



Notice of the Ordinary meeting of

Environment and Climate Committee

Te Kōmiti Taiao / Āhuarangi

Date:	Thursday 29 July 2021
Time:	9.00a.m.
Location:	Council Chamber Civic House 110 Trafalgar Street, Nelson

Agenda

Rārangi take

Chairperson	Cr Kate Fulton
Deputy Chairperson	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. For enquiries call (03) 5460436.

Excerpt from Nelson City Council Delegations Register (A11833061)

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

Karakia and Mihi Timatanga

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 Mike Fielding

Mike Fielding will speak about our ever-changing climate, and the increasing need for households to be prepared for natural and non-natural events.

4.2 John Higginbotham

John Higginbotham, Nelson Consulting Engineers Ltd, will speak about a parking policy and improvements.

5. Confirmation of Minutes

5.1 10 June 2021

6 - 13

Document number M18693

Recommendation

That the Environment and Climate Committee

- 1. Confirms the minutes of the meeting of the Environment and Climate Committee, held on 10 June 2021, as a true and correct record.***

6. Chairperson's Report

7. Draft Whakamahere Whakatu Nelson Plan Engagement Update

14 - 16

Document number R26018

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Draft Whakamahere Whakatu Nelson Plan Engagement Update; and***
- 2. Notes the proposed next phase of engagement for the Draft Whakamahere Whakatu Nelson Plan as outlined in Report R26018.***

CONFIDENTIAL BUSINESS

8. Exclusion of the Public

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	Environment and Climate Committee Meeting - Confidential Minutes - 10 June 2021	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which	The withholding of the information is necessary: <ul style="list-style-type: none">Section 7(2)(c)(i) To protect information which is subject to an obligation of confidence or which any person has been or could be

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		good reason exists under section 7.	compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied

Karakia Whakamutunga



**Minutes of a meeting of the
Environment and Climate Committee**

Te Kōmiti Taiao / Āhuarangi

**Held in the Council Chamber, Civic House, 110 Trafalgar Street,
Nelson on Thursday 10 June 2021, commencing at 9.05a.m.**

- Present: Councillor K Fulton (Chairperson), Councillors Y Bowater, T Brand, M Courtney, J Edgar, M Lawrey, B McGurk, G Noonan, R O'Neill-Stevens, P Rainey, R Sanson, T Skinner and Ms G Paine
- In Attendance: Chief Executive (P Dougherty), Manager Environmental Management (C Barton), Group Manager Strategy and Communications (N McDonald), and Governance Adviser (J Brandt), Governance Support (P Boutle) and Youth Councillors (R Armstrong and J Harrison)
- Apology: Mayor R Reese (Council business), Councillor Noonan (lateness)

Karakia and Mihi Timatanga

1. Apologies

Resolved EC/2021/017

That the Environment and Climate Committee

- 1. Receives and accepts an apology from Her Worship the Mayor R Reese (on other Council business) and Councillor G Noonan for lateness.***

Fulton/Edgar

Carried

2. Confirmation of Order of Business

The confidential item was considered after open agenda item 8.

3. Interests

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

4. Hearing of Submissions - Environmental Management Fees and Charges Review 2021

Document number R25869

Clive Lewis, Director of Clive Lewis Design (2004) Ltd, spoke to his submission (27189) on building fees and charges.

Attendance: Councillor Skinner joined the meeting at 9.09a.m. and Councillor Noonan at 9.19a.m.

Mr Lewis answered questions about his concerns in relation to building fees and charges, and emphasised the need for direct communication channels between council officers and the public.

5. Public Forum

There was no public forum.

6. Confirmation of Minutes

6.1 13 April 2021

Document number M16556, agenda pages 7 - 12 refer.

Resolved EC/2021/018

That the Environment and Climate Committee

1. Confirms the minutes of the meeting of the Environment and Climate Committee, held on 13 April 2021, as a true and correct record.

McGurk/Paine

Carried

7. Chairperson's Report

Document number R25917, agenda pages 13 - 26 refer.

Councillor Fulton noted the death of former Nelson City Councillor Eric Davy. Councillors acknowledged Mr Davy's contributions to Nelson City Council and the community during his four terms at Council.

Councillor Fulton gave a verbal addition to her Chair's report. She noted that the Climate Change Commission had released its final report laying out the roadmap for New Zealand to reduce emissions and become carbon neutral by 2050. She further noted her recent attendance at the Good Food Group launch at Fairfield House and answered questions about the submission on the Ministry of Business, Innovation and Employment Building Code Consultation.

