



AGENDA

Ordinary meeting of the

Nelson City Council

**Thursday 20 June 2019
Commencing at 9.00a.m.
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

**Pat Dougherty
Chief Executive**

Membership: Her Worship the Mayor Rachel Reese (Chairperson), Councillors Luke Acland, Ian Barker, Mel Courtney, Bill Dahlberg, Kate Fulton, Matt Lawrey, Paul Matheson, Brian McGurk, Gaile Noonan, Mike Rutledge, Tim Skinner and Stuart Walker

Quorum: 7

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.

Council Values

The Mayor and councillors held a strategic planning day on 30 November 2016 with a programme that covered key challenges and opportunities for the triennium, the values Council wished to work by, and objectives for what needed to be achieved during this term of Council.

Following are the values agreed during the planning day:

- i) Whakautetanga: valuing each other, showing respect
- ii) Kōrero Pono: honesty, integrity, trust, fidelity
- iii) Māiatanga: having courage, being bold, trail blazing, having a sense of purpose
- iv) Whakamanatanga: demonstrating excellence, raising the bar, effectiveness, resourcefulness
- v) Whakamōwaitanga: compassion, empathy, humility, servant leadership
- vi) Kaitiakitanga: stewardship
- vii) Manaakitanga: generosity of spirit, humour, fun

From Mayor's report 15 December 2016

Opening Prayer**1. Apologies**

Nil

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

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

4.1 Nelson Residents Association - Financial position of the Trafalgar Centre, factual information on storm events and tide records, and reference to recent public statements on perceived sea rise

5. Confirmation of Minutes

5.1 29 April 2019

Document number R10285

16 - 18

Recommendation

That the Council

- 1. Confirms the minutes of the extraordinary meeting of the Council, held on 29 April 2019, as a true and correct record.***

Document number M4196

Recommendation

That the Council

1. ***Confirms the minutes of the meeting of the Council, held on 2 May 2019, as a true and correct record.***

6. Recommendations from Committees

6.1 Civil Defence Emergency Management Group - 22 May 2019

- 6.1.1 Civil Defence and Emergency Management Removal of Requirement for Annual Audit

Recommendation to Council

That the Council

1. ***Agrees that a separate audit of the Civil Defence and Emergency Management Annual Report is not necessary and will not be required from the 30 June 2019 financial year onwards, subject to approval by Nelson City Council, Tasman District Council and Audit New Zealand.***
2. ***Agrees that the operation of the Civil Defence and Emergency Management Group should be included in the audit of the Administering Council and that any additional cost incurred as a result should be recovered from the Civil Defence and Emergency Management Group.***

6.2 Sports and Recreation Committee - 23 May 2019

- 6.2.1 Fees and Charges relating to Sports and Recreation 2019/20

Recommendation to Council – The Sports and Recreation Committee made the following recommendation to Council on this item:

That the Council

1. ***Approves the proposed fees and charges as per Attachment 1 (A2157708) of Report 10236, effective from 1 July 2019, with***

the exception of the fees and charges relating to the Brook Camp.

The Chief Executive requested officers to complete a further review and will present an alternative recommendation, which will be provided in a supplementary agenda.

6.3 Works and Infrastructure Committee - 23 May 2019

6.3.1 Nelson Tasman Regional Landfill Business Unit 2019-20 Business Plan

Recommendation to Council

That the Council

- 1. Approves the Nelson Tasman Regional Landfill Business Unit 2019-2020 Business Plan (A2170038).***

6.3.2 Infrastructure Fees and Charges 2019-2020

Recommendation to Council

That the Council

- 1. Approves the proposed fees and charges as per Attachment (A2167740) of Report R9920, effective 1 July 2019.***

6.3.3 Parking Meter Renewal - Referral of powers

Recommendation to Council

That the Council

- 1. Considers the matter of the renewal of parking meters.***

6.4 Planning and Regulatory Committee - 28 May 2019

6.4.1 Waimea Inlet Action Plan

Recommendation to Council

That the Council

1. **Approves Nelson City Council as lead or support agency to the specific targets identified in Report R9513 (highlighted in green in Attachment 2 A2178524); and**
2. **Approves that Nelson City Council supports, in principle, specific targets identified in Report R9513, subject to future funding decisions (highlighted in yellow in Attachment 2 A2178524); and**
3. **Adopts the Waimea Inlet Action Plan 2018-2021 (A2099296).**

6.4.2 Nelson Tasman Land Development Manual - Hearing Panel
Recommendation and Proposed Plan Change 27

Recommendation to Council

That the Council

1. **Adopts the Nelson Tasman Land Development Manual 2019 (A2184905) under the Local Government Act 2002, noting that it will take effect on 1 July 2019; and**
2. **Adopts the practice notes on Coastal and Freshwater Inundation (A2184904), Bioretention (A2184908) and Wetlands (A2184906) as guidance documents; and**
3. **Delegates the Chairperson of the Planning and Regulatory Committee and the Group Manager Environment authority to approve minor technical wording amendments, or correction of errors to the Nelson Tasman Land Development Manual 2019 and proposed Plan Change documents to improve readability and/or consistency prior to 1 July 2019.**

6.4.3 Review of Building Unit fees and charges

Recommendation to Council

That the Council

1. **Approves the fees and charges as proposed in Attachment 1 (A2145308) of Report R10231 to be effective from 1 July 2019.**

6.4.4 Navigation Safety Bylaw review

Recommendation to Council

That the Council

- 1. Notes the review of the Navigation Safety Bylaw 2012 (No. 218); and***
- 2. Determines amendments to the Navigation Safety Bylaw 2012 (No. 218) are the most appropriate way of addressing the navigation safety problems identified by the review; and***
- 3. Determines the proposed amendments to the Navigation Safety Bylaw 2012 (No. 218) 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***
- 4. Determines a summary of the Statement of Proposal Proposed Changes to the Navigation Safety Bylaw 2012 (No. 218) is not required; and***
- 5. Adopts the Statement of Proposal Proposed Changes to the Navigation Safety Bylaw 2012 (No.218) (A2178235); and***
- 6. Approves the commencement of the Special Consultative Procedure (A2178235), with the consultation period to run from 21 June to 24 July 2019; and***
- 7. Approves the consultation approach (set out in paragraphs 5.9 and 5.10 of Report R10026) and agrees:***
 - (a) the approach includes sufficient steps to ensure the Statement 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 Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***

6.4.5 Planning and Regulatory Committee - Quarterly Report - 1 January-31 March 2019

Please note that recommendation 1. Below, regarding the adoption of the Kotahitanga mō te Taiao Strategy, will be covered in a separate report on this agenda.

Recommendation to Council

That the Council

1. Adopts the Kotahitanga mō te Taiao Strategy (A2159046);
and
2. ***Approves the Nelson Plan Vision (A2182016) as the working draft for the Nelson Plan.***

6.5 Community Services Committee - 30 May 2019

6.5.1 Statement of Intent - Nelson Festivals Trust

Recommendation to Council

That the Council

1. ***Approves the Nelson Festivals Trust draft Statement of Intent 2019/20, with minor amendments, as the final Statement of Intent for 2019/20.***

6.5.2 Fees and Charges relating to Community Services 2019/20

Recommendation to Council

That the Council

1. ***Approves the proposed fees and charges as per attachment (A2157289) of Report (R10060) effective from 1 July 2019.***

6.6 Governance Committee - 13 June 2019

6.6.1 Uniquely Nelson Memorandum of Understanding 2019/2020

Recommendation to Council

That the Council

- 1. Approves the Uniquely Nelson Memorandum of Understanding 2019/2020 (A2181631).***

6.6.2 Communications and Engagement Strategy

Recommendation to Council

That the Council

- 1. Adopts the Communications and Engagement Strategy, with amendments (A2196740).***

7. Mayor's Report 35 - 122

Document number R10249

Recommendation

That the Council

- 1. Receives the report Mayor's Report (R10249) and its attachments (A2197280 and A2197215); and***
- 2. Supports Council's proposed remit to Local Government New Zealand as set out in Attachment 1 and asks the Mayor to advise Council accordingly.***

8. Council Status Report - 20 June 2019 123 - 124

Document number R10286

Recommendation

That the Council

- 1. Receives the report Council Status Report - 20 June 2019 (R10286) and its attachment (A1168168).***

9. Kotahitanga mō te Taiao Strategy 125 - 174

Document number R10260

Recommendation

That the Council

- 1. Receives the report Kotahitanga mō te Taiao Strategy (R10260) and its attachment (A2203854); and**
- 2. Adopts the Kotahitanga mō te Taiao Strategy (A2203854).**

10. Statement of Proposal for Declaration of a Pedestrian Mall - Upper Trafalgar Street 175 - 200

Document number R10139

Recommendation

That the Council

- 1. Receives the report Statement of Proposal for Declaration of a Pedestrian Mall - Upper Trafalgar Street (R10139) and its attachment(A2176520); and**
- 2. Agrees that the Statement of Proposal for a Declaration of a Pedestrian Mall – Upper Trafalgar Street meets the requirements of the Local Government Act 2002; and**
- 3. Adopts the Statement of Proposal for the Pedestrian Mall Declaration - Trafalgar Street – Nelson City(A2176520), amended as necessary; and**
- 4. Agrees that a Summary of the Statement of Proposal for Declaration of a Pedestrian mall – Upper Trafalgar Street is not required, and**
- 5. Approves the consultation approach (set out in section 6 of this report R10139) and agrees:**
 - (a) the approach includes sufficient steps to ensure the Statement 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 Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.*

11. Nelson Tasman Future Development Strategy - Authority for Joint Council Committee 201 - 203

Document number R10164

Recommendation

That the Council

- 1. Receives the report Nelson Tasman Future Development Strategy - Authority for Joint Council Committee (R10164); and***
- 2. Delegates all decision-making powers in relation to adopting the Nelson Tasman Future Development Strategy to the Joint Committee; and***
- 3. Updates the Nelson City Council Delegations Register to reflect the above changes.***

12. Order of candidates' names on 2019 Local Elections voting documents 204 - 207

Document number R9995

Recommendation

That the Council

- 1. Receives the report Order of candidates' names on 2019 Local Elections voting documents (R9995); and***
- 2. Approves, in accordance with Regulation 31(2) of the Local Electoral Regulations 2001, the candidates' names on voting documents for the***

2019 triennial local election be in computerised random order.

PUBLIC EXCLUDED BUSINESS

13. Exclusion of the Public

Recommendation

That the Council

- 1. Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that name and name remain after the public has been excluded, for Item# of the Public Excluded agenda (item title), as he/she/they has/have knowledge relating to (description) that will assist the meeting.***

Recommendation

That the Council

- 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	Council Meeting - Public Excluded Minutes - 2 May 2019	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(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)
		good reason exists under section 7.	<ul style="list-style-type: none"> • Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
3	<p>Recommendations from Committees</p> <p>Community Services Committee</p> <p>Community Investment Funding Panel Appointments</p> <p>Pet Cremations Activity Review</p> <p>Founders Park – property purchase</p> <p>Governance Committee</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <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)(g) To maintain legal professional privilege • 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)
	Nelson Centre of Musical Arts		
4	Council Public Excluded Status Report 20 June 2019	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <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)(g) To maintain legal professional privilege • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
5	Confirmation of appointment of iwi representatives to Nelson Regional Sewerage Business Unit and Nelson Tasman Regional Landfill Business Unit	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
6	Update on Provincial Growth Fund applications	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			the person who supplied or who is the subject of the information
7	Bay Dreams Update and Next Steps	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <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)

Note:

- **This meeting is expected to continue beyond lunchtime.**
- **Lunch will be provided.**
- **Youth Councillors Cassie Hagan and Ryan Martyn will be in attendance at this meeting.**



Minutes of an extraordinary meeting of the Nelson City Council

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

On Monday 29 April 2019, commencing at 10.05a.m.

Present: Her Worship the Mayor R Reese (Chairperson), Councillors I Barker, M Courtney, B Dahlberg, K Fulton (via audio link), M Lawrey, P Matheson, G Noonan, M Rutledge, T Skinner and S Walker

In Attendance: Acting Chief Executive (N Harrison), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Strategy and Communications (N McDonald) and Team Leader Governance (R Byrne).

Apologies: Councillors L Acland and B McGurk, Councillor Dahlberg for lateness.

Opening Prayer

Councillor Matheson gave the opening prayer.

1. Apologies

Resolved CL/2019/041

That the Council

- 1. Receives and accepts the apologies from Councillor Acland and Councillor McGurk and apologies for lateness from Councillor Dahlberg .***

Her Worship the Mayor/Walker

Carried

2. Confirmation of Order of Business

Councillor Noonan, Chair of Community Services Committee, updated Council that the draft recommendation from the Committee, which had been included in the Agenda, was no longer required.

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 Tony Vining, Aaron Walton and Jacques Reynolds – Vining Investment Properties.

Tony Vining, Aaron Walton and Jacques Reynolds were present to speak on the Special Housing Area (SHA) Application for 71 Haven Road and tabled a project overview. Their design provided medium cost housing in a six level, high profile, visually pleasing apartment block.

Mr Vining and Mr Reynolds answered questions on traffic management and impacts on neighbouring properties.

Attachments

- 1 A2181726 Tony Vining - Vining Investment Properties Public Forum Council 29Apr2019

4.2 Steve Cross - Nelson Residents Association

Mr Cross spoke on Special Housing Areas and said he was concerned that there would be a move from land banking to consent banking for the outstanding SHA developments. He spoke on the process around extraordinary meetings and timeframes where the public had very little notification of a matter to be discussed.

5. Special Housing Area - 71 Haven Road

Document number R10089, agenda pages 5 - 15 refer.

Attendance: Councillor Dahlberg joined to the meeting at 10.40a.m.

Team Leader City Development, Lisa Gibellini, presented the report and updated the Committee on consultation with New Zealand Transport Agency, who had provided positive comments about the application.

Ms Gibellini answered questions on active transport provision and shade on neighbouring properties, noting that these would be addressed through the resource consent process.

Bayleys Business Development and Operations Manager, Jacques Reynolds, answered questions on shading to neighbouring properties,

sustainable building materials, infrastructure upgrade and research into the average price range.

Recommendation CL/2019/042

That the Council

- 1. Receives the report Special Housing Area - 71 Haven Road (R10089) and its attachment (A2171702); and***
- 2. Approves 71 Haven Road (A2171702) for recommendation by the Mayor to the Associate Minister of Housing and Urban Development, subject to the landowner entering into a legal Deed with the Council which requires, amongst other matters, approval by the Urban Design Panel, and that the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Council's infrastructure, required to support the development of the Special Housing Area.***

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Apologies</u>
Her Worship the Mayor	Nil	Cr Acland
Reese (Chairperson)		Cr McGurk
Cr Barker		
Cr Courtney		
Cr Dahlberg		
Cr Fulton		
Cr Lawrey		
Cr Matheson		
Cr Noonan		
Cr Rutledge		
Cr Skinner		
Cr Walker		

The motion was carried unanimously.

Rutledge/Lawrey

Carried

There being no further business the meeting ended at 11.17am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date



Minutes of a meeting of the Nelson City Council

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

On Thursday 2 May 2019, commencing at 9.00a.m.

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, M Courtney, B Dahlberg, K Fulton, M Lawrey, P Matheson, B McGurk, G Noonan, M Rutledge, T Skinner and S Walker

In Attendance: Acting Chief Executive (N Harrison), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Community Services (R Ball), Group Manager Strategy and Communications (N McDonald) and Governance Advisers (E-J Ruthven and E Stephenson)

Apologies : Councillors K Fulton and S Walker (for lateness)

Opening Prayer

Councillor Noonan gave the opening prayer.

1. Apologies

Resolved CL/2019/043

That the Council

- 1. Receives and accepts the apologies from Councillors Fulton and Walker for lateness.***

Her Worship the Mayor/Dahlberg

Carried

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 Steven Grey – on behalf of Friends of the Maitai - Council's leadership on issues surrounding discussions on forestry in the Maitai.

Mr Grey spoke on behalf of Friends of the Maitai. He acknowledged the work undertaken over recent years to improve the health of the Maitai, but noted that plantation forestry continued to effect the Maitai catchment, particularly through sedimentation into the river.

Attendance: Councillor Fulton joined the meeting at 9.04a.m.

Mr Grey suggested that a forum be established by Council to facilitate regular meetings with partners and stakeholders in the Maitai catchment area, including Ngati Koata, Friends of the Maitai, forestry companies, Cawthron Institute, councillors, Council staff and landowners in the catchment area, to consider further remediation, and minimisation of the effects of plantation forestry on the river. Mr Grey suggested a timeline of six to nine months to develop changes to forestry practices in the catchment, and suggested the forum could be a model for other catchments in the area.

Mr Grey answered questions regarding the proposed forum membership, and forestry practices.

Attendance: Councillor Walker joined the meeting at 9.15a.m.

5. Confirmation of Minutes

- 5.1 21 March 2019

Document number M4105, agenda pages 11 - 28 refer.

Resolved CL/2019/044

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 21 March 2019, as a true and correct record.***

Barker/Fulton

Carried

- 5.2 27 March 2019

Document number M4123, agenda pages 29 - 38 refer.

Resolved CL/2019/045

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 27 March 2019, as a true and correct record.***

Courtney/McGurk

Carried

6. Recommendations from Committees

6.1 Works and Infrastructure Committee - 28 March 2019

6.1.1 Nelson Regional Sewerage Business Unit Wastewater Asset Management Plan

Resolved CL/2019/046

That the Council

- 1. Approves the Nelson Regional Sewerage Business Unit Wastewater Asset Management Plan (A2151474) of report R9495.***

Walker/Rutledge

Carried

6.1.2 Nelson Tasman Regional Landfill Business Unit Terms of Reference and Nelson Regional Sewerage Business Unit Memorandum of Understanding

Recommendation to Council CL/2019/047

That the Council

- 1. Approves the revised Nelson Tasman Regional Landfill Business Unit Terms of Reference (A2144233), Attachment 1 of report R10053; and***
- 2. Approves the Nelson Regional Sewerage Business Unit Memorandum of Understanding (A2144291), Attachment 2 of report R10053; and***
- 3. Removes the requirement for a separate audit of the annual reports of the Nelson Tasman Regional Landfill Business Unit and the Nelson Regional Sewerage Business Unit, subject to similar approval by Tasman District Council.***

Walker/Barker

Carried

6.2 Works and Infrastructure Committee - 28 March 2019

6.2.1 Waimea Road Speed Limit Review – Deliberations

Group Manager Infrastructure, Alec Louverdis, answered questions regarding implementation of changes to the speed limit on Waimea Road.

Recommendation to Council CL/2019/048

That the Council

- 1. Approves the changes to the Speed Limits Bylaw 2011 (No. 210) by removing the section of Waimea Road 240m south of Market Road (Market Road) through to 200m north of the Beatson Road roundabout (being the section of Waimea Road 300m north of its intersection with the northern end of Beatson Road to a point 130m west of Tuckett Place, as described in Schedule H of the Speed Limits Bylaw) from Schedule H (70kph speed limit zones) and adding it to Schedule F (50kph speed limit zones); and***
- 2. Approves the changes to the Speed Limits Bylaw 2011 (No. 210) Schedule A, which includes the maps of the city's speed limit zones; and***
- 3. Approves the implementation of the new speed limit, to take effect four weeks after the Council approval.***

Walker/Rutledge

Carried

6.3 Planning and Regulatory Committee - 4 April 2019

6.3.1 Amendment to Parking Policy - Parking Permits

Resolved CL/2019/049

That the Council

- 1. Approves Part 3.3 of the Parking Policy be amended to include Jurors attending trials at the Nelson Courthouse as detailed in Attachment 1 (A2147652) to Report R9946; and***
- 2. Approves amendments to the Parking Policy that update references to Council officer positions where required as included in Attachment 1 (A2147652) to Report R9946; and***

3. ***Approves an amendment to the first bullet point in section 3.3.1 of the Parking Policy from 'Nelson City Councillors' to 'Nelson City Council Elected and Appointed Members'; and***
4. ***Delegates the Chief Executive the authority to amend the criteria in Part 3.3 of the Parking Policy when required to minimise any negative impacts of the parking permits on the users of the parking resource.***

McGurk/Her Worship the Mayor

Carried

6.3.2 Proposed Dog Control fees and charges

Recommendation to Council CL/2019/050

That the Council

1. ***Approves the Dog Control fees and charges as detailed in Attachment 1 (A2145361) to report R10031 to take effect from 1 July 2019.***

McGurk/Fulton

Carried

6.4 Regional Transport Committee - 15 April 2019

6.4.1 Nelson Future Access: Memorandum of Understanding

Recommendation to Council CL/2019/051

That the Council

1. ***Receives the report Nelson Future Access: Memorandum of Understanding (R10077) and its attachment (A2162709); and***
2. ***Approves the signing of the Memorandum of Understanding (A2162709), by the Mayor on behalf of the Council, with the New Zealand Transport Agency.***

Rutledge/Noonan

Carried

6.5 Governance Committee - 18 April 2019

6.5.1 The Bishop Suter Trust Half Year Performance Report to 31 December 2018, Draft Statement of Intent 2019/2024 and Collection Policy

Resolved CL/2019/052

That the Council

1. **Agrees that The Bishop Suter Trust Statement of Intent 2019/2024 (A2147853) meets Council's expectations and is approved as the final Statement of Intent for 2019/20; and**
2. **Approves the Bishop Suter Trust Collection Policy (A2084139) subject to minor amendments.**

Barker/Dahlberg

Carried

6.5.2 Revised International Relationships Policy

Recommendation to Council CL/2019/053

That the Council

1. **Adopts the International Relationships Policy (A2076807), as a draft to be consulted on with iwi;**
2. **Authorises Her Worship the Mayor and the Chair of the Governance Committee to approve alterations raised through this process.**

Barker/Dahlberg

Carried

7. Mayor's Report

Document number R10137, agenda pages 46 - 137 refer.

7.1 Local Government New Zealand Rule Changes

Her Worship the Mayor noted the proposed Local Government New Zealand rules changes. No feedback was provided.

7.2 Local Government New Zealand Conference Attendance

Her Worship the Mayor tabled an addendum regarding elected member attendance at the Local Government New Zealand Conference (A2183443).

Councillor Matheson, seconded by Councillor Walker, moved the recommendation in the tabled addendum:

That that Council

1. **Notes the attendance of Councillor Skinner at the Local Government New Zealand Conference 2019; and**

2. *Confirms the attendance of Councillor Lawrey at the Local Government New Zealand Conference 2019.*

Councillor Acland, seconded by Councillor Lawrey, moved an amendment to the second clause of the motion:

2. *Confirms the attendance of Councillor Lawrey and Councillor Acland at the Local Government New Zealand Conference 2019.*

The meeting adjourned from 9.34a.m to 9.36a.m.

It was agreed to leave this matter to lie until later in the meeting.

7.3 Remuneration Authority Proposed Policy regarding Childcare Allowance

Her Worship the Mayor Reese explained Council's opportunity to provide feedback regarding the Remuneration Authority's proposed policy for providing a childcare allowance for elected local government members.

The importance of councillor remuneration and allowances being clear prior to people making a decision as to whether to stand for Council was noted. It was further suggested that the Remuneration Authority's proposed policy that childcare allowances be negotiated from the general remuneration pool following an election was difficult for newly-elected councillors, and unreasonable when considering child welfare. It was instead suggested that childcare allowances should be mandated across all local government authorities, and considered in the same manner as vehicle or travel allowances.

Her Worship the Mayor Reese, seconded by Councillor Lawrey, moved:

That the Council

1. *Receives the report Mayor's Report (R10137) and its attachments (A2178702, A2178701, A2178700 and A2176965); and*
2. *Provides feedback to the Remuneration Authority on the proposed policy for providing a childcare allowance for elected local government members, supporting the overall objectives of the proposal, but emphasising the requirement for the policy to be fair, equitable and easily implemented across all Councils; and*
3. *Notes that standing for Council is a significant decision for members of the public, and even more so for people with childcare responsibilities, but that proposed allowance does not provide candidates certainty of access to funding before they put themselves forward for election; and*

4. *Notes that elected members with childcare responsibilities are still likely to be in the minority on Council following the policy change, but if the funding comes from the overall pool, they will be placed in challenging position of having to negotiate for the welfare of the young persons in their care soon after they are elected; and*
5. *Notes that the number of elected representatives who might utilise this funding would vary from Council to Council, from term to term, and possibly change during the triennium; similar to use of mileage allowance. Therefore, given the variability of access to the childcare allowance the most appropriate funding would be from a separate expenses account; and*
6. *Notes that for the reasons covered above that the funding rules should be mandatory across all local authorities, set by the Remuneration Authority; and funded externally to each Council's Remuneration Pool.*

Acting Chief Executive, Nikki Harrison, and Manager Strategy, Mark Tregurtha, answered questions regarding the childcare subsidy provided by Work and Income New Zealand, and whether childcare needed to be provided by a qualified childcare provider.

A further query was raised as to whether the childcare allowance would cover care for grandchildren in the care of grandparents, and it was agreed that if not, this point would be added to the submission.

Resolved CL/2019/054

That the Council

1. ***Receives the report Mayor's Report (R10137) and its attachments (A2178702, A2178701, A2178700 and A2176965); and***
2. ***Provides feedback to the Remuneration Authority on the proposed policy for providing a childcare allowance for elected local government members, supporting the overall objectives of the proposal, but emphasising the requirement for the policy to be fair, equitable and easily implemented across all Councils; and***
3. ***Notes that standing for Council is a significant decision for members of the public, and even more so for people with childcare responsibilities, but that proposed allowance does not provide candidates certainty of access to funding before they put themselves forward for election; and***

4. ***Notes that elected members with childcare responsibilities are still likely to be in the minority on Council following the policy change, but if the funding comes from the overall pool, they will be placed in challenging position of having to negotiate for the welfare of the young persons in their care soon after they are elected; and***
5. ***Notes that the number of elected representatives who might utilise this funding would vary from Council to Council, from term to term, and possibly change during the triennium; similar to use of mileage allowance. Therefore, given the variability of access to the childcare allowance the most appropriate funding would be from a separate expenses account; and***
6. ***Notes that for the reasons covered above that the funding rules should be mandatory across all local authorities, set by the Remuneration Authority; and funded externally to each Council's Remuneration Pool.***

Her Worship the Mayor/Lawrey

Carried

7.4 Local Government New Zealand Conference Attendance (continued)

The Acting Chief Executive, Nikki Harrison, and Manager Governance and Support Services, Mary Birch, answered questions regarding the cost of attending the Local Government New Zealand conference, including accommodation and travel.

There was a discussion regarding the Elected Member Travel and Training Policy (the Policy) criteria regarding conference attendance, and the process set out in the Policy.

Point of order: Councillor Lawrey raised a point of order against Councillor Matheson, that a misrepresentation had been made regarding a statement about the 2018 Council discussion regarding the Local Government Conference attendance. The point of order was upheld.

In response to a question, it was clarified that the two additional elected members who wished to attend the conference still had sufficient individual travel and training budget amounts remaining to attend the conference, however this would be outside of the Policy criteria that 50% of individual travel and training budgets be spent on conference attendance.

During discussion, it was noted that several other elected members had spent more than 50% of their individual travel and training budgets on

conference attendance, Her Worship the Mayor clarified that permission had been sought in order to do so.

Point of order: Councillor Rutledge raised a point of order that a misrepresentation had been made by Councillor Acland regarding another councillor's conference attendance. The point of order was upheld.

The amendment was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Abstained/Interest</u>
Cr Acland	Her Worship the	
Cr Courtney	Mayor (Chairperson)	
Cr Fulton	Cr Barker	
Cr Lawrey	Cr Dahlberg	
Cr McGurk	Cr Matheson	
Cr Skinner	Cr Noonan	
	Cr Rutledge	
	Cr Walker	

The amendment was lost 6 - 7.

The substantive motion was put.

Resolved CL/2019/055

That the Council

- 1. Notes the attendance of Councillor Skinner at the Local Government New Zealand Conference 2019; and***
- 2. Confirms the attendance of Councillor Lawrey at the Local Government New Zealand Conference 2019.***

Matheson/Walker

Carried

Attachments

- 1 A2183443 - Addendum to Mayor's Report - tabled document

8. Council Status Report - 2 May 2019

Document number R10170, agenda pages 138 - 139 refer.

Attendance: Councillors Acland, Lawrey and Rutledge left the meeting from 10.51a.m.

Resolved CL/2019/056

That the Council

1. **Receives the report Council Status Report - 2 May 2019 (R10170) and its attachment (A1168168).**

Her Worship the Mayor/Courtney

Carried

9. Referral of Pet Cremations Review item

Document number R10171, agenda pages 140 - 141 refer.

Resolved CL/2019/057

That the Council

1. **Receives the report Referral of Pet Cremations Review item (R10171); and**
2. **Refers the item Pet Cremations Review, which was left to lie on the table at the 21 March 2019 Council meeting, back to the 30 May 2019 Community Services Committee.**

McGurk/Courtney

Carried

10. Exclusion of the Public

Resolved CL/2019/058

That the Council

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:***

Her Worship the Mayor/Barker

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	Council Meeting - Public Excluded Minutes - 21 March 2019	Section 48(1)(a) The public conduct of this matter would be likely to result in	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out,

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		disclosure of information for which good reason exists under section 7.	without prejudice or disadvantage, commercial activities
2	Recommendations from Committees Governance Committee – 18 April Nelmac Statement of Intent	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
3	Tasman Bays Heritage Trust - Archive, Research and Collections Facility	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)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
4	Council Public Excluded Status Report - 2 May 2019	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)(g) To maintain legal professional privilege • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage,

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			negotiations (including commercial and industrial negotiations)

The meeting went into public excluded session at 10.53a.m. and resumed in public session at 11.00a.m, during which time Councillors Lawrey, Acland and Rutledge returned to the meeting.

11 Exclusion of the Public

Her Worship the Mayor explained that a resolution was required to be carried during the public session, in order for representatives of Tasman Bays Heritage Trust to remain during the public excluded session.

Resolved CL/2019/059

That the Council

- 1. Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that Emma Thompson and Darren Mark, as representatives of Tasman Bays Heritage Trust, remain after the public has been excluded for Item 3 of the Public Excluded agenda (Tasman Bays Heritage Trust – Archive, Research and Collections Facility), as they have knowledge relating to Tasman Bays Heritage Trust that will assist the meeting.***

Her Worship the Mayor/Barker

Carried

Resolved CL/2019/060

That the Council

- 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:***

Her Worship the Mayor/Barker		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	Council Meeting - Public Excluded Minutes - 21 March 2019	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
2	Recommendations from Committees Governance Committee – 18 April Nelmac Statement of Intent	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
3	Tasman Bays Heritage Trust - Archive, Research and Collections Facility	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)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
4	Council Public Excluded Status Report - 2 May 2019	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)(g) To maintain legal professional privilege Section 7(2)(h) To enable the local authority to carry out,

			without prejudice or disadvantage, commercial activities <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)
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The meeting went into public excluded session at 11.01a.m. and resumed in public session at 11.33a.m.

12 Confirmation of Minutes (continued)

It was noted that the minutes of the Council meeting of 21 March 2019, confirmed earlier in the meeting, contained an error in that at item 13, Councillor Matheson was listed in the division table as being both for the motion, and absent from the meeting.

It was agreed that the error be corrected in the confirmed minutes.

RESTATEMENTS

It was resolved while the public was excluded:

Recommendations from Committees

1	PUBLIC EXCLUDED: Tasman Bays Heritage Trust - Archive, Research and Collections Facility
	<p><i>That the Council</i></p> <p><i>4. Agrees that Report (R10134) and the decision only be released from public excluded business once negotiations are concluded; and</i></p> <p><i>5. Agrees that Attachments (A2028780, A2172095 and A2169975) be excluded from public release at this time.</i></p>
2	PUBLIC EXCLUDED: Council Public Excluded Status Report - 2 May 2019
	<i>That the Council</i>

	2. <u>Agrees</u> that Report (R10174), Attachments (A1166633) and the decision (CL/2019/065) be excluded from public release at this time.
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There being no further business the meeting ended at 11.34a.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

REPORT R10249

Mayor's Report

1. Purpose of Report

- 1.1 To update Council on several matters.

2. Recommendation

That the Council

- 1. Receives the report Mayor's Report (R10249) and its attachments (A2197280 and A2197215); and***
- 2. Supports Council's proposed remit to Local Government New Zealand as set out in Attachment 1 and asks the Mayor to advise Council accordingly.***

2. Updates

Remuneration Authority proposed childcare allowance for elected members

- 2.1 Attached is a copy of my letter, dated 27 May 2019, to the Remuneration Authority in support of the proposal to establish a childcare allowance for elected members.

