

Notice of the Ordinary meeting of

Environment and Climate Committee

Te Kōmiti Taiao / Āhuarangi

Date:	Thursday 16 June 2022
Time:	9.00a.m.
Location:	via Zoom

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

An apology has been received from Her Worship the Mayor R Reese

2. Confirmation of Order of Business

3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

5. Confirmation of Minutes

5.1 7 April 2022 **10 - 21**

Document number M19390

Recommendation

That the Environment and Climate Committee

- 1. Confirms the minutes of the meeting of the Environment and Climate Committee, held on 7 April 2022, as a true and correct record.***

5.2 26 May 2022 **22 - 24**

Document number M19491

Recommendation

That the Environment and Climate Committee

- 1. Confirms the minutes of the meeting of the Environment and Climate Committee, held on 26 May 2022, as a true and correct record.***

6. Chairperson's Report

**7. Environmental Management Fees and Charges
Review 2022 - Deliberations Report**

25 - 58

Document number R26885

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Environmental Management Fees and Charges Review 2022 - Deliberations Report (R26885) and its attachments (A2889656, A2829788, A890509, A2783885, A2895034); and***
- 2. Notes the submissions received as part of the special consultative procedure on the review of the Environmental Management fees and charges in Attachments 1 and 5 (A2889656, A2895034); and***
- 3. Approves amendments to the fees and charges under the Building Act 2004 as outlined in Attachment 2 (A2829788) to commence from 1 July 2022; and***
- 4. Approves amendments to the charges under the Resource Management Act 1991 as outlined in Attachment 3 (A2890509) to commence from 1 July 2022; and***
- 5. Approves amendments to the Food Act 2014 fees and charges as outlined in Attachment 4 (A2783885) to commence from 1 December 2022.***

8. The Effectiveness of the Compliance Strategy 2020 59 - 82

Document number R26899

Recommendation

That the Environment and Climate Committee

- 1. Receives the report The Effectiveness of the Compliance Strategy 2020 (R26899) and its attachment (A2275547); and***
- 2. Notes officers will request an external review of the Enforcement Strategy by the regional sector Compliance and Enforcement Special Interest Group in the 2022/2023 year.***

9. Strategic framework for climate change - next steps

83 - 96

Document number R26882

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Strategic framework for climate change - next steps (R26882); and***
- 2. Renames the 'strategic framework for climate change' the 'Nelson climate change strategy'; and***
- 3. Endorses the proposed structure and content for the Nelson climate change strategy as set out in R26882; and***
- 4. Agrees that the Nelson climate change strategy should be a community strategy involving the entire community including Council, government agencies, iwi, business, community groups and individuals; and***
- 5. Approves the establishment of a Climate Change Taskforce made up of technical experts, community representatives and elected members to support the development of the strategy.***

10. Submission on reducing pokies harm

97 - 105

Document number R26791

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Submission on reducing pokies harm (R26791) and its attachment and***
- 2. Approves retrospectively the submission on reducing pokies harm.***

11. Submission on the draft national adaptation plan and managed retreat proposals 106 - 129

Document number R26881

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Submission on the draft national adaptation plan and managed retreat proposals (R26881) and its attachment (A2902002); and***
- 2. Approves retrospectively the submission on the Government's draft national adaptation plan and managed retreat proposals (A2902002).***

12. Environmental Management Quarterly Report 1 January 2022 - 31 March 2022 130 - 197

Document number R26830

Recommendation

That the Environment and Climate Committee

- 1. Receives the report Environmental Management Quarterly Report 1 January 2022 - 31 March 2022 (R26830) and its attachments (A2888077, A2876356, A2887323, A2862473, A2886850, A2886938)***

CONFIDENTIAL BUSINESS

13. 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 Stuart Whitehouse, Acting Harbourmaster, remain after the public has been excluded, for Item 4 of the Confidential agenda (Harbourmaster vessel), 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	Environment and Climate Committee Meeting - Confidential Minutes - 7 April 2022	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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Status Report - Confidential	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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
3	Resource Consents team progress on recommended improvements	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
4	Harbourmaster vessel	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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

Karakia Whakamutanga



**Minutes of a meeting of the
Environment and Climate Committee
*Te Kōmiti Taiao / Āhuarangi***

Held in the via Zoom on Thursday 7 April 2022, commencing at 11.33a.m.

- Present: Cr K Fulton (Chairperson), Her Worship the Mayor R Reese T Brand, M Courtney (Deputy Chairperson), J Edgar, M Lawrey, B McGurk (Deputy Chairperson), R O'Neill-Stevens, P Rainey, R Sanson, T Skinner and Ms G Paine
- In Attendance: Group Manager Environmental Management (C Barton), Team Leader Governance (R Byrne) Governance Adviser (T Kruger) and Youth Councillors Amy Clark and Isla Kennard.
- Apology: Apologies were received from Councillors G Noonan and Y Bowater

Karakia and Mihi Timatanga

1. Apologies

Resolved EC/2022/016

That the Environment and Climate Committee

- 1. Receives and accepts apologies from Councillors G Noonan and Y Bowater.***

Fulton

Carried

Attendance: Councillor Edgar joined the meeting at 11.36a.m.

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

4.1. Brook Waimārama Sanctuary Trust - Urban Bylaw Adoption

Document number R26805

Robert Schadewinkel, from Brook Waimārama Sanctuary Trust, spoke about submissions to the Urban Environment Bylaw requesting compulsory microchipping and desexing of cats. He said there was a stray cat colony at the Brook Holiday Park, near the Brook Waimarama Sanctuary. The population density of the colony was becoming a threat to the biosecurity of the Sanctuary and desexing would help deal with the colony.

Attendance: Councillor Brand left the meeting at 11.48a.m.

5. Confirmation of Minutes

5.1 15 February 2022

Document number M19223, agenda pages 9 - 14 refer.

Resolved EC/2022/017

That the Environment and Climate Committee

- 1. Confirms the minutes of the meeting of the Environment and Climate Committee, held on 15 February 2022, as a true and correct record.***

Fulton/Lawrey

Carried

5.2 16 February 2022

Document number M19235, agenda pages 15 - 17 refer.

Resolved EC/2022/018

That the Environment and Climate Committee

- 1. Confirms the minutes of the meeting of the Environment and Climate Committee, held on 16 February 2022, as a true and correct record.***

Courtney/Edgar

Carried

5.3 24 March 2022

Document number M19343, agenda pages 18 - 19 refer.

Resolved EC/2022/019

That the Environment and Climate Committee

- 1. Confirms the minutes of the meeting of the Environment and Climate Committee, held on 24 March 2022, as a true and correct record.***

Courtney/Edgar

Carried

6. Housing Plan Change (Plan Change 29)

Document number R26654, agenda pages 20 - 34 refer.

Manager Environmental Planning, Maxine Day, presented the report and updated the Committee on conversations officers had with Ministry for the Environment (MfE), since the Agenda had been published. She advised that MfE had given a strong indication Council should consider the intensification streamlined planning process (ISPP) pathway. Ms Day confirmed the three options available for the Plan Change were:

- intensification streamlined planning process (ISPP) – the newest made available through the Resource Management (Amendment) Act 2021
- streamlined planning process (SPP)– requires Council to go through MfE to notify and the Minister would ultimately make the decision
- schedule one process – current practice, Council notifies plan changes, hears submissions, hearing appeals and subsequent changes are made as a result of appeals.

During discussion Ms Day confirmed that MfE indicated the streamlined planning process would take approximately six months for an initial direction from the Minister and answered questions on resource required to proceed with each process, responding to the acute housing need, greenfield developments.

Councillor Fulton moved the officer's recommendation.

The meeting adjourned from 12.45p.m. until 1.36p.m. at which time Councillor Brand returned to the meeting.

Attendance: Councillor Fulton left the meeting at 1.49p.m. at which time the Deputy, Councillor McGurk, assumed the chair.

Attendance: Councillor Fulton joined the meeting at 1.51p.m. and which time she assumed the chair and adjourned the meeting until 2.00p.m.

With the agreement of the mover, the recommendation was amended to refer the matter to Council to enable officers more time to provide further information around MfE's capability to contribute to the SPP process in a timely way and to provide information about the scope of a plan change under the ISPP process.

Councillor O'Neill-Stevens seconded the amended recommendation.

Attendance: Councillor Edgar left the meeting at 2.23p.m.

Resolved EC/2022/020

That the Environment and Climate Committee

- 1. Receives the report Housing Plan Change (Plan Change 29) (R26654) and its attachment (A2852288); and***
- 2. Requests Officers to report timelines, process issues and the outcomes of discussion with the Ministry for the Environment regarding a planning pathway for a housing plan change, to the 10 May Council meeting; and***
- 3. Refers the decision on the pathway to initiate Housing Plan Change (Plan Change 29) to Council.***

Fulton/O'Neill-Stevens

Carried

Attachments

- 1 A2869925 Housing Plan Change (Plan Change 29)

7. Omnibus Report on Submissions to Central Government

Document number R26679, agenda pages 35 - 55 refer.

Manager Environmental Planning, Maxine Day, presented the report.

Resolved EC/2022/021

That the Environment and Climate Committee

- 1. Receives the report Omnibus Report on Submissions to Central Government (R26679) and its attachments (A2848648 and A2851323); and***

2. ***Approves retrospectively the attached Nelson City Council submissions on Future Resource Management System (A2848648), and Environmental Reporting Act (A2851323).***

Fulton/Paine

Carried

8. 2022 Environmental Management Fees and Charges review

Document number R26520, agenda pages 56 - 121 refer.

Manager Consents and Compliance, Mandy Bishop, presented the report and answered questions on the increase in the building consent amendment deposit, and comparison to Tasman District Council fees.

Councillor McGurk moved the officer's recommendation, seconded by Councillor Courtney.

Councillor Skinner foreshadowed an amended recommendation supporting Option 1, increase by CPI, should the motion be lost.

That the Environment and Climate Committee

1. *Receives the report 2022 Environmental Management Fees and Charges review (R26520) and its attachments (A2824715, A2829788, A2824623, A2825558 and A2825557); and*
2. *Agrees the preferred option is to increase Resource Consent Fees and Charges to recover 43% 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 commencing 1 July 2022 as detailed in Attachment 1 (A2824715) to Report (R26520); and*
4. *Agrees a summary of information contained in the Statement of Proposal Amendments to the Charges under the Resource Management Act 1991 is not necessary to enable public understanding of the proposal; and*
5. *Agrees the preferred option is to increase Building Act Fees and Charges to recover 75% of Council costs for these services; and*
6. *Adopts the Statement of Proposal for the Building Act 2014 and Property Information Fees and Charges as detailed in Attachment 2 (A2829788) to Report (R26520); and*

7. *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*
8. *Agrees the preferred option is to increase Food Act fees and charges to recover 47% of Council costs for these services; and*
9. *Adopts the Statement of Proposal for the Amendments to the Charges under the Food Act 2014 commencing 1 July 2022 as detailed in Attachment 3 (A2824623) to Report (R26520); and*
10. *Agrees a summary of information contained in the Statement of Proposal Amendments to the Charges under the Food Act 2014 is not necessary to enable public understanding of the proposal; and*
11. *Notes the CPI increases for the Building and LIM activities, Dog Control and Environmental Health services fees and charges do not require public consultation, and as identified in Attachments 4 and 5 (A2825558 and A2825557) of Report (R26520) will take effect from 1 July 2022; and*
12. *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*
13. *Approves the consultation approach (set out in section 6 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.*

McGurk/Courtney

The motion was put and lost.

Councillor Skinner moved the alternative motion to support Option 1, seconded by Her Worship the Mayor Reese.

Resolved EC/2022/022

That the Environment and Climate Committee

1. Receives the report 2022 Environmental Management Fees and Charges review (R26520) and its attachments (A2824715, A2829788, A2824623, A2825558 and A2825557); and
2. Agrees the preferred option is to increase the current Resource Consent Fees and Charges by CPI (4.9%) and
3. Notes that the increase in Resource Consent Fees and Charges will not meet the requirements of Council's Revenue and Financing Policy; and
4. Adopts the Statement of Proposal for the Amendments to the Charges under the Resource Management Act 1991 commencing 1 July 2022 as detailed in Attachment 1 (A2824715) to Report (R26520); and
5. Agrees a summary of information contained in the Statement of Proposal Amendments to the Charges under the Resource Management Act 1991 is not necessary to enable public understanding of the proposal; and
6. Agrees the preferred option is to Building Act Fees and Charges to recover 75% of Council costs for these services; and
7. Adopts the Statement of Proposal for the Building Act 2014 and Property Information Fees and Charges as detailed in Attachment 2 (A2829788) to Report (R26520); and
8. 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
9. Agrees the preferred option is to increase the Food Act fees and charges by CPI (4.9%); and
10. Adopts the Statement of Proposal for the Amendments to the Charges under the Food Act 2014 commencing 1 July 2022 as detailed in Attachment 3 (A2824623) to Report (R26520); and
11. Agrees a summary of information contained in the Statement of Proposal Amendments to the Charges under the Food Act 2014 is not necessary to enable public understanding of the proposal; and
12. Notes the CPI increases for the Building and LIM activities, Dog Control and Environmental Health services fees and charges do not require public consultation, and as identified in Attachments 4 and 5 (A2825558 and A2825557) of Report (R26520) will take effect from 1 July 2022; and

13. *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*
14. *Approves the consultation approach (set out in section 6 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.*

McGurk/Courtney

Carried

9. Exclusion of the Public

Resolved EC/2022/023

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:***

Fulton/Courtney

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 - 15 February 2022	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	Harbourmaster Services	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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into confidential session at 3.19p.m. and resumed in public session at 3.32p.m., at which time Glenice Paine had left the meeting.

The Chairperson stood down and passed the Chair to Councillor Courtney to consider Item 10: Deliberations and Decision Report on Amended Urban Environments Bylaw - Deferred from 24 March 2022.

10. Deliberations and Decision Report on Amended Urban Environments Bylaw - Deferred from 24 March 2022

Document number R26796, agenda pages 122 - 123 refer.

Manager Environment and Planning, Maxine Day, presented the report and provided an amended recommendation to delegate minor changes to Councillor Courtney and to request officers to report back on options for managing alcohol nuisance in public places in The Wood area.

Ms Day clarified that support for changes to activities and signage on the footpath would be covered in the City Amenity Bylaw consultation process to allow a fresh and comprehensive look at all activities on footpaths; this may result in subsequent changes to the Urban Environments Bylaw.

Attendance: Councillor Fulton left the meeting at 3.45p.m.

Councillor Lawrey moved the amended recommendation with the addition of a request to report on options for microchipping and desexing cats. Seconded by Councillor Sanson.

Group Manager Environment, Clare Barton, clarified that the request for a report was separate and an additional piece of work to the Bylaw. No changes regarding cats could be made the Bylaw as there had been no consultation on options for microchipping and desexing cats.

During discussion Ms Day noted reference to submissions on cats was reported in the Deliberations Report and requested that option 7.5.2 of the report be deleted as this could not be fulfilled under the Bylaw process; the correct reference would be to provide alternative education.

Attendance: Her Worship the Mayor Reese left the meeting at 4.07p.m.

The recommendation was taken in parts.

Motion

Resolved EC/2022/024

That the Environment and Climate Committee

- 1. Requests officers report back by 31 August 2022 on options and considerations for making microchipping and desexing cats compulsory.***

The motion was put and a division was called:

For

Cr Courtney
Cr Lawrey
Cr McGurk
Cr O'Neill-Stevens
Cr Rainey
Cr Sanson

Against

Cr Brand
Cr Skinner

Apologies:

Cr Bowater
Cr Noonan

Absent

Her Worship the
Mayor Reese

The motion was carried 6 - 2.

Lawrey/Sanson

Carried

Attendance: Councillor Rainey left the meeting at 4.22p.m.

Manager Environmental Inspections Ltd, Brent Edwards, answered questions on chalk on footpaths.

Manager Transport and Solid Waste, Marg Parfitt, answered questions on amenity and signage on footpaths.

The remaining recommendations were put.

Resolved EC/2022/025

That the Environment and Climate Committee

- 2. Receives the Deliberations and Decision Report on Amended Urban Environments Bylaw (R26653 and R26796) and its attachments (A2849191, A2848140); and***
- 3. Delegates Councillor Courtney, Deputy Chair of the Environment and Climate Committee and Group***

Manager Environmental Management to approve minor corrections or amendments to the Amended Urban Environments Bylaw prior to adoption by Council; and

- 4. Requests officers to report back to the Environment and Climate Committee on options for managing alcohol related nuisance in public places in The Wood area, particularly Tasman and Weka Streets.***

Lawrey/Sanson

Carried

Recommendation to Council EC/2022/026

That the Council

- 1. Determines following consideration of submissions, that the amendments to the Urban Environments Bylaw as shown in Attachment 2 (A2848140) of the Deliberations Report on Amended Urban Environments Bylaw (R26653) are the most appropriate way of addressing the perceived problems with the current Bylaw; are the most appropriate form of Bylaw and do not give rise to any implications under the New Zealand Bill of Rights Act 1990; and*
- 2. Adopts the amended Urban Environments Bylaw as shown in Attachment 2 (A2848140) of the Deliberations Report on Amended Urban Environments Bylaw (R26653); and*
- 3. Determines the date that the amended Urban Environment Bylaw will commence as being 1 June 2022.*

Lawrey/Sanson

Carried

Karakia Whakamutanga

11. Restatements

It was resolved while the public was excluded:

1 CONFIDENTIAL: Harbourmaster Services

Agrees that the Decision and Report R26488 be made publicly available once Council and Port Nelson Limited have executed the new agreement.

There being no further business the meeting ended at 5.16p.m.

Confirmed as a correct record of proceedings by resolution on (date)

Resolved



**Minutes of a meeting of the
Environment and Climate Committee
*Te Kōmiti Taiao / Āhuarangi***

**Held via Zoom on Thursday 26 May 2022, commencing at 9.03a.m.
to Hear submissions to Environmental Management Fees and
Charges**

- Present: Councillor K Fulton (Chairperson), Her Worship the Mayor R Reese, Y Bowater, T Brand, M Courtney (Deputy Chairperson), M Lawrey, B McGurk (Deputy Chairperson), G Noonan, R O'Neill-Stevens, T Skinner and Ms G Paine
- In Attendance: Group Manager Environmental Management (C Barton) and Governance Adviser (A Fon) and Assistant Governance Adviser (A Bryce-Neumann)
- Apologies: Apologies have been received from Councillor J Edgar on other Council business, and Councillor R Sanson

Karakia and Mihi Timatanga

1. Apologies

Resolved EC/2022/030

That the Environment and Climate Committee

- 1. Receives and accepts the apologies from Councillor J Edgar on other Council business, and Councillor R Sanson.***

Fulton/McGurk

Carried

2. Confirmation of Order of Business

The Chairperson advised of one late submission to be received from Mr Gaire Thompson, and that he had requested to speak to his submission.

3. Interests

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

4. Public Forum

There was no public forum.

5. To hear submissions to the Change to regulatory fees and charges 2022/2023

Document number R26906, agenda pages 4 - 11 refer.

Resolved EC/2022/031

That the Environment and Climate Committee

- 1. Receives the submissions to the change to regulatory fees and charges 2022/2023 (A2889656).***

Fulton/Noonan

Carried

5.1 Ian McComb Submission 31902-1

Mr McComb spoke in support of increasing fees as per the written submission. He noted that the level of fees charged should cover the cost of staff time and should be at a level to support delivering timely service. He noted the industry was facing many challenges and needed council staff to support development. A well-resourced consents team would make it easier for the industry, by providing sound advice and being proactive with information.

Mr McComb answered questions on staff retention policies and priority ideas, and his motivation for supporting the fees increase.

6. Late Submission to Change to Regulatory Fees and Charges

Document number R26910.

Resolved EC/2022/032

That the Environment and Climate Committee

- 1. Receives the late submission #31904-1 from Mr Gaire Thompson (A2895034).***

McGurk/Courtney

Carried

Attachments

1 A2895269 - Late Submission G Thompson 26May2022

6.1 Gaire Thompson Submission 31904-1

Mr Thompson spoke in opposition to the fees increases as per his written submission. He said there were anomalies in the fee structure including Log fire consents, excessive deposits for building consent amendments and code of compliance after 5 years compared with the notice to fix fee.

Karakia Whakamutanga

There being no further business the meeting ended at 9.38a.m.

Confirmed as a correct record of proceedings by resolution on (date)

Resolved

Environmental Management Fees and Charges Review 2022 - Deliberations Report

1. Purpose of Report

- 1.1 To deliberate on the Environmental Management fees and charges review 2022 and decide on the fees and charges to apply under the Resource Management Act 1991 (RMA), Building Act 2004 and the Food Act 2014.

2. Summary

- 2.1 Public consultation on the proposed Environmental Management fees and charges has occurred. Three submissions were received. Another submission was received late.
- 2.2 It is recommended the Committee approve the proposed new fees and charges for Building and Resource Consent activities to commence on 1 July 2022. Concern was raised in a submission regarding the increase in Food Act charges after two years of impacts from COVID. It is recommended to delay increasing these fees until 1 December 2022. One submitter supported increases to reduce the need for rates to overly subsidise costs and also in terms of being more able to attract and retain staff. Two other submitters raised concerns with increasing some Building fees and charges.

3. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Environmental Management Fees and Charges Review 2022 - Deliberations Report (R26885) and its attachments (A2889656, A2829788, A890509, A2783885, A2895034); and***
- 2. Notes the submissions received as part of the special consultative procedure on the review of the Environmental Management fees and***

Item 7: Environmental Management Fees and Charges Review 2022 -
Deliberations Report

charges in Attachments 1 and 5 (A2889656, A2895034); and

- 3. Approves amendments to the fees and charges under the Building Act 2004 as outlined in Attachment 2 (A2829788) to commence from 1 July 2022; and***
- 4. Approves amendments to the charges under the Resource Management Act 1991 as outlined in Attachment 3 (A2890509) to commence from 1 July 2022; and***
- 5. Approves amendments to the Food Act 2014 fees and charges as outlined in Attachment 4 (A2783885) to commence from 1 December 2022.***

4. Background

- 4.1 On 7 April 2022 (R226520) the Environment and Climate Committee adopted three statements of proposal for a special consultative procedure (SCP):

That the Environment and Climate Committee

Receives the report 2022 Environmental Management Fees and Charges review (R26520) and its attachments (A2824715, A2829788, A2824623, A2825558 and A2825557); and

Agrees the preferred option is to increase the current Resource Consent Fees and Charges to by CPI (4.9%); and

Notes that the increase in Resource Consent Fees and Charges will not meet the requirements of Council's Revenue and Financing Policy; and

Adopts the Statement of Proposal for the Amendments to the Charges under the Resource Management Act 1991 commencing 1 July 2022 as detailed in Attachment 1 (A2824715) to Report (R26520); and

Agrees a summary of information contained in the Statement of Proposal Amendments to the Charges under the Resource Management Act 1991 is not necessary to enable public understanding of the proposal; and

Agrees the preferred option is to increase Building Act Fees and Charges to recover 75% of Council costs for these services; and

Item 7: Environmental Management Fees and Charges Review 2022 -
Deliberations Report

Adopts the Statement of Proposal for the Building Act 2014 and Property Information Fees and Charges as detailed in Attachment 2 (A2829788) to Report (R26520); and

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

Agrees the preferred option is to increase the Food Act fees and charges by CPI (4.9%); and

Adopts the Statement of Proposal for the Amendments to the Charges under the Food Act 2014 commencing 1 July 2022 as detailed in Attachment 3 (A2824623) to Report (R26520); and

Agrees a summary of information contained in the Statement of Proposal Amendments to the Charges under the Food Act 2014 is not necessary to enable public understanding of the proposal; and

Notes the CPI increases for the Building and LIM activities, Dog Control and Environmental Health services fees and charges do not require public consultation, and as identified in Attachments 4 and 5 (A2825558 and A2825557) of Report (R26520) will take effect from 1 July 2022; and

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

Approves the consultation approach (set out in section 6 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.

- 4.2 The consultation period occurred between 12 April and 14 May 2022. Three submissions were received in this timeframe and are attached (refer Attachment 1 A2889656). A fourth submission was received one day late (refer Attachment 5, A2895034). Engagement occurred through Council's website, Our Nelson, the Nelson Mail and the Nelson Weekly.
- 4.3 Council can decide on the level of fees and charges within the range of options provided in the statement of proposal, that is, between no change and the change proposed (but not higher).

5. Discussion

Building fees and charges

Submissions

- 5.1 Three submissions were received regarding the proposed building fees and charges. Two submissions raised concerns with the proposed increase in fees and the other commended Councils approach to raise the fees in the building unit to reduce the reliance on “rates overly subsidising building consent costs” and discussed the difficulties in attracting/retaining staff.

Comment on Submissions

- 5.2 Mr Clive Lewis’ submission discussed the minor variation and formal amendment processes within a building consent. Mr Lewis has expressed his concerns regarding the difference in costs between minor variations and formal amendments. The minor variation process and fees are not proposed to change and will still be used for minor changes on site during a build. The increased amendment deposit is not increasing the cost for this service, only asking for a larger amount at the beginning of the process so customers have a better understanding of the actual costs involved and reduces higher costs being invoiced at the end of the process. The proposed amendment deposit has been calculated as the minimum amount an amendment would cost.
- 5.3 Mr Clive Lewis has raised the point about “obtaining a new title if it is 3 months since the consent was issued” when applying for an amendment. It is a requirement of the NZ forms regulations, that each building consent application (full building consent or formal amendment application) provide evidence of ownership. The Simpli portal which we accept our building consent/formal amendment applications through, asks that a copy of title, no older than 3 months old, is provided with each application to confirm ownership of the property. Applicants aren’t limited to providing a copy of the title, the Simpli portal prompt also identifies that other forms of confirmation are acceptable, some examples are, lease, agreement for sale and purchase, or other document showing full name of legal owner(s) of the building, as specified in the NZ forms regulations.
- 5.4 Mr Ian McComb has provided a submission that commends Council’s approach of raising the fees to address “rates overly subsidising building consent costs” and the “difficulties attracting and retaining staff”. Mr McComb is in favour of Council raising the fees as proposed to address these issues. Mr McComb had discussed the risk of not having the required building consenting staff considering the increased workloads the changes the Future Development Strategy may create. Mr McComb has made suggestions in his submission to combat this risk.

Item 7: Environmental Management Fees and Charges Review 2022 -
Deliberations Report

- 5.5 Mr Gaire Thompson has provided a submission that expresses his concerns regarding:
- a) the cost of wood burner building consents (BC)
 - b) the increased deposits for formal amendments and
 - c) the cost of getting historic consents Code Compliance Certificates signed off.
- 5.6 The proposal for wood burner consent applications is to fix this fee at \$450 for freestanding and \$625 for insert wood burners as they require additional inspection. The proposal is not to raise the fee for all woodburners to \$625. These fee's are subsidised to keep the costs down for applicants, as the actual cost complete these consents is much higher.
- 5.7 The proposed increase for formal amendments is to address the majority of feedback from customers that they weren't aware of the cost that would be incurred for this service. The increased deposit is not an increase of cost to the applicant as we have set this fee to the minimum anyone would pay for a formal amendment. The deposit includes \$125 external system fee (incurred on every BC application) and less than two hours planning, processing and admin time. Minor variations are still available for small onsite changes to building consents at a cost of \$80 plus any additional time incurred by officers.
- 5.8 The proposed \$250 deposit for historic building consents that have not obtained Code Compliance Certificate (CCC) is to cover the cost of a file review which is standard for all consents that have had no recent inspections and are over five years old. These consents are higher risk to council as many of them are left in unfinished states for a period of time before wanting to progress with their CCC's. File reviews are carried out to familiarise themselves with the consent before continuing on with the process. In many cases a file review is carried out and the CCC process is not continued.
- 5.9 COA's, Certificates of Acceptance are obtained for building work that required a building consent, that has been carried out without obtaining consent (illegal building work). NCC's current fees for this service are, \$1000 application fee, plus all building consent fees that would normally have been required for this building work, had it been consented. The building consent fees are charged over and above the application fee, as per the current fees and charges schedules as a deterrent to discourage people from undertaking building work that requires a building consent, illegally. Every Council has a different approach to how they charge for this service, but all have an additional fee or charge at higher rates to discourage illegal building work. Under section 97 of the Building Act, the application is to "be accompanied by any fees, charges or levies that would have been payable had the owner, or the owners predecessor in title, applied for a building consent before carrying out the building work"

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations Report

Recommendation and Discussion

- 5.10 As proposed in the SCP documentation, most fees will increase by the Consumer Price Index (CPI) at 4.9%. Some proposed new fees or increases will change by more than CPI. These are the fixing of fees for solid fuel burners (\$450 instead of a deposit of \$430), a new deposit for historic consents (\$250) and increasing the formal amendment deposit from \$125 to \$450. The proposed building fees and charges are detailed in Attachment 2 (A2829788) and are proposed to commence from 1 July 2022. The costs met by the fees and charges include consent processing, inspections, compliance and responding to public enquiries.
- 5.11 The Revenue and Financing Policy requires 60-80% of the total costs to be met by fees and charges. The proposed fees and charges are estimated to cover 74% of the costs of the activity.
- 5.12 Officers recommend increasing the building fees and charges as proposed (option 2):

Option 1: Retain the current fees and charges	
Advantages	<ul style="list-style-type: none"> • Applicants and consent holders do not face increased charges • Would not receive any criticism from increasing fees
Risks and Disadvantages	<ul style="list-style-type: none"> • The fees do not reflect the actual time taken for the anticipated activity/costs to Council • Fees and charges continue to not align with local and national industry levels • Increases to charges may need to be bigger at a later date
Option 2: Increase the fees and charges largely by CPI at 4.9% (RECOMMENDED OPTION)	
Advantages	<ul style="list-style-type: none"> • The fees better reflect the actual costs to perform functions • The increased charges will better cover the increasing costs of attaining and meeting national quality assurance requirements • Help cover the costs of additional resource • Increases provide less dependence on rates
Risks and Disadvantages	<ul style="list-style-type: none"> • May receive criticism from applicants for increasing fees in the current economic context • Could increase cost challenges or queries requiring more officer time to follow up

Resource Consent fees and charges

Submissions

- 5.13 No submissions were received regarding the proposed Resource Management Act 1991 (RMA) fees and charges. Mr Ian Coomb's submission did note however his comments on building consent increases would be similar for supporting increases to the RMA charges.

Recommendation and Discussion

- 5.14 It is recommended the Committee approve the fees and charges outlined in Attachment 3 (A2890509), based on increasing the fees by CPI at 4.9% and commencing from 1 July 2022. The advantages and disadvantages of the recommended increase and retaining the current fees and charges are similar to those provided for the building consent increases in 5.6 above.
- 5.15 The Revenue and Financing Policy requires 40-60% of resource consent activity costs to be recovered from charges. The proposed fees and charges are estimated to cover 38% of the costs of the activity. The Environment and Climate Committee noted at the meeting on 7 April 2022 that their preferred approach to increase fees and charges by CPI would not meet the Revenue and Finance Policy. This will also result in an income budget shortfall of \$124,000 that will need to be met by ratepayers.

Food Act fees and charges

Submission

- 5.16 One submission was received regarding the proposed food fees and charges. The Nelson Branch of Hospitality New Zealand represents 123 hospitality and commercial accommodation businesses. Their submission does not support increasing fees and charges due to the impacts from Covid 19 and any fee increases should be delayed until the 2023/24 financial year. The Branch also recommends a transition to a digital template Food Control Plan registration.

Comment on the Submission

- 5.17 Officers acknowledge the registration process is cumbersome, but this is controlled by the Ministry of Primary Industries. Officers will pass on this feedback to the Ministry.
- 5.18 The food businesses have had to deal with lockdowns and fewer visitors due to COVID. Council recognised this in 2021 and delayed the increase in fees to 1 December 2021. The Branch wants a further delay to give businesses a chance to recover. Not effecting some change for 2022/23 may result in a larger increase being needed in the 2023/24 financial year which could be harder for businesses to adjust to.

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations Report

Recommendation and Discussion

- 5.19 It is recommended that the food fees and charges increase by CPI at 4.9% to commence on 1 December 2022. The Revenue and Financing Policy requires 40-60% of food activity costs to be recovered from charges. This proposal is estimated to recover 46% from fees and charges of the costs of the activity and will only fall short of the annual plan budget for income from charges by \$2,500 (refer to Attachment 4, A2783885 for the proposed fees).
- 5.20 Revenue of \$116,000 and costs of \$243,800 are estimated for the 2022/23 financial year based on the increase in charges by CPI at 4.9% commencing 1 July 2022. The proposed delay of five months for the commencement of the increased charges (to 1 December 2022) will assist the food sector through the quieter winter months. The income from fees and charges will be around \$113,500 with the delayed increase in fees. Keeping the current charges for the whole 2022/23 year will realise an income of \$110,000 from fees and charges.
- 5.21 The differences are small as there are a relatively small number of food businesses - 43 food businesses with templated food control plans and 17 national programme businesses. Registration and verification of each business is also not necessarily annual, it is dependent on the risk of the activity. The recommendation to increase charges from 1 December 2022 is a full year since the last increase in charges and will help ensure the current fees are not eroded by inflation to any significant extent.
- 5.22 Officers recommend increasing the food fees and charges by CPI commencing 1 December 2022 (option 3):

Option 1: Retain the current fees and charges recovering 45% of the costs	
Advantages	<ul style="list-style-type: none"> Operators do not face increased fees. Would not receive criticism. Recognises the challenges faced by some of the sector over two years during COVID.
Risks and Disadvantages	<ul style="list-style-type: none"> The cost of the food activity is not sufficiently covered by income from fees and charges compared to the 2022/23 budgeted income. Increases will likely be required in the future and could be greater than CPI. No rates savings are realised for this activity.
Option 2: Increase fees and charges by CPI (4.9%) commencing 1 July 2022 recovering 47% of the costs	
Advantages	<ul style="list-style-type: none"> The proportional cost of services is better met by users/food operators than ratepayers.

Item 7: Environmental Management Fees and Charges Review 2022 -
Deliberations Report

	<ul style="list-style-type: none"> • Meets the annual plan budget for income from charges. • The general rates component is reduced.
Risks and Disadvantages	<ul style="list-style-type: none"> • Dissatisfaction and likely to receive criticism by operators for the increase in costs at a challenging time. • Could increase costs following non-payments requiring more staff follow up time.
Option 3: Increase fees and charges by CPI (4.9%) commencing 1 December 2022 recovering 46% of the costs (RECOMMENDED OPTION)	
Advantages	<ul style="list-style-type: none"> • Less criticism from operators for increasing fees in the current economic context. • Recognises the challenges faced by the sector. • Provides a full year since the last increase in fees on 1 December 2021.
Risks and Disadvantages	<ul style="list-style-type: none"> • The annual plan budgeted income is not met and rate savings are less.

6. Conclusion

- 6.1 The proposed changes to fees and charges are compliant with relevant legislation and will achieve a better proportionality between those receiving the benefit of that service and ratepayers compared to current fees and charges.
- 6.2 The recommendations are for the amended fees and charges for Building and Resource Consent activities to come into effect from 1 July 2022. The Food Act fees are recommended to commence on 1 December 2022 to better enable the food business to recover from the impacts from covid and the quieter winter months.

Author: Clare Barton, Group Manager Environmental Management

Attachments

- Attachment 1: A2889656 Submissions on proposed changes to regulatory fees and charges [↓](#)
- Attachment 2: A2829788 Building proposed fees and charges [↓](#)
- Attachment 3: A2890509 RMA proposed fees and charges [↓](#)
- Attachment 4: A2783885 Food Act proposed fees and charges [↓](#)
- Attachment 5: A2895034 Late submission on Building fees and charges [↓](#)

Important considerations for decision making
1. Fit with Purpose of Local Government The recommendations in the report provides for the cost-effective delivery of regulatory services that protect the environmental, cultural and social well-being of the community.
2. Consistency with Community Outcomes and Council Policy The recommended charges assist with achieving the stated funding outcomes in the Annual Plan. The resourced regulatory activities also contribute to our natural environment being healthy and protected, ensuring our communities are healthy and safe and communities have access to social and recreational activities.
3. Risk The do-nothing option will not be consistent with the criteria for fixing charges specified in the various legislation. It will also likely to lead to greater percentage increases in the future. Increasing fees and charges by too high a level however could result in dissatisfaction by those impacted by the increase even if that increase is potentially justified. Proposed increases minimise the risk of dissatisfaction by increasing fees at a reasonable rate compared to current fees.
4. Financial impact The proposed increases in charges will better enable costs for the services to be met in the medium to long-term at an appropriate proportion between applicants/consent holders and ratepayers. The proposed changes to the Building and Food Act fees and charges will meet the Revenue and Financing Policy requirements. The CPI increase to Resource Consent fees and charges will result in the income from fees and charges only meeting 38% of costs instead of meeting the Policy requirements between 40% and 60% of costs. The additional cost to ratepayers is expected to be \$124,000 more than what is budgeted for the Resource Consents activity. A shortfall of \$2,500 compared to budget is expected for the Food activity income with the proposed delay in increasing charges.
5. Degree of significance and level of engagement This matter is of medium significance because proposed increases while justified will impact applicants and consent holders. The wider community is also impacted by a minor to medium degree as a greater percentage of the General Rate will be required to meet the costs of the Resource Consents and Food Act activities.

6. Climate Impact

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

7. Inclusion of Māori in the decision making process

No specific consultation with Māori has been undertaken regarding this report.

