greater Wellington, Hawkes Bay, Southland all had an increase in more than 5 prosecutions, while Bay of Plenty and Gisborne recorded a decrease. Auckland has doubled the number of prosecutions in progress this year, however prosecutions are still less than Waikato.

There are noted differences region to region with some having one or two in progress/ concluded and others having as many as 43. This year only Nelson concluded no prosecutions, West Coast and Tasman only had 1. Understanding why these differences occur is challenging, there are many factors that may affect these figures. Reluctance to prosecute is unlikely to result in behaviour change because of the lack of consequence.

The number of individuals convicted increased, it was on par with 2017/2018. Despite the number of individuals increasing the number of convictions entered remains similar to last year, potentially this is an indicator of less serious offences. The number of corporates convicted increased to be on par with 2017/2018, convictions entered also increased.

Table 21: Prosecutions across the regional sector for the 2018/2019 and 2019/2020 year

	Number concluded		Number in progress	
	2018/2019	2019/2020	2018/2019	2019/2020
Regional councils				
Northland Regional Council	0	4	4	3
Waikato Regional Council	15	21	27	22
Bay of Plenty Regional Council	12	3	17	13
Hawkes Bay Regional Council	1	0	4	12
Taranaki Regional Council	1	1	0	4
Horizons Regional Council	5	4	2	4
Greater Wellington Regional Council	0	4	3	6
Environment Canterbury	2	5	7	8
Otago Regional Council	4	3	2	3
West Coast Regional Council	3	0	0	1
Southland Regional Council	6	10	5	8
REGIONAL SUBTOTAL	49	55	71	84
Unitary authorities				
Auckland Council	7	10	12	21
Gisborne District Council	0	4	12	7
Nelson City Council	0	0	0	0
Marlborough District Council	4	1	4	5
Tasman District Council	1	0	0	1
UNITARY SUBTOTAL	12	15	28	34
TOTAL	61	70	99	118



Table 22: Individuals convicted across the regional sector for the 2019/2020 year

	Number of individuals convicted			Number of convictions entered		
	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020
Regional councils						
Northland Regional Council	1	0	5	1	0	14
Waikato Regional Council	3	8	12	4	25	21
Bay of Plenty Regional Council	6	4	4	6	8	5
Hawkes Bay Regional Council	1	0	0	2	0	18
Taranaki Regional Council	3	0	2	3	0	3
Horizons Regional Council	0	1	3	0	3	8
Greater Wellington Regional Council	0	0	0	0	0	0
Environment Canterbury	1		1	2		2
Otago Regional Council	10	0	1	12	0	2
West Coast Regional Council	0	0	0	0	0	0
Southland Regional Council	11	5	6	41	11	8
REGIONAL SUBTOTAL	36	18	34	71	47	81
Unitary authorities						
Auckland Council	11	7	5	35	47	10
Gisborne District Council	0	0	1	0	0	2
Nelson City Council	0	0	0	0	0	0
Marlborough District Council	0	2	1	0	6	2
Tasman District Council	2	2	0	8	6	0
UNITARY SUBTOTAL	13	11	7	43	59	14
TOTAL	49	29	41	114	106	95



Table 23: Corporates convicted across the regional sector for the 2019/2020 year

	Number of corporates convicted			Number of convictions entered		
	2017/2018	2018/2019	2019/2020	2017/2018	2018/2019	2019/2020
Regional councils						
Northland Regional Council	0	0	4	0	0	7
Waikato Regional Council	8	12	11	18	37	21
Bay of Plenty Regional Council	2	10	2	2	12	3
Hawkes Bay Regional Council	3	0	11	5	0	1
Taranaki Regional Council	1	3	0	2	8	0
Horizons Regional Council	0	5	5	0	5	11
Greater Wellington Regional Council	0	0	7	0	0	47
Environment Canterbury	4		4	8		16
Otago Regional Council	10	5	3	13	5	4
West Coast Regional Council	1	1	0	1	1	0
Southland Regional Council	11	4	4	25	9	6
REGIONAL SUBTOTAL	40	40	51	74	77	116
Unitary authorities						
Auckland Council	16	4	6	18	15	17
Gisborne District Council	0	0	3	0	0	5
Nelson City Council	1	0	0	3	0	0
Marlborough District Council	1	2	0	2	7	0
Tasman District Council	2	1	0	5	3	0
UNITARY SUBTOTAL	20	7	9	28	25	22
TOTAL	60	47	60	102	102	138



**NATIONWIDE:
PROSECUTIONS**

CONCLUDED
70

IN PROGRESS
118

Penalties

Q38. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period? Individual / Corporate

Q39. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period? Prison sentence / Enforcement order / Reparation / Community Service / Discharge without conviction / Other

Q40. How many prosecutions involved restorative justice, diversion or other alternative justice process?

- Restorative justice
- Diversion
- Alternative justice

Q41. Describe any outcomes relating to these processes.

Nearly double the fines were handed down this year totalling over \$3.5 million. This year includes Gisborne's fine data which accounts for \$637,750, majority of those are corporate fines. Five councils had no individual fines, five councils had no corporate fines.

Waikato Regional Council collected significantly more fines than other councils accounting for for over \$1M of fines. In the regional sector Waikato accounted for around half of all individual fines, and just over 40% of corporate fines. Similar to the last reporting period several councils did not have any penalties as there were no prosecutions.

Table 24: Other sanctions handed down under the RMA

	Number
Reparation	36
Enforcement order	13
Discharge without conviction	6
Restorative justice	2
Community service	2
Diversion	0
Alternative justice	0
Prison sentence	0
Other	0
TOTAL	59

Table 25: Prosecution outcomes: fines

What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period?	Individual fines \$	Corporate fines \$
Regional councils		
Northland Regional Council	97,650.00	127,800.00
Waikato Regional Council	432,254.00	757,137.00
Bay of Plenty Regional Council	71,837.50	66,837.50
Hawkes Bay Regional Council	0	12,555.00
Taranaki Regional Council	45,500.00	0
Horizons Regional Council	28,500.00	56,500.00
Greater Wellington Regional Council		302,300.00
Environment Canterbury	97,000.00	212,725.00
Otago Regional Council	30,000.00	136,500.00
West Coast Regional Council		
Southland Regional Council	86,950.00	146,200.00
REGIONAL SUBTOTAL	889,691.50	1,818,554.50
Unitary authorities		
Auckland Council	69,675.00	106,412.00
Gisborne District Council	20,000.00	617,750.00
Nelson City Council		
Marlborough District Council	18,000.00	
Tasman District Council	0	0
UNITARY SUBTOTAL	107,675.00	724,162.00
TOTAL	\$997,366.50	\$2,542,716.50



Table 26: Prosecution outcomes

What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period?	Prison sentence	Enforcement order	Reparation	Community Service	Discharge without conviction	Other
Regional councils						
Northland Regional Council	0	0	0	1	0	0
Waikato Regional Council	0	6	34	0	0	0
Bay of Plenty Regional Council	0	1	0	0	0	0
Hawkes Bay Regional Council	0	0	0	0	0	0
Taranaki Regional Council	0	0	0	0	0	0
Horizons Regional Council	0	0	0	0	0	0
Greater Wellington Regional Council	0	0	0	0	4	0
Environment Canterbury	0	1	1	0	0	0
Otago Regional Council	0	1	0	0	0	0
West Coast Regional Council	0	0	0	0	0	0
Southland Regional Council	0	4	0	0	1	0
REGIONAL SUBTOTAL	0	13	35	1	5	0
Unitary authorities						
Auckland Council	0	0	1	1	1	0
Gisborne District Council	0	0	0	0	0	0
Nelson City Council	0	0	0	0	0	0
Marlborough District Council	0	0	0	0	0	0
Tasman District Council	0	0	0	0	0	0
UNITARY SUBTOTAL	0	0	1	1	1	0
TOTAL	0	13	36	2	6	0

Table 27: Prosecution outcomes

How many prosecutions involved restorative justice, diversion or other alternative justice process?	Restorative justice	Diversion	Alternative justice
Regional councils			
Northland Regional Council	0	0	0
Waikato Regional Council	1	0	0
Bay of Plenty Regional Council	0	0	0
Hawkes Bay Regional Council	0	0	0
Taranaki Regional Council	0	0	0
Horizons Regional Council	0	0	0
Greater Wellington Regional Council	0	0	0
Environment Canterbury	0	0	0
Otago Regional Council	0	0	0
West Coast Regional Council	0	0	0
Southland Regional Council	0	0	0
REGIONAL SUBTOTAL	1	0	0
Unitary authorities			
Auckland Council	0	0	0
Gisborne District Council	0	0	0
Nelson City Council	0	0	0
Marlborough District Council	1	0	0
Tasman District Council	0	0	0
UNITARY SUBTOTAL	1	0	0
TOTAL	2	0	0

CME REPORTING

Q44. What mechanisms do your council use to report CME data to the public? (e.g., annual reports, reports to councillors) Provide links or examples.

- Annual Report
- Report to Councillors
- Snapshot
- Report(s) to Council committee meetings (open to public)
- Other (please specify)

Except for the contribution of data to the National Monitoring System, councils are responsible for determining the scope and content of the reporting on their RMA CME functions. Question 44 addressed the ways in which this operational function was carried out, providing a range of 'standard' options and giving council respondents space to describe alternate approaches.

Commonly most councils reported at committee meetings that were open to the public, only Northland, Waikato, Greater Wellington and Southland did not use this mechanism. Bay of Plenty, Environment Canterbury, Hawkes Bay and Marlborough report across all standard reporting approaches.

Table 28: CME reporting channels

	Annual Report	Report to Councillors	Snapshot	Report(s) to Council committee meetings (open to public)	Other	TOTAL REPORTING CHANNELS
Regional councils						
Northland Regional Council	1	1	1	0	1	4
Waikato Regional Council	0	1	1	0	0	2
Bay of Plenty Regional Council	1	1	1	1	0	4
Hawkes Bay Regional Council	1	1	1	1	0	4
Taranaki Regional Council	1	1	0	1	1	4
Horizons Regional Council	0	0	0	1	0	1
Greater Wellington Regional Council	1	1	0	0	1	3
Environment Canterbury	1	1	1	1	1	5
Otago Regional Council	0	0	0	1	0	1
West Coast Regional Council	1	1	0	1	0	3
Southland Regional Council	0	0	0	0	1	1
Unitary authorities						
Auckland Council	0	0	0	1	1	2
Gisborne District Council	1	1	0	1	0	3
Nelson City Council	0	0	0	1	0	1
Marlborough District Council	1	1	1	1	0	4
Tasman District Council	1	0	0	1	0	2

PART 3 REGIONAL SCORECARDS

The following pages are summaries of the key data for the regional and unitary councils on an individual basis. They enable councils to quickly and easily communicate the findings of the national scale analysis as it applies to them, and to use these figures as a basis for regional scale performance improvement. All pages contain identical categories of information, all of which is based on tables found elsewhere throughout the report.

CME METRICS REPORT 2019/2020

NATIONAL SUMMARY



4,881,100

New Zealand population estimate 2019



9.1%

Population growth 2014 - 2019



268,021km²

Geographic area



\$303,436m

GDP to March 2019



**CME
STAFF**

Full time employees **499**

FTE/1000 **0.13**

POLICY CHECKLIST

Conflict of interest policy **16/16**
Education / engagement programmes **16/16**
Enforcement policy **14/16**

CONSENTS



255,142

Administered



54,488

Required monitoring



Consents monitored
of those requiring it

79.8%

INCIDENTS



31,979

ENVIRONMENTAL
INCIDENTS REPORTED



99.2%

RESPONSE RATE

ENFORCEMENT

978

Warnings issued

4,133

Abatement notices issued

1,783

Infringement fines issued

14

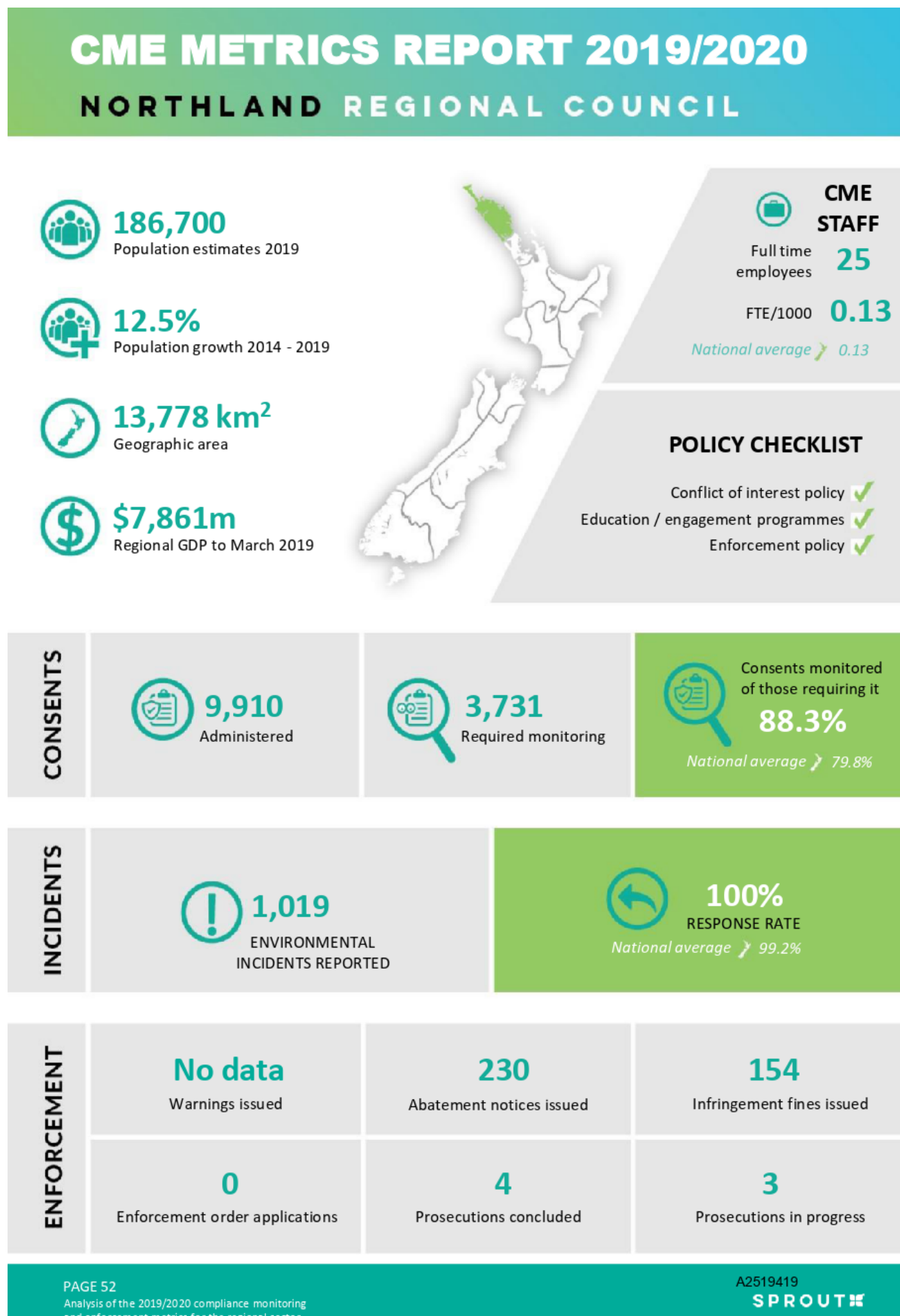
Enforcement order applications

70

Prosecutions concluded

118

Prosecutions in progress



CONSENTS	 <p>9,910 Administered</p>	 <p>3,731 Required monitoring</p>	 <p>Consents monitored of those requiring it</p> <p>88.3%</p> <p><i>National average</i> ➤ 79.8%</p>
-----------------	--	---	--