Mayor's Discretionary Fund

- 2.2 The Mayor approved funding of \$1,580.05 from the Mayor's Discretionary Fund as a contribution towards the cost of the hire of the Trafalgar Centre Northern Extension on 2 May 2019 for the lunch attended by the Prime Minister, Jacinda Ardern. This lunch was hosted and organised by the Nelson Tasman Chamber of Commerce. The Chamber covered the balance of cost of the hire of this venue.
- 2.3 The Mayor contributed funding of \$451.00 from the Mayor's Discretionary Fund to cover the cost of hire of the Trafalgar Pavilion for

Item 8: Mayor's Report

the quiz evening fundraiser being hosted by the Nelson Fringe Arts Charitable Trust on 29 June.

- 2.4 The Mayor contributed funding of \$520.00 from the Mayor's Discretionary Fund as a contribution towards funding for the Celtic Pipe Band's trip to Glasgow, Scotland, to attend three contests, including the World Pipe Band Championships being held in August 2019. The funding is being put towards the cost of long sleeved t-shirts (which will incorporate the NCC logo) for all members of the tour. A Nelson Civic flag is also being given to the band which will be flown over a castle during the competition and be given as a gift to the organisers of one of the events the Band are attending.
- 2.5 The Mayor contributed \$300.00 from the Mayor's Discretionary Fund as a contribution towards the cost of travel for Josephine Ripley from Nelson College for Girls to attend the Tumeke Enterprise Youth Awards in Tokoroa in July. Both Josephine and Emma Edwards were nominated by Nelson College for Girls for their work on the climate change protest in March and have been selected as finalists. Emma is overseas so is unable to attend but Josephine will be attending.

2019 Local Government New Zealand (LGNZ) Annual General Meeting Remits

- 2.6 The 2019 LGNZ Annual General Meeting (AGM) Remits are attached (A2197280). Remits are sent out as part of the AGM Business Papers two weeks prior to the AGM but to allow members sufficient time to review/discuss these remits before the AGM a copy is provided. The AGM Business Papers which will be sent out on Friday 21 June 2019.
- 2.7 There are a 24 Remits to be considered at the AGM and an additional five were referred to the National Council of LGNZ to action. There have since been three changes to the remit paper. The changes are:
- 2.7.1 Remit 2: The correct wording for the Fireworks remit should be: "that LGNZ work with central government to raise the issue (about the sale of fireworks) and advocate for legislative change".
- 2.7.2 Remit 18: The word "funding" has been removed from the phrase "new funding policy framework" which now reads "new policy framework". This corrects a typographical error.
- 2.7.3 Remit 23: An amendment has been made to the councils that will be proposing this remit at the AGM. The councils that will move and second the remit are now Invercargill City and Whanganui District.

Local Government New Zealand Rules:

- 2.8 The proposed substantive and technical amendments to LGNZ Rules were circulated in the Mayor's Report in the 2 May 2019 Council Agenda.

Item 8: Mayor's Report

At the recent meeting of the National Council the changes were approved to go forward to the AGM.

Author: **Rachel Reese, Mayor of Nelson**

Attachments

Attachment 1: A2197215 - Letter from Mayor to Remuneration Authority on Proposed Childcare Allowance [↓](#)

Attachment 2: A2197280 - 2019 LGNZ AGM Remits [↓](#)



Office of the Mayor

27 May 2019

The Remuneration Authority
P O Box 10084
The Terrace
Wellington 6143

By email: info@remauthority.govt.nz

Tēnā koe

PROPOSED CHILDCARE ALLOWANCE FOR ELECTED MEMBERS

I am writing to register Nelson City Council's strong support for the Remuneration Authority's proposal to establish a childcare allowance for elected members, and to encourage you to reconsider the manner in which it is implemented.

Standing for Council is a significant decision for members of the public, and even more so for those with childcare responsibilities. Unfortunately, the proposed allowance would not provide candidates with certainty of access to funding before putting themselves forward for election. Due to the proposed discretionary nature of the allowance, elected members would be required to negotiate a payment critical to the welfare of the young persons in their care soon after being elected. As we anticipate that elected members with childcare responsibilities will remain in the minority, notwithstanding the policy change, there would be no guarantee of ultimate success. A discretionary approach could also result in differing approaches across Councils, potentially entrenching barriers to participation in some places.

Accordingly, Nelson City Council considers that the current proposal will not fully address barriers to standing for election and we therefore encourage the Remuneration Authority to establish a mandatory childcare allowance. We recognise that this would differ from current practice in relation to communication and transport allowances, but consider this to be justified due to:

- Communication and transport allowances being common costs for every elected member. Childcare costs may impact a minority of members, making agreement by the majority less certain.
- Childcare costs are non-discretionary and will help to ensure the welfare of young persons in the care of elected members. These payments can therefore be

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A2197215



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differentiated from communication and transport costs, where alternative low or no cost options may be readily available.

Subject to addressing the concerns outlined in this letter, we applaud you for responding to calls to establish this allowance, which we consider to be an important and meaningful step towards greater diversity and inclusion in local government.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'Rachel Reese', with a long, wavy horizontal line extending to the right.

Rachel Reese, JP
Mayor of Nelson

Who's
putting local
issues on
the national
agenda?

**We are.
LGNZ.**

2019 Annual General Meeting Remits

A2197280

1

Climate change – local government representation

Remit:	That LGNZ calls on the Government to include local government representation (as determined by local government) at all levels of policy development, technical risk and resilience assessment, and data acquisition on climate change response policies – with an emphasis on climate adaptation: policy; legal; planning; and financial compensation regimes.
Proposed by:	Auckland Council
Supported by:	Zone One

Background information and research

1. Nature of the issue

- a. Climate change action, impacts and related policy, risk, legal, planning and financial implications are borne most directly by local communities.
- b. As the structure and framework for a more cohesive New Zealand-wide approach emerges with the current government, it is critical that the country-wide context is informed directly by the local voice at a local council level so it is integrated appropriately into the wider context.
- c. Local government is likely to be responsible for implementing a range of central government climate change policies – it is therefore crucial that local government is represented in policy/technical design process to ensure it is fit for purpose at a local scale and able to be implemented cost-effectively in the local government system.

2. Background to its being raised

- a. Climate adaptation and mitigation approaches are being adopted across New Zealand, in some cases well in advance of a coherent national approach. As local councils make progress on strategy, policy, planning and direct initiatives, an opportunity exists to integrate learning, challenges or concerns into the wider national context.
- b. Some councils have pioneered new approaches with mana whenua, community engagement, evidence-building and research and cross-sector governance. Without a seat at the larger table, the lessons from these early adopters risk being lost in the national conversation/approach.



3. New or confirming existing policy

This is a new policy.

4. How the issue relates to objectives in the current Work Programme

- The issue relates to LGNZ's climate change work programme, particularly relating to the input/influence on the Zero Carbon Act and Independent Climate Commission, implementation of CCATWG recommendations, decision-making and risk, impacts assessment, and other elements.
- A local seat at the larger New Zealand table would ensure a strong local voice for a range of workstreams.

5. What work or action on the issue has been done on it, and the outcome

Aside from specific LGNZ workstreams relating to climate change (see above), central government has progressed consultation on the Zero Carbon Bill and Interim Climate Change Committee, has appointed a panel to produce a framework for national climate change risk assessment, and has announced a set of improvements to New Zealand's emissions trading scheme. Likewise, a number of councils have progressed action plans and strategies to reduce emissions and prepare for climate impacts. Notably, New Zealand-wide emissions continue to rise and the serious risks associated with climate impacts continue to be better understood – an integrated local and national approach is very much needed in order to make any substantive progress on climate change in New Zealand.

6. Any existing relevant legislation, policy or practice

As described above, the Zero Carbon Act is the main relevant New Zealand legislation with accompanying frameworks, policies and schemes. A range of more local policies from the Auckland Unitary Plan to coastal policies need meticulous alignment and integration with the national approach in order for both to be most effective.

7. Outcome of any prior discussion at a Zone or Sector meeting

Zone 1 agreed on 1 March 2019 to support this remit.

8. Suggested course of action envisaged

- It is recommended that LGNZ work with central government to advocate for these changes.
- It is recommended that LGNZ engage directly with relevant ministers and ministries to ensure local government has an appropriate role in the National Climate Change Risk Assessment Framework, and all related and relevant work programmes.

2

Ban on the sale of fireworks to the general public

Remit:	That LGNZ works with central government to introduce legislation to ban the sale of fireworks to the general public and end their private use.
Proposed by:	Auckland Council
Supported by:	Metro Sector

Background information and research

1. Nature of the issue

The following issues have been identified:

- a. Community concern about the negative impacts of the ad-hoc private use of fireworks particularly around the deliberate and unintentional distress to people and animals and damage to property.
- b. High demand for council and emergency services who receive a large number of complaints in relation to the use of fireworks.
- c. The absence of regulatory powers to territorial authorities to ban the sale of fireworks by retailers to the general public.

2. Background to its being raised

- a. The issue was raised during the review of the Auckland Council's Public Safety and Nuisance Bylaw 2013 which prohibits setting off fireworks on public places.
- b. During the review of this Bylaw, Auckland Council separately resolved to request the New Zealand Government to introduce legislation to ban the sale of fireworks to the general public and end their private use.
- c. Reasons for the decision are stated in the 'Nature of the issue' and further details are in 'What work or action on the issue has been done, and the outcome'.

3. New or confirming existing policy

This is a new policy.



4. How the issue relates to objectives in the current Work Programme

This issue relates to LGNZ's social issues portfolio which reflects working alongside central government to address social issues affecting community safety:

- Community safety is an issue of vital interest for councils as areas which are perceived to be "unsafe" are likely to experience lower levels of social cohesion and economic investment. When asked to rank issues that are most important to themselves and their communities' safety is always one of the top.
- Framed in this way, prohibiting the private use and sale of fireworks through government legislation enhances community safety as a top priority for LGNZ. Furthermore, it also promotes social cohesion by enabling the use of public displays without the worries and danger of ad-hoc private use of fireworks.

5. What work or action on the issue has been done on it, and the outcome

The review of Auckland Council's Public Safety and Nuisance Bylaw 2013 identified that a territorial authority has no regulatory powers to ban the retail sale of fireworks to the general public.

A territorial authority's regulatory powers in relation to fireworks are limited to:

- Prohibiting fireworks from being set off on or from a public place.
- Addressing nuisance and safety issues that may arise from their use on other places (eg private property) and affect people in a public place.
- Addressing noise issues relating to fireworks being set off on other places.

Enforcement is also challenging and resource-intensive. Auckland Council (and potentially other territorial authorities) do not have capacity to respond to all complaints during peak times, and it is difficult to catch people in the act. There can also be health and safety risks for compliance staff.

A ban on the sale of fireworks through legislative reform would therefore be the most efficient and effective way of addressing issues identified in the 'Nature of the issue'.

Any such ban would not prohibit public fireworks displays which enable a managed approach towards cultural celebrations that use fireworks throughout the year.

There is also a known level of public support for such a ban. Public feedback between October and December 2018 on the decision of Auckland Council to request a ban on the sale of fireworks was overwhelmingly supportive. Feedback to Auckland Council resolution was received from 7,997 people online. Feedback showed 89 per cent (7,041) in support and 10 per cent (837) opposed.

Key themes in support included:

- Concerns for the safety of people and animals (68 per cent).
- Concerns about the amount of noise (35 per cent).
- Concerns about stockpiling and use of fireworks after Guy Fawkes night (27 per cent).
- A preference for public fireworks displays only (23 per cent).

Key themes opposed, including from fireworks retailers, were:

- A ban would be excessively restrictive.
- In favour of more regulation on use instead of a ban.
- A ban would end a key part of kiwi culture and tradition.

Similar requests and petitions to ban the sale of fireworks to the general public have been delivered to the Government, including:

- An unsuccessful petition in 2015 with 32,000 signatures, including the SPCA, SAFE and the New Zealand Veterinarians Association.
- A recent petition in 2018 with nearly 18,000 signatures which was accepted on its behalf by Green Party animal welfare spokesperson Gareth Hughes.

A ban on the sale of fireworks would align New Zealand legislation to that of other comparative jurisdictions. For example, retail sale of fireworks to the general public is prohibited in every Australian jurisdiction (except the Northern Territories and Tasmania where strict restrictions on the sale and use are in place).

6. Any existing relevant legislation, policy or practice

Hazardous Substances (Fireworks) Regulations 2001

- Fireworks may be displayed for retail sale or sold by a retailer during the period beginning on 2 November and ending at the close of 5 November in each year.
- A person must be at least 18 years in order to purchase fireworks.

WorkSafe

- Regulates health and safety in a workplace and administers the regulations for storing fireworks in a workplace.
- Approve compliance certifiers who certify public/commercial displays.

New Zealand Police

- Enforce regulations around the sale of retail fireworks, including requirements around the sale period and age restrictions under the Hazardous Substances (Fireworks) Regulations 2001.
- Address complaints about dangerous use of fireworks.



Environmental Protection Agency (EPA)

- Responsible for providing information about the sale of retail fireworks.
- Responsible for approving certifiers to test and certify that retail fireworks are safe prior to being sold in New Zealand.
- Provides approval for hazardous substances, including fireworks and provide import certificates to allow fireworks to be brought into New Zealand and the requirements for labelling and packaging of fireworks.

Auckland Council

- Deals with complaints about noise from fireworks.
- Prohibits setting off fireworks from public places under its Public Safety and Nuisance Bylaw 2013.

New Zealand Transport Agency (NZTA)

- Responsible for enforcing Land Transport Rule 1 which covers fireworks being transported on the road.

7. Suggested course of action envisaged

We ask that LGNZ request the Government to include red light running with other traffic offences that incur demerit points.

3

Traffic offences – red light running

Remit:	That LGNZ request the Government to bring into line camera and officer-detected red light running offences with other traffic offences that incur demerit points.
Proposed by:	Auckland Council
Supported by:	Metro Sector

1. Background information and research

1. Nature of the issue

LGNZ strategic goals include a safe system for transport – increasingly free of death and serious injury. This proposal is directly working towards a safe road system, with an integrated approach across infrastructure, operation of the road network and enforcement.

The red-light-running-related crash-risk has increased in recent years (CAS) and additional prevention measures are required to reduce and eventually eliminate the social, financial and road trauma burden of these crashes.

Making use of safety cameras and demerit points would allow the intent of the law to be upheld without the need for significantly increased police presence, and is a cost effective way to ensure safety at high risk camera locations.

Demerit points are more effective than fines in deterring unsafe road user behaviour as the deterrent effect impacts equally across a wide range of road users.

We ask that LGNZ request the Government that red light running be included with other traffic offences that incur demerit points (currently absent from the list of similar offences that acquire points, although this was proposed in 2007).

All councils in New Zealand stand to benefit from reduced red-light running and cost-effective enforcement of safety using red light cameras which can operate more cheaply over wide areas. This will support councils to get strong safety results from their road safety camera programmes.

Demerit point systems (DPS) work through prevention, selection and correction mechanisms. A DPS can help increase compliance with stop signals, reducing the likelihood of exposure to non-survivable forces, and it can help reduce repeat offending among 'loss of licence' drivers who repeatedly make poor safety choices which may lead to a crash.



Applying demerit points to red-light-running offences would help make the whole penalty system more meaningful and fair, and better reflect the risk. It is expected that the costs would be minimal, mostly in the justice sector, however these too can be minimised with an educational approach.

2. Background to its being raised

Road safety crisis

Auckland, as the rest of New Zealand, has an increasing road toll. From 2014 to 2017 Auckland had an increase in deaths of 78 per cent. The rest of New Zealand had an increase of almost 30 per cent in that same period. Serious injuries have increased at similar rates in that time. This follows a long period of gradual reductions in road trauma. The previous methods for managing road safety are no longer working.

A Vision Zero approach requires clear expectations and shared responsibility about safe behaviour at intersections, from road users and legislators and managers of the road system.

Auckland Transport (AT) Independent Road Safety Business Improvement Review (BIR) recommends increasing penalties for camera offences for all drivers, alongside other recommendations for road safety sector partnerships.

National Road Safety Strategy update is underway. It would help to have LGNZ support for changes like this being considered under the strategy.

3. New or confirming existing policy

Red light running or failing to stop at a red signal at intersections:

- Note that in this 2007 release for changes to the demerit system in 2010, proposed a fine of \$50 and 25 demerit points for red light running.
<https://www.beehive.govt.nz/release/tougher-penalties-focus-road-safety-package>

10 years of driver offence data:

- <https://www.police.govt.nz/about-us/publication/road-policing-driver-offence-data-january-2009-december-2018> (accessed at 2 April 2019)

Number of red light running offences for 2014-2018 five year period, all of New Zealand:

- Officer issued: 61,208 or \$8.9 million in fines, no demerit points.
- Camera issued: 14,904 or \$2.2 million in fines, no demerit points.



4. How the issue relates to objectives in the current Work Programme

The overall strategic focus of LGNZ includes leadership and delivery of change on the big issues confronting New Zealand communities, such as road safety, with a focus on best performance and value for communities. Safety cameras with reliable enforcement tick off a number of these requirements.

This proposal could support three of the five strategic policy priorities in the LGNZ Policy statement 2017-2019, although it does not fit under one alone:

- Infrastructure: LGNZ's policy statement mentions *a safe system for transport – increasingly free of death and serious injury* (p6). This proposal is directly working towards a safe road system, including infrastructure, operation of the road network and enforcement.
- Risk and resilience: Also known as safe and sustainable transport, Vision Zero and this detailed change to road safety supports a risk-based approach to increasing safety in New Zealand communities. Collaboration between local and central government is necessary to achieve the safe system goal and treating no death or serious injury as acceptable for those communities.
- Social issue – community safety: LGNZ supports projects that strengthen confidence in the police and improve perceptions of safety. This proposal reflects the goal of responsive policing, and innovative solutions for dealing with social issues.

Note on equity

While demerit points provide a more equitable deterrent effect compared to fines and help dispel the myth of 'revenue gathering', an increase in the use of demerit points may still impact some low deprivation communities and create 'transport poverty' issues, particularly in areas with high sharing of vehicles. One way to manage this potential equity issue is to use the Swedish model for managing safety cameras where they are only switched on a proportion of the time and are well supported by local road safety education activities.

5. What work or action on the issue has been done on it, and the outcome

From Auckland Transport research report: *Auckland Red Light Camera Project: Final Evaluation Report, 2011*: "When red light cameras were trialled in Auckland between 2008 and 2010, there was a 43 per cent reduction in red-light running and an average 63 per cent decrease in crashes attributable to red light running."

Conversations with AT and Policing Operations on demerits for safety camera infringements indicate that police are very supportive of demerit points for safety cameras.

Reasons include that demerits from safety cameras can be easily transferred to the driver involved in the infringement, which addresses concerns that vehicle owners who are not driving would be unfairly penalised.



Further conversations between AT and New Zealand Police indicate that red light running offences are an anomaly as they do not lead to demerit points. For comparison, failing to give way at a pedestrian crossing is 35 points, and ignoring the flashing red signal at rail crossings, 20 points.

The effect of demerit points on young drivers: incentives and disincentives can have an important impact on young, novice drivers' behaviour, including demerit points as a concrete disincentive.

From OECD research report: *Young Drivers: The Road to Safety* 2006 by the European Conference of Ministers of Transport (EMCT), OECD publishing, France.

Comment on technology used for enforcement:

Existing cameras are more than capable of detecting offences, it is just the legal rules that are preventing this. However, it may be worth considering that new intelligent technology will potentially improve this process even further in future.

6. Any existing relevant legislation, policy or practice

To change the:

- Land Transport Act 1998.
- Land Transport (offences and penalties) Regulations 1999.
- Land Transport (road user) Rule 2004.

The demerits points system comes from section 88 of the Land Transport Act and expressly excludes offences detected by camera enforcement ("vehicle surveillance equipment" as it is called in legislation).

These sections of the Act are supported by reg 6 and schedule 2 of the Land Transport (Offences and Penalties) Regulations 1999.

7. Suggested course of action envisaged

We ask that LGNZ request the Government to include red light running with other traffic offences that incur demerit points.

4

Prohibit parking on grass berms

Remit:	To seek an amendment to clause 6.2 of the Land Transport (Road User) Rule 2004 to prohibit parking on urban berms.
Proposed by:	Auckland Council
Supported by:	Metro Sector

Background information and research

1. Nature of the issue

Auckland Transport cannot enforce 'parking on the grass berms' without the request signage being in place.

2. Background to its being raised

In 2015 Auckland Transport Parking Services received advice that the enforcement of motor vehicles parking on the berms of the roadway could not be lawfully carried out, without the requisite signage being in place to inform the driver that the activity is not permitted. After that advice, enforcement was restricted to roadways where signage is in place. A programme to install signage was undertaken on a risk priority basis from that time to present.

3. New or confirming existing policy

Change in the existing legislative situation.

4. How the issue relates to objectives in the current Work Programme

The overall strategic focus of LGNZ includes leadership and delivery of change on the big issues confronting New Zealand communities, such as road safety, with a focus on best performance and value for communities.



This proposal supports the Infrastructure strategic policy priorities in the LGNZ policy statement 2017-2019:

- Infrastructure: LGNZ policy statement mentions the right infrastructure and services to the right level at the best cost (p6). This proposal is directly working towards a safe road system, including infrastructure that meets the increasing demands within a reasonable roading investment.

5. What work or action on the issue has been done on it, and the outcome

- September 2015: AT legal team notified Parking Services and Ministry of Transport (MoT) of the issue.
- October 2015: Ministry responded stating it would be included in the next omnibus rule amendment.
- June 2016: AT was advised that the matter would not be progressed as a policy project would be needed. AT also informed that the matter was not in the 2016/17 programme but would be considered in the forward work programme.
- AT advised there would be workshops with local government to determine potential regulatory proposals in the 2017/18 programme. This did not happen.
- November 2016: AT's Legal team wrote to the MoT again requesting for an update on when the workshops would take place.
- November 2016: MoT advised AT that they were currently co-ordinating proposals.

AT have not received an update on the issue since.

6. Any existing relevant legislation, policy or practice

AT's Traffic Bylaw 2012 prohibits parking on the grass within the Auckland urban traffic area. However, the combination of provisions in the Land Transport Act 1998, and the various rules made under it, mean that for AT to enforce this prohibition, we must first install prescribed signs every 100 metres on all grass road margins within the urban traffic area.

It should be noted that this is not just confined to Auckland, but is a nationwide issue, hence our multiple requests for the Ministry to consider the issue.

To note: The same requirements apply to beaches, meaning before AT can enforce a Council prohibition on parking on the beach, signage must first be installed every 100 metres along the beach.

Clearly, installing the required signage on all road margins and beaches is both aesthetically undesirable as well as prohibitively expensive.

Operational practice by AT parking services is to respond to calls for service and complaints from the public. This change is not to introduce a change in enforcement practices.

5

Short-term guest accommodation

Remit:	That LGNZ advocates for enabling legislation that would allow councils to require all guest accommodation providers to register with the council and that provides an efficient approach to imposing punitive action on operators who don't comply.
Proposed by:	Christchurch City Council
Supported by:	Metro Sector

Background information and research**1. Nature of the issue**

The advent of online listing and payment platforms like Airbnb and HomeAway have helped grow a largely informal accommodation provider sector around the world on a huge scale. This is presenting challenges for local authorities around the world to adapt regulatory frameworks to effectively capture these new businesses.

The Airbnb market share in Christchurch has grown exponentially from June 2016 to December 2018.

- Rooms in owner-occupied homes listed grew from 58 in June 2016 to 1,496 in December 2018.
- Entire homes listed increased from 54 to 1,281 over the same period (+2,272 per cent).
- Airbnb's share of all guest nights in Christchurch rose from 0.7 per cent in June 2016 to 24 per cent in December 2018.
- In the month of December 2018 there were an estimated 120,000 guest nights in Christchurch at Airbnb providers.

Councils generally have regulatory and rating requirements that guest accommodation providers are required to work within. District Plan rules protect residential amenity and coherence and many councils require business properties to pay a differential premium on general rates.

However, many informal short-term guest accommodation providers operate outside the applicable regulatory and rates frameworks. The nature of the activity makes finding properties being used for this activity problematic. Location information on the listing is vague and GPS coordinates scrambled. Hosts do not provide exact address information until a property is booked, and the platform providers won't provide detailed location, booking frequency or contact details to councils, citing privacy obligations. In their view, the onus is on hosts to



confirm they meet relevant regulatory requirements. In short, we don't know where they are and finding them is an expensive and resource-intensive exercise akin to playing whack-a-mole with a blind fold on.

This means the informal accommodation sector is able to capture competitive advantages vis-à-vis the formal sector by reducing compliance costs and risks. In popular residential neighbourhoods, high demand for this activity can reduce housing affordability, supply and choice and compromise the neighbourhood amenity.

Councils need to be able to require guest accommodation providers to register with them and to keep records of the frequency of use of residential homes for this purpose. This would enable councils to communicate better with providers, ensure regulatory and rating requirements are being met and enable a more productive relationship with platform providers.

Queenstown Lakes District Council proposed a registration approach through its District Plan review but withdrew that part of their proposal after seeking further legal advice. Christchurch City Council has also had legal advice to the effect that registration with the Council cannot be used as a condition for permitted activity status under the District Plan, particularly if that registration is contingent on compliance with other Acts (eg the Building Act, various fire safety regulations, etc). The closest thing to a form of registration that can be achieved under the RMA is to require a controlled resource consent which is still a relatively costly and onerous process for casual hosts.

2. Background to it being raised

Christchurch City Council has received numerous complaints and requests for action from representatives of the traditional accommodation sector – hotels, motels and campgrounds. They have asked for short-term rental accommodation to be brought into the same regulatory framework they are required to operate in.

There are other wider issues to consider such as impact on rental housing availability, impact on house prices and impact on type of development being delivered in response to this market.

Representatives from the Christchurch accommodation sector have raised the disparity in operating costs and regulation that are imposed on them and not the informal sector. They believe the effect of this is:

- Undermining the financial viability of the formal accommodation sector.
- Resulting in anti-social behaviour and negative amenity impacts in residential neighbourhoods.
- Creating a health and safety risk where small, casual operators are not required to meet the same standards that they are.

3. How the issue relates to objectives in the current Work Programme

LGNZ Flagship Policy Project - Localism

“Local government is calling for a shift in the way public decisions are made in New Zealand by seeking a commitment to localism. Instead of relying on central government to decide what is good for our communities it is time to empower councils and communities themselves to make such decisions. Strengthening self-government at the local level means putting people back in charge of politics and reinvigorating our democracy.”

Providing councils with the means to require accommodation providers to register will greatly assist them to work with their communities to develop approaches to regulating the short-term guest accommodation sector that best serves that particular community. For many councils it would enable a nuanced approach for each community to evolve under a district-wide policy.

4. What work or action on the issue has been done on it, and the outcome

Christchurch City Council is taking a four-pronged approach to creating a more workable regulatory and rating frameworks.

- Preliminary work is underway to consider changes to the District Plan. These will explore options including:
 - To differentiate between scales of the activity with a primarily residential or rural versus primarily commercial character (likely to be determined based on the number of days a year that a residential unit is used for this activity and whether or not it is also used for a residential purpose);
 - To enable short-term guest accommodation with a primarily residential or rural character in areas where it will have no or minimal effects on housing availability or affordability, residential amenity or character, and the recovery of the Central City; and
 - Restrict short-term guest accommodation in residential areas where it has a primarily commercial character.
- Consideration will be given to business rates approaches that align with any changes to District Plan rules. This may see a graduated approach to imposing business rates based on the level of activity and in line with District Plan compliance thresholds. This is an approach Auckland Council and Queenstown Lakes District Council are using.
- Consideration of a more proactive regulatory compliance approach once any changes to District Plan rules are introduced. The Council is currently responding to complaints related to guest accommodation activity but is not undertaking proactive enforcement due to the difficulty in identifying properties being used as guest accommodation and then enforcing zone rules.
- Advocating for enabling legislation that would allow councils to require all guest accommodation providers to register with the council and that provides an efficient approach to imposing punitive action on operators who don't comply.



5. Suggested course of action envisaged

Convene a working group of local government subject matter experts to prepare a prototype legislative solution to put to the Government to guide advice to MPs.

The solution should enable councils to require all accommodation providers to register and keep records of the frequency of their bookings and should enable councils to develop a regulatory and rating approach that best suits its situation and needs.

Examples of legislation that provide similar powers include:

- Class 4 and TAB Gambling Policies under the Gambling Act.
- Prostitution Bylaws under the Prostitution Reform Act.
- Freedom Camping Bylaws under the Freedom Camping Act.

6

Nitrate in drinking water

Remit:	That LGNZ recommend to the Government the funding of additional research into the effects of nitrates in drinking water on human health, and/or partner with international public health organisations to promote such research, in order to determine whether the current drinking water standard for nitrate is still appropriate for the protection of human health.
Proposed by:	Christchurch City Council
Supported by:	Metro Sector

Background information and research**1. Nature of the issue**

Nitrates are one of the chemical contaminants in drinking water for which the Ministry of Health has set a maximum acceptable value (MAV) of 50 mg/L nitrate (equivalent to 11.3 mg/L nitrate-Nitrogen) for 'short-term' exposure. This level was determined to protect babies from methaemoglobinaemia ('blue baby' syndrome).

Some studies, in particular a recent Danish study, indicate a relationship between nitrates in drinking water and increased risk of adverse health effects, in particular colorectal cancer.

The well-publicised 2018 Danish study found that much lower levels of nitrate than that set in the New Zealand drinking water standards may increase the risk of colorectal cancer. The level of increased risk was small, but 'significant' even at levels as low as 0.87 mg/L nitrate-Nitrogen, which is more than an order of magnitude lower than the New Zealand drinking water standard.

Other studies looking at the relationship of nitrate in drinking water and possible adverse human health effects have in some instances been inconclusive or have found a relationship between nitrate in drinking water and colorectal cancer for specific sub-groups with additional risk factors (such as high red meat consumption), but not necessarily at the same level as the 2018 Danish study. The 2018 Danish study is notable because of its duration (between 1 January 1978 to 31 December 2011) and the size of the population studied (2.7 million Danish adults).

There does not appear to be a robust national system for monitoring and reporting nitrate in drinking water, nor a programme or system in place for considering whether the current drinking water standard for nitrate is still appropriate for protecting human health.

2. Background to its being raised

Dietary intake of nitrates include consumption of vegetables such as spinach, lettuce, beets and carrots, which contain significant amounts of nitrate, and processed meat, and to a lesser extent drinking water (when/where nitrate is present).

In the 2015 Environmental indicators Te taiao Aotearoa compiled by Ministry for the Environment and Statistics New Zealand, an overall trend of increasing levels of nitrate in groundwater was observed for the ten-year period 2005-2014 at monitored sites (see Figure 1).

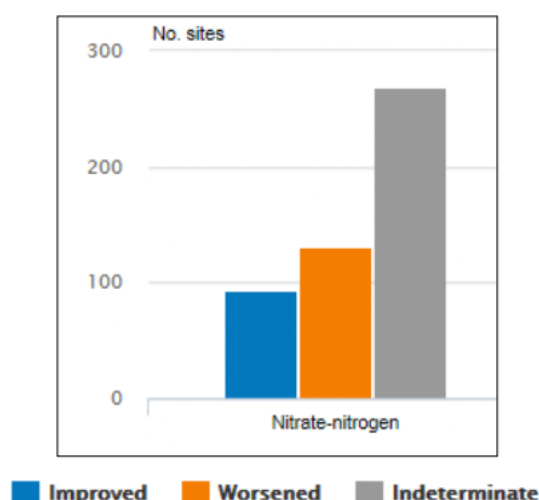


Figure 1. Nitrate levels in groundwater, 2005-2014

Ministry for the Environment's Our Fresh Water 2017 reports that 47 of 361 sites (13 per cent) did not meet the drinking water quality standard for nitrate at least once in the period between 2012 and 2014. The report doesn't indicate whether any or all of these sites are sources of public water supplies.

3. How the issue relates to objectives in the current Work Programme

- One of LGNZ's five strategic priorities concerns councils' infrastructure including that for 'Three Waters': "Water is critical to the future health of New Zealanders and their economy and in a world facing water scarcity New Zealand's water resources represent a significant economic advantage. Consequently, protecting the quality of water and ensuring it is used wisely is a matter of critical importance to local government and our communities. Water is also subject to a range of legislative and regulatory reforms, with the overall allocation framework under review and councils subject to national standards, such as drinking water standards."
- Another of LGNZ's strategic priorities is addressing environmental issues including the quality and quantity of New Zealand's freshwater resources: "Water quality is, and will continue to be, one of the defining political issues for governments and councils over the foreseeable future ..."



- LGNZ's Water 2050 project is also relevant. This project is described as: "A fit-for-purpose policy framework for the future (Water 2050) which considers freshwater quality and quantity: including standards, freshwater management, impacts on rural and urban areas, such as infrastructure requirements and associated funding, quantity issues including rights and allocation, and institutional frameworks for water governance."