8. Delegations

The Environment and Climate Committee has the following delegation:

Areas of Responsibility:

- *Building control matters, including earthquake-prone buildings and the fencing of swimming pools*
- *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 smoke-free environments, and other public health issues*
- *Hazardous substances and contaminated land*
- *Maritime and Harbour Safety and Control*
- *Pollution control*
- *Regulatory enforcement and monitoring*

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.*
- *Approval of increases in fees and charges over the Consumer Price Index (CPI)*

Submissions to the Change to regulatory fees and charges 2022/2023



A2889656

Table of Contents

1.	<u>31900 - Clive Lewis - Clive Lewis Design (2004) Ltd</u>	3
2.	<u>31902 - Ian McComb - Small Time Developments Ltd - SPEAKING</u>	4
3.	<u>31902-1 - Ian McComb - Small Time Developments Ltd - SPEAKING</u>	5
4.	<u>31903 - Kim Odendaal - Hospitality New Zealand Nelson Branch</u>	6
5.	<u>31903-1 - Kim Odendaal - Hospitality New Zealand Nelson Branch</u>	7

A2889656

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations Report: Attachment 1

Fees and Charges

Submission Summary

Change to Regulatory Fees and Charges 2022/2023 - Submission #31900

Mr Clive Lewis

Director Clive Lewis Design (2004) Ltd

clivelewisdesign@gmail.com

Clive Lewis Design 128 The Ridgeway, Stoke
Nelson 7011

03 547 3086

Speaker? False

Department	Subject	Opinion	Summary
NCC - Environmental Management	c) Raise the deposit for amendments to Building Consents from \$125 to \$450 to better reflect the actual final cost, minimising larger invoices at the time of issuing the amendment.		<p>Raising the fee for submitting an amendment is not going to encourage owners to apply for an amendment. Sometimes the changes can be minor like the layout of a bathroom. If the building consent officer inspecting the work requests an amendment a number of owners and builders do not bother. This causes problems further on when the Owner or builder applies for the Code Compliance Certificate.</p> <p>On previous work I have done for a minor amendment a revised layout was given to the building inspector when he next visited the site. The building inspector would add this to the building file and therefore this would not be an issue when the CCC was being done. The council records then show the amended layout and the as-built drawings are therefore correct. To apply for an amendment on the Simpli portal takes a lot of time and not justified for a minor amendment. For example you have to obtain a new title if it is 3 months since the consent was issued.</p> <p>There is already a serious problem with the procedure for obtaining the Code Compliance Certificates and a lot of consents are not being signed off. It is the Owner's responsibility to obtain the CCC and this is not being done for a lot of consents. Raising the costs of amendments will only make matters worse as owners and builders will not bother applying for amendments.</p> <p>It would be refreshing for the Council to help Owners and Builders with amendments and with obtaining the Code Compliance Certificates. Perhaps when the final inspection is made the council could work with the Owner to encourage completing the CCC. At the moment the Council is seen as unhelpful and only intent on charging extra fees.</p> <p>Clive Lewis</p>

Printed: 10/05/2022 09:11
A2889656

Page 3

Submission Summary

Change to Regulatory Fees and Charges 2022/2023 - Submission #31902

Mr Ian McComb
Small Time Developments Ltd

ian@smallhome.nz

8 Orpington Place
Nelson 7011

Speaker? True

Department	Subject	Opinion	Summary
NCC - Environmental Management	Your Feedback on Fees and Charges		Whilst the attached document relates only to the proposed Building Consent charges. My comments would be similar in supporting increases to the RMA charges.

31902-1

Feedback: Change to regulatory fees and charges 2022/23

Author: Ian McComb. I own Small Time Developments Ltd, a company which aims to provide high quality small and affordable dwellings for individual households and communities. My background includes 10+ years as a council Development Engineer and Infrastructure Planner, including at Tasman District Council and Hamilton City Council.

Introduction:

Overall, I strongly support the proposed changes and congratulate the Council for its approach to identifying the issues and consequences of not increasing fees. Whilst I acknowledge that mine will be an unusual answer, causing dissatisfaction to some, I encourage Council to increase the fees by 14%, to prepare for the future.

Issues with the current fees and proposed modest increases

The consultation document identifies existing issues of:

- Rates overly subsidising building consent costs
- Difficulties attracting and retaining staff

These are both serious issues, and finding and implementing solutions to both should be prioritised.

Future Development Strategy

Council's recent consultation on the Future Development Strategy (FDS) emphasised that approximately 1000 new infill dwellings were sought per year. If the result of the FDS process is a change to the Nelson Resource Management Plan (NRMP) that speeds up the resource consenting process, the aims of the FDS could be threatened if Council's building unit cannot keep up with the resulting workload. Infill houses are likely to be more site-specific than the standard options used by large building companies for greenfield development and hence each consent will take more than the average effort to review and inspect during construction. If the Building Unit is not adequately staffed, this will probably lead to extensive delays. Recent news articles have emphasised the problem in New Zealand:

Delays in Consenting - <https://www.stuff.co.nz/national/127923920/frustrating-delays-for-new-homes-as-consents-pile-up>

Delays in Inspections - <https://www.nzherald.co.nz/business/master-builders-calls-for-more-efficient-building-consent-system-due-to-major-delays/6S4IW63CZJ5HLAVNHMPMRK3G2PE/>

Longer term view

Whilst I expect that other submitters will object to the proposed increase in fees, the reality is that Council fees are a small cost in the overall process. The effects of delays in Council processes can be far more costly from both the financial and personal stress perspectives (NCC staff, Industry, clients).

From my time working in and with Council, I know the crippling effect that staff turnover has. Given the overall context, I suggest Council creates a staff retention incentive policy for the Building Unit staff with the aim being for current and future staff to stay with Council for 10+years and hence facilitate the achievement of the FDS.

Dare I say, NCC should "go hard and go early" on increasing fees, to support setting the Building Unit up for the future.

Submission Summary

Change to Regulatory Fees and Charges 2022/2023 - Submission #31903

Kim Odendaal

Upper South Island Regional Manager Hospitality New Zealand Nelson Branch

kim@hospitality.org.nz

PO Box 503
Wellington 6140

Speaker? False

Department	Subject	Opinion	Summary
NCC - Environmental Management	Your Feedback on Fees and Charges		Please see attached.

31903-1

Hospitality New Zealand Nelson Branch



Submission on Food Act Proposed Fees and Charges Statement of Proposal May 2022

Hospitality New Zealand (HNZ) is a voluntary trade association which has operated since 1902 and currently represents over 3,000 hospitality businesses throughout New Zealand, including Taverns, Pubs, Bars, Restaurants, Cafes, Retail Liquor and Commercial Accommodation providers such as Camping Grounds, Lodges, Motels, Hotels and Backpackers.

The Nelson Branch of Hospitality New Zealand includes and represents 123 Hospitality and Commercial Accommodation businesses. This submission is made on behalf of the Nelson Branch of Hospitality New Zealand.

Hospitality New Zealand has a 115-year history of advocating on behalf of the hospitality and tourism sector and is led by Chief Executive, Julie White. Hospitality New Zealand's Nelson Branch President is Ian Williams and the Regional Manager for the Branch is Kim Odendaal.

We appreciate the opportunity to give feedback to the Nelson City Council.

CONTACT DETAILS:

Kim Odendaal

Upper South Island Regional Manager

Hospitality New Zealand

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027 5035408

0800 500 503

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations Report: Attachment 1

1. The Nelson Branch of Hospitality NZ does not support Nelson City Councils position to increase fees and charges relating to the Food Act.
2. We query the process, and the timing of this rate increase.
3. The process of completing the Template Food Control Plan template is extremely onerous on our members, with the New Registration Food Control template being 122 pages long.
4. Surely it is time to move away from the paper based 122 paged template and move towards a streamlined digital based template such as what Business Connect (<https://businessconnect.govt.nz/help/>) offers. This would reduce time and cost for all involved.
5. The hospitality industry has been one of the hardest hit sectors by the world wide Covid -19 pandemic. With the stress of trying to retain staff after a very difficult 2 years, where venues were unable to operate as normal due to Government restriction, cash flow concerns is a major concern. We do not believe this is the right time to increase fees on a sector struggling to survive.
6. We believe any fee increases should be put off until the 23/24 financial year so that business with have a chance to recover from 2 years of occurred debt.



Proposed Building Unit Fees and Charges commencing 1 July 2022

The following changes are proposed in addition to the CPI increases:

- The fees for Residential solid fuel burners are proposed to be fixed at \$450 for freestanding and \$625 for inbuilt burners including CPI increase as reflected below.**
Customers were previously invoiced for all staff time spent on these consents however the result was overwhelming feedback that most invoices were too expensive for home heating. We wish to retain the right to charge additional time where applications are particularly poor or require excessive staff input.
- The **Amendment to Issued Building Consent deposit is proposed to be raised to \$450**, to cover system fee, one hour processing & one hour admin.
- One new building activity fee is proposed to be introduced: **Historic Building Consent File Review Deposit - \$250 plus current hourly rate**. The deposit will help cover the costs of staff time taken to review these historic consents after the owners agree to start this process. Occasionally, owners fail to complete the process leaving Council unable to recover costs incurred.

All applications are subject to the following fees:

- Non-Refundable Deposit** as listed the following tables – to be paid upon application (now includes System Fee, for ease of use)
- Upon Granting of building consent** - additional costs will be invoiced and must be paid prior to Issue of Building Consent. These include - Specialist fees, Staff time at hourly charge out rate above deposit, plus estimated inspections fees, all Levies and Development/Financial Contributions as applicable.
- Before CCC Issue** – All time will be re-calculated and offset against staff time already paid & the difference will be invoiced, to be paid prior to Code Compliance Certificate issue.

Development and Financial Contributions - Building consents may also incur development and/or financial contributions - see **website information**: <http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/>

The table below applies to all applications: Commercial, Residential, New or Alteration & Additions. Costs exceeding the deposit (minus system fee) are invoiced at current hourly charge out rates, prior to issue of legal documentation.		Rounded up or down to nearest \$1
All Deposits throughout this document are non-refundable and now include the application fee and are chargeable upon application.	2021 Deposit	2022 Non-Refundable Deposit
Amendment to Issued Building Consent – non-refundable deposit plus hourly charge out rate	\$125.00	\$450.00
Value of Work - up to \$5,000	\$750.00	\$787.00
System fee \$75 for up to \$10,000 - \$5,001 to \$10,000	\$1,000.00	\$1,049.00
System fee \$125 for \$10,001 to \$600,000 - \$10,001 to \$20,000	\$1,670.00	\$1,752.00
- \$20,001 to \$50,000	\$2,430.00	\$2,549.00
- \$50,001 to \$100,000	\$2,660.00	\$2,790.00
- \$100,001 to \$200,000	\$3,100.00	\$3,252.00
- \$200,001 to \$400,000	\$4,000.00	\$4,196.00
- \$400,001 to \$600,000	\$5,000.00	\$5,245.00
System fee \$250 for over \$600,000 - 600,001 to \$800,000	\$6,000.00	\$6,294.00
- \$800,001 to \$1,200,000	\$7,000.00	\$7,343.00
- \$1,200,001 to \$4,000,000	\$7,500.00	\$7,868.00
- \$4,000,001 or more	\$9,500.00	\$9,966.00

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations
Report: Attachment 2

Levies - fixed and required under Building Act 2004 - fee based on value of work. Note: an Amendment that adds value to the original consent may cause it to incur (additional) Levies.		
BRANZ Levy - Building Research Association New Zealand Levy where estimated value is \$20,000 and over	\$1.00 per \$1,000	\$1.00 per \$1,000
MBIE Levy - Ministry of Business, Innovation and Employment Levy where estimated value is \$20,444 and over	\$1.75 per \$1,000	\$1.75 per \$1,000
Insurance Levy - where estimated value is \$20,000 and over and capped at \$10,000,000. \$.## per \$1,000	\$1.50	\$1.60
QA Levy - Quality Assurance/Building Consent Authority Levy - where estimated value is \$20,000 and over. \$.## per \$1,000	\$3.00	\$3.15

Hourly charge out rates for staff, meetings, and external contractors	Per Hour	Per Hour
Building Control Administrators and Residential Building (Technical) Officers	\$164.00	\$172.00
Commercial Building (Technical) Officers (includes any commercial meeting with customer/project managers etc.)	\$200.00	\$210.00
Any other meeting with Building Unit Staff or Duty Building Officer - chargeable after first 30 minutes.	\$164.00	\$172.00
External contractors or specialists engaged by Council	At Cost	At Cost

Minor Works – includes system fee and non-refundable deposit - payable upon application. Costs exceeding deposit (minus system fee) are charged at hourly charge out rate	2021 Deposit	2022 Non-Refundable Deposit
Swimming pool fencing application	\$450.00	\$472.00
Solid fuel burner/Space heater	\$430.00	\$450.00
Inbuilt burner/heater requiring extra cavity inspection	\$595.00	\$625.00
Demolition work	\$630.00	\$661.00
Marquee – Private/Residential > 100m2	\$380.00	\$399.00
Marquee any size in place for more than one month, commercial/private	\$630.00	\$661.00
Express Service For Commercial Marquees (less than 20 working days' notice)	\$1,320.00	\$1,385.00
Swimming Pool Application	\$1,050.00	\$1,101.00
Bathroom Alterations including wet area shower	\$1,195.00	\$1,254.00
Proprietary Garage >\$20k – Non-refundable deposit plus hourly charge out rate	\$1,665.00	\$1,747.00
Any Relocated dwelling	\$2,330.00	\$2,444.00

Works for which a Building Consent is Not Required	2021 Deposit	2022 Deposit
Notification of Exempt Work - Schedule 1 (except clause 2) <ul style="list-style-type: none"> No assessment by Territorial Authority, application placed on Property File, one-off fixed fee. 	\$255.00	\$267.00
Application for Discretionary Exemption – Schedule 1 (2) only <ul style="list-style-type: none"> Requires Territorial Authority assessment and decision. Costs exceeding the deposit are charged at the hourly charge out rate 	\$320.00	\$336.00
Unauthorised building works report (<i>works prior to 1991</i>) to file	\$255.00	\$267.00

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations
Report: Attachment 2

Certificate of Acceptance (COA)	2021 Deposit	2022 Deposit
Applicants will be charged a \$1,050.00 application fee PLUS: all applicable consent fees (including processing & inspection fees) and levies that would have been required and payable, had building consent been applied for BEFORE carrying out the work. Any specialist input, where applicable, will be charged out at cost. The hourly charge out rate will be charged for all staff time. All building work completed without a Building Consent or Exemption Application, will require a COA. If a COA is not applied for, a Notice to Fix will be issued.	\$1,000 \$1,000 plus all fees that would have been payable for BC inc. processing, admin & inspections	\$1,050.00 \$1,050 plus all fees at current rates, that would be payable if BC had been applied for, inc. processing, admin & inspections

Notice to Fix (NTF) and Other Enforcement	2021 Deposit	2022 Deposit
Costs exceeding the deposit are charged at the hourly charge out rate		
Notice to fix (each) issue	\$520.00	\$545.00
Other notices (each) issued under Building Act 2004	\$175.00	\$184.00
Section 124 notices for Dangerous or Insanitary Buildings (Except where issued as a result of a natural disaster)	\$520.00	\$545.00
Building Officer time and monitoring of notices issued	Hourly charge out rate	Hourly charge out rate

Registration of Documents with Land Information New Zealand	2021 Deposit	2022 Deposit
Costs exceeding the deposit are charged at the hourly charge out rate		
Section 73 Building Act 2004	\$455.00	\$477.00
Section 75 Building Act 2004	\$455.00	\$477.00
Removal of section 73 or 75 (or equivalent under Building Act '91)	\$455.00	\$477.00

Other Services Provided by the Building Unit	2021 Deposit	2022 Deposit
Costs exceeding the deposit are charged at the hourly charge out rate		
Project Information Memorandum (PIM) – charged at \$164 per hour for all staff. The deposit is only required if the PIM application is not part of a building consent application	\$305.00	\$320.00
Compliance schedule - New	\$400.00	\$420.00
Compliance schedule - Amendment	\$250.00	\$262.00
Building Warrant of Fitness (BWof) each renewal	\$180.00	\$189.00
BWof back flow preventer only - plus any additional time to review 12A forms at hourly charge out rate	\$50.00	\$52.00
BWof Audit of commercial premises plus additional time if necessary	\$180.00	\$189.00
Swimming pool barrier audit plus additional time if necessary	\$180.00	\$189.00
Determinations; Lapsed consents; Extension of time under section 52; and Section 93 decisions	Hourly charge out rate	Hourly charge out rate
Certificate for public use (CPU) fee - public buildings only	\$405.00	\$425.00
CPU extension of time will be invoiced for \$610 plus staff time at hourly charge out rate	\$610.00	\$640.00
Code Compliance Certificate	Hourly rate	Hourly rate

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations
Report: Attachment 2

Application for Exemption, for an Earthquake Prone (EQP) Building	\$620.00	\$650.00
Application for Extension of time for Heritage Earthquake Prone Building	\$620.00	\$650.00
Assessment of information related to a Building's EQP status	\$620.00	\$650.00
Minor Variations deposit plus hourly charge out rates	\$80.00	\$84.00
Amendment to Issued Building Consent - non-refundable deposit plus hourly charge out rate.	\$125	\$450.00
Building Code Clause modification or waivers – e.g. B2 Mod.- Durability	\$190.00	\$199.00
Historic Building Consent - file review - deposit plus current hourly rate	NEW in July 2022	\$250 +
Certificate of compliance (District Licensing Agency) Building code compliance assessment for fire safety and sanitary facilities in a building, prior to an alcohol license application	\$160.00	\$168.00
Commercial report of Monthly Building Consents Issued - Annual Fee	\$260.00	\$273.00
Commercial report of Monthly & Mid-monthly Building Consents Issued - Annual Fee	\$550.00	\$577.00
Debt recovery - Applicant shall be liable for all costs incurred by Council as a result of debt recovery. In making an application to Council you agree to abide by the Council Debtor Terms and Conditions: http://www.nelson.govt.nz/assets/Our-council/Downloads/working-with-council/customer-accounts/Debtor-Terms-Conditions.pdf	Hourly charge out rate	Hourly charge out rate

LIMS	2021 Deposit	2022 Deposit
Residential	\$300	\$315.00
Commercial	\$460	\$483.00
Multiple titles - at hourly charge out rate	Hourly charge out rate \$164	Hourly charge out rate \$172

Attachment 3

Proposed Amendments to the Charges under the Resource Management Act 1991

Resource Consent Processing and Monitoring, Designations, Plan Changes, all other activities under the Resource Management Act 1991 (RMA) ~~and the Housing Accords and Special Housing Areas Act 2013~~ will attract an initial charge (deposit) payable at the time of lodging an application as per Section 1 below.

Where the cost of processing the consent is not fully covered by the initial fixed charge (deposit), additional charges will be applied (under Section 36(5) of the RMA). Only additional charges can be objected to under Section 357B of the RMA.

Section 2 below lists the various methods of how costs may be charged to a consent.

All charges listed in this Schedule are GST inclusive

1. Initial fixed charges (deposits)

	Activity	Current charge	Proposed charge increase by 4.9% and rounded to nearest \$5
1.1	All activities (other than listed below)	\$1,500	\$1575
1.2	Subdivision 1-3 lots	\$1,500	\$1575
	Subdivision 4 plus lots	\$2,500	\$2625
1.3	Bore permits; Certificate of Compliance; Change of consent notice; Culverts, weirs and other minor structures on the bed of watercourses; Existing Use Certificate; Extension of lapsing period; Fast track consents (controlled status only); Fences; Flats Plan update and check; Outline Plan approvals; Relocate building; Removal or trimming of trees listed in the Nelson Resource Management Plan (supported and carried out by a suitably qualified arborist); Right of Way approval; Signs; Simple consent process; Transfer/part transfer of Permits	\$500	\$525

A2890509

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations
Report: Attachment 3

	Activity	Current charge	Proposed charge increase by 4.9% and rounded to nearest \$5
1.4	Issue of a notice confirming a boundary (or a marginal or temporary) activity is a permitted activity (no additional charges or refunds apply)	\$480	\$505
1.5	NOTIFIED APPLICATIONS: Additional charges for applications requiring notification/ limited notification. (This charge must be paid prior to notifying the application and is in addition to the initial charge paid when the application is lodged).	\$7,000	\$7345
1.6	Removal of trees listed in the Nelson Resource Management Plan that are confirmed in writing by a qualified arborist (level 5 NZQA or equivalent), as diseased or a threat to public safety.	No charge	No charge
1.7	Heritage Buildings: Non-notified application to conserve and restore heritage building, place or object listed in the Nelson Resource Management Plan.	No Charge	No charge
1.8	Private Plan changes (Note: Council's policy is to recover 95% of the costs involved for the whole process from the applicant).	\$10,000	\$10,490
1.9	Heritage Orders	\$3,500	\$3670

1.10 Where an application involves multiple consents the initial charge is payable at the higher rate plus \$250.00 for each accompanying application.

1.11 Where all or part of any initial charge (deposit) is not paid at application time, the Council reserves the right to not process that application.

2. Costs Charged to a Consent (less the initial fixed sum of money paid in accordance with section 1 above)

	Details	Current charge	Proposed charge
2.1	Council Staff – all staff time inclusive of overhead component associated with processing and assessing applications.	\$162 per hour	\$170 per hour
2.2	Hearings Panel Charges:		
	- per Councillor as Commissioner (rate set by Remuneration Authority)	\$80 per hour	\$80 per hour
	- Councillor as Chairperson (rate set by Remuneration Authority)	\$100 per hour	\$100 per hour
	- Independent Commissioner (requested by applicant)	Cost	Cost

A2890509

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations
Report: Attachment 3

	Details	Current charge	Proposed charge
	- Independent Commissioner (requested by submitter)	Cost less Councillor rate (applicant pays the Councillor rate)	Cost less Councillor rate (applicant pays the Councillor rate)
	- Independent Commissioner(s) required for expertise or due to conflict of interest issues	Cost	Cost
2.3	Legal advisors and consultants engaged by Council, or reports commissioned, after discussion with the applicant, to provide expertise not available in-house under s.92(2) RMA.	Cost plus administration charges	Cost plus administration charges
2.4	Experts and consultants engaged by Council to undertake assessment of an application where the complexity of the application necessitates external expertise, or where resource consent processing is required to be outsourced due to conflict of interest issues (this is not a s92(2) RMA commissioning).	Cost plus administration charges	Cost plus administration charges
2.5	All disbursements, such as telephone calls, courier delivery services, all public notification costs, postage for notified applications and document copying charges.	Cost plus administration charges	Cost plus administration charges
2.6	Consultants engaged by the Council where skills are normally able to be provided by in-house staff or when Council staff workloads are unusually high.	\$162 per hour	\$170 per hour
2.7	Urban Design Panel reviews a proposal before a resource consent application is lodged (except for circumstances identified in 2.8 below).	No charge	No charge
2.8	The applicant agrees (as per 2.3 above) to the Urban Design Panel reviewing the proposal after a resource consent application is lodged; or The applicant is required to provide approval from the Urban Design Panel as part of the Housing Accord and Special Housing Areas Act process.	Cost plus administration charges (an estimate of costs is available on request)	Cost plus administration charges (an estimate of costs is available on request)
2.9	Where the applicant requests under s357AB independent commissioner(s) for an objection under s357A(1)(f) or (g), the applicant will meet the costs for that hearing.	Cost plus admin charges	Cost plus administration charges

A2890509

2.10 Photocopying Charges

A4	\$0.20 per page;
A3	\$0.50 per page;
A2	\$2.00 per page
A1	\$3.00 per page

2.11 Monitoring Charges

- 2.11.1 If monitoring is required, a one-off charge of ~~\$162170~~.00 will be invoiced as part of the consent cost. Any extra work that is required to monitor compliance with the consent conditions will be charged at the hourly charge out rate for Council staff in 2.1 above and separately invoiced.
- 2.11.2 Monitoring charges associated with review of information required to be provided by a condition of resource consent will be charged for at the appropriate hourly charge out rate for Council staff or actual cost for specialist consultant.
- 2.11.3 Where the applicant is required or authorised to monitor the activity, the Council's costs in receiving and assessing the monitoring information will be charged directly to the consent holder at the appropriate hourly charge out rate for Council staff or actual cost of the specialist involved.
- 2.11.4 Where permitted activity monitoring is able to be charged under legislative provisions (such as the National Environmental Standards for Plantation Forestry), the time taken by Monitoring Officers will be invoiced at the hourly charge out rate for Council staff in 2.1 above.
- 2.11.5 Where annual monitoring is required up to half an hour of staff time per year, a higher initial monitoring fixed fee up front may be charged or the consent may identify regular intervals when monitoring charges will be invoiced calculated on anticipated staff time multiplied by a stated number of years for these types of consents.

2.12 Administration Charges

	Item/Details	Current charge	Proposed charge increase by 4.9% and rounded to nearest \$5
2.12.1	Insurance levy – for each resource consent.	\$30	\$30
2.12.2	Street naming and numbering (costs of reporting to Hearings Panel and advising all statutory agencies).	Council hourly charge out rate in 2.1 above	Council hourly charge out rate in 2.1 above

A2890509

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations
Report: Attachment 3

	Item/Details	Current charge	Proposed charge increase by 4.9% and rounded to nearest \$5
2.12.3	Street numbering – application for alteration.	\$125	\$130
2.12.4	Documents for execution – removal of building line restrictions; easement documents, caveats, covenants and other documents to be registered with LINZ presented after subdivision processed or where not associated with a subdivision application.	\$175 for each document	\$185
2.12.5	Certificate under Overseas Investment Act.	\$385	\$405
2.12.6	Confirmation of compliance with the Nelson Resource Management Plan for NZ Qualifications Authority.	\$385	\$405
2.12.7	Confirmation of compliance with the Nelson Resource Management Plan for alcohol licence applications.	\$70	\$75
2.12.8	Section 357 Administration charge.	\$320	\$335
2.12.9	Private right-of-way – review against existing names and advising all statutory agencies where appropriate.	\$320	\$335
2.12.10	Authentication report for small-scale solid-fuel burning appliance or open fire.	\$120	\$125
2.12.11	Removal of designation.	\$305	\$320
2.12.12	Swing Mooring annual charge (monitoring costs are additional, refer 2.10.3 above).	\$75	\$80
2.12.13	Transfer of Consents to new owner (S.135(1)(a), S.136(1), S.136(2)(a), or S.137(2)(a) Resource Management Act)	\$240	\$250
2.12.14	Claiming a swing mooring the Council removed from the Coastal Marine Area that did not have a coastal permit	\$300	\$315
2.12.15	Claiming a vessel that was towed and hauled out of the Coastal Marine Area as it was tied to a non- consented mooring that was uplifted	Cost for tow and haul out	Cost for tow and haul out

A2890509

2.13 Discount for Late Consents

- 2.13.1 Where statutory processing timeframes have not been met a discount of 1% of the total of the administrative charges imposed for every working day on which the application remains unprocessed beyond the time limit, up to a maximum of 50 working days will apply.

3. Invoicing

- 3.1 Where processing costs exceed the level of the initial charge (deposit), monthly invoices for any additional charges may be sent to the applicant.
- 3.2 Annual swing mooring charges shall be due on 1 December. The initial payment is due within 30 days of the mooring being installed. Moorings installed 1 December to 1 June will incur the full annual charge. Moorings installed from 1 June to 30 November will be charged half of the annual charge. The Council reserves the right to agree to other arrangements in writing.
- 3.3 The Council has no obligation to perform any action on any application until the charges for the action have been paid in full; such payment will be required by the 20th of the month following invoice.
- 3.4 Where any interim invoice is disputed, work on processing the application will be stopped until the matter is resolved at the discretion of the Manager Consents and Compliance.
- 3.5 The option of monthly invoices only, in lieu of initial charges, may be available on strict credit conditions as follows:
- a) The consent process, or Council involvement in the project, is likely to extend over a period in excess of 6 months; and
 - b) The total amount for invoices is likely to exceed \$5,000; and
 - c) The applicant is in good financial standing with a satisfactory credit record and agrees to abide by the Council's usual credit terms or
 - d) The applicant is a regular customer of the Council's Resource Consents Business Unit, is in good financial standing with no record of unpaid invoices, who agrees to pay each and every invoiced charge by the 20th of the month following the date of issue of the invoice.

Any disputes relating to an invoiced charge must be resolved after the invoice has been paid. Failure to meet these criteria will result in the option of monthly invoices, in lieu of initial charges plus monthly invoices being withdrawn.

The decision on whether to waive the required charge and institute a system of monthly invoicing shall be made by the Manager Consents and Compliance or Group Manager Environmental Management, having regard to the above criteria.

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4. Pre-Application Charges

Detail	Charge
Pre-application discussion with staff on feasibility of a proposal that may not proceed to resource consent.	First half hour – no charge. Additional time charged on an hourly basis at the Council charge out rate as per 2.1.

5. Resource Management Planning Documents

Copies of Plans	Cost
Nelson Resource Management Plan - Text (hard copy)	\$150
Nelson Resource Management Plan - Maps (hard copy)	\$150
CD ROM – combined Nelson Resource Management Plan and Nelson Air Quality Plan – updated annually in Spring	\$15 annually
Nelson Resource Management Plan - hard copy updates issued as required	\$25 annually for text \$25 annually for maps
Nelson Air Quality Plan	\$50
Land Development Manual	\$100

A2890509

**Proposed Amendments to the Fees under the Food Act 2014
commencing 1 December 2022**

Increase fees by CPI at 4.9% and round to nearest dollar

Food premises under the Food Act 2014	Fee (includes GST)
New Registration - Food control plan (based on a template issued by MPI)	\$255-267 initial fee Plus \$162-170 per hour spent on processing application after the first 1½ hours
New Registration - National programme	\$162-170 initial fee Plus \$162-170 per hour spent on processing application after the first hour
Renewal of Registration - Food control plan or national programme	\$81-85 initial fee Plus \$162-170 per hour spent on processing application after the first ½ hour
Amendment to Registration - Food control plan or national programme	\$81-85 initial fee for a change in scope Plus \$162-170 per hour spent on processing application after the first ½ hour
Suspension - Voluntary suspension of food control plan or national programme	\$81-85 initial fee Plus \$162-170 per hour spent on processing the application after the first ½ hour
Verification - Includes site visits, corrective action follow up, correspondence and documentation for food control plans.	\$162-170 per hour
Compliance - Investigation of complaint resulting in the issue of an improvement notice by food safety officer or application for review of improvement notice.	\$162-170 per hour
Monitoring - Monitoring for food safety and suitability (where there is compliance).	No charge

Note – Time charged per hour will be measured to the nearest 15-minute interval.

Submission Summary

Change to Regulatory Fees and Charges 2022/2023 - Submission #31904

Mr Gaire Thompson

Nelson 7010

Speaker? True

Department	Subject	Opinion	Summary
NCC - Environmental Management	Your Feedback on Fees and Charges		See attached

A2895034

Printed: 25/05/2022 08:47

Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations Report: Attachment 5

Administration

Subject: FW: submission on proposed building charges

From: Gaire Thompson <gaire@tpg1.co.nz>
Sent: Sunday, 15 May 2022 9:51 pm
To: Engage <engage@ncc.govt.nz>
Cc: Gaire Thompson <gaire@tpg1.co.nz>
Subject: submission on proposed building charges

CAUTION: External email.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Re BUILDING ACT proposed charges

I would like to object to the proposed increased charges particularly for the next year when many businesses and their clients are under ++financial pressure.

1/ the charges for installing a log fire are stated to increase from \$450 to \$625, which would be excessive, for this excellent and economical form of heating. However in the table at the end it quotes current \$430 increasing to \$450 from July.

2/The excessive increase in the deposit for amendments to building consents from \$123 to \$450. The pathetic reason given that it minimises the final invoice is not justifiable. Charging 1 hour for administration is over the top, and small simple amendments should surely be able to be handled very quickly.

3/re historic consents applying for a code of compliance after 5 years should surely only take an hour at the most if the system is functioning well so why \$1000 fee, were as it reads that if you don't apply but then get a notice to fix it is nearly half the price at \$520 .

In summary I think I think that CPI increases should ne the maximum , increased deposits only allow council staff to take longer to do what should have been done in less time so I support OPTION 1 and efficiencies be madein the department to cover any increased costs.

If there is a hearing I wish to be heard.

Thankyou,

Regards,

Gaire Thompson



Thompson Property Group
P: 03 545 1092 M: 027 228 7219
Email: gaire@tpg1.co.nz

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Item 7: Environmental Management Fees and Charges Review 2022 - Deliberations Report: Attachment 5

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2

The Effectiveness of the Compliance Strategy 2020

1. Purpose of Report

- 1.1 To review the effectiveness of the Compliance Strategy 2020 (the Strategy).

2. Recommendation

That the Environment and Climate Committee

- 1. Receives the report The Effectiveness of the Compliance Strategy 2020 (R26899) and its attachment (A2275547); and***
- 2. Notes officers will request an external review of the Enforcement Strategy by the regional sector Compliance and Enforcement Special Interest Group in the 2022/2023 year.***

3. Background

- 3.1 The Strategy was first approved by Council on 14 December 2017 (R8673) with the following resolution:

That the Council

Approves the Compliance Strategy 2017 to guide staff and contractors in the exercise of enforcement obligations on behalf of the Council.

- 3.2 A strategic approach to monitoring and enforcement is considered best practice to ensure Council resources are focussed to achieve the best possible outcome for our community. In 2017 the Strategy was developed to be consistent with the Regional Sector Strategic Compliance Framework 2016-2018. This framework was designed (with support from regional council chief executives) to give councils a

Item 8: The Effectiveness of the Compliance Strategy 2020

comprehensive set of principles and guidelines to assist in the development of individual council monitoring and enforcement strategies.

- 3.3 The Ministry for the Environment (MfE) published "Best practice guidelines for compliance, monitoring and enforcement under the Resource Management Act" in July 2018. The Regional Sector Strategic Compliance Framework was updated in 2019 to be consistent with MfE's guidelines. Accordingly, Council's Compliance Strategy was updated in 2020 to be more consistent with these documents (see Attachment 1, A2275547). On 22 October 2020 the Environment Committee resolved the following:

That the Environment Committee

- 1. Receives the report Compliance Strategy 2020 (R19200) and its attachment (A2275547); and*
- 2. Adopts the Compliance Strategy 2020 (A2275547) effective from 1 November 2020.*

- 3.4 A new Long Term Plan performance measure introduced for 2021/22 requires the Strategy be reviewed for effectiveness and reported to Council annually. This report is the first review of the Strategy.

4. Review of the effectiveness of the Compliance Strategy

- 4.1 To understand how effective the Compliance Strategy has been for the 2021/22 year, there are two aspects to consider:

- a) Is the Nelson City Council Strategy in alignment with other council strategies and in accordance with best practice?
- b) What do the enforcement statistics show – is there improvement in outcomes for Nelson?

- 4.2 The purpose of the Strategy is to:

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

- 4.3 The Strategy is designed to focus Council resources to achieve the best possible outcome for the community. It manages the Council's

Item 8: The Effectiveness of the Compliance Strategy 2020

compliance and enforcement responsibilities and duties by employing a risk-based approach and dealing with non-compliance using a 'toolbox' of enforcement tools proportionate to the degree of non-compliance.

Alignment with other strategies and best practice

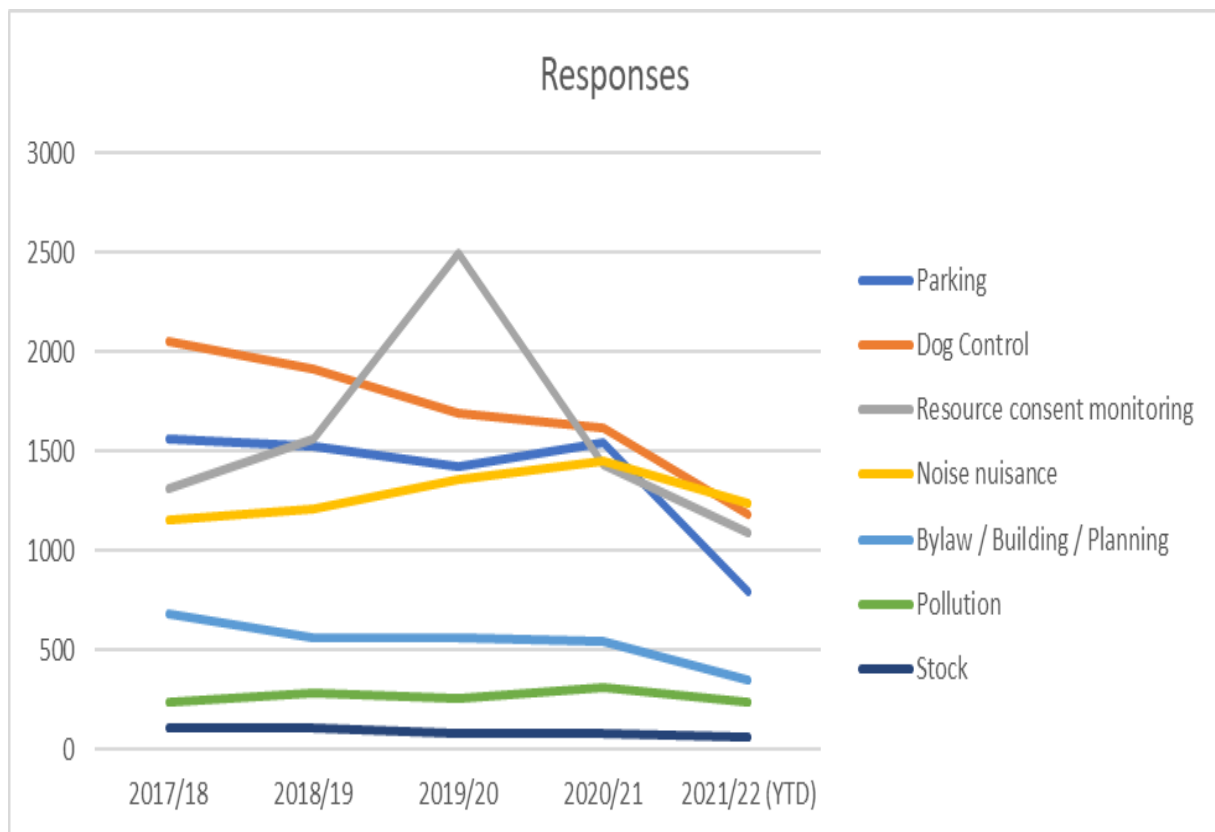
- 4.4 In 2018 two managers from other councils (Marlborough and Otago) reviewed Nelson's enforcement practices and processes by interviewing officers and assessing documents and procedures. Their recommendations in summary, were to formalise a training and development programme, allocate work programmes more equitably, and improve enforcement decision making documentation. They noted the community was well served by response timeframes.
- 4.5 Improvements have been made in accordance with these recommendations. At the next Compliance and Enforcement Special Interest Group meeting (CESIG) the main findings from these reviews of each other's enforcement processes will be shared. A way forward to ensure practices and processes are kept updated will also be discussed. A review of Nelson City Council's current Strategy will be requested from members of this group.
- 4.6 Prior to proposing an update to the Strategy in 2020, the compliance or enforcement strategies of Tasman District Council, Marlborough, Horizons, Auckland and Taranaki were reviewed. Changes were made to the previous Strategy to better align with other strategies and also align with MfE's guidelines. The revised and updated Strategy was reviewed by externally prior to being adopted by Council on 22 October 2020.