INCIDENTS	 <p>1,019 ENVIRONMENTAL INCIDENTS REPORTED</p>	 <p>100% RESPONSE RATE</p> <p><i>National average</i> ➤ 99.2%</p>
------------------	--	---

ENFORCEMENT	<p>No data Warnings issued</p>	<p>230 Abatement notices issued</p>	<p>154 Infringement fines issued</p>
	<p>0 Enforcement order applications</p>	<p>4 Prosecutions concluded</p>	<p>3 Prosecutions in progress</p>

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Analysis of the 2019/2020 compliance monitoring and enforcement metrics for the regional sector

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SPROUT

CME METRICS REPORT 2019/2020

WAIKATO REGIONAL COUNCIL



477,300

Population estimates 2019



11.5%

Population growth 2014 - 2019



24,147 km²

Geographic area



\$25,835m

Regional GDP to March 2019



**CME
STAFF**

Full time
employees

44

FTE/1000

0.09

National average ➤ 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



11,419

Administered



1,674

Required monitoring



Consents monitored
of those requiring it

100%

National average ➤ 79.8%

INCIDENTS



1,712

ENVIRONMENTAL
INCIDENTS REPORTED



100%

RESPONSE RATE

National average ➤ 99.2%

ENFORCEMENT

305

Warnings issued

134

Abatement notices issued

71

Infringement fines issued

6

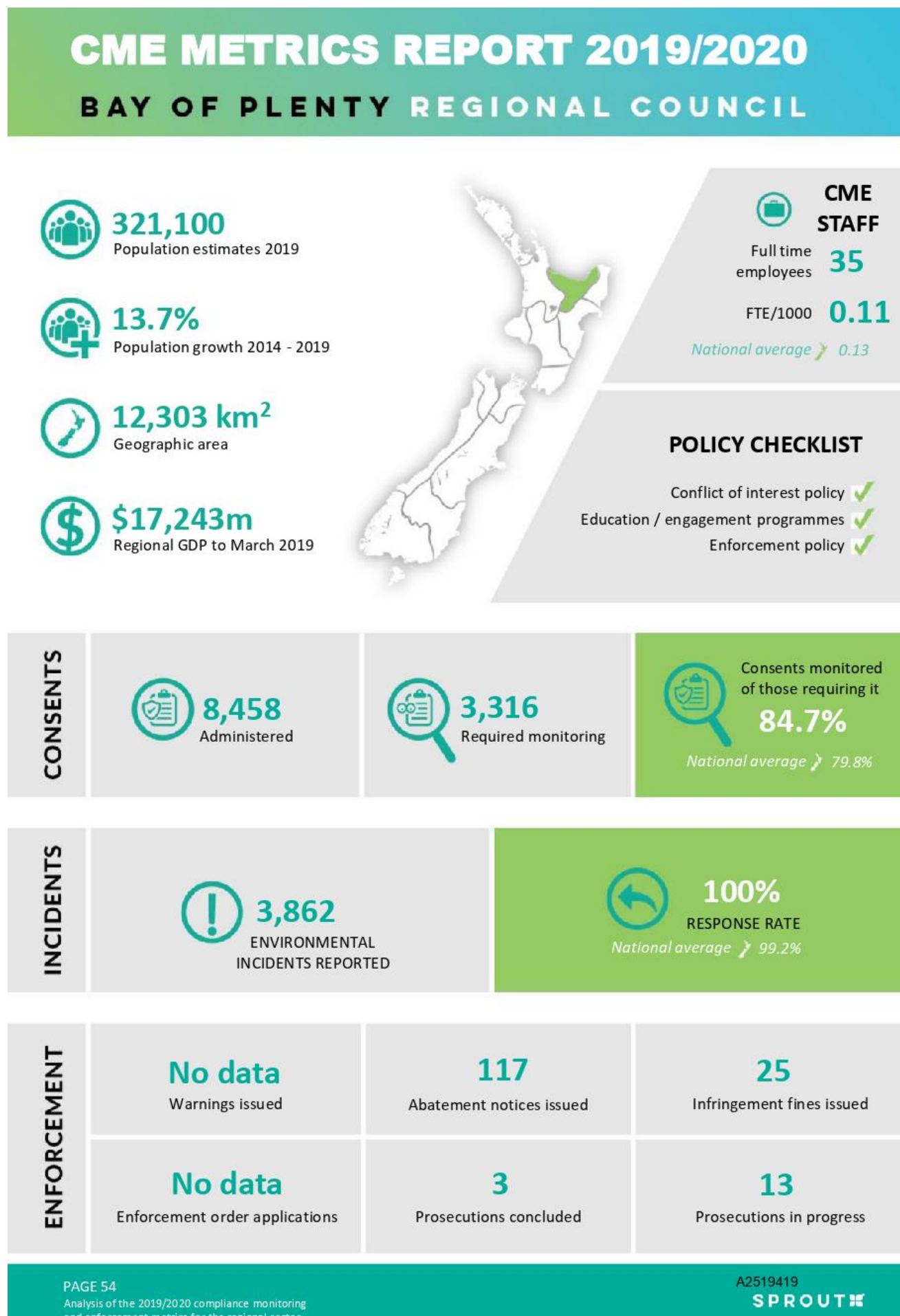
Enforcement order applications

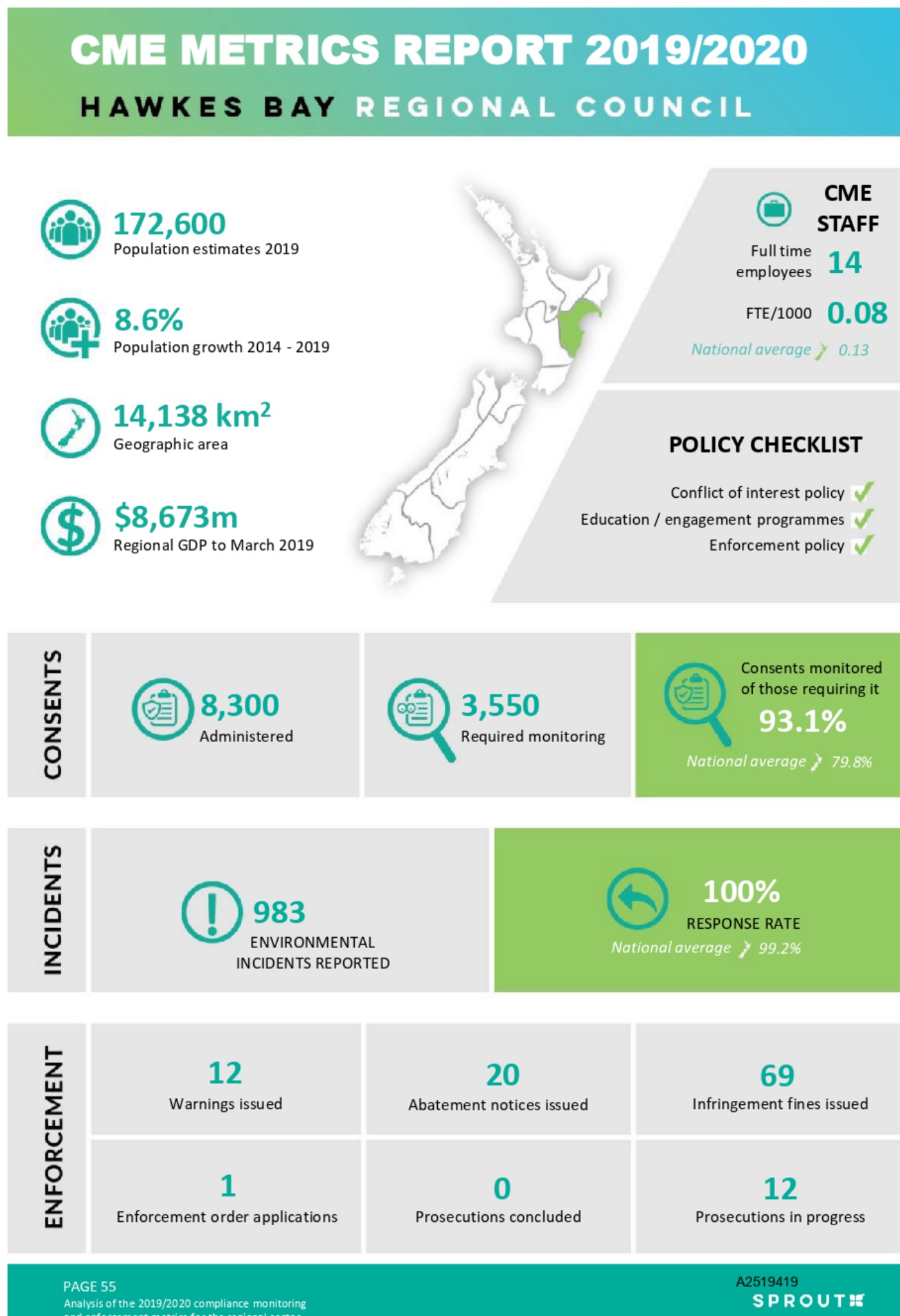
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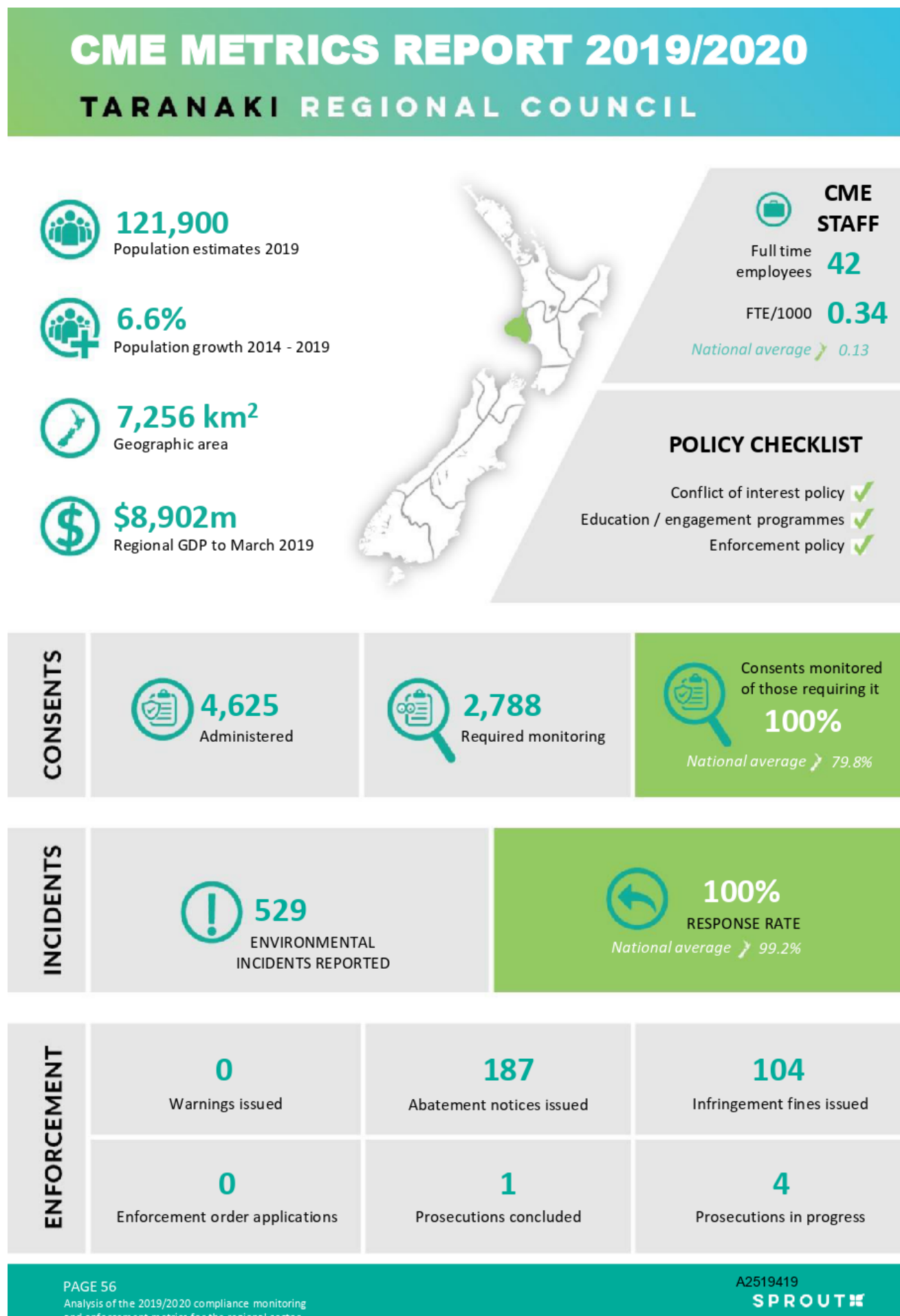
Prosecutions concluded