4. What work or action on the issue has been done on it, and the outcome

The City Council undertakes chemical sampling from approximately 20-25 bores each year as an additional risk management barrier for the provision of its public drinking water supply. This data is shared with Environment Canterbury. The monitoring programme analyses for a number of chemicals, with nitrate being only one of many contaminants analysed. The City Council maintains a database with the results of the chemical monitoring programme.

The extent of the issue with respect to understanding the extent of nitrates in drinking water and its associated human health implication is beyond the scope of the City Council's resources to undertake.

5. Outcome of any prior discussion at a Zone/Sector meeting

To date no City Council drinking water well has exceeded the drinking water standard for nitrate.

Data from the last ten years of the City Council's monitoring programme have shown that in about a third of the samples taken, results have met or exceeded the 0.87 mg/L level for which the 2018 Danish study found an increased risk of colorectal cancer (see Table 1).

Table 1. Nitrate-Nitrogen sampling results of CCC drinking water wells, 2008-2018

	Results <i>below</i> 0.87 mg/L	Results <i>at/above</i> 0.87 mg/L
Total number of samples taken	280	93
Number of wells with 1 or more results	126	57
Concentration range	<0.001 – 0.85	0.89 – 7.1

**We are.
LGNZ.**

6. Suggested course of action envisaged

Recommend that central government fund additional research into effects of nitrates in drinking water on human health and/or partner with international public health organisations to promote such research.

Recommend that central government work with regional and local governments to improve monitoring of nitrates in reticulated supplies as well as in the sources of drinking water, noting that in its 2017 report *Our Fresh Water 2017* the Ministry for the Environment has stated that they “have insufficient data to determine groundwater trends at most monitored sites” and that the Ministry of Health’s latest report on drinking water *Annual Report on Drinking water Quality 2016–2017* states that “chemical determinants are not regularly monitored in all supplies”.

7

Local Government Official Information and Meetings Act (1987)

Remit: That LGNZ initiates a review of Local Government Official Information and Meetings Act (1987) (LGOIMA) request management nationally with a view to establishing clear and descriptive reporting for and by local authorities that will create a sector-wide picture of:

- Trends in the volume and nature of LGOIMA requests over time.
- Trends in users.
- The impacts of technology in terms of accessing information sought and the amount of information now held by local authorities (and able to be requested).
- The financial and resource impacts on local authorities in managing the LGOIMA function.

That LGNZ use the data obtained to:

- Identify opportunities to streamline or simplify LGOIMA processes.
- Share best practice between local authorities.
- Assess the value of a common national local government framework of practice for LGOIMA requests.
- Identify opportunities to advocate for legislation changes on behalf of the sector (where these are indicated).

Proposed by: Hamilton City Council

Supported by: Metro Sector

Background information and research

1. Nature of the issue

A comprehensive understanding of the current state of play in the sector is needed, as are metrics to measure LGOIMA activity nationally to identify opportunities for improvements and efficiencies for the benefit of local authorities and the public.

An appropriate response is needed to address the tension between transparency and accountability to the public and effective, cost-efficient use of council resources to respond to requests under LGOIMA.



Despite guidance provided by the Office of the Ombudsman, it is becoming harder for local authorities to traverse the range of requests made under LGOIMA with confidence that they are complying fully with the Act. Issues such as grounds for withholding information, charging for information or seeking extensions are becoming increasingly problematic as the scope and scale of complex requests grows.

2. Background to its being raised

Anecdotally, local authorities all around the country seem to be noticing:

- An increase in the volume of LGOIMA requests year on year;
- An increase in requests from media;
- An increase in serial requestors;
- An increase in referrals for legal advice to negotiate complex requests and the application of the Act;
- An increase in requests that could be described as vexatious; and
- Consequently, an increase in the costs of staff time in managing LGOIMA.

In seeking to comply with the legislation, local authorities share the Ombudsman's view of the importance of public access to public information in a timely fashion in order to "enable more effective public participation in decision-making; and promote the accountability of members and officials; and so, enhance respect for the law and promote good local government" (s4 LGOIMA).

In many ways technology is making it easier to source, collate and share a far greater range of public information faster. At the same time the ubiquitous use of technology within local government has significantly increased the volume and forms of information an organisation generates and captures, with associated implications for researching, collating and then reviewing this information in response to LGOIMA requests.

Current status:

- a. Understandably, the Ombudsman's advice encourages local authorities to apply a very high threshold for withholding information and to take a generous view of what is in the public interest.
- b. The scope of requests is becoming broader, more complex and covers longer time periods (to the point where some could be described as fishing expeditions). While local authorities can request refinements to scope, requestors do not always agree to do so or make only minimal changes.
- c. There are costs associated with automated searches of systems, databases and email accounts, some of which should not or are not easily able to be passed on to requestors. Not undertaking automated searches increases the risk of pertinent information being omitted.



- d. The Ombudsman's guidance is very helpful in the main. However, Ombudsman's guidelines take the view that a council will scope the request then make the decision whether to release the information then prepare the information for release. This often does not reflect the reality of dealing with a LGOIMA request especially large and complex requests. These components are interrelated and cannot be processed as entirely separate stages.
- e. A small number of repeat requestors appear to be responsible for an increasingly disproportionate number of the total requests. Some are individuals, but a greater number are media and watchdog groups like the Taxpayers Union.
- f. With an increasing amount of information requested, the review of documents, webpages, etc and redaction of text for reasons of privacy or outside-of-scope is significant and onerous.
- g. Local authorities are failing to take a common approach to people and organisations that are making the same request across the sector.
- h. An increasing number of LGOIMA requests are seeking property/property owner/license-holder information or other information more often than not to be used for marketing or other commercial ends. Yet local authorities are limited in their ability to recoup associated costs in providing this information, or in the case of standard operating procedures, protect their own intellectual property.

3. How the issue relates to objectives in the current Work Programme

LGNZ has a work programme focused on improving the local government legal framework. This remit is consistent with that programme and seeks to focus attention on a particularly problematic part of the framework that is currently not being specifically addressed.

4. What work or action on the issue has been done on it, and the outcome

At a local level, Hamilton City Council has been working continuously over the last 18 months to refine our processes for dealing with LGOIMA requests. This work has ensured that relevant staff as well as the staff in the LGOIMA office and in the Communications Unit are aware of the procedures and requirements for dealing with LGOIMA requests under the Act, and options potentially available where the scope or the complexity of requests tests Council resources. Templates for responses and communications with staff regarding responses have been developed and are used or customised as necessary. We have also introduced a reporting framework so that we have visibility of requests over time and various component factors including time taken to prepare and respond to LGOIMAs. Opportunities for further enhancements relate to understanding and being able to reflect best practice sector-wide.



5. Any existing relevant legislation, policy or practice

Local Government Official Information and Meetings Act 1987; Privacy Act 1993; Office of the Ombudsman Official Information legislation guides; Privacy Commissioner privacy principles.

Hamilton City Council is very conscious of its responsibilities under the Local Government Official Information and Meetings Act 1987, the Privacy Act 1993, and related guidance, and our processes comply with the relevant legislation.

This topic is also closely aligned with Hamilton City Council's strategic imperative: 'A Council that is Best in Business'.

6. Suggested course of action envisaged

LGNZ prioritises a national review of LGOIMA request management as part of its programme to continuously improve the local government legal environment.

8

Weed control

Remit:	That LGNZ encourages member councils to consider using environmentally friendly weed control methods.
Proposed by:	Hamilton City Council
Supported by:	Metro Sector

Background information and research**1. Nature of the issue**

There is mixed evidence of the risks associated with using chemical weed control as a method, particularly glyphosate-based, and lobby groups are actively pressuring councils to reduce use. Glyphosate is currently approved for use as a herbicide by New Zealand's Environmental Protection Agency (EPA), and most New Zealand councils use it, given it is a cost-effective, proven option for weed control. Most councils take an integrated approach to weed control, which includes the use of glyphosate-based products along with alternative methods.

2. Background to its being raised

In New Zealand, the use of chemicals including glyphosate is regulated by the EPA. A 2016 EPA review concluded that glyphosate is unlikely to be genotoxic or carcinogenic to humans and does not require classification under the Hazardous Substances and New Organisms Act 1996 as a carcinogen or mutagen.

Internationally, there is controversy surrounding the use of glyphosate. In 2004 a World Health Organisation (WHO) Group (the Joint Meeting on Pesticides Residues) determined that glyphosate does not pose a cancer risk to humans. In 2015, another WHO sub-group (the International Agency for Research on Cancer) classified glyphosate as 'probably carcinogenic to humans'.

In August 2018 a California jury found Monsanto liable in a case linking the use of the company's glyphosate-based weedkillers to cancer. In March 2019, a federal jury in America ruled that use of Monsanto's glyphosate-based weedkiller was a 'substantial factor' in another user developing cancer. These cases have reinvigorated calls to ban the use of glyphosate in New Zealand and worldwide.



3. How the issue relates to objectives in the current Work Programme

LGNZ has an environmental work programme and the proposed remit is consistent with this focus on environmental issues that affect local government and local communities. The LGNZ programme does not specifically address the issue of non-chemical methods of weed control despite strong public interest.

4. What work or action on the issue has been done on it, and the outcome

At a local level, Hamilton City Council staff are currently actively looking at reducing chemical use in general and, more specifically, at alternative weed control methods. Our approach acknowledges the importance of keeping our community and staff safe and healthy. Staff are appropriately trained and required to wear the correct personal protective equipment (PPE) for the task.

Our investigation of non-chemical options has incorporated the following:

- In September 2018, we began trialling use of a steam machine for weed control. The equipment has a large carbon footprint (9 litres of fossil fuel per hour of operation) and requires more frequent application to achieve the same level of weed control.
- The use of a new mulch application machine has enabled sites to be mulched faster than traditional methods, which suppresses weeds for longer.
- We have trialled longer grass-cutting heights to reduce Onehunga weed in amenity areas. This has led to a reduction in selective herbicide application.
- We are working with Kiwicare to trial alternative weed control methods in Hamilton parks. Kiwicare has a wide range of alternatives, including an organic fatty acid-based product.

Our current operating approach includes continuous review of application equipment efficiency including use of air-induced spray nozzles droplet control, which results in less spray being required.

As a result of Hamilton City Council's strategy to consider alternatives, one large herbicide sprayer was decommissioned from the council parks fleet in early 2019. This will lead to a reduction in glyphosate used.

Glyphosate is no longer used for weed control in our playground sites. It has been replaced with an organic spray alternative (this option is 30 per cent more expensive than using glyphosate).

Glyphosate use by Hamilton City Council is recorded on a dedicated webpage and a no-spray register is maintained. Residents can opt out of the council spraying programme and take responsibility themselves for weed control along property boundaries and street frontages.



5. Any existing relevant legislation, policy or practice

Hamilton City Council currently operates in compliance with national standards (New Zealand Standard 8409:2004 Code of Practice for the management of agrichemicals), the Waikato Regional Plan and Pest Management Plan and our own Herbicides Use Management Policy.

6. Outcome of any prior discussion at a Zone/Sector meeting

Most councils take an integrated approach to weed control, which includes the use of glyphosate-based products along with alternative methods. Reports this year from Christchurch, where the City Council is phasing out use of glyphosate, indicates levels of service and maintenance appearance have been an issue, along with significant cost increases when glyphosate has been significantly reduced.

7. Suggested course of action envisaged

LGNZ leads a commitment by local government to investigate and trial environmentally friendly alternatives to chemical weed control with results shared amongst member organisations.

9

Building defects claims

Remit:	LGNZ calls on central government to take action as recommended by the Law Commission in its 2014 report on “Liability of Multiple Defendants” to introduce a cap on the liability of councils in New Zealand in relation to building defects claims whilst joint and several liability applies.
Proposed by:	Napier City Council
Supported by:	Zone Three

Background information and research

1. Nature of the issue

- In its report on joint and several liability issued in June 2014 (the Law Commission report) the Law Commission recommended that councils’ liability for defective building claims should be capped. Building consent authorities in New Zealand (councils) are disproportionately affected by defective building claims.
- The Government in its response to the Law Commission report directed the Ministry of Justice and the Ministry of Business, Innovation and Employment (MBIE) to further analyse the value and potential impact of the Law Commission’s recommendations, including capping liability of councils, and report back to their respective ministers.
- The MBIE website suggests that a Building (Liability) Amendment Bill would be consulted on in 2017 and final policy approval obtained from Cabinet. That Bill, according to the MBIE website, would be aimed to amend the Building Act 2004 to cap the liability of councils and protect consumers by introducing provisions driving greater uptake of home warranty protection. However no progress appears to have been made towards drafting or introducing this Bill into Parliament. At a recent rural and provincial local government meeting in Wellington, MBIE advised that no further action is being taken to progress any capping of council liability.
- This proposed remit is aimed to put pressure on MBIE and the Government to follow the Law Commission’s recommendation to limit (ideally by capping) councils’ liability in respect of defective building claims.

2. Background to its being raised

- Defective building claims are prevalent throughout New Zealand, both in large centres and small. They are not limited to “leaky building” claims. Claims which include allegations involving structural and fire defects are increasingly common, both for residential and commercial properties.
- The courts have held that councils will generally have a proportionate share of liability in defective building cases in the vicinity of 20 per cent. However, because councils are generally exposed to the full quantum of the claim, when other parties are absent (for example whereabouts unknown, deceased, company struck off) or insolvent (bankrupt or company liquidated), which is the rule, rather than the exception, the Council is left to cover the shortfall. The Law Commission report recognised that councils in New Zealand effectively act as insurers for homeowners, at the expense of ratepayers.
- Other liable parties such as developers, builders and architects can potentially reduce their exposure through insurance and wind up companies in the event of a large claim. Developers often set up a dedicated company for a particular development and then wind that company up following completion.
- Councils on the other hand can no longer access insurance for weathertightness defects (a “known risk”). They have no choice about whether to be involved in the design and construction of buildings, as they have a legislative role as building consent authorities in their districts. They make no profit from developments and cannot increase their fees to account for the level of risk. Yet they are often the main or sole solvent defendant in defective building claims (last person standing).
- The cost to ratepayers of the current joint and several liability system is significant, disproportionately so. This was recognised in the Law Commission report in 2014, but no substantive steps have been taken by central government to address the issue or implement the Law Commission’s recommendation that council liability should be capped.

3. How the issue relates to objectives in the current Work Programme

The current LGNZ Work Programme for housing includes an objective of the regulatory and competitive framework of continuing advocacy to government for alternatives to current liability arrangements. Clearly this remit fits squarely within and would assist to progress that objective.



4. What work or action on the issue has been done on it, and the outcome

- The Law Commission report was a result of concerns raised primarily by LGNZ and councils around New Zealand about the effect of joint and several liability in relation to the leaky homes crisis. Prior to release of the report, LGNZ and a number of councils around New Zealand, including Auckland Council, Christchurch City Council, Hamilton City Council, Hastings District Council, Queenstown Lakes District Council, Tararua District Council, Waipa District Council staff, Wellington City Council, as well as SOLGM and BOINZ all filed submissions advocating for a change to the status quo.
- The Law Commission report, as discussed in more detail above, recommended that councils' liability be capped. It was understood from the Government's response to the Law Commission report and from MBIE (both discussed above) that this recommendation was being progressed in a meaningful way. This was further supported by MBIE's submission to the Law Commission prior to the release of the Law Commission report, in which it stated that:
 - a. Provisions in the Building Amendment Act 2012 not yet in force, in particular the three new types of building consent limiting councils' liability "are likely to be brought into force within a reasonable time after the Commission completes its review of joint and several liability". MBIE stated that the Law Commission should take the impact of these changes into account in preparing its report. However, these provisions are still not in force.
 - b. "The Government has instructed the Ministry to explore options for the consolidation of building consent authorities as part of the Housing Affordability agenda and ongoing reforms in the construction sector. Issues regarding the liability of a central regulator, as well as that of territorial authorities, will be fundamental concerns as consolidation options and other measures to increase productivity in the sector are explored". This does not appear to have been progressed.
- It was only in the last month or so that MBIE has now advised that the recommendation that councils' liability be capped would no longer be progressed.

7. Suggested course of action envisaged

We consider that LGNZ could form a joint working party with MBIE and the Ministry of Justice, and possibly the relevant Minister's (Jenny Salesa's) staff to explore limiting councils' liability for building defects claims, including:

- Disclosing and considering the following information (whether by way of OIA requests and/or as part of a working group):
 - MBIE documents relating to its consideration of the Law Commission report and the reasons why it is no longer progressing the capping of council liability.
 - Ministry of Justice and Minister of Building and Housing's documents relating to the Law Commission report and to proposed capping of council liability.

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- MBIE and Minister of Building and Housing's documents relating to implementation of s 17 of the Building Amendment Act 2012.
- Drafting proposed amendments to the Building Act and/or a Building (Liability) Amendment Bill (this work may have been started by MBIE, so this task should await the outcome of the information gathering exercise above).
- Drafting content for a cabinet paper regarding the Law Commission's recommendation that council liability for building defect claims be capped.

10

Social housing

Remit:	That LGNZ, in conjunction with central government, urgently focus on the development and implementation of a broader range of funding and financing tools in respect of community/social housing provision, than those which currently exist in the housing needs space. These should include funding to support the operation, upgrade and growth of council housing portfolios and, where a council chooses, access to Income Related Rents for eligible tenants.
Proposed by:	Napier City Council, Tauranga City Council and Wellington City Council
Supported by:	Zone Three Metro Sector

Background information and research

1. Nature of the issue

Napier City Council

Social housing, especially for older citizens, is a strategic issue.

New Zealand communities are facing an extremely serious housing affordability crisis that has resulted in the country having the highest rate of homelessness in the developed world. Current policy settings are failing to adequately address the issue.

Local government is the second largest provider of social housing in New Zealand, however, since 1991, successive governments have failed to adequately recognise the contribution we have and are making. Unfortunately, existing policy actively discriminates against councils meeting local housing needs resulting in a gradual reduction in the council owned social housing stock. With Housing New Zealand focussing its attention on fast growing urban areas, social housing needs in smaller communities are not being met.

The issue is becoming more serious as baby boomers retire – the current social housing is not designed to address the needs of this cohort – a role historically provided by councils with support from central government in the form of capital grants.

The issue has already become urgent for Aotearoa New Zealand and its communities.



Tauranga City Council

The western Bay of Plenty SmartGrowth partnership (Tauranga City Council, Western Bay of Plenty District Council, Bay of Plenty Regional Council and tangata whenua), has undertaken some preliminary research into the potential for government assisted bond raising for community/social housing providers using the Federal Government experience from Australia.

It has also identified the Australian rental housing provision tax incentive opportunities that the current Labour opposition has put forward. The partnership is aware of work being undertaken by Treasury in terms of raising the debt ceilings via amendments to the Local Government (Financial Reporting and Prudence) Regulations 2014. The SmartGrowth partnership would welcome the opportunity to work further with LGNZ and others to take a more “four well-beings” focus to the housing funding and financing toolkit than currently exists. This matter is becoming critical for all of the Upper North Island growth councils and other councils such as Queenstown.

Wellington City Council

Housing is an important contributor to the wellbeing of New Zealanders, and councils support the work of the Government to continue to grow and improve social housing provision in New Zealand.

Addressing housing demand and affordability related challenges are significant issues for local government. 62 (93 per cent) of New Zealand’s 67 local authorities reference some type of housing-related activity in their current Long Term Plans. As at November 2018, 60 local authorities (90 per cent) collectively own 12,881 housing units and 13 of those provide 50 per cent or more of the total social housing within their jurisdictions.

The social housing currently owned by local authorities equates to 16 per cent of the nationwide social housing stock, with the remaining 82 per cent largely owned by the Housing New Zealand Corporation (HNZC) and Community Housing Providers (CHPs). While there is variation in housing eligibility policy settings at the local level, a significant proportion of tenants housed by local authorities have a similar profile to those housed by HNZC and CHPs.

To help address housing affordability for households on the lowest incomes, central government provides the Income Related Rent Subsidy (IRRS) for those with housing need and that meet policy eligibility criteria. Eligible households generally pay 25 per cent of their income on rent, and a government subsidy is paid to the housing provider for remaining portion of rent.

Despite housing a similar group of tenants, current IRRS policy settings mean HNZC and CHPs can access the subsidy for tenants but local authorities cannot.

This has created considerable inequity in the housing system and is placing pressure on a vulnerable population group in New Zealand. Tenants who would be eligible for IRRS, but who are housed by a local authority, generally have to pay a significantly higher amount of rent. With demand for HNZC public housing and social housing provided by Community Housing Providers outstripping supply in most areas, these households have very few housing options and are unable to access the Government support they would otherwise be eligible for.

The inability to access IRRS has also contributed to housing portfolio sustainability challenges for local authorities, who cannot access the additional funding through IRRS to help maintain their housing portfolios. This challenge has led to vulnerable tenants having to be charged unaffordable levels of rent, and the decline in the overall social housing stock levels owned by local authorities. This has occurred even as social housing demand has increased and housing affordability has become a more acute challenge for more households.

2. Background to its being raised

Napier City Council

Councils provide in excess of 10,000 housing units, making it a significant provider of community housing in New Zealand. Councils began providing community housing across the country, particularly for pensioners, in the 1960's when central government encouraged them to do so through capital loan funding. In the 1980's, this occurred once again and was applied to general community housing developments. Council's rent setting formulas varied but all provided subsidised rents. While the housing stock was relatively new, the rental income maintained the homes, however, now decades on, and with housing at the end of life, significant investment is required. Income from rents has not been enough to fund renewals let alone growth to meet demand.

The Government introduced Income Related Rent subsidy (IRR) in 2000 for public housing tenants and it was later applied to registered Community Housing Providers. This mechanism allows tenants to pay an affordable rent in relation to their income, while the housing provider receives a 'top up' to the agreed market rent for each property under the scheme. In effect, housing providers receive market rent through this mechanism. Being able to generate market rental income is the most successful sustainable model for the provision of community housing. Providers receive an adequate income to cover the cost of providing housing, to fund future renewals and to raise capital for immediate asset management. Councils are excluded from receiving this subsidy, and so are their tenants.

Wellington City Council

Key objectives for councils that provide social housing generally include ensuring that their social housing tenants are well housed in quality homes, and that they pay an affordable level of rent. Balancing this objective with business sustainability continues to be a real challenge for many councils, and has contributed to some divesting their social housing portfolios. At the same time, demand for social housing has generally continued to increase and housing affordability is a more prominent issue, particularly for households on the lowest incomes.

Despite ongoing and repeated lobbying over a number of years from councils and LGNZ, and a commitment from the current government to reconsider IRRS policy settings, local authorities are still unable to access IRRS. This remit recognises the inequitable situation this has created for a significant number of vulnerable households, and the negative impact it has had on the overall supply of social housing owned by local authorities.

3. How the issue relates to objectives in the current Work Programme

Napier City Council

This remit supports LGNZ's Housing 2030 policy and programme, in particular the Social Housing and Affordable Housing workstreams. Housing 2030 is one of LGNZ's four strategic projects. This remit reinforces and supports that initiative.

LGNZ recently hosted a Social Housing workshop with both local and central government agencies to discuss the issues and opportunities and the future role councils could play in the provision of social housing. There was agreement that a partnership approach that recognises local situations with a range of options for support from government (both funding and expertise) would be most suitable.

Wellington City Council

By working with central government, local authorities, and a range of other stakeholders, the current LGNZ housing work programme seeks to establish a central local government housing partnership and improve housing outcomes. The work programme includes three key focus areas: housing supply; social and community housing; and healthy homes.

As part of the 'social and community housing' focus area, LGNZ have already signalled an intention to work with government agencies to enable local authorities to access IRRS. This remit would however provide specific mandate from member councils on this point.

4. What work or action on the issue has been done on it, and the outcome

Napier City Council

As the proposer of this remit, Napier City Council, has undertaken an S17A Review of its own provision of community housing, with further investigation underway. In addition, both at a governance and management level, we have taken part in numerous conferences, symposiums and workshops on the matter in the last two years. We lead a local Cross Sector Group – Homelessness forum and take part in the Hawke's Bay Housing Coalition. We have provided housing for our community for over five decades, supplying just under 400 retirement and low cost rental units in Napier.

Wellington City Council

Wellington City Council, along with a number of other councils and LGNZ have already made a number of formal submissions to central government regarding this issue. To date, central government has advised that no changes will be made to IRRS policy settings at this stage.



5. Suggested course of action envisaged

Napier City Council

This remit supports, as a matter of urgency, the further investigation by central government and LGNZ of the opportunities identified at the workshop and any other mechanisms that would support councils provision of community housing in New Zealand.

It is designed to strengthen LGNZ's advocacy and would provide a reason to approach the Government in the knowledge that local government as a whole is in support.

Wellington City Council

LGNZ, on behalf of member councils, would increase efforts to formally advocate for local authorities to be able to access Income Related Rent Subsidies for all eligible tenants that they house, with implementation within a two year timeframe.

11

Procurement

Remit:	That LGNZ investigate the ability of the sector to collaborate in procuring open-source designs and plans for bulk infrastructure that are largely similar, with an initial approach to look at water and wastewater treatment facilities.
Proposed by:	New Plymouth District Council
Supported by:	Central Hawkes Bay District Council
	Otorohanga District Council
	South Taranaki District Council
	Stratford District Council
	Thames-Coromandel District Council
	Waitomo District Council
	Wellington City Council
	Whanganui District Council

Background information and research**1. Nature of the issue**

At present, every local authority in New Zealand undertakes bespoke procurement for its own infrastructure despite there being little difference in the infrastructure provided. Each local authority then receives a slightly different product that largely achieves the same outcome.

2. Background to its being raised

Local authorities often face similar challenges, albeit at different times. Local authorities often procure similar infrastructure that deal with the same inputs and outputs, but are bespoke products designed at significant cost.

A good case example, and a useful starting point, is water and wastewater treatment plants. The Government's Three Waters Reform programme received a report from Beca that identified the number of water treatment plants that are non-compliant with water standards. While not all of these plants will require replacement, some of them may do so.



The report identifies that 17 large plants (10,001+ people), 13 medium plants (5,001-10,000 people), 140 minor plants (501-5,000 people), 169 small plants (101-500 people) and 153 neighbourhood plants (25-100 people) are not compliant with standards. A similar story emerges with wastewater treatment plants.

At the same time, the sector is aware of the upcoming increase in renewals across water and wastewater treatment plants (including plants currently compliant with standards). There are a considerable number of plants coming near to the end of their useable lifespan in coming years. Often these plants have to be replaced with an entirely new plant so as to keep the existing plant operating during the replacement's construction.

While there may be some local variation, new water and wastewater treatments plants being built in the future will either be large, medium or small. The increasingly prescriptive regulatory framework will invariably reduce scope for choices and options in plant design. All plants will need to meet the same output quality standards, and will require the same treatment processes (with some minor variations to reflect any local preferences or unique circumstances).

Local authority procurement is a 'hot topic' for the Office of the Auditor-General (OAG). The OAG have signalled a forthcoming report *Procurement workforce capacity and capability in local government* that will aim to encourage greater collaboration between local authorities. Similarly, there is a strong focus on procurement within central government, including all-of-government procurement in which local authorities can choose to be involved.

Local authorities should collaborate now to procure a number of standardised open-source options for water and wastewater treatment plants for the future. These would then be available to all local authorities to use when required, rather than having to go to the market for a new design. These would be tested and implementable designs – the risk of failure would be lower than a bespoke design. The processes used would need to be customisable (such as whether drinking water is fluoridated, or to address particular issues in incoming water). Scalability would, of course, be critical. Council procurement would be limited to build-only contracts.

A collaborative procurement process for standardised designs could lead to significant cost savings. Even a small saving of one or two per cent would result in millions of dollars of savings across the sector. Over time, there would be further consequent savings, such as not having to retrain staff when transferring between authorities or even the capacity for further collaboration through shared services.

If successful, the sector would be well-placed to look at other areas where collaborative procurement processes for standardised designs would be useful. These could include solid waste resource recovery and separation facilities, roading assets, or other significant assets.



3. How the issue relates to objectives in the current Work Programme

LGNZ has placed significant time and energy into the Three Water Reform programme. LGNZ's position paper on these reforms notes strong support for improving the regulatory framework for drinking water. LGNZ oppose the mandatory aggregation of water assets.

This remit will also contribute to the LGNZ strategic policy priorities: Infrastructure; Risk and Resilience; Environmental; and Economic Development.

4. Any existing relevant legislation, policy or practice

The Three Waters Reforms are likely to result in significant legislative reform that impacts on water and wastewater treatment plants.

12

Single use polystyrene

Remit:	That LGNZ advocates to the Government to phase out single use polystyrene.
Proposed by:	Palmerston North City Council
Supported by:	Metro Sector

Background information and research**1. Nature of the issue**

Expanded polystyrene is bulky and does not break down. While some technologies exist to reduce the bulk of polystyrene prior to landfill, or to recycle it (for example, to make insulation material), these interventions offer only a partial solution to the prevalence of polystyrene. Single-use polystyrene (such as used in food containers) has further contamination issues, meaning that landfill remains the only means of disposal.

Palmerston North City Council's own Waste Management and Minimisation Bylaw 2016 prohibits the use of polystyrene or styrofoam containers or cups at events held on council land or with council funding. This has encouraged the use of more sustainable substitutes. However, while the council can control, to some small extent, the use of polystyrene and its disposal (for example, by refusing to collect it), in practice its influence is limited. This is because most of the supply of polystyrene originates outside of the city, and the Council has limited ability to ensure it doesn't end up in the waste stream (for example, it can be inside rubbish bags).

2. Background to it being raised

Under section 23(1)(b) of the Waste Minimisation Act 2008, the Government is empowered to ban or regulate certain problematic or wasteful products. This provision is currently being used to phase out single-use plastic shopping bags.

This remit proposal meets both LGNZ remit policy criteria. As with single-use plastic bags, the national regulation of single-use polystyrene products would be more effective in beginning to address their use in the first place, rather than being addressed (as at present) as a city-level waste issue.

Single-use polystyrene contributes significantly to landfill in New Zealand, and it is the view of the Palmerston North City Council that a nationwide ban would reduce the environmental impact of these products.

13

Local Government Act 2002

Remit:	That LGNZ pursue an amendment to the Local Government Act 2002 to: <ul style="list-style-type: none">a. Re-number sub-sections 181 (5) and (6) to sub-sections (6) and (7); andb. Introduce a new sub-section (5) to read: For all purposes the term “any work” in subsection 4 means any works constructed before xx Month 20xx; and includes any works that were wholly or partly in existence, or work on the construction of which commenced, before xx Month 20xx.
Proposed by:	Rangitikei District Council
Supported by:	Zone Three

Background information and research

1. Nature of the issue

Historic assumptions that there is statutory authority for the siting of Three Waters infrastructure on private land do not reflect the complete picture.

Questions arise:

- May an infrastructure asset owner notify further works on private land where the original works are not protected by written consent (or notification)?
- Does an infrastructure asset owner have authority to restrict a landowner’s ability to build over a non-protected asset?
- What is the potential cost to infrastructure asset owners to remedy the absence of enforceable authority?

2. Background to its being raised

An example in the Rangitikei – Hunterville urban and rural water schemes

- a. The rural scheme was constructed in the 1970’s (government grant involved).
- b. Construction was a collective project (county and scheme users).
- c. The urban supply draws bulk (raw) water from the rural scheme.
- d. Infrastructure is sited on numerous private landholdings.



- e. Conscious decision that landowner consents not required (relied on “the Act”).
- f. Urban supply treatment, storage, reticulation sited on one member’s land.
- g. Land has changed hands (twice) since urban supply infrastructure developed.
- h. Current owners seek renegotiation of access rights as well as compensation.
- i. Council and owners negotiating (little progress after seven years).
- j. Substantial costs to survey and register easement.

The issue is not unique to Rangitikei

- a. Several local authorities from Waikato and Bay of Plenty to Otago have emailed to comment. All record similar experiences to Rangitikei’s, both historic and ongoing’. One noted that such incidents arise, on average, monthly.
- b. All comments received have noted frustration at the potential costs to formalise previously ‘casual’ but cordial and workable arrangements with prior landowners.

The power to construct is constrained

- Local Government Act (2002) sections 181 (1) and (2) empower a local authority to construct Three Waters works on private land.
- Section 181 (3) specifies the local authority must not exercise the power to construct unless it has the prior written consent of the landowner (or it has followed the prescribed notification process).
- Similar provisions that existed in previous legislation were repealed by the 2002 Act.

Effect of the law

- The Act provides power to construct; it is the owner consent (or notification process) that provides the authority to enter private land to exercise its power to construct.
- A local authority cannot claim absolute right of access without evidence of owner consent or compliance with the notification requirements.
- The High Court considered the need for fresh consent from, or notice to, subsequent owners (Re Watercare Services Ltd [2018] NZHC 294 [1 March 2018]).

Other infrastructure owners

- The Electricity Act 1992, the Gas Act 1992, and the Telecommunications Act 2001 all provide retrospective authority for siting of infrastructure on private land.
- No record has been found of the rationale behind those retrospective authorities.
- The thread of these authorities could be brought into the Local Government Act.