Enforcement statistics

- 4.7 The effectiveness of the Strategy can be determined by considering whether compliance, monitoring and enforcement action is minimising negative impacts on the environment and the community and is maximising deterrence. Decreasing numbers of reactive incidents while continuing and enhancing proactive monitoring would indicate people are increasingly deterred from offending. Less serious enforcement action indicates less impact on the environment and the community.
- 4.8 Proactive monitoring of resource consent conditions and permitted standards in the Nelson Resource Management Plan and national environmental standards is essential to engage, educate and enable stakeholders to comply and adopt best practices. Dog patrols at popular dog exercise areas and parking patrols near schools remind people to comply and reinforce the safety reasons behind the rules. Verifications of food businesses and compliance checks of alcohol licences are all examples of the proactive work required to encourage and maintain a high level of compliance. Proactive monitoring is helpful to bring about positive behaviour change.
- 4.9 Level of responses (note some resource consent monitoring responses are preventative and are not incidents):

Item 8: The Effectiveness of the Compliance Strategy 2020

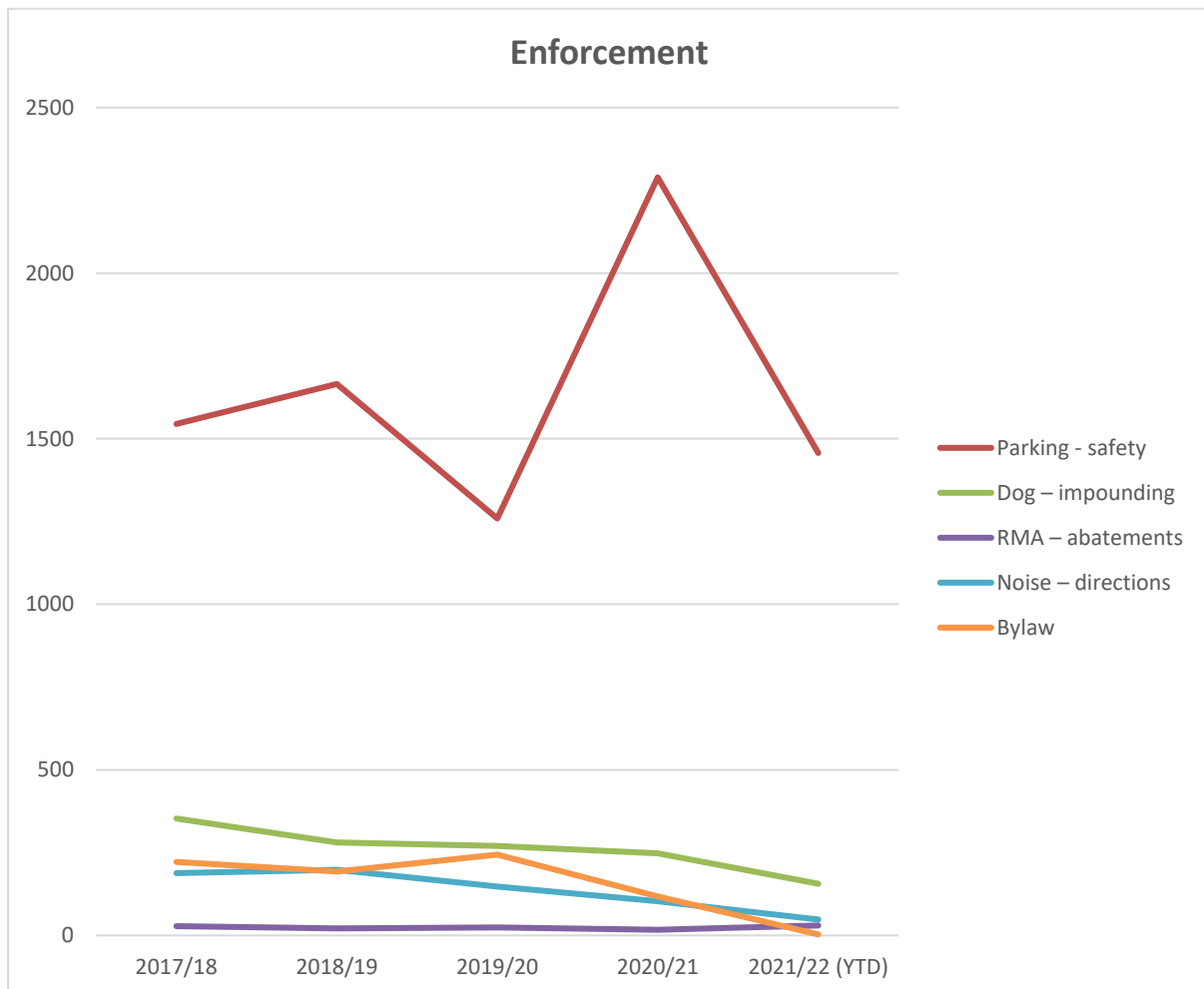
Activity	2017/18	2018/19	2019/20	2020/21	2021/22 (YTD)
Parking	1566	1522	1427	1544	793
Dog Control	2056	1913	1693	1613	1182
Resource consent monitoring	1316	1562	2496	1436	1090
Noise nuisance	1151	1214	1360	1436	1240
Bylaw / Building / Planning	680	562	560	544	354
Pollution	241	289	256	317	237
Stock	107	114	78	84	60



Item 8: The Effectiveness of the Compliance Strategy 2020

4.10 Level of enforcement:

Activity	2017/18	2018/19	2019/20	2020/21	2021/22 (YTD)
Parking – total	17292	13234	12659	13781	16762
- safety	1545	1665	1259	2289	1457
Dog – impounding	353	281	270	248	156
- infringements	270	288	274	264	151
- menacing	65	74	89	93	88
- dangerous	14	10	8	9	8
- prosecutions	2	3	0	2	0
RMA – abatements	28	21	24	17	30
- infringements	21	15	14	13	25
- enforcement order	1	0	0	1	0
- prosecutions	1	0	0	0	0
Noise – directions	188	198	148	103	48
- seizures	8	12	8	3	5
Bylaw	222	193	244	118	3



5. Conclusion

- 5.1 Most activities are generally showing a steady declining trend in both the level of reactive response and “heavier” enforcement. The recent increase in RMA enforcement reflects the increasing complexity in consented developments.
- 5.2 However, the numbers may not always reflect the compliance trends. Behaviours in terms of compliance may be impacted by the pandemic, economic context and perceived risk of being caught. Education campaigns can increase awareness of how to comply and increase reporting of non-compliance. Staff vacancies and fewer patrols during lockdowns can mean less non-compliance is being detected for that period.
- 5.3 The principles and purpose of the Strategy are effective in guiding a consistent, best practice approach to compliance, monitoring and enforcement activities. The current Strategy is aligned with other council strategies and MfE guidelines.
- 5.4 The next steps are to refine and enhance information and resources for activities that aren’t improving to encourage a greater level of compliance and to have an external check that the Strategy is up to date with best practice.

Author: Mandy Bishop, Manager Consents and Compliance

Attachments

Attachment 1: A2275547 Compliance Strategy 2020 [↓](#)

Nelson City Council

Compliance Strategy

2020



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

A2275547

TABLE OF CONTENTS

TABLE OF CONTENTS	2
1 PURPOSE OF THIS STRATEGY.....	3
1.1 Legal status.....	3
2 WHY DO WE NEED A COMPLIANCE STRATEGY?	4
3 PRINCIPLES.....	5
4 MONITORING	7
4.1 Purpose of a compliance programme under the Resource Management Act.....	7
4.2 Monitoring methods.....	7
4.3 Prioritising monitoring resources.....	8
5 ENFORCEMENT POLICY.....	9
5.1 Compliance promotion.....	9
5.2 Dealing with the effects of non-compliance.....	10
5.3 Investigation	10
5.4 Dealing with the effects of non-compliance.....	10
6 REPORTING & REVIEWING.....	14
6.1 Information to be collected.....	14
6.2 Reporting.....	15
7 SUPPORTING INFORMATION.....	16
7.1 Enforcement duties and responsibilities.....	16
7.2 Solicitor-General's prosecution guidelines	16
7.3 Current compliance monitoring programmes	17
7.4 Enforcement process.....	18

1 PURPOSE OF THIS STRATEGY

The purpose of this compliance strategy is to:

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

1.1 Legal Status

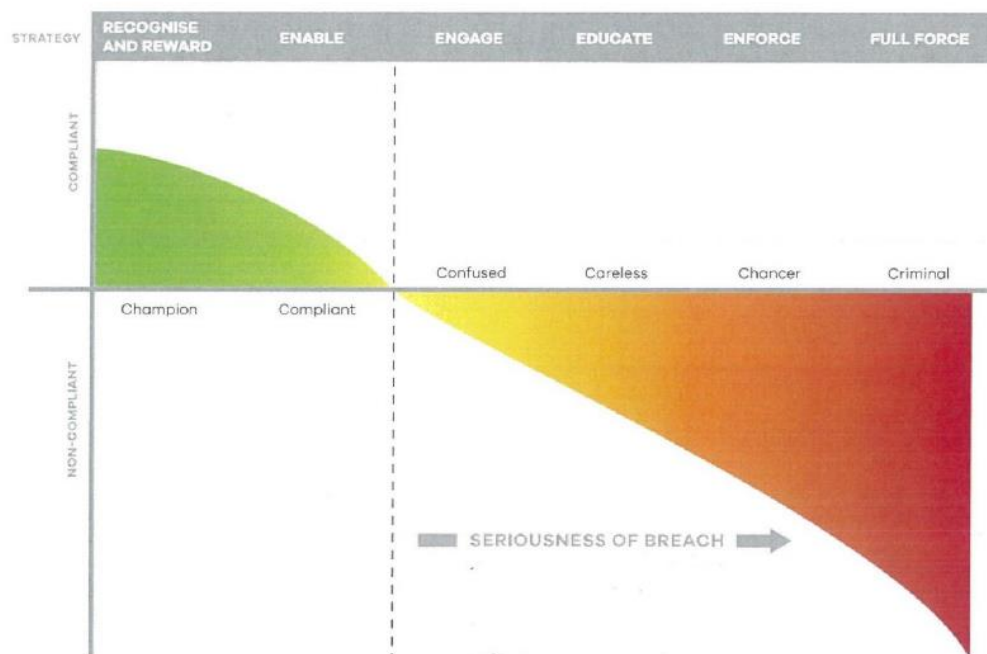
This strategy is not legally binding. It provides a Council endorsed approach to enforcement activities to be adopted or referenced in job descriptions or contracts for services to ensure principles of transparency, procedural fairness and natural justice are applied. The Strategy provides guidance on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

2 WHY DO WE NEED A COMPLIANCE STRATEGY?

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

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

Figure 1: Strategic Compliance



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

There are four major components to the Compliance Strategy:

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

3 PRINCIPLES

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

Transparency

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

Consistency of process

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

Fair, reasonable and proportional approach

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

Evidence based, informed

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

Collaborative

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

Lawful, ethical and accountable

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

Outcomes-focussed

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

Responsive and effective

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

4 MONITORING

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

The programming will consider the following:

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

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

Compliance monitoring under the RMA is to:

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

4.2 Monitoring methods

Compliance monitoring can be carried out in the following ways:

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

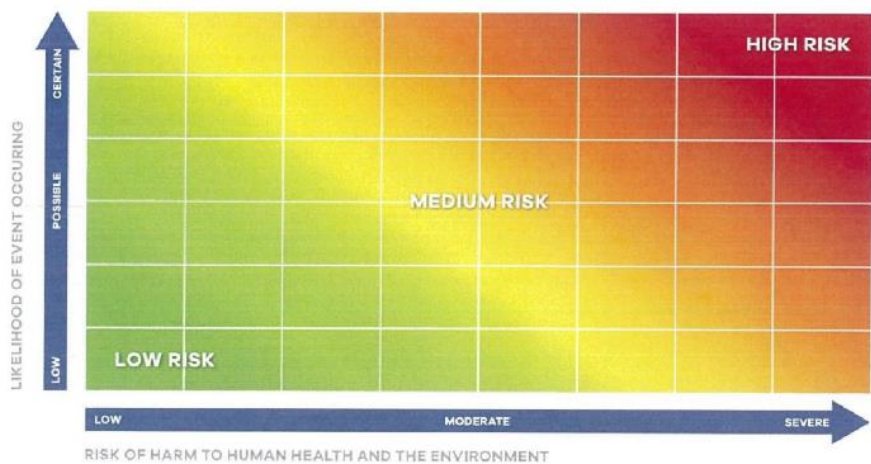
4.3 Prioritising monitoring resources

A risk-based approach to monitoring:

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

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

Figure 2: Generic Environmental Risk Matrix



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

5 ENFORCEMENT POLICY

Council has a statutory obligation to enforce its legal duties and responsibilities under the wide range of Acts it administers. The reasons to enforce the law include:

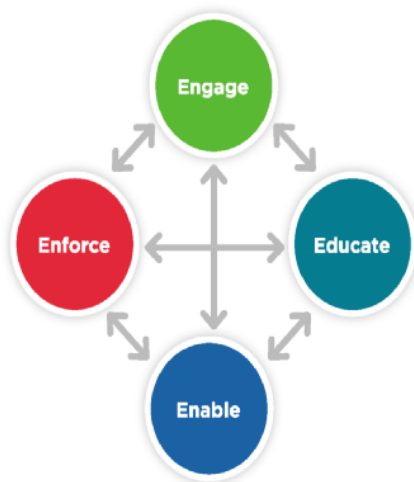
- To maintain people's health and safety;
- Prevent environmental damage;
- Remediate damage;
- Penalise the offender, ensure reparation if this is possible and deter them from repeat offending;
- Deter others from offending.

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

5.1 Compliance promotion

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

Figure 3: The 4Es



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

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

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

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

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

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

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

5.2 Dealing with the effects of non-compliance

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

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

5.3 Investigation

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

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

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

5.4 Dealing with non-compliance




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

Enforcement options

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

Figure 4: Directive actions

Directive actions




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

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

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

Figure 5: Punitive actions

Punitive actions

ACTION	DESCRIPTION OF ACTION	POTENTIAL IMPACTS ON THE LIABLE PARTY	WHEN MIGHT THIS ACTION BE APPROPRIATE?
 Formal warning	A formal warning is documented by way of a letter to a culpable party informing them that an offence against the RMA has been committed, and that they are liable.	No further action will be taken in respect of that breach. However, the warning forms part of a history of non-compliance and will be considered if there are future incidents of non-compliance.	A formal warning may be given when: <ul style="list-style-type: none"> • an administrative, minor or technical breach has occurred; and • the environmental effect or potential effect, is minor or trivial in nature; and • the subject does not have a history of non-compliance; and • the matter is one which can be quickly and simply put right; and • a written warning would be appropriate in the circumstances.
 Infringement notice	An infringement notice is a written notice which requires the payment of a fine. The amount of the fine is set in law. Depending on the breach the fine will be between \$300 and \$1000.	No further action will be taken in respect of that breach. However, the infringement notice forms part of the history of non-compliance and will be considered if there are future incidents of non-compliance.	An infringement notice may be issued when: <ul style="list-style-type: none"> • there is prima facie (on the face of it) evidence of a legislative breach; and • a one-off or isolated legislative breach has occurred which is of minor impact and which can be remedied easily; and • where an infringement notice is considered to be a sufficient deterrent.
 Prosecution	A prosecution is a process taken through the criminal courts to establish guilt or innocence and, if appropriate, the court will impose sanctions. RMA matters are heard by a District Court Judge with an Environment Court warrant. All criminal evidential rules and standards must be met in a RMA prosecution.	A successful prosecution will generally result in a conviction, a penalty imposed and consideration to costs of the investigation. A prosecution forms part of the history of non-compliance and will be considered if there are future incidents of non-compliance.	A prosecution may be considered appropriate when the factors listed above indicate that the matter is sufficiently serious to warrant the intervention of the criminal law.

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

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

Decision making factors

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

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

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

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

Impacts

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

Nature of the offending

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

Legal considerations

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

Desired outcomes

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

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

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

6 REPORTING AND REVIEWING

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

Analysis of monitoring and enforcement data will also assist in:

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

6.1 Information to be collected

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

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

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

6.2 Reporting

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

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

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

7 SUPPORTING INFORMATION

7.1 Enforcement duties and responsibilities

The statutes the Council has enforcement responsibilities and duties include:

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

7.2 Solicitor-General's prosecution guidelines

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

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

- a) A conviction is likely to result in a significant sentence;
- b) The offence caused significant harm or created a risk of significant harm;
- c) The offence was committed against a person serving the public for example, a police officer or Council officer;
- d) The individual was in a position of authority or trust;
- e) The evidence shows that the individual was a ringleader or an organiser of the offence;
- f) There is evidence that the offence was premeditated;
- g) There is evidence that the offence was carried out by a group;

- h) The victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance;
- i) The offence was committed in the presence of, or in close proximity to, a child;
- j) There is an element of corruption;
- k) The individual's previous convictions or cautions are relevant to the present offence;
- l) There are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct;
- m) The offence, although not serious in itself, is widespread in the area where it was committed;
- n) A prosecution would have a significant positive impact on maintaining community confidence;
- o) The individual is alleged to have committed the offence while subject to an order of the court; and
- p) A confiscation or some other order is required and a conviction is a pre-requisite.

7.3 Current compliance monitoring programmes

Resource consents

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

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

Permitted activity standards and High-Risk activities

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

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

Bylaws

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

Food and alcohol premises

Routine checks are conducted apart from the relicensing process.

7.4 Enforcement process

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

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

Property seizure

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

- a) Make every effort to find the owner and make them aware of their responsibilities – provide a written warning to resolve the issue within a reasonable timeframe and what the Council will do after that date if there's been no action;
- b) If the owner cannot be found put at least two public notices in the paper identifying the issue and what needs to happen by a date and contact details (also consider using community/club noticeboards and document what was done);
- c) After the deadline if no contact was made and the issue remains take the required action taking photos demonstrating due care;
- d) Keep the item for a further period of time (6 months) to enable the owner to make contact, if no contact made proceed to dispose of the property.

Lease non-compliance

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

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

Strategic framework for climate change - next steps

1. Purpose of Report

- 1.1 To seek approval on proposed next steps for drafting a strategic framework for climate change (or climate change strategy).

2. Summary

- 2.1 Staff have developed a proposed structure, content and process for a strategic framework for climate change. The recommended approach aims to deliver a comprehensive strategy which is evidence-based and demonstrates strong leadership on climate change.
- 2.2 The recommendations in this report draw upon a range of sources, including international and national examples of climate change strategies (such as the Auckland Climate Plan) and international guidance from C40 Cities¹ on writing a climate strategy.
- 2.3 Feedback received from elected members at the Environment and Climate Committee workshop on 5 April 2022 and the Council meeting on 17 November 2021, as well as existing Council documents such as Long-Term Plan 2021 – 2031, the Climate Action Plan and the Te Taihū Intergenerational Strategy, were also considered in developing the proposed approach.

¹ C40 Cities, *Guide to structuring and writing a climate action plan: aligned with the Paris Agreement*, <https://resourcecentre.c40.org/>

3. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Strategic framework for climate change - next steps (R26882); and***
- 2. Renames the 'strategic framework for climate change' the 'Nelson climate change strategy'; and***
- 3. Endorses the proposed structure and content for the Nelson climate change strategy as set out in R26882; and***
- 4. Agrees that the Nelson climate change strategy should be a community strategy involving the entire community including Council, government agencies, iwi, business, community groups and individuals; and***
- 5. Approves the establishment of a Climate Change Taskforce made up of technical experts, community representatives and elected members to support the development of the strategy.***

4. Background

International and national context

- 4.1 Climate change is our biggest global challenge. However, addressing climate change provides a unique opportunity to transform New Zealand's economy and support innovation, in a way that will bring multiple benefits to Aotearoa New Zealand and to Whakatū Nelson.
- 4.2 The International Panel on Climate Change (IPCC) found that unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting warming to close to 1.5°C or even 2°C (the targets in the Paris Agreement) will be beyond reach.² "Rapid and far-reaching transitions" are required to reduce emissions from energy, transport, agriculture, infrastructure, and waste.
- 4.3 The window of opportunity for addressing the impacts of climate change by making major investments and taking action to protect our

² International Panel on Climate Change (2022), *Climate Change 2022: Mitigation of Climate Change*, <https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/>

Item 9: Strategic framework for climate change - next steps

communities is also rapidly closing. A recent IPCC report³ found that 40 percent of the world is already “highly vulnerable” to climate change, with coastal cities, such as Nelson, likely to be disproportionately affected.

- 4.4 Central government has signalled strong commitment to climate action and significant policy reform is underway to transition Aotearoa New Zealand to a low emissions and climate resilient economy. In May, Government announced its first three emissions budgets (which will act as interim targets or ‘stepping stones’ towards the 2050 emissions reduction targets) and released the first emissions reduction plan.
- 4.5 Local government also has a critical role to play in reducing greenhouse gas emissions and preparing for the impacts of climate change. Councils can drive action on climate change by implementing central government initiatives, reducing councils’ own emissions, partnering and supporting businesses and community organisations, and advocating within the local government sector for stronger climate policy.

Council climate action to date

- 4.6 Council has signalled its commitment to action on climate change through a series of actions, including through declaring a Climate Emergency and setting targets for reducing Council’s operational emissions (as set out in figure 1 below).

Figure 1: Action on Climate Change in New Zealand and Nelson



- 4.7 On 13 August 2020, Council resolved as follows:

" 5. Notes that a strategic framework, to bring together and provide high level guidance to all the key elements of the climate change work

³ International Panel on Climate Change (2022), *Impacts, Adaptation and Vulnerability*, <https://www.ipcc.ch/report/ar6/wg2/>

Item 9: Strategic framework for climate change - next steps

underway in Council, will be considered and scheduled through the Long Term Plan 2021-31; and

7. Notes that the development of community emissions targets and actions will be undertaken as a separate piece of work, aligned with the strategic framework and the work currently being undertaken by the Nelson Tasman Climate Forum;”

- 4.8 The strategic framework for climate change will deliver to these resolutions.
- 4.9 The work to develop the strategic framework was considered alongside other policy priorities during the Long Term Plan 2021-31 development process. It was rated a priority 1 topic and resources were allocated for work to commence during 2021/22. On 29 June 2021 Council adopted the Long Term Plan. The Plan includes a section on climate change which establishes climate change as a “lens through which all work programmes are considered”.
- 4.10 On 17 November 2021 Council adopted *Te Mahere Mahi a te Āhuarangi Climate Action Plan* which sets out the climate change projects and actions Council is funding over the next ten years, as set out in the Long Term Plan. The Climate Action Plan contains actions to reduce emissions (both Council’s operational emissions and Nelson community emissions) and address the impacts of climate change.
- 4.11 Council also resolved to establish a Climate Change Governance Oversight Group (CCGOG) to oversee the development of a strategic framework for climate change and help maintain momentum on Council action on climate change. Council resolved as follows:
- “2. Adopts the Climate Action Plan (A2739648), recognising it will be a living document.*
- 3. Establishes a Climate Change Governance Oversight Group (CCGOG) consisting of Councillors Fulton (Chairperson), McGurk, Courtney, and O’Neill-Stevens, supported by the Climate Change Manager, to:*
- (a) Support development of the strategic framework for climate change;*
- (b) Support engagement with Iwi and other key partners;*
- (c) Support integration of the strategic framework and action plan;*
- (d) Provide oversight of climate change operational work.*
- 4. Agrees that a Terms of Reference for the Climate Change Governance Oversight Group (CCGOG) will be brought to the 9 December 2021 Council meeting for approval.”*
- 4.12 On 9 December 2021, Council agreed to the Terms of Reference for the CCGOG. The group has met approximately every month since February

Item 9: Strategic framework for climate change - next steps

2022 to discuss the strategic framework for climate change and other climate change matters.

- 4.13 On 5 April 2022, an Environment and Climate Committee workshop provided feedback on the content and process for developing a strategic framework for climate change. Feedback received at this workshop is reflected in the analysis and recommendations in this report.

5. Discussion

Renaming to a climate change strategy

- 5.1 A 'strategic framework' is a structured method used to define how a project or initiative supports key aim, objectives and goals. A 'strategy' is a plan of action designed to achieve a long-term or overall aim or goal.
- 5.2 After reflecting on feedback received at the 5 April workshop with elected members, staff recommend that Council develop a climate change strategy rather than a strategic framework. The term 'strategy' and its definition better reflect the feedback staff have received to date and international and national examples of documents which set the long-term vision and strategy for guiding climate action.

A Council strategy or a strategy for Nelson?

- 5.3 The climate change strategy could either be a Council strategy which reflects goals and priorities relating to Council's operations only, or a climate change strategy for Nelson, which sets goals and priorities for the whole of Nelson (including Council). A Nelson strategy would require greater involvement from key community members and groups in the development of the strategy.
- 5.4 Staff recommend a Nelson climate change strategy be developed for the following reasons:
- There are much greater opportunities for reducing emissions and adapting to climate change impacts in relation to the whole of Nelson. Council's own emissions footprint is relatively small when compared to Nelson's emissions.⁴
 - As Council has existing partnerships with iwi and groups such as the Nelson Tasman Climate Forum and Businesses for Climate Action, it is well-positioned to lead the development of a Nelson climate change strategy.

⁴ Nelson's gross emissions for 2018/19 were 356 Kilotonnes CO₂-e; Council's emissions in this period were 17.616 Kilotonnes CO₂-e.

Council needs a climate change strategy

5.5 There is a strong case for developing a Nelson climate change strategy. The reasons include:

- To set direction on climate change, define Council's role in addressing climate change (including implementing national-level changes) and determine values and principles to guide climate action.
- To demonstrate leadership and be good ancestors by playing a part in global efforts to limit warming to 1.5 °C and assure the public that Council has a plan.
- To measure and evaluate progress against long-term aspirations and goals.
- To develop a holistic response which realises co-benefits and connections between climate change and other issues, and reflects te ao Māori, community and mana whenua aspirations.
- To assist the Nelson community to thrive in a low carbon and climate resilient economy and to minimise the risk of harm to the community by preparing for climate impacts and a just and equitable transition.
- To empower community and individual action on climate change and build community support for Council action on climate change.

Proposed structure for the climate change strategy

5.6 The proposed structure and content below draw upon international and national examples of climate strategies, feedback received from elected members at the Environment and Climate Committee workshop on 5 April and existing Council documents such as Long-Term Plan 2021 – 2031, the Climate Action Plan and the Te Tauihu Intergenerational Strategy.

5.7 It is proposed that the climate change strategy be structured as follows:

- **Long-term vision and commitment** – this section will outline Council's aspirations for climate action, the future Council wants to create and why action on climate change is important. It will draw upon previous Council documents and the United Nations Sustainable Development Goals.
- **Context** – this section will describe the causes and effects of climate change, international, national and Nelson climate action to date, Nelson's (and the Council's) greenhouse gas emissions profile, projected emissions reductions under different scenarios and projected climate change impacts. It will demonstrate the urgency of action on climate change and the importance of acting now for the benefit of future generations. This section may also define Council's role in driving change, recognising what Council can and cannot control. For

Item 9: Strategic framework for climate change - next steps

example, Council's role may be to lead some projects, support action by others and advocate for central government policy changes.

- **Values/principles** – this section will outline the values and principles which apply to all climate action. For example, this may include te ao Māori principles, adopting an evidence-based approach, recognising wider co-benefits as a reason to act (such as environmental, social or cultural benefits) or ensuring action to protect those most affected by climate change.
- **Goals** – this section should set out overarching goals relating to both mitigation and adaptation which align with the vision and could include specific goals related to priority action areas. Where possible, goals should be specific, measurable, timebound and evidence-based. This may include both quantitative and qualitative goals. The goals should be ambitious but achievable. At the workshop on 5 April, there was broad support for a community emissions reduction target to be included as a goal.
- **Priority actions** – this section could outline the key actions to focus on to meet the goals of the climate change strategy.
- **Monitoring and reporting** – this section will provide an approach to monitoring, evaluating, and reporting on progress on the climate change strategy, to enable transparency and accountability. It may include a section on accountability, outlining who is responsible for delivering the priority actions in the strategy.
- **Resourcing** – this section should outline how the strategy will be resourced.

Proposed content to include in the climate change strategy

5.8 It is proposed that the climate change strategy include content on the following topics, which could represent the pillars of the strategy:

- **Reducing waste**, shifting to a circular economy, and ensuring action is taken to reduce embodied emissions (emissions from the creation or construction of a product such as a building).
- **Increasing active and public transport** – reducing dependency on cars, increasing lower emissions forms of transport (such as walking and cycling), and providing for increased transport choice.
- Maximising opportunities to **improve energy efficiency**, switching away from use of fossil fuels to renewable energy, and increasing renewable energy sources.
- **Addressing housing challenges**, including providing for green urban form and a range of low emissions and thermally efficient housing options, as well as careful planning of future housing needs which considers climate change.

Item 9: Strategic framework for climate change - next steps

- **Restoring our natural environment** – improving how we manage land so that the mauri can be restored, recognising the interconnectedness of nature, building resilience of our food systems, and shifting to regenerative farming.
- **Increasing carbon sequestration**, for example through re-establishing wetlands and other natural carbon sinks, 'greening' urban areas and providing incentives and support for planting trees.
- **Building resilience to climate change impacts**. This includes protecting our land and community members from impacts of climate change, including sea-level rise and coastal erosion, and increased droughts, fires and flooding. This content should align with Council's work to develop an adaptation strategy with the community, which will consider a range of adaptation options, including: avoiding new development in at-risk areas; protecting some areas (for example through sea-defences); and gradually moving people and infrastructure onto safer ground.
- Supporting a **just and equitable approach** to climate action which considers the needs of all members of the community.
- Supporting and encouraging **science, technology and innovation**.

5.9 The climate change strategy should also:

- Consider social and financial inequality, including by promoting accessible alternatives for transport, waste and housing, and including a focus on collective action and benefits.
- Embed te ao Māori and support iwi climate change initiatives, including applying a te ao Māori lens to developing the strategy.
- Improve the health of the community and strengthen community relationships.
- Encourage community support and 'buy in' for Council action on climate change, support partnerships with other organisations to drive climate action and shift community attitudes and behaviours.
- Set expectations around multi-benefit analysis and a strong evidence base to support Council decision making that avoids maladaptation, and effectively considers climate change and its risks.
- Ensure Council decisions reflect holistic thinking and enabling conflicts to be resolved.
- Provide a reliable source of information on climate change to the community.
- Set goals and priorities which can be achieved through action by Council and the Nelson community.

Item 9: Strategic framework for climate change - next steps

- 5.10 The content should also align, as far as possible, with the direction and policies set through the emissions reduction plan and national adaptation plan.

6. Process for developing the climate change strategy

- 6.1 It is recommended that an inclusive approach be taken to the developing the climate change strategy, to ensure the strategy reflects the aspirations of the community and empowers community members to be part of climate change solutions.

Working with iwi

- 6.2 Conversations are underway with iwi to determine how they would like to be involved in the development of the strategy.
- 6.3 Council will provide regular updates on progress to Te Ohu Taiao and Te Ohu Whakahaere. An initial meeting was held with Te Ohu Taiao in February 2022 to discuss the climate change strategy and signal the commitment for Council to work with iwi on its development.
- 6.4 Staff could also work with Te Ohu Taiao and Te Ohu Whakahaere to organise a hui on the climate change strategy. This would provide iwi and Māori an opportunity to share their aspirations for the climate change strategy. It is also proposed that iwi nominate up to three representatives to be on the Taskforce (discussed below).

Establishing a Climate Change Taskforce

- 6.5 It is recommended that a Climate Change Taskforce be established, made up of iwi, technical experts, community representatives and elected members, to provide advice to Council staff on the strategy.
- 6.6 This model is similar to the reference group established to support the development of the Queenstown Climate and Biodiversity Strategy which includes scientists, elected members and technical experts. It also aligns with international models for public participation such as the Quadruple Helix model which recognizes four major actors: science, policy, industry, and society.
- 6.7 The Taskforce could be made up of the following experts and representatives:
- Up to three members nominated by iwi;
 - One scientist (with a background in climate science);
 - Up to three other technical experts (for example, experts in the energy, buildings, transport, or forestry sectors);
 - One representative from Businesses for Climate Action (or other business representative);

Item 9: Strategic framework for climate change - next steps

- One representative from the Nelson Tasman Climate Forum;
 - One young person (under 20);
 - The Council Climate Change Manager.
- 6.8 The membership should also reflect the diversity of the Nelson community, by having a range of different ages, ethnicities, and genders.
- 6.9 Elected member representation on the Taskforce could be discussed alongside the proposed Terms of Reference at a following Committee meeting.
- 6.10 Having a mix of iwi, elected members, technical experts and community representation would ensure that a range of perspectives are considered in the development of the strategy, agreement can be reached on key issues, and the strategy is supported by robust science.
- 6.11 If the Committee agrees with establishing a Taskforce, staff will prepare a Terms of Reference and proposals on Taskforce membership and seek approval at a subsequent Committee meeting.

Alternative option: Establishing two groups – an advisory group and an elected member working group

- 6.12 An alternative option to the Taskforce is to establish two separate groups:
- An advisory group made up of iwi, technical experts and community representatives to provide advice to Council on the development of the climate change strategy; and
 - An elected member working group, to provide governance support for the development of the climate change strategy. Having a separate working group would allow the space for all elected members with an interest to participate.
- 6.13 The advisory Group and elected member working group could come together at least twice throughout the development of the climate change strategy to discuss key matters.
- 6.14 If Council wishes to pursue this option, staff will bring Terms of Reference for the two groups, along with proposals for membership of these groups, to the next Committee meeting.

Public input on the draft climate change strategy

- 6.15 To date there has been significant engagement with the community on climate change matters, including through the Long Term Plan 2021 – 2031, the Nelson Tasman Climate Forum *Climate Action Book* (led by the Forum) and the Council's *Vision 2060 Framing Our Future Sustainability Strategy*. This feedback will also inform the development of the climate change strategy.

Item 9: Strategic framework for climate change - next steps

- 6.16 Staff also recommend that input is sought from the Nelson community on the draft strategy through a public consultation process. This will help the strategy to reflect the community's aspirations for climate action in Nelson and encourage community support. Staff could discuss the strategy with key community groups ahead of public consultation.
- 6.17 A hui could be held with rangatahi (young adults) recognising both that their future will be significantly impacted by climate change and the value of their activism in encouraging climate action.

7. Options

- 7.1 The following options are put forward for the Committee's consideration:

Council has the option to develop or not to develop a climate change strategy	
Option 1: Develop a climate change strategy (preferred option)	
Advantages	<ul style="list-style-type: none">• Build strong leadership on climate change• Set long-term direction on climate change• Build community support for Council direction on climate change
Risks and disadvantages	<ul style="list-style-type: none">• Will take time (around 18 months) to develop the strategy
Option 2: Do not develop a climate change strategy	
Advantages	<ul style="list-style-type: none">• Council staff could focus on implementing and monitoring existing commitments and projects
Risks and Disadvantages	<ul style="list-style-type: none">• Insufficient long-term direction on climate change – could lead to ad hoc development of policies and projects

Council has the option to establish a taskforce, to have an advisory group and working group or to not create any groups to support the strategy development	
Option 1: establish a Climate Change Taskforce (preferred option)	
Advantages	<ul style="list-style-type: none">• More efficient, only one group for Council staff to support

Item 9: Strategic framework for climate change - next steps

Risks and Disadvantages	<ul style="list-style-type: none"> The group will be large – it may be difficult to reach agreement on topics Ensuring all members have a say will be a challenge for the chair
Option 2: establish two groups – an advisory group and an elected member working group	
Advantages	<ul style="list-style-type: none"> Ensures technical and community input into the strategy Allows all interested elected members to participate Keeps group sizes manageable for effective discussion and debate
Risks and disadvantages	<ul style="list-style-type: none"> Resourcing required from Council staff to support two groups
Option 3: do not establish any groups to support the strategy development	
Advantages	<ul style="list-style-type: none"> Staff can focus on developing the strategy rather than supporting the groups
Risks and disadvantages	<ul style="list-style-type: none"> Missed opportunity to build public support for the strategy May not genuinely reflect the community's aspirations

8. Next Steps

- 8.1 If the Committee accepts the recommendations in this report, staff will bring a report on group membership and terms of reference to a future Committee meeting.

Author: Rachel Pemberton, Manager Climate Change

Attachments

Nil

Important considerations for decision making
<p>(a) Fit with Purpose of Local Government</p> <p>The recommendations in this report will enable democratic decision-making by ensuring iwi and the community are able to input into the climate change strategy. The proposals will support work underway by central government and other organisations to transition to a low emissions and climate resilient economy. The climate change strategy will provide clear and comprehensive direction which enhances the social, economic, environmental and cultural wellbeing of the Nelson community.</p>
<p>(b) Consistency with Community Outcomes and Council Policy</p> <p>The proposals in this report support the following community outcomes:</p> <ul style="list-style-type: none">• Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement• Our unique natural environment is healthy and protected• Our communities are healthy, safe, inclusive and resilient• Our infrastructure is efficient, cost effective and meets current and future needs.
<p>(c) Risk</p> <p>It is highly likely that the climate change strategy, if developed according to the process set out in this report, will achieve the goal of providing long-term direction on Council climate action. It is likely that this will then lead to greenhouse emissions reductions and strengthen Nelson’s resilience to climate change impacts.</p> <p>Key risks (and consequences) include:</p> <ul style="list-style-type: none">• Insufficient capacity from iwi to support the development of the climate change strategy, resulting in the strategy insufficiently representing the interests of iwi and incorporating te ao Māori.• Divergent views of the Climate Change Taskforce resulting in delays developing the climate change strategy (moderate likelihood).
<p>(d) Financial impact</p> <p>No additional Council staff are needed to develop the climate change strategy. Budget may be required to provide support on working with iwi or embedding te ao Māori in the strategy, develop communications material for consulting on the draft strategy and presenting the final strategy. This will be funded out of the existing budgets – no additional funding is required at this stage.</p>

Item 9: Strategic framework for climate change - next steps

(e) Degree of significance and level of engagement

This matter is of high significance because there is strong interest from the community in Council action on climate change and a strong need for urgent action on climate change. Because of this, Council staff will work with a Climate Change Taskforce (which will include community representatives) and prepare a draft strategy for public consultation.