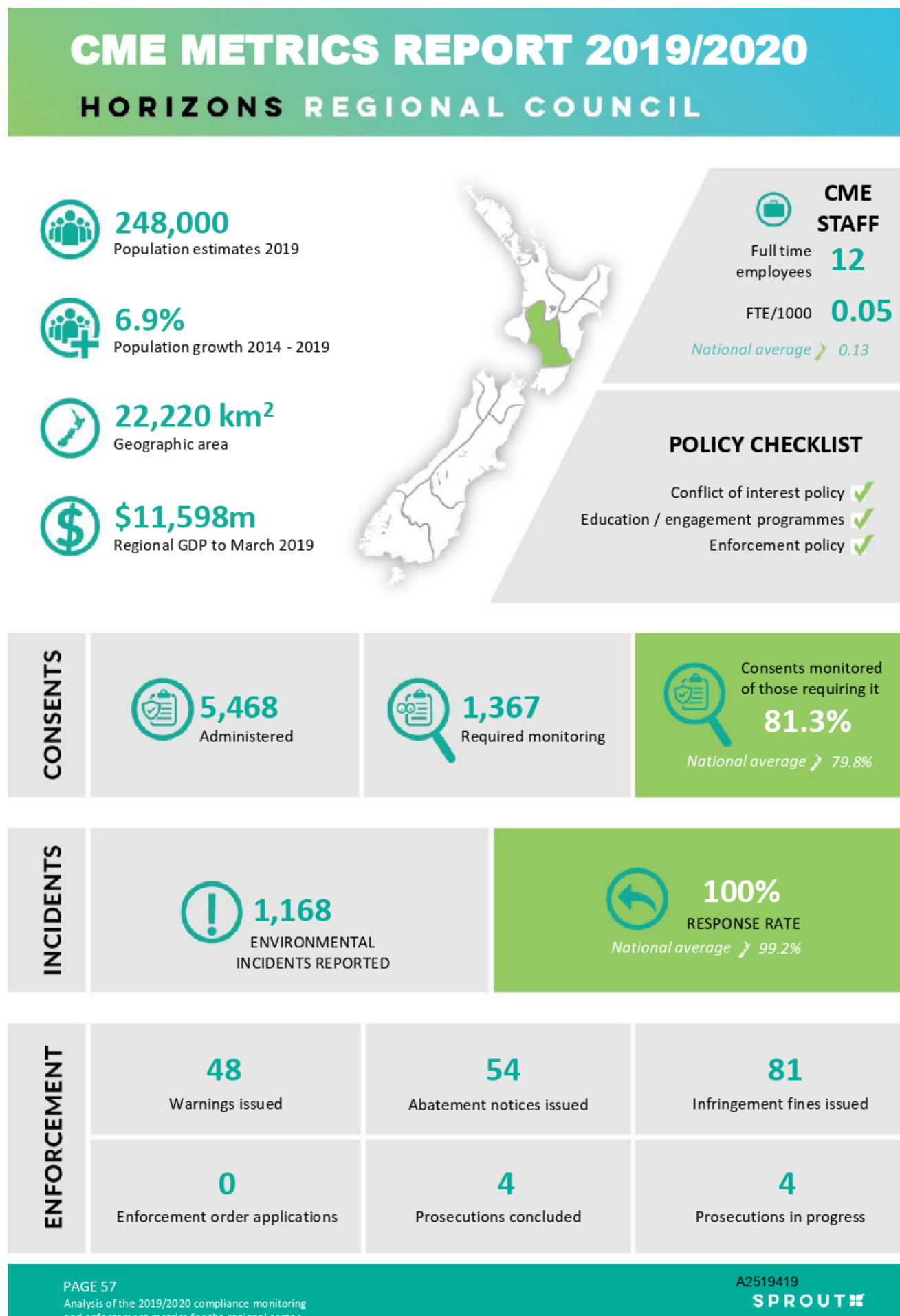
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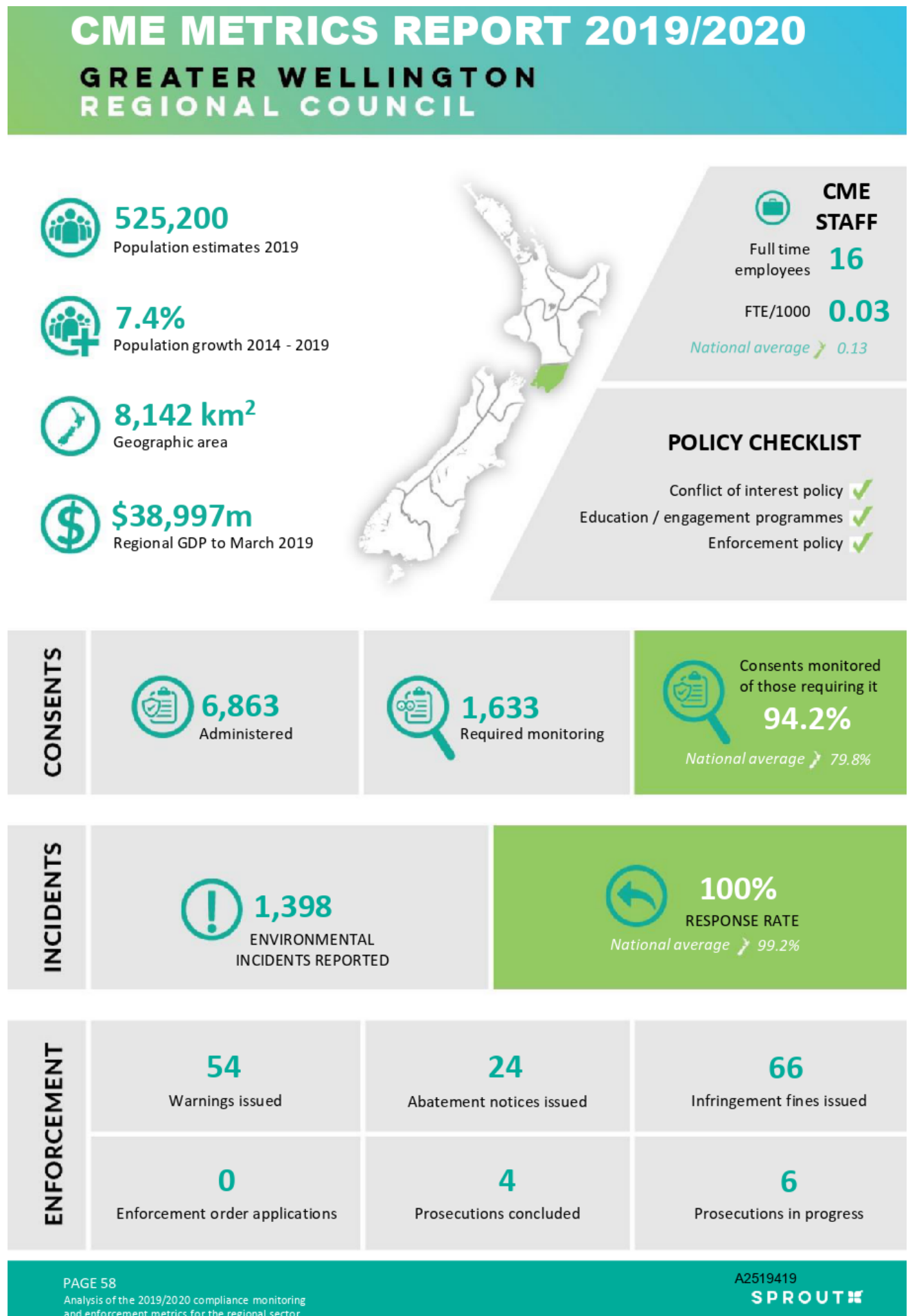
Prosecutions in progress