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3. How the issue relates to objectives in the current Work Programme

- Local Government Act (2002) section 181 (4) authorises entry to any work constructed under the Act or the corresponding provisions of a prior Act.
- The effect of the Court's (Watercare) Declaration is to confirm that a local authority must have evidence of prior written consent (or notification) for the original works on that land.

14

Campground regulations

Remit:	That LGNZ request the Government to amend the Camping - Ground Regulations to allow councils to approve remote camp facilities on private property, subject to any such conditions as deemed required by a council, including the condition that any approved campground is x distance away from an existing campground, unless the existing campground operator agrees to waive this condition in writing.
Proposed by:	Thames-Coromandel District Council
Supported by:	Dunedin City Council Waikato District Council New Plymouth District Council Mackenzie District Council Hamilton City Council

Background information and research**1. Nature of the issue**

Currently the 'remote camp site' definition means a camping ground: 'in a national park, state forest, state forest park or public reserve or on Crown Land.' As the provision is only for public land there is no opportunity to provide such an experience on private property.

2. Background to its being raised

Ratepayers, through their council, are having to provide areas for camping for increasing numbers of what are being called "freedom campers", with associated increasing costs to ratepayers and community both regarding environmental and financial considerations.

Unfortunately for councils there is nothing for free, and to provide any public facilities there is a range of costs to provide and maintain the facilities including power, water, waste collection, maintenance, cleaning, and compliance monitoring and enforcement etc. Those costs are increasing.



Enforcement for compliance is increasingly problematic and costly and in addition, social media is sending the wrong messages for our communities who must contend with freedom campers in their area. The result is that prime beach front sites are being degraded through overuse, and abuse of sites available.

While reserve areas can be either managed or leased for a remote camp facility, councils are constrained by the lack of public land where a remote site can be established, particularly in more remote locations. Remote camps have far fewer regulatory requirements than usual campgrounds.

3. How the issue relates to objectives in the current Work Programme

There is work underway regarding freedom camping in New Zealand which is looking at a range of issues in relation to freedom camping.

The Responsible Camping Working Group comprises central and local government representatives, as well as other interested parties, and is currently looking at a number of matters, including the Camping Ground Regulations. A review of the Regulations was one of the recommendations of the Working Group and work is underway specifically on this.

4. Any existing relevant legislation, policy or practice

The remit seeks an amendment of the Camping - Ground Regulations to broaden the definition of remote camp site to allow councils to authorise remote camp sites on private land, taking into account distance from existing campground facilities. A new definition would enable sites to be established where, for a modest fee, an operator would be able to provide basic facilities and recover some of the cost of provision and maintenance.

In addition the 2016 annual general meeting agreed to ask the Government to change to s14(3) of the Camping Ground Regulations 1985 (made under s120B of the Health Act 1956) to allow broader exemptions to the need for provision of camping facilities for those that wish to freedom camp in all areas and not just at "remote" camps; this is yet to be actioned but is being considered by the joint officials body.

5. Suggested course of action envisaged

Amend the Campground Regulations definition for remote sites to allow councils to authorise remote camps on private land taking into account distance from existing campground facilities.

By providing sites where a modest fee is required, the operator provides the basic facilities at no cost to ratepayers or the environment.

15

Living Wage

Remit:	Wellington City Council asks that LGNZ members consider engaging with the Living Wage Aotearoa New Zealand Movement when developing policies on payment of the Living Wage.
Proposed by:	Wellington City Council
Supported by:	Metro Sector

Background information and research**1. Nature of the issue**

According to the Living Wage Movement Aotearoa New Zealand, "Over the last 30 years New Zealand has gone from one of the most equal countries in the developed world to one of the most unequal. Wages have stagnated while New Zealanders are working harder and longer than ever before. Growing poverty and inequality hurts us all; workers and their families, employers, business, the Government and society as a whole."

The Living Wage Movement Aotearoa New Zealand was formed in 2012 to generate a conversation about working poverty in Aotearoa. It brings together community, union and faith based groups to campaign for a Living Wage.

The Living Wage is defined as: "The income necessary to provide workers and their families with the basic necessities of life. A living wage will enable workers to live with dignity and to participate as active citizens in society". The Living Wage is an independently researched hourly rate based on the actual cost of living and is reviewed annually. The official 2019 New Zealand Living Wage is \$21.15 and will come into effect on 1 September 2019.

Research from around the world shows that paying a Living Wage brings benefits to employers, to the community and most importantly to workers who need it the most.

2. Background to its being raised

The Living Wage Movement Aotearoa New Zealand has an accreditation system available to employers who meet the criteria to become a Living Wage Employer. In order to use this trade mark, employers must sign a license committing the organisation to paying no less than the Living Wage to directly employees and contracted workers, delivering services on a regular and ongoing basis.



This remit recognises that a number of local authorities across New Zealand are currently taking steps towards becoming Living Wage councils.

3. How the issue relates to objectives in the current Work Programme

LGNZ is committed to working alongside central government and iwi to address social issues in New Zealand's communities, including disparity between social groups.

4. What work or action on the issue has been done on it, and the outcome

In September 2018, Wellington City Council became the first council in New Zealand to be accredited as a Living Wage Employer. This was the culmination of implementing a Living Wage and working with the Living Wage Movement Aotearoa New Zealand since 2013, in summary:

- Following a decision in 2013, from January 2014 the Council implemented a minimum wage rate of \$18.40 for all fully trained directly employed staff.
- On 1 July 2014, WCC implemented its decision to introduce the Living Wage (at \$18.40 per hour) for council and Council Controlled Organisation (CCO) staff.
- On 15 May 2015, the Council's Governance, Finance and Planning Committee passed a resolution to increase the \$18.40 rate to reflect annual inflation movement.
- On 28 October 2015, WCC extended the living wage (at \$18.55 per hour) to security and core cleaning contractors.
- In July 2017, the Council implemented the New Zealand Living Wage (\$20.20 at the time) for staff, CCOs and core contractors as they come up for renewal.
- In September 2018, WCC was accredited as a Living Wage employer.

5. Suggested course of action envisaged

Member councils who are developing policies on payment of the Living Wage will consider engaging with the Living Wage Movement Aotearoa New Zealand to understand the criteria for becoming a Living Wage accredited employer.

16

Sale and Supply of Alcohol Act

Remit:	LGNZ, on behalf of its member councils ask for a review of the effectiveness of the Sale and Supply of Alcohol Act 2012 in reducing alcohol harm (eg price, advertising, purchase age and availability) and fully involve local government in that review.
Proposed by:	Wellington City Council and Hastings District Council
Supported by:	Metro Sector

Background information and research**1. Nature of the issue**Wellington City Council

The Sale and Supply of Alcohol Act was introduced in 2012 and has not as yet been reviewed.

There is now considerable experience in how it is working in practice and it is timely that a review is undertaken to ensure it is meeting the outcomes that were sought when it was introduced and that any anomalies that have emerged from regulation under the Act are addressed.

Addressing anomalies: an example of such an anomaly that has become apparent is the definition of 'grocery store' in the Act, where a business is only a grocery store if its largest single sales group (by turnover) is a specified type of food/groceries. In hearings the focus is often more on the accounting statements of an applicant, rather than about alcohol effects.

An established operator for whom the highest turnover item was topping up Snapper cards ahead of groceries applied for a renewal of their licence. The Act requires the District Licensing Committee (DLC) to use turnover as the measure to define the type of business and there is no discretion allowed to the DLC. In effect the DLC had the choice of declining the liquor licence or saying they could only retain their liquor licence by stopping Snapper top ups. They were not a grocery store by definition as Snapper card top ups was the highest turnover item. The obvious decision was to stop the Snapper top ups, to meet the "grocery store" definition, and retain the liquor licence. The overall outcome of considering the safe and responsible sale, supply and consumption of alcohol; and the minimisation of harm was not achieved.



This is one of a range of issues. The District Licensing Committees all report each year to the Alcohol Regulatory and Licensing Authority. This addresses the issues of the operation of the Act. After five years this now provides a considerable base of information that can be used in a wider review to improve the effectiveness of the Act.

Better regulation: The current regulations are tightly prescribed (eg setting maximum penalties or fees), leave little flexibility for local circumstances and have not been reviewed. The process of establishing local alcohol policies has also not been effective.

The Council developed a Provisional Local Alcohol Policy which was notified on January 21, 2014. Appeals were lodged by eight parties which were heard by the Authority over eight days between 20 October and 5 November 2014. The Authority released its decision on 20 January 2015 which asked the Council to reconsider elements of its PLAP. In 2016, the Council resolved that it should not at that time resubmit the PLAP to the Authority, and should instead continue to monitor alcohol-related data in Wellington, work with key stakeholders, and consider future Alcohol Regulatory and Licensing Authority (ARLA) decisions on other PLAP appeals prior to determining if the Council requires a local alcohol policy.

This experience is not uncommon and it has been difficult to establish a comprehensive Local Alcohol Policy which was a key building block of the regulatory framework. As at November 2018 while 34 of the 67 territorial authorities have an adopted LAP, this only covers 28 per cent of the New Zealand population. The majority of New Zealand communities have not been able to achieve the level of community input that was envisaged under the Act. This process needs to be reviewed in light of the experience of how the Act is operating in practice.

2. Background to its being raised

Wellington City Council

This remit recognises that almost all local authorities across New Zealand are currently managing this issue through the licensing powers under the Act. They can bring practical experience of the operation of the Act and help enable communities to benefit from a review of the provisions of the Act.

Hastings District Council

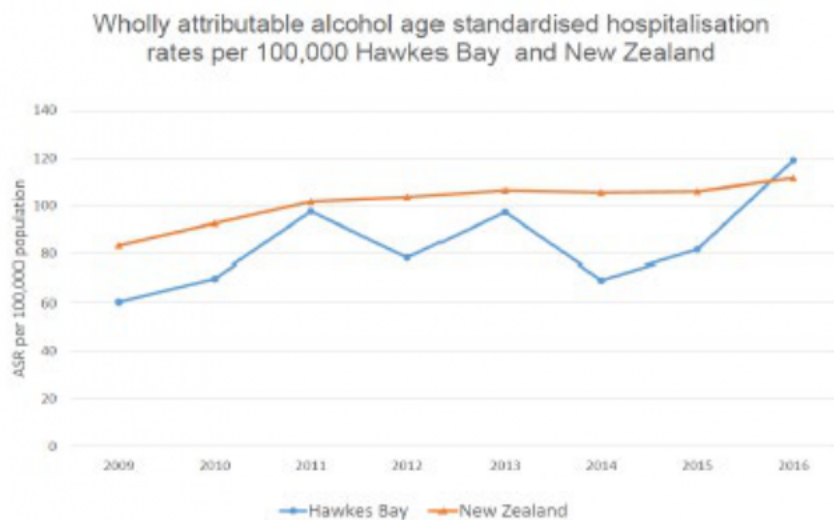
Hawke's Bay faces significant social challenges as demonstrated in the following statistics:

- 25 per cent of Hawke's Bay 0-4 year olds live in a household receiving a main benefit (compared with 18 per cent nationally).
- 40 per cent of Hawke's Bay tamariki Maori aged 0-4 years live in a household receiving a main benefit.
- 250 Hawke's Bay children are in the care of Oranga Tamariki.
- Hawke's Bay rates of violent crime continues to be higher than the New Zealand average and is twice the rate of New Zealand as a whole.
- There were 9,932 family violence investigations by the Eastern Police District in 2017.

- Suicide;
 - Is a major cause of premature, avoidable death in Hawke's Bay.
 - From 2010 to 2015, suicide was the second highest reason for premature death for those aged 0 to 74 years.
 - Since 1 July 2018, 29 people have committed suicide in Hawke's Bay.
- Drugs;
 - Synthetic substances are a serious concern for many whanau.
 - Fewer youth are smoking but more Hawke's Bay adults smoke than nationally.

A contributing factor of these negative statistics is the significant problem that the Hawke's Bay community has with alcohol consumption. For our region the issues manifested by alcohol consumption are a problem across the whole community including for young newly-born babies, infants and children, young people, adults and seniors across the generations. Local alcohol statistics are alarming and include:

- 29 per cent of Hawke's Bay adults drink at harmful levels compared to 21 per cent nationally, and this rate is increasing over time.
- 41 per cent of young people aged 15-24 are drinking hazardously.
- Over half of young men are drinking hazardously.
- The number of 15 years and older hospitalisations wholly attributable to alcohol; see the below graph. Note, there is an increasing rate of people being admitted to hospital due to alcohol.



- Alcohol intoxication or a history of alcohol abuse are often associated with youth suicide.

The statistics relating to our alcohol harm impact negatively on other key community safety concerns including health issues; death and injury; violence; suicide; assault and anti-social behaviours. This is why addressing the harm of alcohol is such an important issue for our community to address.



The harm that alcohol causes across New Zealand is also a significant issue for the country and as with Hawke's Bay the harm that alcohol causes within the community is pervasive. National statistics include:

- About four in five (79 per cent) of adults aged 15 years or more drank alcohol in the past year (in 2017/18).
- 21 per cent of New Zealand adults drink at harmful levels.
- In 2017/18, 25 per cent of adults aged 15 years or more who drank alcohol in the past year has a potentially hazardous drinking pattern, with men (32 per cent) more likely to drink hazariously than women (17 per cent).

At a local level there are some tools available to territorial authorities and their respective communities to combat alcohol harm. For example, Local Alcohol Policies (LAPs) are permitted in accordance with the Sale and Supply of Alcohol Act 2012. Unfortunately for many LAPs there are significant delays in these becoming operational due to long appeal processes.

There are typically commercial implications for businesses particularly supermarkets and these often result in appeals being lodged. Appeal processes have not allowed for more local input and influence by community members and groups, but have instead allowed larger companies, with more money and resources, to force councils to amend their LAP's reducing the potential impact on harm minimisation.

Of course, local tools available to territorial authorities are also limited by what is permitted within our national laws. We consider that current statutes and their content are not strong enough and need to be strengthened so that alcohol harm within our communities can be more effectively addressed.

The most significant drivers of alcohol-related harm include:

- The low price of alcohol.
- Levels of physical availability.
- Alcohol advertising; promotion and sponsorship.
- The minimum legal purchase age (18).

Therefore this remit seeks a focus on effective national level strategies and interventions that prevent or minimise alcohol-related harm in regards to:

- Pricing and taxing (minimum unit pricing for alcohol).
- Regulating the physical availability.
- Raising the purchase age.
- Restrictions on marketing, advertising and sponsorship.
- Drink driving countermeasures.
- Treatment and early intervention services.



We consider that significant changes in national policy and law that address key issues pertaining to alcohol harm are needed to create significant impact on reducing the harm that alcohol causes both in Hawke's Bay and New Zealand.

3. How the issue relates to objectives in the current Work Programme

Wellington City Council

LGNZ has a priority to work, in partnership with central government, for local areas to develop innovative and place-based approaches for dealing with social issues. While the operation of the Act is not directly listed as one of the social issues covered by the current work programme, the intent of the Act was to allow place-based approaches to the management of alcohol related harm.

Hastings District Council

This remit links to the social policy priority; community safety. Integrate policy positions from *Mobilising the Regions* including: integrated transport planning and decision-making models into the above.

4. What work or action on the issue has been done on it, and the outcome

Wellington City Council

We are actively involved. The Council was proactive in initiating the development of a Local Alcohol Policy. We administer licencing functions under the Act and the DLC reports each year to the Alcohol Regulatory and Licensing Authority on its functions.

We have not directly progressed work on a review at this point as it requires central government leadership with the input of local authorities across New Zealand.

Hastings District Council

The Napier City and Hastings District Councils have a Joint Alcohol Strategy 2017-2022 (JAS) and have started to implement the JAS Action Plan with support from the JAS Reference Group (local stakeholder organisations that also contribute to this strategy). Some actions completed thus far include:

- Removal of alcohol advertising on bus shelters in Hastings and Napier;
- Funding obtained to identify and develop youth-driven alcohol harm prevention projects;
- Creation and distribution of an alcohol network newsletter (bi-monthly) to make the licensing process more accessible to the community;
- A move to notifying liquor licence applications online; and
- Funding obtained to create brand and resources for alcohol free events and alcohol free zones.



Hastings District and Napier City Councils have completed a Provisional Local Alcohol Policy that was notified in July 2016. The Provisional Local Alcohol Policy has been before ARLA as a result of appeals. A position has been negotiated with the appellants. That position has been considered by ARLA and will be notified to the original submitters once ARLA is satisfied with the final wording. If no one seeks to appeal the revised version it will become the adopted Local Alcohol Policy.

5. Suggested course of action envisaged

Wellington City Council

That LGNZ would, on behalf of its member councils, form a working group to work with central agencies to review the effectiveness of the Sale and Supply of Alcohol Act 2012.

Hastings District Council

- Actively monitor opportunities to submit to central government with respect to review of statutes and regulations that relate to alcohol.
- Prepare submissions to central government review processes that relate to the key drivers of alcohol harm as outlined in this remit.
- Write to and meet with the Minister of Justice and officials to promote changes to laws and regulations that will address the key drivers of alcohol harm.
- Create a national action plan to reduce harm caused by alcohol.
- Engage and support councils nationwide to implement strategies, policies and actions that are aimed at reducing alcohol-related harm. This could include delivering workshops; providing statistics and information on the harm alcohol causes and developing templates for policies and strategies that can be easily implemented.

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Greenhouse gases

Remit:	Wellington City Council asks that LGNZ members collectively adopt the position that government should revise the Resource Management Act 1991 to adequately consider the impact of greenhouse gases when making decisions under that law and to ensure that the Resource Management Act 1991 is consistent with the Zero Carbon Bill.
Proposed by:	Wellington City Council
Supported by:	Metro Sector

Background information and research**1. Nature of the issue**

The purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources.

The Act seeks to enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Under the RMA, most decisions are decentralised to local and regional levels to enable public participation in decision-making.

The emissions trading scheme is a national framework. Because of this, there is a disconnection between decisions taken under the RMA and the emission of greenhouse gases. Emissions are not consistently contemplated when decisions are taken; there appears to be a gap, however the Council currently doesn't have a formal position on this.

2. Background to its being raised

Wellington is proposing a substantial change in urban form and transportation in order to accommodate anticipated growth and to meet community expectations around carbon emissions. Planning for this growth has highlighted the regulatory gap described above.



3. How the issue relates to objectives in the current Work Programme

In planning for growth the Council is setting out to develop a future Wellington that is low carbon and resilient. Decisions will be taken under the RMA, yet the need to reduce carbon emissions is not currently a requirement under our key planning legislation.

4. What work or action on the issue has been done on it, and the outcome

The Council has developed a draft plan, Te Atakura – First to Zero, that would establish the Council's advocacy position in favour of significantly boosted consideration of emissions in the RMA. This draft was released for consultation on 15 April 2019 and is to be considered for adoption on 22 June 2019.

5. Suggested course of action envisaged

The Minister for the Environment is aware of the gap, and has publicly stated:

"The Government intends to undertake a comprehensive review of the resource management system (Stage 2), which is expected to begin this year."

"Cabinet has already noted my intention to consider RMA changes relating to climate change (both mitigation and adaptation) within the scope of this review."

Local government will have an opportunity to advocate for the inclusion of climate change effects through this process.

This remit asks councils to work together in engaging with government to amend the RMA to require decision makers to reduce greenhouse gas emissions.

18

Climate Change – funding policy framework

Remit:	That LGNZ recommends to government that they establish an independent expert group to develop a new funding policy framework for adapting to climate change impacts as recommended by the Climate Change Adaptation Technical Working Group (CCATWG). This new expert group would be supported by a secretariat and stakeholder advisory group.
Proposed by:	Greater Wellington Regional Council
Supported by:	Regional Sector

Background information and research

1. Nature of the issue

New Zealand will need a new funding policy framework to enable effective, efficient and equitable long-term adaptation to the many challenges posed by climate change. Any such framework must be comprehensive, fit for purpose, and facilitate flexible and dynamic responses.

While there is broad agreement that the current policy framework for climate change adaptation, and especially sea level rise, is inadequate, there has been little attention given to securing a consensus among the stakeholders on the core features of a new framework.

Some small initiatives have been taken by a few local councils and academics towards the formulation of a new framework.

There are a large number of separate, yet interconnected issues that require investigation in parallel or in sequence. It is very likely to take several years to formulate a new, well-designed policy framework, followed by the drafting and enactment of legislative reforms, before the process of implementation can begin. Given the amount of work that is involved and that climate change impacts are already making themselves felt, it is important that this process is started without further delay.



2. Background to its being raised

Sea level rise constitutes a particularly serious challenge due to irreversibility of the near-term impacts. Already many low-lying coastal communities around New Zealand are facing a growing threat to their homes and livelihoods, public infrastructure and private businesses. This and other impacts on human and natural systems related to more intense rainfall, heat, wind, and pathogens and disease vectors, will increase and become disruptive. They will increase the financial burden on the state at all levels and create inequities across society.

For further discussion of the issues and options for developing a new policy framework, from which the proposed remit was derived, see the discussion paper by Jonathan Boston (VUW) and Judy Lawrence (VUW), dated 4 February 2019.

3. What work or action on the issue has been done on it, and the outcome

A recent report by LGNZ found an estimated \$14 billion of local government assets are at risk from climate change impacts. It has called on central government to create a 'National Climate Change Adaptation Fund'. It has also recently published a legal opinion by Jack Hodder QC regarding the potential for local government to be litigated in relation to its actions or inaction in relation to climate change. A key risk raised by Mr Hodder's report was the absence of national climate change adaptation guidance (or framework) in New Zealand, which in effect is leaving it to the courts to decide how to remedy climate change related harms. This will be an uncertain and inefficient means of doing so.

The Government has received the recommendations of the CCATWG, but is yet to act upon them. The CCATWG recommendation to the Government (quoted below) was to set up a specialist group to define funding arrangements for funding adaptation.

"We recommend that a specialist group of practitioners and experts undertake this action (formulate a new policy framework for adaptation funding). These should be drawn from central and local government, iwi/hapū, sectors such as banking, insurance, and infrastructure; and have expertise in climate change, planning and law, public finance, capital markets, infrastructure financing, and risk management. The group should be serviced by a secretariat with officials across relevant public sector and local government agencies and include significant public engagement."

4. Suggested course of action envisaged

That LGNZ issue a news release explaining the content of the remit, and that they engage with central government directly (in face to face meetings) to discuss the setting up of an independent expert group to progress the development of a new funding policy framework for adapting to climate change impacts.

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Road safety

Remit:

1. That LGNZ acknowledges that the New Zealand Transport Agency's (NZTA's), Code of Practice for Temporary Traffic Management (CoPTTM) is a comprehensive and robust document, and that NZTA ensures the CoPTTM system is regularly reviewed, refined and updated. However, in light of the recent road worker fatalities LGNZ requests NZTA, in partnership with Road Controlling Authorities (RCAs);
 - a. Review afresh its Code of Practice for Temporary Traffic Management (CoPTTM) to satisfy themselves that;
 - i. The document provides sufficient guidelines and procedures to ensure approaching traffic are given every possible opportunity to become aware of the worksite ahead and to respond appropriately and in a timely manner.
 - b. Review its CoPTTM Training System to ensure;
 - i. Trainers are sufficiently qualified and adequately covering the training syllabus.
 - ii. Site Traffic Management Supervisors (STMS's) and Traffic Controllers (TC's) are only certified when they can demonstrate competence in the application of CoPTTM.
 - ii. A robust refresher programme is in place to ensure those in charge of Traffic Management on worksites remain current in the required competencies.
 - c. Review its Site Auditing requirements to ensure the traffic management at worksites is independently audited at a sufficient frequency to ensure compliance, and that a significantly robust system is put in place to enable enforcement of compliance.
2. That LGNZ takes steps to remind its members of their duties with respect to their role as Road Controlling Authorities including;
 - a. Appointing and sufficiently training and resourcing a Traffic Management Co-ordinator to ensure their obligations under the Health and Safety Work Act 2015, with respect to traffic management, are being met.
 - b. *Adequately resourcing and undertaking audits of road work sites to ensure compliance with CoPTTM.*



Proposed by: Whakatāne District Council

Supported by: Dunedin City Council
Wairoa District Council
Hamilton City Council
Kawerau District Council
Tauranga City Council

Background information and research

1. Nature of the issue

Four road workers have been killed on New Zealand roads this calendar year, and we need to ask ourselves, are we doing all that we can to ensure those working on our roads are safe from harm.

There is an increasing level of public discontent with the level of discipline around traffic management being maintained on roadwork sites by contractors, particularly on unattended sites, where all too often the temporary traffic management on site does not seem appropriate, or to adequately inform motorists of the need for the restrictions, or is left in place for too long.

2. Background to its being raised

Frameworks for the safe management of roadworks have been in place for over two decades now, and during this time they have evolved and improved to keep up with the changing risks in the workplace environment.

The current framework is the New Zealand Transport Agency's Code of Practice for Temporary Traffic Management, fourth edition 2018 (CoPTTM).

This is a comprehensive document that applies a risk based approach to temporary traffic management, based on a road's classification and intensity of use, and the nature of works required to be undertaken on the road.

It is closely aligned to the Health and Safety at Work Act 2015, recognising the statutory duty of all those involved with activities on or adjacent to the road, to systematically identify any hazards, and if a hazard is identified, to take all reasonably practical steps to ensure no person is harmed.

It includes steps to eliminate risks to health and safety and if it is not reasonably practicable, to minimise risks to health and safety by implementing risk control measures in accordance with Health and Safety at Work (General risk and Workplace Management) Regulations 2015.



CoPTTM also includes a risk matrix to help determine what the appropriate temporary speed limit is that should be applied to a worksite, whether attended or unattended. It further contains procedures for undertaking safety audits and reviews of worksites, including the ability to close down worksites that are identified as unsafe following an audit. There are no financial penalties for non-compliance, although there are a range of other penalties that can be imposed, including the issue of a notice of non-conformance to individuals or companies, and a 'three strikes' system whereby the issue of three non-conformances within a 12 month period results in sanctions being imposed. These can include:

- Removal of any prequalification status.
- Reduction of quality scores assigned in tender evaluations.
- Forwarding of non-conformance to the appropriate standards organisation which may affect the company's 1509000 registration.
- Denial of access to the road network for a period of time.
- Requirement for the company to have someone else provide their TTM.
- Staff retraining for CoPTTM warrants.

In principle there would seem to be sufficient processes in place to ensure that traffic management on road worksites was appropriate and adequately provided for the safety of workers on site, the general public, and passing traffic.

However, this year has seen four road workers killed whilst working on our roads.

There is also a growing level of discontent from motorists regarding the appropriateness of signs that are left out on unattended sites.

Often these signs are perceived to be (any combination of) unnecessary, poorly located, incorrectly advising the condition of the road ahead, having an inappropriate speed limit, or being left out too long.

3. How the issue relates to objectives in the current Work Programme

Local Government New Zealand has five policies in place to help achieve their sector vision: Local democracy powering community and national success.

Policy priority one is Infrastructure, which focuses on water, transport and built infrastructure. The transport statement states that a national policy framework is needed to achieve five outcomes. One outcome is 'a safe system, increasingly free of death and serious injury'.

This remit is aligned to this priority outcome as it is focused on reducing safety risks, death and serious injury in locations where road works are being undertaken.



4. What work or action on the issue has been done on it, and the outcome

The Whakatāne District Council has been working proactively with NZTA and its local contractors to review its own traffic management requirements, the level of compliance with those requirements, and the adequacy of its auditing processes and frequencies.

There has been positive engagement with NZTA and the local contracting sector on this matter.

The process has identified improvements that could be effected by both the Council and its contractors. A plan is being developed to socialise the outcomes with NZTA and other RCA's, and this remit forms part of that plan.

NZTA is also responding to the recent deaths by initiating immediate temporary changes to pertinent traffic management plans, and considering permanent changes through its standard CoPTTM review process.

There is currently no national initiative to require local government RCA's to review their practices in response to these deaths.

5. Suggested course of action envisaged

- Support NZTA's initiative to review CoPTTM in light of the recent fatalities.
- Encourage NZTA to work closely with RCA's to ensure the CoPTTM review also covers local road Temporary Traffic Management.
- Strongly encourage RCA's to work with NZTA, perhaps through the RCA Forum, on a review of local road Temporary Traffic Management.
- Strongly encourage RCA's to adopt with urgency, any local road CoPTTM
- Improvements that arise from the review.

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Mobility scooter safety

Remit:	That LGNZ requests that government investigate the introduction of strengthened rules to govern the safe use of mobility scooters, particularly in relation to speed limits and registration.
Proposed by:	Whanganui District Council
Supported by:	Zone Three

Background information and research

1. Nature of the issue

The following issues have been identified:

- a. There is no opportunity to enforce a speed limit for mobility scooters, despite the fact that the top speeds of these devices can reach 40kmh.
- b. Mobility scooters are used too frequently on the road, even when a suitable footpath is available.
- c. There is no requirement for a mobility scooter user to have a license or any previous driving experience.
- d. There are no health related restrictions on who can operate a mobility scooter.
- e. There is no ability to track mobility scooters as no registration or Warrant of Fitness (WoF) is required.

A supplementary issue is also acknowledged:

- There is no restriction in terms of who can use a mobility scooter. For example, in some states of Australia mobility scooters can only be used by a person with an injury, disability or medical condition which means they are unable to walk or have difficulty walking. People who do not have difficulty walking are not permitted to use them.

2. Background to its being raised

Establishing the number of injuries and fatalities involving mobility scooter users can be difficult to isolate and this has been identified as an issue nationwide. However, coronial data shows that at least 20 people have died while using mobility scooters in New Zealand.



Given the considerable lag between a death occurring and a coronial case on that death being closed, the actual number may be significantly higher. Notably NZTA reports that: “mobility scooters... have been involved with a number of fatalities (at least 20 in 2014-2015).”

For the period 2008-2012 the Ministry of Transport recorded eight fatalities and 141 injuries of mobility scooter users. NZTA records 12 fatalities, 19 serious injuries and 81 less serious injuries for the period 2009-2014. These figures do not include fatalities or injuries to persons other than the mobility scooter user.

It has been acknowledged by those working in this field that there have been a ‘surprising’ number of injury crashes involving mobility scooters over the last five years, including fatalities. More work on clarifying the extent of this problem is required and there has been general agreement nationwide from the region’s road safety co-ordinators, and other agencies such as NZTA and Age Concern, that mobility scooter safety is an emerging concern. This is the case throughout the country and is reiterated by both large and small centres, in urban areas and rural regions.

Some of the issues raised include:

- Mobility scooters being driven on the road, at speed, with low visibility (eg without a flag) and like a motor vehicle (as opposed to like a pedestrian as is required).
- No accountability around vulnerable elderly users, particularly those who have lost their licence. There is no established avenue to ascertain whether there are issues around dementia or other chronic conditions which could have an impact on their ability to use these safely.
- No accountability around the purchase of mobility scooters, both in terms of being fit for use and training for safe handling. This is particularly the case when they are bought off the internet, eg there is no opportunity to ensure that the right scooter has been purchased for the user’s level of ability and that they are shown how to drive it according to the regulations.
- No ongoing monitoring of use, particularly in the case of declining health.
- No restrictions on the speed that mobility scooters can reach or the size of mobility scooters. With an increase in larger model mobility scooters being imported, there is less room for scooters to pass one another, or to pass other pedestrians. This leads to a greater likelihood of one or more of the footpath users needing to use the road rather than the footpath. Larger mobility scooters also require larger areas to turn. Given the size of many footpaths in New Zealand, this increases the risk that the user will enter the roadway at an angle and roll the mobility scooter, resulting in serious injury or death.

Some centres have also identified an issue with the increasing prevalence and size of mobility scooters adding load to the footpaths. Furthermore, the contrast between New Zealand Post’s work on safety assurances with the use of Paxster vehicles on the footpath, and the lack of oversight over larger sized mobility scooters being used in a similar (but unmonitored) way has been drawn.



However, it is also important to note the significant role that mobility scooters play in granting senior people their independence. Any measures taken to address this remit's concerns must balance this benefit with the need to ensure safety for users and other pedestrians.

3. New or confirming existing policy

The remit would strengthen existing central government policy. However, new legislation would be required to put in place an appropriate registration programme, both for mobility scooter users and for the mobility scooters.

4. How the issue relates to objectives in the current Work Programme

Transport safety issues are not referred to specifically in the current LGNZ work programme. However, ensuring we have safe systems, increasingly free of death and serious injury and addressing the needs of an ageing population are each included under one of the five policy priorities (Infrastructure and Social, respectively).

5. What work or action on the issue has been done on it, and the outcome

This is an emerging issue and is acknowledged as such by those with an interest and involvement in road safety at both the local and regional level. Although discussions are underway about working with the Safe and Sustainable Association of Aotearoa/New Zealand (SASTA) and Trafanz on these concerns so that this can be addressed with the NZTA, it is understood that this work has not yet commenced.