(f) Climate Impact

Significant climate impact given the focus of the strategy is climate change.

(g) Inclusion of Māori in the decision making process

Council staff met with Te Ohu Taiao in February to discuss the approach to developing a climate change strategy.

(h) Delegations

The Environment and Climate Committee has been delegated all of the responsibilities, powers, functions and duties of Council in relation to climate change policy, monitoring and review.

Author: Rachel Pemberton, Manager Climate Change

Attachments

Nil

REPORT R26791

Submission on reducing pokies harm

1. Purpose of Report

- 1.1 To retrospectively approve the attached submission (A2862824) to the Department of Internal Affairs on its public discussion document [Reducing Pokies Harm](#).

2. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Submission on reducing pokies harm (R26791) and its attachment and***
- 2. Approves retrospectively the submission on reducing pokies harm.***

3. Background

- 3.1 In March 2022, the Department of Internal Affairs (DIA) sought public feedback on options for strengthening the harm minimisation regulations for pokies. The deadline for submissions to DIA was 28 April 2022. This timeframe did not allow for the Committee to approve the submission before it was sent.
- 3.2 Information from DIA and the Problem Gambling Foundation was sought to inform the development of the submission, and in consultation with the Environment and Climate Committee Chair, this was prepared and submitted on behalf of Council. Retrospective approval of the submission is sought from this Committee. DIA has been advised that should the Committee decide not to approve the submission, it would be withdrawn.
- 3.3 In the discussion document, DIA acknowledged there are gaps in the current gambling harm regulations and that using tools within the existing legislation will be the fastest way to make improvements to the

Item 10: Submission on reducing pokies harm

current system. Following this the Government will consider broader changes to the Gambling Act 2003.

- 3.4 The scope of DIA's review is to look at changes to the Gambling (Harm Prevention and Minimisation) Regulations 2004.
- 3.5 The discussion document is split into three focus areas:
 - 3.5.1 Reducing harm in venues (identifying and responding to signs of harmful gambling)
 - 3.5.2 Reducing harm from pokie machines (changes to machine features that could make them safer)
 - 3.5.3 Reducing harm through stronger compliance (penalties and enforcement).
- 3.6 The following is out of scope of the review:
 - 3.6.1 Changes to the Act or systemic issues such as pokie machine numbers in high deprivation communities
 - 3.6.2 Non-regulatory changes (supporting and additional operational changes are already being progressed)
 - 3.6.3 Pokies in casinos are out of scope because they are dealt with differently in the Act.

4. Current context

Why pokies harm reduction is an important issue for Council

- 4.1 *This issue is affecting the wellbeing of the Nelson community.*

Pokies in New Zealand's pubs, clubs and TAB venues are the most harmful form of gambling in New Zealand⁵. One in five pokie players are considered at-risk gamblers⁶. Pokies are also likely to be causing the most harm to those who can least afford it.

Gambling harm not only affects the individual, but can adversely affect their whānau, friends and the wider community.

- 4.2 *It is important government and councils work together to protect the wellbeing of our communities.*

Council is responsible, under the Gambling Act 2003, to have a gambling venue policy, and in doing so must "have regard for the social impact of

⁵ [https://www.dia.govt.nz/diawebsite.nsf/Files/Gambling-Reducing-Pokies-Harm/\\$file/Reducing-Pokies-Harm-Public-Discussion-Document-1.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Gambling-Reducing-Pokies-Harm/$file/Reducing-Pokies-Harm-Public-Discussion-Document-1.pdf)

⁶ <https://www.health.govt.nz/publication/draft-strategy-prevent-and-minimise-gambling-harm-2022-23-2024-25>

Item 10: Submission on reducing pokies harm

gambling within the territorial authority district”⁷. Stronger rules within venues, and providing more explicit direction for venues and societies in applying those rules, will further strengthen the overall response to harmful gambling in our communities.

The content of the submission

- 4.3 The key position outlined in the attached submission is that Council agrees there are opportunities to strengthen the current regulations and that, overall, it agrees with the proposals detailed in the discussion document.
- 4.4 Under each of the focus areas, there are more specific responses to the Government’s proposals.

5. Options

- 5.1 Outlined below are two options for the Committee’s consideration. Option 1 is the recommended option.

Option 1: Council retrospectively approves the submission on reducing pokies harm	
Advantages	<ul style="list-style-type: none">• Opportunity to influence the Government’s proposals to change regulations to reduce and minimise gambling harm.• Sends a message to the community that Council takes this issue seriously and is committed to reducing and minimising gambling harm.
Risks and Disadvantages	<ul style="list-style-type: none">• None obvious.
Option 2: Council does not retrospectively approve the submission on reducing pokies harm	
Advantages	<ul style="list-style-type: none">• Those preferring the status quo regarding pokie harm processes may prefer Council to not make a submission.
Risks and Disadvantages	<ul style="list-style-type: none">• Council is perceived by the community to not be taking this issue seriously.• Those involved in the sector do not have additional means by which to effectively mitigate pokies harm.

⁷ <https://www.legislation.govt.nz/act/public/2003/0051/latest/DLM207497.html>

6. Next Steps

- 6.1 If the Committee approves the attached submission, we will confirm this with DIA. If it is not approved, the submission will be withdrawn.

Author: Ailish Neyland, Policy Adviser

Attachments

Attachment 1: A2862824 - Reducing Pokies Harm submission to DIA - 28Apr2022 [↓](#)

Important considerations for decision making
1. Fit with Purpose of Local Government 2. Central government's proposals to strengthen regulations to minimise gambling harm supports the social wellbeing of our communities.
3. Consistency with Community Outcomes and Council Policy The issue of gambling harm aligns with the community outcome "Our communities are healthy, safe, inclusive and resilient".
4. Risk 5. The risk to make this submission is considered low. The content of the submission is high-level and not likely to be seen as controversial by the Nelson public or the Government.
6. Financial impact 7. There are no associated costs with making this submission.
8. Degree of significance and level of engagement This matter is of low significance as the proposals in the discussion document are high level and make up part of a wider government work programme to minimise gambling harm in our communities. The consultation was open to the public so residents with particular views were able to make submissions.
9. Delegations The Environment and Climate Committee has the following delegations to consider a submission on reducing pokies harm. <i>Areas of Responsibility:</i> <ul style="list-style-type: none">• <i>Gambling</i> <i>Delegations:</i> <ul style="list-style-type: none">• <i>Approving submissions to external bodies or organisations, and on legislation and regulatory proposals</i>



Department of Internal Affairs

Via email: pokiesconsultation@dia.govt.nz

28 April 2022

Kia ora koutou

Submission: Reducing Pokies Harm

Thank you for the opportunity to make a submission on the options to strengthen the harm minimisation regulations for pokies.

Please note that due to scheduling issues, this submission has not yet been approved by Council and should be considered as pro forma. When this submission is formally considered on 16 June 2022 if it should not be approved, we will contact you immediately to withdraw the submission.

Government and territorial authorities need to work together, given their roles and responsibilities, to protect communities from gambling harm. Council supports the work the Government is doing to see what more can be done, within the existing legislation, to reduce gambling harm. However, it is important this work is joined up with the other work across government and councils. As the discussion document recognises, no one measure is going to reduce gambling harm in our communities. Connecting up the work on regulatory changes, policies and strengthening the health response to gambling harm, is likely to achieve better outcomes for our communities.

Council agrees there are gaps in the current regulations and that providing staff with more tools, changing game features and stronger enforcement would go some way to reducing gambling harm. Council's submission is appended to this letter and is grouped under the three focus areas in the discussion document.

Whilst respecting the scope of this review coverage, we note this submission we are making is conservative and does not fully address the harm that pokie machines can cause. Like smoking, we believe central government needs to consider what role or purpose, if any, pokie machines should have in our society into the future.

Council welcomes further updates as this work progresses and if you have any questions about the appended submission, please contact Ailish Neyland at ailish.neyland@ncc.govt.nz.

A2862824

Nāku iti noa

A handwritten signature in black ink, appearing to read 'Kate Fulton'.

Kate Fulton

Chair, Environment and Climate Committee

Appendix

1. Reducing harm in venues (identifying and responding to signs of harmful gambling)

Council agrees that clearer, specific measures are needed to equip staff to know how to identify harmful gambling and the steps to take once it is identified, including which agency to notify. This needs to be paired with more tools and training for staff on how to apply these measures and how to deal with different situations they may be presented with.

In smaller cities and towns, like Nelson, bar staff and patrons are more likely to know each other. This may make it more challenging for staff to report patrons they identify as showing signs of harmful gambling behaviour. Staff training could include how to manage situations where patrons show anger about being reported. This may give staff more confidence to act when necessary.

The discussion document recognises staff are often juggling other duties and this can make it hard for them to be able to identify signs of harmful gambling behaviour and then act accordingly. Council agrees splitting staff duties in venues, between monitoring the gambling area and serving food and drinks, may help staff to focus more on those in the gambling area and identify patrons who may be displaying signs of gambling harm.

Council agrees a more prescriptive approach to address harmful gambling is needed. Regulations should stipulate what societies must include in their Problem Gambler Identification Policy. The policy should also be publicly available, for greater transparency.

Council agrees there should be stronger rules surrounding host responsibility for gambling, like there are for alcohol. Regulations could include positive obligations on a duty manager and licensees of premises to identify problem gamblers and, when identified, to take active steps to restrict their access to machines. This is similar to obligations for intoxicated and prohibited persons under the Sale and Supply of Alcohol Act.

2. Reducing harm from pokie machines (changes to machine features that could make them safer)

Council agrees that making changes to features on pokie machines may help to prevent and minimise excessive gambling.

Council agrees venue design, including changing where machines are located in a venue, should be considered. Having the machines in more open and light spaces, as well as having wider spacing between the machines, could discourage some patrons from gambling for long periods and could make it harder for players to stay fixated on the machines.

Council agrees changes to pay out limits, jackpot size and signage, and the visual and sound effects on machines are needed, as these are likely to be encouraging addictive playing behaviour.

3. Reducing harm through stronger compliance (penalties and enforcement)

Council agrees infringement offences and penalties for breaching harm minimisation requirements should be stronger, with more accountability placed on venue operators. However, for this to make a difference it would have to go hand in hand with regular inspections, auditing, and more efficient investigation of complaints.

Council endorses the Problem Gambling Foundation's position that this review needs to clarify whether the Department of Internal Affairs or the Gambling Commission holds

responsibility for monitoring, auditing, and enforcement of penalties¹. The Foundation also raises the issue of lack of resource to regularly monitor venues and respond to non-compliance, and this makes enforcement weak and means there is no incentive for those who are not being compliant, to change their practices.

¹ <https://www.pgf.nz/reducingpokiesharm>

REPORT R26881

**Submission on the draft national adaptation plan and
managed retreat proposals**

1. Purpose of Report

- 1.1 To retrospectively approve the submission on Government's draft national adaptation plan and managed retreat proposals.

2. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Submission on the draft national adaptation plan and managed retreat proposals (R26881) and its attachment (A2902002); and***
- 2. Approves retrospectively the submission on the Government's draft national adaptation plan and managed retreat proposals (A2902002).***

3. Background

- 3.1 On 28 April 2022, central government released two documents for consultation:
- Adapt and thrive: Building a climate-resilient Aotearoa New Zealand: consultation document; and
 - Te mahere urutaunga ā-motu (tuhinga hukihihi): Draft national adaptation plan
- 3.2 The Climate Change Response Act 2002 requires Government to release a national adaptation plan every six years to address the priority climate change risks identified in the National Climate Change Risk Assessment

Item 11: Submission on the draft national adaptation plan and managed retreat proposals

(NCCRA). Government is required to finalise the first national adaptation plan by August 2022 (two years after the release of the first NCCRA).

- 3.3 Government has released the draft national adaptation plan for consultation. The plan brings together in one document all of government's policies for addressing climate change risks. The document contains the following chapters: system-wide actions; natural environment; homes, buildings and places; infrastructure; communities; economy and financial system; research strategy; and monitoring and reporting.
- 3.4 Government is also consulting on proposals related to managed retreat and flood resilience. These proposals relate to three "critical actions" included in the draft national adaptation plan: reforming the Resource Management System (including the proposed Climate Adaptation Act), passing legislation to support managed retreat and developing options for home flood insurance issues.
- 3.5 Consultation closed on 3 June 2022. Council staff prepared a submission (A2902002) which was provided to the Climate Change Governance Oversight Group for comment prior to being submitted on 3 June. Timeframes meant that the submission could not be approved by the Environment and Climate Committee in advance, as no Committee meetings were scheduled between 28 April and 3 June.
- 3.6 Council staff engaged with staff from other councils throughout New Zealand through the Aotearoa Climate Adaptation Network and Te Uru Kahika (Regional and Unitary Councils Aotearoa) in developing the submission.

4. Options

- 4.1 The options are to retrospectively approve or to not approve the submission. If the Council declines to retrospectively approve the submission, officers will notify the Ministry for the Environment that the submission should be withdrawn from consideration.

Option 1: Retrospectively approve submission (recommended option)	
Advantages	Council's views will be considered by the Government as it finalises the draft Plan
Risks and Disadvantages	The submission may not fully reflect the views of all elected members
Option 2: Do not retrospectively approve submission	
Advantages	None

Item 11: Submission on the draft national adaptation plan and managed retreat proposals

Risks and Disadvantages	Missed opportunity for Council to comment on the draft national adaptation plan and managed retreat proposals
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Author: Rachel Pemberton, Manager Climate Change

Attachments

Attachment 1: A2902002 Council's submission on the draft national adaptation plan and managed retreat proposals [↓](#)

Item 11: Submission on the draft national adaptation plan and managed retreat proposals

Important considerations for decision making
1. <i>Fit with Purpose of Local Government</i> This report supports Council's ability to influence legislation that will impact on its ability to deliver services to the community and support the community's social, economic and environmental wellbeing.
2. Consistency with Community Outcomes and Council Policy The attached submission supports the following community outcomes: <ul style="list-style-type: none">• Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement• Our unique natural environment is healthy and protected• Our infrastructure is efficient, cost effective and meets current and future needs.
3. Risk Retrospective approval of the Council's submission is low risk for Council as it will be considered alongside many other submissions from local government and other organisations on the draft national adaptation plan. The submission has also been discussed with a number of other councils – it is broadly consistent with the view of other councils.
4. Financial impact The contents of this report do not result in any direct financial impact.
5. Degree of significance and level of engagement This matter is of low significance to the community as it is providing feedback to be considered through a central government process, therefore community engagement has not been undertaken. Members of the Nelson community had the opportunity to engage directly with central government through the consultation process.
6. Climate Impact Submitting on the draft national adaptation plan and managed retreat proposals demonstrates Council commitment to addressing climate change.
7. Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.

Item 11: Submission on the draft national adaptation plan and managed retreat proposals

8. Delegations

The Environment and Climate Committee has the appropriate delegations in consideration of this report and making a recommendation to Council.

Areas of Delegations:

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

Powers to Recommend to Council:

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

On the recommendation of the Chair of the Environmental and Climate committee and Mayor, matters within the area of responsibility of a particular committee, subcommittee or subordinate decision-making body may be considered directly by Council instead.

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

3 June 2022

Ministry for the Environment
Adaptation@mfe.govt.nz

Dear Ministry for the Environment,

Submission on draft National Adaptation Plan and managed retreat proposals

Thank you for the opportunity to submit on *Adapt and thrive: Building a climate-resilient Aotearoa New Zealand: Consultation document* and the draft National Adaptation Plan (NAP).

In Nelson, we are already seeing the effects of climate change. Nelson has experienced increased natural hazards in the past decade, such as fires, droughts, storms and floods.

Nelson City Council (Council) is committed to action on climate change. This was demonstrated by Council's Declaration of a Climate Emergency in 2019, a commitment in the Long-Term Plan to consider climate change as "a lens through which all work programmes are considered" and the release of *Te Mahere Mahi a te Āhuarangi Climate Action Plan* in 2021.

This letter summarises Council's most significant comments on the draft NAP and managed retreat proposals. **Appendix A** contains a list of Council's specific responses to questions in the consultation document.

The Council's contact for this submission is: Rachel Pemberton, Climate Change Manager (Rachel.pemberton@ncc.govt.nz).

Please note that the submission is subject to approval by the Environment and Climate Committee of the Council.

Draft National Adaptation Plan

Council welcomes the release of the draft NAP. The draft NAP is a comprehensive document which brings together a significant number of adaptation policies from across many government agencies. Council thanks the staff involved in developing the NAP for the enormous amount of work that has gone into collating these proposals.

Council is encouraged by the references in the draft NAP to the responsibility for climate change adaptation being shared between central government, local government, property owners, insurance companies and banks. Historically, local government has received little direction and support on climate change adaptation. It is great to see a shift towards stronger central government leadership and direction. However, there are many references in the documents to central government not bearing all the responsibility (and risks). Council acknowledges this, but this should not mean that the risks are then disproportionately borne by local government.

More detail is needed in the NAP on how policies will be implemented and funded. Many of the proposed policies will require local government to implement them. This will significantly increase local government workloads and will require considerable additional funding that

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

will put strain on local communities unless central government assists in funding and resources. Council would expect to see more discussion in the draft NAP on funding support for local government and opportunities for co-investment of initiatives between local and central government.

Currently there is variable capability and capacity in councils around the country to implement central government policies. Without significant support from central government there is likely to be highly variable implementation.

While the National Climate Change Risk Assessment provided a clear picture of national climate change risks, information on regional/local risks is still highly variable throughout Aotearoa New Zealand. The guidance released by Ministry for the Environment on local climate change risk assessments this year may help with this, but some councils aren't resourced to carry out the work and may not prioritise it. Consideration should be given to supporting local government with funding and expertise to develop regional risk assessments.

The NAP needs to more clearly explain how the Future of Local Government review fits in with other policies, such as resource management and Three Waters reform. This should be identified as a critical system-wide action.

There is a need for more integration of policies within the NAP, but also between the Emissions Reduction Plan and the NAP. The policies in the NAP should maximise opportunities for achieving co-benefits for both mitigation, adaptation and other issues (for example, regenerative agriculture has multiple climate change and environmental benefits). Supporting leadership by Māori and applying a te ao Māori lens is critical in developing both adaptation and mitigation solutions. Further, there is also a need for better integration between the Waka Kotahi Climate Adaptation Action Plan and local government planning on local roads.

Council is encouraged by the focus on the natural environment. There are many adaptation solutions that could improve resilience to climate impacts and also improve environmental outcomes (e.g. biodiversity and water quality), such as by restoring coastal habitats. However, Council would welcome and expect to see more discussion on coastal ecosystems and supporting adaptation of estuaries and coastal margins and coastal ecosystem retreat – this seems to be missing from the natural environment chapter.

Council would expect to see greater emphasis on the role of the Building Act 2004 and Building Code in the chapter on homes, buildings and places. The Building Act is critical to ensuring homes and buildings are climate resilient. The Act could implement relatively straightforward changes to ensure greater consideration of elevated water levels arising from climate change. Also, many of the proposals in this chapter will take years to develop. There is a significant risk of maladaptation in the meantime. Government should consider providing interim direction or guidance, for example by: setting a national methodology for setting ground or floor levels for subdivision and buildings; increasing the minimum requirements for floor levels above surface water; and updating the Coastal Hazards and Climate Change Guidance from Ministry for the Environment.

The chapter on communities should place greater emphasis on preventative or preparatory measures to strengthen communities, rather than supporting communities after an event. The objectives in this chapter should emphasise the need for communities to support each other, so that they are less reliant on assistance from central or local government or another organisation. Enabling iwi and hapū leadership to strengthen communities is important, but iwi and hapū need to be empowered with the right tools and resources to be able to play this role.

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

It is also critical that engagement on the NAP is tailored for diverse communities, so that all people have access to clear information about risks and adaptation opportunities. This will be important in order to build a social license for change.

In the infrastructure chapter, the outcomes and objectives do not adequately reflect the limits to service levels that will be able to be achieved in the context of climate change impacts. In particular, investment in infrastructure in low lying coastal areas will need to be assessed through a cost/benefit lens, not only for the infrastructure itself, but for the community it services.

In the section on economy and financial system, Council would expect to see content on opportunities to access climate finance, such as green bonds.

To ensure policies can be effectively implemented, local government needs to play a stronger role in informing the development of policies. Local government should also play a stronger role in determining research priorities.

Finally, Council is already working with communities to make adaptation decisions and is concerned that the pace of policy development by central government signalled in the NAP is too slow. Clear direction, in particular on roles and responsibilities and cost apportionment for adaptation work, is needed now to reduce the risk of alignment issues down the track.

Managed retreat proposals

Council thanks the Ministry for the Environment and other agencies for their work on developing the managed retreat proposals. It is encouraging to see a draft framework for managed retreat prepared.

Greater clarity is needed on the balance of financial responsibility between central and local government (and other players) for managed retreat. More information is needed on how costs will be apportioned and opportunities for co-investment between central and local government (and other organisations). The proposals are currently light on central and local government roles and responsibilities. Intergenerational equity and the principles for a just transition need to be considered when determining how costs will be shared among affected parties.

It is good to see some case studies included in the managed retreat proposals (and in the draft NAP), but the consultation document could draw upon learnings from local government to date better, such as the approach to managed retreat in Matatā and red-zoning in Canterbury.

A definition of intolerable risk and a coastal hazard risk assessment methodology is needed and these should apply nationally to ensure a consistent approach is adopted across the country. Risk management methodologies need to be robust and understandable by those affected. Complex risk assessments can be difficult to communicate to communities and subject of legal challenge once the risks are translated into Resource Management planning documents.

One key aspect of risk assessment that needs development is clear direction about 'trigger points' for initiating retreat, or other mitigation actions. A national framework which includes trigger points would create greater certainty, reduce litigation risk and be more efficient.

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

We would welcome another opportunity for local government to submit on the managed retreat proposals once these proposals are further developed (ahead of the Select Committee process).

Concluding words

Council thanks government for the opportunity to submit on this important consultation. We strongly encourage the Ministry to continue to engage with local government to ensure the inclusion of a local government voice in the development of the policies included in the NAP and on managed retreat.

Ngā mihi,

Cr Kate Fulton
Chair, Environment and Climate Committee
Nelson City Council

Appendix A: responses to questions in *Adapt and thrive: Building a climate-resilient Aotearoa New Zealand: Consultation document*

Question	Response
General questions	
1. Climate change is already impacting New Zealanders. Some examples include extreme weather events such as storms, heatwaves and heavy rainfall which affects lives, livelihoods, health and wellbeing, ecosystems and species, economic, social and cultural assets, services (including ecosystem services) and infrastructure. How is climate change impacting you? This could be within your community and/or hapū and iwi, and/or your business/organisation, and/or your region.	Council is already seeing the effects of climate change in Nelson - Nelson has experienced increased fires, droughts, storms and flooding in the past decade.
2. The national adaptation plan focuses on three key areas. Please indicate which area is most important for you (tick box). <ul style="list-style-type: none">Focus area one: reform institutions to be fit for a changing climate. This means updating the legislative settings so that those who are responsible for preparing for and reducing exposure to changing climate risk will be better equipped.Focus area two: provide data, information and guidance to enable everyone to assess and reduce their own climate risks. This means that all New Zealanders will have access to information about the climate risks that are relevant to themFocus area three: embed climate resilience across government strategies and policies. This means that Government agencies will be considering climate risks in their strategies and proposals.Other – please explain.	All are critical. Another key area of importance is cost allocation and cost sharing, particularly around managed retreat and other adaptation actions.
3. We all have a role to play in building resilience to climate change, but some New Zealanders may be more affected and less able to respond. There is a risk that climate change could exacerbate existing inequities for different groups in society. Appendix 3 sets out the full list of actions in this national adaptation plan. a) What are the key actions that are essential to help you adapt? Please list them. b) Which actions do you consider to be most urgent? Please list them. c) Are there any actions that would help ensure that existing inequities are not exacerbated? Please list them. d) Are there any actions not included in this draft national adaptation plan that would enable you to assess your risk and help you adapt?	<p>On a) - There are too many to list. Most of the actions outlined in the draft National Adaptation Plan (NAP) are essential. The <i>most</i> critical action, in our view, is: resource management reform, including passing legislation to support managed retreat. It is essential the reforms connect strongly to LGA reform on funding. Communities will need to be able to rely on long-term funding decisions for managed retreat. The future for Local Government review is also critical and will impact local government's ability to implement many of the actions outlined in the draft NAP.</p> <p>Also, amend the Building Act to provide for building design that can adapt to climate change.</p> <p>On b) - Robust co-investment by central and local government to reduce the risks for local government</p> <p>On c) - Building community resilience through social cohesion is important. However, building community resilience won't be enough - financial support is needed too. There is very little content in the draft NAP which would result in reducing financial risk to vulnerable communities.</p> <p>On d) - Yes, opportunities for accessing climate finance, how local government will work with central government on the design and implementation of policies, opportunities for co-investment between central and local government</p>

Question	Response
<p>4. Central government cannot bear all the risks and costs of adaptation. What role do you think asset owners, banks and insurers, the private sector, local government and central government should play in:</p> <p>a) improving resilience to the future impacts of climate change?</p> <p>b) sharing the costs of adaptation?</p>	<p>Council agrees that the costs should not fall just on central government. However, Council does not support the language in the document that tries to shift the responsibility (and risk) from central government. To date local government has borne most of the risks of action (or inaction) on climate change adaptation.</p> <p>On b), Council agrees that the costs should be shared between the players listed above.</p>
<p>5. The National Climate Change Risk Assessment recognised that there may be economic opportunities in adapting to a changing climate. a) What opportunities do you think could exist for your community or sector? b) What role could central government play in harnessing those opportunities?</p>	<p>On a):</p> <ul style="list-style-type: none"> • There is potential for the tourism sector to expand with a warmer climate attracting visitors to the region's many outdoor activities • There is potential to strengthen iwi partnerships by working together on climate solutions • A warmer climate may offer opportunities to grow different crops • Nelson could position itself as a climate knowledge hub - e.g. Council is already providing leadership on blue carbon <p>On b) - Research into new crop opportunities across NZ as the climate changes; and resourcing and support for iwi and Māori to work with central and local government on climate solutions</p>
System-wide actions	
<p>6. Do you agree with the objectives in this chapter?</p>	<p>Broadly yes, but information was missing on reforming how the costs and liability for action (or inaction) on climate change adaptation will fall.</p>
<p>7. What else should guide the whole-of-government approach to help New Zealand adapt and build resilience to a changing climate?</p>	<ul style="list-style-type: none"> • Innovation and local solutions enabled and supported. • An 'environment-first' approach similar to Te Mana o te Wai, as the health of the natural environment is intrinsically linked to human survival and well-being. There is however a balance that needs to be achieved when developing adaptation solutions to ensure public safety. • Local government sufficiently funded to deliver adaptation responses • Central government investment in preventative/preparatory measures (rather than cleaning up after an event) • The principles of a just transition.
<p>8. Do you agree that the new tools, guidance and methodologies set out in this chapter will be useful for you, your community and/or iwi and hapū, business or organisation to assess climate risks and plan for adaptation?</p>	<p>Tools are more useful than guidance. Guidance sets out central government expectations, often without the legislative teeth and supporting tools/resources to implement it. There is lots of proposed guidance and far less supporting resource/tools.</p> <p>The proposals for legislative change include quite optimistic timeframes and the critical actions and supporting actions appear to be quite high level and largely strategic programmes. It would be helpful to also include a suite of straightforward suggestions for short to medium term construction works that can include at least some future proofing in the design and construction. See response to Q9 below also.</p>

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

Question	Response
<p>9. Are there other actions central government should consider to:</p> <p>a) enable you to access and understand the information you need to adapt to climate change?</p> <p>b) provide further tools, guidance and methodologies to assist you to adapt to climate change?</p> <p>c) remove barriers to greater investment in climate resilience?</p> <p>d) support local planning and risk reduction measures while the resource management and emergency management system reforms progress?</p>	<p>Climate resilient solutions often require OPEX funding, because based on living systems, people or behaviours change. Funding models may need to be changed to reduce dependency on CAPEX-funded fixed infrastructure and remove barriers to investment in flexible, adaptable solutions.</p> <p>It is likely that many councils currently have a limited appreciation of the increased operational costs associated with maintaining such things as transport networks, recreational facilities, or drainage systems in low lying coastal areas where siltation rates will likely increase due to sea level rise and higher intensity storms generating additional sediment load that will compromise drainage capacity. Further research on these impacts is needed to ensure that these 'hidden' future costs are factored into consideration of adaptation options. Guidance on standardised financial assumptions for asset planning would be a useful output from the research.</p> <p>On 9b) - Require each council to prepare interactive website tools that quickly allow property owners to see flood levels and sea levels at different time intervals (Nelson City Council has done this already).</p> <p>On 9d) - as it will take a few years for the national legislative and policy settings to be finalised, interim direction and guidance is needed to guide local government decisions. There is a lot of development underway (driven by population growth, the NPS Urban Development and RMA Amendment Act 2021) so there is a significant risk of maladaptation while there are insufficient national policies in place</p>
10. What actions do you think will have the most widespread and long-term benefit for New Zealand?	<ul style="list-style-type: none"> • Focus area 2 - providing data and tools • Resource management reform, which requires new developments to developed in locations that will not be impacted by sea level rise (at least in the next 150 years) • Raising ground levels for subdivision and raising floor levels of new construction in lower lying areas (through changes to the Building Act and new resource management system) • Requiring new construction in low lying areas subject to sea level rise to be designed for future relocation; and 'closing off' of services or removal of onsite wastewater systems associated with relocated buildings
11. Are there additional actions that would strengthen climate resilience?	<ul style="list-style-type: none"> • Include review/reform of the Building Act 2004 and Biosecurity Act in the critical actions • Make links between adaptation and review of Environmental Reporting Act and Essential Freshwater policies and regulations more overt. • Ensure that housing capacity policy does not promote rapid building of poor-quality housing that will not perform well under climate change. This should be managed via changes to the Building Act to ensure consistency across NZ • Recognise the potential tensions between the hierarchy of obligations under the NPS Freshwater Management, providing for growth under the NPS Urban Development, and promoting resilience to climate impacts in urban areas subject to increasing climate impacts. • Provide guidance on how councils should reconcile public safety risks and socioeconomic loss in these areas with the need to promote the health and wellbeing of water bodies and freshwater ecosystems. • Ensure that the new Three Waters entities are resourced and enabled to provide climate resilient infrastructure (working with nature as per IPCC report) - not just business as usual.
<p>12. There are several Government reform programmes underway that can address some barriers to adaptation, including the Resource Management (RM) reform. Are there any additional actions that we could include in the national adaptation plan that would help to address barriers in the short-term before we transition to a new resource management system?</p>	<p>Ensure the Building Act and Building Code supports adaptive resilience - both retrofitting and new housing, for example by allowing houses to be easily modified or lifted as an interim measure before managed retreat, and providing incentives for low carbon/sustainable building.</p> <p>It is a noteworthy omission that reform of the Building Act/ Building Code is excluded from the legislative reform actions, given that there is no specific requirement under that legislation (and the Building Code), to take into consideration climate change impacts in the design of new buildings or major alterations to existing buildings.</p> <p>Continue to implement the recommendations from the Report 'Adapting to Climate Change in New Zealand – recommendations from the Climate Change Adaptation Technical Working Group'.</p> <p>Build capacity within Local Government and local communities to provide climate leadership; and capacity to implement changes.</p>

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

Question	Response
13 In addition to clarifying roles and providing data, information, tools and guidance, how can central government unlock greater investment in resilience? Would a taxonomy of 'green activities' for New Zealand help to unlock investment for climate resilience?	That would be a good start - any information about activities that support mitigation and adaptation will be useful.
Natural environment	
14 Do you agree with the actions set out in this chapter?	<ul style="list-style-type: none"> Note that climate change impacts are not confined to coastal ecosystems, but across all ecosystems, particularly those that are confined by natural environmental limits (e.g. alpine ecosystems) or greatly reduced and squeezed by human development (e.g. lowland ecosystems, wetlands). Support the implementation of the NPS - Indigenous Biodiversity. Include review of Biosecurity Act as a critical action. Consider how all biodiversity can be protected, not just biodiversity on conservation land. The current plan is focused only on threatened species and DOC managed land, but this includes only part of NZ's biodiversity. This document needs to be updated with input from regional councils who are working across land tenures. Include implementation of NPS-FM 2020 as a critical action. Te Mana o te Wai will be essential for supporting resilience of our freshwater bodies, and the environmental flows workstream needs to include climate change impacts (droughts, severe weather events, changes in rainfall patterns) modelled for how they will affect freshwater ecosystem health. Freshwater ecosystem health is not just all about farmers and land use. Objective NE1 needs to include freshwater - not just land and sea.
15 What else should guide central government's actions to address risks to the natural environment from a changing climate?	<p>There is no specific action about coastal ecosystems and supporting adaptation of estuaries and coastal margins, and coastal ecosystem retreat, despite it being highlighted as a particular risk.</p> <p>Note that IPCC 6th Assessment report summary for policymakers says: "Safeguarding biodiversity and ecosystems is fundamental to climate resilient development, in light of the threats climate change poses to them and their roles in adaptation and mitigation (very high confidence). Recent analyses, drawing on a range of lines of evidence, suggest that maintaining the resilience of biodiversity and ecosystem services at a global scale depends on effective and equitable conservation of approximately 30% to 50% of Earth's land, freshwater and ocean areas, including currently near-natural ecosystems (high confidence)". The provisions in this plan don't fully reflect that advice, and it is recommended that the criticality of supporting adaptation of the natural environment to support adaptation of communities is reviewed.</p> <p>Government's actions should be supported by good data. This means support for research to understand better impact of climate change on a range of ecosystems and species, not just obvious coastal environments.</p>
16. Are there other actions central government should consider to: a) support you, your community, iwi and hapū, business and/or organisation to build the natural environment's climate resilience? b) strengthen biosecurity in the face of climate change? c) identify and support New Zealand's most vulnerable ecosystems and species in a changing climate?	<ul style="list-style-type: none"> Support for research at a local/regional scale to identify vulnerable species and ecosystems and model the effects of climate change so that interventions can be developed. Support for closer relationships with Waka Kotahi to plan for coastal margin retreat, where the retreat barrier is a State Highway, would also be welcomed.
17. What do you identify as the most important actions that will come from outside of central government (eg., local government, the private sector or other asset owners, iwi, hapū and/or other Māori groupings such as: business, forestry, fisheries, tourism, urban Māori, the private sector) to build the natural environment's resilience to the impacts of climate change?	All industries undertaking modelling to understand how climate change impacts may affect the natural systems they interact with, for example aquaculture and sea temperature, or land development and changes to rainfall intensities; and then forward planning to ensure actions support environmental resilience in the future, and that future business models are based on likely climate impacts.