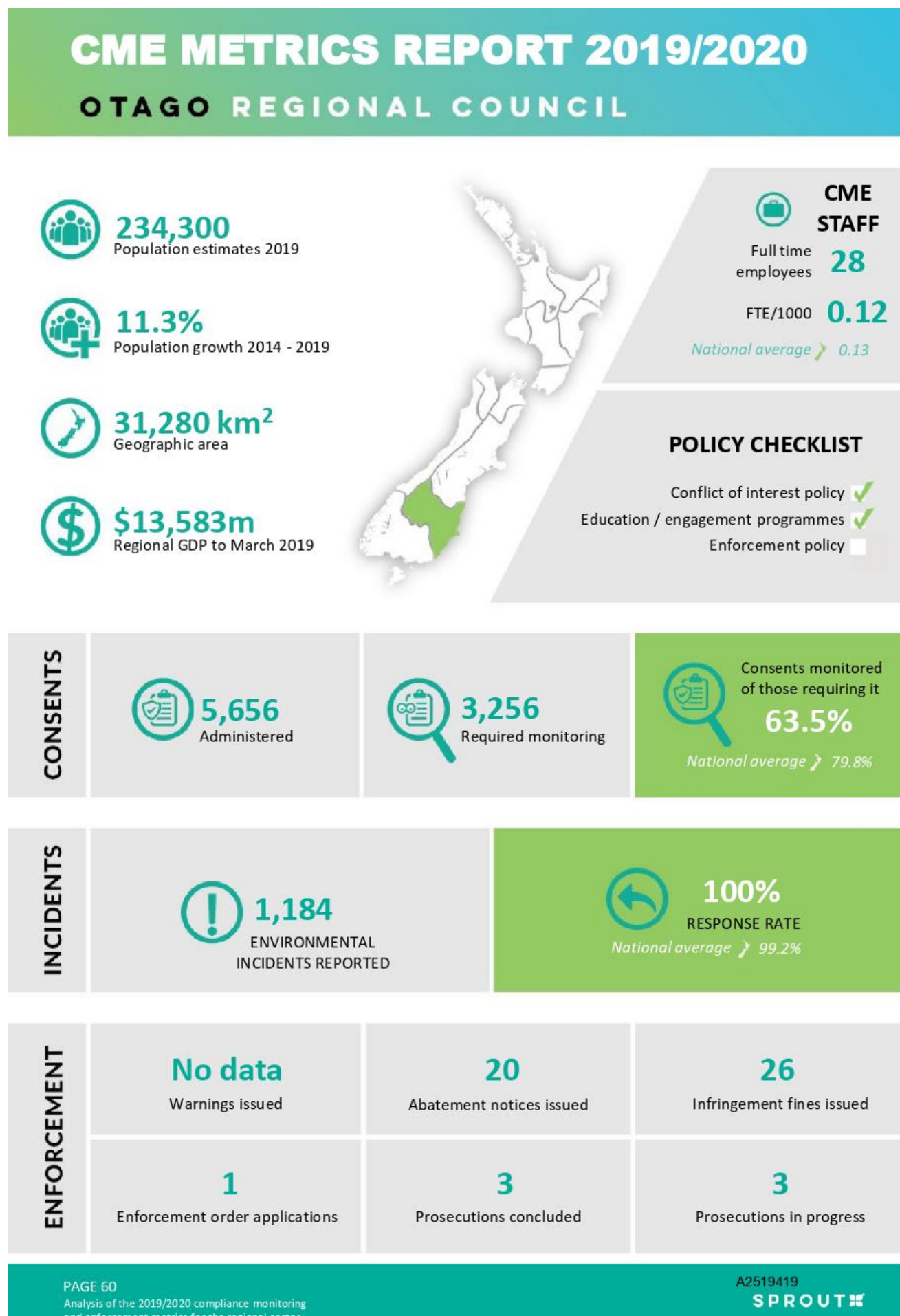


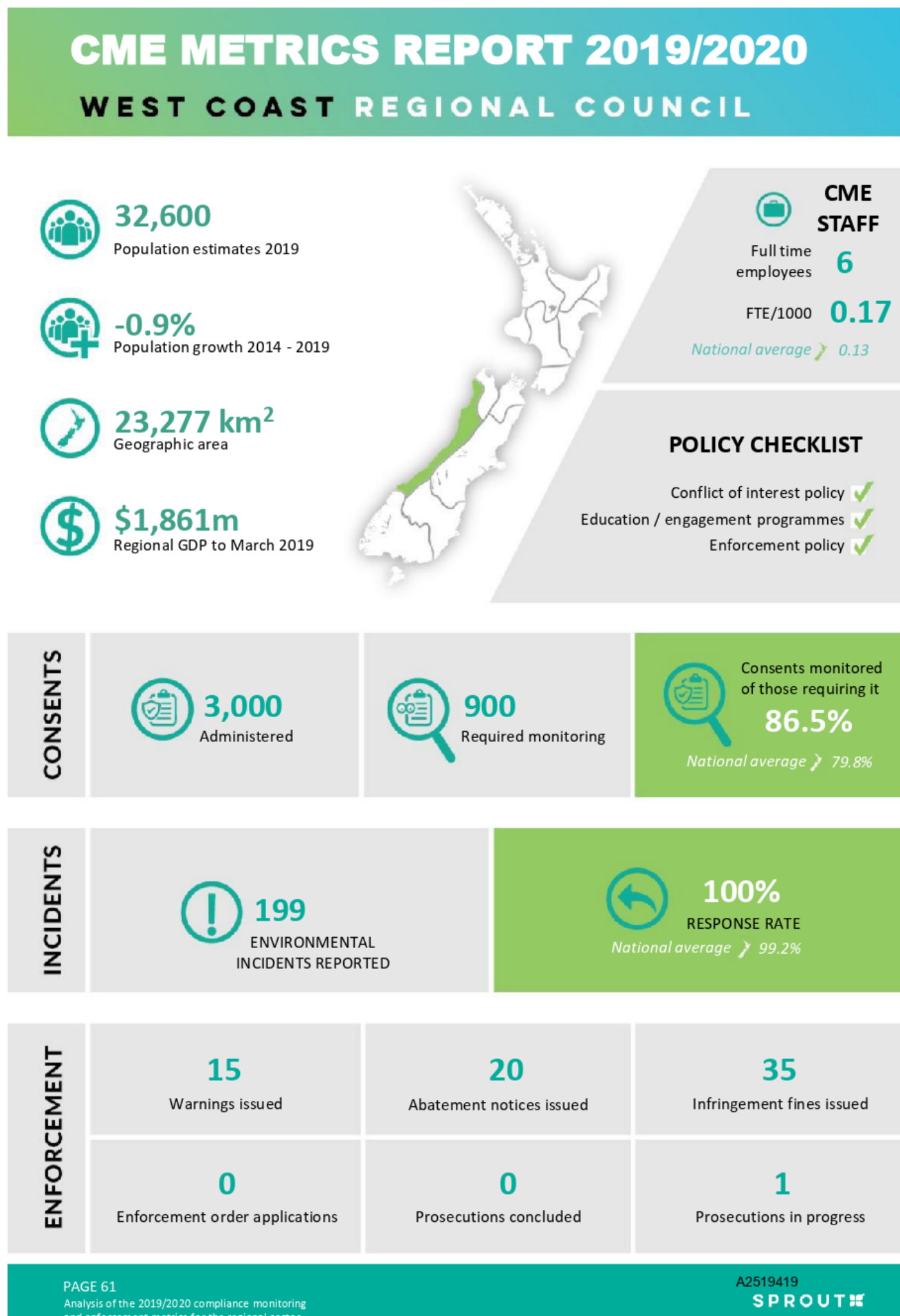


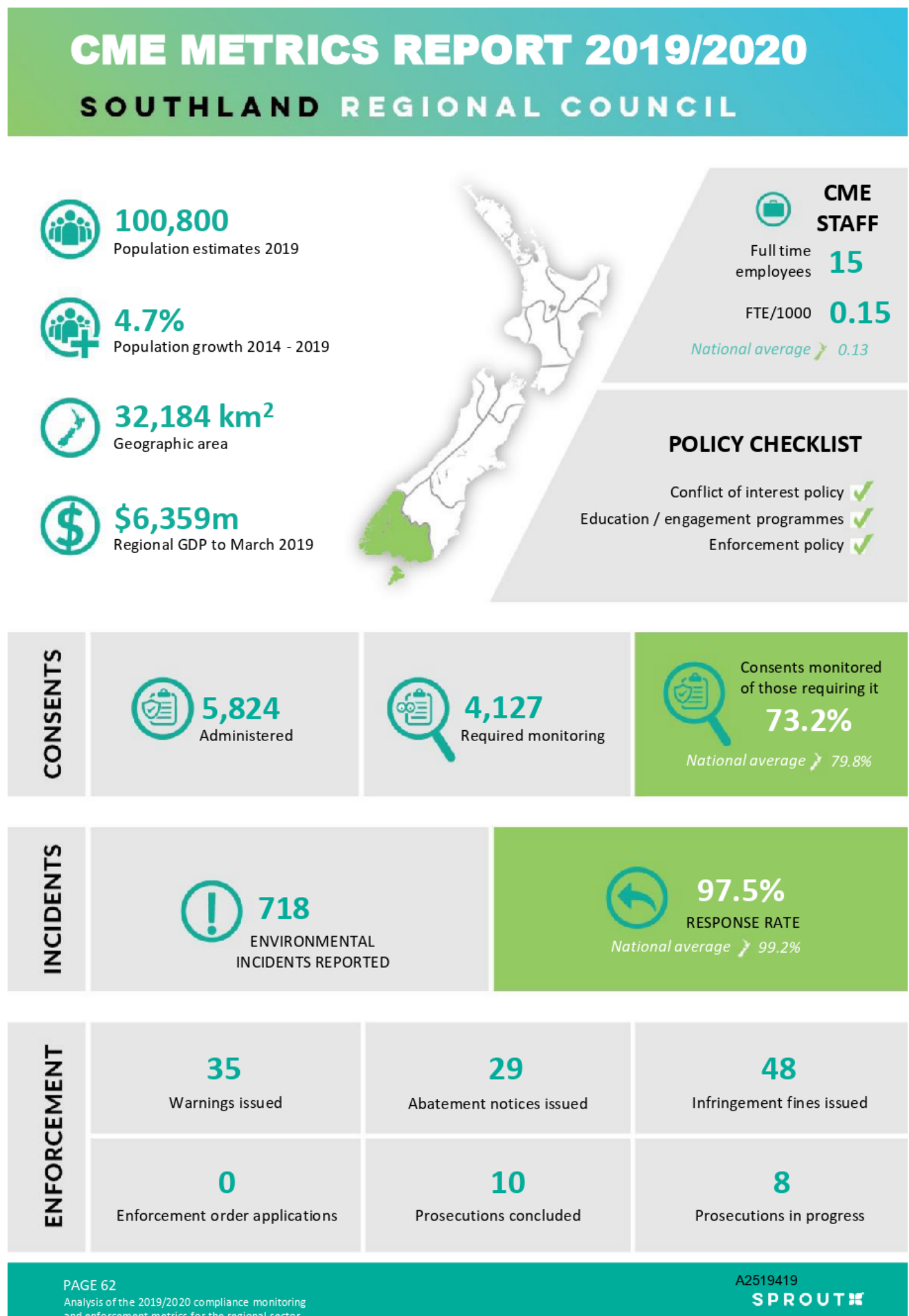












CME METRICS REPORT 2019/2020

AUCKLAND COUNCIL



1,631,300
Population estimates 2019



8.5%
Population growth 2014 - 2019



5,945 km²
Geographic area



\$114,148m
Regional GDP to March 2019



**CME
STAFF**

Full time employees **182**

FTE/1000 **0.11**

National average ➤ 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



115,723
Administered



13,162
Required monitoring



Consents monitored
of those requiring it
72%

National average ➤ 79.8%

INCIDENTS



11,402
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE

National average ➤ 99.2%

ENFORCEMENT

No data

Warnings issued

3,122

Abatement notices issued

956

Infringement fines issued

4

Enforcement order applications

10

Prosecutions concluded

21

Prosecutions in progress

CME METRICS REPORT 2019/2020

GISBORNE DISTRICT COUNCIL



49,100

Population estimates 2019



4.2%

Population growth 2014 - 2019



8,386 km²

Geographic area



\$2,161m

Regional GDP to March 2019



**CME
STAFF**

Full time
employees **7**

FTE/1000 **0.14**

National average ➤ 0.13

POLICY CHECKLIST

- Conflict of interest policy ☒
- Education / engagement programmes ☒
- Enforcement policy ☐

CONSENTS



10,500

Administered



unknown

Required monitoring



Consents monitored
of those requiring it

unknown

National average ➤ 79.8%

INCIDENTS



1,837

ENVIRONMENTAL
INCIDENTS REPORTED



100%

RESPONSE RATE

National average ➤ 99.2%

ENFORCEMENT

4

Warnings issued

9

Abatement notices issued

0

Infringement fines issued

0

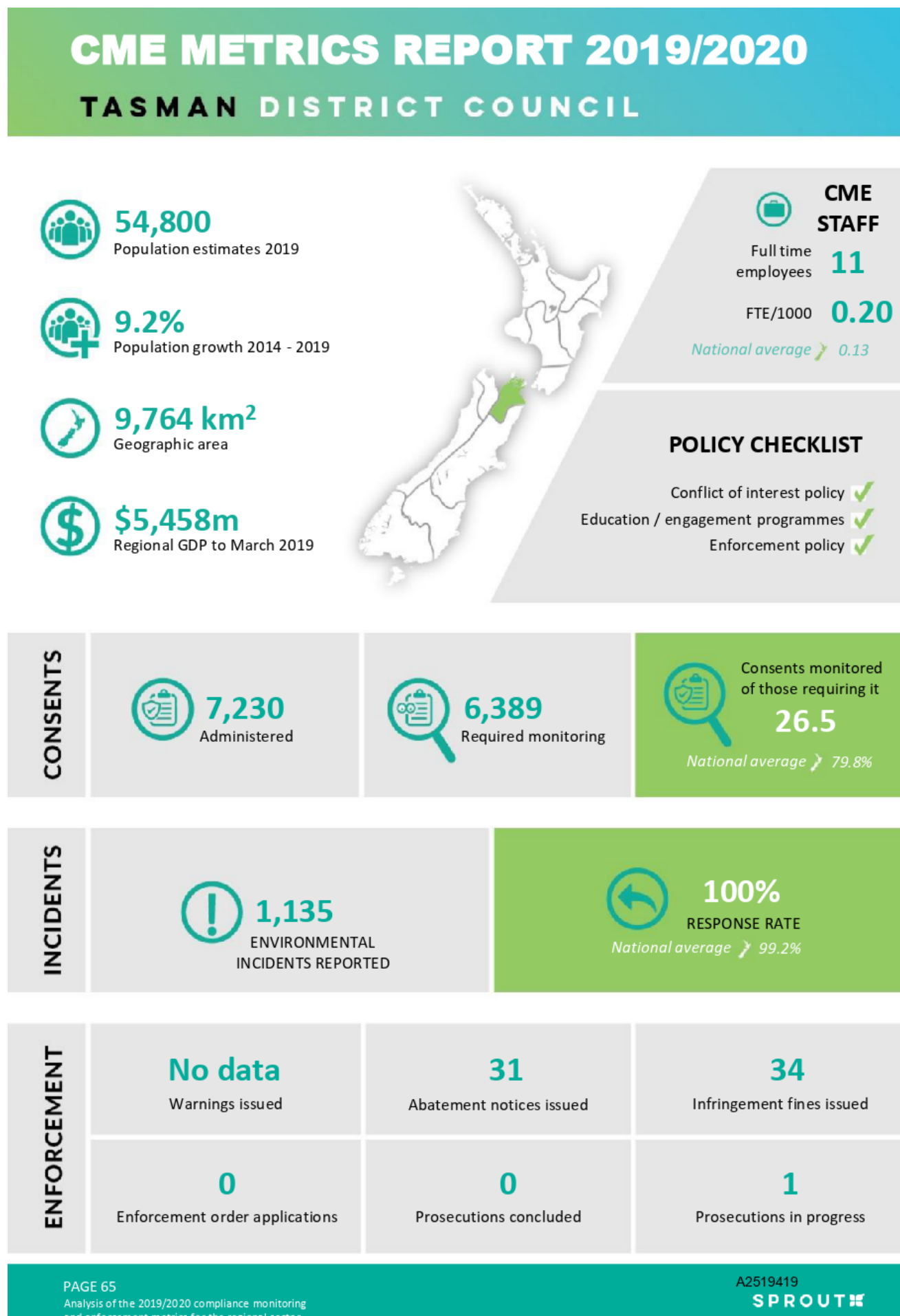
Enforcement order applications

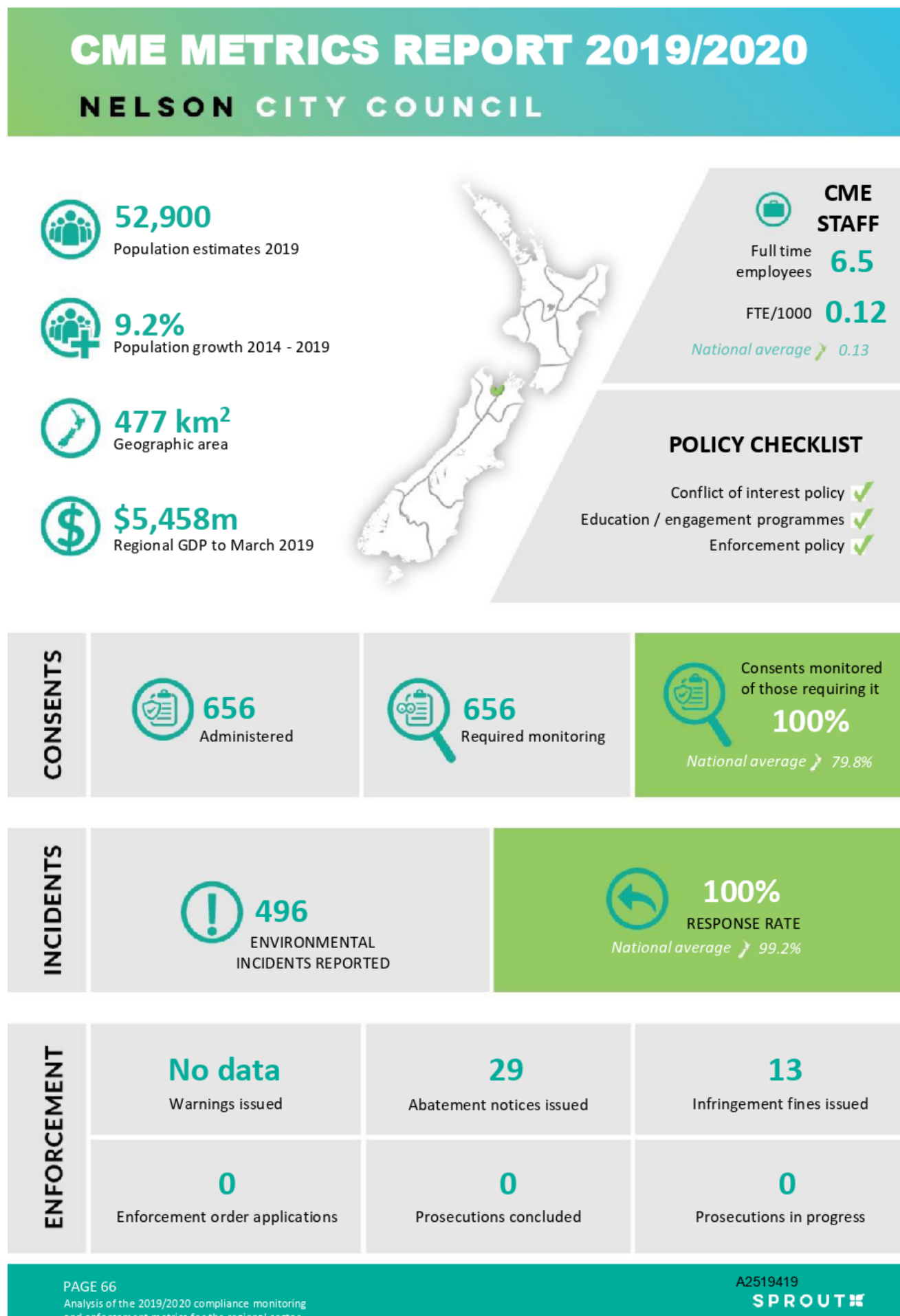
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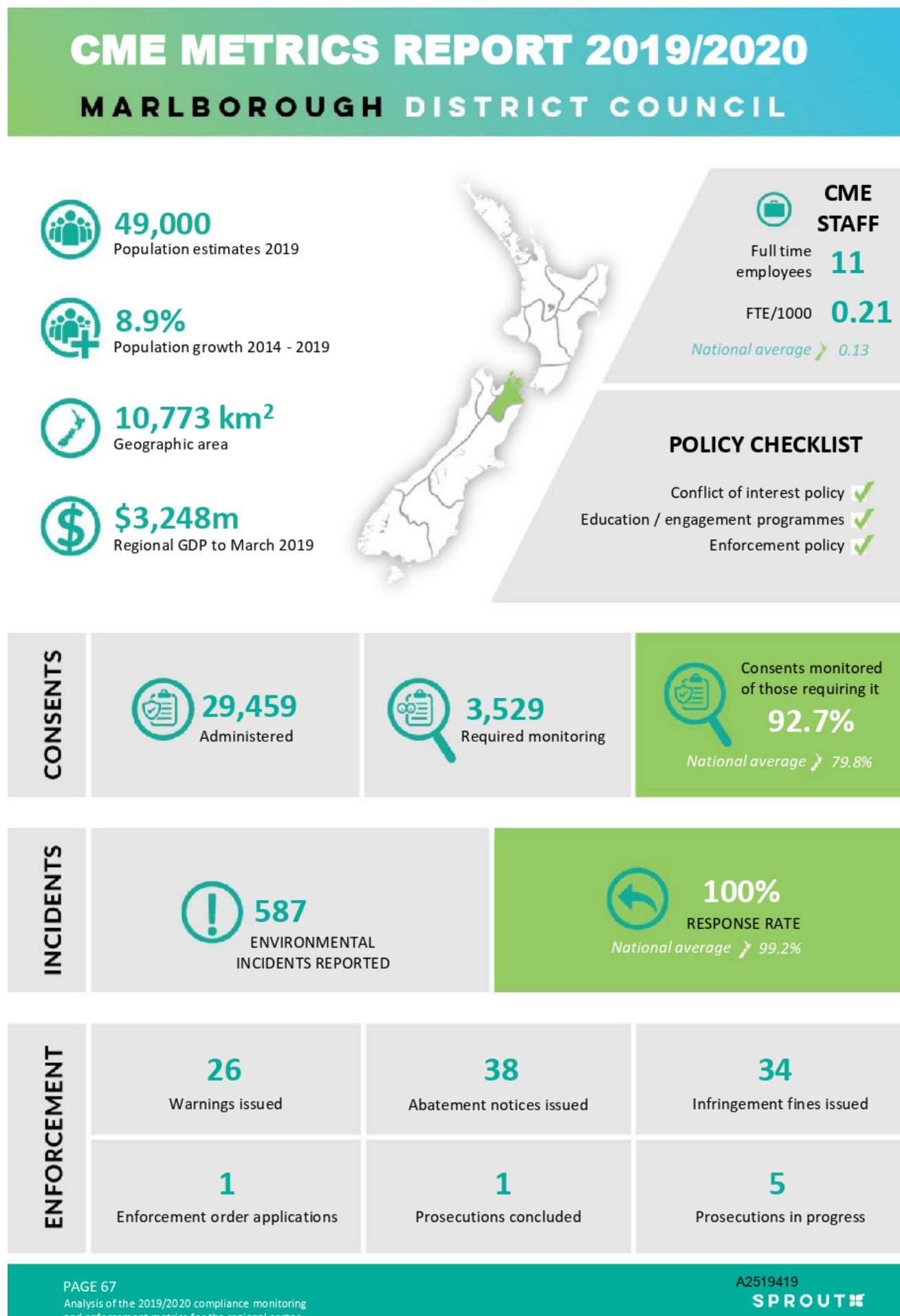
Prosecutions concluded

7

Prosecutions in progress







APPENDIX 1 – METRICS SURVEY QUESTIONS

1. Which council are you completing this survey on behalf of? [Regional/ Unitary]
2. And this is for?
 - Northland Regional Council
 - Waikato Regional Council
 - Bay of Plenty Regional Council
 - Hawkes Bay Regional Council
 - Taranaki Regional Council
 - Horizons Regional Council
 - Greater Wellington Regional Council
 - Environment Canterbury
 - Otago Regional Council
 - West Coast Regional Council
 - Southland Regional Council
 - Auckland Council
 - Gisborne District Council
 - Nelson City Council
 - Marlborough District Council
 - Tasman District Council
3. What is your name and contact details?