The Marlborough Road Safety Mobility Scooter User Group has undertaken some useful research in this area. They have canvassed users in relation to training needs, safety, registration, injuries, facilities and the footpath network.

Although not all suggestions were supported, this survey did identify some relevant ideas and safety concerns, eg 71 per cent of respondents had seen a mobility scooter being used in an unsafe manner on the footpath or road, 19 per cent had been injured by a mobility scooter as a pedestrian and 78 per cent said that they or someone they knew has had a 'near miss'.

Some ideas raised include focusing on licensing/registering drivers rather than the mobility scooters themselves, ensuring that any registration costs were low to ensure affordability, making mobility scooters easier to hear and introducing a speed limit.

6. Any existing relevant legislation, policy or practice

NZTA has the responsibility, via government, for mobility scooters in New Zealand and has a booklet available, titled *Ready to Ride - Keeping safe on your mobility scooter*. This is based on section 11 of the Land Transport (Road Use) Rule 2004.



The following provisions exist – it is recommended that these be expanded upon and strengthened:

- Speed limits: Current New Zealand law says “A driver of a mobility device or wheeled recreational device on a footpath;
 - a. Must operate the device in a careful and considerate manner; and
 - b. Must not operate the device at a speed that constitutes a hazard to other footpath users.”
- Road usage: Current New Zealand law says;
 - a. A driver must not drive a mobility device on any portion of a roadway if it is practicable to drive on a footpath.
 - b. A pedestrian or driver of a mobility device or a wheeled recreational device using the roadway must remain as near as practicable to the edge of the roadway.
- Monitoring and registration: Current New Zealand law does not require users to have a driver licence or any form of medical approval to operate a mobility scooter and no warrant of fitness or registration is needed.

Further, current law does not require the use of any personal protective equipment such as helmets, despite these devices being capable of reaching similar speeds to mopeds and higher speeds than many bicycle users travel at.

This is particularly problematic given Canadian research that showed, of their sample group of mobility scooter users, 38 per cent had hearing impairments, 34 per cent had vision impairments, 19 per cent had memory impairments and 17 per cent had balance impairments. The study also found that 80 per cent of the mobility scooter users took four or more medications daily.

The *Ready to Ride* guidelines clearly spell out that mobility scooter users could be fined if they are found to be riding their scooter: “... carelessly, inconsiderately or at a dangerous speed. The fine may be higher if you do any of these things more than once. ” Furthermore, if a mobility scooter user causes a crash where someone is killed or hurt then they could be charged with “careless or inconsiderate use of a motor vehicle”. This brings penalties ranging from a severe fine to a prison sentence. However, these do not provide clear definitions or rules to inform a user’s decisions.

7. Suggested course of action envisaged

Speed limits

It is recommended that the approach taken in some Australian States, including Victoria be adopted. This states that mobility scooters: “must have a maximum capable speed of 10km per hour on level ground and a maximum unladen mass of 110kg”.

**We are.
LGNZ.**

Road usage

It is recommended that New Zealand Police be resourced to enforce the law. Local and regional councils throughout the country, as well as NZTA, road safety action groups and other key agencies, have highlighted serious concerns about mobility scooters riding on the road when a footpath is available, as well as riding on the road as if they are a motor vehicle.

Monitoring and registration

It is recommended that legislation is changed to require all mobility scooters to be registered and display a licence plate, with minimal or no cost imposed, to ensure compliance. It is further recommended that the legislation set a maximum power assisted speed and size for mobility scooters.

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Museums and galleries

Remit:	That central government funding be made available on an annual basis for museums and galleries operated by territorial authorities with nationally significant collections.
Proposed by:	Whanganui District Council
Supported by:	Zone Three

Background information and research

3. Nature of the issue

The following issues have been identified:

- There is currently no central government funding for daily operating costs for museums and galleries operated by territorial authorities.
- Public museums and galleries often house nationally significant collections and taonga but are supported largely by their local ratepayers, often from a limited funding pool.
- These facilities attract national and international visitors and service far more than the local area from which their funding is drawn.
- Local authorities are severely challenged to adequately support the annual running costs required for these key cultural facilities due to the financial impost on ratepayers.
- Support for the retention of these facilities in smaller regional centres, outside the larger cities, is important in terms of cultural accessibility and in keeping our provincial communities viable.

4. Background to its being raised

Regional museums and galleries are important to the cultural makeup of this country. They are recognised as critical hubs for communities and visitors and play a role that extends far beyond the display of images and artefacts:

- They occupy a dynamic position in our national cultural life, encouraging us to think about our place in the world.
- They stimulate discussion and debate. This enhances participation, creativity, community capacity and a sense of place.



- They generate economic activity; they are a driver of tourism and create jobs and vibrancy.
- They contribute to key aspects of our community and national cultural identity; the nature of our bicultural society and other multicultural influences means that museums and galleries will act as an increasingly important link in reflecting and understanding the diversity of our communities.
- They build social cohesion, creativity and leisure opportunities. They contribute to civic development and provide a focal point for gathering and interaction; acting as a key social destination.
- They foster enrichment. Arts and culture are 'good for you'. Having access to events and exhibitions is important, and this might be even more so in provincial centres.

Despite this, there is limited funding available, particularly for operating costs. This raises concerns about the ongoing ability of territorial authorities to:

- Provide adequate, appropriate and safe storage methods. Climate control and professional and timely care or repair of our treasures requires adequate funding to ensure the longevity of many of our special collection items (for example, paintings or heritage artefacts such as Māori cloaks).
- Deliver the right display conditions. Without the right climate control, security and display methods, the public's access to view these collections is severely limited. Instead of enhancing the visibility of, and connection to, our key collection pieces locally, nationally and internationally, this access is restricted by inadequate funds for exhibition. This is exacerbated by the limitations of funding at the local ratepayer level.
- Preserving our stories. The collections available at public museums and galleries are not only often nationally significant but also reveal important aspects of our local identity. They are an education resource (both formally through school programmes and informally) and are a drawcard for tourism. Maintaining these collections retains our storytelling abilities, supports our unique identities and contributes to economic and social development.

This is supported by the following background information:

- Some collections are over 100 years old and need specialised climate control and storage facilities. Paint, canvas, fabric and fibres have unique requirements to ensure their preservation and longevity. The cost of doing so is huge and is a burden that many local communities cannot sustain. However, despite this, they are solely responsible for this care.
- Some grants are available, on application, to deliver education programmes for school children. However, this funding is very limited and requires additional subsidisation by schools. As a result, not all children are gaining equitable access to our museums and galleries.
- Limited grants are also available, on application, for storage and building upgrades, as well as for one-off restoration projects. However, there are no regular, reliable funds available to meet the significant and necessary costs of just running these institutions.



- Currently only the Auckland War Memorial Museum and Museum of New Zealand Te Papa Tongarewa receive an ongoing proportion of operating costs.

As an example, the Sarjeant Gallery in Whanganui has an annual operating budget of \$2.285 million and the Whanganui Regional Museum a budget of \$1.085 million. The value of their collections is \$30 million across each institution, with their collections considered to be some of the best in New Zealand. Yet they are funded almost solely from the local Whanganui district ratepayer base. This is not sustainable if we are to make the most of New Zealand's nationally significant collections and ensure their preservation for the future.

An example of public museums and art galleries currently operated by territorial authorities:

Institution	Permanent collection?
Sarjeant Gallery - Whanganui	✓
Whanganui Regional Museum	✓
Auckland Art Gallery	✓
Whangarei Art Museum	✓
Te Tuhi Center for the Arts, Manukau City	x
Waikato Museum	✓
Rotorua Museum of Art & History	✓
Tauranga Art Gallery	✓
Whakatane Museum & Art Gallery	✓
Govett Brewster Gallery/Len Lye Centre – New Plymouth	✓
Percy Thompson Gallery – Stratford	x
Tairāwhiti Museum – Gisborne	✓
Hawke's Bay Museum and Art Gallery – Napier	✓
Aratoi Wairarapa Museum of Art & History – Masterton	✓
City Gallery – Wellington	x
The New Dowse – Lower Hutt	✓
Millennium Art Gallery – Blenheim	✓
Suter Art Gallery – Nelson	✓
Christchurch Art Gallery	✓
Coca – Centre for Contemporary Art – Christchurch	✓
Aigantighe Art Gallery – Timaru	✓
Forrester Gallery – Oamaru	✓
Dunedin Public Art Gallery	✓
Southland Museum and Art Gallery – Invercargill	✓
Anderson Park Art Gallery – Invercargill	✓
Eastern Southland Gallery – Gore	✓

5. New or confirming existing policy

The remit would require a policy shift by central government to provide funding for operating costs based on a set of clear assessment criteria.

6. How the issue relates to objectives in the current Work Programme

The LGNZ work programme includes tourism as a focus area and addresses concerns about funding in relation to key facilities and amenities:

“Without more equitable forms of funding there is a risk that visitors will lack the appropriate range of local amenities they need to have a positive experience.”

This is framed by the following statement:

“The visitor industry is now New Zealand’s largest export industry however the speed of its growth is putting many of New Zealand’s smaller communities under pressure. It is a problem created by the way in which councils are funded as new facilities will be paid for out of property taxes while visitor expenditure, in the form of increased GST and income tax, benefits central rather than local government.”

7. What work or action on the issues has been done on it, and the outcome

Although there was work completed on a central government funding model for the ‘national collection’ in the 1990’s (that being, the collection held by all public museums and galleries in New Zealand) this did not progress. The United Kingdom has a centrally funded system for museums and galleries.

8. Any existing relevant legislation, policy or practice

- Auckland War Memorial Museum Act 1996.
- Museum of New Zealand Te Papa Tongarewa Act 1992.

9. Suggest course of action envisaged

That central government funding be made available on an annual basis for museums and galleries operated by territorial authorities with nationally significant collections.

This would be in the form of an annual allocation for operating costs based on specific criteria to ensure the maintenance, preservation and development of collections with relevance beyond the local setting. This would provide the surety of a reliable income stream and could be set to a specified limit, eg 10 per cent of annual operating costs.

**We are.
LGNZ.**

Of particular interest would be those collections of national importance where the benefit of protection and enhancement would make a substantial contribution to New Zealand's creative sector as well as our national cultural identity.

Priority funding would be given to museums and galleries which hold permanent New Zealand collections, rather than being solely exhibition galleries. Funding could also be based on the size and type of collection. This recognises the added burden of storage, care and maintenance for collections of a significant size and importance.

22

Resource Management Act

Remit:	That the selection of all independent commissioners for Resource Management Act hearings be centralised to improve independence and enhance the quality of decisions.
Proposed by:	Whanganui District Council
Supported by:	Zone Three

Background information and research

1. Nature of the issue

The following issues with the current system have been identified:

- There is potential for corruption and undue influence.
- There is limited ability for newer commissioners to obtain experience.
- There is opportunity for enhanced effectiveness and more robust decision-making.

2. Background to its being raised

The Resource Management Act (RMA) contains provisions for the appointment of independent commissioners to sit on panels to hear RMA matters, for example, resource consent applications, notices of requirement and District and Regional Plan Reviews, including plan changes (s39B).

Commissioners must be accredited to sit on RMA hearing panels and the Minister for the Environment must approve the qualification for accreditation. The certification process is called “Making Good Decisions” and is delivered on behalf of the Ministry.

The Ministry for the Environment (MfE) website sets out the areas covered by the accreditation and recertification processes and has a register of qualified commissioners.



Although this system provides opportunity, in theory, for panel composition based on a balanced range of factors to ensure impartiality and relevant breadth of experience – in practice this is not the case. Instead, selection can be influenced by:

- Paid relationships. For example, commissioners being held on retainer.
- Manipulation of focus areas. For example, panels being 'stacked' to increase the likelihood of support or sympathy for particular issues.
- Existing connections. For example, the same commissioners being selected by the same councils, leaving little room for newer certificate holders and leading to questions of true independence.

As a result, the current system is open to both real and perceived issues of fairness based on concerns about:

- The appropriateness of an ongoing financial arrangement for retained availability, as well as the ability of this relationship to really remain independent and impartial. For example, would an 'unfavourable' decision jeopardise the financial benefit for a commissioner in this position?
- A balance of experience and expertise on the panel when many of the same commissioners, with similar backgrounds (planners, lawyers, elected members) are used on a consistent basis.
- Missed opportunities to provide practical experience to a broader spread of certificate holders in a more even way (rather than the same familiar options being selected).
- The ability to achieve genuine impartiality when commissioners can be picked based on prior relationships and knowledge of their position (and therefore likely decisions) on particular issues.
- An absence of local and external collaboration on decisions – missing important opportunities to upskill lesser experienced commissioners and provide the right mix of local versus external perspectives to equally inform good decision-making.
- A lack of standardisation in fee structures throughout the country, potentially leading to 'cherry-picking' of hearings.
- Poor Māori representation on hearing panels in areas where co-management legislation does not yet apply.

There is also no process for receiving or addressing complaints about commissioner conduct.

3. New or confirming existing policy

The remit would require amendment to the RMA and the development of a centralised and independently managed appointment process to allocate commissioners in a systematic and fair manner. This would be supported by regulations which would set out the steps to be followed.



Such provisions are already contained in legislation such as the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s 25 and s28).

4. How the issue relates to objectives in the current Work Programme

The work programme notes that 'major reform' of the RMA is required. It does not, however, specifically relate to the recommendations of this remit.

5. What work or action on the issue has been done on it, and the outcome

No work has been undertaken specifically on this. However, the proposed model recommends use of the Victorian State Government approach: <https://www.planning.vic.gov.au/panels-and-committees/panels-and-committees>

In addition, the New Zealand Environment Court uses a mixed model approach, with the Judge as chair and two or more court appointed commissioners. These commissioners have a varied background (across planning, ecology, landscape architecture, civil engineering, Tikanga Māori etc) and have all completed the "LEADR" mediation programme to assist the Court in mediated resolutions of court appeals. Many have also undertaken the "Making Good Decisions" programme.

6. Suggested course of action envisaged

That the selection of all accredited commissioners for RMA hearings be centralised and independently managed by the Ministry for the Environment.

The new process could follow the Victorian State Government example. In essence this involves making an initial hearing panel application online, followed by a formal letter of request. A panel is then appointed by the Minister (or a delegate) in accordance with the specific details of the particular issue, eg the complexity of the topic, the number of submissions received or the special expertise required. This enables administrative 'filtering' to sort panellists according to their suitability across a spectrum of hearing complexities. For example, smaller and less controversial issues would be resourced differently to more difficult topics. This would also ensure a tailored mix of expertise and backgrounds – enabling greater Māori representation, a balance of newer and more experienced commissioners and a spread of local and external knowledge.

In Victoria the pool of available commissioners is managed by an 'Office of Planning Panels' acting as a conduit between panels and interested parties to "ensure an independent and transparent process is upheld".

**We are.
LGNZ.**

If MfE took this on it would also be expected to manage the contracts, oversee the effectiveness of the process, receive and adjudicate on any complaints about commissioner conduct and regulate the fee structure. It would also deliver administrative support for the process (although where hearings are cost recoverable from applicants then this would be managed accordingly). MfE could also maintain the register of accredited commissioners and chairs and ensure that it remained up to date, with sufficient information provided to ensure the effective appointment of panels.

23

Mayor decision to appoint Deputy Mayor

Remit:	That LGNZ request the Government to amend S.41A of the LGA2002 to give Mayors the same powers to appoint a deputy mayor as held by the Mayor of Auckland.
Proposed by:	Horowhenua District Council, Invercargill District Council and Whanganui District Council
Supported by:	Provincial Sector

Background information and research

1. Nature of the issue

Since 2013 mayors have had the power to determine who their deputy mayor should be, however a mayor's choice of deputy can be overturned by a majority vote of councillors. Not only has this caused confusion the fact that councils can over turn a mayor's choice undermines the original intent of the legislation.

2. Background to its being raised

The 2012 LGA 2002 Amendment Act introduced Section 41A which recognised mayors' leadership role and gave mayors the authority to appoint their deputy as well as committee chairs. The select committee amended the original bill to provide councils with an ability to reverse a mayor's decision. Not only did that change make a nonsense of the original intent it has also undermined the credibility of the legislation in the eyes of citizens who generally expect a mayor to be able to choose who their deputy will be, given the importance of that working relationship.

3. How the issue relates to objectives in the current Work Programme

The problems mayors face with implementation of section 41A is not currently on the LGNZ work programme.

**We are.
LGNZ.**

4. Any existing relevant legislation, policy or practice

The Government is re-drafting the Local Government Amendment Bill 2 which is expected to be given its second reading later this year. The Bill could provide a vehicle to amend S.41A in order to strengthen mayors' ability to appoint their deputies without the risk of that decision being reversed.

24

Beauty industry

Remit:	That LGNZ calls on the Government to develop and implement national guidelines, policy or regulations to achieve national consistency for the largely unregulated 'health and beauty clinic' industry.
Proposed by:	Whangarei District Council
Supported by:	Selwyn District Council
	Kawerau District Council
	Dunedin City Council
	Rangitikei District Council
	Far North District Council

Background information and research**1. Nature of the issue**

Over recent years, the 'health and beauty clinic' industry has seen tremendous growth and continues to expand rapidly. Unfortunately, there is no national legislation or guidance to regulate this industry.

The Health Act 1956 is currently the only legislative tool at the disposal of local authorities to deal with concerns and complaints. However, the powers under the Act are very limited, and do not relate specifically to quality and community safety.

Several councils have developed their own Bylaws to deal with the potential risks that this industry poses to its clientele, with varying degrees of success, but by large the industry remains unregulated. By contrast, national regulations to regulate the hairdressing industry have existed since the 1980's. It is considered that the 'health and beauty clinic' industry faces much higher risks and challenges.

2. Background to its being raised

Nationally, as well as locally, Environmental Health Practitioners are dealing with an ever-increasing number of complaints about this industry and the fallout from botched procedures, as well as infections. Whilst, practitioners can address some of these concerns under the Health Act 1956, it is felt that specific legislation or guidance is the only way to regulate this industry and achieve national consistency.



In the absence of national legislation, territorial authorities such as the Whangarei District Council are unable to regulate the industry, except through the development of a specific Bylaw. The development of Bylaws is an expensive and time consuming process and the cost of that process and any complaint investigation, outside the Bylaw process, falls solely on ratepayers whilst creation of Bylaws can mitigate risk at local level, they do not result in national consistency.

3. New or confirming existing policy

New policy.

4. How the issue relates to objectives in the current Work Programme

The issue aligns to the LGNZ Three Year Business Plan (2019/20 – 2021/22), that recognises quality and community safety as a key social issue, with social issues being one of the five big issues for New Zealand councils. Specifically, the commitment to “work alongside central government and iwi to address social issues and needs in our communities, including a rapidly growing and an ageing population, inequality, housing (including social housing) supply and quality and community safety.”

5. What work or action on the issue has been done on it, and the outcome

Aside from some council’s developing their own Bylaws, as far as the Whangarei District Council is aware, central government has no plan to develop legislation or guidance for this sector.

Notably, as New Zealand-wide complaints regarding the industry continue to rise and the serious risks associated with the industry continue to be better understood a national approach is needed to make any substantive progress on regulating the ‘health and beauty clinic’ industry in New Zealand.

6. Any existing relevant legislation, policy or practice

As described above, the Health Act 1956 is currently the only legislative tool at the disposal of local authorities to deal with concerns and complaints. However, the powers under the Act are very limited, and do not relate specifically to quality and community safety.

**We are.
LGNZ.**

7. Suggested course of action envisaged

That LGNZ calls on the Government to develop and implement national guidelines, policy or regulations to achieve national consistency for the largely unregulated 'health and beauty clinic' industry.

It is also suggested that LGNZ engage directly with relevant ministers and ministries to ensure local government has an appropriate role in the development of nationally consistent legislation or guidelines to address the challenges the industry brings.



Remits not going to AGM

The remit Screening Committee has referred the following remits to the National Council of LGNZ for action, rather than to the Annual General Meeting for consideration. The Remit Screening Committee's role is to ensure that remits referred to the AGM are relevant, significant in nature and require agreement from the membership. In general, proposed remits that are already LGNZ policy, are already on the LGNZ work programme or technical in nature will be referred directly to the National Council for their action.

1. Earthquake strengthening – tax relief

Remit: That LGNZ lobby central government to provide tax relief for buildings owners for the compulsory earthquake strengthening of their buildings either by way of reinstating depreciation or some other tax relief for earthquake compliance costs.

Proposed by: Horowhenua District Council

Supported by: Zone Three

Recommendation: That the remit is referred to National Council for action

2. Benchmark Programme

Remit: That LGNZ investigate and implement an infrastructure delivery benchmark programme, including working with the Department of Internal Affairs to improve the Non-Financial Performance Measures Rules 2013 to be more meaningful measures of infrastructure service delivery.

Proposed by: New Plymouth District Council

Supported by: Central Hawkes Bay District Council; Otorohanga District Council; South Taranaki District Council; Stratford District Council; Thames-Coromandel District Council; Waitomo District Council; Wellington City Council; Whanganui District Council

Recommendation: That the remit is referred to the National Council for action



3. On-line voting

Remit: That LGNZ advocates to the Government for it to provide financial support for the Local Government on-line voting trial.

Proposed by: Palmerston North City Council

Supported by: Metro Sector

Recommendation: That the remit is referred to the National Council for action

4. E-waste

Remit: That LGNZ advocates to the Government to introduce a mandatory product stewardship programme for e-waste.

Proposed by: Palmerston North City Council

Supported by: Metro Sector

Recommendation: That the remit is referred to the National Council for action

5. Tourism Industry Aotearoa

Remit: That LGNZ actively consider the Tourism Industry Aotearoa Local Government Funding Model to Support Regional Tourism Growth.

Proposed by: Ruapehu District Council

Supported by: Palmerston North City Council; Horizons Regional Council; New Plymouth District Council; Rangitikei District Council; Stratford District Council

Recommendation: That the remit is referred to the National Council for action

REPORT R10286

Council Status Report - 20 June 2019

1. Purpose of Report

- 1.1 To provide an update on the status of actions requested and pending.

2. Recommendation

That the Council

- 1. Receives the report Council Status Report - 20 June 2019 (R10286) and its attachment (A1168168).***

Author: Elaine Stephenson, Governance Adviser

Attachments

Attachment 1: A1168168 - Council Status Report 20 June 2019 [↓](#)

Status Report – Council – Jun 2019

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
13/12/2018	Tahunanui Modellers Pond Trial: Way Forward	<p>Resolved CL/2018/305</p> <p><i>That the Council</i></p> <p><i>Receives the report Tahunanui Modellers Pond Trial: Way Forward (R9823) and its attachments (A2078208, A2106756 and A2094762); and</i></p> <p><i>Notes that officers do not support continuing with the trial beyond the three month initial period; and</i></p> <p><i>Approves on the recommendation of the Working Party to proceed with the Diatomix trial as per Option 3 of Report R9823 (for a further five months) noting the Working Party's desire to supply and install an alternative pump at their own cost; and</i></p> <p><i>Approves additional unbudgeted operational funding of \$130,000 in the current 2018/19 financial year to continue with the Diatomix trial for a further five months – ending April 2019; and</i></p> <p><i>Requests an update, on the outcome of any further trial period, be reported back to the full Council.</i></p>	David Light	<p>A report will be brought back to Council on 8 August 2019, to summarise the outcome from the trial extension and recommend a way forward.</p>

REPORT R10260

Kotahitanga mō te Taiao Strategy

1. Purpose of Report

- 1.1 To provide background to the recommendation from the Planning and Regulatory Committee to adopt the Kotahitanga mō te Taiao Strategy (Strategy).

2. Recommendation

That the Council

- 1. Receives the report Kotahitanga mō te Taiao Strategy (R10260) and its attachment (A2203854); and***
- 2. Adopts the Kotahitanga mō te Taiao Strategy (A2203854).***

3. Background

- 3.1 Council joined the Kotahitanga mō te Taiao Alliance (the Alliance) in September 2017. The Alliance is made up of all the Councils and some iwi in the top half of the South Island, led by the Department of Conservation (refer Appendix 2 of the Strategy). The focus of the Alliance is on landscape-scale conservation projects that also have social, economic and cultural benefits. The Alliance has supported a number of conservation projects throughout 2018 and has developed the Kotahitanga mō te Taiao Strategy (Strategy) to help align efforts between Alliance members. The Strategy was developed in conjunction with a number of scientific organisations, interest groups and Alliance members (refer Appendix 1 of the Strategy).
- 3.2 Updates on the Strategy have been provided to the Planning and Regulatory Committee and the Draft Strategy was jointly workshopped with Nelson City Council and Tasman District Council (TDC) on 26 March 2019.
- 3.3 The Planning and Regulatory Committee recommended adoption of the Strategy at the 28 May 2019 meeting and requested that a paper

Item 10: Kotahitanga mō te Taiao Strategy

accompany the recommendation to provide some context for the Council in making this decision.

4. Discussion

Overview of Strategy

- 4.1 The purpose of the Strategy is to align the efforts of the Alliance to enable the vision, mission, and outcomes to be achieved through collective action while attracting and securing investment and enabling system and behaviour changes.
- 4.2 The Strategy vision, mission and outcomes are outlined in Table 1 of the Strategy. The vision (or what we want to be like) seeks to have a flourishing natural heritage where people live in and care for our natural ecology. The mission will be achieved by aligning efforts through education and working together. The outcomes largely seek to integrate the wellbeing of nature and people.
- 4.3 The Strategy also identifies a number of values that outline how we work together and what we value. For example we want to protect the mauri (life force) of biodiversity by being kaitiaki (guardians) of our environs.
- 4.4 The Strategy recognises our treaty obligations and aligns with a Maori world view (Refer Maturanga Maori and Te Tiriti o Waitangi Section of the Strategy).
- 4.5 How the strategy will be implemented is through four key methods which are outlined in the Implementation section of the Strategy. The first three methods are about working together to guide strategies, policies, plans and future projects and programmes. The last method is about endorsement of funding applications for other organisations and a number of criteria are provided to help inform and streamline decision making. The better the alignment with these criteria the greater the likelihood of support from the Alliance.
- 4.6 The remainder of the Strategy (refer Top of the South as a Whole and areas 1-9 of the Strategy) outlines the values (character) vision (our shared future) and outcomes (what we want to achieve, what success looks like, and how we get there) across the area as a whole and for eleven defined areas (Places) within the Top of the South (see Figure 1 of the Strategy). These values and outcomes have been informed by the technical work that sits behind the Strategy and aligns with Council's environmental planning documents and programmes such as the Biodiversity Strategy and Nelson Nature programme. The Strategy and Alliance provides an opportunity to enhance biodiversity outcomes while leveraging additional investment and resources from Alliance members and funding organisations.

Boundary Changes to exclude Ngāti Kuri Rohe

- 4.7 At the time of writing the report to the Planning and Regulatory Committee, the Strategy had been adopted by Tasman District Council,

Item 10: Kotahitanga mō te Taiao Strategy

Marlborough District Council (MDC), West Coast Regional Council, Kaikoura District Council, Buller District Council, Ngāti Kuia, Ngāti Tama, and Ngāti Waewae.

- 4.8 Following the May Planning and Regulatory Committee meeting Alliance members were advised that Ngāti Kuri do not wish to be part of the Strategy and do not approve the strategy providing direction over their rohe. Consequently the Strategy has been adjusted to provide direction as far east as Ngāti Kuri's western boundary (refer Figure 1 of the Strategy) and removed the Kaikoura and Eastern Coast places. Ngāti Kuri are still welcome to join the Alliance and are keen to work together to develop a joint strategy for their rohe.

5. Options

- 5.1 Option 1, adopting the Strategy, is considered the most appropriate option as this will align decision making and conservation efforts across the top half of the South Island.

Option 1: Adopt the Strategy	
Advantages	<ul style="list-style-type: none">• Alignment of key stakeholders efforts• Shows the collective are investment ready for funding applications• Joint framework for decision making• Aligns with existing strategies and programmes
Risks and Disadvantages	<ul style="list-style-type: none">• Nil
Option 2: Do not Adopt the Strategy	
Advantages	<ul style="list-style-type: none">• Nil
Risks and Disadvantages	<ul style="list-style-type: none">• Less aligned decision making and conservation efforts

6. Next Steps

- 6.1 The launch of the Strategy is planned for Matariki, 28 June 2019. The Strategy will be used to guide future decision making around conservation programmes in the top half of the South Island.

Item 10: Kotahitanga mō te Taiao Strategy

Author: **Matt Heale, Manager Environment**

Attachments

Attachment 1: Kotahitanga mō te Taiao Strategy (A2203854) [↓](#)

Important considerations for decision making
1. Fit with Purpose of Local Government <p>The Strategy will enable action on behalf of communities and stakeholders and promotes environmental well-being which aligns with the purpose of Local Government (refer LGA 2002 s10)</p>
2. Consistency with Community Outcomes and Council Policy <p>The Strategy seeks to restore natural heritage and bolster natural ecology and the communities that live within these areas through aligning planning and programmes across Alliance members. The Strategy also reinforces a partnership approach and the Kaitikitunga role of tangata whenua and has been developed in conjunction with a range of key stakeholders. This approach aligns with the following community outcomes:</p> <p>Our unique environment is healthy and protected.</p> <p>Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.</p> <p>The Strategy also aligns with Council's vision where people feel deeply connected to our natural environment and the Environment priority that seeks to keep the environment well and strong and recognises that investing in the environment is essential.</p> <p>The Strategy also aligns with the Nelson Biodiversity Strategy, Waimea Inlet Strategy, the NZ Biodiversity Strategy, and iwi management plans in that it seeks to protect, restore and enhance naturally functioning ecosystems and ecological connections.</p>
3. Risk <p>It is considered that the Strategy will help mitigate risks to Nelson's environment and enhance Councils relationship with iwi and partner organisations.</p>
4. Financial impact <p>The implementation of the Strategy will require staff time which is accommodated within existing budgets. The involvement of Alliance partners and the potential future investment that the Strategy will attract may result in financial savings in the longer term.</p>
5. Degree of significance and level of engagement <p>This matter is of low significance because there is no significant change to Councils current levels of service and there has been extensive consultation with iwi and key stakeholders.</p>

6. Inclusion of Māori in the decision making process

Iwi representatives have been involved in the development of the Strategy and the Strategy has been endorsed by relevant Iwi boards.

7. Delegations

The Planning and Regulatory has recommended that the Strategy is adopted in line with its delegation to recommend the development or review of policies and strategies relating to the areas of responsibility, which includes Biodiversity. Council has the power to adopt policies.

Kotahitanga mō te Taiao Strategy

5.0

This co-designed Strategic document provides high-level outcomes to achieve significant conservation gains as well as social, cultural and economic benefits to communities that will grow our resilience as a region, outcomes that no one entity could achieve alone. We acknowledge that the high-level outcomes defined in the Place section are a starting point and that significant engagement and collaborative processes are required to further inform this direction. The Alliance is committed to kotahitanga (working together) to achieve these transformational outcomes. This strategy is dynamic, and we acknowledge that community aspirations and unrecognised opportunities may occur and must be considered. As an Alliance, we will consider any such significant changes or opportunities and work to the strengths of the members to secure the best possible outcomes for the region.

Buller District Council, Department of Conservation, Kaikoura District Council, Marlborough District Council, Nelson City Council, Ngāti Apa ki te Rā Tō Trust, Te Rūnanga o Ngāti Kuia Trust, Ngāti Tama ki Te Waipounamu Trust, Te Atiawa o Te Waka-a-Māui Trust, Te Rūnanga o Ngāti Waewae and West Coast Regional Council

26 May 2019

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Who we are

Kotahitanga mō te Taiao is an alliance formed by all the Councils and some of the iwi in the top of the South Island, and the Department of Conservation. Our focus is on landscape-scale conservation projects that also have environmental, social, economic, and cultural benefits. Members are listed on the title page of the Strategy.

Many of our biodiversity taonga¹ are unique to New Zealand (Aotearoa). The environment and people are interconnected. Look after the environment and the environment will look after you.

This Strategy has been created by the Kotahitanga mō te Taiao Alliance (the Alliance) to facilitate collective action, enable access to funding opportunities to enable and enhance delivery on biodiversity outcomes. Kotahitanga is about collaboration, working together, to achieve shared outcomes that enhance and protect Te Taiao, our natural heritage.

The Alliance is committed to working in partnership to align and integrate the efforts of Alliance members. This Strategy has been created with the support of practitioners and scientists active in natural heritage management. The process worked through collaboration and consensus on the issues and opportunities. The creation of the Strategy did not involve a formal collation and documentation of evidence, though many of the contributors are published authors on these matters. Contributing organisations and individuals are listed in Appendix 1. Three technical reports were completed to support the Strategy development. These provided science advice, a framework to be used for economic analysis, and guidance on application of Mātauranga Māori. They are listed in Appendix 2.