Attendance: Councillor Rainey left the meeting at 9.46a.m. and returned at 9.57a.m.

Resolved EC/2021/019

That the Environment and Climate Committee

- 1. Receives the report Chairperson's Report (R25917) and its attachment (A2642611); and***
- 2. Approves retrospectively the attached Nelson City Council submission on the Ministry of Business, Innovation and Employment Building Code Consultation 2021 (A2642611).***

Courtney/Edgar

Carried

8. Environmental Management Fees and Charges Review 2021 - Deliberations Report

Document number R24824, agenda pages 27 - 143 refer.

Group Manager Environmental Management, Clare Barton, presented the report and answered questions. Two corrections were noted to the options presented on agenda page 32:

- For option 1 the second bullet point in 'Risks and Disadvantages' should read: "Lost income of about \$4,000 which will need to be met by the General Rate. [Remainder of sentence removed.]"
- For option 3, the summary should read "Increase fees and charges (hourly rate \$162 and licence fee \$255) (commencing 1 July 2021) recovering **51%** of the costs."

Councillor McGurk, seconded by Councillor Courtney, moved an alternative motion for clause 5:

That the Environment and Climate Committee

5. *Approves amendments to the Food Act 2014 fees and charges as outlined in Attachment 4 (A2661168) to commence from 1 July 2021; and*

Ms Barton answered questions about CPI increases in relation to the Food Act fees and charges.

The meeting was adjourned from 10.49a.m. until 11.20a.m.

Elected Members debated the motion. Councillor Edgar foreshadowed that should the alternative motion for clause 5 be lost, she would move the officer's recommendation.

The motion was put and lost.

That the Environment and Climate Committee

5. *Approves amendments to the Food Act 2014 fees and charges as outlined in Attachment 4 (A2661168) to commence from 1 July 2021; and*

McGurk/Courtney

Lost

Subsequently Councillor Fulton, seconded by Councillor Edgar, moved the the officer's recommendation.

Resolved EC/2021/020

That the Environment and Climate Committee

1. ***Receives the report Environmental Management Fees and Charges Review 2021 - Deliberations Report (R24824) and its attachments (A2621284, A2635824, A2635787, A2661168, A2652035 and A2669343); and***
2. ***Notes the submissions received as part of the special consultative procedure on the review of the Environmental Management fees and charges in Attachment 1 (A2621284); and***
3. ***Approves amendments to the fees and charges under the Building Act 2004 as outlined in Attachment 2 (A2635824) to commence from 1 July 2021; and***

4. ***Approves amendments to the charges under the Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013 as outlined in Attachment 3 (A2635787) to commence from 1 July 2021; and***
5. ***Approves amendments to the Food Act 2014 fees and charges as outlined in Attachment 4 (A2661168) to commence from 1 December 2021; and***
6. ***Approves amendments to the Public Health Act 1956 fees and charges as outlined in Attachment 5 (A2652035) to commence from 1 July 2021.***

Fulton/Edgar

Carried

The Chairperson changed the order of business to accommodate external attendees, taking the confidential agenda items for consideration next.

9. Exclusion of the Public

John Murray was in attendance for Item 2 of the confidential agenda to answer questions and, accordingly, the following resolution was required to be passed:

Resolved EC/2021/021

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 John Murray remain after the public has been excluded, for Item 2 of the confidential agenda (Business Adviser report on Brook Waimarama Sanctuary Trust), as he has knowledge relating to the Brook Waimarama Sanctuary Trust that will assist the meeting.***

Noonan/Bowater

Carried

Resolved EC/2021/022

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:

Noonan/Bowater

Carried

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	Environment and Climate Committee Meeting - Confidential Minutes - 13 April 2021	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 • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
2	Business Adviser report on Brook Waimarama Sanctuary Trust	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)(c)(i) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied

The meeting went into confidential session at 11.36a.m. and resumed in public session at 12.42p.m.

10. Restatements

It was resolved while the public was excluded:

1 CONFIDENTIAL: Business Adviser Report on Brook Waimarama Sanctuary Trust

That the Environment and Climate Committee

1. *Receives the report Business Adviser report on Brook Waimarama Sanctuary Trust (R24769) and its attachment (A2633080); and*
2. *Agrees that Report (R24769) and the decision only be made publicly available; and*
3. *Agrees that Attachment (A2633080) remain confidential at this time.*

The meeting was adjourned from 12.43p.m. until 12.45p.m.