Comments to Iwi

Post 2017/2018 regional context data from common national sources (e.g. Statistics New Zealand) instead of requiring councils to submit it. This also helped ensure comparability

4. In no more than 300 words describe your regional key commitments to work with iwi/Māori on CME. For example, joint management agreements or other co-management agreements.

Note: The report author may contact you for further information or clarification of your response.

CME Operations (managing the workload)

Complaints

5. Does your council register/count:
 - an individual “incident” per notification?
 - one incident per event, regardless of the number of separate complainants?
6. How many notifications (complaints) were received from members of the public (or other sources, but excluding information from council monitoring activity) relating to environmental incidents or potential breaches of environmental regulation?

This might include information from, for example, emergency services attending an incident or perhaps a council staff member observing something while on other duties, but excludes information from council monitoring activity.

 - No. of individual complaints/calls?
 - No. of individual incidents logged?
 - Unknown

7. How many of these notifications were responded to by council?
This response may be in any form – e.g. phone call, site visit, desktop audit
8. How many of these notifications were physically attended by council staff?
If one incident had multiple visits, only count this as one.
9. How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?
10. How many of the breaches were for:
 - Breach of a resource consent?
 - Breach of permitted activity rules?

Monitoring Resource Consents & Permitted Activities

Resource Consents

11. How many individual, active resource consents exist in your region?
Exclude Land Use Consents where the activity is completed e.g. Land use subdivisions where the subdivision is complete and certificates issued or land use – building where the building has been constructed.
12. How many consents required monitoring during this period, in accordance with your monitoring prioritisation model/strategy?
13. How many of these consents were monitored (including desktop audit) in the period?

Compliance Gradings

14. In the 2019/20 year, did you use the four compliance grades as recommended by Ministry for Environment?
Yes/No
15. What grades do you apply to non-compliance? (e.g. technical non-compliance, significant noncompliance)
 - Fully Compliant
 - Technical/Low Non-Compliance
 - Moderate Non-Compliance
 - Significant Non-Compliance
 - Other (please specify)
16. When will your council be adopting the four compliance grades recommended by Ministry for Environment?
17. What were the levels of compliance with consents according to the grades you use?
Note 1: Numbers provided under each grade is per monitoring event not per consent. E.g. a consent may be monitored 4 times in the year on one occasion it may be Technically Non-Compliance and on three occasions it may be Fully Compliant, this would add 3 to the total of Fully Compliant and one to the total for Technical Noncompliance.
Note 2: The compliance grade is based on the condition with the worst compliance grade. (e.g. a consent with five conditions Fully Compliant and one condition Moderate Non-Compliance has an overall compliance grade of Minor Non-Compliance
Note 3: Daily telemetry water readings where compliance with water take limits is continuously monitored are to be excluded from compliance grade totals.
 - Fully Compliant
 - Technical/Low Non-Compliance
 - Moderate Non-Compliance
 - Significant Non-Compliance
 - Other (please specify)

Monitoring Permitted Activities

18. Which permitted activities do you have a monitoring programme for?

- Agriculture (excluding dairy)
- Aquaculture
- Construction
- Dairy
- Forestry
- Horticulture
- Industrial Stormwater
- Mining
- Oil and gas
- Tourism
- Vineyards
- Wineries
- Wintering
- Other (please specify)

Making Decisions on Priorities

19. What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?

20. Describe how you determine which consents are monitored and how frequently?

If there is a prioritisation model or compliance strategy, add link

21. Describe the basis, which was used for determining what, if any, permitted activities were monitored.

If there is a prioritisation model or compliance strategy, add link

Staffing Levels

22. How many FTEs does your council have who carry out monitoring roles?

Include contractors.

23. How many FTEs does your council have who carry out environmental incident or pollution response roles?

Include contractors.

24. How many FTEs does your council have who carry out investigation or enforcement roles?

25. How many FTEs does your council have who carry out a combination of the above roles? *Note 1: Include contractors*

Note 2: Only answer this question if you have not included these staff in questions 21, 22 or 23

26. How many FTEs does your council have in CME support roles?

This includes administrative roles, e.g. staff who assist with issue of notices, reminder notices, upload of unpaid infringements to MoJ.

CME Policies and Procedures

27. Does your council have an enforcement policy?

Yes/ No

28. What is your process for making decisions on prosecutions?

29. Who has the delegation to authorise filing of charges for a prosecution at your council?

30. Does your council have a conflict of interest policy?

Yes/ No

Acting on Non-Compliance

31. What was the total number of actions taken during the period for:

- Formal warnings issued
- Abatement notices issued
- Infringement notices issued
- Enforcement orders applied for

Note: This relates to the instruments issued in relation to the different sections of the Act (listed once for brevity)

- Section 9 Use of land
- Section 12 Coastal marine area
- Section 13 Beds of lakes and rivers
- Section 14 Water
- Section 15 Discharges of contaminants
- Section 17 Duty to avoid, remedy & mitigate
- Other breach e.g. Section 22

Prosecution

32. How many RMA prosecutions were:

Note: For this question please consider an entire case (regardless of number of charges and defendants) as one prosecution.

- Concluded in the period
- Still in progress in the period

33. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

34. For all of these (person) defendants what is the total number of convictions entered against them?

For example, there may be a total of 27 separate convictions entered against a total of nine 'individual' defendants.

35. What is the total number of corporate (e.g. Crown, company, body corporate etc) defendants convicted as a result of RMA prosecutions concluded in this period?

36. For all of these (corporate) defendants what is the total number of convictions entered against them?

For example, there may be a total of 30 separate convictions entered against a total of 12 corporate defendants.

37. Total number of convictions against: [see categories for sections of the Act as above]

- an individual
- a corporate entity

Total fine potential (Individual total x \$300,000, corporate entity total x \$600,000)

38. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period?

- Individual fines
- Corporate fines

39. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period?

- Prison sentence
- Enforcement order
- Reparation
- Community Service
- Discharge without conviction
- Other

40. How many prosecutions involved restorative justice, diversion or other alternative justice process?

- Restorative justice
- Diversion
- Alternative justice

41. Describe any outcomes relating to these processes.

Educating and Engaging with the Regulated Community

42. Does your council have, or support, any education or engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, workshops for earthworks contractors around erosion and sediment controls. Yes/No
43. If yes, briefly describe

CME Reporting

44. What mechanisms do your council use to report CME data to the public? e.g. annual reports, reports to councillors
 - Annual Report
 - Report to Councillors
 - Snapshot
 - Report(s) to Council committee meetings (open to public)
 - Other (please specify)

APPENDIX 2 - LONG FORM RESPONSES (QUESTION 3)

NORTHLAND REGIONAL COUNCIL	<p>NRC has a range of initiatives to work in partnership with Maori. A key one is the Te Tai Tokerau Maori & Council Working Party (TTMAC), which is an advisory committee established in 2014. Membership of this standing committee consists of 16 hapu/iwi representatives and all councilors. This group meet monthly. Four of councils five other working also have an equal number of Maori representatives sitting alongside councilors. This includes the Planning and Regulatory Working Party, which has oversight of CME as part of its purpose. Council has approved a Mana Whakahono ā Rohe and is progressing a programme of jointly signing with hapū groups. (Mana Whakahono ā Rohe are a binding statutory arrangement that provides for a structured relationship under the Resource Management Act 1991 between tangata whenua and councils). It includes an agreed process for hapū signatories to meet with the Northland Regional Council to discuss opportunities for hapū to be involved in council compliance and monitoring activities. In recent years council has provided support to 'kaitiaki rangers' in some coastal communities.</p>
WAIKATO REGIONAL COUNCIL	<p>The WRC has operative Joint Management Agreements (JMAs) with five 'River' Iwi – Waikato-Tainui, Raukawa, Te Arawa, Ngati Maniapoto and Ngati Tuwharetoa – as required by legislation. A key purpose of JMAs is to provide a framework for Iwi and the Council to discuss and agree processes for enabling co-management of planning, regulatory and other functions within the relevant Iwi's geographic area of interest. For all currently operative JMAs, this includes RMA compliance, monitoring and enforcement (CME) functions of Council. Whilst each of the JMAs was individually negotiated, there are common themes across all in relation to CME. The key commitments relating to CME within the JMAs generally include biannual operational meetings to discuss monitoring priorities, extent and methods; the potential for Iwi involvement in monitoring and enforcement processes; responses to non-compliance; consent review opportunities; the effectiveness of conditions and the effectiveness of compliance policies and procedures generally. The JMAs require various CME-related information to be provided, at different times – for example, summary updates of enforcement actions (prosecutions, enforcement orders, abatement notices and infringement notices) undertaken by the Council under the RMA for the JMA area. Agreed outcomes and actions from biannual operational meetings will, where appropriate, be reported up to the corresponding co-governance committees.</p>
BAY OF PLENTY REGIONAL COUNCIL	<p>We do not currently have any formal CME focused arrangements with tangata whenua; however, the role and importance of Māori as kaitiaki is considered in the day to day implementation of our compliance programme. In practical terms, this may include ensuring tangata whenua are notified of incidents in their rohe ('no surprises' approach) and involved in project where appropriate (e.g. marae wastewater). CME information is also formally reported to co-governance groups (eg. Rangitaiki River Authority and Te Maru o Kaituna)</p>

HAWKESBAY REGIONAL COUNCIL	<p>A fundamental relationship exists between HBRC and the Treaty settlement groups within Hawke's Bay. While this is tangibly demonstrated through the Regional Planning Committee (RPC) (a co-governance arrangement created by statute and responsible for the development and review of regional policy statements and regional plans) HBRC regularly meets with the Post settlement governance entities to discuss matters of concern beyond the remit of the RPC. This includes regulatory matters within the relevant rohe and CME issues. In the 2018/19 financial year HBRC created the role of Tumuaiki to strengthen our knowledge of Mātauranga Māori and to further enhance relationships with tangata whenua within the region on matters of importance to them. The Māori Partnerships Unit now has three fulltime staff who liaise with staff in other areas including CME. HBRC staff and councilors attend hui throughout the region involving particularly marae communities to listen to particular issues that those communities have and to assess where Council can best help. Finally since 1991 we have had a Māori Committee as a representative group of Ngāti Kahungunu tangata whenua. This committee is where formal reporting on CME issues, including formal reports, are put forward for discussion and recommendations to Council.</p>
TARANAKI REGIONAL COUNCIL	<p>The Council has 3 iwi appointed representatives on each of its Consents and Regulatory and Policy and Planning Committees. This provides for CME input at this level. In addition the Council engages directly with iwi over prosecutions and obtains victim impact statements for sentencing. The 4 local authorities in the region are currently trying to develop Iwi Relationship Agreements, under the Mana Wakahono a Rohe provisions of the RMA, with 7 iwi in the region, which potentially includes CME provisions.</p>
HORIZONS REGIONAL COUNCIL	<p>No formal agreements at this stage with iwi around CME, however, in the event of a major incident or comprehensive investigation iwi are advised. regarding the latter Council endeavors to obtain cultural impact statements from iwi that are then put before the court as part of the sentencing process.</p>
GREATER WELLINGTON	<p>As well as the items referred to in previous years responses. Introduction Chapter to our proposed Natural Resources Plan lays out the collaborative work and strategy for involving iwi. http://www.gw.govt.nz/assets/Proposed-Natural-Resources-Plan/Web-update-docs/Chapter-1-Introduction.pdf The Whaitua Committee Pages expand on the above and how we will engage and collaborate with iwi and communities in the CME space http://www.gw.govt.nz/whaitua-committees/</p>

ENVIRONMENT CANTERBURY	While the Local Government Act 2002 sets out provisions relating to all Māori, it is recognized that within the Canterbury region, Ngāi Tahu are the tangata whenua. They have special status in terms of Environment Canterbury's resource management activities and are not just another interest group. The Resource Management Act 1991 gives regional councils specific obligations regarding kaitiakitanga, the principles of the Treaty of Waitangi and the relationship between Māori and their culture and their traditions with their ancestral lands, sites, wāhi tapu and other taonga. To give effect to the obligations under the Local Government Act 2002 and the related obligations under the Resource Management Act 1991, we have committed with Ngāi Tahu to improve relations and interaction and integrate improved working practices across Environment Canterbury. The way we do this falls under the umbrella of our joint work programme Tuia. Best practice examples of working with Ngāi Tahu are also included. This is especially noted in our co-governance agreement for Te Waihora and the way we implement improvements under Tuia.
OTAGO REGIONAL COUNCIL	We have used iwi for cultural impact assessment reports on prosecution cases.
WEST COAST REGIONAL COUNCIL	Iwi reps sit on Council's Resource Management Committee and CME activity is reported to this committee monthly. Iwi are provided with a list of all resource consent applications received. WCRC is working towards a Mana Whakahono a Rohe arrangement with iwi and this is close to being formalized.
SOUTHLAND REGIONAL COUNCIL	Ngāi Tahu ki Murihiku (tangata whenua) have a particular interest in the work of Environment Southland. And mutually, the council has responsibilities towards Māori and Māori cultural and spiritual values. The approach we have in Southland today is unique in the South Island. Its aim is to ensure Māori values are reflected in the council's decision-making, so that Southland's mauri is protected for now and generations to come. Te Aō Marama Incorporated (the environmental arm of Ngāi Tahu ki Murihiku) was one of the key facilitators when the relationship between the council and iwi began in the early 90s. Te Aō Marama was delegated the responsibility of dealing with councils on environmental matters, on behalf of the four papatipu rūnanga who hold mana whenua over all ancestral lands in Murihiku – Awarua, Hokonui, Ōraka Aparima and Waihōpai. For 25 years the relationship with Environment Southland continues to grow, with various protocols being developed to ensure smooth and efficient processes for plan development and consents management, a jointly funded iwi policy advisor position, an iwi management plan Te Tangi a Tauira, and a partnership to improve Southland's water and land through the People Water and Land programme – Te Mana o te Tangata, te Wai, te Whenua. The most recent milestone in the council's relationship with iwi is the inclusion of mana whenua positions on two of Environment Southland's committees. The successful candidates for these positions will start their work after the elections in October. Environment Southland, refers to the iwi relationship as te kōura tuia – the 'golden thread' that we weave through all our work. It's just part of how we operate. There is a commitment to the responsibility of improving Southland's local government understanding of all things Māori.

AUCKLAND COUNCIL	Regular contact with 19 Mana Whenua groups through Kaitiaki forum (hosted by AC) and more recently have held a series of wananga to workshop our CVA processes. Work specifically on CME includes assistance with impact statements in enforcement proceedings and remediation
GISBORNE DISTRICT COUNCIL	We are currently looking at ways in which we can work with iwi/Maori on CME issues. One area being looked at is local iwi being able to provide victim impact statements.
NELSON CITY COUNCIL	No formal agreements in place, iwi involved in revising Plan provisions and will request an iwi monitor be on site through resource consents when required
MARLBOROUGH DISTRICT COUNCIL	MDC engage with Iwi and Hapu in relation to a CME with cultural impact and priorities as required. MDC operates a Iwi working group in the development of plans. MDC currently have a draft Iwi Engagement Plan.
TASMAN DISTRICT COUNCIL	No formal agreements under CME responsibility at this stage but being developed. At a very early scoping stage.