¹ Treasured resources

Purpose

The purpose of this Strategy is to align the efforts of the Kotahitanga mō te Taiao Alliance to enable its vision, mission, and outcomes to be achieved through collective action while attracting and securing investment and enabling system and behaviour changes.

How this Strategy works

This Strategy is visionary and designed to be applied in a diverse range of ways. It is transformational and future focused and creates a framework linking long term vision to pragmatic actions.

Vision

Vision defines what the future will look like when the Strategy is fully implemented. The Alliance vision is that *our extraordinary natural heritage is flourishing, having been restored over large areas, including where people live. People live, care for, and benefit from the environment in ways that bolster natural ecology together with the communities that live within them.*

Mission

The Mission guides how the strategy will be implemented. The Mission of the Alliance *is to work together to create a connected and aligned region that understands, protects, enhances, and future proofs the values of nature critical to the Top of the South and that this flourishing nature in turn enriches its communities.*

Outcomes

The Outcomes are the tangible achievements of the Mission as we progress in achieving our collective Vision. Five Outcomes set out the results that successful implementation of the Strategy will achieve. These integrate the health of the natural heritage with the well-being of people.

Values

The Values define how we will work together. The Values are grounded in Mātauranga Māori, Māori knowledge of the indigenous people of Aotearoa. These have informed formation of the Strategy and will shape its implementation.

A summary of the Vision, Mission, Values and Outcomes of the Strategy is outlined in Table 1 below.

Mātauranga Māori

Mātauranga Māori is a traditional knowledge system founded on cosmology of the universe and the creation of the world and all living things contained in the world. The Mātauranga Māori information in this Strategy is drawn from a report commissioned by the Alliance². This reflects a Māori world view for Te Tau Ihu iwi. Other iwi such Ngāi Tahu Papatipu Runanga, Te Runanga o Ngati Waewae and Ngati Kuri will also have their own traditional knowledge. It needs to be extended in relation to places and for the iwi within the Top of the South that might have differing traditions.

Core to Mātauranga Māori is the interconnected relationship between the spiritual world, natural world, Te Taiao, and people. Tangata whenua, the people of the land, therefore share a whakapapa (ancestry) with Ngā Atua kaitiaki and Te Taiao.

Ngā Atua kaitiaki relate to the natural world, taonga (treasured resources), and management practices important to sustaining Te Taiao. These Atua are the offspring of Papatūānuku (the Earth Mother) and Ranginui (the Sky Father) and are therefore siblings. They connect by whakapapa (ancestry), the people of the land and their natural environment and all living things on land and sea. Ngā Atua kaitiaki listed by Te Tau Ihu iwi are:

Tawhirimatea - guardian of winds, air and clouds.

Tangaroa - guardian of all fish, seas, ocean, rivers and waterways.

Tūmataurangi - guardian of war, conflict, negotiations and people.

Rongomaraeroa or Rongomātane - guardian of peace and cultivated foods.

Tāne Mahuta - guardian of ngahere (forests), birds, and creator of light and people.

Tutewehiwehi - guardian of reptiles and amphibians.

Haumiatiketike - guardian of uncultivated foods and fern roots.

Tangata whenua are the physical representation of Ngā Atua kaitiaki and therefore kaitiaki of te taiao, the environment.

In Te Aotūroa (the framework used in the supporting report) the physical elements of Ngā Atua kaitiaki require the elements of each other to coexist. Plants require water, water is replenished by rain and snow, and wind requires heat from the earth and vapours and moistures from the oceans. All animals and humans require all environments to exist and be healthy. Te Taiao is critical to the sustenance of life. The management of Te Taiao is dependent on how natural attributes are managed and utilised, preserved and conserved, restored, and replenished for their own intrinsic worth against developments and impacts of pollution and natural disasters.

Giving expression to this world view, and the inter-relatedness of people and all living and physical things is fundamental to this Strategy. The core values that underpin the relationship of care and utilisation are the values that will govern implementation of the Strategy. Key criteria are incorporated that will be used to guide the projects and programmes and Alliance support. These are listed in the section on implementation.

² Mātauranga Māori - Understanding and applying Māori Knowledge. Tracey Kingi KIC Ltd November 2018.

Te Tiriti o Waitangi/Treaty of Waitangi

Te Tiriti o Waitangi/ Treaty of Waitangi is the founding document of New Zealand/Aotearoa and partnership relationship between the Crown and iwi Māori. The Alliance is made up of iwi Trusts and statutory organisations. These organisations have specific responsibilities to implement Treaty obligations to iwi Māori in their activities. These include development and implementation of this Strategy.

The Treaty partnership is a reciprocal relationship enhancing the ability of iwi to participate in conservation activities and to work together for greater outcomes that will benefit Māori and the wider community. This Strategy has been developed to foster good faith engagement at the highest level, collaborative relationships, and to create a platform for growing a shared vision into the future.

Treaty responsibilities for agencies come from:

- the Principles of the Treaty of Waitangi in Acts of Parliament;
- acknowledgements in subsidiary regulations and instruments such as statutory acknowledgements; and
- Government policy.

For natural heritage the following Acts of Parliament are relevant:

1. Te Ture Whenua Māori Act 1993 is the primary legislation to facilitate and promote the retention, use, development and control of Māori land by Māori owners, their whānau, hapū and descendants.
2. The Conservation Act 1987 governs all work of DOC and Fish and Game Councils and states in Section 4 *"This Act shall so be interpreted and administered as to give effect to the principles of the [Treaty of Waitangi](#)"*.
3. The Local Government Act 2002 governs the work of Councils and it states that *"In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the [Treaty of Waitangi](#) and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, [Parts 2](#) and [6](#) provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes."*
4. The Resource Management Act 1991 states in Section 8 that *" In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi)." In Section 6 the act requires those exercising powers to recognise and provide for *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga* and in 7 to have regard to kaitiakitanga. This is further elaborated for the Top of the South in the Te Tau Ihu Statutory Acknowledgements which insert provisions into the Resource Management Plans of Marlborough District Council, Nelson City Council and Tasman District Council.*
5. The Ngāi Tahu Claims Settlement Act 1998 provides recognition of particular areas and species of importance to Ngāi Tahu.

The Strategy should be read with reference to the above. Treaty related provisions in plans, policies, and strategies made by Alliance members are also relevant. These include iwi management plans, conservation management strategies and plans, and the plans and strategies of local and regional government under these and related statutes.

Implementation

The Alliance partners are committed to working together to implement the Strategy. A Memorandum of Understanding (attached as Appendix 3) has formalised the agreement. Each Alliance partner retains its autonomy and authority while aspiring to collaborate to achieve the shared Outcomes. Alliance partners will provide effective governance linking new projects with existing programmes. New partners may be invited to join the Alliance. To become a partner, organisations will commit to the Memorandum of Understanding, the Mission of the Alliance, and to implementing the Strategy. Alliance partners will commit to the Values in the Strategy in their working together.

The Alliance will implement the Strategy in four ways:

1) Alliance Partner alignment

Each Alliance Partner will work to align with the Strategy within their individual entities. This may include using the Strategy as a high-level document to guide future more detailed processes such as statutory plans, policies, and business planning. As a non-statutory document the Strategy cannot direct or require content for these documents. Rather it sets high-level guidance and identifies opportunities for collaboration and cooperation.

2) Alliance collaboration on projects and programmes

Implementation of this Strategy will occur through support, and advice as well as ongoing programmes of work. Many will create step changes that enable longer term sustainable action. Community engagement will be integral to achieving our vision and sustaining heritage restoration.

Action and engagement plans will provide specific projects and programmes of work. These will be collectively written by key partners and mana whenua within the programme areas. They will seek to align with the direction and outcomes identified in the Strategy. It is through action plans that indicators to measure progress towards the outcomes will be developed.

3) Alignment with others

The Alliance will individually and collectively engage and seek to align with other relevant regional processes such as the 2077 Te Tau Ihu Regional Growth Strategy, and national processes such as the National Policy Statement on Biodiversity and the New Zealand Biodiversity Strategy.

4) Endorsing and supporting others to implement the Strategy.

It is expected that the Alliance may receive requests to support or endorse funding applications from others such as community trusts or community groups. The criteria to identify which projects and programmes the Alliance should support are listed below. They are divided into two parts; characteristics the project **must have** to merit support and assessment criteria. Each assessment criterion requires scale definition for consistent use as the assessment will be on the degree of contribution. Projects gain merit by meeting all “must have” criteria and by scoring highly on assessment criteria.

Must:

1. Have clear outcomes that support Strategy implementation.
2. Be consistent with all Values set out in the Strategy.
3. Be based on best available information, science, and practice.

Assessment criteria:

4. Contribution to biodiversity value.

5. Range of Strategy Outcomes supported.
6. Preserves options, avoids irreversible loss, minimises future costs and/or increases ecological resilience.
7. Builds knowledge that can be applied more broadly.
8. Cost effectiveness.
9. Likelihood of achieving stated project outcomes and sustaining the gains.
10. Extent of community support, engagement, education, and well-being.
11. Increasing opportunities for tangata whenua to practice customs and traditions associated with their natural environments.
12. Supporting tangata whenua to have access to culturally important mahinga kai (food gathering areas) and areas of historical and special significance.
13. Being consistent with settlement obligations and statutory acknowledgements.
14. Making provision for cultural monitoring where projects or programmes may affect significant sites, traditional customary areas, mahinga kai, maunga, or wahi tapu.

Review and Measurement

The Strategy will be reviewed when the National Policy Statement on Biodiversity and the New Zealand Biodiversity Strategy are completed, and then fully every five years with a progress assessment each year.

Implementation will be assessed with reporting on the actions undertaken to deliver the Strategy back to the Alliance on a regular basis in order to measure progress, provide the opportunity for realignment, and to keep the Strategy live.

Success indicators will be evaluated as a measure of progress and are expected to be developed at the project and programme level. These will be collated to report on progress on the Strategy as a whole. The Strategy will be amended as agreed by Alliance Partners.

What transformational change looks like

The following sections identifies major initiatives for transformational change for the Top of the South Island as a whole and for nine defined places within the Top of the South Island. The Strategy identifies transformational change without muting the message over social or political constraints which will need to be taken into account in developing particular projects or programmes. The high-level outcomes defined in the Place section are a starting point and significant engagement and collaborative processes are required to further inform this direction. Each section provides an overview of the character of the different places, what the Alliance wants to achieve, what success looks like, and how the Strategy will help the places get there. It also provides a shared vision for each of the defined places. Sections also identify which outcomes initiatives relate to the places as outlined in Table 1:

Outcome 1 - **Native species**, including those found nowhere else, are thriving.

Outcome 2 - **Naturally functioning ecosystems** are protected, restored and enhanced.

Outcome 3 - **Wilderness** is sustained.

Outcome 4 - **People** flourish in harmony with nature.

Outcome 5 - Ecological **connections and resilience** are protected, restored and enhanced.

Places

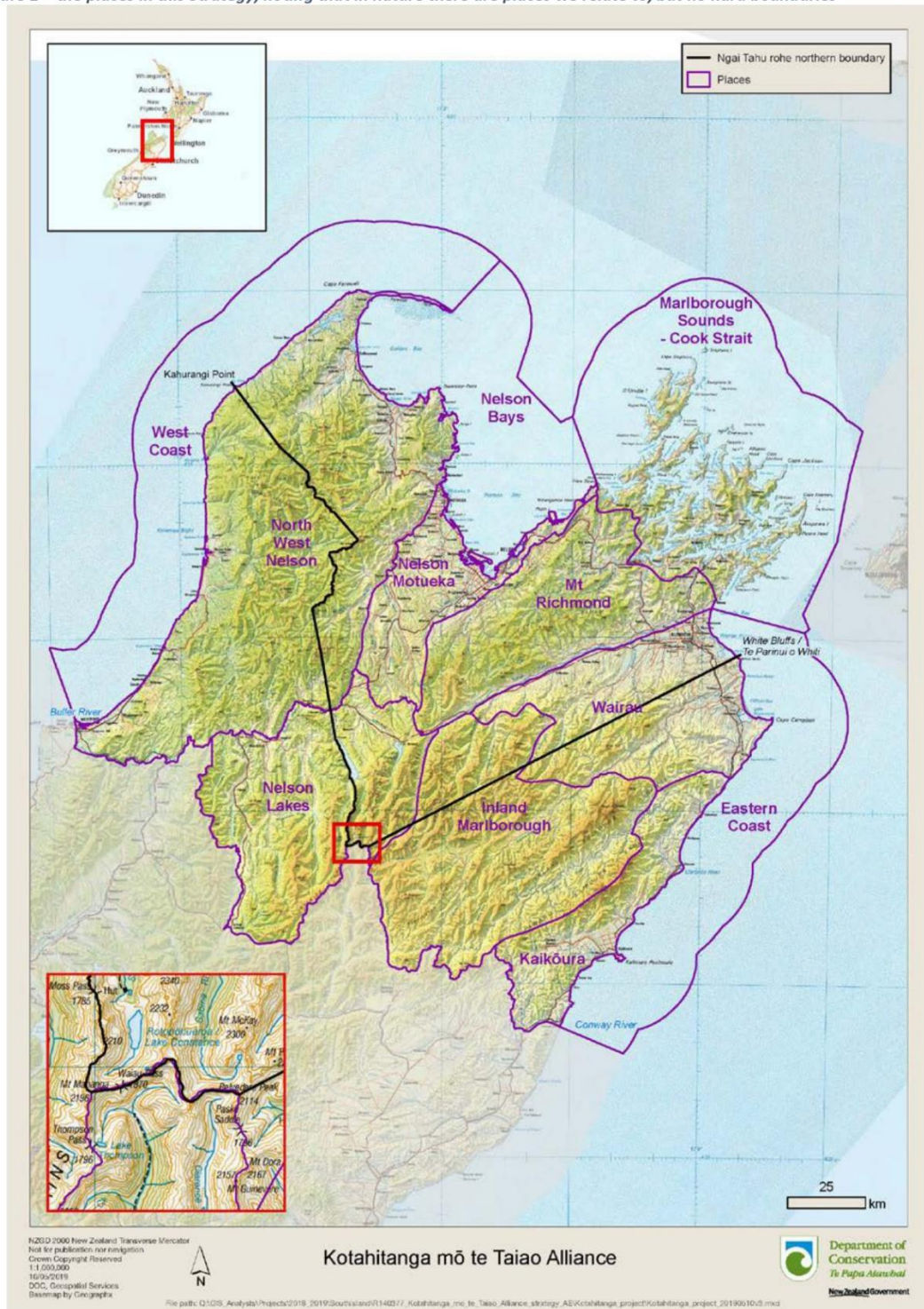
The Strategy describes success at the level of the Top of the South as a whole, and for **9 defined places**. While mapped boundaries are provided, these are simply to create the basis for strategic analysis. In reality, the connections between places are as important as the places themselves. The Strategy is designed to encourage collaborative action to emerge at a range of scales. The “place” sections often identify the same issues at different locations. **For the Wairau and Inland Marlborough places, these provide direction as far east as the western boundary of Ngāti Kuri’s rohe.**

Character descriptions for each place give a current state of the natural heritage of each part. **Challenges** identify the big issues we are trying to solve. **Building blocks** detail some of the existing initiatives for each place that we can build on. These are not intended to be exhaustive.

Our shared future provides a vision of what we want for each place.

Description of **what we want to achieve** in each place provides detailed goals and each is linked back to the overall outcomes. Many of these are aspirational and in practice cannot be achieved in all places at all times. While we want rivers and streams to flow unimpeded, in some cases we will have to settle for mitigation, such as fish passes on dams. All of these detailed goals are challenging, and few could be achieved by any one party working alone. For each, we describe **what success looks like** and **how to get there**. These are actions necessary to achieve the outcomes. This is not an exhaustive list and many more will be identified as we engage and undertake collaborative processes required to further inform the projects and programmes of work. As the Strategy is implemented the “how to get there” will also be further defined and informed through policies, iwi management plans and long term plans.

Figure 1 – the places in this Strategy, noting that in nature there are places we relate to, but no hard boundaries



Top of the South as a whole

This section identifies the character, challenges and major initiatives for transformational change at the level of the whole region. The actions identified here work across places and boundaries. The list is intended as a starting place, and it is expected that more transformational actions will be identified over time. **Direction is provided as far west as the Ngāti Kuri eastern boundary.**

Character

The Top of the South Island is the most environmentally diverse and ancient part of New Zealand. It is home to hundreds of species found nowhere else in the world and these form unique natural communities. This is the beech forest capital of New Zealand. The Top of the South has temperate marine environments with exceptional diversity of habitats from extensive intertidal flats to deep canyons, and very sheltered to wild and exposed coasts. The region has strongholds for a wide range of species and ecosystems now rare and threatened elsewhere in New Zealand (e.g. shorebirds, seabirds, Great Spotted Kiwi), and many found nowhere else in the world (e.g. giant land snails, giant cave spiders, King Shag, Cook Strait tuatara, coastal peppergrass). The Top of the South has large rural communities and some small to medium sized towns. Its economic base includes strong primary industries alongside tourism and other sectors. There are nine iwi present in this area, each with its own unique history and relationship to the land.

Challenges:

- Much of our natural heritage is in crisis as past introductions of pests, and ongoing pressures from human use, compromise natural functioning, and disrupt connections.
- Although the region has large integrated management programmes for pests, and major investment by national and local government and by citizens, the scale of the issues is such that further loss and extinction is inevitable without transformational change.
- Largely natural uplands in the west are degrading under pressures from mammalian predators and herbivores.
- Dry eastern areas are highly modified by burning and grazing but sustain a suite of unique species in natural remnants.
- Lowlands throughout the region are highly modified, and most natural ecosystems are now highly threatened or degraded.

Building blocks:

- Many groups are trying to address these issues, but resource limitations prevent landscape level programmes except in a few places. The region is poised to step up to resolving these issues.
- Communities and individuals have increased their contributions more than tenfold in many places across the region over the last decade.
- New technologies and understanding are becoming available, and previously intractable problems are being solved.

Our shared future

We rejoice as our extraordinary natural heritage is flourishing, having been restored over large areas, including where people live. People are informed, and respectful human behaviour enhances the environment in ways that bolster natural ecology, and this enriches their lives. Species and ecosystems thrive. Future generations benefit from a healthy natural world supporting a healthy equitable society and understand how

<p>to sustain this. The Top of the South leads innovation in action and respectful human behaviour that acknowledges the interconnected relationship of the natural environment and the health and wellbeing of communities. Iwi customs, traditions, spiritual values are protected, enhanced and maintained through access to healthy, clean, safe and abundant natural environments. Mahinga kai and mataitai have been protected, enhanced, and maintained. Iwi aspirations for the management of Te Taiao acknowledge and recognise Mātauranga Māori and the partnership relationship. Traditional foods, including uncultivated foods, are available for harvest and planting. A peaceful and harmonious working relationship is upheld based on our shared values. Indigenous plants, birds, animals and forests are healthy, abundant and managed sustainably.</p>		
What we want to achieve	This is what success looks like	How to get there
People understand and care for their natural heritage, moving to ecologically sustainable use of their environment and restoring past damage. (Outcome 4)	The majority of citizens, industries, and visitors know what makes the region special and are actively involved in sustaining and restoring nature.	Inspire curiosity about natural heritage and support people to care for it.
		Socialise active support for landscape scale nature restoration.
		Grow understanding of how thriving ecosystems contribute to thriving communities.
Iwi customs, traditions, spiritual values, and traditions have been maintained through access to healthy, clean, safe and abundant environments. (Outcomes 2 and 4)	Mahinga kai and mataitai have been protected and maintained. Traditional foods including uncultivated foods are available for harvest and planting. Indigenous plants, birds, animals and forests are healthy, abundant and managed sustainably.	Document Iwi aspirations for the management of the Te Taiao and develop programmes and projects that align with these.
Beech forest ecosystems functioning is no longer impacted by introduced pests. (Outcomes 1, 2, 3 and 5)	Future beech masts are a cause for celebration because the forest floors abound with seedlings awaiting their opportunity to be part of the forest canopy. Native birds, reptiles, bats and invertebrates thrive within the forests.	Ensure herbivores and predators are eradicated or kept at low numbers.
		Effective beech mast responses throughout the Top of the South.
		Undertake landscape-scale wasp and possum control.

	Beech forests drip with honeydew and are scarlet with mistletoe.	Utilise technological and operational advances in pest control operations.
	Large areas are predator free.	Efficient and cost effective control of pests.
	Increased control over more pests over greater areas.	Gain social support for new and effective technologies and new increased funding.
Landscapes free from wilding conifers and invasive weed species. (Outcomes 1, 2 and 3)	Invasive weeds eradicated or at low densities, including conifers outside areas where they are deliberately cultivated.	Landscape scale wilding conifer and invasive weed control.
Estuaries free of invasive weeds. (Outcomes 2 and 3)	Estuaries dominated by native vegetation.	Eradicate <i>Spartina</i> cordgrass and other invasive weed species from all estuaries.
Natural ecosystems that are resilient in the face of climate change. (Outcomes 2 and 5)	Natural ecosystems are given space to move inland and south as climate changes.	Plan for managed coastal retreat that allows natural ecosystems to survive.
	Proactive action to reduce future pest pressures before the changing environment allows them to multiply and spread.	Identify potential changes in weed and pest pressures as temperature and rainfall changes, and act proactively to reduce risks.
	Increased buffers around streams and planting of erosion prone hill slopes with permanent indigenous vegetation.	Change land uses to mitigate the effects of increased frequency of high intensity climatic events – e.g. storms and droughts.
	Natural ecosystem requirements included proactively in planning processes dealing with environmental instability.	Provide for natural ecosystems in planning infrastructure changes required in response to climate change.
Key land areas that are important to biodiversity are identified and formally protected. (Outcomes 2, 4 and 5)	Area of land managed for biodiversity outcomes has increased.	Encourage mechanisms for land-use change and protection for biodiversity in this region.
The full range of native species is secured, protected and sustained throughout their natural range and, where possible, lost species are re-introduced. (Outcome 1)	All species populations are stable, and no species are threatened with extinction due to pests and weeds.	Control pests and invasive weeds.
	Habitat degradation and destruction ceases.	Protect habitats are from land clearance and wetland drainage.

	Lost species are being reintroduced and sustained and communities care for them.	Reintroduce species where pest control permits.
	Effective techniques are used at landscape level	Fill knowledge gaps and develop and deploy required new technologies.
The full range of native terrestrial ecosystems is sustained. (Outcomes 2 and 5)	Pressure from browsers, predators, wasps and invasive weeds is reduced to sustainable levels.	Develop landscape level methods to control a range of introduced pests.
Internationally important features secured and celebrated. (Outcomes 1, 3 and 4)	The following internationally important features are secure and celebrated: Farewell Spit (Onetahua), glaciated marble landscapes, cave and karst ecosystems, coal plateaux ecosystems, migratory shorebirds and seabirds and their habitats, seabird/tuatara islands, unique species such as King Shag and their habitats, and the hundreds of unique plants and animals found nowhere else in the world.	Promote recognition and protection of places and species of international importance and tell their stories to enrich people's experience.
Our rivers and streams flow clean, plentiful, and unimpeded from the mountains to the sea. (Outcomes 1, 2 and 5)	Native freshwater migratory fish are abundant and estuarine and braided river bird numbers are restored.	Restore degraded estuaries, streams and rivers, including their margins, as habitat for native species.
	Freshwater flows and water quality are maintained and restored.	
	Barriers to fish passage are removed or mitigated.	
	People treasure their freshwater resource and its contribution to their health and wellbeing.	
Secure, sustain and enhance natural freshwater systems and increase their resilience. (Outcomes 2 and 5)	The Top of the South is free of harmful freshwater pests.	Eradicate pest fish and aquatic weeds and maintain native species dominance in priority areas. Support and encourage landowners to plant riparian

	Riparian margins are dominated by indigenous species.	margins and management of weeds and pests.
Our marine environment receives clean water from the land, and its vulnerable habitats and communities are protected and can recover from past and ongoing damage. (Outcomes 2 and 5)	Seabed in Golden and Tasman Bays and the Marlborough Sounds are free of excess fine sediment and direct damage from human uses is at ecologically sustainable levels.	Reduce sediment inputs from land to ecologically sustainable levels.
	Biogenic habitats and other vulnerable marine communities are thriving.	Use innovative technologies and management approaches to avoid or minimise impacts on vulnerable benthic communities such as biogenic habitats.
	Restored marine ecosystems to support sustainable kaimoana harvests.	Promote integrated multi sector collaborative management of marine resources.
	Pressures on the marine environment reduced to give species and communities room to cope with climate change effects.	
	Estuary condition improves year on year and estuarine areas maintain their ecological structure and function despite the effects of sea level rise.	Restore degraded estuarine and coastal areas as far as possible. Enable estuarine ecosystems to be resilient to the effects of climate change including allowing coastal retreat in response to sea level rise.

1. Northwest Nelson	
Character	<p>One of five major hotspots of biodiversity in New Zealand with a suite of species found nowhere else in the world. About 50% of all New Zealand native plants are located here. A huge diversity of environments linked to complex geology influenced by warm wet westerly weather. This is the national stronghold for coastal turf communities. The area includes major forested mountains and alpine systems, large swamps, dune lands and lowland forests. It has some of the most important limestone cave and karst systems in New Zealand including the country's largest freshwater springs and the largest marble ecosystems in southern hemisphere, including glaciated montane areas. Farewell Spit is a unique natural feature and is internationally recognised under the Ramsar convention. Lowlands in Buller and Golden Bay have significant, if relatively isolated, communities. The area has attracted extensive tourism and associated industries that sit alongside longer established primary industries. Ever increasing understanding of the value of this diverse landscape has led to growing community involvement in its restoration.</p> <p>Challenges in this area include:</p> <ul style="list-style-type: none"> • Many rare species remain are under threat and some populations of native species found nowhere else in the world continue to decline. • Many natural ecosystem processes are compromised by pests, weeds and physical damage. • Some rare and uncommon ecosystems have lost key drivers (seabird burrowed soils), are threatened by development pressures (Buller Coal plateaux) or have been reduced to remnant fragments (lowland alluvial podocarp forests). <p>Building blocks:</p> <ul style="list-style-type: none"> • Community awareness of conservation challenges and opportunities is growing. • Project Janszoon is tackling a range of ecosystem pressures in the Abel Tasman National Park and has inspired a culture of care in the surrounding areas. • An increasing number of community organisations are emerging in support of restoration work and there is an opportunity to further link local communities to restoration via taonga species like whio and kiwi.
<p style="text-align: center;">Our shared future</p> <p>We understand the natural attributes of species and ecosystems in this region including many found nowhere else in the world. A vibrant dawn chorus and diverse taonga species have become the norm for our communities and visitors. The full range of native species of Northwest Nelson are thriving, including the hundreds of species found nowhere else in the world. Natural ecological processes are no longer compromised by introduced species, including those with management challenges such as hares, mice, goats and wasps. Wilderness has been sustained over large areas. Visitors again easily see species once reduced to remnant populations, such as whio (blue duck) and giant land snails. Ecotourism has become a mainstay of the regional economy and provides for a sustainable economic and employment base. People have reconnected with nature in a mutually beneficial way that has restored and linked threatened natural ecosystems.</p>	

What we want to achieve	This is what success looks like	How to get there
Fully functioning indigenous ecosystems restored. (Outcomes 1,2,4 and 5)	Major areas of endemism have had pests eradicated or reduced to very low numbers.	Intensify management of ecosystem pressures in areas of high endemism.
	People experience a wide range of endemic species and this impacts positively on their communities through tourism and research partnerships.	Develop predator, herbivore and wasp control programmes using innovative technologies and methods.
	Pest and weed pressures are reduced throughout natural areas.	Trial fresh approaches to control of key threats
Threatened flora populations are secured. (Outcome 1)	Populations of threatened plant species are secure and no longer considered threatened.	Establish an integrated and fully resourced threatened plant programme.
		Establish propagation, seed banking, translocation, fencing and enhancement planting of these threatened species.
Rare and uncommon ecosystems are restored and secured. (Outcomes 1,2,4 and 5)	At risk ecosystems are well represented and fully functioning and their geological and biological diversity is celebrated.	Reduce development pressures within ecologically significant sites which are impacting ecosystem integrity and resilience.
		Cultivate a stronger understanding of the geological and biodiversity values of under-appreciated ecosystems by providing appropriate interpretation and sustainable visitor opportunities.
		Develop and apply effective predator management strategies which enable restoration of mainland seabird induced ecosystems
Communities flourish in the West Coast lowlands alongside	Communities prosper as they transition to more ecologically sustainable creation of wealth	Support communities to develop opportunities that encourage the use ecologically sustainable practices.

legally protected areas. (Outcomes 2, 4 and 5)	and wellbeing and deal with climate and economic instability.	Support development of appropriate infrastructure and tourism approaches that offer experiences at a sustainable level for domestic and international visitors.
Fragmented lowland ecosystems of Golden Bay and Buller District are secured and restored. (Outcomes 2, 4 and 5)	Ecological corridors of naturally functioning native vegetation again link the mountains and the sea and fragmented ecosystems are reconnected.	Reduce development pressures in fragmented remnant areas of native vegetation.
		Manage key ecosystem pressures (e.g. weeds, browsers).
		Improve ecosystem resilience by adding buffers around remnants and creating ecosystem corridors.
		Restore riparian margins.
	The dune ecosystems of Farewell Spit are fully functioning. Native sand binders, native wetland plants, and native shrublands dominate dune systems. Seabirds and other dune dwellers are thriving.	Eliminate ecosystem pressures including significant weed species, browsers, omnivores and predators.
Nationally important ecosystem restored to full natural function (Outcome 2)	The cultural history of the area is interwoven with the natural history and through this Farewell Spit is regarded as a Taonga.	Encourage storytelling and integrating the history into information and management decisions.

2. West Coast Marine

Character	<p>The open coastline of the West Coast offers protection by remoteness. Exposure to the elements has also shaped the landscape. Significant nutrient upwelling off Kahurangi Point causes creates an area of enhanced productivity. It is an important area for shorebirds and seabirds. The coast is home to small communities based around primary industries and tourism, with some natural resource extraction including fishing in the sea and mining, timber, and moss on land. Most of the area is open to trawling and other forms of commercial fishing. Challenges include:</p> <ul style="list-style-type: none">• There is little compiled information on natural heritage values or on pressures from human activity.• There are some area based marine protection measures in place, but they are small and insufficient to protect the high wilderness value (e.g. from mining and petroleum exploration).• Land use effects are having negative impacts in some estuaries and river mouths.• Important estuaries are losing natural functioning such as seagrass beds, but we do not understand the causes.
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Our shared future

We acted in time to preserve opportunities to experience the wild and remote places of the West Coast Marine Area. Wilderness has been sustained, and natural functioning has been protected and restored. Our communities are recognised for their foresight and leadership in allowing people to thrive while sustaining and benefiting from restored natural heritage. Protection of marine spaces has enhanced our marine ecosystems and contributed to sustaining healthy communities along the coast.

What we want to achieve	This is what success looks like	How to get there
That the wilderness of the sea is protected commensurate with that on land. (Outcome 3)	Wilderness values are sustained.	Develop a marine wilderness protection plan for the northern West Coast.
The impact of land use effects on estuaries is minimised. (Outcomes 2 and 5)	Sedimentation and eutrophication of estuaries is minimised, and estuarine ecosystems are thriving.	Investigate status and trends in estuarine ecosystems (estuaries and river mouths) and take remedial action for pressures identified.
	People understand how to live sustainably around estuaries.	Educate people on sustainable land use around estuaries.