Question	Response
18. Are there additional actions that would advance the role of Māori as kaitiaki in a changing climate?	Council can't answer this question on behalf of Māori
Homes, buildings and places	
19. Do you agree with the outcome and objectives in this chapter?	<p>Broadly yes, but Council would suggest the following changes:</p> <ul style="list-style-type: none">On objective HBP2 - this should be amended to include the word 'avoid' - i.e. 'minimise <i>or avoid</i> risks to communities from climate change'.Council also suggests splitting objective HBP1 so they are two separate objectives: 1) homes and buildings are climate resilient, and 2) homes and buildings meet social and cultural needs.
20. What else should guide central government's actions to increase the resilience of our homes, buildings and places?	<p>There is very little mention of the role of the Building Act 2004 and Building Code in this section. The Building Act is critical to ensuring homes and buildings are climate resilient. Also, many of the proposals will take years to develop, and there is a significant risk of maladaptation in the meantime. Government should consider providing interim direction or guidance, for example on building climate-resilient buildings (e.g. by setting minimum floor levels that specifically account for sea level rise or increased rainfall events).</p> <p>The Building Code should be amended to require the following:</p> <ul style="list-style-type: none">All buildings to be constructed with floor levels above the level of 1% AEP flood events for 2075 climate with 2075 sea levels (at a minimum)– habitable floor levels for residential buildings and working floor levels for other buildings. Allow option of building to these new levels or if construction technique allows design to the 1%AEP now and allow floor levels to be lifted in the future at appropriate times as sea level develops.Timber framed buildings to be designed in a manner that allows reasonably easy relocation in the future. <p>It is a lot easier to change the Building Code than change every resource management plan. The regulatory work proposed will take time to deliver positive results and this would begin some positive change in the meantime.</p> <p>Increasing resilience of 'places' needs greater attention. There needs to be more consideration of how communities evolve to accommodate SLR or adapt to it, while still retaining community 'places' that enable cohesion and the social support networks - especially in an equitable way.</p> <p>There could be greater support for urban greening and management of urban heat through alignment of national and regional transport plans with climate change adaptation objectives; similarly, align NPS UD urban design guidance with objectives for CC adaptation objectives.</p>
21. Do you agree with the actions set out in this chapter?	As above, there are gaps relating to the Building Act and place-making. Capacity building and funding for local government implementation of the policies also needs further consideration.
22. Are there other actions central government should consider to: a) better promote the use of mātauranga Māori and Māori urban design principles to support adaptation of homes, buildings and places? b) ensure these actions support adaptation measures targeted to different places and respond to local social, cultural, economic and environmental characteristics? c) understand and minimise the impacts to cultural heritage arising from climate change?	This question is more appropriately answered by Māori

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

Question	Response
23. Do you think that there is a role for government in supporting actions to make existing homes and/or buildings more resilient to future climate hazards? If yes, what type of support would be effective?	<p>Yes, raising existing homes may be a viable medium-term option to keep risk at a tolerable level whilst longer term adaptation strategies are developed. This is an area where central government can provide support.</p> <p>Also consider funding for:</p> <ul style="list-style-type: none"> • Double glazing and retrofitting insulation to maximise heat efficiency. • Rainwater tanks to assist with drought resilience (for garden water; and water take reductions) • Solar panels to minimise demands on energy networks • Education on passive heating design standards
24. From the proposed actions for buildings, what groups are likely to be most impacted and what actions or policies could help reduce these impacts?	<ul style="list-style-type: none"> • Māori - A number of marae are located in low lying coastal areas. Central government funding may be needed to support iwi and Māori to determine and implement adaption options. • Lower socioeconomic communities - Who cannot afford to pay for property upgrades. • Renters - The costs of upgrading buildings may be transferred from the landlord through increased rent.
25. What are some of the current barriers you have observed or experienced to increasing buildings' resilience to climate change impacts?	The cost of raising buildings is considerable, but economies of scale may be achievable if many buildings are raised as part of a coordinated response.
Infrastructure	
26. Do you agree with the outcome and objectives in this chapter?	<p>Partially, the outcome and objectives for infrastructure are aspirational, but they do not adequately reflect the limits to service levels that will be able to be achieved in the context of climate change impacts. In particular, investment in infrastructure in low lying coastal areas will need to be assessed through a cost / risk / benefit lens, not only for the infrastructure itself, but for the community it services.</p> <p>The outcome and objectives give the impression that infrastructure provision will not be time limited in these areas. Further clarification is needed on what is intended by the reference to 'long term climate impacts' within the objectives. There is need for more emphasis on how triggers and thresholds for service provision in these areas should be identified, with these limits reflected in strategic and land use planning.</p> <p>Council suggests that wastewater should feature with potable water as a priority since many treatment plants and pump stations are close to coastal margins or rivers. Council suggests making a minor addition to the last bullet point on p64: 'the risk to potable water supplies (availability and quality) <i>and wastewater collection and treatment</i> due to changes in rainfall, temperature, drought, extreme weather events and ongoing sea-level rise.'</p> <p>Further, there is little discussion in this chapter on the impacts of climate change on ports and the future of ports in New Zealand. Climate change is increasingly affecting port operations around New Zealand and the world. As a result, ports must consider their near-term and long-term climate change vulnerabilities when planning for the future. Integrated planning between ports, local government and Waka Kotahi is critical to determining the future viability of port operations.</p> <p>Council notes it will be critical to consider how emissions from transport can be reduced when planning for transport infrastructure to be more resilient to climate change impacts.</p>

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

Question	Response
27. What else should guide central government's actions to prepare infrastructure for a changing climate?	<p>Local Government would benefit from central government initiatives, such as the resilience standard / code for infrastructure, and guidance such as that issued by The Treasury to guide investment management and service performance in the context of climate change impacts, but these initiatives should be brought forward. There is potential for Central Government to collaborate with Ko Tātou LGNZ to develop suitable guidance and standards for Local Government and other infrastructure providers, in particular, for vulnerable coastal infrastructure.</p> <p>Financial assistance from central government for Councils to undertake the necessary strategies for responding to climate change may also be needed. These strategies are operational costs (OPEX), which has greater impact on Council rates. For some councils, this financial constraint will limit their ability to develop the necessary robust and detailed strategies.</p> <p>There is a need for greater certainty, as soon as possible, related to whether society is retreating from certain parts of the urban coastline. This influences renewal and Level of Service decisions as well providing clear direction on whether or not areas are to be considered for growth. This is identified in the system wide objectives and it needs to be strongly linked to infrastructure and infrastructure providers.</p> <p>It is recommended that the National Transition Unit for Three Waters Reform be given an opportunity to comment on this National Adaptation Plan. Council suggests more recognition be given to existing developments and infrastructure in climate at-risk areas as well as the work on future new infrastructure. A substantial amount of infrastructure is in place across the country in at-risk areas and will need to function as long as people occupy these areas.</p> <p>See also comments on question 26.</p>
28. Do you agree with the actions set out in this chapter?	<p>Partially. It is noted that the resource management reform will include climate action measures in relevant parts of the National Planning Framework. This will be valuable to guide investment decisions on infrastructure.</p> <p>The modernisation of the emergency management system is needed to give greater consideration of future emergency management arrangements in light of climate change impacts, and whether such arrangements would be practical.</p> <p>There is scope for greater involvement by emergency management staff in strategic and land use planning processes in areas exposed to future climate impacts.</p> <p>P69 'Support the integration of climate adaptation and mitigation in new and revised standards': Suggest bringing forward a revision of NZS 4404:2010 Land development and subdivision infrastructure to include climate action measures in new developments.</p> <p>Suggest a concurrent strand of work be considered looking at more specific operational solutions for adaptation strategies for existing infrastructure in climate at-risk areas. A tool box of generic options would be useful.</p>
29. The national adaptation plan has identified several actions to support adaptation in all infrastructure types and all regions of Aotearoa. a) Do you see potential for further aligning actions across local government, central government and private sector asset owners? b) Do you see any further opportunities to include local mana whenua perspectives and mātauranga Māori in infrastructure adaptation decision-making?	<p>Yes, Council agrees that Waka Kotahi should be the lead agency (or work with Te Waihangā) for setting the assessment framework for transport assets, including funding framework changes to include adaptive measures into programmes. However, this statement p67: "Waka Kotahi will lead, collaborate on and support land transport system adaptation, enabling climate-resilient transport networks and journeys, where people live, work and play": should be expanded to include alignment if communities decide to relocate their area. For example, if the Nelson airport shifted, new transport connections would need to be built to the right scale for the traffic.</p> <p>Road corridors often contain a number of services so decisions related to roads impact other services – any decisions made in relation to renewing, relocating, retiring roads should be integrated and involve other lifeline asset owners using that corridor.</p>

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

Question	Response
<p>c) Do you see any further opportunities to include local community perspectives in infrastructure adaptation decision-making?</p> <p>d) Do you see any further opportunities to ensure that groups who may be disproportionately impacted by climate change, or who are less able to adapt (such as those on low incomes, beneficiaries, disabled people, women, older people, youth, migrant communities) have continued and improved access to infrastructure services as we adapt?</p> <p>e) Do you think we have prioritized the right tools and guidance to help infrastructure asset owners understand and manage climate risk?</p>	<p>There is limited information on sea and air travel in these documents. Nelson Airport and Port Nelson are both located in future coastal inundation areas and will be exposed at and beyond 0.5m of sea level rise. These are key community and industry hubs and provide essential support to the local economy. They require a lot of land space and have wide reaching networks. They are currently lumped in with transport, page 63, but have different governance models to transport - table 4 p65.</p> <p>The National Policy Statements for Freshwater Management and Urban Development and the New Zealand Coastal Policy Statement will in some scenarios be in direct conflict with each other and potential climate change adaptation solutions. Improved alignment is needed so that a pragmatic balance can met when developing adaptation solutions.</p> <p>A lot of infrastructure follows residential and industrial development. Councils and central government typically have much longer-term involvement with infrastructure and the best solution can often be in conflict with a developer's shorter-term goals. Better direction on infrastructure design and construction across all sectors would be beneficial.</p> <p>On 29 b) - Yes, there are opportunities for better integration of mana whenua perspectives and mātauranga Māori in infrastructure planning generally, and in relation to Local Government, the key processes include the Infrastructure Strategy and the Long-Term Plan. There is a need for the form that this takes to be effective and expedient. The focus should remain clearly on the Infrastructure Objectives. Council is also consulting directly with Iwi on coastal adaptation planning in June / July this year.</p> <p>On 29 c) Yes, Council will soon be initiating consultation with coastal communities on adaptation planning. Discussion on infrastructure adaptation needs to be part of a broader conversation about the vulnerabilities and climate risks for these areas as well as land use planning approaches. There is a need for the form that this takes to be effective and expedient.</p> <p>However, the long timeframes, large costs and competing interests create significant challenges for making decisions – particularly decisions that compel future councils or governments to investment. How can community participation now be relied upon on in future decision-making?</p> <p>On 29 d) Yes, but these groups could also be prioritised for relocation from at risk areas. People who own property (assets) in affected areas who will see asset value decline/become unsalable, due to uncontrolled impacts, if adaptive measures are not placed for their benefit. These people could end up with no value assets (in fact could end up with liabilities). There is a need for early communications and whole of life discussions. There is a need for the form that this takes to be effective and expedient.</p> <p>On 29 e) Yes, but there would need to be some training with people who will be tasked with implementing the new tools. If the tools are not going to be available before 2024, then there will be a further period during which they need to be adopted and worked through, and so changes are not likely to be implemented before 2027. Communication with communities and community leaders (e.g. elected member of Councils) will need to clearly set expectations and avoid promising solutions before this can be worked through, to avoid misaligned community expectations.</p> <p>An item that is missing from the Infrastructure chapter is the need for a clear decision making process related to retreat or defend (system wide objective) – once these decisions are made, infrastructure service providers will largely organically adapt.</p> <p>Most large infrastructure is managed by professional staff who probably are already well versed in risk management concepts and can advise owners reasonably well. The proposed work programme is pretty high level and lacks options for existing infrastructure.</p>
30. Are there additional infrastructure actions that would help to strengthen Māori climate resilience?	We are unable to answer this question on behalf of Māori.
31. Are there any other tools or data that would help infrastructure asset owners make better decisions?	Please refer also to response to Q27. High quality, nationally consistent data sets and forecasting tools need to be continually invested in. Clear overarching regulatory direction is needed – either from central or regional government.

Question	Response
Communities	
32. Do you agree with the outcome and objectives in this chapter?	Partially. We support the overarching objectives but recommend that objective C3 include 'strengthen communities' as well as supporting communities when they are displaced or disrupted. The emphasis should be on preventative or preparatory measures so that communities are not displaced and disruption is minimised, rather than supporting communities after an event. This objective should also emphasise the need for communities to support each other, so that they are less reliant on assistance from central or local government or another organisation.
33. Do you agree with the actions set out in this chapter?	Yes, though we suggest that some of the actions marked as 'supporting' are critical, such as 'building community resilience through social cohesion'. We also question whether central government is best placed to deliver these actions - in many cases local government, iwi or community organisations may be better to determine communities' needs.
34. What actions will provide the greatest opportunities for you and your community to build climate resilience?	As above, building community resilience through social cohesion is critical. Reforming the health and disability system is also important to ensuring the rights and interests of disabled people are considered in designing adaptation solutions and that better support is provided to disabled people.
35. Are there additional actions central government should consider to: a) support your health and wellbeing in the face of climate change? b) promote an inclusive response to climate change? c) target support to the most vulnerable and those disproportionately impacted?	a) Provide sufficient funding to local government to deliver the actions set out in this plan b) It is important that different communication and engagement tools are used to connect with groups who do not traditionally engage in government processes, such as young people, Māori, Pasifika, immigrant communities and disabled people. These groups are likely to be the most impacted by climate change, so it is important their voices are heard. c) As above in b).
36. What do you think are the most important actions that will come from outside of central government (eg, local government, the private sector or other asset owners, iwi, hapū, non-government organisations, community groups) to strengthen community resilience in the face of climate change?	Iwi and hapū leadership on addressing climate risks is important, but they need to be empowered with the right tools and resources to be able to play this role. Community groups could also play a strong role in building community resilience to climate impacts, but again, they need to be empowered and supported to do so. A focus on education would empower local communities; and setting up programmes to develop climate leaders within communities.
37. Are there additional actions could be included in the national adaptation plan to help strengthen climate resilience for iwi, hapū and whānau?	As above, iwi, hapū and whānau need to be provided with the right tools (e.g. guidance that is tailored to Māori and incorporates te ao Māori) and supported by resourcing.
The economy and financial system	
38. Do you agree with the outcome and objectives in this chapter?	Partially, there is no reference to enabling access to climate finance/alternative funding mechanisms - this should be included. Providing opportunities for central government and local government to co-fund investments should also be considered as an objective.
39. What else should central government do to realise a productive, sustainable and inclusive economy that adapts and builds resilience to a changing climate?	As above - provide access to climate finance/alternative funding mechanisms.
40. Do you agree with the actions set out in this chapter?	No, the critical actions mostly focus on specific sectors and do little to provide alternative funding mechanisms to finance climate adaptation. We would expect to see more discussion in this section on how funding for climate action is to be split between central, local government, insurance providers and other players, and alternative funding mechanisms such as the freehold to leasehold scheme discussed in question 42.

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

Question	Response
41. Are there other actions central government should consider to: a) support sectors, businesses and regional economies to identify climate risks and adapt? b) promote a resilient financial system in the face of climate change?	<p>The State-owned enterprise QV (Quotable Value) valuations of coastal property will influence how Central Government, Local Government, and the private sector manage risk within coastal areas vulnerable to sea level rise. Higher property valuations may deter insurance companies and increase the case for protection measures, whilst lower valuations may make it more affordable to compensate property owners as part of a relocation, or conversion of ownership from freehold to leasehold package, as proposed by Belinda Storey (https://www.rnz.co.nz/national/programmes/ninetoon/audio/2018781916/climate-hazard-property-from-freehold-to-leasehold).</p> <p>Nelson City Council released coastal inundation mapping in November 2020 showing areas potentially exposed to 1% AEP storm surge events with up to 2m of sea level rise. Preliminary analysis of property values by NCC in areas exposed to 1.5m of sea level rise has shown a 33% increase in property values, using 2021 QV date, relative to 2018 QV data. This raises a question over whether the risks of future climate impacts are reflected in valuations of coastal property. The apparent lack of a 'value signal' in relation to these risks potentially contributes to continued high demand for properties in these areas, and the resulting over-valuation by the market.</p> <p>Further consideration also needs to be given to how climate leases could be applied for existing development, as well as time limited consents for new development in areas predicted to be at risk of sea level rise within the next 100 years.</p>
42. What do you think are the most important actions that will come from outside of central government (eg, local government, the private sector or other asset owners, iwi, hāpu and/or other Māori groupings such as: business, forestry, fisheries, tourism, urban Māori, the private sector) to reduce the economic and financial risk they face from climate change?	Improving consumer understanding of property insurance pricing and risks.
43. Are there additional actions within the financial system that would help strengthen Māori climate resilience?	Additional thought is needed on how climate change is likely to reflect the Māori economy, and opportunities for working with Māori to strengthen economic resilience to climate impacts.
44. In the context of other risk management options (eg, flood barriers, retreat from high-risk areas), what role should insurance have as a response to flood risk? Please explain your answer.	Insurance provides cover for events that exceed the level of protection provided by existing defences. When this residual risk becomes excessive, insurance retreat signals that further action (such as additional risk mitigation or retreat) is overdue. There needs to be improved communication between the insurance sector and other actors responsible for risk management. Increasingly, the role of insurance should be to enable greater resilience rather than to reinstate the insured assets that existed previously.
45. Should the Government have a role in supporting flood insurance as climate change risks cause private insurance retreat? a) Does your answer to the above question depend on the circumstances? (For example, who the owner is (eg, low income), the nature and characteristics of the asset (eg, residential or commercial property, contents and vehicles), what other risk management options are available and their cost/benefit, and where the asset is located?) Please explain your answer.	<p>Central government does have a role in ensuring that an effective framework is in place to facilitate the implementation of adaptation plans in areas exposed to climate impacts. Supporting flood insurance is just a part of this role and this should only be seen as a stop gap measure, as insurance retreat implies that continued occupation of these areas is no longer sustainable.</p>
46. If you think the Government should have a role in supporting flood insurance as climate change risks cause private insurance retreat, how do you envision the Government's role, and how is this best achieved (eg, direct support and/or indirect support such as reducing underlying flood risk)?	Both direct and indirect support should be considered by Central Government. In relation to flood insurance, risk sharing with landowners could be reflected in higher rates for excess. Insurance arrangements should incentivise appropriate response actions by landowners and other parties to reduce risk. Ultimately, indirect support to implement measures that seek to reduce the underlying flood risk will only provide finite protection. Therefore, government support needs to be directed towards the implementation of adaptation plans, which will include transitional measures to mitigate intolerable risks, as well as longer term responses that are more sustainable.

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

Question	Response
47. If the Government were to directly support flood insurance: a) what is the best way to provide this direct support? b) should the Government's focus be to support availability or affordability of insurance, or both? c) how should the costs of that support be funded, and by whom? d) what are the benefits and downsides of this approach? e) should this support be temporary or permanent? f) if temporary, what additional measures, if any, do you think would be needed to eventually withdraw this support (eg, undertaking wider flood protection work)? g) what would the risks or benefits be of also including non-residential property, such as commercial property? h) what design features or complementary policies are needed so any flood insurance intervention retains incentives for sound flood-risk management (eg, discouraging development in high-risk locations)?	No comment – these comments are very specific
48. How effective do you think the insurance “price signal” (eg, higher premiums or loss of insurance) is for providing incentives to reduce flood risk?	It is effective, as insurability is generally a prerequisite for accessing finance. Inability to insure a property is likely to significantly impact on property value. Higher premiums and excess on insurance policies signal a transition towards insurance retreat that may give a property owner time to respond to the increasing risk.
49. In your view, should a scheme similar to Flood Re in New Zealand be used to address current and future access and affordability issues for flood insurance? Why or why not?	Yes. Flood Re is a good example - a model like this should be considered in NZ.
50. How do you think a scheme similar to Flood Re in New Zealand could support or hinder climate change adaptation initiatives in New Zealand?	No comment (don't have sufficient detail on Flood Re to be able to comment).
Closing question	
51. Do you have any other thoughts about the draft national adaptation plan that you would like to share?	<p>In relation to research priorities, Council supports the proposed transition to open access data, and transforming this into knowledge about vulnerability. The recent (May 2022) release of sea rise projections that take account of vertical land movement demonstrates the impact of factors that may not have previously been given sufficient consideration. Nelson, and the Tasman Bay coastline comprises areas like the Delaware Bay, Wakapuaka Flats (Horoirangi), Nelson Haven and the Waimea estuary that may be subject to silt accumulation as sea level rises. This will have a knock-on effect on low lying drainage channels and culverts, as well as causing accretion in the lower reaches of watercourses, that may reduce flood conveyance capacity. The situation could potentially be exacerbated by land subsidence shown in the Sea Rise projections. Research on this topic would be useful to expose the long-term risks.</p> <p>Council strongly encourages the on-going implementation of the recommendations from the report: <i>Adapting to Climate Change in New Zealand Recommendations from the Climate Change Adaptation Technical Working Group</i>.</p> <p>Council is already working with communities to make adaptation decisions and is concerned that the pace of activity signalled in the NAP is too slow. Clear direction is needed now to reduce the risk of alignment issues down the track.</p>
Managed retreat	

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

Question	Response
52. Do you agree with the proposed principles and objectives for managed retreat? Please explain why or why not.	<p>A definition of intolerable risk is needed, and this should apply nationally to ensure a consistent approach is adopted across the country. As above, a consistent methodology for SLR risk assessment, management, and planning is needed. The methodology would include clear guidance about the 'trigger points' for initiating retreat (i.e. under what conditions should retreat be initiated, or other mitigations). Trigger points that are nationally consistent will reduce uncertainty; reduce litigation risk; and reduce the amount of process churn that will occur as communities change over time; and or decision-making priorities change over time.</p> <p>On Table 1 (page 11) - Objectives:</p> <ul style="list-style-type: none"> Suggest clarity is provided on when land uses can be changed to ensure consistent approach. 'To provide stronger tools for councils to modify or extinguish existing uses of land and when they should be used ' Include 'legal mechanisms' in 'to provide strong tools and legal mechanisms to modify or extinguish existing uses of land' <p>On Principles - Suggest clarity is provided that managed retreat processes must follow a nationally consistent framework.</p> <p>Managed retreat needs to be applied consistently across the country. Local authorities continue to maintain services while people and activities exist in-situ and the cost of maintaining an asset is paid for by the wider community. National guidelines are required to ensure that managed retreat options are applied without fear or favour.</p>
53. Are there other principles and objectives you think would be useful? Please explain why.	<p>As above. Also, remediation of retreat areas. These cannot be just abandoned but are an opportunity for environmental and ecological or other benefits. There needs to be a mechanism for connecting infrastructure (especially for managed retreat) to the soft outcomes and who pays for this work. The assessment and funding mechanisms for managed retreat may need to include remediation opportunities and costs.</p> <p>Suggest adding in additional objective. 'To clarify when local authorities or service providers may cease to provide services to properties subject to intolerable risk.' A substantial amount of local authority infrastructure is in place to service existing developments. While those developments remain in place, local authorities must maintain and renew those assets to meet levels of service. When areas are subject to intolerable risk, local authorities should be able to reduce the level of service provided and stop the asset renewal cycle.</p> <p>Equity needs to be a key consideration, as: a) future generations are not responsible for the projected impacts of climate change but will be burdened with paying for adaptation and b) greenhouse gases have been emitted across the country yet the costs will mostly fall on coastal communities and their councils.</p>
54. Do you agree with the process outlined and what would be required to make it most effective?	<p>It is not clear when a decision to retreat be made, what the trigger or threshold should be - e.g. When there is intolerable risk? Are there any circumstances in which a decision to retreat be forced, even if the community at-risk doesn't want to retreat?</p>
55. What do you think could trigger the process? What data and information would be needed?	<p>It is anticipated that a trigger could be informed by a cost risk benefit analysis, demonstrating that continued occupation of a coastal area at a threshold where future sea level was no longer viable, and that the alternative risk mitigation options represented a poor investment. This would need to include consideration of opportunity cost aspects associated with retreat, as well as the economic, social and cultural costs of relocation and resettlement. This should ideally be established, and an adaptation plan completed, before investment is made in mitigation options.</p>
56. What other processes do you think might be needed, and in what circumstances?	<p>There is a need to think through the implications for renewals, upgrades, and level of service for lifelines infrastructure in areas identified as being at high risk from flooding and where adaptation options such as managed retreat are likely to be needed in the future.</p>
57. What roles and responsibilities do you think central government, local government, iwi/Māori, affected communities, individuals, businesses and the wider public should have: a) in a managed retreat process? b) sharing the costs of managed retreat?	<p>Agree that the costs of managed retreat should be shared with the groups listed.</p>

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

Question	Response
58. What support may be needed to help iwi/Māori, affected communities, individuals, businesses and the wider public participate in a managed retreat process?	Community engagement to inform the decision to retreat is critical. The groups directly affected will need understand and get support to explore alternative options (and associated costs) for relocating their homes, businesses . Particular attention needs to be paid to vulnerable groups.
59. A typical managed retreat will have many costs, including those arising from preparation (including gathering data and information), the need to participate in the process, relocating costs and the costs of looking after the land post-retreat. In light of your feedback on roles and responsibilities (question 57), who do you think should be responsible for or contribute to these costs?	Central government and local government should contribute the same share of costs, but they should not bear all the costs. The private sector (and individual homeowners) should also be required to contribute.
60. What do you consider the key criteria for central government involvement in managed retreat?	Key criteria include: Whether coastal area is currently subject to significant disruption due to climate change impacts, % of property buildings (habitable floors) exposed to risk e.g. 5% AEP event, degree of insurance retreat, low security of access, population socio-economic vulnerability metrics.
61. There may be fewer options for homes and community buildings (eg, schools, churches, community halls) to move than businesses (eg, retail and office buildings, factories, utilities) for financial, social, emotional and cultural reasons. That may suggest a different process for retreat, and different roles and responsibilities for these actors. Should commercial properties/areas and residential properties/areas be treated differently in the managed retreat process? Please explain why or why not.	Yes, as there is likely to have been a greater degree of risk acceptance by businesses located in vulnerable areas. The Building Code recognises this in excluding Commercial and Industrial properties from floor level controls. For instance, E1.3.2 only applies to Housing, Communal Residential and Communal Non-residential buildings.
62. Even in areas where communities are safe, local services and infrastructure such as roads, power lines and pipes may become damaged more frequently and be more expensive to maintain because of erosion or increases in storms and rainfall. Local councils may decide to stop maintaining these services. Are there circumstances in which people shouldn't be able to stay in an area after community services are withdrawn?	Yes, as there is a cost to the wider community in servicing these areas. Lessons must be drawn from the red zoning of areas following the Christchurch earthquakes. It is not just Local Councils providing these services, but also the private sector, Central Government Departments, and soon, the Three Water Entities.
63. In what situations do you think it would be fair for you to be required to move from where you live?	Each area should be assessed, based on a standardised set of criteria, that reflect various aspects of benefit, cost and risk relating to continued occupation of exposed coastal areas, as well as the relocation and re settlement process. Many of these criteria are standard risk assessment metrics.
64. Many residential communities are made up of a combination of renters, owner-occupiers and people who own a property and use it as a second/holiday house. Do you think there are reasons for these groups to have different levels of involvement in a managed retreat process?	Potentially, but the status of these properties may change over time.

Item 11: Submission on the draft national adaptation plan and managed retreat proposals: Attachment 1

Question	Response
65. It is not always obvious that an area is at high risk from natural hazards or the impacts of climate change. However, council risk assessments and increased data and information should make these risks clearer. Do you think different approaches should be taken for those who purchased properties before a risk was identified (or the extent or severity of the risk was known) and those who bought after the risk became clear?	Individuals purchase property with varying levels of understanding of the risks. In addition, Council hazard maps and risk assessments may evolve over time, particularly as new data emerges, such as the latest IPCC report. This initiative would therefore be complex to implement in practice.
66. Under what circumstances do you think it would be fair or necessary for government to take approaches with a greater or lesser degree of intervention or support?	It will be challenging to reconcile a lesser or greater degree of support for communities or subgroups, with the funding and financing adaptation principles in Table 2 of the consultation document, in particular, 'Ensure fairness and equity for and between communities, including across generations.'
67. How do you think land with historical, cultural, social or religious significance (eg, cemeteries or churches) should be treated?	Specific considerations are needed for these sites.
68. Some Māori communities have needed to relocate as a result of events (including natural disasters) that have impacted their marae and wāhi tapu. These examples show that Māori communities are aware of the ways that climate change is affecting their marae, papa kāinga and wāhi tapu, and how relocation can be approached as a community, with engagement from iwi, hapū and whānau. The examples also demonstrate that climate change and natural hazard events are impacting coastal communities as well as inland communities located closer to rivers and lakes. How do you think managed retreat would affect Māori?	Managed retreat would have a significant impact on Māori. Bespoke processes should be co-developed with Māori for retreat of Māori land and sites of significance to Māori (such as marae and urupa).
69. Managed retreat has rarely occurred in Aotearoa, especially within Māori communities. However, there are examples of Māori proactively working to protect their marae, papa kāinga and wāhi tapu by either relocating or protecting and developing their current sites. In these instances, the focus was on protecting and preserving their taonga for future generations. What do you see as being most important in developing a managed retreat system for Māori?	No comment. This question needs to be answered by Māori.
70. Māori land and Treaty settlement land have unique legislative arrangements. Restrictions and protections are placed on Māori land to meet a clear set of principles and objectives that recognise the cultural connection Māori have with the land and focus on land retention and use. Land that has been acquired through Treaty settlement processes is most likely to have cultural significance to a particular iwi or hapū and used to support the aspirations of their people. How do you think Māori land (including Treaty settlement land) should be treated?	See response above.
71. How do you think post-event insurance payments could support managed retreat?	Post-event insurance payments do and can assist in building back better, raising and /or relocating structures to higher ground. Insurance companies may be prepared to proactively invest in measures that reduce their risk exposure.

Question	Response
72. Should insurability be a factor in considering the option of managed retreat from an area?	Yes, insurability / insurance retreat should be one of the criteria in prioritising areas for intervention, not just managed retreat. There may be alternative responses in the short to medium term that enable insurance cover to be reinstated.



**Environment and Climate
Committee**

16 June 2022

REPORT R26830

**Environmental Management Quarterly Report 1 January
2022 - 31 March 2022**

1. Purpose of Report

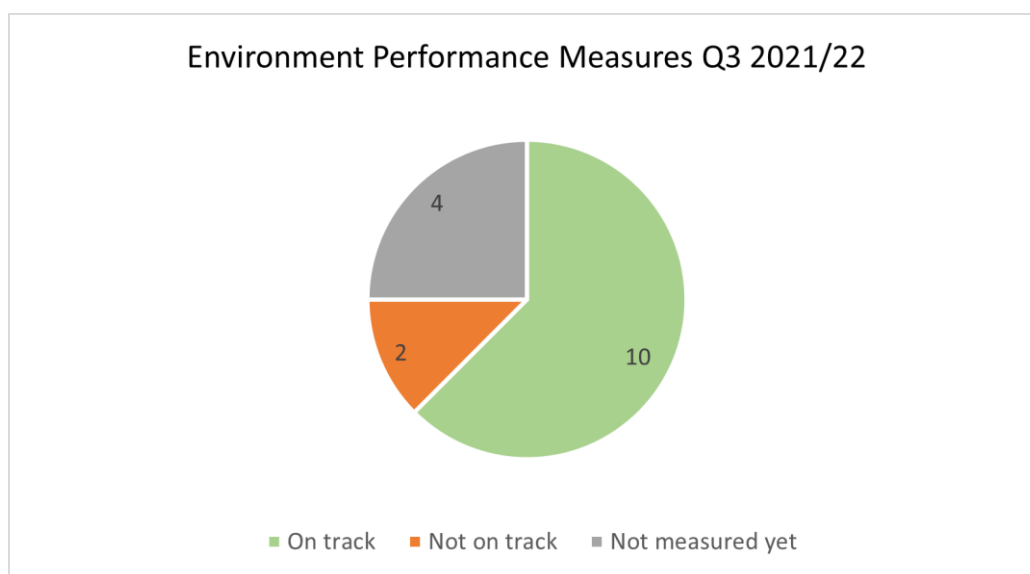
- 1.1 To report on financial and non-financial performance measure results (timeframes, risks and key issues) for the third quarter of the 2021/2022 financial year for the Environmental Management Group activities.
- 1.2 The following activities are included: City Development, Building, Resource Consents and Compliance, Planning, and Science and Environment. Climate Change, which is the responsibility of the Strategy and Communications Group, is also included in this report.

2. Recommendation

That the Environment and Climate Committee

- 1. Receives the report Environmental Management Quarterly Report 1 January 2022 - 31 March 2022 (R26830) and its attachments (A2888077, A2876356, A2887323, A2862473, A2886850, A2886938)***

3. Key performance indicators



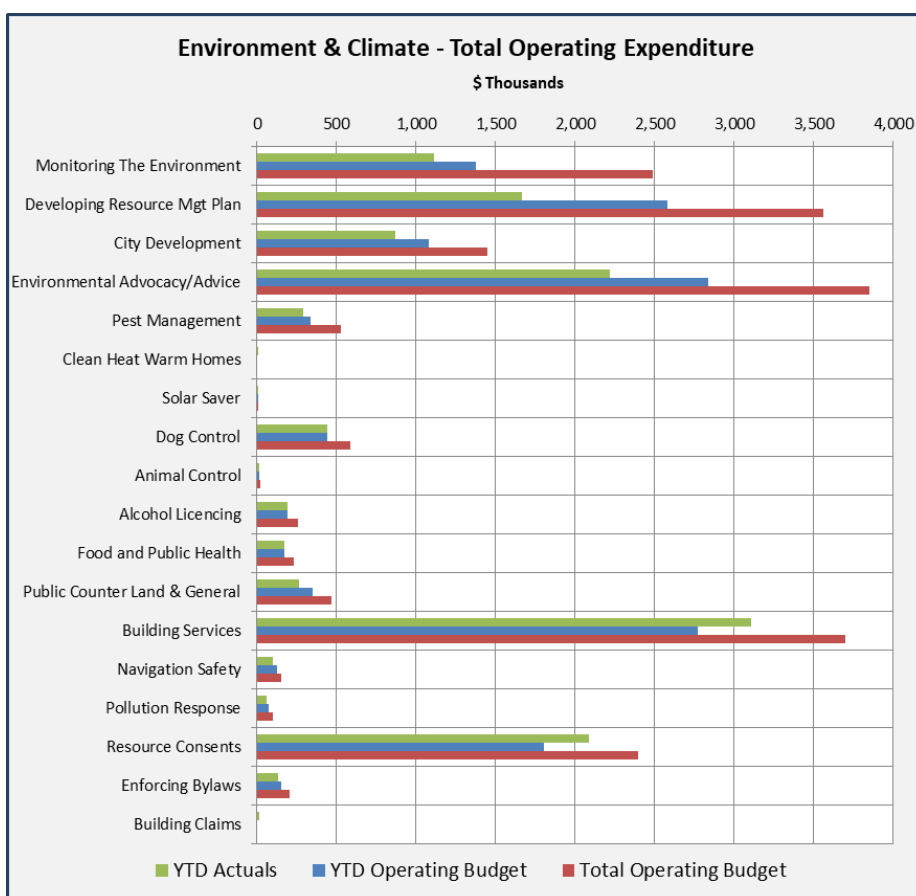
- 3.1 The full performance measure details and results for quarter three are attached (Attachment 1). The measures that are not on track relate to processing of resource consents, building consents and code of compliance certificates.
- 3.2 In relation to resource consents, as in quarter one and two, staff shortages, application numbers and complex consents have resulted in non-compliance with the statutory timeframe for processing consents; averaging 73% on time. Some of the vacant positions in the team have been filled and training is underway.
- 3.3 In relation to building consents, factors that have contributed to non-compliance include high consent numbers, staff shortages, ongoing recruitment difficulties, and the demanding workloads of consultants affecting their ability to deliver. Building consents are 97% on time and code of compliance certificates are 93% on time.
- 3.4 The four performance measures that are not measured yet, are timing related. The compliance strategy review is yet to be undertaken, the recreational bathing programme is still underway, the State of the Environment measure is only required every five years, and the City Centre programme every three years.