Ratification of the updated Port Nelson Noise Contour Map

1. Purpose of Report

- 1.1 To receive and ratify the updated Port Nelson Noise Contour Map as set out in the 2018 review.

2. Summary

- 2.1 The Nelson Resource Management Plan (NRMP) requires Port Nelson to operate in accordance with a Port Noise Management Plan and to review this Plan on a regular basis. The NRMP states that the Port Noise Management Plan is to contain a Port Noise Contour Map and that any updates are to be ratified by the Council.
- 2.2 The Port Noise Liaison Committee (PNLC) has provided Council with an updated version of the Port Nelson Noise Contour Map further to a review of the map in 2018 and 2019. It is now seeking that the Council give effect to the amendments from the 2018 review of the contour map.
- 2.3 Port Nelson and the PNLC have met statutory requirements in reviewing the Port Noise Contour Map. It is recommended that the updated Port Noise Contour Map as set out in the 2018 review is ratified by Council in accordance with the requirements of the NRMP.

3. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Ratification of the updated Port Nelson Noise Contour Map (R18192) and its attachment (A2428728); and***
- 2. Confirms ratification of the 2018 amendment of the Port Noise Contour Map (A2428728).***

Item 9: Ratification of the updated Port Nelson Noise Contour Map

4. Background

- 4.1 The Nelson Resource Management Plan (NRMP) permits noise emitting activities to occur at the Port if Port Nelson operates in accordance with a Port Noise Management Plan, implements and complies with a Mitigation Plan, and maintains a Port Liaison Noise Committee. These noise provisions were collectively developed in conjunction with Port Nelson, the Council, and community representatives as part of Environment Court appeal negotiations in 2012.
- 4.2 The Port Noise Management Plan (NMP) sets out the long term commitment of Port Nelson Limited (PNL) regarding the management of port noise from Port related activities. The NMP outlines how PNL will take active steps to comply with the noise management controls in the NRMP (Rule INr.40) and the reasonable noise requirements of the Resource Management Act (section 16 RMA).
- 4.3 The NRMP sets out minimum requirements for the Port Noise Management Plan, including that it contain a Port Noise Contour Map. The contour map is required to be updated on an annual basis initially for the first five years, and then every two years. The contour map was reviewed in 2018 and subsequently recommended to be updated. The updated contours were further reviewed in 2019, in accordance with the annual review requirement, and were confirmed as not requiring modification. The contour map now requires review on a two-yearly basis – the next review being due later this year (2021).
- 4.4 Alterations to the Port Noise Management Plan are to be by resolution of a majority of the Port Noise Liaison Committee (PNLC) and ratified by the elected Council. Ratification includes formal acceptance or consent that the required process (as set out in the NRMP) has been followed correctly.
- 4.5 The PNLC comprises three members of PNL (Environment Officer, General Manager Infrastructure, General Manager Operations), three Residents Representatives (members appointed by residents living in the Port Hills), and an independent chairperson appointed by the PNLC.
- 4.6 The PNLC is required to meet not less than four times per year. Further to its meeting in November last year the PNLC confirmed its support for the amendments to the port noise contour boundaries in the 2018 Noise Contour Review and have requested that the Council gives effect to these new boundaries.

5. Discussion

- 5.1 In accordance with the requirements of the NRMP, Port Nelson completed an annual review of the Port Nelson Noise Contour Map in 2018 and 2019. To reflect the scale and nature of changes to Port operations over previous years a full acoustic model review was completed in 2018, and was confirmed by the 2019 review.

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- 5.2 The 2018 full acoustic review included on site noise measurements of PNL's operations over a busy five day period by a qualified acoustics engineer, and the recalibration and running of the model to predict the Port Nelson Noise Contour Map. The 2018 prediction of the Port Noise Contour Map has resulted in changes to the contours, and consequentially the properties affected by the Port noise that are eligible for acoustic treatment assistance from PNL.
- 5.3 The 2018 model was verified by ground measurement and the recommendation made by the acoustic engineer (Hegley Acoustic Consultants) is that the changes are consequential and the 2018 Noise Contour Map is appropriate and should be adopted. This recommendation was peer reviewed and endorsed by Marshall Day Acoustics.
- 5.4 The updates to the Port Noise Contour Map broadly includes both the inclusion and exclusion of properties (in comparison to the 2005 port noise contours) at each of the three dBA contours as follows:
- 50 dBA – inclusion of a small number of residentially zoned properties on Maori Road, Fountain Place, Beachville Crescent, Stanley Crescent, Victoria Heights, Queens Road, Harbour Terrace, Fifeshire Crescent and Wakefield Quay, and a small number of commercially zoned properties on Haven Road where it intersects with Fountain Place; and exclusion of a very small number of residentially zoned properties on Beachville Crescent, Britannia Heights, Victoria Heights, Harbour Terrace, Albert Road and Wakefield Quay.
 - 60 dBA – inclusion of commercially zoned properties on Haven Road where it intersects with Fountain Place, a residentially zoned property on Russell Street, and a small number of residentially zoned properties on Queens Road; and exclusion of a small number of residentially zoned properties on Beachville Crescent, a number of residentially zoned properties on Mount Pleasant Ave, and a small number of residentially zoned properties on the corner of Victoria Heights and Queens Road.
 - 65 dBA – inclusion of a small number of commercially and residentially zoned properties along Haven Road where it intersects with Russell Street; and exclusion of some residentially zoned properties on Queens Road and a small number of commercially zoned properties on Haven Road.
- 5.5 In conclusion, Port Nelson has followed the correct process as set out in the NRMP, and have met its obligations, with respect to the reviews and update of the Port Noise Contour Map.
- 5.6 With respect to the properties that are shown on the current Port Noise contour map, the NRMP also requires the Port operator to make available to these property owners, an annual update on the noise modelling information for the first five years and every two years thereafter. As this requirement only relates to properties that are included in the current Port Noise Contour Map (and not necessarily the properties that the

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contour map no longer applies but which were on the contour map pre the 2018 review amendment), a specific request will be made to the Port to inform all affected landowners of the change (as in those properties that have been added, removed and retained through the 2018 amendments of the Port Noise Contour Map).

6. Options

Option 1: Ratify the 2018 amendment of the Port Noise Contour Map	
Advantages	<ul style="list-style-type: none">• Council meets its obligations set out under the Nelson Resource Management Plan.• Port Nelson and PNLC can continue to meet and operate in accordance with the requirements of the Nelson Resource Management Plan.• The community and affected residents can continue to receive the mitigation anticipated by the Environment Court decision.
Risks and Disadvantages	<ul style="list-style-type: none">• No significant risks or disadvantages from this option.
Option 2: Do not ratify the 2018 amendment of the Port Noise Contour Map	
Advantages	<ul style="list-style-type: none">• No significant advantages from this option.
Risks and Disadvantages	<ul style="list-style-type: none">• The Council, Port Nelson and PNLC fail to meet the requirements set out in the Nelson Resource Management Plan.• Financial and relationship implications for Port Nelson operations, the community and residents located within the updated Port noise contours.

7. Conclusion

- 7.1 Port Nelson and the PNLC have met statutory requirements and provided Council with the necessary reviews of the Port Noise Contour Map. It is recommended that the updated Port Noise Contour Map is ratified by Council in accordance with the requirements of the NRMP.

8. Next Steps

- 8.1 The next step for Port Noise is for Council officers to provide an update to elected members following stakeholder engagement on the options assessment for managing noise effects generated at the Port (proposed to commence next month).

Item 9: Ratification of the updated Port Nelson Noise Contour Map

Author: **Natasha Wilson, Principal Planner**

Attachments

Attachment 1: A2428728 - Port Nelson - Noise Contours - 2018 Review [↓](#)

para

Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>The review and update of the Port Nelson Port Noise Contour Map is consistent with Local Government Act 2002 requirement to promote the environmental wellbeing of the Nelson community.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The review and update of the Port Nelson Port Noise Contour Map is a requirement of the Nelson Resource Management Plan for the management of noise generated by Port operations. This is consistent with the Council's community outcome that:</p> <p><i>Our communities are healthy, safe, inclusive and resilient.</i></p>
<p>3. Risk</p> <p>There are no perceived risks associated with accepting and ratifying the 2018 amendment of the Port Noise Contour Map.</p>
<p>4. Financial impact</p> <p>No additional resources or costs are required. Review of the options for managing noise effects generated at the Port will be considered as part of the anticipated Nelson Plan costs.</p>
<p>5. Degree of significance and level of engagement</p> <p>This matter is of low significance and is in accordance with a process set out by the Environment Court and anticipated by the members of the community who have the potential to be affected. Further, members of public will have the opportunity to submit on the Port noise management processes through public engagement (phase 2) on the Draft Nelson Plan.</p>
<p>6. Climate Impact</p> <p>The decision to accept the 2018 update of the Port Noise Contour Map will have no impact on the ability for the Council or City to proactively respond to the impacts of climate change now or in the near future and will have no impact on greenhouse gas emissions.</p>
<p>7. Inclusion of Māori in the decision making process</p> <p>No engagement with Māori has been, or is required to be, undertaken in preparing this report.</p>

8. Delegations

The Environment Committee has the following delegations to consider the Port Noise Contour Map (which is a requirement of the Nelson Resource Management Plan):

Areas of Responsibility (5.4.1):

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

Delegations (5.4.2):

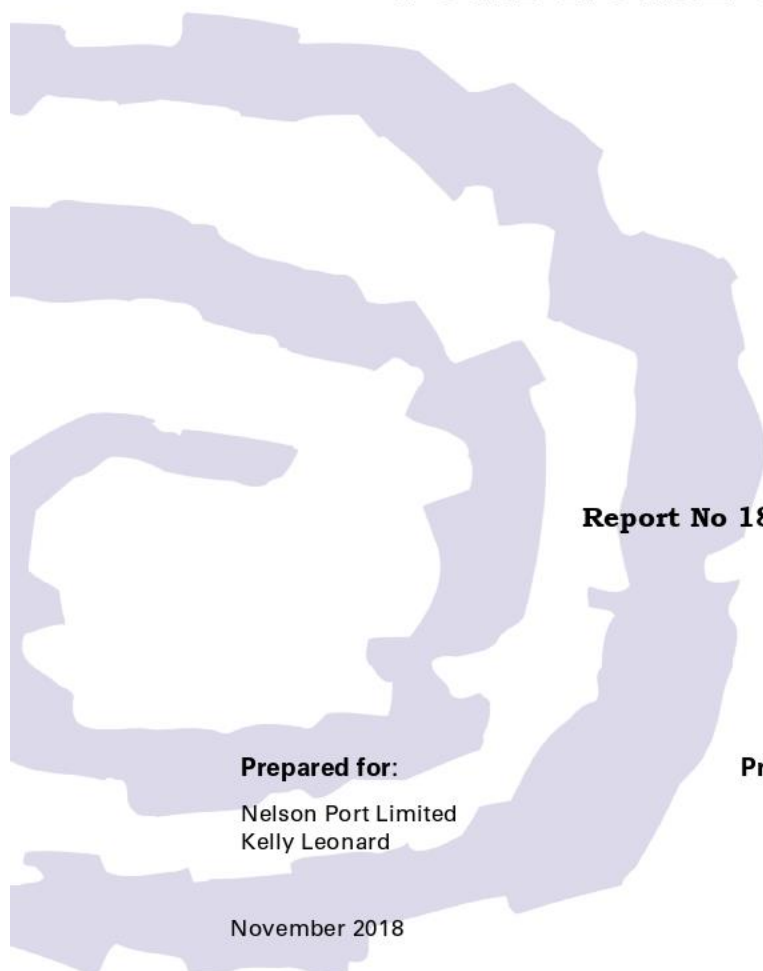
- *The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*



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REVIEW OF THE PORT NELSON PORT NOISE CONTOURS



Report No 18048v3

Prepared for:

Nelson Port Limited
Kelly Leonard

November 2018

Prepared by:

A handwritten signature in blue ink, appearing to read "Rhys Hegley", is written over a dotted line. Below the signature, the name "Rhys Hegley" is printed in a black, sans-serif font.

Rhys Hegley

A2428728

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1. INTRODUCTION

This report describes the review process of the noise contours for Port Nelson Limited (PNL). It sets out the regulatory framework that drives the need for the contours and dictates the use before going on to provide a full account of how the noise contours were prepared, before presenting the contours.

2. NELSON RESOURCE MANAGEMENT PLAN

The Nelson Resource Management Plan (NRMP) identifies the importance of PNL in policy DO12.1.1, which state:

Policy DO12.1.1 recognition of port resource

To recognise the Port Industrial Area as a significant regional physical resource which is part of the infrastructure of the wider Nelson/Tasman region. This is of particular importance in respect of its industrial nature and character, and location partly within the coastal marine area Explanation

The NRMP goes on in policy DO12.1.3 to identify a common conflict with ports as they are often in close proximity to residential dwellings:

Policy DO12.1.3 noise effects

Noise effects arising from port-related activities should be managed in a way that will provide a reasonable standard of residential amenity including an environment where reasonable sleep can occur within the neighbourhoods surrounding the Port Industrial Area.

Explanation and Reasons

DO12.1.3.i *There is no one technique for managing the effects of port noise¹. The Port Industrial Area is located in close proximity to established residential areas which may expect to experience continued noise effects from port operations and other activities within the Port Industrial Area i.e. it is not possible to avoid these effects in this context. The noise produced by the Port Industrial Area is to be managed and mitigation used, to address effects, particularly on the indoor living environment of areas adjacent to the port.*

DO12.1.3.ii *Noise contours which reflect the present level of effect experienced by adjacent properties will be used to determine the level of mitigation required. They will be regularly monitored, and updated if a change in the level of port noise occurs.*

The policies of the NRMP are affected through rule INr.40, which requires:

INr.40

Port Industrial Area noise management

Activities in the Port Industrial Area which emit noise shall be permitted if:

- a) The Port Operator has produced within 6 months of notification on Variation 07/01², and at all times thereafter operates in accordance with, a Port Noise Management Plan which includes. But is not limited to, the matters set out in Appendix 29.A; and*
- b) The Port Operator has produced within 6 months of notification of Variation 07/01, a Port Noise Mitigation Plan, and thereafter implements and complies with the Mitigation Plan for the purchase or acoustic*

¹ See Definitions

² NRMP Variation 07/01 - Port Noise

treatment of noise-affected properties which includes but is not limited to the matters set out in Appendix 29.B; ...