3. Nelson Motueka

<p>Character</p>	<p>The majority of the people of the Top of the South live in the Nelson Motueka area. Few coastal and freshwater wetlands remain. Some coastal ecosystems such as the Nelson Boulder Bank have unique features. Most land is in private ownership, and/or forestry. There are two main river systems (the Waimea and Motueka) and large estuaries. The coast is characterised by barrier islands (such as Rabbit Island), boulder banks (Nelson), tombolos (Cable Bay). The area has a fairly uniform geology in a landscape largely created by glacial outwash.</p> <p>Challenges in this area include:</p> <ul style="list-style-type: none"> • Natural areas are fragmented in an overwhelming dominance of exotic landscapes. • The valleys and hill slopes have lost most of their natural ecosystems and assessments class many of these as “threatened ecosystems”. • Most significant natural areas remaining are not under active management and are degrading. <p>Building blocks:</p> <ul style="list-style-type: none"> • Citizens are active and working with their councils to restore natural heritage in urban and rural environments. • Significant natural areas remaining have been mapped by the Councils. 	
<p style="text-align: center;">Our shared future</p> <p>Nature has come back into people’s lives in urban and rural landscapes and people are reconnected with nature. Native remnants and threatened natural ecosystems are restored and reconnected in ways that also connects the wellbeing of communities into the wellbeing of these ecosystems. Resilience against climate change impacts have been developed through revegetation of water catchments and retirement of land near the coast in favour of natural dune lands and wetlands that can move with sea level rise and absorb storm events. Suburban gardens look very different; rich in plants that bring native animals back into the city and with productive plants that lead to local self-reliance in food production. Visitors are welcomed to the region, enhancing the economy and local experiences.</p>		
<p>What we want to achieve</p>	<p>This is what success looks like</p>	<p>How to get there</p>
<p>Remaining alluvial podocarp forests and coastal and freshwater wetlands have been protected and restoration of these last remaining fragments has begun. Riparian margins have been restored with native</p>	<p>Net increase in condition, habitat sequences and connectivity Significant Natural Areas.</p>	<p>Encourage philanthropic investment in large scale threatened ecosystem restoration.</p>
	<p>Forest remnants are free of invasive weeds and are thriving.</p>	<p>Control invasive weed species with increases funding and more community action.</p>

vegetation creating ecosystem corridors. (Outcomes 1,2 and 5)	All significant natural areas are under active management and riparian margins protected.	Fence and protect remaining remnants and riparian margins.
	Sustained engagement by people in restoring depleted ecosystems and an increased understanding how these ecosystems benefit the local communities.	Work with communities and landowners to align hearts and minds with ecological restoration.
	Ecological corridors of naturally functioning native vegetation again link the mountains and the sea.	Reconnect natural areas using rivers and streams as corridors.
	Ecological corridors become 'model pathways' for others and attract research and best practice funding to these communities.	Share developing practice with other regions.
Populations of native species are secure and self-sustainable. (Outcomes 1 and 2)	Cessation of local extinctions and reintroduction of lost species. Wildlife flourish and safely return to where people live. Mistletoes bloom across the landscape.	Control predators to protect fauna populations.
		Control herbivores and weeds to secure threatened flora and protect ecosystems.
		Carry out restoration plantings and reintroductions of lost native fauna and flora where predator and browse control permit.
	Communities value and are actively engaged in restoration and this in turn benefits these communities. People have pride in the wildlife and have developed ways of living with diversity at their doorstep.	Encourage and assist community and landowner support for pest control in key areas and educate people how to live positively with more abundant wildlife.

Indigenous migratory fish able to flourish and migrate freely. (Outcomes 1,2 and 5)	An increased diversity and abundance of native fish and aquatic fauna in all waterways.	Remove fish passage barriers or facilitate alternative pathways.
		Evolve more sustainable land use practices on highly erodible soils near waterways.
		Eradicate pest fish.
A production landscape and economy that is thriving whilst protecting natural heritage. (Outcome 4)	Implementation of new economic models on private land that lead to large scale protection of natural heritage areas.	Incentivise better ways of working and encourage wider use of farm nutrient/land management plans.
	People appreciate natural heritage areas for their own right and understand the social benefits of limiting land use intensification and making alternative uses of natural areas.	Promote an attitude to accept change using new economic models where people benefit from retaining natural heritage areas and receive incentives for covenanting them.
		Work with the visitor sector on messaging that supports recognition of economic reasons to “retain natural heritage areas” and practices that encourage high value sustainable product offerings.

4. Nelson Bays		
Character	<p>Semi-protected large bays important for a range of species including seagrass and internationally migrant birds. The bays are important inshore fisheries and host substantial mussel farming areas. Marine tourism is important particularly around the Abel Tasman National Park. Estuarine areas have backshores and catchments developed for agriculture and horticulture with substantial residential and industrial development including towns and a city.</p> <p>Challenges in this area include:</p> <ul style="list-style-type: none">• The Bays have been degraded by sediment input and mobilisation through seabed disturbance. There is no effective action underway to reverse the degradation and loss of natural seabed communities across large areas of the Bays. This has seen the loss of a productive scallop fishery and may begin to impact on other species.• Large and small estuaries of regional and national importance have been degraded by sediment, nutrients, infilling and loss of natural vegetation on margins. <p>Building blocks:</p> <ul style="list-style-type: none">• There are many local initiatives around estuaries and care groups have been founded for many parts of the Bay.• Plans are being implemented to restore historic and halt continuing degradation of Waimea Inlet, the largest estuary providing a model for other areas.• The Tonga Island and Hoiorangi Marine Reserves and the Separation Point area that is closed to trawling and dredging protect small areas in the Bays.	
<p>Our shared future</p> <p>We can enjoy locally harvested scallops, oysters, mussels, pipi, and cockles. Naturally functioning seabed and estuarine ecologies restored across large areas with support from citizens and industries. Profitable marine industries using benthic shellfish have been restored. We have averted the spread of pests from our ports. Shorebirds nest safely, and international migrant birds are welcomed here every year. Locals and visitors continue to enjoy and be inspired by coastal and marine experiences adjoining Abel Tasman National Park.</p>		
What we want to achieve	This is what success looks like	How to get there
The restoration of shellfish beds to a level where harvesting can be sustained. Sediment inputs from rivers and streams are at levels that enable benthic ecosystems to thrive. (Outcomes 2, 4 and 5)	Shellfish beds are robust enough to sustain harvesting.	Promote and undertake research and adaptive management. Gain a full picture of what remains and what is required to restore natural functioning.
		Promote land-use practices that significantly reduce sediments loads in rivers and streams.

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Estuarine ecologies are restored, and managed, and coastal retreat is provided for as sea levels rise. (Outcomes 2, 4 and 5)	All estuarine sites have a restoration action plan under implementation.	Repeat the work done on the Waimea Inlet Strategy and Action Plan for the other estuarine sites and provide for their implementation.
	Estuarine communities and visitors enjoy the restored spaces and actively contribute to long term health of our natural spaces and sustainable kaimoana harvests.	
Roosting sites for shorebirds are secured. (Outcome 1)	All identified roosting sites are actively protected.	Identify key roosting sites and threats and institute remedial action.
Communities and industries change land-use and sea-based activities to approaches that allow them to flourish while using ecologically sustainable practices. (Outcome 5)	Low impact harvest methods are being used in all fisheries. Seafood harvesting is undertaken at ecologically sustainable levels with ecologically sustainable methods.	Work with industry and recreational fishers to explore alternative harvest methods or strategies which significantly reduce impacts on benthic habitats and communities.

5. Nelson Lakes	
Character	<p>Large, relatively unmodified, beech forest, with extensive mountainous areas and alpine communities. Large unmodified freshwater systems dominated by the two large glacial lakes and the Buller River. Frost flat and valley wetland communities are an interesting feature. Historically, until relatively recently, a South Island stronghold for long-tailed bats. Highest general area in the region. Visibly glaciated. The Buller is the largest wild river with a National Water Conservation Order and no dams. The area includes good examples of valley floor wetland communities. Rural communities are established around the edge of the national park. The economy includes mostly primary industries with some tourism, especially at gateway sites. The area has a very rich Maori history with sacred trails crisscrossing the mountains.</p> <p>Challenges include:</p> <ul style="list-style-type: none"> • Apart from the Rotoiti mainland island this area has received relatively little predator and herbivore control. This has resulted in gradual decline in forest condition and in key species and due to goats, deer, possums, stoats, deer and other grazers and predators. Frost flat and valley floor communities depleted and degraded. <p>Building blocks:</p> <ul style="list-style-type: none"> • Rotoiti Nature Recovery Project comprises approximately 5,000 hectares of predominantly red, silver and mountain beech forest. The mainland island is well established science driven research site with over twenty years of pest control and longitudinal monitoring. Its visibility beyond the science community however has been eroded over time. With 100,000 visitors a year it offers opportunities for awareness, education and tourism and increased participation in restoration of ecosystems. Its Strategic Plan is due for review in 2019. • A rich Maori heritage offers additional cultural values that can underpin restoration of taonga species and sites of significance over the area of the Park.

Our shared future		
<p>Nelson Lakes area has forests that again abound with birds and bats. Visitors see kea and kaka throughout the Park and its adjacent forest and mountains. The trails are again safe to walk in summer as wasp numbers have been permanently suppressed. People understand the importance of frost flat plant communities and many of the frost flats have been restored with the support of local land owners. All take-off points for introduced invasive tree species have been controlled. Herbivores are controlled to very low numbers and possums and stoats have been eliminated. The restored ecosystem has engendered sustainable linked land uses and tourism ventures. Restored natural functioning in forest, alpine, frost flat and wetland ecosystems and communities that co-exist thrive through their connection to these.</p>		
What we want to achieve	This is what success looks like	How to get there
The Rotoiti Nature Recovery Project is a nationally recognised centre of excellence in development of forest and alpine ecosystem restoration tools. (Outcomes 1, 2, 4 and 5)	Ten-fold increase in the area under intensive management.	Implement landscape level predator, herbivore and wasp control to further develop based on innovative technologies and methods and prevent invasion by invasive tree species.
	Model landscape level threat control attracts additional funding for research opportunities that in turn benefits local communities.	
	The site attracts international visitors as a model for restoration.	
Functional and sustained frost flat and valley floor wetland communities. (Outcomes 1, 2 and 5)	Good examples of extensive functional frost flat shrublands are in place and landowners have become advocates/kaitiaki of these special ecosystems.	Promote and carry out research to determine how to control swarding grasses.
		Restrict stock access to frost flat and valley floor wetland communities.
		Carry out active planting to increase extent of frost flat and valley floor wetland communities.
Small streams, riparian margins and alluvial forests are protected from impacts of	Increase in restored stream margins and secure alluvial forest remnants.	Reduce land use intensification and restore riparian margins.

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land use activity. (Outcomes 2, 3 and 5)	Land use has been adjusted to allow for sustainable protection of these areas whilst still contributing to the wellbeing of local communities.	
Protection of braided river birds and habitat. (Outcomes 1, 2 and 5)	The number of braided river birds has been restored to levels where the populations are sustainable.	Control predators and invasive weeds.
Restore this area as a long-tailed bat hot-spot of endemism. (Outcome 1)	An increase in bat abundance.	Restore habitat and control predators.
	People have knowledge of the taonga species present, and this increases their sense of belonging.	Educate people about bats and what is needed to sustain them.
To support the local economy by attracting high value visitors to the area. (Outcome 4)	Increased proportion of visitors are high value/low impact.	Promote development of high value visitor products for the area.

6. Mt Richmond		
Character	<p>This area is central to Top of the South and creates connections amongst other areas. It is the primary catchment for many rivers including the Pelorus/Te Hoiere and influences water quality of Pelorus/Te Hoiere Sound. It includes the headwaters of the Motueka, Wairoa and Lee rivers. Mt Richmond is largely forested uplands with important forest remnants in the lowlands. In the special mineral belt ecosystems, where the soil is toxic to most native trees, a unique shrubland community has evolved. The mineral belt and limestone areas have many special species but are subject to invasion by woody weeds and browsers. This area has geological significance as it links through time to the Red Hills in South Westland and reflects our dynamic landscape shifts. The communities bordering this forest park are mostly primary industry focused with some tourism through the Te Araroa trail. Most of the uplands are conservation park, Nelson City Council land, or plantation exotic forestry, much returned to iwi in Treaty settlements.</p> <p>Challenges:</p> <ul style="list-style-type: none">• The mineral belt and limestone areas have many special species but are subject to invasion by woody weeds and browsers.• Mt Richmond features relatively low in Department of Conservation priorities, so goats, possums and predators are largely uncontrolled.• The forests are degraded by introduced predators, herbivores and wasps. <p>Building blocks:</p> <ul style="list-style-type: none">• The Nelson City Council is investing strongly together with local citizen groups in restoring its parts of the environment.• The Brook Waimarama Sanctuary offers a core fully protected area around which a halo of restoration and predator suppressed environment is developing.• The Brook Waimarama Sanctuary and the Te Hoiere Bat Recovery Project could become the core of larger scale restoration efforts.	
<p>Our shared future</p> <p>We treasure Mt Richmond Forest Park as a place of connection and belonging and have an ongoing commitment to a pest and weed free forest park. People have invested in turning the tide on pests and weeds. The mineral belt has been secured from further weed invasions and wilding tree species are firmly under control. Mt Richmond Forest Park and contiguous natural area have been secured and restored. Mountain to the sea ecological functioning and connection has been restored. Land uses have become ecologically and economically sustainable throughout.</p>		
What we want to achieve	This is what success looks like	How to get there
Change perception of Mt Richmond from a largely unknown area to a treasure at Nelson and Marlborough’s back door. (Outcome 4)	People treasure Mt Richmond and care for it.	Educate people around Mt Richmond to understand the importance of the park to their well-being and the potential to secure threatened species and reintroduce lost elements.

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Mt Richmond Forest Park and contiguous natural areas are restored and enhanced to a self-sustaining level. (Outcomes 1,2 and 5)	Collaborative projects abound, working together and achieving positive outcomes for natural areas and species.	Prepare and implement a comprehensive plan for restoration of Mt Richmond Forest Park and contiguous natural areas.
	The natural heritage ecosystems of Mt Richmond are thriving and self-sustainable.	Control browsers, predators and wasps and of invasive weeds on the mineral belt and on forest margins.
	Natural regeneration of the undergrowth of the forests.	
The Red Hills/Dun Mountain mineral belt geology, ecosystems and species are protected from threats. (Outcomes 1, 2 and 5)	The mineral belt is free of wilding pines and other woody weeds and ongoing seeding is controlled.	Control pines and other woody weeds.
	The mineral belt is known and valued for its unique geological and ecosystem value.	Educate people about the mineral belt and encourage them to value and care for it.
The formal identification and protection of key land areas that are important to biodiversity. (Outcome 2)	There has been an increase in protection of key land areas.	Promote and support land purchase and the creation of reserves. Promote and protect Significant Natural Areas in association with landowners.
A secure and thriving long tailed bat population exists providing an educational focal point for our only native land mammal. (Outcomes 1, 2 and 5)	Expanding populations of long tailed bats.	Support and expand the current bat protection programme.
The restoration of wildlife populations, expanding from the hubs of Te Hoiere Bat Recovery Project and Brook Waimarama Sanctuary. (Outcomes 2 and 5)	Local communities take an active role in securing populations of existing and reintroduced native wildlife.	Carry out mammalian predator control.
		Encourage and support species reintroductions to these sites and surrounding areas.
The mauri of Te Hoiere and other rivers are restored, ki uta ki tai (mountains to the sea). (Outcomes 2 and 5)	Lowland native forests are extensive along waterways and sediment input to the Pelorus/Te Hoiere delta has been reduced to sustainable levels.	Work collectively with DOC, iwi, community, forestry to improve riparian margins, alluvial forests, improve water quality and reduce sediment loss.

7. Marlborough Sounds/Cook Strait

Character

Extremely intricate interweaving of land and sea with many islands and gradients from wild Cook Strait to highly sheltered Sounds and estuaries. Important island refuges for internationally important wildlife, seabirds and rare species. Complex geology with strong tectonic features including highly mineralised and schist substrates together with the gradients of wind, rainfall and elevation result in unique habitats and plants and animals found nowhere else. These include most of the wild population of tuatara in the world, together with unique amphibians, insect and plants. Islands are important refuges for species such as long tailed bats which have elsewhere become rare. Beaches and terrestrial wetlands are rare as the land rises steeply from the sea in most places. The steep streams are refuges for native fish and all outside the Pelorus River catchment are free of introduced fish. These complex patterns on the land are reflected in the sea with great habitat diversity and rare or unique species such as King Shag and Hector's dolphin. The strong connections between the land and sea, including the effects of land run-off, mean the land and sea environments are considered as one in this Strategy. The extensive coastline has resulted in diverse land ownership of many landowners, often limited to water access. Marine tourism is developing in the Sounds and the area hosts important recreational and commercial fisheries as well as the most extensive marine farming areas in New Zealand.

Challenges:

- Benthic marine communities have been degraded and destroyed by runoff and direct damage from seabed disturbing activities.
- Pelorus Sound has some of the muddiest estuarine areas in New Zealand as a result of land-use practices.
- Marine management is fragmented amongst multiple agencies and is vulnerable to inappropriate land use.
- There are few protected areas in the sea.

Building blocks:

- There are numerous opportunities for peninsula secured restoration.
- Increasing numbers of landowners are showing an interest in both island protection and shore ecology restoration.
- Some islands are directly managed as refuges by Department of Conservation, and opportunities remain to be developed on larger islands and peninsulas wholly or partly in private ownership.
- Landscape level restoration is underway with organisations such as the Marlborough Sounds Restoration Trust removing wilding pines over large areas and local groups are well advanced in restoring defensible peninsulas such as Kaipupu Point and Otohutu Peninsula.

Our shared future

We are able to enjoy locally harvested scallops, oysters, mussels, pipi and cockles, swim in clear waters, hear bird call echo around the islands. There has been landscape-scale return of native forest and unique ecosystems across the Sounds. Most of the islands of the Sounds and many peninsulas are free of introduced pests and weeds. Landowners across the area are actively supporting restoration and communities benefit from this

<p>participation. Seabirds and unique species of plants and animals have re-established in these areas. Marine living habitats such as rhodolith beds, mussel reefs, bryozoan corals, and tube worm mounds have recovered over a wide area. Seabed and estuarine ecologies are naturally functioning across large areas. The rivers run clear and land-use practices ensure soil is retained on the land. Through ecotourism our local communities are proud to share this thriving relationship with the rest of the world.</p>		
What we want to achieve	This is what success looks like	How to get there
Shellfish beds are restored to a level where harvesting can be sustained. Sediment inputs from rivers and streams and seabed disturbance are at ecologically sustainable levels that allow benthic ecosystems to thrive. (Outcomes 2, 4 and 5)	Land use and/or practices have changed to significantly and a reduction in sediment input has occurred.	Support implementation of management measures to minimise damaging practices on land and sea.
	Ecosystem damaging seabed practices are substantially reduced or halted.	
Shellfish and biogenic habitats/communities are protected and restored. (Outcomes 2 and 5)	We understand how to restore shellfish and biogenic habitats and the restoration has commenced.	Promote and support research and adaptive management to determine what is required to restore natural functioning.
Estuarine ecologies are restored, and managed, and coastal retreat is provided for as sea levels rise. (Outcomes 2, 4 and 5)	All estuarine sites have a restoration action plan under implementation.	Repeat the work done on the Waimea Inlet Strategy and Action Plan for the other estuarine sites and provide for their implementation.
	Estuarine communities and visitors enjoy the restored spaces and actively contribute to long term health of our natural spaces and sustainable kaimoana harvests.	
Integrated management of land and sea. (Outcomes 2,4 and 5)	People understand their place in a sustainable future leading to integrated management of land and sea implemented.	Support getting full integration of the currently disconnected management regimes.
Communities and industries change land use and sea-based activities to approaches that allow them to flourish while halting ecologically unsustainable practices. (Outcomes 2,4 and 5)	Sustainable practices are widespread, and this enhances community wellbeing.	Work with communities and industries on land and sea to explore more sustainable practices.
Restoration of native ecosystems on all islands and defensible peninsulas. (Outcomes 1 and 2)	Islands and defensible peninsulas are pest, predator, and weed free, and people	Work with communities to progress restoration initiatives.

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	have pride in these healthy ecosystems and a commitment to their future.	Develop and deploy landscape-scale effective technologies.
Threatened ecosystems and species are secured and restored. (Outcomes 1 and 2)	Threatened ecosystems are under active management.	Restore and sustain threatened ecosystems and the habitat of threatened species.
The formal identification and protection of key land areas that are important to biodiversity. (Outcome 2)	There has been an increase in protection of key land areas.	Promote and support land purchase and the creation of reserves. Promote and protect Significant Natural Areas in association with landowners.
Landscape-level pest and weed pressures are reduced and this is sustained over time. (Outcomes 2, 3 and 5)	No landscapes still dominated by vines, pines, or <i>Spartina</i> cordgrass and communities take a guardianship role in preventing reinvasion.	Sustain and accelerate pine removal, institute invasive weed control, complete <i>Spartina</i> cordgrass eradication.
	Healthy understory throughout native forests.	Control ungulates to levels that allow a healthy understory to be sustained.

8. Wairau – this place provides direction east to the western boundary of Ngāti Kuri's rohe

Character	<p>In the Wairau district, dryland, lowland and the coast are influenced by easterly weather patterns, with a warm climate and low rainfall. Substrate, faulting, glaciation and limestone cliffs, scarps and other landforms are special to this area. The east coastline is very important as a haul out site for marine mammals. Wairau Lagoons and remnant freshwater wetlands are regionally important. Lakes Grassmere and Elterwater are important for waterfowl and shorebirds. Waterways are important for native fish as are lakes where trout are absent. This is the area where human occupation was first recorded in Aotearoa. It has huge historic cultural significance. This is the viticulture centre of New Zealand and includes the second largest urban area in the Top of the South. It is important for a wide range of primary industries and for tourism.</p> <p>Challenges:</p> <ul style="list-style-type: none">• Lowland forest remnants are significant given the highly modified state of this region following burning and land clearance for agriculture. Shrublands are important for threatened species.• The majority of wetlands are degraded, so the few wetlands left all are important.• Wairau lowlands have very small scattered remnants of natural heritage. Much of this is not well understood as important by those managing the landscape.• Native vegetation is largely regarded as “scrub” even though it includes of a diversity of endemic species.• The financial and people resources required to implement the recommendations on Significant Natural Areas at a rate required to halt decline are not available. <p>Building blocks:</p> <ul style="list-style-type: none">• The significant natural areas are small but have been documented by the Marlborough District Council building on earlier Protect Natural Area surveys.• Treaty settlements and increased understanding of this valuable area can provide stepping stones for protection and restoration.	
<p style="text-align: center;">Our shared future</p> <p>We have restored and reconnected remnant dryland native ecosystems and established land use that is sustainable for both natural and human communities. In this interconnected landscape rare plant and animal communities have been restored and land use is aligned to their protection. Harvest of watercress, eels and other food sources has returned and is managed sustainably. Loss of the last remnants of rare plant and animal communities has been avoided and we have linked the remnants with new plantings re-establishing native vegetation along river corridors as we went. Grazing, predation and weed pressures on significant natural areas have been reduced throughout.</p>		
What we want to achieve	This is what success looks like	How to get there

Regeneration of native species into the natural landscape (Outcomes 1, 2 and 5)	Native species are once again thriving in the natural and modified landscapes.	Control browsers and weeds by establishing a landscape level control of goats and invasive weed species as a first step.
		Prevent the intensification of grazing in significant natural areas.
Preservation and enhancement of remaining shrublands, with restored connectivity of vegetation fragments. (Outcomes 1, 2 and 5)	Shrublands formally protected.	Promote the formal protection of existing shrubland areas; re-establish new areas; introduce seed sources.
Restoration of river corridors and wetland systems, e.g. Wairau Lagoons, Lake Elterwater. (Outcomes 1, 2 and 5)	The riparian margins of rivers are dominated by native vegetation and willow removal from wetlands has been completed.	Remove willows and other woody weeds from wetlands and braided rivers and replant with indigenous species.
People appreciate indigenous areas for intrinsic reasons and understand the social benefits of limiting land use intensification of significant natural areas on private land. (Outcome 4)	Implementation of new economic models and diversified land use on private land that lead to large scale protection.	Promote an attitude to accept change using new economic models where people benefit from retaining shrublands and receive incentives for covenanting natural areas.
	People have an understanding of the ecological and cultural significance and this adds to their sense of belonging and wellbeing.	
The formal identification and protection of key land areas that are important to biodiversity. (Outcome 2)	There has been an increase in protection of key land areas.	Promote and support land purchase and the creation of reserves. Promote and protect Significant Natural Areas in association with landowners.
We know what is special in the dryland ecosystems and understand how to restore its ecological functioning (Outcomes 1, 2, 4 and 5)	Functioning ecological drivers and processes and restored ecological building blocks.	Develop and trial restoration and pressure management tools and methodologies.

9. Inland Marlborough - this place provides direction east to the western boundary of Ngāti Kuri’s rohe		
Character	<p>Inland Marlborough is one of five major centres of species endemism nationally with a large number of threatened and at-risk species. It is influenced by easterly weather patterns and low rainfall, leading to dryland ecosystem types with a strong rainfall gradient west to east, dropping very quickly – a strong driver. It includes mountainous areas and alpine communities with extremes of wet/dry and hot/cold. The Clarence River is the last relatively unmodified braided river system in the eastern South Island. Inland Marlborough has a diverse network of lakes, tarns and wetlands. This area is thinly populated and economic gains are via farming, tourism and forestry. Community connection and belonging are a key attribute for people living in these areas.</p> <p>Challenges:</p> <ul style="list-style-type: none">• The whole area has been burned and grazed to a point where the unique suite of native species and communities are reduced to scattered remnants. <p>Building blocks:</p> <ul style="list-style-type: none">• Molesworth offers an opportunity to create a centre of excellence in dryland ecosystem restoration. This would require major new funding to allow a science led approach to understanding how to approach ecosystem restoration at a landscape level in these dry, poorly understood ecosystems.• The area is managed as a Recreation Reserve by the Department of Conservation and the current farming lease expires in June 2020. A review of the management plan is under consideration.• There is an opportunity here to explore reconnection of fragmented ecosystems with building connected communities.	
Our shared future		
<p>Te Waiau Toa dryland ecosystem has become the focus of dryland ecosystem management in New Zealand. The Waiau Toa Centre of Dryland Ecosystem restoration has grown from small beginnings to create and model innovative approaches to large scale management of weeds and pests and transitions to sustainable land uses. Many threatened species have become secure and new species have been discovered as survey and monitoring has intensified. Ecotourism has developed as a feature of the region, carefully managed to avoid risks of fire and overuse of sensitive areas such as lakes. Rare species and threatened ecosystems survive and are restored to thrive, and communities are able to co-exist with these ecosystems in a sustainable manner.</p>		
What we want to achieve	This is what success looks like	How to get there
A landscape free of pest ungulates and exotic woody species (esp. wilding conifers) and land uses in harmony with the	Wilding trees have been brought under control.	Control wilding tree species.
	Native shrublands in dry environments have been restored.	Work with landowners to reduce the impact of domestic stock

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restored ecosystems. (Outcomes 1,2 and 5)		within significant natural areas and other ecologically significant sites, control pest browsers and weeds to build up native woody shrubland species.
	Restored river banks.	Remove willows where appropriate and restore riparian margins with indigenous species.
	Rowan in low densities.	Control rowan at Hanmer Forest.
Braided river bird populations are sustained. (Outcomes 1, 2 and 5)	Sustained numbers of braided river birds.	Control predators to protect braided river birds and waterfowl, and to ensure increased diversity of birdlife as a result of habitat changes.
The formal identification and protection of key land area that are important to biodiversity (Outcome 2)	There has been an increase in protection of key land areas.	Promote and support land purchases and creation of reserves. Promote and protect Significant Natural Areas in association with landowners.
The restoration of ecological processes that will allow the natural regeneration of native species. (Outcomes 2 and 5)	Mosaic of native seed sources established throughout.	Protect existing beech forest areas as future seed source. Re-introduce native seed sources. Manage ecosystems recovering post-earthquake. Plant strategically to allow natural processes to happen. Restore wetlands.
Matauranga Maori and science led restoration. (Outcomes 1, 2, 4 and 5)	Working in partnership with iwi to scope and co-design Waiau Toa Centre of Dryland Ecosystem Excellence.	Create a centre of excellence in dryland ecosystem restoration based in Molesworth Waiau Toa.
		Model what vegetation was there previously, research large-scale control techniques for pests and weeds and for staged restoration managing the effects of de-stocking herbivore pressure reduction.

Appendix 1 - Contributing organisations and individuals

Design Working Group

Peter Lawless Phoenix Facilitation Ltd
Andrew Baxter Department of Conservation
Shannel Courtney Department of Conservation
Juliette Curry West Coast Regional Council
Skye Davies Tasman Environmental Trust
Kian Foh advisor economics
Aroha Gilling advisor Treaty settlements
Peter Hamil Marlborough District Council
Mike Hawes Department of Conservation
Tracey Kingi advisor Mātauranga Māori
Andrew Macalister Project Janzoon
Leigh Marshall Nelson City Council
Rebecca Martel Ministry for the Environment
Debs Martin Forest and Bird Protection Society
Kauahi Ngapora Whalewatch Kaikoura
Jenny Oliver Fisheries NZ
Gisela Purcell Nelson Regional Development Agency
Chris Woolmore Department of Conservation

Science Workshop

Dr Leigh Stevens Salt Ecology Ltd
Dr Sean Handley NIWA
Dr Susan Walker Manaaki Whenua Landcare Research
Dr Conrad Pilditch Waikato University
Dr Jim Sinner Cawthron Institute
Dr Paul Gillespie Cawthron Institute
Dr Rob Schuckard Birds NZ
Jan Clayton-Greene DOC
Mike Avis MDC

Appendix 2 – Technical reports supporting the creation of the Strategy

Peter Lawless - Phoenix Facilitation Limited - (July 2018) **Kotahitanga Strategy Report on Science Workshop.**

Kian Lee (October 2018) **Articulating Potential Benefits of the Kotahitanga mō te Taiao Alliance Strategy**

Tracey Kingi - KIC Limited (November 2018) **Mātauranga Māori - Understanding and applying Māori knowledge systems based on tradition from the Atua.**

Appendix 3 – MOU

MEMORANDUM OF UNDERSTANDING KOTAHITANGA MŌ TE TAI AO

THIS MEMORANDUM OF UNDERSTANDING IS MADE IS 30th DAY OF SEPTEMBER 2017

PARTIES

The Parties are:

1. Ngāti Apa ki te Rā Tō Trust
2. Te Pātaka a Ngāti Kōata Trust
3. Te Rūnanga o Ngāti Kuia Trust
4. Te Rūnanga o Ngāti Rārua
5. Ngāti Tama ki Te Waipounamu Trust
6. Te Rūnanga O Toa Rangatira Inc
7. Te Atiawa o Te Waka-a-Māui Trust
8. Rangitāne o Wairau Settlement Trust
9. Te Rūnanga o Ngāti Waewae
10. Tasman District Council
11. Nelson City Council
12. Marlborough District Council
13. Buller District Council
14. Department of Conservation - Te Papa Atawhai


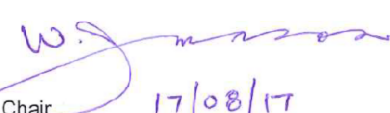


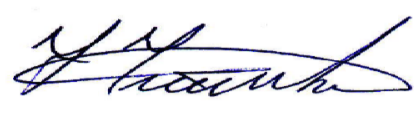

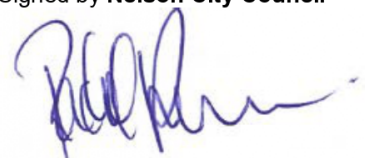

And subsequently such other parties that as may be invited and agree to be bound by the provisions of this Memorandum of Understanding (MOU).

BACKGROUND

- A. This Memorandum of Understanding (MOU) recognises that the Parties consider that there are considerable benefits of working collaboratively to achieve significant conservation gains across the Buller, Marlborough, Nelson and Tasman region.
- B. The Parties propose to develop a formal relationship and Alliance that involves an agreement to collaborate, look for synergies and align conservation efforts across the Buller, Marlborough, Nelson and Tasman region.
- C. This Memorandum of Understanding formalises and records the vision, scope and principles that the Parties expect to underpin their ongoing relationship with each other.

OPERATIVE PARTS

1. The Parties agree that the arrangements set out in **Schedule One** of this document are the basis on which they wish to base their relationship.



<p>Signed by Ngāti Apa ki te Rā Tō Trust</p>  <p>Chair</p>	<p>Signed by Te Pātaka a Ngāti Kōata Trust</p> <p>Chair</p>
<p>Signed by Te Rūnanga o Ngāti Kuia Trust</p>  <p>Chair 17/08/17</p>	<p>Signed by Te Rūnanga o Ngāti Rārua</p> <p>Chair</p>
<p>Signed by Ngāti Tama ki Te Waipounamu Trust</p>  <p>Chair 30/06/18</p>	<p>Signed by Te Runanga O Toa Rangatira Inc</p> <p>Chair</p>
<p>Signed by Te Atiawa o Te Waka-a-Māui Trust</p>  <p>Chair</p>	<p>Signed by Rangitāne o Wairau Settlement Trust</p> <p>Chair</p>
<p>Signed by Te Rūnanga o Ngāti Waewae</p>  <p>Chair</p>	<p>Signed by Tasman District Council</p>  <p>Mayor</p>
<p>Signed by Nelson City Council</p>  <p>Mayor</p>	<p>Signed by Marlborough District Council</p>  <p>Mayor John Leggett</p>

<p>Signed by Buller District Council</p>  <p>Garry Howard Mayor Buller District Council</p> <p>Mayor </p>	<p>Signed by Department of Conservation Te Papa Atawhai</p>  <p>Director, Partnerships</p>
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OTHER SUBSEQUENT PARTIES

The following Parties have been added to the MOU and agree to be bound by the provisions of this Memorandum of Understanding (MOU).