4. Financial results

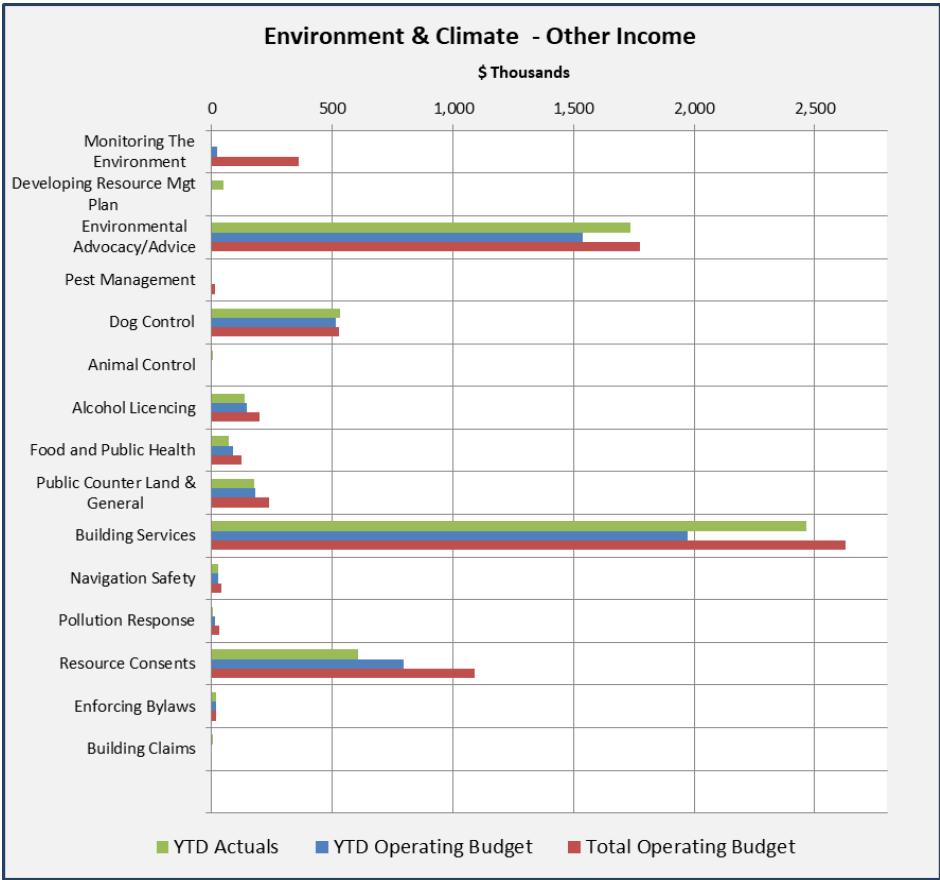
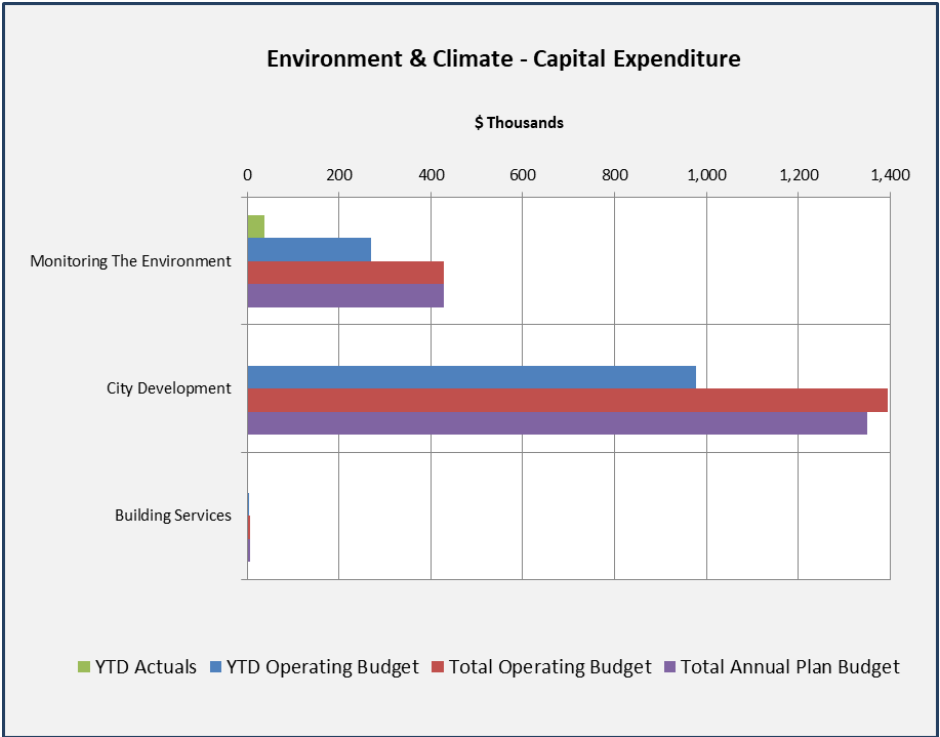
Profit and Loss by Activity

Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 1

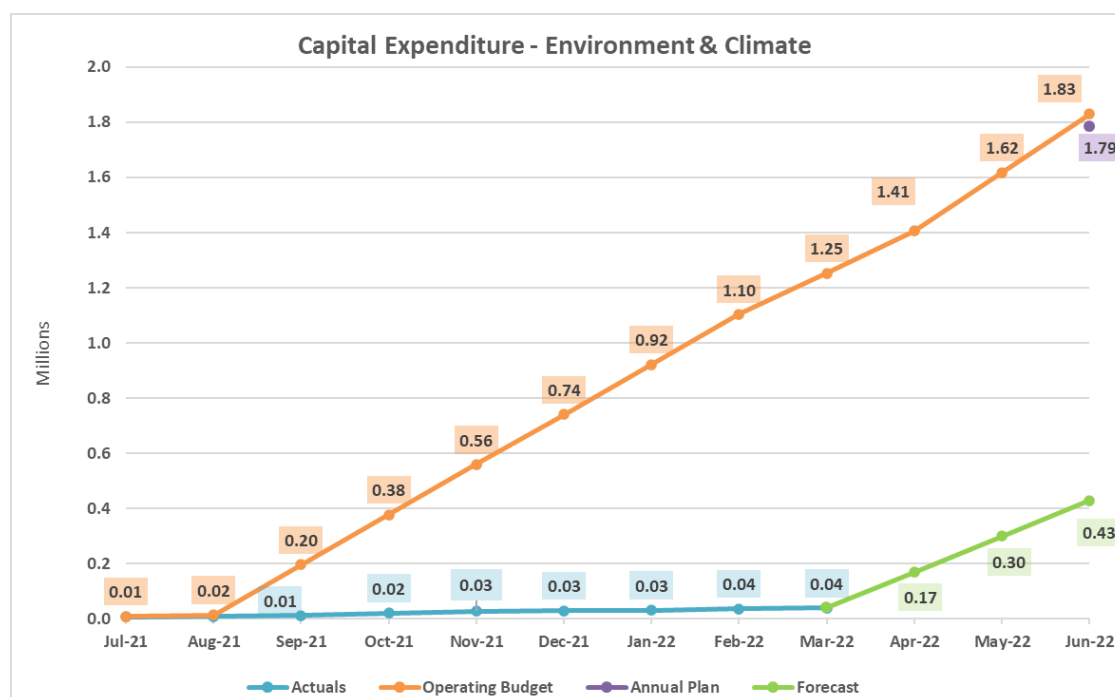
PROFIT & LOSS - ENVIRONMENT & CLIMATE						
	YTD Actuals	YTD Operating Budget	YTD Variance	Operating Budget	Annual Plan Budget	Forecast
Income						
Rates Income	8,464,198	8,463,474	724	11,284,616	11,284,615	11,284,616
Other Income	5,814,640	5,309,568	505,072	7,040,171	6,712,239	7,434,400
Total	14,278,838	13,773,042	505,796	18,324,787	17,996,854	18,719,016
Expenses						
Staff Operating Expenditure	7,495,444	7,845,626	350,182	10,478,238	10,391,911	10,424,922
Base Expenditure	3,132,571	4,073,367	940,796	5,587,999	5,683,965	4,579,665
Unprogrammed Expenses	17,613	26,582	8,969	37,260	12,258	12,258
Programmed Expenses	1,926,477	2,205,283	278,806	3,686,933	3,356,310	3,605,569
Finance Expenses	49,532	64,269	14,737	85,681	85,681	85,681
Depreciation	114,724	87,696	(27,028)	116,912	116,912	116,912
Total	12,736,361	14,302,823	1,566,462	19,993,023	19,647,037	18,825,007
Surplus/(Deficit)	1,542,477	(529,781)	2,072,258	(1,668,236)	(1,650,183)	(105,991)



Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 1



Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 1



Variance commentary

- 4.1 As at 31 March 2022, Capital Expenditure is \$1.2m behind budget. Level of Service, Renewals and Growth are behind budget by \$1.1m, \$131,000 and \$44,000 budget respectively. Capital Expenditure is forecasted to be \$1.4m under budget, mostly due to the scope of the Streets for People project reducing this year and moving into next year, in order to wait for the Infrastructure Acceleration Fund.
- 4.2 Monitoring The Environment expenditure is less than budget by \$264,000. Several expenditure items are behind budget as the majority of the programme will be completed over Autumn. State of Air Quality Monitoring (\$30,000) and Environment Monitoring Iwi Indicators (\$22,000) are behind budget, and these are anticipated to be spent. Staff Expenditure is \$69,000 behind due to staff time allocation.
- 4.3 Developing The Resource Management Plan expenditure is less than budget by \$918,000. Significant changes to the programme of works were approved by Council in November 2021. This has delayed major work that was to occur this year and has resulted in underspends across expenditure items with Nelson Plan expenditure being under budget by \$929,000 and forecasting to be \$1.0m under budget by the end of the year.
- 4.4 Environmental Advocacy/Advice income is greater than budget by \$198,000. Maitai Ecological Restoration Project Grant is \$180,000 ahead of budget due to being paid in advance of expenditure.
- 4.5 Environmental Advocacy/Advice expenditure is less than budget by \$617,000. Nelson Nature expenditure items are behind budget by \$234,000. Some work is completed and awaiting invoices. The bulk of the programme is to be completed in quarter four; contracts are being finalised to complete the remainder of the work. Regional Sector Programmes is \$56,000 under due to no invoice being received yet. The Insulation Grant Programme is under budget

by \$36,000 due to a prior year applicant refunding an unspent portion of their grant. Staff Expenditure is \$243,000 behind due to staff time allocation.

- 4.6 Building Services income is **greater than budget by \$493,000**. Building Consent income and Quality Assurance levies are ahead of budget by \$287,000 and \$140,000 respectively with stronger market demand than anticipated.
- 4.7 Building Services expenditure **is greater than budget by \$339,000**. Master Builder Digital Services are \$24,000 over budget which is directly linked to increased consent numbers. Staff costs are \$300,000 ahead of budget which is mainly due to the cost of using contractors. Contractors have been required to keep up with increased demand and to fill in for staff vacancies.
- 4.8 Resource Consents income is **less than budget by \$188,000**. Consent fees are \$173,000 behind budget although the consent application numbers are similar when compared to last year. There is a lag in invoicing which is causing part of this variance. Income is expected to finish at a similar level to last year and around \$115,000 under budget by year end.
- 4.9 Resource Consents expenditure **is greater than budget by \$280,000**. External Consultants are over budget by \$241,000 and forecast to be \$295,000 over budget by the end of the year. This is driven by vacancies requiring consultants to perform work to deal with the volume and complex nature of consents being sought as well as the actual charge out rates charged to the applicant, being less than the actual charges of the various consultants.

5. Key activities

City Development

Nelson Tasman Future Development Strategy

- 5.1 The Draft Nelson Tasman Future Development Strategy 2022-2052 (FDS) went out for public consultation from the 14 March to 14 April 2022. A total of 558 submissions were received during the consultation period. The hearings were held over 4 days and 133 submitters were scheduled to speak to their submissions.
- 5.2 An analysis of the submissions is being prepared for the deliberations meeting when the Subcommittee will deliberate and develop recommendations to the Joint Committee of the Nelson and Tasman councils.
- 5.3 The FDS, a joint project with TDC, is a large and technically complex project addressing residential and commercial growth. The project has been further complicated by strict time constraints. A huge amount of time and effort from the community, council officers and elected members has gone into progressing the project to this point. The project is on track and a Joint Committee meeting, where the final decision on the FDS will be made, is scheduled for 27 July 2022. Officers will be reviewing process improvements at the end of the project.

City Centre

- 5.4 Work on Stage 1 Schematic Design for Bridge Street Linear Park / Linear Active Transport Corridor is underway with Council's Transport Team developing

options over a 3-month programme to align with Kāinga Ora's anticipated development programme. A workshop in relation to the Bridge Street Schematic Design is expected to be held in July 2022.

- 5.5 The City Centre Programme Development Lead is working with Council's Property Team to ascertain potential properties in the central city suitable for a play area. Council's Parks Team is supportive of the approach. A property brief has been developed to assist with this investigation.
- 5.6 Streets for People funding for tactical street trials is currently in discussions, with three potential projects for consideration in the next 6-8 months.

Housing

- 5.7 Phase 1 of the Housing Reserve grants has been completed with two grants being approved, one of \$1million to Habitat for Humanity for their development at 623 Main Road Stoke and the other of \$850,000 to Nelson Tasman Housing Trust for their development at 99 Muritai Street.
- 5.8 The establishment of Phase 2 of the Housing Reserve is subject to workshop discussions with the Urban Development Subcommittee in the coming months and decisions following consideration of a report.
- 5.9 Requests for proposal for the purchase and development of a residential intensification exemplar at 6 and 8 Totara Street were completed, and officers will provide a progress update at the meeting on 16 June 2022.
- 5.10 The Strategic Housing Adviser and the City Centre Development Programme Lead worked as part of a cross Council team on applications to the Infrastructure Acceleration Fund. Two applications were successful (Bridge Street Linear Active Transport Corridor and Hoiroirangi) and officers will now be participating in negotiations.
- 5.11 The Strategic Housing Adviser has been working with a project team from Kāinga Ora to progress the sale of 69 to 101 Achilles Avenue and 42 Rutherford Street to Kāinga Ora for social and affordable housing.

Building

- 5.12 Quarter three statistics and comments are attached (Attachment 2).
- 5.13 An upgrade to the Go Get consenting system, which will help to streamline processes, was planned for June 2022, but has been rescheduled for the 2nd quarter next financial year. The rescheduling is necessary because other upgrades to Council's systems (information management system move from Objective to SharePoint, and the MagiQ cloud integration project) need to be completed before the upgrade to the Go Get system can commence.
- 5.14 The Compliance Schedule project, an independent review of Council's Compliance Schedule procedures and systems, started in early March. The project aims to improve the efficiency of the process, from receipt of the application through to the issuing of the Code Compliance Certificate, and to

address the issues related to the General Non-Compliance's identified by IANZ audits over the past 3 cycles. A consultant has been engaged to complete the review of the Building Consent Authority's system/processes. The consultant has considered the IANZ reports, undertaken interviews with staff, and made recommendations. Work is underway to implement recommendations to clarify processes, improve the final Compliance Schedule product and to minimise IANZ non-compliance comments at the next audit, scheduled for June 2023.

Resource consents and compliance

- 5.15 Quarter three statistics are attached (Attachment 2). The number of consent applications received are at a similar level to last year. The increasing complexity of developments means decisions are taking longer to issue and increases the workload for the Compliance and Monitoring team.
- 5.16 The harbourmaster vessel was out for a routine engine service in February and water was found in the gearbox oil. New parts had to be shipped from Australia leaving the vessel out of action for a couple of weeks. NMIT's vessel was chartered to provide some on-water coverage while repairs were undertaken. The 2022/23 budget includes capex for new engines but alternatives to repairing the vessel have been considered. A proposal for a replacement vessel has been reported separately to Council.

Environmental Planning

- 5.17 The Environmental Planning team is progressing its work programme in relation to key topics including housing, coastal hazard planning, and freshwater planning.
- 5.18 The Housing Plan Change (PC29) is under development. Aspects of PC29 have been the subject of previous reports to this Committee and Council. Officers and consultants are preparing the content of the plan change and supporting documentation.
- 5.19 Natural hazards planning work has been a significant focus for the team in this quarter, with Land Information Memorandum (LIM) notifications in train to be issued as a consequence of updated reports on liquefaction, fault rupture, and slope instability. Additionally, the team is contributing to the coastal hazard project, and flood hazard work.
- 5.20 Collaboration on freshwater planning with Te Tau Ihu iwi is progressing. The current focus is on project set-up and relationship development to support successful ongoing collaboration.
- 5.21 The review of the Urban Environments Bylaw has been completed, following the hearing of submissions and deliberations. Two additional workstreams follow the adoption of the Bylaw - a potential new 'alcohol-ban' area in the Wood area and comprehensive review of control of structures on footpaths. Controls around structures on footpaths will be part of the City Amenity Bylaw review process expected to start later this year.
- 5.22 The Maitahi/Bayview Private Plan Change is progressing towards a hearing by independent commissioners in July 2022.

Science and Environment

- 5.23 Delivery of Science and Environment programmes is progressing as expected. Project updates have been provided via the Councillor's newsletter where appropriate, and there are no key updates for business as usual.
- 5.24 The Institute of Environmental Science and Research (ESR) has received government funding through Jobs for Nature to support fixed term freshwater monitoring roles in 10 Councils, including Nelson City Council. The role offers an opportunity to recruit a person with Te Taihū Iwi affiliations who wishes to understand more about Council processes and methods. The new employee will work on a specific ESR project and will help to deliver the freshwater monitoring programme.
- 5.25 Monthly rainfall totals for the quarter across the region were higher than long term averages due to two large, multi-day rainfall events in February. Rainfall details are attached (Attachment 3). Totals for February were at least three times what are usually seen in February. The Collins River peaked at 123 m³/s on 5 February 2022 which is estimated to be a 150-year return event. In contrast, January and March were dry months with lower-than-average totals.
- 5.26 The focus for Project Mahitahi in the last quarter has been on preparing for the planting of over 70,000 trees in the upcoming planting season. The Project has been successful in securing funding for trees from a range of sources including Government through MPI and Trees that Count. Ngati Kuia recently joined the Project Governance Board to sit alongside Ngati Koata, Ngati Rarua and Te Atiawa representatives in steering the direction of the work. The quarterly report to the Project Mahitahi Governance Board is attached (Attachment 4 A2862473)
- 5.27 The Warmer Healthier Homes Nelson Tasman Marlborough Project interim six-monthly report covering 1 July to 31 December 2021 (Attachment 5, A2886850), along with the audited financial statements to 30 June 2021 (Attachment 6 A2886938), have been received from the Warmer Healthier Homes Steering Committee and Warmer Healthier Homes Te Tau Ihu Charitable Trust.
- 5.28 The Chair Mr Leeson Baldey, has stated that on behalf of the Steering Committee and Trustees he would like to thank Nelson City Council for their generous contributions and support of the project. He notes that the project continues to deliver tangible benefits to the community and there is still more work to do.
- 5.29 Key highlights of the report include:
- 213 properties insulated across Te Tau Ihu between 1st July 2021 and 31 December 2021
 - a total of 2,776 properties occupied by low-income families and families with respiratory related health conditions have been insulated since the project's inception in 2014

6. Legal Proceedings Update

- 6.1 A dog attack hearing has been set for 22 June 2022. A disqualified dog owner is appealing the District Court decision to the High Court.
- 6.2 The Building team has two legal proceedings in progress.

7. Risks and Challenges

- 7.1 Recruitment and retention of planning staff continues to be difficult. There are multiple vacancies in the Environmental Planning team, including the Team Leader and Principal Planner. The impact of staff losses and volume of work are affecting the delivery timeframes for projects.
- 7.2 Recruitment within the Building team is continuing, but applicants with the required qualifications, relevant experience and competencies are proving difficult to find. With the upcoming retirement of a senior building inspector to add to the existing vacancies, the Building Control Authority (BCA) will need support from external contractors to manage inspection demand along with overflow processing capacity.
- 7.3 Due to the lack of qualified experienced people in the marketplace, the recruitment strategy for the Building Unit has now changed to looking at recruitment from the trades sector as it has proved too difficult to find people with the required skill sets and qualifications elsewhere. The intention is to train these new team members in the roles. This will require the continued support of contractors until such time as the vacant roles have been successfully filled and the required competencies within the team have been gained. A Building Officer within the inspection field has recently been recruited from the trades sector.
- 7.4 A review of the Building Act is due to begin this year. The outcome of the review is uncertain and may bring about changes to the BCA's functions.
- 7.5 Recruitment in the Resource Consents team continues, and vacancies are slowly being filled. As it has proved difficult to find experienced people to fill vacancies, the new team members are inexperienced, but will be supported and trained in the roles. The positions won't be fully effective for several months, as it takes time to train and mentor new staff.
- 7.6 As there are many external opportunities available for experienced staff, a focus on the retention of staff is also key. Conversations with individuals have occurred to identify any support needed. Remuneration reviews, flexible working arrangements and encouraging training and professional development opportunities are other actions taken. Reliance on consultants to assist with the workload is required while recruitment and training continues.

8. Climate Change update

Draft National Adaptation Plan released

- 8.1 The draft national adaptation plan was released for consultation on 28 April 2022, along with proposed policies on managed retreat which will inform the

development of the proposed Climate Adaptation Act. Consultation closes on 3 June 2022.

8.2 The first national adaptation plan will set direction on how Aotearoa New Zealand will adapt to the unavoidable impacts of climate change and address key climate risks identified in the National Climate Change Risk Assessment which was published in 2020. The draft national adaptation plan focuses on three key areas:

- Reforming institutions to be fit for a changing climate
- Providing data, information and guidance to enable everyone to assess their own climate risks
- Embedding climate resilience across government strategies and policies

8.3 Officers will work with the Climate Change Oversight Governance Group to prepare a submission. Retrospective approval will be sought from the Environment and Climate Committee on 16 June.

8.4 The national adaptation plan will be finalised by Government and released in August 2022. Government aims to introduce the Climate Adaptation Act (which will include tools to assist with managed retreat and funding and financing mechanisms) into Parliament in 2023.

New data on relative sea-level rise

8.5 On 2 May 2022, new sea-level rise projections were released as part of the NZ SeaRise: Te Tai Pari O Aotearoa programme. This data shows projected sea-level rise for specific locations in Aotearoa New Zealand out to 2300. The new data takes into account vertical land movement as well as updated projections from the International Panel on Climate Change's (IPCC) sixth assessment.

8.6 The SeaRise data shows the urban area of Nelson is subsiding by an average of around 2mm per year. Urban areas of Nelson are predicted to face between 0.4 and 0.7 metres of relative sea-level of rise in the next 50 years. This represents an increase of 0.1 to 0.2 metres over previous Ministry for the Environment projections. A range is given (rather than a specific number) as the rate of sea-level rise that will be experienced depends on the success of global efforts to reduce greenhouse gas emissions and how polar ice caps respond.

8.7 Officers are reviewing models to see how this new data on subsidence and updated sea level rise data may affect results. Officers are also looking at how the new information affects Council's adaptation response planning.

Dynamic Adaptive Pathways Planning (DAPP) – coastal hazards and lower Maitai River

8.8 Council is preparing to engage with the community in June and July 2022 on coastal hazards and lower Maitai River flooding, following the 'DAPP' process

recommended by the Ministry for the Environment. DAPP is a multi-year, iterative process which will enable Council to work with the community to develop a plan to reduce vulnerability to climate risks.

8.9 Through the engagement planned for June and July, the aim is to achieve the following outcomes:

- Improved community understanding of the impacts of climate change on the coast and lower Maitai River
- Identification of Nelson communities' values in relation to the low-lying coastal and river floodplains
- Improved understanding of future opportunities to participate in Council planning to address climate change impacts.

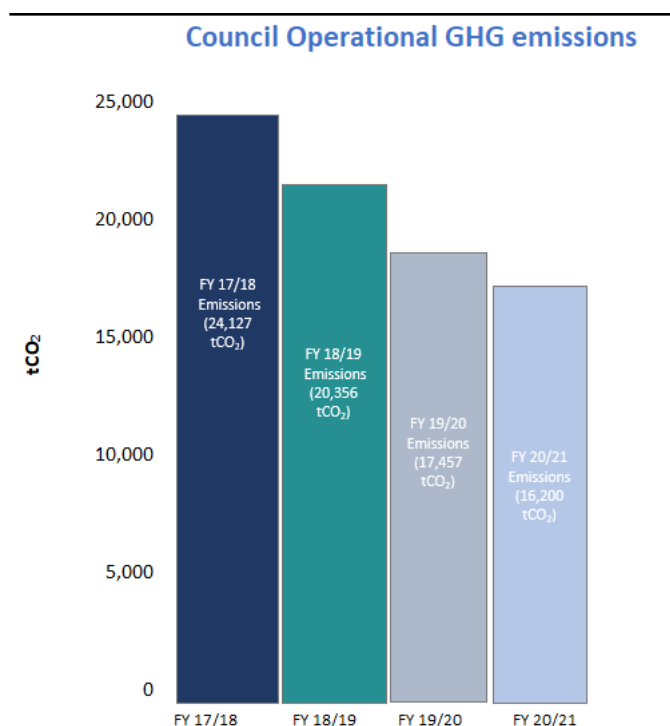
8.10 Following community engagement, a workshop will be held with elected members to summarise what Council has heard and develop outcomes to guide future adaptation planning.

8.11 The feedback received in June and July will enable development of detailed options and assessment of the associated costs before further conversations with the community to decide on the adaptation plan. The plan will need to be agile and dynamic so that the latest science and data can be considered as it comes to light.

Council carbon footprint audit

8.12 Council has completed the verification of its fourth operational carbon footprint inventory for the financial year (FY) 2020/21. The total greenhouse gas (GHG) emissions for this period are 16,200 tonnes of CO₂, a 33 per cent reduction in comparison to base year (FY 2017/2018). The highest reduction in emissions was from landfill and the wastewater treatment plant. The [Council website](#) has been updated to include the latest inventory data.

8.13 The graph below represents the GHG emissions estimated for each financial year since 2017/18. In accordance with ISO 14064-1 directions, the baseline for 2017/18 was recalculated to take account of methodology and emission factors changes. However, the 2018/19 and 2019/20 inventories were calculated using different baseline methodology. Therefore, comparisons between the base year (2017/18) and 2020/21 accurately show the actual emissions reductions, but comparisons with 2018/19 and 2019/20 should be treated with caution.



Iwi carbon footprint

- 8.14 Council is supporting iwi to develop internal capability to produce their own operational carbon footprints. By measuring GHG emissions, iwi will be able to identify the highest sources of GHG emissions and prioritise initiatives to reduce them. This project will be delivered within a “pay it forward” scheme, where Council will work with one iwi to upskill them in developing a carbon footprint, and then this iwi will share their knowledge with other Te Tau Ihu iwi. Ngāti Apa ki te Rā Tō has confirmed their participation on this collaborative initiative and the project will run from June to December 2022.

Author: Clare Barton, Group Manager Environmental Management

Attachments

- Attachment 1: A2888077 - Environment and Climate Committee Performance Measure Results Quarter Three 2021/22 [↓](#)
- Attachment 2: A2876356 - Building and Consents and Compliance statistics [↓](#)
- Attachment 3: A2887323 - Rainfall graphs quarter three 2021/22 [↓](#)
- Attachment 4: A2862473 - Project Mahitahi - Governance Group report - Jan-March 2022 [↓](#)
- Attachment 5: A2886850 - Warmer Healthier Homes six monthly report Jul - Dec 2021 [↓](#)
- Attachment 6: A2886938 - Warmer Healthier Homes - financial statements to 30 June 2021 [↓](#)

Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 1

Environment and Climate Committee - performance measures - results quarter three 2021/22

Activity	What Council will provide	Performance Measures	Target Year 1 (2021/22)	Staff comment Q3 2021/22	Achievement Q3 2021/22
Environment	Compliance with National Environmental Standards for Air Quality for PM10	Number of exceedances in any of the airsheds do not exceed one in a calendar year	No more than one exceedance in any calendar year in any airshed. Reported to Council each year	There were no exceedances in the January-March quarter.	On track
Environment	Information on safe recreational bathing sites, marine and freshwater	% of key bathing sites monitored and public advised if water quality standards are breached	100% of key bathing sites are monitored	The summer recreational bathing programme runs from 25 October 2021 through until 1 April 2022. Reporting against the KPI will occur in the April-June quarter.	Not measured yet
Environment	Compliance with the Biosecurity Act 1993 (amended 2015)	Compliance with the Tasman Nelson Regional Pest Management Plan reporting requirements for operational plans	100% delivery of operational plan reported to Council each year	The plan was presented to the Environment and Climate Committee at its 4 November 2021 meeting.	On track
Environment	Provision of easily accessible, accurate, up to date and fit for purpose state of the environment monitoring data for all environmental domains	Five yearly comprehensive State of the Environment report is published to achieve compliance with section 35 of the Resource Management Act 1991	Five yearly report due by December 2023	The report is due in December 2023. In the meantime annual online reporting is being developed.	Not measured yet
Environment	Ensure Resource consent decision-making is robust and legally defensible	No decisions are overturned by the High Court upon judicial reviews	No decisions are overturned by the High Court upon judicial reviews	No judicial reviews.	On track
Environment	Food safety and public health comply with legislative requirements	Respond to food safety complaints within one working day	100%	No food safety complaints were received for January-March.	On track
Environment	Resource consent processes that comply with statutory timeframes	All resource consents are processed within statutory timeframes. All resource consents requiring monitoring are monitored at least annually	100%	As per quarters one and two, staff shortages and high application numbers have resulted in non-compliance with the statutory timeframe, averaging 73% on time. Some positions are being filled and training is underway.	Not on track
Environment	Provision of dog and animal control services	Respond to reports of dog attacks that have just occurred within 60 minutes	90%	Achieved 100% - one report.	On track

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Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 1

Environment	Navigation safety is delivered to meet all legislative requirements	Safety checks are conducted for recreational vessels (boats, kayaks, stand-up paddle boards etc)	At least 1,000 annually	1,688 checks undertaken to date.	On track
Environment		Inspect navigation safety aids and maintain, replace or provide additional aids as required	At least annual inspection	Annual inspection yet to occur.	On track
Environment	Sale of alcohol complies with legislative requirements	Inspect high risk premises at least two times each year	100%	14 inspections of high risk premises occurred to date.	On track
Environment	Provide building control services in a professional and timely manner, to ensure building work is safe and in accordance with the Building Code	% building consents and code compliance certificated issues within 20 working days	100%	97% on time for Building Consent issuing, 98% on time for issuing of Code Compliance Certificates. The impacts of high consent numbers, staff shortages given ongoing recruitment difficulties, and the ability of consultants to deliver given their workloads have contributed to this non-compliance.	Not on track
Environment	Maintain current and enforceable environmental bylaws for dogs, urban environments, city amenity and navigation safety	Bylaw reviews are completed within timeframes set out in the Local Government Act	Year 1: 100% Urban Environment Bylaw (expires 02/06/22)	Hearings on submissions to the revised Urban Environment Bylaw were held on 16 February. Deliberations took place on 24 March.	On track
Environment	Create and implement a city centre programme	Monitor performance every three years with a public life survey	Years 1-2: Monitoring due in years 2023/24 and 2028/29	Monitoring is not yet due.	Not measured yet
Environment	Urban Development Capacity is sufficient to meet future demand	Report annually on Urban Development capacity and how the requirements of the NPS Urban Development are met	100% Reported to Council each year	Formal consultation on the new draft Future Development Strategy 2022-2052 ran from 14 March to 14 April.	On track
Environment	The Compliance Strategy is reviewed for effectiveness	The effectiveness of the Compliance Strategy is reported to Council annually	Reported to Council each year	Yet to be undertaken.	Not measured yet

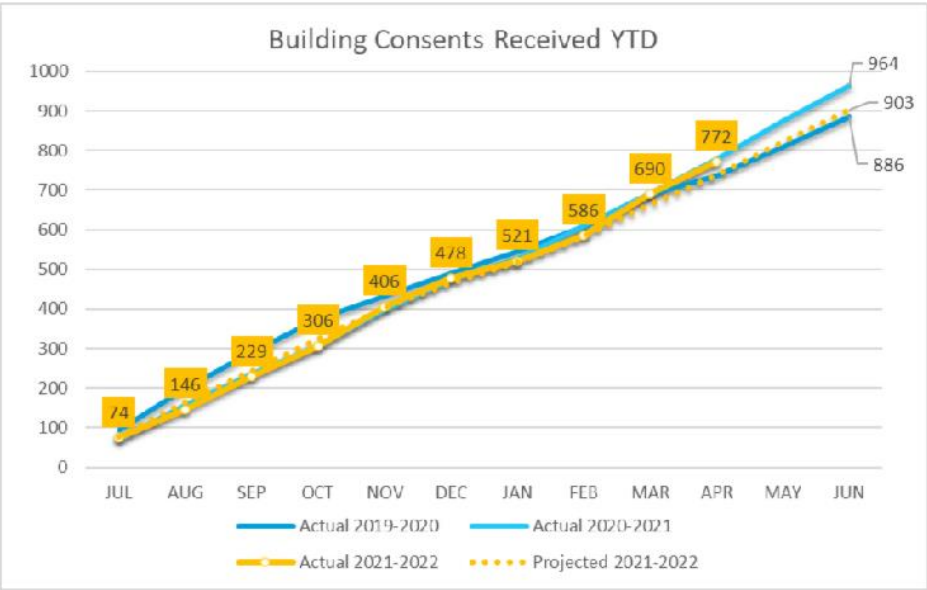
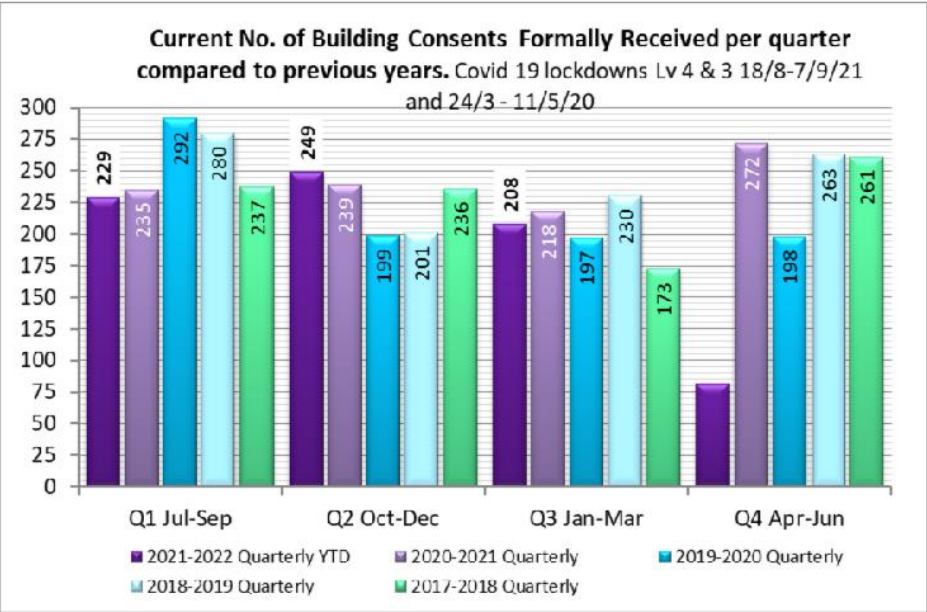
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Attachment 2

Building Unit Statistics 1 January – 31 March 2022

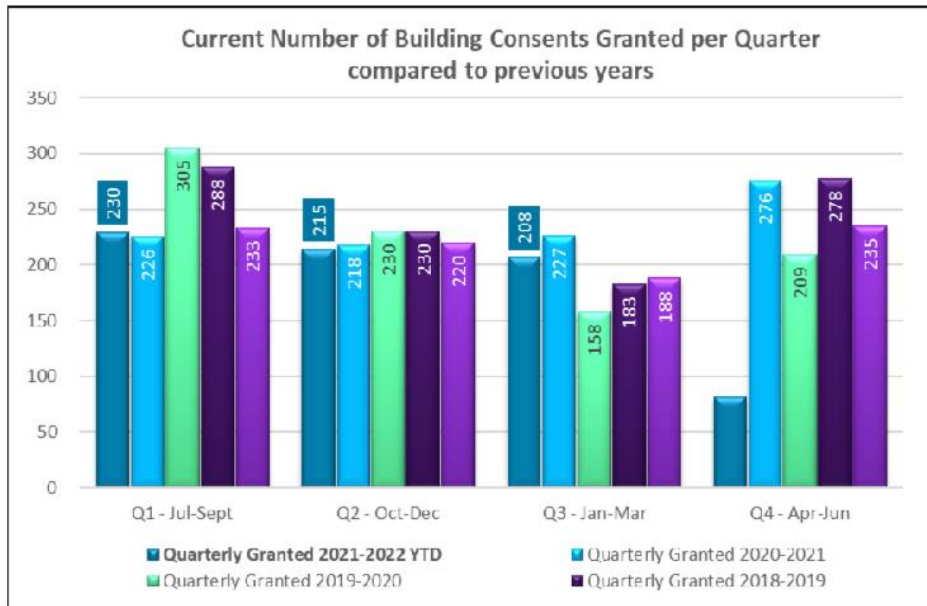
1. Quarter 3 summary for the building consent authority activity.

Council received 208 building consent applications (including amendments) in Q3 compared to 218 received for the same quarter in 2020-2021, very similar numbers year to date 686 this Financial Year (FY) compared to 692 last FY, despite the COVID restrictions since mid August 2021.

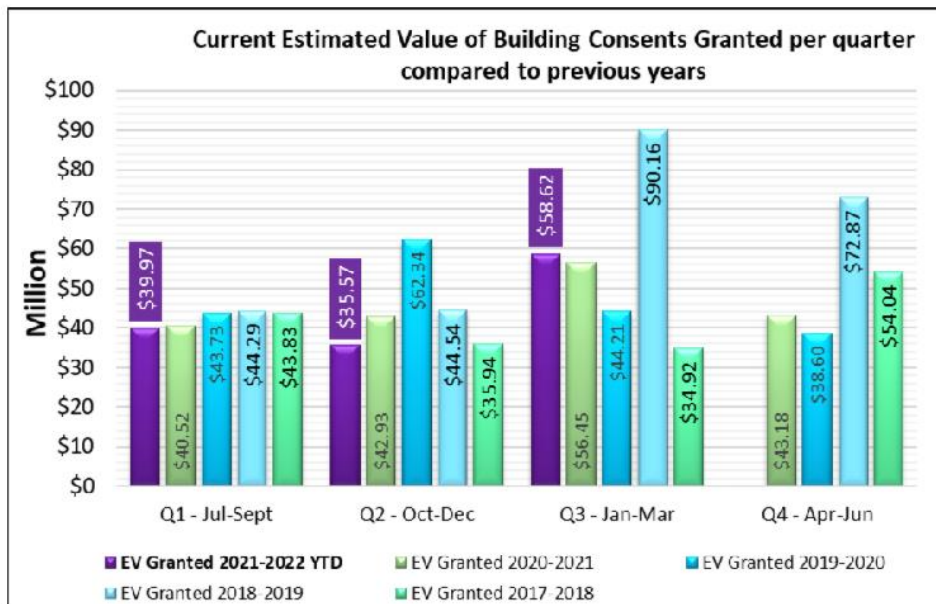


Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 2

The number of building consents and amendments granted, is slightly lower than last year Q3 - down by 19 for the quarter and 18 consents to year to date Q3.

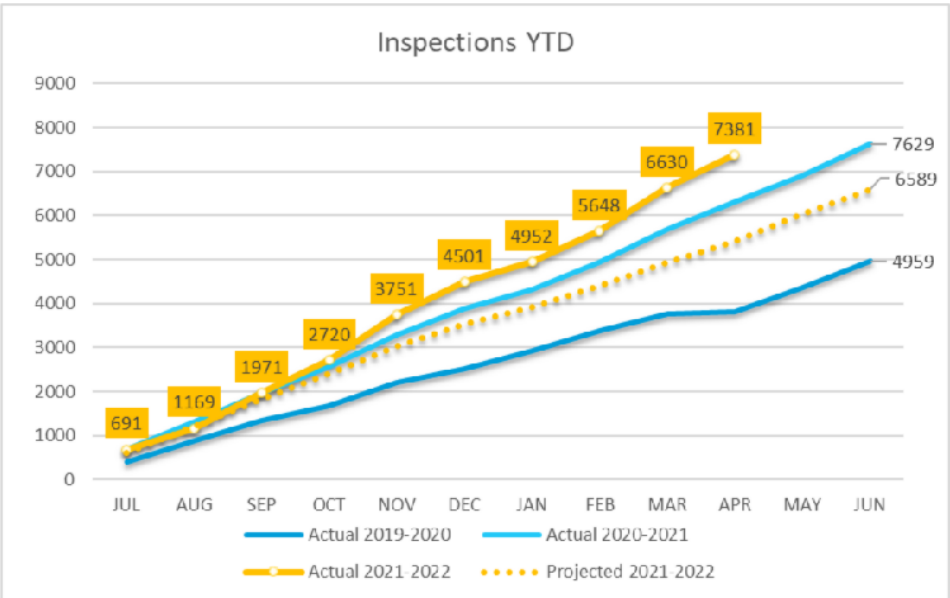
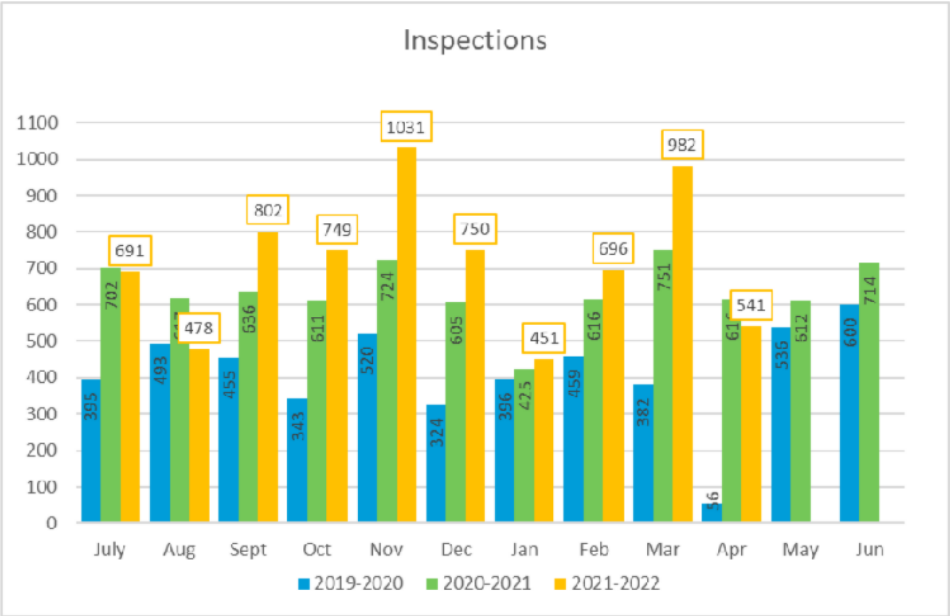


The estimated value of work for building consents and amendments granted was higher by approximately \$2.17m in Q3, compared to Q3 last FY; whilst the value of consents RECEIVED is up by \$4.16m to Q3, compared to last FY.