Appendix 29.B of the NRMP 'Port Noise Management and Mitigation Plans and Port Noise Liaison Committee' requires, in part that:

A29.A.2 Minimum Monitoring and Reporting Requirements

d) The Port Operator³ shall produce and include in the Port Noise Management Plan a port noise contours map based on the energy average of the daily L_{dn} for 5 consecutive busy days. The contour map shall be updated on an annual basis for the first five years, and every two years thereafter. Port noise contours shall be modelled at 1dB intervals between 55dBA L_{dn} and 70dBA L_{dn}.

d1) For the purposes of determining acoustic treatment in accordance with AP29.B the noise shall be measured or predicted at 1.8 metres above the floor height of the relevant room to be treated.

e) To ensure the accuracy of the port noise contours map prepared in accordance with paragraph d), the Port Operator shall arrange for a suitably qualified person to perform field verification of calculated sound exposure levels and assessed L_{eq(15 min)} levels of port noise at monitoring points identified in the Port Noise Management Plan. These monitoring points shall be decided by agreement between the Port Operator's acoustic consultant and the Nelson City Council and, if they cannot agree, then as points determined by the Nelson City Council.

³ See definitions

f) Those noise-affected properties⁴ eligible for mitigation under Section AP29.B.1 of Appendix 29.B shall be identified on the port noise contour map^[3].

The NRMP identifies the importance of the Port Noise Contour Map. Firstly, it defines a measurable limit for Port Noise. Secondly, it serves to define the noise-affected properties before providing the necessary external level of port noise required for the specific design of mitigation to those properties.

3. NZS 6809: 1999

NZS 6809: 1999 'Acoustics - Port Noise Management and Land Use Planning' (NZS 6809) provides the basis for the preparation of the Port Noise Contours. These requirements are largely incorporated into the NRMP and are therefore included above. A deviation from NZS 6809 is that while the Standard requires the future noise levels from a port to be predicted, the PNL contours are for the current day. The reason for this is that A29.A.2 of the NRMP (see above) requires the Port Noise Contour Map to be updated yearly for the first five years and biannually after that.

4. METHOD OF PREDICTION

The Port Noise Contour Map has been produced using the Predictor noise modelling software. Predictor uses 3D plans of PNL and the surrounding ground contours that are available from Nelson Council's GIS system to produce a full scale model of the port and the surrounding area. The houses on the surrounding hills have also been added to the model from the GIS data.

Contours have been predicted 1.8m above ground level and are therefore representative of the exposure of a ground floor receiver. It is noted that upper floor receivers may potentially experience levels 1 – 3dB above the level described by the contours and that any such differences between ground and upper levels would be expected to be within the margin generally adopted as a factor of safety to any design.

PNL then identified each individual item of plant operating at the Port as well as the area over which it operates. The noise from the identified plant was then measured during two visits to site with that data being entered directly into the model as sound power levels (SWL). The exception was the road trucks, as these are not specific to the Port and as such, measurements from a range of other road trucks were referenced. Port noise is a function of not only how loud the plant is and where it is located, but also how long it operates for and, importantly, the split between day and night. These times were developed in consultation with PNL.

The split of use between day and night is to take account of the increased effects that a night time activity will have when compared to the same activity occurring during the day time. The L_{dn} metric used to describe port noise added a 10dB penalty to the measured plant noise level during the night time period. In accordance with common practice, night time has been taken as 10pm to 7am the following day.

The following sections identify the various plant used at the Port, its locations, SWL and use over the day and night time for a busy five day period at PNL.

4.1. Base Data

This section provides information on the base data used to build the Predictor noise model.

4.1.1. Topography

Ground contours were obtained from the Nelson Council GIS data in 0.5m height increments.

As with previously prepared noise contours, ground absorption has been taken as 0.6 for the land, where 0 represents a reflective surface and 1 an absorptive surface. The absorption of water is modelled as 0.

4.1.2. Structures and Buildings

Council GIS data includes the shape and locations of the houses surrounding PNL, all of which have been modelled as single storey at 4.0m high. As some houses and apartment blocks consist of multiple floors, the adopted approach may overestimate the noise contours immediately behind these higher buildings.

The GIS data also included buildings and structures, such as tanks, within the Port. These were included in the model but updated where the latest plans from PNL show changes to buildings. In the case of PNL, the actual heights of buildings and other structures were modelled.

4.1.3. Port Operations and Equipment

The following describes the activities of PNL with Figure 1 showing the locations of those activities.

SHIPPING CONTAINERS

Shipping containers form a large part of PNL's cargo throughput. Goods being imported to Nelson arrive via ship before passing through the container storage area shown on Figure 1 to be transported from site via road trucks. The reciprocal route is followed by goods being exported from the Nelson/Tasman region. PNL has capacity for a total of 3,500 containers, which consist of either regular

containers or refrigerated containers (reefers), as shown on Figure 2. There are 896 points for reefer containers which require mains power to operate the engine motors to keep temperature. As the container numbers are constantly varying, analysis has been based on 70% occupancy.

The containers, which are 2.4m high, are stored over much of the Port as identified on Figure 1. Full containers are stored up to four high while the lighter empty containers are stored in stacks up to six high and analysis includes the screening offered by the containers.

While the regular containers make no noise, the reefers do with analysis being based on multiple measurements of a single reefer. For the control of noise, the blocks of reefers are typically orientated so that the southernmost, which are the most exposed to those outside of the Port, face north so that the mass of the reefer provides some screening. Reefers have been modelled as single point sources consisting of 32 reefers each



Figure 2. Two Stacked Reefers



Figure 1. Port Activities

containers act as a screen to the refrigeration plant. There are several exceptions, but these containers are well removed from the Port boundary and are therefore not expected to affect noise levels outside of the Port.

The refrigeration plant is on a thermostat so that it cycles on and off, depending on load. Analysis has been based on each reefer operating for 80% of its time at the Port.

SHIPS

A number of ships visit the various wharfs of the Port over a busy five day period and do so over the full 24 hour period. The following Table 1 provides a summary of the average time that ships were at each wharf over the busy five day period identified by PNL for analysis.

Ship noise is controlled by the engine room exhausts, which are mounted near the stern. Ships at PNL are moored with their bow facing south or west whenever possible so as to maximise the distance between the exhausts and the community. The modelling reflects this with the ship noise modelled as a point source placed at the rear of the ship location. No screening is assumed from the ship itself. Noise from the various ships that visit Port Nelson have been measured during several visits to site. The resulting levels vary, and those used for the modelling are reported on Table 3 below.

Table 1. Summary of Ship Movements

Wharf (Figure 1)	Activity	Average hours/day (hrs) for the busy five day period	
		Day	Night
Main Wharf South	Containers	6.6	3.6
Brunt Quay	Containers	7.4	1.8
Main Wharf South	Petroleum/ Cement	12.4	8.6
Mc Glashen Quay	Vehicles	3.5	0.4
Kingsford Quay	Logs	8.5	4.8

CONTAINER HANDLERS

Container handlers (Figure 3) are essentially a large forklift and are used to lift and manoeuvre the containers into place. PNL uses different types on container handlers for empty (ECH) and full containers (FCH) and analysis has been based on measurements of each, as reported in Table 3 below.



Figure 3. Container Handler

Container handlers are used to:

1. Ferry the containers short distances between the ships and the storage location in the container yard, which is identified on Figure 1;
2. Load and unload the containers on to a Mafi, the in-Port trucks that are used to transport the containers when the distances between the ship and storage area are larger than the container handlers are suited to;
3. Load and unload the containers on to road trucks which transport the containers to and from Port Nelson; and
4. To move containers around the terminal as necessary

Container handlers work continuously when a ship is in Port meaning they will operate during the daytime and night time. The use of these machines therefore, is directly related to the duration that container ships are in Port, which is described in Table 1.

While a container vessel is in port, 2 x ECH and 2 x FCH will load it continuously day and night until completed with the only scheduled stoppage being for operator breaks. The operating hours of these container handlers are therefore directly related to the ship schedule, as described in Table 1. In addition to the container handlers serving the ships, an additional 5 x ECH and 2 x FCH will work in the container yard, with the operating hours as described below.

When there are no container ships in port, 6 x ECH and 2 x FCH will operate in the yard from 7.00am to 5.30pm. From 5.30pm to 11.00pm this number will reduce to either 1 x ECH or 1 x FCH.

Modelling has been based on 11 container handlers working in the container yard with each being modelled as a stationary point source. While the container handlers, in fact, move around there are enough point sources so that they can be spread over the container yard in an even fashion so as to accurately approximate the real life situation. Based on this approach, the hours that each container handler works has been reduced to the following modelled situation:

Table 2. Container Handler Hours

Container Handler Type	Hours/ day Use of Each Container Handler	
	Day time	Night Time
Empty	10.1	5.4
Full	11.5	5.0

Figure 1 shows four additional container handlers. These are related to the work at Quay Pack, which is discussed below.

MAFI

The Mafi is the in-port truck used to transport containers longer distances than the container handlers are suited to. Figure 4 below shows a Mafi. Within the container yard, container handlers load and unload these vehicles. At the ship, the Mafi is loaded by the container handlers but unloaded directly by the cranes.



Figure 4. Mafi Transporting Containers

Analysis has been based on measurements of a Mafi at the Port as reported in Table 3.

The Mafi will travel between the cranes at Main Wharf South or Brunt Quay and the container yard, which is identified on Figure 1. Rather than model the relatively intricate paths these vehicles must follow on a daily basis, analysis of the Mafi has been simplified by assuming it follows a circular path about the perimeter of the container yard, as shown on Figure 1. As movement data is not available for these vehicles they have been model as a moving point source with a large number of these circular trips to ensure they are well represented in the analysis. While 200 daytime and 150 night time movements were adopted, the subsequent analysis showed that the noise from these vehicles did not control

the cumulative noise from the Port so the adopted analysis method was not further refined.

CRANES

PNL has three mobile cranes that are used to lift the containers on and off the container ships on Main Wharf South and Brunt Quay. When loading, the cranes either pick up the containers from the ground, as delivered by the container handlers, or directly from the Mafi. For unloading, the cranes place the containers on the ground from where they are moved to storage by the container handlers.



Figure 5. Mobile Crane

The cranes, which are shown on Figure 5, are free to traverse the length of the two container wharfs (Main Wharf South and Brunt Quay) but as shown on Figure 1, they typically set up near one end of the wharf and have been modelled as point sources in the locations shown on Figure 1. Analysis has assumed that all cranes are operating over the busy five day period with one at the end of each container wharf. Analysis has been based on measurements of some of the cranes, as reported in Table A below.

The amount of crane use equates to the duration of when the container ships are in port, which is described in Table 1.

CONTAINER TRUCKS

Containers are transported to and from PNL using road trucks. Trucks arrive at the main gate before following a one way route through the Port as shown on Figure 1 passing a dedicated area where they are loaded and unloaded with the container handlers. Trucks are typically limited to the hours of 7.00am to 7.00pm, although, through prior arrangement, special one-off deliveries can be made outside of these hours. Noise modelling was based on using counts of trucks during a busy five day period when 231 trucks passed through PNL from 7.00am to 7.00pm. No night time deliveries are considered in the assessment. Only trucks within the Port Operations Area are considered in the analysis meaning that trucks on the public road network surrounding the Port are excluded.

Trucks are modelled as a moving point source with the noise data provided in Table A being from measurements Hegley Acoustics has on file for similar trucks.

LOG TRUCKS

Logs arrive at the Port in a similar fashion to the containers, doing so at the end of Rogers Street. Once in the log yard, the trucks are unloaded with log loaders, before departing again through the main site gate with the route shown on Figure 1. Trucks access the site over a 18 hour period beginning at 5.00am with records showing 134 visits during the day time period (until 10.00pm) with a further 27 at night time.

Trucks are modelled as a moving point source with the noise data provided in Table 3.

LOG LOADERS

The log loaders are a front-end loader with tines instead of a bucket as shown on Figure 6. Log loaders unload the trucks to store the logs in the yard adjacent to

Kingsford Quay as identified on Figure 1. During this time, they work over the same 17 hour period as the log trucks. When a ship is in Port, the log loaders then transfer the logs to one of four cradles that are positioned on the Quay immediately adjacent to the ship, which is also shown on Figure 6. Over this period, the log loaders operate over the period that the ship is in Port, which is detailed in Table 1.

PNL's four log loaders have been modelled as four point sources spread evenly over the log yard. Table 3 provides the sound power data of a log loader that was determined through site measurements. For modelling, no screening was assumed from the stored logs. Comparing the hours that the log loaders operate with the ship and the trucks shows that the trucks require longer day time hours than the ships while the ships requires longer night time hours. As such the hours of operation can be summarised as:

- Day time – 15 hours/ log loader (from trucks)
- Night time – 4.8 hours/ log loader (from ship)

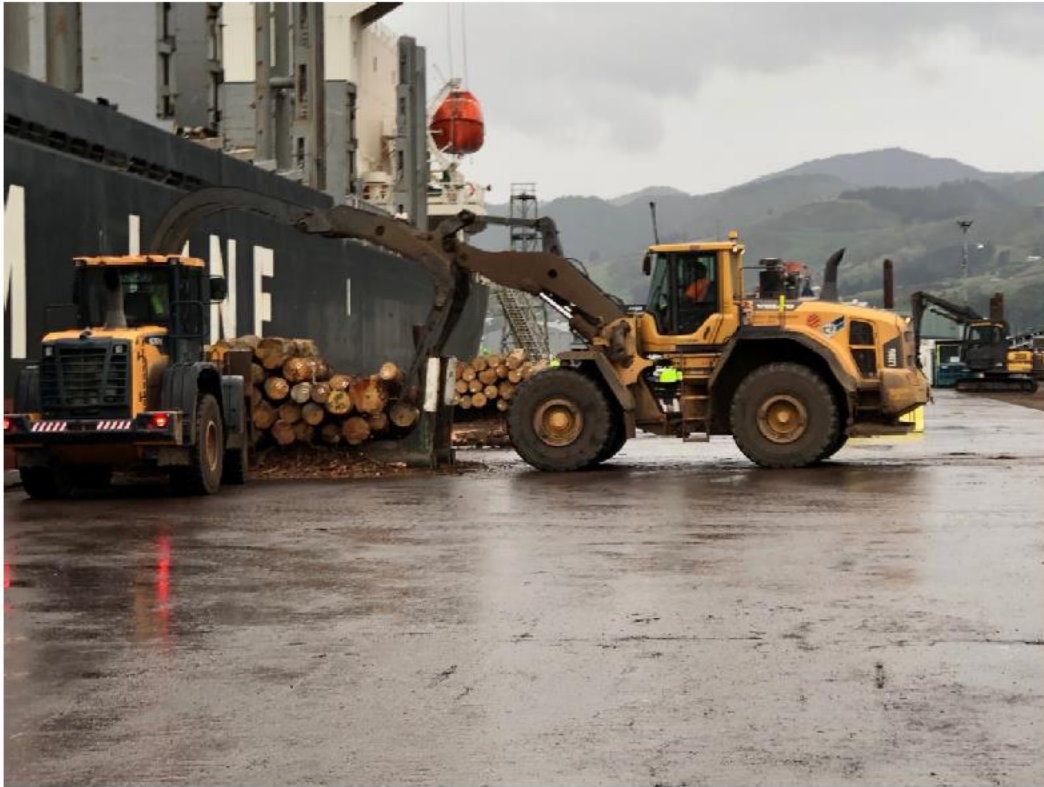


Figure 6. Log Loader Loads Cradle by Ship

BUTA

The Buta is another front-end loader with a flat plate instead of a bucket, as shown on Figure 7. Its purpose is to square up the ends of the logs that the loader has placed within the cradle so that they can be neatly stored in the ship. Figure 7 above shows the Buta at work. Once square, the logs are loaded onto the ship via the cranes.