11. Environmental Management Group Quarterly Report - 1 January - 31 March 2021

Document number R23741, agenda pages 144 - 215 refer.

Manager Science and Environment, Jo Martin, Manager Building, Mark Hunter, Team Leader City Development, Lisa Gibellini, Climate Change Adaptation Adviser, Daniela Ramirez, Manager Environmental Planning, Maxine Day, and Principal Adviser Environmental Management, Jane Budge, presented the report.

They answered questions about Nelson Plan funding, progress with applications made under the Housing Accord and Special Housing Areas Act, coastal inundation and estuarine work, IANZ accreditation, the climate action charter, and how the recent report from the climate commission would be integrated at local government level.

Attendance: Councillor Skinner left the meeting at 1.02p.m, Councillor Noonan at 1.15p.m. and Councillor Brand at 1.18p.m.

Resolved EC/2021/023

That the Environment and Climate Committee

1. ***Receives the report Environmental Management Group Quarterly Report - 1 January - 31 March 2021 (R23741) and its attachments (A2624202, A2616129, A2595956, A2611893, A2623840, A2623547, A2617445, and A2497431).***

Fulton/Sanson

Carried

Karakia Whakamutunga

There being no further business the meeting ended at 1.26p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Draft Whakamahere Whakatu Nelson Plan Engagement Update

1. Purpose of Report

- 1.1 To update the Environment and Climate Committee on the next phase of engagement relating to the Draft Whakamahere Whakatu Nelson Plan (WWNP).

2. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Draft Whakamahere Whakatu Nelson Plan Engagement Update; and***
- 2. Notes the proposed next phase of engagement for the Draft Whakamahere Whakatu Nelson Plan as outlined in Report R26018.***

3. Discussion

- 3.1 The Whakamahere Whakatu Nelson Plan (WWNP) is being reviewed as part of Council's statutory obligations under the Resource Management Act.
- 3.2 To date, the review of the WWNP has involved a series of engagements with the community, stakeholders, internal staff teams and iwi. Over the past 18 months, the Environmental Planning team has engaged with key RMA stakeholders, and with the public on a near-complete Draft version of the WWNP (Sept-Oct 2020). Targeted engagement has also been ongoing through 2020 and 2021 on the topics of freshwater management, notable trees and port noise management.
- 3.3 Other topics including slope instability mapping and coastal inundation mapping have been actively released to affected landowners via the Land Information Memorandum (LIM) process and public information sessions.

Item 7: Draft Whakamahere Whakatu Nelson Plan Engagement Update

A technical advisory group of local geotechnical society members has been established to advise on the slope instability mapping and potential WWNP provisions.

- 3.4 For coastal hazards, the Team continue to work through the Dynamic Adaptive Planning Pathway (DAPP) process, and recently completed a multi-agency workshop to develop understanding about region-scale coastal hazard risks and impacts from climate change. The outputs from that process will be reported to Council separately.
- 3.5 The next phase of engagement relates to topics that were not consulted on with the public in 2020. These topics include:
 - updated flood hazard mapping;
 - airport zone and airport noise; and
 - port noise management options.
- 3.6 For the flood hazard and airport topics, engagement will include wide public communications, drop-in sessions, and contact with landowners potentially affected by the updated flood information. There are approximately 5000 properties affected by the flood hazard maps. In 2017, when the last set of flood maps were released, there were also approximately 5000 properties identified – although there are some properties that have come into the affected areas and some have come out.
- 3.7 For the port noise management options, a more targeted approach is going to be taken with letters to properties within the Port Noise Contours and adjacent properties.
- 3.8 Airport provisions have a broader effect and therefore communications are being directed at a wider public level, as opposed to targeted communications. Nelson Airport Company are intending on separate communications once they confirm their designation proposals. It is anticipated that targeted engagement would occur at the same time as the Airport's designation communications.
- 3.9 Engagement on the three topics will occur during August and September 2021. Information and feedback forms will be available on Shape.Nelson, at Civic House, and in the libraries.
- 3.10 Feedback will only be sought in relation to the three listed topics - not parts of the WWNP previously engaged on.

4. Conclusion

- 4.1 Following engagement, the Environmental Planning Team will work through the feedback and present this to Council prior to finalising the content of the WWNP.

Author: Maxine Day, Manager Environmental Planning

Attachments

Nil