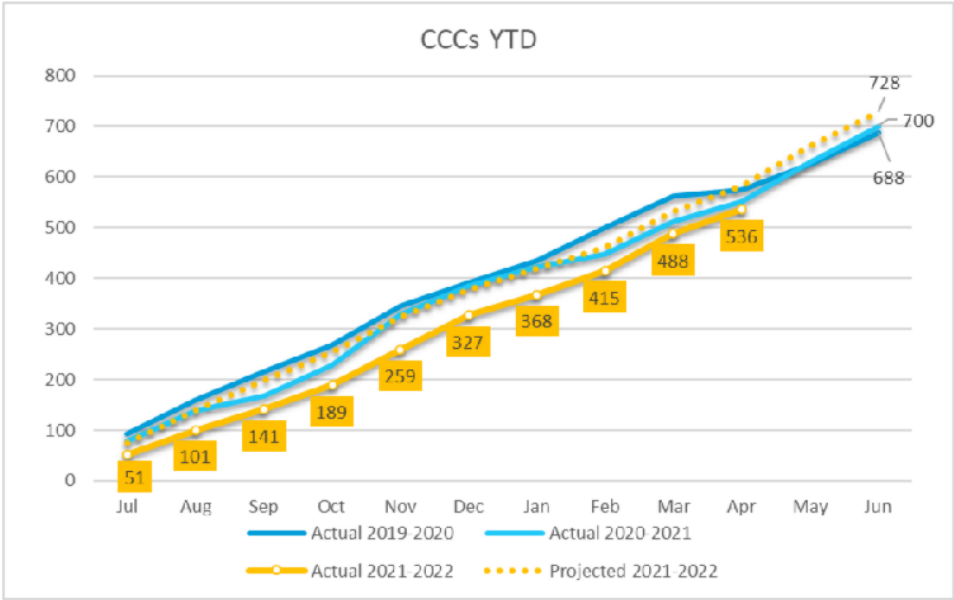
Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 2

There were 2129 building inspections undertaken in the second quarter of this year, compared to 1789 in Q3 of 2020-2021. The inspection team is currently operating with a .6 FTE Team Leader who will be retiring shortly and have successfully recruited a new inspector from the trade sector who is undertaking the relevant training. We are currently utilising contactors to fulfil the shortfall in capacity and competency.

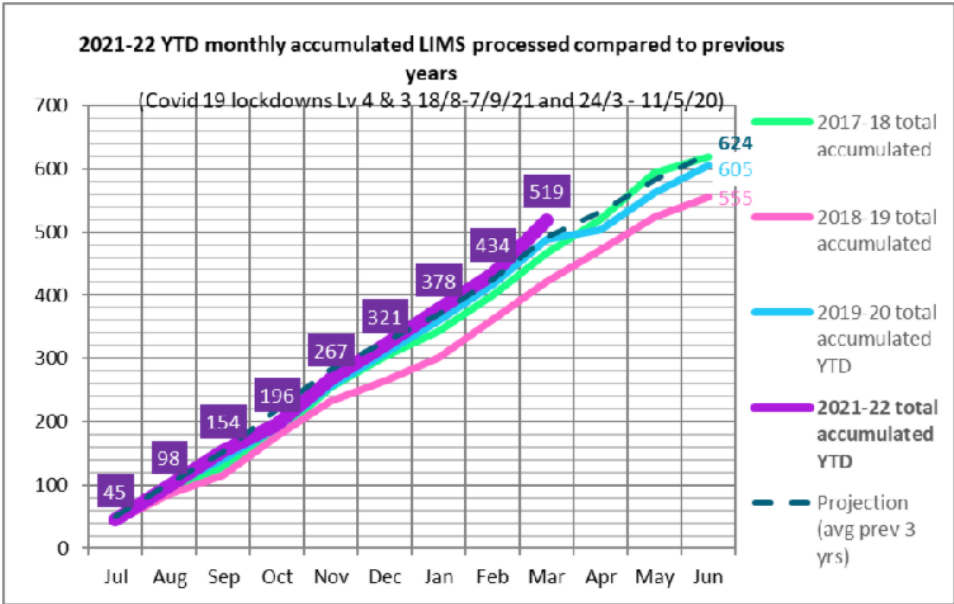


Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 2

The number of Code Compliance Certificates issued, is down on previous years, year to date. This is market driven.



A total of 198 Land Information Memorandum (LIM) reports were produced in the third quarter of 2021/22, we are currently sitting above projections and previous years numbers.

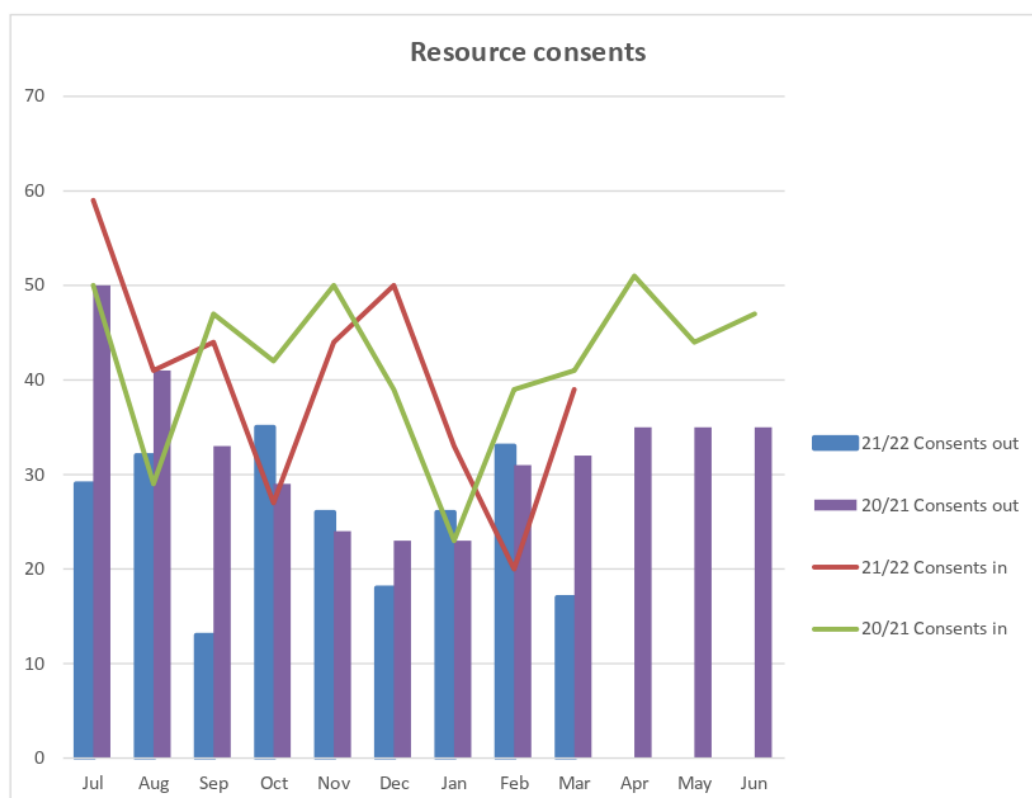


Consents and Compliance Statistics 1 January – 31 March 2022

1. Resource Consent Processing Times

Period of time	NON NOTIFIED				NOTIFIED AND LIMITED NOTIFIED		
	% on time	Average process days	Median process days	Consent numbers	% on time	Average process days	Consent numbers
January	77	36	24	26			0
February	70	41	30	33			0
March	71	39	35	17			0
2021/22 average	74	35	28	25	100	94	1
2021/22 total				222			7
2020/21 average	94	29	22	32	75	120	1
2020/21 totals				385			6

2. Resource Consent numbers



3. Parking Performance

Activity	Jan	Feb	Mar
Enforcement			
Safety	170	179	169
Licence labels /WOF	393	362	348
Meters/Time restrictions	962	1068	961
Total Infringement notices issued	1525	1609	1478
Service Requests			
Abandoned Vehicles	39	12	27
Requests for Enforcement	48	53	50
Information /advice	11	12	13
Total service requests	98	77	90
Courts			
Notices lodged for collection of fine	169	179	170
Explanations Received	204	202	217
Explanations declined	27	26	33
Explanations accepted	177	176	184

4. Environmental Health and Dog Control Activities

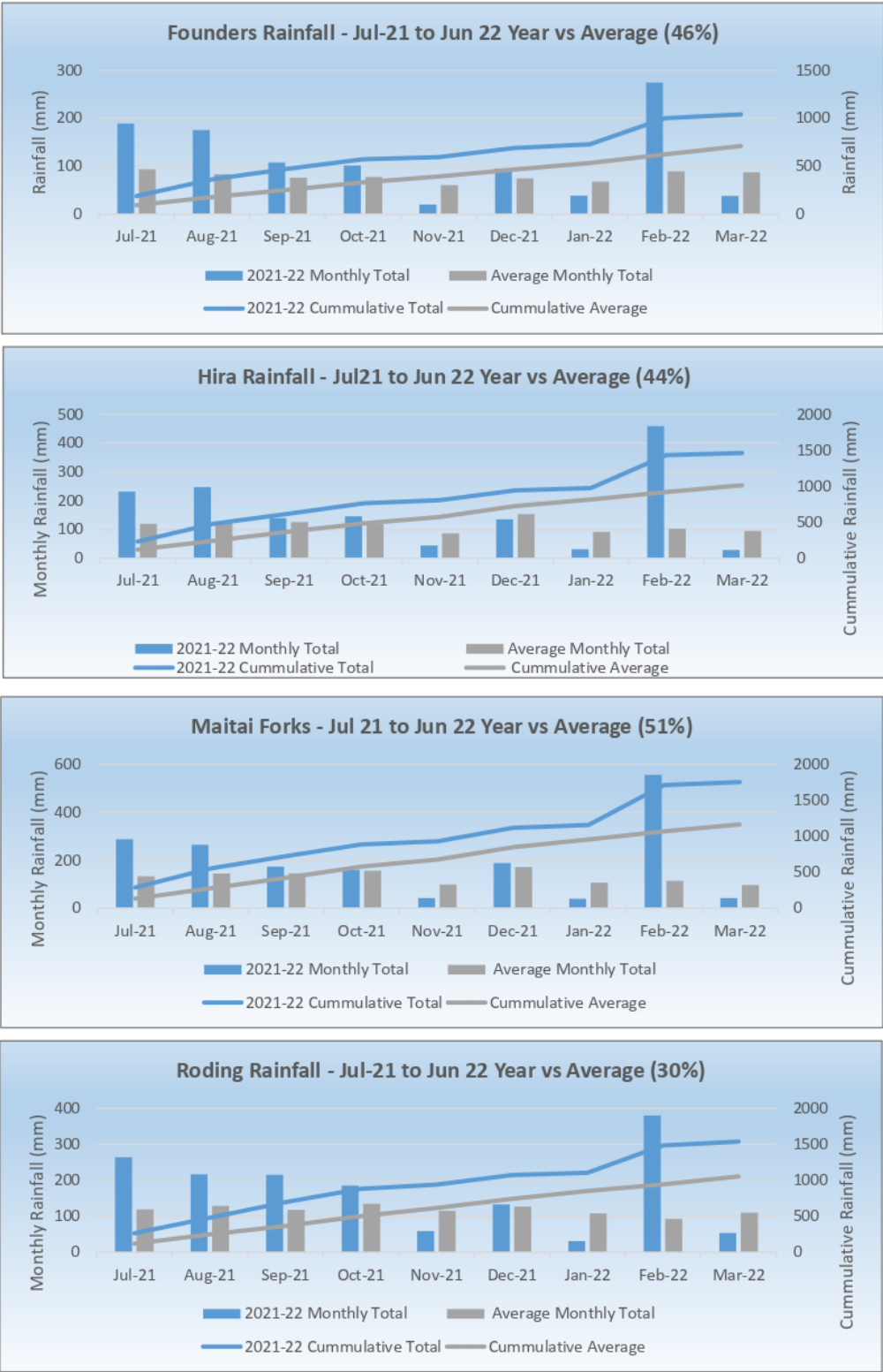
Activity	Responses			Total 2021/22	Total 2020/21
	Jan	Feb	Mar		
Dog Control	128	137	158	1182	1613
Resource consent monitoring	91	97	143	1090	1436
Noise nuisance	221	128	155	1240	1453
Bylaw / Building / Planning	46	44	32	354	544
Alcohol applications	28	22	19	320	456
Alcohol Inspections	2	10	5	61	124
Pollution	14	31	29	237	317
Stock	11	5	3	60	84

5. Freedom Camping Enforcement

Activity	Total 2021/22	Total 2020/21
Service Requests	64	111
Numbers of Patrols (patrols cancelled due to low level of activity)	0	224
Vehicles Checks	36	4528
Infringements Issued	3	118
Education/Warnings Issued	6	426

Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 3

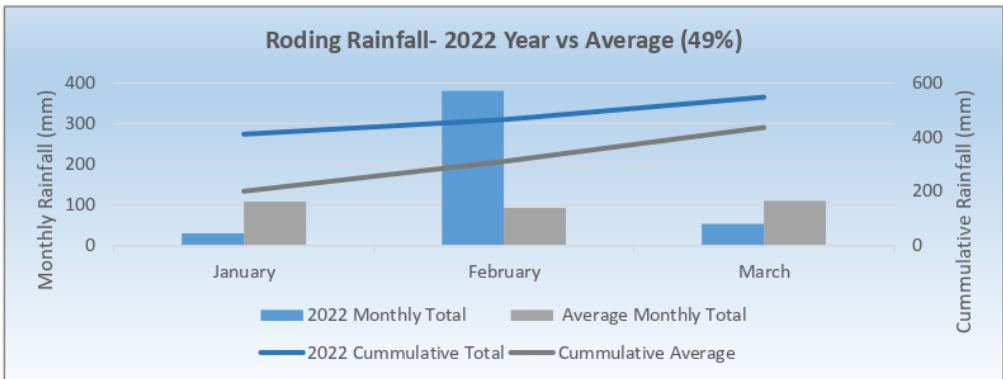
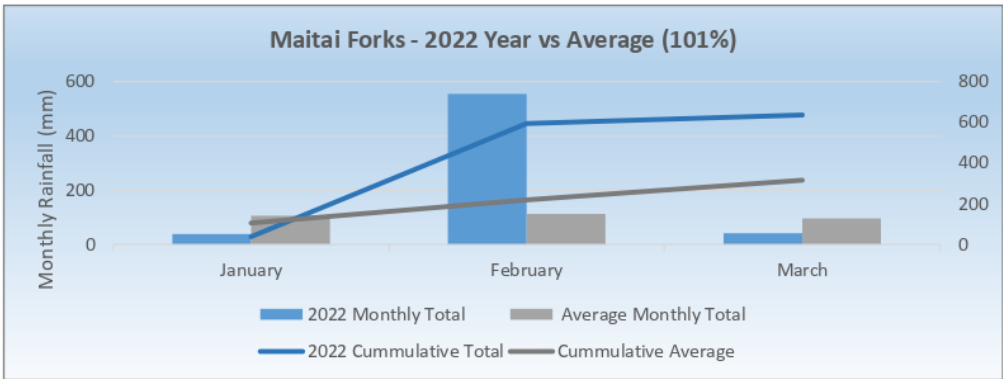
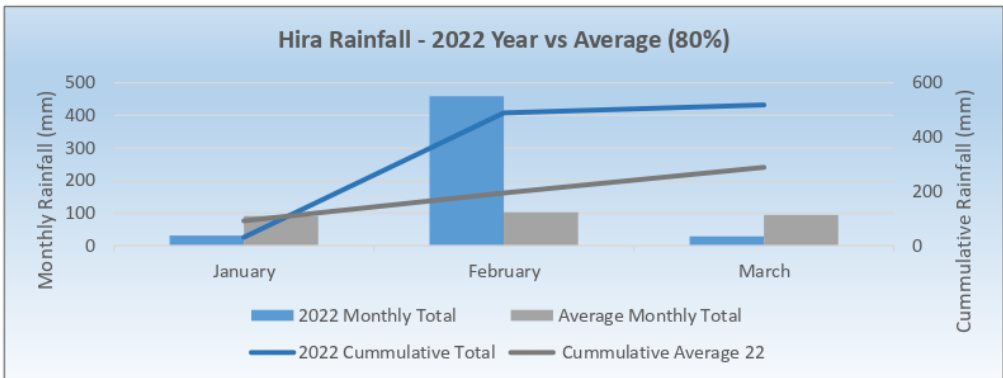
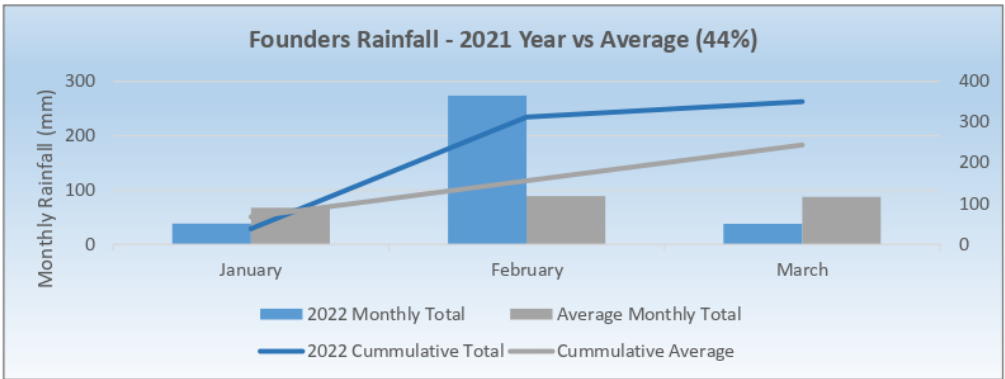
Hydrology Year – July 2021-22 Cumulative Rainfall



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Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 3

Calendar Year 2021 Cumulative Rainfall



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PROJECT MAHITAHİ PROJECT GOVERNANCE MEETING

13 April 2022 3:00 pm to 5:00 pm

1. Introduction

This report provides an update to the Project Mahitahi Project Governance Group (Governance Group) and seeks that decisions are made in relation to several points. The table below outlines these action points which are further explained in the body of the report.

Paragraph	The Governance Group is asked to:
2.5.1	Discuss and appoint a replacement Co-Chair to the Project Mahitahi Governance Board; and to Agree to Ngāti Kuia being represented on the Project Mahitahi Governance Board.
3.3	Note the status of the budget as at 31 March 2022.
4.6	Discuss the resolutions of the Kōtahitānga mo te Taiao Alliance meeting in relation to ongoing funding for Project Mahitahi, and its recommended approach to moving this discussion forward.
8.6	Note the information about the planned events and to provide advice on any of the matters raised.
10.2	Note the reported incidents and actions in relation to Health and Safety of staff.
12.4	Note the risks and mitigations contained in the Risk Management Spreadsheet.
13.2	Note, and if necessary, contribute to, the Conflicts-of-Interest Register.

2. Changes to Project Mahitahi Governance Board Representatives

- 2.1 Justin Carter is now no longer on the Governance Board due to a change in role and will be replaced by Alice Woodward as Ngāti Koata representative. While the change in representation for Ngāti Koata does not need approval by the Board, the role of who co-Chairs the Board in place of Justin, needs agreement.
- 2.2 Point 5 of the Terms of Reference explicitly states that:
- The Project Governance Group has agreed that the Group shall be co-chaired by:*
- Clare Barton, Nelson City Council
 - Justin Carter, Ngāti Koata Trust
- The appointed Chairpersons will ensure the role is maintained until the group as a whole agrees otherwise. The Chairpersons will be the main spokespeople for the Project and must also be able to represent the group and advocate for Project Mahitahi in both their own agency/organisation and a range of other forums.*
- 2.3 The Governance Group is required to alter this Terms of Reference by appointing a replacement co-Chair, in place of Justin Carter.
- 2.4 Ngāti Kuia seeks to join the Project Governance Board, and Hamuera Manihera would be the iwi's representative.
- 2.5 Under section 7.6 of the Terms of Reference for the Project Mahitahi Governance Board, the Governance Board must approve new representation to the Board.
- 2.5.1 **The Governance Board is asked to discuss and appoint a replacement Co-Chair to the Project Mahitahi Governance Board; and to Agree to Ngāti Kuia being represented on the Project Mahitahi Governance Board.**

3. Budget Update – Kaimahi for Nature Fund

Income Received to 30.03.22	\$1,500,000
Expenditure to 30.03.22	\$1,210,745
Balance as at 30.03.22	\$289,255
Future Income to November 2022	\$500,000
Future Commitments to November 2022	\$649,460
Balance Remaining (Materials, Events, Training etc)	\$139,795

- 3.1 The table above shows the current balance as at the end of the March reporting period under Kaimahi for Nature funding (DOC), of \$289,255. Accounting for both

future income and committed funding (primarily for employment related costs), there is a balance of \$139,795 to meet other operational costs. DOC funding is received quarterly, ahead of expenditure.

3.2 Under MFE funding, there has been income of \$544,680 received, with expenditure of \$561,862.88. This funding is received retrospectively and is on track.

3.3 **The Governance Group is asked to note the status of the budget as at 31 March 2022.**

4. Future Funding for Project Mahitahi

4.1 The Deed of Funding from the Department of Conservation has an end date of 04 November 2022. From this date, Project Mahitahi will be funded by a grant from the Ministry for the Environment alone, which will reduce staff numbers and available opex significantly.

4.2 There was discussion in relation to options for future funding at the January Project Mahitahi Governance Group Meeting, including an option of seeking transitional or part funding for a further period. The resolutions from the January meeting relating to this were:

4.2.1 *Jo and Justin to approach Kotahitanga mō te Taiao Alliance members; and*

4.2.2 *Jo will talk to TDC and MDC regarding a joint approach to Ministers from TOS/Te Taihū Mayors and Chairs for additional funding.*

4.3 The issue was raised at the February meeting of the Kōtahitānga mo te Taiao Alliance (KMTT) meeting. The discussion in that meeting suggested that real life stories and scenarios on the benefit of the Kaimahi for Nature funded projects, would be a good approach (an example of this is attached to this report in relation to the Brook Waimarāma Sanctuary). An option for future funding could be to request bridging funding that will support a transition to a self-sustaining position and that Project Mahitahi could be used as an example of the benefits of continuing funding.

4.4 The resolutions from the KMTT meeting were that:

4.4.1 *Martin Rodd would ask other KMTT members for their input and provide feedback on findings to the Alliance; and*

4.4.2 *Jo Martin would lead on gathering information for communication to DoC.*

4.5 **The Governance Group is asked to discuss the resolutions of the Kōtahitānga mo te Taiao Alliance meeting in relation to ongoing funding for**

Project Mahitahi, and its recommended approach to moving this discussion forward.

5. Update on Roles under Kaimahi for Nature

- 5.1 In this past quarter, there has been an average of 36¹ different people employed across both the DOC and MFE funded project. The 0.5 administrative position at Nelson City Council is now not filled, following Alesia taking up a full-time position elsewhere. The 0.5 FTE hours are now being absorbed by an administrative role at the Brook Sanctuary.

Host Employer	No. Ppl (average)	FTE (average)	Description
MFE: Public Waterways and Ecosystem Restoration Fund (PWER)			
Kūmānu Environmental (Nelmac)	12	11.58	Field staff
Nelson City Council	1	0.5	Project Management
DOC: Kaimahi for Nature (KFN)			
Brook Waimarāma Sanctuary	6	4.48	Administration; Biosecurity
Kūmānu Conservation (Nelmac)	11	5.95	Field staff; technical support
Fulton Hogan	3	2	Animal pest control
Easy Trails	6	1.34	Field staff
Ngāti Koata Trust	4	4.58	Field staff
NCC	1	0.5	Project Management
TOTAL	44	31	

- 5.2 With the rise in cases of Covid-19 in the community, there has begun to be impacts on the workforce, but not to the extent that the work programme itself has been impacted. There has also been a loss of staff due to vaccination status, however overall FTE numbers remain within range, given this past quarter has also seen some temporary roles in place through the trainee ranger courses.

- 5.3 The Jobs for Nature Unit has advised that if staff are unable to work due to Covid-19, that employers seek financial assistance from the Ministry of Social Development, including the Covid-19 Short Term Absence Payment and Leave Support Scheme. This is to ensure that Jobs for Nature Funding is directed primarily at conservation outcomes. However, Jobs for Nature Funding can be used to top up these MSD assisted schemes, to ensure that employees continue to receive the regular wage.

¹ This figure is different from the tally of people attributed to each funding stream as in some instances, staff work across both projects.

Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 4

- 5.4 To date, there has been no advice received that anyone employed under Project Mahitahi, has had their wages impacted by Covid-19 or that any employer has had to apply for a wage subsidy. This will be confirmed once all March employment figures have been received.

6. Update on Operations

- 6.1 The following are the deliverables that Project Mahitahi is contracted to deliver up June 2022 and the status of each. Further details are provided below in the operational updates.

Deliverable	MFE	DOC	Total	Status
FTE Roles	11	30	41	Exceeded
Plant Nos.	77,500	0	77,500	On track
HA Planted	8.4	36*	44.4	On track
HA Weed Control	24	0	24	Exceeded
HA Wetland Restoration	1.3	0.7	2	Exceeded
HA Rat and Mustelid Control	0	24	24	Exceeded

** This metric relates to canopy/taonga species planted at least 10 metre spacings throughout the catchment.*

- 6.2 The work-plan for the 2022-2023 year has been developed, building on work that is already underway. This is required by MFE and while designed to meet the requirements of the Freshwater Improvement Funding, it encompasses all work being delivered under Project Mahitahi.

Pest Animal Control

- 6.3 Pest animal control work continues well across all sub-projects. A further site has been added to the work programme, with a long-standing volunteer stepping down from his trapping work at Groom Creek. This site will eventually link to the Codgers Mountain Bike area where Nelson Nature are supporting a community led trapping programme.

- 6.4 The figures for this past quarter are shown below:

Maitai Waterworks Reserve				
Deer	Goats	Pigs	Possums	Other
2	24	0	372	1

Mice	Possums	Rats	Ship Rats	Stoats	Weasels	Total
Teal Saddle / North Gully Project (36 ha)						
29	24	26	33	0	0	112
Brook Conservation Area (54 ha)						
107	51	1	56	0	0	215

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Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 4

Brook Campground (8 ha)						
13	0	0	1	0	0	14
Mahitahi Wetland – Groom Creek Area						
26	0	14	11	9	1	62
TOTAL FOR QUARTER						
175	75	41	101	9	11	403

- 6.5 A meeting was held in late March to focus on pest animal control in the Sharlands Forest. The meeting was attended by Nelson City Council, Ngāti Koata Trust, Tasman Pine Forest, and Kūmānu Environmental. The meeting was to initiate work on working with both Ngāti Koata and Tasman Pine Forest on enhancing pest animal control in this catchment, to assist not only the wider catchment goals, but more specifically the restoration or protection of the high value native sites within the Sharlands Forest.

Pest Plant Management and Planting Programme

- 6.6 Pest plant control continues at existing and new sites, with more to be added in the 2022-2023 year to reach the total target of 24 ha by November 2022. The final addition of sites will be begun in the 2022-2023 year. To date since November 2020 there are approximately 26 ha that has been brought into the pest plant management project.

- 6.7 This upcoming planting season will see over 60,000 additional plants planted, bringing the total to around 90,000 over the first two years. The main planting sites will be:

Maitai Dam and Upper Maitai Sites	560
Venner Reserve	22,500
Mahitahi Wetland	6,700
Waahi Takaaro Reserve – Golf Course	3,500
Peneāmine Wetland and Puke	11,000
Groom Road	19,000
TOTAL	63,260

- 6.8 Funding for plants have predominantly been supplied by the Ministry for Primary Industries through various funds.
- 6.9 Pest trees in the catchment have been mapped, and funding is to be directed from the Nelson City Council biosecurity budget into continuing removal of some of these in key sites, building on work that occurred last financial year. An image of the application is shown below.



Brook Waimārama Sanctuary

- 6.10 Roles at the Sanctuary have been boosted by increased hours being added to the contract following the resignation of the Project Mahitahi administration support role. Rather than replacing this role within NCC, the hours have been transferred to the Sanctuary to assist in administration support.
- 6.11 Five positions are in place which deliver work across events, promotions, education support, visitor and volunteer co-ordination and social media. There is also one role involved in biosecurity.
- 6.12 The Sanctuary has prepared a value report on the worth of the Jobs for Nature support that has been provided to date. This report is attached. This discussion is connected to the wider discussion about what support might be enabled to Project Mahitahi following the ceasing of funding from DOC's Kaimahi for Nature Fund. See section 4 for further detail on this.

7. Freshwater Work to Support Project Mahitahi

- 7.1 This year, NCC ecological monitoring will take place in 11 sites across the catchment including the Brook Waimarāma Stream (4), the Maitai Mahitahi River (5), and the Sharlands catchment (2). This includes MCI at most sites, and eDNA surveys at all 11.
- 7.2 At the previous Governance Group meeting there was a discussion about whether it would be timely to undertake an eel habitat survey in the catchment. This might particularly be the case given the progressive removal of willow trees which would have otherwise provided habitat, although these will be replaced with native species.
- 7.3 Actions that came from this meeting were that:

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- 7.3.1 *Susan would seek advice from Nelson City Council Freshwater Scientist on an appropriate person who might undertake such a survey, and that Rowena would check with Ursula Passl for recommendations on this action.*
- 7.3.2 A recommendation put forward from the NCC Freshwater Scientist was Robin Holmes at Cawthron who developed a rapid habitat assessment for restoration of tuna habitat as the subject of his PhD.

8. Community Projects

- 8.1 No events have taken place over this quarter however planning has begun in preparation for the community planting season which will take place between May and August. There are two events planned that will be managed by Council (Mahitahi Wetland and Waahi Takaaro Golf Course), one being managed by Ngāti Koata (Peneāmine), and one possible additional event managed by Council on the Ngāti Koata owned land, at the Arboretum.
- 8.2 The Project Mahitahi Planting Guide for the planned self-guided catchment trip is underway and a draft of where this is at is attached for your reference.
- 8.3 In the last Governance Group meeting there was a discussion about the inclusion of rongoa species in the planting guide and a resolution that:
- 8.3.1 *Alice will discuss the inclusion of rongoa species and will advise on how to proceed with this.*
- 8.4 As it stands, the guide has no specific reference to the use of plants for rongoa, however it does include reference to several species of significance to iwi, that are iconic to the catchment. There is a reference to the Living Heritage Guide that does contain a section on rongoa species in the wide Whakatu region.
- 8.5 As part of Tuku 22, the Heritage Festival, a Hikoi to the Maungatapu area, and the Rush Pools was led by Ngāti Kuia. There would be interest and benefit in approaching Ngāti Kuia about the possibility of leading this again with attendance from Kaimahi working on Project Mahitahi across the different contracting agencies.
- 8.6 **The Governance Group is asked to note the information about the planned events and to provide advice on any of the matters raised.**

9. Communications

- 9.1 A Project Mahitahi Newsletter will be distributed to those on the mailing list at the end of April. There are currently 56 people on the mailing list.
- 9.2 A video that is part of the Maitai Oral Stories series is in its finalising stages, delayed for various reasons in the last few months but mainly because of capacity. The video focuses on Stephen Packer who grew up in the Sharlands area in the late 1800s. The content of the audio that is to be used, has been cleared with Craig Shepherd, Ngāti Koata Trust, and an acknowledgement that the site is now owned by Ngāti Koata will be included on the video. A release date for this is expected in later April/May.

10. Health and Safety

- 10.1 There have been no serious or notifiable health and safety incidents to report this quarter. There are several near miss incidents occurring every quarter such as trips or herbicide spills. As expected at this time of year, stings from wasps or bumble bees are also more common. The team has been equipped with Epi-pens for use where needed.
- 10.2 **The Governance Group is asked to note the above incidents and actions in relation to Health and Safety of staff.**

11. Other Funding opportunities

- 11.1 The Ministry for Primary Industries has approached Project Mahitahi offering an opportunity for funding from an internationally based organisation. If successful, this can provide funding for trees. While no greater number of trees will be purchased and planted, due to supply at nurseries and capacity of staff to do the planting, this will mean that funding that was to be spent on trees, can now be used to better protect what is being planted by purchase of plant guards. The outcome of this application is not yet known.

12. Project Risk Register

- 12.1 A risk management spreadsheet has been provided. Over this last quarter, Justin Carter has resigned from his role as General Manager with Ngāti Koata Trust and consequently his role as Co-Chair of Project Mahitahi Governance Group.

- 12.2 Alice Woodward has replaced Justin in this role, and Alice's role on the Project Team will now be filled by one of the Kaitiaki Whenua Rangers working on Project Mahitahi, employed through Ngāti Koata.
- 12.3 This is not in itself considered to be a risk to the Project, but the loss of key people or organisations from the Project has been added as a potential risk going forward.
- 12.4 **The Project Governance Group is asked to note the risks and mitigations contained in the Risk Management Spreadsheet.**

13. Conflict of Interest Register

- 13.1 The Conflict-of-Interest Register is attached for any interests to be noted by Governance Group members.
- 13.2 **The Project Governance Group is asked to note, and if necessary, contribute to, the Conflicts-of-Interest Register.**

Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March
2022: Attachment 4

- Attachment One (via email): Value Report from Brook Waimārama Sanctuary
- Attachment Two (via email): Most recent draft of Project Mahitahi Planting Guide
- Attachment Three (via email): Risk Register
- Attachment Four (via email): Conflict of Interest Register

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Warmer Healthier Homes Nelson Tasman Marlborough Project

Six Month Report: 1 July 2021 to 31 December 2021



Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850

Contents

Mission Statement	3
Key Highlights	3
Project Overview	3
Six Month Outcomes	4
Funding Summary Stage 7	6
Our Thanks	7

Appendices

1	Warmer Healthier Homes Project Background	9
	Steering Group – Summary of Relationships	11
	Governance and Risk	12
	Steering Group Referral Pathways Summary	12
	Key Milestones	13
2	Media coverage	15

Mission Statement

This project is to support the residents in the Nelson, Tasman, and Marlborough regions to have improved living environments by assisting homeowners and our whānau most in need with improved insulation measures, heating, and overall efficiency through retrofitting into existing homes.

Key Highlights 1 July 2021 to 31 December 2021

- 213 properties insulated across Te Taihū between 1st July 2021 and 31 December 2021.
- A total of 2,776 properties occupied by low-income families and families with respiratory related health conditions have been insulated since the projects inception in 2014
- Three-year funding contracts confirmed via the Long-Term Plan process from Nelson City Council, Marlborough District Council and Tasman District Council.
- New three-year funding contract secured with Nelson Marlborough District Health Board.
- The Warmer Healthier Homes Charitable Trust is now established and completed its first Financial Performance and audit.

Project Overview

The Warmer Healthier Homes Nelson, Tasman Marlborough Project (WHH) was established 2014 to support the residents in the Nelson, Tasman, and Marlborough regions to have improved living environments. This was to be through assisting homeowners and community members most in need to improve insulation, heating, and overall energy efficiency. It was actioned by retrofitting insulation into existing homes, thereby improving the overall standard of the regions' properties, and improving the health in those communities.

The continuing success of the WHH could not have been achieved without the support of Energy Efficiency and Conservation Authority (EECA) and our third-party funders. We thank all of you for your generous contributions: you are making a difference.

Warmer Healthier Homes continues to deliver on its goals of supporting whānau in our region. Over the last six months the project has improved insulation for 213 properties, with a total of 2,776 families supported as of 31st December 2021.

2,776 Properties Completed Since Project Inception

	Total
Nelson	1,378
Tasman	641
Marlborough	757
Total Homes Insulated	2,776

WHH prioritises people with respiratory conditions, other chronic illnesses, and families with children under five years of age. The WHH Steering Committee pulls together a skilled network of individuals including Nelson Marlborough District Health Board (NMDHB) professionals to reach these people. Studies have demonstrated that houses that are insulated are drier and warmer, resulting in less illness, fewer visits to the doctor, and

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

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Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 5

4

reduced hospital admissions. Improved living environments are good for families and, in particular, for the health of our mokopuna and kaumātua. Incidental benefits of this work include improvement in the overall standard of housing in Te Tau Ihu and support for community engagement.

WHH works alongside and in support of the Energy Efficiency and Conservation Authority (EECA) Warmer Kiwi Homes Project.

Six Month Outcomes 1st July 2021 to 31st December 2021

The following summarises what WHH has delivered over the six-month period from 1 July 2021 to 31 December 2021.

213 properties insulated in the 6 months to 31 December 2021

Stage 8 – Owner Occupied				Total
Nelson				86
Tasman				60
Marlborough				67
Total Homes Insulated				213

The WHH project has performed well despite the August 2021 COVID lockdown with 213 properties insulated across Te Taihū.

We do note that EECA reduced its funding ratio from 90% to 80%, effectively halving the return on investment of our third-party funding. This change was not signalled but announced in May 2021 after WHH had completed its submissions to the Council's Long-Term Plans.

Internally we have adjusted the criteria in Tasman where our funds are leaner, so that Community Services Card holders pay 10% of the insulation costs, whereas before they were paying nil. In other regions WHH funds 20% for Community Services Card Holders/Endorsed Gold Card Holders and 10% for home owners living in Deprivation Areas 8 & 9.