PNL has a single Butta that only works when the log ships are being loaded. It's hours therefore match those of the log ship provided in Table 1.



Figure 7. Butta

VICKERMAN STREET LOG AREA

In addition to the log yard adjacent to Kingsford Quay, there is a second log yard at Vickerman Street (see Figure 1). It is understood that for a busy five days, an average of 12 logging trucks visit the site per day and that they do so between 6am to 7pm. For analysis, movements have been spread evenly over the day resulting in 1 night time truck (between 6am and 7am) with the remaining 11 trucks visiting during the day time. Again, no screening is considered from the logs on site.

The trucks will be loaded and unloaded with a single log loader that has been modelled as a point source in the centre of the yard. For simplicity, this machine

has been assumed to operate all day, 15 hours. While this does not include any night time use, it is expected to overrepresent the day time use and therefore provides a suitable method of modelling the effects.

QUAY PACK

Quay Pack has two gas forklifts that operate outside as identified on Figure 1. These have been modelled as a single point source, operating continuously over the 15 hour day time period. These two forklifts are relatively quiet compared to the other Port activities and have a negligible effect on the contours.

Quay pack also has four empty container handlers, the noise data for which has been taken to be the same as the same plant operating within the container yard. As no operational information was available for this plant, the durations used for the previous port noise predictions was reused. This results in 10.8 hours day time use and 0.9 hours night time use.

QUAY CONNECT

Quay Connect has five electric forklifts that load and unload trucks beneath a canopy as shown on Figure 1. The forklifts have been modelled as a single point source operating in the open for the entire 15 hour day time period. This noise source is relatively low and has no effect on the contours. Given the short distance between the road and the unloading bay, truck noise will be minimal and has been excluded from the analysis.

Table 3. Sound Power Data used for Analysis

Plant*	Sound Power Level (dBA)						
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Reefer	80	93	93	99	99	99	91
Ship – MWS	92	102	108	108	109	101	90
Ship – NWN	98	105	111	112	113	113	106
Ship – BQ	99	106	112	113	114	114	107
Ship – MCG	99	106	112	113	114	114	107
Ship – KQ	99	107	113	114	115	115	108
Container Handler – Full	95	102	105	107	108	107	100
Container Handler – Empty	94	97	98	105	103	99	93
Mafi	90	94	100	101	100	98	99
Crane – MWS 1	97	101	106	108	108	107	102
Crane – MWS 2	94	100	103	106	106	101	95
Crane – BQ 1	94	100	103	106	106	101	95
Container/ Log Truck	86	88	91	93	97	95	91
Log Loader	98	101	105	107	108	106	100
Buta	88	92	92	93	98	92	87
Quay Pack – Gas Forklifts	76	88	90	97	98	98	93
Quay Connect – Electric Forklifts	73	81	89	93	94	92	90

MWS – Main Wharf South

MWN – Main Wharf North

BQ – Brunt Quay

McG – McGlashen Quay

KQ – Kingsford Quay

4.2 Model Verification

Verification of the accuracy of the noise model has relied upon previous work undertaken at Port Nelson, as described below.

VALIDATION OF PREVIOUS MODEL

The current noise model is an update of the previous model prepared by Hegley Acoustic for PNL. That previous model was subjected to field measurements for verification and is fully described in the publication 'Noise Monitoring Summary Report, Lincoln Coe, March 2003'. This report describes, monitoring that was undertaken at five locations that are now identified on the 'Noise Management' page of PNL's website. The procedure was to both measure the noise at each location and record the actual activities at PNL over the measurement period. These activities were then entered into the noise model to allow a direct comparison to the measured levels. The report concludes:

- *Spot checks based on actual activities confirmed that the model predicted closely the noise that was actually measured at various locations under a number of different operating scenarios.*
- *When comparing the noise monitoring results for 5 noisy nights with the modelled activities for that particular night, the correlation of the model closely predicted the measured noise levels when in close proximity to the noise sources.*

The above work demonstrates that noise modelling can be used effectively to predict noise from the PNL activities and therefore, that modelling can accurately represent port noise. The following discusses the validation of the modifications made to the model in the preparation of the current contours.

VALIDATION OF 2018 MODEL

To confirm that the current update to the previously verified model provides accurate results, reference has been made to a logging station that PNL operates on top of a silo that is immediately east of the southern end of Main Wharf South, the position of which is shown on Figure 8, and to previous work undertaken by Hegley Acoustics to verify the accuracy of this logger.

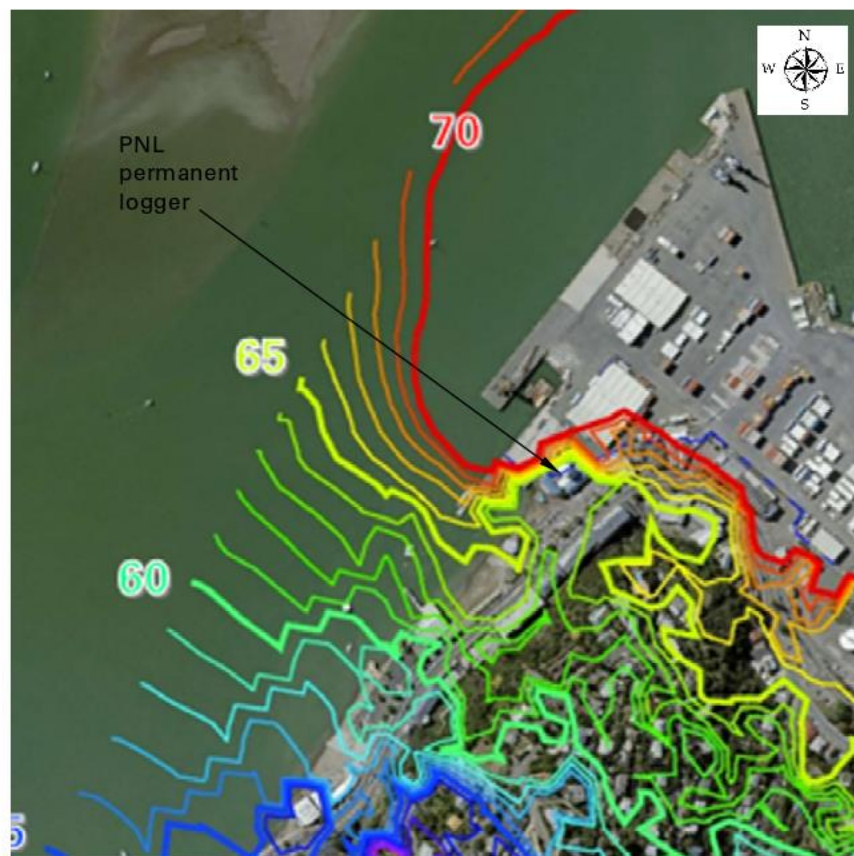


Figure 8. PNL Permanent Logger Location

PNL provided the noise levels recorded by the logger for January and February 2018, which resulted in a level of 68dB L_{dn} at the logger. As part of the

commissioning of this logger, Hegley Acoustics undertook detailed measurements at six properties on Queens Road to determine the relationship between the levels received in the environment and those at the logger. The purpose of the relationship was to determine the logger level that resulted in the 65dB L_{dn} or 85 L_{AFmax} criteria being exceeded within the community. However, in this instance, the relationship can be used to determine the levels at the dwellings from the level at the logger. This information is summarised below for the six residences and compared to the level predicted at each from the current modelling.

Table 2. Predicted versus Compared Levels of 2018 Port Noise

Site	Address	Noise Level (dB L_{dn})			
		Difference in level compared to PNL logger	Noise level at residence based on logger measurement	Predicted level to residence	Difference
1	56 Queens Rd	-4	64	65	+1
2	70 Queens Rd	-3	65	65	0
3	74 Queens Rd	-6	62	62	0
4	80 Queens Rd	-5	63	62	-1
5	82 Queens Rd	-6	62	61	-1
6	95 Queens Rd	-10	58	59	+1

Generally, achieving modelled results that are within 2dB of measured results is considered acceptable. This being the case, Table 2 shows strong a correlation between the predicted and measured levels at the six dwellings considered.

The dwellings reported in Table 2 represent those that are most exposed to noise from the PNL activities. The dwellings are also concentrated immediately south of the Port with no data for sites further to the east. It is therefore recommended

that, as part of the ongoing reviews of the port noise contours, that some spot checks of noise levels to the east are undertaken for completeness.

5. NOISE CONTOURS

5.1 Comparison to Existing

Once the proposed noise contours had been calculated, they were checked against the current contours for PNL. The following Figures 8 – 10 show the differences between the existing and the proposed contours for the 65, 60 and 55dBA L_{dn} contours respectively. For the following discussion, the term existing refers to the contours currently in use by PNL while 2018 refers to the work described above.



Figure 9. Comparison between Existing and 2018 65dBA L_{dn} Contour



Figure 10 Comparison between Existing and 2018 60dBA L_{dn} Contour



Figure 11 Comparison between Existing and 2018A 55dB L_{dn} Contour

Figures 9 – 11 show that while the 2018 contours are generally the same as the existing contours, there are some differences which have been attributed to changes made across the model. These include updated noise data for most plant on site, an increase in volume of reefer containers handled by PNL, and a subsequent increase in the container handlers and Mafis, development of new buildings on site, the relocations of some of the log storage areas and updated ground contours. While the previous noise model was based on ground contours of 2.0m increments, ground contours are now available in 0.5m increments. This being the case, there is no one reason for the altered contours. The following identifies some of the larger changes to the contours and provides a discussion on the contributing factors.

Looking at the 65dB L_{dn} contour, Figure 9 shows an increase in level to the south, which has been attributed to the general increase in PNL activities compared to the previous modelling. While a similar increase would be expected to the east, Figure 9 indicates a reduction. The reason for this is that Quay Connect warehouse has been constructed since the previous modelling (Figure 1). This large structure provides additional screening close to the port resulting in reductions in level immediately behind the building.

Moving further to the east reduces the efficacy of the screening from the Quay Connect warehouse meaning the expected increases become observable in 55dB L_{dn} contour of Figure 11. These increases are compounded by the activities of the new log storage area at Vickerman Street (identified in Figure 1). This increase is up to approximately 3dB. As a guide, a 3dB change is the smallest that the average person can detect while a 5dB change is clearly noticeable. A 10dB change is perceived as a doubling, or halving, in noise level. It is noted that as the residential sites to the east are well beyond the proposed 55dB L_{dn} contour, the effects of these changes are not considered to be significant.

Moving further from the port in a southerly direction, Figure 10 shows that on the two ridges that run towards PNL (Queens Road and Mount Pleasant Avenue) the 60dBA L_{dn} contours of 2018 scenario have reduced with respect to the existing situation. The reasons for these reductions in level have been attributed to the myriad of changes to the PNL activities and subtle changes in topographical screening as a result in the updated, and more accurate, ground contours.

These same reductions in level are not repeated further south in the 55dBA L_{dn} contour. The reason for this is that extent of contours in a southerly direction is halted by the ridge line defined by Britannia Heights and Stanley Crescent. This essentially acts as a barrier that noise from neither the originally modelled scenario nor from the current scenario can overcome. Figure 11 shows this as the 1dB contours appear to congregate against the ridgeline rather than passing over it. As this occurs for both the current and the proposed 2018 contours, the 55dB L_{dn} contour effectively remains unchanged.

5.2 Recommendation for 2018 Port Noise Contours

Given that there are both increases and decreases in the 2018 noise contours with respect to the existing contours, consideration was given as to what where the noise contours should now be located. While the 2018 contours are considered to accurately represent the current situation, adopting them would result in the contours reducing in some areas, which seems counter intuitive. An approach considered was an envelope of the 2018 and the existing contours which would mean the noise level would not reduce to any particular dwelling, but would increase to others. This approach was discounted as it has little engineering merit and is therefore difficult to justify. The selected option therefore was to adopt the 2018 contours in their entirety as these represent the most current information available and, it is noted, they are reviewed annually. This approach means that the noise levels to some of the more exposed dwellings will reduce, however many have been treated already, and for a slightly higher level than is

now predicted. Figure 12 therefore provides the 1dB, 2018 noise contours from the activities described above at a height of 1.8m. Given the amount of information on Figure 12, the contours are repeated in Figure 13, this time in 5dB steps.

6. SUMMARY

This report describes the method by which the noise contours for PNL have been prepared before presenting the contours. These contours have been prepared in accordance with the requirements of the NRMP.



Figure 12 Port Noise Contours (dBA L_{dn}), 1dB steps



Figure 13. Port Noise Contours (dBA L_{dn}), 5dB steps

DEFINITIONS

The following are defined by the Nelson Resource Management Plan:

Noise-affected property means a site used for residential purposes that is situated in the Residential Zone adjacent to Port Nelson and identified on the Port Noise Contour Map as receiving levels of port noise at or above 55 dBA Ldn but excludes:

properties that have received acoustic treatment in accordance with rule INr.40.1 and Appendix 29.B (Noise Mitigation Plan) and are receiving port noise at or below the certified level of port noise.

Port Industrial Area means the land and water space zoned industrial and delineated in pink of Maps 6R, 9R and 10R of volume 4 of the Nelson Resource Management Plan.

Port Operator means Port Nelson Limited or its successors.

Port Operational Area the operational area under the day-to-day control of the entity which manages the Port of Nelson. This operational area is limited to land used for activities, essential to the functioning of the port, and includes land used for the loading and offloading of goods, and the temporary storage of goods to be loaded or which have been unloaded, together with parking, office, staff, and maintenance facilities necessary for the foregoing activities. It also includes that part of the coastal marine area included in Port Nelson Ltd's (or its successors) coastal permit. For the avoidance of doubt, this

definition excludes areas leased by Port Nelson Ltd to other entities.

Port Noise

means noise generated within the Port Industrial Area and includes:

- i) Noise emanating from ships and boats at berth; and
- ii) Noise associated with the handling of cargo; and
- iii) Noise from trucks and machinery; and
- iv) Noise from administrative, repair, storage and maintenance activities

but excludes:

- i) Noise from ships and boats not at berth;
- ii) Noise associated with construction of permanent Port Industrial Area facilities;
- iii) Noise from an emergency situation;
- iv) Noise from vehicles on public roads.

Port noise contour map means the noise contour map referred to in Appendix 29.A.1.i) and contained in the Port Noise Management plan showing port noise L_{dn} levels based on a busy 5 day operating scenario to provide for the identification of noise affected properties.

The following are defined by NZS 6809, which itself references NZS 6801.

Daytime Not explicitly defined but taken as the 15 hour period from 7am to 10pm

dB The term used to identify 10 times the logarithm to the base 1 of the ratio of two like quantities proportional to the intensity, power or energy.

Expressed more simply, the ear responds to pressure with the dB being the ratio of the sound pressure compared to a reference pressure. Due to the ear's sensitivity, the resulting range is large and has been reduced to a manageable scale using the log function.

Ldn The A-frequency-weighted time-average sound level, in decibels, over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night.

Night time Not explicitly defined but taken as the 9 hour period from 10am to 7pm