For the period 1st July to 31st December 2021 the WHH project spent \$100,350 of community funds. This funding has helped to deliver \$574,681 of insulation. This represents a 573% return on investment, leveraging over \$474,331 of EECA/Government funding that otherwise may not have come into our region.

WHH would like to acknowledge the generous financial support provided for the year commencing 1st July 2021:

- Nelson City Council \$52,800
- Marlborough District Council \$30,000
- Tasman District Council \$60,000 (note this is three years' funding)
- Nelson Marlborough DHB \$50,000 (not yet invoiced or reflected in numbers below)
- Rata Foundation \$20,000
- Mainland Foundation \$5,056

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850

Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 5

5

Funding Summary Stage 8 - 6 Months to 31 December 2021

Opening Funds	Nelson	Marlborough	Tasman
Nelson City Council	0	0	0
Marlborough District Council	0	7,202	0
Tasman District Council	0	0	0
Nelson Marlborough District Health	21,504	16,667	0
Network Tasman	1,304	0	947
Funding Received during Year			
Nelson City Council	52,800	0	0
Marlborough District Council	0	30,000	0
Tasman District Council	0	0	60,000
Nelson Marlborough District Health	0	0	0
Network Tasman	0	0	0
Total Funds at 31 December 2020	75,608	53,869	60,947
Closing Funds	Nelson	Marlborough	Tasman
Nelson City Council	39,401	0	0
Marlborough District Council	0	21,363	0
Tasman District Council	0	0	29,438
Nelson Marlborough District Health	0	0	0
Network Tasman	0	0	0
Closing Funds at 31 December 2021	39,401	21,363	29,438
Return on Investment			
WHH Insulation Contribution	36,547	32,585	31,218
EECA Insulation Contribution	171,213	158,854	144,264
Total Cost of Insulation	207,760	191,439	175,482
# of Homes Insulated	86	67	60
Average Insulation Cost Per Home	2,416	2,857	2,925
WHH Return on Investment	568%	588%	562%

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

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Our Thanks

On behalf of the Steering Committee, I would like to thank our MoU partners and funding partners for their support of the Warmer Healthier Homes project. Without your support we would not have been able to have a positive impact on over 300 families in our community every year.

All of us involved in the project are committed to helping families in our community by providing a warmer home environment to support better outcomes for the household, health wise, socially, and economically. There is so much more work to do.

Personally, I would like to thank the Steering Committee members and the Trustees for all the hard work they have put in to ensure the continued success to the project.



Leeson Baldey

Chairman, on behalf of the Warmer Healthier Homes Steering Committee
and Warmer Healthier Homes Te Tau Ihu Charitable Trust.

C/- Nelson Tasman Housing Trust, PO Box 140, Nelson 7040 (Administrator)

Appendices

1. Warmer Healthier Homes Nelson Tasman Marlborough Project Background

Preparation for this project began in July 2013 following the release of the Government's Health Homes Initiative. The Nelson Trustees for the Rātā Foundation, previously The Canterbury Community Trust (TCCT) considered the Nelson/Tasman region would benefit from a project utilising the Government funding agency Energy Efficiency and Conservation Authority (EECA).

The Rātā Foundation (Rātā) wished to use some of the Special Fund that the Trust had allocated to the region in response to the Christchurch earthquake and natural disaster events, to help local people with their housing needs. In particular, there was a desire to help as many households as possible in the region and it was felt that a Warmer Healthier Homes project to retrofit the many cold, damp houses in the region would be a good use of these funds.

Accordingly, a meeting was held between the local Rātā Trustees Bill Dahlberg, Max Spence, and the Nelson Marlborough District Health Board (NMDHB) Chief Executive Officer Chris Fleming in July 2013 to discuss a possible project. The NMDHB had previously joint funded a successful EECA funded project to retrofit 500 homes in partnership with the Nelson Tasman Housing Trust (NTHT) in 2006-2009. NMDHB agreed to provide in-kind support for this new project, should funding from TCCT and EECA eventuate.

Further meetings took place in August and September between Rātā and NTHT to scope the project and discuss how it would be managed. NTHT approached Absolute Energy owner Paul Brockie in September 2013 to discuss the possibility of its involvement in the project. Absolute Energy Ltd, being an EECA approved insulation installer since 2009 for the Nelson/Tasman/Marlborough regions was a desirable business to enter discussions with. Meetings also took place between NTHT and NMDHB to discuss identifying households with high health needs which could benefit from the proposed retrofit project. Representatives from the Nelson Bays Primary Health (NBPH) also took part in these discussions. A target of 200 possible households in two years was agreed on the basis that the budget would support about 100 retrofits per year. NMDHB and NBPH went on to develop a strategy for community engagement.

A steering group of senior representatives of the main partners was formed in September 2013 and has met monthly since September 2014. To maximise resources the steering committee worked in conjunction with the Warmup New Zealand: Healthy Homes project. The project was underway by February 2014 and by August that year the first retrofit of a Nelson/Tasman home in Stage One (with a target of 100 plus) was underway.

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850

Item 12: Environmental Management Quarterly Report 1 January 2022 - 31 March 2022: Attachment 5

8

The following home insulations were achieved over Stages 1 –7:

2,563 Properties Completed Stage 1 to Stage 7

Stage 7 - Owner Occupied			Total
Nelson			181
Tasman			228
Marlborough			161
Total Homes Insulated			570

Stage 6 - Owner Occupied			Total
Nelson			238
Tasman			35
Marlborough			148
Total Homes Insulated			421

Stage 5 - Owner Occupied			Total
Nelson			167
Tasman			102
Marlborough			99
Total Homes Insulated			368

Stage 4	Owner-Occupied	Rental	Total
Nelson	53	222	275
Tasman	8	10	18
Marlborough	16	89	105
Total Homes Completed	77	321	398

Stage 3	Owner-Occupied	Rental	Total
Nelson	9	159	168
Tasman	4	66	70
Marlborough	15	70	85
Total Homes Completed	28	295	323

Stage 2	Owner-Occupied	Rental	Total
Nelson	84	68	152
Tasman	53	32	85
Marlborough	69	23	92
Total Homes Completed	206	123	329

Stage 1	Owner-Occupied	Rental	Total
Nelson	60	51	111
Tasman	30	13	43
Total Homes Completed	90	64	154

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850

WHH remains focused on reducing hospital admissions through improved quality of living standard, supporting families and in particular children under five, with the incidental benefits of improving the overall standard of housing in Te Tau Ihu and supporting community engagement.

Steering Group - Summary of Relationships

Steering Committee members

- Nelson Marlborough District Health Board: Peter Burton (Service Director)
- Nelson Tasman Housing Trust: Carrie Mozena (Director); Phill Lee (Finance Manager)
- Absolute Energy (Contractor): Paul Brockie (Managing Director); Tanya McDonald (Admin Manager)
- Nelson Marlborough District Health Board Public Health Service: Hilary Genet and Karen Vis
- Nelson City Council: Richard Popenhagen (Environmental Programmes Adviser)
- Marlborough District Council (MDC): Dean Heiford (Manager Economic, Community & Support Services)
- Warmer Healthier Homes Te Tau Ihu Charitable Trust (Jean Simpson, Carrie Mozena & Leeson Baldey)
- Chair: Leeson Baldey

Funding Partnerships

- Rātā Foundation – Nelson/Tasman and Marlborough Trustees
- Nelson City Council
- Marlborough District Council
- Nelson Marlborough District Health Board
- Network Tasman Charitable Trust
- Mainland Foundation
- Tasman District Council
- Energy Efficiency and Conservation Authority

Groups/entities engaged in ongoing discussion and referral pathways

- Energy Efficiency and Conservation Authority
- Nelson Marlborough District Health Board - Chief Executive Officer
- Rātā Foundation – Chief Executive/Donations Manager
- Nelson City Council – Mayor and Council Management
- Marlborough District Council - Mayor and Council Management
- Tasman District Council - Mayor and Council Management
- Age Concern Nelson Tasman Inc.
- Sexual Abuse Support and Healing Nelson/Tasman
- Nelson Women's Centre

Insulation Products

- EECA approved list of products with over 90% of all products manufactured in NZ and 100% of polyester manufactured in NZ. Links to Absolute Energy main products web sites:
 - <https://www.pinkbatts.co.nz/product-library/>
 - <https://www.mammoth.co.nz/products/productrange>
 - <https://www.knaufinsulation.co.nz/home-owners/insulation-range>

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850

Governance and Risk

The WHH Steering Group and Warmer Healthier Home Te tau Ihu Charitable Trust have documents and procedures in place to ensure that the project is well governed, and project risk is minimised. The most important documents/procedures are as follows:

- Annual audited accounts as prescribed by the Charities Commission completed annually.
- Six Monthly reporting provided to project partners on project outcomes and development.
- Quality and Audit procedures in place between Absolute Energy and EECA.
- Health and Safety – regular documented H&S meetings in place between NTHT (WHH Administrator) and Absolute Energy (project contractor).
- Bi monthly Steering Committee meetings, including reporting on financial performance, auditing, Health & Safety and accountability, administered by NTHT (project administrator).
- MoU in place between members of the Steering Group, Funders and Key Stakeholders.

Steering Group - Referral Pathways Summary

The Warmer Healthier Homes Steering Group is utilising two pathways for referrals into the scheme. The first referral pathway is through the health sector. The second pathway is outside of the health sector. We have called the second pathway 'regular sector' referrals. The following is an overview of the two referral pathways.

1. Health Sector Referrals

The key features of Warmer Healthier Homes – Nelson/Tasman & Marlborough Project is working with the Healthy Homes Initiative to:

- Prioritise families with children under five years old or a family member with respiratory related conditions and/or other chronic conditions identified via NMDHB and Primary Care health professionals.
- Project scope currently limited to households in the Nelson/Tasman or Marlborough regions.

The justification for this prioritised approach is as follows:

- The association between housing related health conditions, low income and poor housing conditions is well documented.
- Evidence indicates that interventions, such as ceiling and underfloor insulation, that improve the warmth of the home can lead to health improvements, especially when these interventions are targeted to those with inadequate warmth and respiratory related conditions.

From our health partners we understand people with the highest health needs:

- Are unlikely to be the quickest, if ever, to pick up the phone to self-refer for such a project.
- Are also likely to be sleep deprived.
- May have experienced reductions to income.
- May be crowding into rooms because they cannot use their bedroom due to mould and damp.
- May include children likely to be missing days off school and parents off work due to ill health and are likely to struggle to afford to keep their home warm.

To ensure that those with the highest health needs do not miss out, we have opted to run this project as an invite only/health/partner referral, rather than a self-referral project.

2. Regular Sector Referrals

The key features of this Warmer Healthier Homes Nelson Tasman Marlborough Project working with the EECA Warmer Kiwi Homes Initiative are:

- Supporting those eligible under the EECA Warmer Kiwi Homes criteria.
- Prioritising people identified in conjunction with the Steering Committee's Advisory Referral Panel.
- Having the project scope currently limited to households in the Nelson, Tasman and Marlborough regions.

The justification for this prioritised approach is as follows:

- The association between housing related health conditions, low income and poor housing conditions is well documented.
- Evidence indicates that interventions such as retrofitting ceiling and underfloor insulation which improves the warmth of the home can lead to health improvements, especially when these interventions are targeted to those with inadequate warmth and respiratory related conditions.
- The Warmer Healthier Homes Steering Committee, Advisory Panel has invited groups from within the community that are involved in the housing, health, and service sector to engage with the project. Such groups are well positioned to identify and refer clients who would benefit most from this project.

Key Milestones

Sept 2016: Referrals opened for rental properties where tenants hold a Community Services Card. Referrals were prioritised for rentals which include under-5s, over-65s, or tenants with health needs. Job costs were funded by: WHH Committee (25% of cost), EECA (25% of cost), Landlords (50% of Cost).

EECA discontinued co-funding for homeowners in July 2016 which increased the cost per home against available funding. Feedback from the NMDHB Public Health Service indicated that there was considerable need for assistance with owner-occupied homes (and rentals). In stage 3 the Steering Committee needed to allocate a larger proportion of funding (approx. 60%) towards homeowners and formed new funding partnerships as detailed below. The Government made changes to EECA allocation March 2017, so homeowners could receive assistance. The WHH steering committee again adjusted funding allocations accordingly.

Feb 2017: Referrals reopened for owner-occupied homes where occupants hold a Community Services Card. Homes needed to include under-5s, over-65s, and/or people with housing-related health needs. Job costs were funded by: WHH Committee (generally 80% of cost), Homeowners (up to 20% of cost). Most referrals originated from primary health organisations and health non-governmental organisations (NGOs).

2017/2018: New partnerships developed with Port Nelson (\$10K targeting under-5s), Network Tasman Charitable Trust (\$20K targeting under-5s), and Mainland Foundation (\$10K for administration costs).

Mar 2018: Achieved milestone of insulation of 1,000 homes for those in need.

Apr 2018: Bill Dahlberg retired as founding Chair and Leeson Baldey joined the Steering Committee as Chair.

May 2018: EECA announced Warmer Kiwi Homes scheme: \$142m Government investment to make Kiwi homes healthier. This scheme replaced the existing Healthy Homes scheme and was effective from 1 July 2018. The new [Warmer Kiwi Homes Project](#) commenced 1 July 2018 targeting only owner-occupied properties, providing up to 67% of the insulating cost for those on low incomes, defined as people who:

- have a Community Services Card, or

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850

- live in an NZ deprivation index decile 8, 9 or 10 area, or
- have a Gold Card with a CSC endorsement, and
- live in a home built prior to 2008.

June 2019: Achieved milestone of insulation of 1,500 homes for those in need.

November 2019: Achieved milestone of insulation of 1,750 homes for those in need.

May 2020: EECA confirmed a further \$56m of funding for the next two years to 30 June 2020 and increased the Government subsidy from 67% to 90%. Qualifying criteria remain unchanged.

July 2020: Warmer Healthier Homes Te Tau Ihu Charitable Trust established.

During 2019 the Steering Committee progressed the establishment of a separate Charitable Trust for Warmer Healthier Homes, to be known as Warmer Healthier Homes Te Tau Ihu Charitable Trust. Mainland Foundation kindly provided funding via NTHT to support this process.

Previously the Warmer Healthier Homes Project had been operating on the foundations of a Memorandum of Understanding which required the Nelson Tasman Housing Trust to manage the finances and apply for funding on behalf of WHH. Historically this had worked well, although with policy changes this had become more challenging for NTHT to accommodate as:

- Many third party funders only accept one funding application per year from an entity. So, if NTHT applied on behalf of WHH, this hindered NTHT's ability to apply for their own purposes.
- Accounting standards for charities have changed, which have made it increasingly complex to account for WHH under the umbrella of NTHT, with WHH distorting the annual financial statements of NTHT.

The Trust, with the consent of the current Steering Committee, consists of four Trustees. Collectively, Leeson Baldey (ASB Commercial Manager, current WHH Chair & Institute of Directors Committee Board), Carrie Mozena (NTHT Director and WHH Steering Committee Member), Margaret Gibbs (General Manager Manuka Street Hospital Limited) and Dr. Jean Simpson (health researcher, recently retired) provide a broad skill set across health, community housing, finance, and governance. The Trustee roles are unpaid. The effect of the creation of the Trust on the Warmer Healthier Homes Project are as follows:

- Operations – nothing has changed to the operations of WHH. The WHH Steering Committee continues to manage the day-to-day operations of the project under the MoU.
- Reporting – no change to six monthly and annual reporting to our partners and stakeholders.
- NTHT will continue to be contracted to provide administration services.
- Funding and Project development – the key responsibilities of the Trustees will be governance and financial management of the project funds, with a focus on exploring new partner opportunities from both a funding and collaborative basis. The Trustees will provide skilled oversight of WHH to guide the project forward.

Future grant applications will be from Warmer Healthier Homes Te Tau Ihu Charitable Trust.

A Memorandum of Understanding has been signed that includes the Trust as a Partner of the project.

August 2020: Achieved milestone of insulation of 2,000 homes for those in need.

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850

2. Media coverage

stuff

Warmer Healthier Homes trust to insulate last houses on Tasman list

Cherie Sivignon • 05:00, Jun 03 2021



MARTIN DE RUJTER/STUFF

About 2500 homes across Nelson-Tasman and Marlborough have been insulated under a Warmer Healthier Homes Te Tau Ihu Charitable Trust project that started in 2014. That includes roof insulation such as the product being installed by Johnny Johnny, of Absolute Energy, in this file photo.

The Warmer Healthier Homes Te Tau Ihu Charitable Trust aims to insulate 380 houses across Tasman District over the next three years – the last known qualifying homes in the district.

A delighted chairman of the trust, Leeson Baldey, said a grant of \$60,000 from Tasman District Council was a "huge chunk" of \$114,000 in third-party funding that the trust sought for the work. That fundraising would in turn leverage more than \$1 million of central government funding.

The average cost of insulating a home was \$3000, Baldey said.

Since the warmer healthier homes project started in 2014, about 2500 homes had been insulated across the top of the South Island, of which 481 were in Tasman District.

One benefit of houses being warm and dry was that children were less likely to contract and spread illness so could attend school more often. Less illness meant less time off work for parents and caregivers, which meant a more productive and resilient community, he said.

The installation of insulation also meant that less fuel needed to be used in wood burners, helping to reduce air pollution from home heating.



MORE FROM
CHERIE SIVIGNON • SENIOR REPORTER

cherie.sivignon@stuff.co.nz

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850

Councillor Kit Maling said he'd seen the work done via the trust and "we get an awful lot of bang for our buck and help some very low-income people".

"It doesn't help landlords, it helps low-income people in homes and I think that's important."

Maling pointed out the \$60,000 grant was earmarked to come from an existing council budget, so it would not have any further effect on rates.

Councillors agreed to the grant in two resolutions – \$40,000 during deliberations for the Long Term Plan 2021-31 and \$20,000 at a separate council meeting.

The trust is set to receive the entire \$60,000 from the existing Tasman Climate Action Plan budget in one year with no provision for funding required in the council's LTP.




Miles Anderson talks about the wool insulation he is putting in his new house. (First published July 2020)

Estimates using EECA (Energy Efficiency & Conservation Authority) data from February 2020 indicated there were 300 qualifying homes remaining to be insulated as at June 30 in deprivation areas within the district. However, the trust also considered homeowners who had a Community Services Card or an endorsed Gold Card.

Baldey said there were some homeowners, particularly older people, who were living in a family homes but had a fixed income such as the pension and could not afford the cost of insulation. The trust also aimed to help those people get warmer, healthier homes.

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850

**tasman**
district council

Te Kaitiaki
te tai o Aorere

My Property My Community My Region My Business My Council Do it Online

Home insulation subsidies make a difference

3 Mar 2021, 09:00

Tasman District Council contributed \$20,000 to the Warmer Healthier Homes Te Tau Ihu Charitable Trust, for use in the current financial year. The Trust provides grants to retrofit insulation into qualifying owner-occupied homes across Te Tau Ihu (top of the South).

The Trust works alongside the Energy Efficiency Conservation Authority's Warmer Kiwi Homes grant scheme. The grant made by the Council enabled the Trust to leverage a further \$180,000 from central Government.

Within Tasman the programme has helped to insulate 128 homes in the first six months to 31 December 2020, one of these was in the Waiamea Village. The Trust has also insulated a number of homes in Nelson and Marlborough.

Heating and insulation can make a massive difference to your health. Having adequate home insulation can also mean that you use less wood in your wood burner, which in turn helps reduce air pollution in winter.

To be eligible for a grant, you will need to be the homeowner (owner-occupied):

- Of a home built before 2008, AND Have a Community Services Card or SuperGold combo card (with CSC endorsement); OR
- Live In an area Identified as low income. In Tasman, this includes some areas of Richmond and Motueka in particular.

Homeowners can find out if they qualify for a grant (90 – 100% subsidy) by contacting the project contractor, Absolute Energy. [Visit absoluteenergy.co.nz](https://www.absoluteenergy.co.nz).



6 WEDNESDAY 3 March 2021



Absolute Energy's, Paul Brockie, John Borley and councillor Kit Maling at John's Waimea Village home. Photo: Jacqui Rawson.

Making homes warmer in Waimea Village and beyond

Jacqui Rawson

Over 20 homes in Waimea Village are going to be a lot warmer this winter thanks to free insulation installs. The insulations are due to the Warmer Healthier Homes (WHH) programme and Absolute Energy. "We help meet the shortfall between the government provided grant and the full cost for local families," says Warmer Healthier Homes, chairman Leeson Baldey. A government programme covers 90 per cent of the costs but that still leaves a shortfall out of the reach of some homeowners. Local organisation, WHH was set up to meet that shortfall.

The involvement of TDC has meant WHH have been able to provide insulation for 141 homes in the region. That's 106 more homes than in the previous 12 months.

"For every \$100 TDC provides there's another \$900 from the government grant coming into the region," says Leeson. It's more than insulation it's better health and lower hospital admissions, he says.

"The guys went out of their way, even digging a trench under the house, to make sure it was completely insulated and all at nil cost to me," says Waimea Village resident, John Borley.

"A little bit of ratepayers funding has a benefit that goes a long way," says Richmond councillor, Kit Maling.

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850



Erin Bradnock

A project dedicated to making the homes of those in the Top of the South warmer and healthier to live in has just celebrated its 2000th insulation.

Warmer Healthier Homes Nelson – Marlborough has been subsidising insulation projects in the region since 2014.

Project chairman Leeson Baldey says it's an amazing achievement for the programme, which is administered by Absolute Energy.

"It's 2000 families living in healthy homes."

The project began in partnership between Rata Foundation, Nelson Tasman Housing Trust, Nelson City Council, and Nelson Marlborough DHB to address unhealthy homes in the region.

Insulating a home typically costs between \$2,500 to \$5,000 in New Zealand.

Over 30 people gathered at the Boathouse last Thursday to celebrate the milestone.

Henry Nepia of the Energy Efficiency and Conservation Authority says they don't often get to celebrate the wins.

"And there's been a lot of them over the years."

Henry acknowledged the work still to be done, saying the authority is still getting up to a 1000 inquiries for insulations a week.

Project founder and former chairman Bill Dahlberg was instrumental in the project's founding and success.



Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

**MARLBOROUGH
DISTRICT COUNCIL**only Marlborough

He kōrero nō te Kaunihera ā-Rohe o Wairau
YOUR LOCAL NEWS FROM THE
MARLBOROUGH DISTRICT COUNCIL



Council's Economic, Community & Support Services Manager Dean Heiford and Absolute Energy Managing Director Paul Brockie with Blenheim homeowner Jaimee Noble who benefitted from the Warmer Healthier Homes Programme

Warmer Healthier Homes – 6 Month Report 1 July 2021 to 31 December 2021

A2886850



Contents

For the year ended

30th June 2021

	Page
Non-Financial Information:	
Entity Information	2
Statement of Service Performance	4
Financial Information:	
Statement of Financial Performance	5
Statement of Financial Position	6
Statement of Cash Flows	7
Statement of Accounting Policies	8
Notes to the Performance Report	9
Audit Report	14



Entity Information

"Who are we?", "Why do we exist?"

For the year ended

30th June 2021

Legal name of Entity:	Warmer Healthier Homes Te Tau Ihu Charitable Trust
Other name of Entity (if any):	WHH
Type of Entity and Legal Basis (if any):	A registered Charitable Trust incorporated under the Charitable Trusts Act 1957 and a charity registered under the Charities Act 2005
Registration number:	Incorporation Number 50023540 Charities Registration CC57835

Entity's Purpose or Mission:

Our entity exists to assist with governance of the Warmer Healthier Homes (WHH) Steering Committee's programme to provide insulation that supports improved living environments for residents in Nelson, Tasman and Marlborough. In keeping with its focus on health needs and households with low incomes, WHH assists qualifying homeowners and whanau to access improved insulation measures, heating and overall efficiency through retrofitting into existing homes. To facilitate this programme, WHH seeks and applies for donations, subsidies and grants from existing funding partners and prospective partners. In the past, the programme operated under the umbrella of another registered charity (a founding member of the programme and signatory to the MoU), the Nelson Tasman Housing Trust (NTHT). So while the first year of Performance Reporting is from the 1st July 2020, the WHH programme has been assisting people in need to insulate their properties since 2014.

Entity Structure:

The Trust is governed by a volunteer Board of Trustees consisting of not less than three persons or more than seven. The founding and current Trustees are Leeson Baldey, Carrie Mozena and Jean Simpson. The Board is responsible for overall strategy and financial performance of the WHH programme. The Trustees meet bi-monthly. The Trust does not have any employees. Instead, WHH has an agreement with the NTHT for its Finance Manager to perform administrative and accounting duties for the WHH Trust and the WHH Steering Committee.

The WHH Steering Committee is made up of senior representatives of the Nelson, Tasman and Marlborough City or District Councils, the Nelson Marlborough District Health Board (NMDHB), the NTHT, Absolute Energy, and an independent Chairperson, Leeson Baldey of the ASB Bank.

Page 2

A2862473



Entity Information

"Who are we?", "Why do we exist?"

For the year ended

30th June 2021

Main Sources of the Entity's Cash & Resources:

The lion's share of funding for the WHH programme is provided by the Energy Efficiency & Conservation Authority (EECA). EECA grants up to 80% of the insulation costs for qualifying households directly to accredited provider Absolute Energy. These EECA funds are not received by the WHH Charitable Trust.

WHH applies for and receives community/third-party funding from the Nelson (NCC), Tasman (TDC) and Marlborough (MDC) Councils, the NMDHB, and Network Tasman (NT). This third-party funding is required to leverage the substantial EECA funding for the WHH programme. These funds also further subsidise the cost of insulation for qualifying homeowners.

NTHT applies to & receives funding from the Mainland Foundation on behalf of WHH to assist with administrative costs provided by NTHT. WHH applies for and receives funding from the Rata Foundation to assist with other costs such as marketing and administration.

Main Methods Used by the Entity to Raise Funds:

WHH relies on funding support from the above entities. WHH applies at the time of the Councils' Long Term Plan funding rounds based on the future outlook of demand for assisting those in need. Applications to the NMDHB, the Mainland Foundation, the Rata Foundation and Network Tasman tend to occur annually.

Entity's Reliance on Volunteers & Donated Goods or Services:

WHH Trustees and the WHH Steering Committee are volunteers with relevant skills, experience and community networks, who work to drive and grow the initiative.

Contact details:

Physical Address: 329 Trafalgar Square East, Nelson

Postal Address: PO Box 140, Nelson

Phone/Fax: 03 546 9568; 0800 266325

Email: accounts@nelsonhousing.org.nz

Page 3

A2862473



Statement of Service Performance

"What did we do?", "When did we do it?"

For the year ended

30th June 2021

Description of the Entity's Outcomes:

WHH continues to deliver on its goals of supporting whānau in our region. Over this financial period, the project has delivered insulation for 573 properties, bringing the seven year total to 2,566 families supported as of 30 June 2021. The WHH project has performed well despite COVID. This can be attributed to EECA moving from a 67% funding model to 90% funding as of April 2020, and the efforts of committee members and Absolute Energy to promote the project locally. After the 2021 Government Budget announcement in May 2021, EECA changed their funding ratio to 80%.

In the year ending 30 June 2021 the WHH project spent \$166,261 of community/third party funding made up of donations and grants from NCC, TDC, TDC, NMDHB & NT. This funding has resulted in \$1,662,607 of insulation installed. This represents a 1000% return on investment and pulled in \$1,496,346 of EECA/Government funding that might not have come into our region otherwise.

In November 2020 WHH celebrated the milestone of 2,000 homes insulated with an event at the Boathouse in Nelson.

Description and Quantification (to the extent practicable) of the Entity's Outputs:	Actual This Year
Nelson properties insulated	181
Tasman properties insulated	229
Marlborough properties insulated	163



Statement of Financial Performance

"How was it funded?" and "What did it cost?"

For the year ended

30th June 2021

	Note	Actual This Year \$
Revenue		
Donations, Fundraising and other Similar Revenue	1	45,750
Revenue from Providing Goods or Services		<u>204,432</u>
Total Revenue		<u>250,182</u>
Expenses	2	
Costs Related to Providing Goods or Services		<u>167,901</u>
Total Expenses		<u>167,901</u>
Surplus/(Deficit) for the Year		<u><u>82,281</u></u>

The attached Notes and Auditor's Report form an integral part of these Financial Statements

Page 5

A2862473

INDEPENDENT
AUDITORS



WARMER HEALTHIER HOMES
TE TAU IHU CHARITABLE TRUST

Statement of Financial Position

"What the entity owns?" and "What the entity owes?"

As at

30th June 2021

	Note	Actual This Year \$
Current Assets		
Bank Accounts and Cash	3	142,670
Debtors and Prepayments	3	69,952
Total Current Assets		<u>212,622</u>
Total Assets		<u>212,622</u>
Liabilities		
Current Liabilities		
Creditors and Accrued Expenses	3	<u>130,341</u>
Total Current Liabilities		<u>130,341</u>
Total Liabilities		<u>130,341</u>
Total Assets less Total Liabilities (Net Assets)		<u><u>82,281</u></u>
Equity		
Accumulated surpluses or (deficits)	4	<u>82,281</u>
Total Accumulated Funds		<u><u>82,281</u></u>

For and on Behalf of the Board

Leeson Baldey (Chair)

Date

8/2/22

The attached Notes and Auditor's Report form an integral part of these Financial Statements

Page 6

INDEPENDENT
AUDITORS

A2862473



Statement of Cash Flows

"How the entity has received and used cash"

For the year ended

30th June 2021

	Actual This Year \$
Cash Flows From Operating Activities	
Cash was Received From:	
Donations, Fundraising and other Similar Revenue	45,750
Receipts from Providing Goods and Services	240,941
 Net Movement in GST	 (952)
Cash Was Applied To:	
Payments to Suppliers	(143,069)
Cash Paid to Employees	
 Net Cash Flows From Operating Activities	 <u>142,670</u>
 Net Increase / (Decrease) in Cash	 <u>142,670</u>
 Closing Cash	 <u><u>142,670</u></u>
 This is represented by:	
Bank Accounts and Cash	<u><u>142,670</u></u>

The attached Notes and Auditor's Report form an integral part of these Financial Statements

Page 7

A2862473

INDEPENDENT
AUDITORS



Statement of Accounting Policies

"How did we do our accounting?"

For the year ended

30th June 2021

Reporting Entity

Warmer Healthier Homes Te Tau Charitable Trust (WHH) is a registered Charitable Trust incorporated under the Charitable Trusts Act 1957, a charity registered under the Charities Act 2005 and complies with the Trusts Act 2019. The Financial Statements have been prepared to meet the Trusts reporting requirements and for external funding applications.

Basis of Preparation

WHH has elected to apply PBE SFR-A (NFP) Public Benefit Entity Simply Format Reporting - Accrual (Not-for-Profit) on the basis that it does not have public accountability and has total annual expenses of equal to or less than \$2,000,000. All transactions in the Performance Report are reported using the accrual basis of accounting. The Performance Report is prepared under the assumption that the entity will continue to operate in the foreseeable future.

Revenue

Donations and grants without "use or return" conditions are recorded as income upon receipt. Grants with "use or return" conditions are initially recorded as Income in Advance and progressively recognised as income as the condition is satisfied (normally incurring the associated expenditure). Interest income is recognised as it accrues using the effective interest method.

Goods and Services Tax (GST)

Where applicable, items are stated net of GST, with the exception of receivables and payables, which are stated inclusive of GST.

Income tax

WHH is wholly exempt from New Zealand income tax having fully complied with all statutory conditions for these exemptions.

Bank accounts and cash

Bank accounts and cash in the Statement of Cash Flows comprise cash balances and bank balances (including short term deposits) with original maturities of 90 days or less.

Debtors

Debtors are carried at estimated realisable value at year end.

Changes in Accounting Policies

This is the first year of financial reporting for WHH.

The attached Notes and Auditor's Report form an integral part of these Financial Statements

Page 8

A2862473

INDEPENDENT
AUDITORS



Notes to the Performance Report

Note 1: Analysis of Revenue

For the year ended

30th June 2021

		Actual This Year \$
Donations, Fundraising and other Similar Revenue	Admin Reserve Funds transferred from NTHT Total	<u>45,750</u> <u>45,750</u>
Revenue from Providing Goods or Services	Nelson City Council Grant Tasman District Council Grant Marlborough District Council Grant Nelson Marlborough District Health Board Donation Network Tasman Grant Total	<u>41,666</u> <u>19,053</u> <u>30,054</u> <u>105,862</u> <u>7,797</u> <u>204,432</u>
Total Revenue		<u><u>250,182</u></u>

The attached Notes and Auditor's Report form an integral part of these Financial Statements

Page 9

A2862473

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Notes to the Performance Report

Note 2: Analysis of Expenses

For the year ended

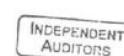
30th June 2021

		Actual This Year \$
Costs Relating to Providing Goods or Services	Administration	1,389
	Bank fees	20
	Nelson City Council Residence Insulation	55,208
	Marlborough District Council Residence Insulation	45,542
	Tasman District Council Residence Insulation	65,510
	Subscriptions	231
	Total	167,901

The attached Notes and Auditor's Report form an integral part of these Financial Statements

Page 10

A2862473





Notes to the Performance Report

Note 3: Analysis of Assets and Liabilities

For the year ended

30th June 2021

		Actual This Year \$
Bank Accounts and Cash	ASB account	142,670
	Total	142,670
Debtors and Prepayments	Accounts receivable	69,000
	GST receivable	952
	Total	69,952
Creditors and Accrued Expenses	Accounts payable	60,497
	TDC Grant remaining 2020 - 2021	947
	TDC Grant remaining 2021 - 2022	60,000
	MDC Grant remaining 2020 - 2021	7,202
	Network Tasman Grant 2020 - 2021	1,695
	Total	130,341

The attached Notes and Auditor's Report form an integral part of these Financial Statements

Page 11

A2862473

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Notes to the Performance Report

Note 4: Accumulated Funds

For the year ended

30th June 2021

This Year

	Capital Contributed by Owners or Members	Accumulated Surpluses or Deficits	Total
Surplus/(Deficit)	0	82,281	82,281
Closing Balance	0	82,281	82,281

The attached Notes and Auditor's Report form an integral part of these Financial Statements

Page 12

A2862473





Notes to the Performance Report

Notes 5 - 6

For the year ended

30th June 2021

Note 5: Analysis of Grants and Donations

Third Party Funding - Grants with return conditions, reported in Liabilities

Funder	Grants Spent	Grants Returned	Grants Received	Grants Transferred from NTHT	Per Financial Position
Nelson City Council	(41,666)	(31,013)	51,613	21,066	0
Tasman District Council	(19,053)		80,000		60,947
Marlborough District Council	(30,054)		30,000	7,256	7,202
Network Tasman	(7,797)		3,000	6,492	1,695
Total	(98,570)	(31,013)	164,613	34,814	69,844

Third Party Funding - Grants without return conditions, part of Accumulated Funds

	Donations Spent	Donations Received	Donations Transferred from NTHT	Funds Remaining
Nelson Marlborough District Health Board	(67,690)	50,000	55,862	38,172
Total	(67,690)	50,000	55,862	38,172

Note 6: Related Party Disclosure

Related Party	Transaction	Actual This Year
Carrie Mozena - Nelson Tasman Housing Trust (NTHT)	Carrie is a Trustee of WHH and Director of NTHT which provides administrative services to WHH	1,389

The attached Notes and Auditor's Report form an integral part of these Financial Statements

Page 13

A2862473



INDEPENDENT AUDITORS LTD

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INDEPENDENT AUDITOR'S REPORT

To the Trustees of Warmer Healthier Homes Te Tau Ihu Charitable Trust

Report on the Financial Statements

Opinion

We have audited the financial statements contained in the performance report of Warmer Healthier Homes Te Tau Ihu Charitable Trust, ("the Trust"), which comprises the statement of financial performance and statement of cash flows for the year ended 30 June 2021, the statement of financial position as at 30 June 2021 and the statement of accounting policies and other explanatory information.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Trust as at 30 June 2021, and its financial performance and cash flows for the year then ended in accordance with Public Benefit Entity Simple Format Reporting – Accrual (Not-For-Profit) issued by the New Zealand Accounting Standards Board.

Basis of Opinion

We conducted our audit of the statement of financial performance, statement of financial position, statement of cash flows, statement of accounting policies and notes to the performance report in accordance with International Standards of Auditing (New Zealand) (ISAs (NZ)). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Trust in accordance with Professional and Ethical Standard 1 (Revised) *Code of Ethics for Assurance Practitioners* issued by the New Zealand Auditing and Assurance Standards Board, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Other than in our capacity as auditor, we have no relationship with, or interests in the Trust.

Information Other than the Financial Statements and Auditor's Report Thereon

The Trustees are responsible for the other information. The other information comprises the entity information and statement of service performance.

Our opinion on the financial statements does not cover the other information and we do not express any form of audit opinion or assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the Trustees for the Performance Report

The Trustees are responsible for:

- determining that the reporting framework is acceptable in the entity's circumstances;
- identifying outcomes and outputs, and quantifying the outputs to the extent practicable, that are relevant, reliable, comparable and understandable, to report in the statement of service performance;



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c) the preparation and fair presentation of the performance report on behalf of the entity which comprises:

- the entity information;
- the statement of service performance; and
- the statement of financial performance, statement of financial position, statement of cash flows, statement of accounting policies and notes to the performance report

in accordance with Public Benefit Entity Simple Format Reporting – Accrual (Not-For-Profit) issued in New Zealand by the New Zealand Accounting Standards Board, and

d) such internal control as the Trustees determine is necessary to enable the preparation of the performance report that is free from material misstatement, whether due to fraud or error.

In preparing the performance report, the Trustees are responsible on behalf of the Trust for assessing the Trust's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Trustees either intend to liquidate the Trust or to cease operations, or have no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but it is not a guarantee that an audit conducted in accordance with ISAs (NZ) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could be reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

The full details of the auditor's responsibilities can be found on the following web page.

<https://www.xrb.govt.nz/assurance-standards/auditors-responsibilities/>

Independent Auditors Ltd.

INDEPENDENT AUDITORS LTD
NELSON

8 February 2022