- 1) West Coast Regional Council
- 2) Kaikoura District Council
- 3) Te Rūnanga o Kaikōura

<p>Signed by West Coast Regional Council</p>  <p>Chair</p> <p>Date <u>14/12/2017</u></p>	<p>Signed by Kaikoura District Council</p>  <p>Mayor Winston Gray</p> <p><u>26-3-2018</u></p>
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SCHEDULE ONE

Background

1. The Kotahitanga mō te Taiao Alliance is a concept which aims to help coordinate the achievement of landscape scale collaborative conservation projects across the Buller, Marlborough, Nelson and Tasman region. The drivers are to work collaboratively to achieve significant conservation gains by attracting resources for new work, growing synergy to more effectively achieve existing work and developing social, cultural and economic contributors to future proof the outcomes.
2. For landscape scale conservation to be successful a strong alliance across local government, iwi and the Department of Conservation (DOC) is needed. A strong Alliance would enable the establishment of a region-wide conservation programme and the implementation of projects within it.

Vision

3. The Parties are united in the vision:

A partnership for environmental leadership across the Buller, Marlborough, Nelson and Tasman region – connecting people and place together for now and for the future.

Ma whero ma pango ka oti ai te mahi

With red and black the work will be complete, this refers to co-operation where if everyone does their part, the work will be complete. The colours refer to the traditional kowhaiwhai patterns on the inside of the meeting house.

Scope

4. The purpose and function of our Kotahitanga mō te Taiao Alliance is to align and collaborate on conservation projects across the Buller, Marlborough, Nelson and Tasman region to provide a collaborative voice for conservation.
5. This includes identifying, prioritising and integrating conservation work across the Buller, Marlborough, Nelson and Tasman region. The function of our Alliance is to provide support, context and advice to projects within the region and help coordinate or support funding applications.
6. The scope of the Alliance is the coordination of collaborative landscape scale conservation projects.
7. The Parties are committed to ensuring that the Alliance delivers not only conservation outcomes but also supports social, cultural and economic outcomes to the region as well.

Nature of Relationship

8. The Parties wish to conduct their relationship ("the relationship") on the basis of good faith and respect for each other's views.
9. The Parties may refer to the relationship in their dealings with others as "working with our Kotahitanga mō te Taiao Alliance".
10. The **Addendum Terms of Reference** further outlines how the Alliance will function.

Relationship Principles

11. The Parties to this MOU are committed to developing a meaningful and enduring relationship with the intention to work together to achieve mutually beneficial objectives and outcomes that enable the successful delivery of our Alliance. The Parties to this MOU agree to abide by the following relationship principles when the Parties engage with each other and others:
 - Integrity
Each Party will treat each other with the utmost respect, honesty and fairness.
 - Dominion
Each Party has dominion over its respective organisation.
 - Consultation
Each Party agrees to consult on matters relating to the Alliance programme and agrees to contribute to strategic and annual planning processes in an integrated manner.
 - Availability
Each Party agrees to make every effort to attend each meeting.

12. Nothing in this MOU or actions arising from it, shall detract from the rights or interests of the Parties under their individual Deeds of Settlement with the Crown.

Withdrawal

13. If a Party wishes to withdraw from the Alliance, it may do so by giving four weeks written notice to the other Parties.

Communication

14. Subject to reasonable notice, the Parties agree and will commit to meet quarterly to discuss issues of mutual interest, including business and work planning, new research and knowledge.
15. If matters arise that may be of interest to any Party, a contact person designated by each Party is to be informed. That person should develop an effective working relationship with the other Party.
16. If the designated contact person changes in any organisation, there should be a handover process so that the new person can quickly settle into the role.
17. In the interests of clear communication, any public statements that could be construed as being for or on behalf of our Alliance, must be made only after agreement with the other Parties. The Parties will agree to a communications protocol.

Intellectual Property and Data Sharing

18. All intellectual property brought to the relationship by each Party remains vested in that Party.

Confidentiality

19. Confidential information means proprietary science, technical and business information disclosed during the relationship.
20. No Party shall disclose directly or indirectly the confidential information received from other Parties to any third party without written consent.

Dispute Resolution

21. Any dispute concerning the subject matter of this document will be settled by full and frank discussion and negotiation between the Parties. Should the dispute not be resolved satisfactorily by these means, the Parties agree that they may engage in mediation conducted in accordance with the terms of LEADR New Zealand Inc Standard Mediation Agreement.

Review of MOU

22. The Parties shall review the Operative Parts in Schedule One of this MOU three years from the date of this MOU first being signed.

Addendum - Terms of reference

Role of Parties of the Alliance

1. The Alliance Parties will identify and integrate conservation priorities across the Buller, Marlborough, Nelson and Tasman region consistent with the vision and scope of the MOU.
2. The Parties shall bring their strengths to the Alliance to help achieve the agreed vision and identified priorities.
3. Each Party on the Alliance will report back to the organisation that he/she represents with recommendations from the Alliance and seek that organisation's direction.
4. Each organisation may decide to take full or partial responsibility for specific actions recommended by the Alliance. There may also be situations where each organisation may decide not to take any responsibility for a specific action.

5. An organisation's formal support of specific actions will be communicated back to the Alliance by the organisation's representative. An organisation may choose to support specific actions in various ways, e.g. by allocating funding and/or including action items within planning documents and work programmes.

Role of the Facilitator of the Alliance

6. One member should be appointed as Facilitator of the Alliance.
7. The facilitator will:
 - prepare the agenda for Alliance meetings with input from the Alliance Parties;
 - facilitate the meetings and assist the Alliance to reach consensus on issues and options;
 - act as the spokesperson for the Alliance; and
 - as necessary, support or present Alliance recommendations to the signatories.
8. The term for appointment as Facilitator shall be for a period of one year with an option for reconfirmation.
9. One member should be appointed as Vice Facilitator of the Alliance to provide support and coverage if the Facilitator is unavailable. This will be appointed and reviewed on an annual basis.
10. The Department of Conservation offers to provide the facilitator role for the Alliance, if required, for three years from the date that the MOU is first signed.

Quorum for meetings

11. While the Alliance does not have a decision-making mandate, there shall be no less than 8 members of the Alliance present for meetings to be held.

Reporting

12. Notes of Alliance meetings will be taken by a member of the Alliance or a support person (to be selected by Alliance consensus) and circulated before the next meeting of the Alliance.
13. The Department of Conservation offers to undertake the notes of the Alliance meetings and circulate these before the next meeting for three years from the date that the MOU is first signed.
14. Each Party will be responsible for reporting back to the organisation that he/she represents.

Frequency of meeting

15. The Parties shall meet as an Alliance quarterly, with additional meetings or workshops, if required.

Servicing of meetings

16. The Department of Conservation offers to provide documentation and logistical support for the Alliance meetings and provide staff support for three years from the date that the MOU is first signed.
17. All Parties shall be responsible for their own expenses for attendance and travel to and from meetings.

Review

18. The Parties will review these TOR three years from the date that it is first signed.

ENDS

REPORT R10139

**Statement of Proposal for Declaration of a Pedestrian
Mall - Upper Trafalgar Street**

1. Purpose of Report

- 1.1 To enable Council to respond to support from the community for the continued closure of Upper Trafalgar Street to vehicle traffic.
- 1.2 To consider adoption of the Statement of Proposal for the Pedestrian Mall Declaration – Upper Trafalgar Street to provide for permanent closure to vehicle traffic for 365 days per year, subject to some specified exemptions.
- 1.3 To approve the undertaking of the Special Consultative Procedure on the Statement of Proposal to seek the views of those potentially affected by the proposal, prior to making any decision on the declaration of a pedestrian mall.

2. Summary

- 2.1 This report seeks Council approval to consult, via the Special Consultative Procedure, on the proposal to declare Trafalgar Street between Selwyn Place and Hardy Street (Upper Trafalgar Street) as a permanent pedestrian mall for 365 days per year, subject to some specified exemptions.
- 2.2 Feedback during previous trial summer closures and the recent Annual Plan process has been that the Nelson community generally supports some form of closure of Upper Trafalgar Street to vehicle traffic.
- 2.3 In preparing this report, Council officers have sought feedback from business owners/occupiers in Upper Trafalgar Street who are generally in support of a an ongoing closure but have concerns regarding the need to ensure the space is activated in the winter.
- 2.4 If the Council, after going through the Special Consultative Procedure, decides to make the pedestrian mall declaration, officers propose that, subject to any appeals, the start date of the prohibition of motor vehicles be aligned with the beginning of the Nelson Arts Festival on 18 October 2019.

Item 11: Statement of Proposal for Declaration of a Pedestrian Mall - Upper
Trafalgar Street

- 2.5 The Statement of Proposal provides for Council to consider and respond to the views of the community and those potentially affected by the proposal in a formal process.

3. Recommendation

That the Council

- 1. Receives the report Statement of Proposal for Declaration of a Pedestrian Mall - Upper Trafalgar Street (R10139) and its attachment(A2176520); and***
- 2. Agrees that the Statement of Proposal for a Declaration of a Pedestrian Mall – Upper Trafalgar Street meets the requirements of the Local Government Act 2002; and***
- 3. Adopts the Statement of Proposal for the Pedestrian Mall Declaration - Trafalgar Street – Nelson City(A2176520), amended as necessary; and***
- 4. Agrees that a Summary of the Statement of Proposal for Declaration of a Pedestrian mall – Upper Trafalgar Street is not required, and***
- 5. Approves the consultation approach (set out in section 6 of this report R10139) and agrees:***
 - (a) the approach includes sufficient steps to ensure the Statement 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 Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***

4. Background

- 4.1 In response to requests from the community and event organisers during the Annual Plan and Long Term Plan processes over multiple years, the Council resolved in 2017 to trial the temporary closure of Upper Trafalgar Street. Upper Trafalgar Street was closed to traffic from 1 December 2017 until 31 March 2018.

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- 4.2 Council undertook a public feedback process on the trial from 13 March 2018 to 27 March 2018 where a total of 321 submissions were received. Of the 314 positive submissions, 132 suggested that the street be closed to motor vehicles all year round and 25 suggested that the pedestrianised area should extend further down Trafalgar Street and along other streets such as Bridge, Hardy and Church Streets.
- 4.3 Council again trialled the temporary closure of Trafalgar Street between Hardy Street and Selwyn Place (Upper Trafalgar Street) to vehicle traffic over summer from 8 November 2018 to 30 April 2019. This trial resulted in the businesses extending their liquor licenses and resource consents along with paying the costs associated with that and license fees to occupy public space.
- 4.4 Council provided public tables and four new umbrellas and interactive games, along with operational infrastructure such as signage, planter boxes and provided for the securing of Council furniture each night.
- 4.5 Although there was previous supportive feedback from the community a permanent closure to motor vehicles was not considered by Council in 2018 because there was insufficient time to undertake the required consultation processes for either a pedestrian mall declaration or permanent road stopping.
- 4.6 The purpose of this report is to now enable Council to consider with sufficient lead in time, undertaking a Special Consultative Procedure to test the views of the community on the proposal to declare Upper Trafalgar Street a pedestrian mall prohibiting motor vehicles (subject to some specified exemptions) for 365 days per year.

5. Discussion

- 5.1 Upper Trafalgar Street is a popular location (combined with the 1903 Square) for public events. Historically temporary closures of the street have been provided for under Schedule 10, clause 11(e) of the Local Government Act 1974 which provides for a road to be closed for up to 31 days per year for the purpose of events and festivals. The 31 day maximum and restricted purposes are too limiting for the nature of public use now sought for Upper Trafalgar Street.
- 5.2 For the past two summers, temporary closure of Upper Trafalgar Street under section 342 and clause 11(d) of schedule 10 of the Local Government Act 1974 has occurred. This required the Council to undertake a feedback process and make a decision each year to provide for summer closures.
- 5.3 Public feedback to date strongly supports permanent closure of Upper Trafalgar Street to motor vehicles. There are two options available to the Council to achieve this. The first is Road Stopping under Schedule 10 of the Local Government Act 1974, the second is to declare a Pedestrian Mall under section 336 of the Local Government Act 1974.

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Trafalgar Street

- 5.4 A Road Stopping process requires Council to reach the view that the public road is no longer required in that location. A public notification process that calls for objections is required. If objections are received, and the Council does not allow those objections, then the matter is referred to the Environment Court. In the event of a successful road stopping process the land would be vested as either a free hold title or as reserve, both preventing public vehicle access. The land would no longer be legal road. A different leasing and licensing regime and associated consents would be required than that which currently exists on legal road for businesses in the area to occupy the freehold or reserve space.
- 5.5 The second option is to use the pedestrian mall provisions in section 336 of the Local Government Act 1974. A pedestrian mall declaration allows the Council to prohibit or restrict the driving, riding or parking of any vehicle in the pedestrian mall and can include exemptions, such as for service vehicles in certain hours. A pedestrian mall declaration requires Council to undertake a Special Consultative Procedure, and provides for any person to appeal to the Environment Court against the declaration. The declaration cannot take effect until any appeals are resolved. A pedestrian mall is still road and the same system of leases, license and consents would be required for business to occupy public space.
- 5.6 Officers consider that a pedestrian mall declaration best suits the intended use of Upper Trafalgar Street in that it enables retention of the legal road status subject to specified prohibitions or restrictions on vehicle use and specified exemptions. It also has administrative efficiencies in that the same system of leasing and licensing can be continued with. The use of the Special Consultative Procedure also allows the Council to hear the views of the community on the proposal.
- 5.7 A declaration of road to be a pedestrian mall may be revoked or varied by a subsequent declaration following a further special consultative procedure.

Prohibiting motor vehicles for summer or 365 day per year

- 5.8 In preparing the draft Statement of Proposal, officers considered whether the prohibition on motor vehicles should be for summer only, or for 365 days per year. The following advantages and disadvantages of the two options were considered.

Declare a Pedestrian Mall prohibiting motor vehicles for the period 18 October to 31 April (summer) every year.	
Advantages	<p>Provides a public space in the city centre for community events and gatherings during the summer.</p> <p>Attracts people to the city centre and encourages them to linger longer and explore the city supporting local businesses.</p> <p>Aligns with the beginning of the Arts Festival.</p>

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	<p>Assists with implementing Nelsons Smart Little City aspirations by recognising Upper Trafalgar Streets role as a people focused space.</p> <p>Can be revoked or varied by a subsequent declaration following a further special consultative procedure.</p>
Disadvantages	<p>There are significant costs to Council in staff and contractor time involved in processing the summer closure, and physically setting up and removing the closure each year.</p> <p>There is currently no budget allocated for summer closure 2019/20 or thereafter in the Long Term Plan.</p> <p>Summer closure doesn't allow Council to invest in permanent robust and more efficient street furniture and closure barriers. New planter boxes are required for any additional summer closures as the current ones have reached their end of their lifecycle.</p> <p>Doesn't respond to the significant public support for the permanent closure of Upper Trafalgar Street.</p> <p>Doesn't provide a public space available for winter activation in the city centre or for the community, Uniquely Nelson or Museum groups to hold events without going through a temporary road closure process and its associated 10 week lead in and administration costs.</p> <p>Doesn't provide an opportunity to improve the quality of the public space through permanent investment (i.e accessible parks, removal of bollards and parking meters, better crossing points to the Church steps, lighting investment).</p> <p>May draw hospitality customers away from other areas in the city centre every summer as the area becomes a summer novelty rather than permanent public space.</p>
Declare a Pedestrian Mall prohibiting motor vehicles for 365 days a year.	
Advantages	<p>Provides a public space in the city centre for community events, festivals and gatherings all year round.</p> <p>Attracts people to the city centre and encourages them to linger longer and explore the city supporting local businesses.</p> <p>Assists with implementing Nelsons Smart Little City aspirations by recognising Upper Trafalgar Streets role as a people focused space.</p>

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	<p>Responds to the public feedback to date supporting the trials and seeking that the area be pedestrianised all year round.</p> <p>Provides for Council to make a one off investment in upgrading the space for pedestrian use, to make it more user friendly and inviting.</p> <p>Enables investment in more permanent accessible parking, signage, street furniture, shading and heating, other urban elements and storage equipment thereby making them more robust and reducing ongoing costs associated with a summer only trial.</p> <p>Reduces officer time and contractor costs associated with establishing and disestablishing the closure each summer.</p> <p>Reduces uncertainty for regular motor vehicle users in the city centre and allows for vehicle behaviour to adjust permanently.</p> <p>Provides future opportunities to improve the crossings and relationship between the Church steps and Upper Trafalgar Street active space.</p> <p>Provides for the opportunity for hospitality business to extend their outdoor dining areas and associate leases more permanently, enabling them certainty to invest in more robust furniture/ dining experience.</p> <p>All year round closure may make the area seem less of a novelty offer creating less of a pull away from other hospitality offers in the city centre.</p> <p>Enables investment decisions in properties in and around Upper Trafalgar Street to be made with certainty over how the space will be used.</p> <p>Can be revoked or varied by a subsequent declaration following a further special consultative procedure.</p>
Disadvantages	<p>There is currently no capital budget for the works required to restrict vehicle access to Upper Trafalgar Street in the Long Term Plan.</p> <p>There may be additional work required by Council officers/contractors and budget to ensure that the space is activated during the winter months.</p> <p>There will be a loss of 12 carparks.</p> <p>A small number of businesses would have to make use of the short term parking in Selwyn Place or other parking spaces, drop off and loading zones nearby for out of hour access and deliveries.</p>

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	<p>There may be some tension between users of Park Street until driver behaviour is self-moderated.</p> <p>May lead to the need for Council to review the function and restrictions on Park Street in the future (i.e. may require reclassification as loading area, one way or special access lane).</p>
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Community Feedback and Consultation

- 5.9 There has been increasing public support for either summer or permanent closure of Upper Trafalgar Street to motor vehicles throughout the previous Annual Plans and feedback processes undertaken as part of previous trials. There has also been a lot of positive media and social media coverage of the trial.
- 5.10 During development of the Statement of Proposal, Council officers have endeavoured to speak face to face with all of the business owners that occupy properties on Trafalgar Street between Selwyn Place and Hardy Street.
- 5.11 Three questions were asked of each of the business owners as follows:
- Do you think the trial closures have been a success?
 - What would you change, if anything?
 - Would you prefer, no closure, a summer closure or permanent closure?
- 5.12 All those spoken to were supportive of the summer closure. All those, except the Nelson Women's Club, were supportive of a permanent closure if a programme of regular organised activities and events was available to ensure the space is activated in winter.
- 5.13 The Nelson Women's Club were generally opposed to the closure due to the accessibility issues it creates with the location of the club. The membership of the club is typically older with a number struggling with mobility issues that make accessing the club difficult. Officers consider that the issues they have raised can in part be mitigated by incorporating a drop-off area very close to the club on Selwyn Place.
- 5.14 Officers have talked to representatives from both the Nelson Regional Development Agency (NRDA) and Uniquely Nelson. Both support the prohibition of motor vehicles on Upper Trafalgar Street for 365 days per year.
- 5.15 There has also been feedback from hospitality providers outside the immediate area of Upper Trafalgar Street that the previous temporary closure has resulted in a loss of business for them. This is discussed further in the following section.

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- 5.16 The above information is provided in this report as part of describing the background. The proposed Statement of Proposal will provide for Council to seek, consider and respond to the views of the community and those potentially affected by the proposal in a formal process prior to making any decisions.

Economic Effects

- 5.17 Feedback received from businesses outside Upper Trafalgar Street focused mainly around concerns that customers were being drawn away from their businesses to those on Upper Trafalgar Street.
- 5.18 Paymark data, which covers all card payments (credit and debit cards) in the New Zealand retail market, including international cards, shows that overall the hospitality sector in Nelson had a successful summer period in 2017/18 with spending up 9.1% compared to the same period the previous year. The 2018/19 summer also saw an increase in spending in the hospitality sector of 4.4% above the 2017/18 summer.
- 5.19 Spending in four hospitality areas (Upper Trafalgar Street, Collingwood-New Street, Hardy Street and the rest of Nelson) was measured during the period October 2017 to March 2018 and compared to the same period a year prior. The same spending was measured for the 2018/19 year. The results are shown in the table below.

AREA of growth in hospitality	2017-18 vs 2016-17	2018-19 vs 2016-17	2018-19 vs 2017-18
	Year 1 closure vs pre-closure	Year 2 closure vs pre-closure	Year 2 closure vs year 1 closure
Collingwood Street	7.9%	8.4%	0.4%
Hardy Street	5.3%	-1.0%	-5.9%
Trafalgar Street	40.0%	10.9%	-20.8%
Rest of Nelson	3.5%	16.8%	12.8%
Total Nelson City	9.1%	13.8%	4.4%

- 5.20 While all measured areas experienced spending growth on the year prior, the most significant increase was experienced by the hospitality businesses in Upper Trafalgar Street (40%) during the first year of closure. However growth in spending dropped off significantly in the second year (10.9%) and is more comparable to all other areas measured except for Hardy Street.
- 5.21 The Centre City Programme Plan under development is intended to provide activation throughout the central city and spread Council investment. However the success of the Upper Trafalgar Street precinct is also due to the investment of those private businesses in the public space and their investment in business location being mutually beneficial to each other. City centre activation projects in other parts of the city are unlikely to diminish the area's popularity and offer significantly.

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Vehicular traffic

- 5.23 Traffic flows were measured during the weeks of 24 October 2018 and 9/15 April 2019. They were measured in similar locations to 2017/18 at four locations.
- 5.23.1 Selwyn Place west of Church St had a 7% drop in daily traffic in 2017/18, but little difference in average daily traffic in 2018/19.
- 5.23.2 Hardy St west of Church St had a 2% drop in 2017/18 but a 17% rise in 2018/19. This increase varied from day to day with average weekly traffic (AWT) ranging from 6457 vehicles per day (vpd) to 7450vpd.
- 5.23.3 Park St had a 165% increase in daily traffic in 2017/18 (122vpd) and a 93% rise (79vpd) in 2018/19 when Upper Trafalgar Street was closed.
- 5.23.4 Church St had a 34% increase in daily traffic in 2017/18, but an 8% decrease in average daily traffic in 2018/19.
- 5.24 There were significant variations in the daily "before and after" traffic flows at all four locations surveyed. This would indicate drivers are adapting to the road closure and adjusting their routes through the city centre accordingly.
- 5.25 The most significant traffic effect, while small in vehicle number involved and reducing between summers (122 to 79 vpd) occurs in the use of Park St. This public road is predominantly used for servicing the Upper Trafalgar St businesses. While reducing between summers there has been an increase in the use of this route by general traffic during the closure which has caused some conflicts between businesses, deliveries and through motorists. This is an operational issue which, given the overall low volumes which are reducing is able to be managed. The reduction in additional users of Park Street between summers is indicative of drivers moderating their behaviour and changing their expectations of this as an alternative through route.
- 5.26 In summary, the traffic effects of closing Upper Trafalgar Street are relatively minor with drivers ultimately able to navigate their way into the central city as they became used to not having Upper Trafalgar Street available.
- 5.27 Any closure of Upper Trafalgar Street to vehicle traffic needs to provide for emergency, maintenance and service delivery vehicles. This is able to be specified as an exclusion of the pedestrian mall declaration, and managed through the design of the physical closure works.

Pedestrian Counts

- 5.28 Pedestrian count data recorded between the summer trials of 2017/8 and 2018/19 have given some unexpected results in that they indicate a drop

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in pedestrian activity between the trials. They also indicate a drop between pedestrian activity while the road was opened compared to when the road was closed.

- 5.29 Due to the appointment of a new Data Collection contractor in November 2018 as the previous contractor no longer operates, the data was collected by two different methods. The "before" data collected in October 2018 (and all data for 2017/18) was collected manually. The "after" April 2019 data was collected by camera. Through interrogation of the differences between the pedestrian volumes, it has been found the camera collection of data covered pedestrians crossing a smaller section of Upper Trafalgar St than when collected manually.
- 5.30 The 2017 "before" data was also collected almost a month later in the year than in 2018, this is when the activity in the City Centre is increasing for both the summer months and for Christmas. The "before" data for both years was collected by the same contractor using the same methodology so are considered comparable.
- 5.31 The combination of these two factors is thought to explain the drop in recorded activity on Upper Trafalgar St. Officers consider the data sets are unable to be compared to determine pedestrian count differences between trials.

Leases for Outdoor Dining

- 5.32 During the 2018/19 temporary summer closure of Upper Trafalgar Street, the restaurants and cafes were given the opportunity to extend their outdoor dining areas to take full advantage of the closure.
- 5.33 Rent for the additional space was charged based on advice from a registered valuer. Of the 8 restaurant/cafes located in Upper Trafalgar Street 7 chose to extend their outdoor dining areas which provided a total additional income to Council for license fees of \$27,357 plus GST for the summer, over and above the \$44,157 plus GST generated without the closure.
- 5.34 At times during the closure period, the space was needed for public events such as the busker's festival. During these periods, the businesses were refunded their rent to recognise that they did not have exclusive use of the additional area.
- 5.35 Declaring Upper Trafalgar Street to be a pedestrian mall prohibiting motor vehicles 365 days per year would give the option to these business owners to extend their outdoor dining leases all year round, or just seasonally.

Funding Implications

- 5.36 The budget associated with the temporary summer closure 2018/19 was \$20k capital and \$53k operational. To date the Council has incurred costs of \$9K capital and \$14k operational with some invoices still waiting

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to be received. It is noted that the planter boxes are now at the end of their life and replacement costs or provision of alternative temporary barrier costs are estimated to be \$35k to \$50K.

- 5.37 The costs of declaring Upper Trafalgar Street to be a pedestrian mall prohibiting motor vehicles 365 days per year are estimated to be \$200k (including a 30% contingency) capital as a one off investment. This would provide for removal of parking meters and bollards, permanent signage, vehicle barriers, road marking, and more robust street furniture. This cost is currently unbudgeted and is a matter that Council can consider during deliberations following consultation. There are some existing budgets in transport and city development that this cost could be taken out of, but that would mean that other projects in the city centre would be delayed a year.
- 5.38 In the future the declaration would also allow for reorganisation of the pedestrian crossings to the Church steps, and potentially better treatment of the integration of the Church steps with Upper Trafalgar Street. Planning and budgeting for this can be staged over future years.
- 5.39 Prohibiting motor vehicles 365 days per year would eliminate the ongoing costs associated with administering and managing the summer closure periods, storing and replacing furniture and planter boxes, manual watering and the physical opening and closing of the street.
- 5.40 Officers consider that there is a need for a winter activation programme in the city centre. The programme needs to enable public events and foster partnerships with community organisations, the museum and Uniquely Nelson. Given that winter activation is an issue that has been raised in feedback received already, it is likely that this matter will again be raised during the consultation process which will provide Council with an opportunity to consider it during deliberations.

6. Consultation Process

- 6.1 Under section 78 of the Local Government Act 2002, a local authority must, in the course of its decision-making process give consideration to the views and preferences of persons likely to be affected by, or have an interest in, the matter.
- 6.2 Section 336 of the Local Government Act 1974 relates to pedestrian mall declarations and specifies that Council must use the Special Consultative Procedure for any declaration of a pedestrian mall.
- 6.3 In undertaking a Special Consultative Procedure the Local Government Act 2002 requires the territorial authority to give public notice, and such other notice as the local authority considers appropriate, of the Statement of Proposal and the consultation being undertaken.
- 6.4 Under s87(3) of the LGA a SOP must include:
 - a) the proposed changes;

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- b) the reasons for the changes;
- c) what alternatives to the changes are reasonably available; and
- d) any other information that the local authority identifies as relevant.

- 6.5 Section 83 of the LGA 2002 requires Council to consider whether a summary of the SOP *"is necessary to enable public understanding of the proposal."* The proposed SOP is not unduly complicated and the community having been through two summer trials of the closure of Upper Trafalgar Street to vehicle traffic already have a good understanding of the proposal. Therefore, a summary is not considered necessary to assist with the public understanding of it.
- 6.6 The public consultation process provides an opportunity for the public and other stakeholders to engage in the process and a structured way in which Council can respond to any concerns that may be raised. The proposed timeframe is outlined below:

Proposed Consultation Process and Timeline	
Draft Statement of Proposal to Council for approval	20 June 2019
Statement of Proposal publicly notified and open for submissions	24 June 2019
Consultation closes	24 July 2019
Hearings	6 August 2019
Deliberations and decision	27 August 2019
Appeal period opens	29 August 2019
Appeal period closes	29 September 2019

- 6.7 As part of the deliberations/decision on the proposed pedestrian mall declaration the impacts and timing of the next steps will be considered.
- 6.8 The following are the key methods proposed to raise public awareness of the consultation process, but these may be amended as the consultation process progresses:
- 6.8.1 A special edition of Our Nelson to be delivered to households. This is the main means of publicising the Statement of Proposal.
 - 6.8.2 Copies of the Statement of Proposal will be available from the Customer Services Centre and Council libraries and also available on the Council website.

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- 6.8.3 Copies of the Statement of Proposal will be available for Councillors to take to any community meetings that they attend during the consultation period.
- 6.8.4 Advertisements will be placed in local newspapers.
- 6.8.5 Social media and media releases will also be used to publicise the consultation.

7. Options

- 7.1 There are three options available to the Council in considering this report. A summary of the options is provided below before the table identifying the advantages, risks and disadvantages of each.
- 7.2 Option 1 is to approve the Statement of Proposal for a pedestrian mall declaration to prohibit motor vehicle access to Upper Trafalgar Street for 365 days per year and give approval to proceed with the Special Consultative Procedure. The pedestrian mall declaration would provide for exemptions for authorised vehicles (emergency and Council contractors) 24 hours per day and service delivery vehicles between 6am to 8am every day.
- 7.3 Option 2 is the status quo, whereby no pedestrian mall declaration is progressed and Upper Trafalgar Street is open to motor vehicle traffic all year round.
- 7.4 Option 3 is to direct officers to prepare an alternative Statement of Proposal for a pedestrian mall declaration to bring back to Council for approval.

Option 1: Approve the Statement of Proposal for a pedestrian mall declaration prohibiting motor vehicle access to Upper Trafalgar street for 365 days per year and give approval to proceed with the Special Consultative Procedure	
Advantages	<ul style="list-style-type: none">• Responds to the public requests for the closure of Upper Trafalgar Street to motor vehicles by allowing Council to formally seek and consider the community's views on the proposal.• Provides an opportunity for the community to present their feedback on the options proposed to Council and highlight any other issues requiring consideration.

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Risks and Disadvantages	<ul style="list-style-type: none"> Providing a formal process for Council to receive and consider feedback on the proposal reduces risks and assists in ensuring Council meets its obligations under the Local Government Act.
Option 2: Do not give approval to proceed with the Special Consultative Procedure and no closure occurs	
Advantages	<ul style="list-style-type: none"> No officer time or funding implications.
Risks and Disadvantages	<ul style="list-style-type: none"> Does not respond to the public requests for the closure of the Upper Trafalgar Street to motor vehicles. Upper Trafalgar Street will not be closed and the benefits to the community and the city centre will be lost.
Option 3: Direct officers to prepare an alternative Statement of Proposal to bring back to Council for approval	
Advantages	<ul style="list-style-type: none"> Enables Council to prepare and seek views on a different Statement of Proposal (i.e. a pedestrian mall declaration to prohibit motor vehicles on Upper Trafalgar Street for a different time or seasonal period).
Risks and Disadvantages	<ul style="list-style-type: none"> Would require a delayed consultation process than that set out in section 6 and may require an additional Council meeting for deliberations. Would create a very tight timeline to get through and enable sufficient time to undertake any physical works required to implement a different proposal before summer.

8. Conclusion

- 8.1 This report seeks approval for a Statement of Proposal and associated Special Consultative Procedure to be undertaken between 24 June 2019 and 24 July 2019, to seek the views of the community on the proposal to declare Upper Trafalgar Street a pedestrian mall prohibiting motor vehicles for 365 days per year, subject to some exemptions.

9. Next Steps

- 9.1 If after considering the views of the community and those potentially affected by the proposal, Council decides to proceed with the pedestrian mall declaration for Upper Trafalgar Street the following next steps are required:

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Trafalgar Street

- 9.1.1 Work up a design for the physical works required to prohibit motor vehicle traffic to Upper Trafalgar Street.
- 9.1.2 Seek sign off of the design from the City Centre Programme Councillor Group (Mayor Reese, Councillor's Noonan and Lawrey).
- 9.1.3 Undertake physical works.

Author: Lisa Gibellini, Team Leader City Development

Attachments

Attachment 1: A 2176520 Statement of Proposal Pedestrian Mall Declaration, Upper Trafalgar Street - Nelson City [↓](#)

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Trafalgar Street

Important considerations for decision making
1. Fit with Purpose of Local Government Consideration of the report will assist in meeting the current and future needs of the Nelson Community in a cost effect manner for the Ratepayers. Consideration of the community’s views on the proposal to declare Upper Trafalgar Street to be a pedestrian mall allows Council to meet its decision making responsibilities under the Local Government Act.
2. Consistency with Community Outcomes and Council Policy A decision consult the community on the proposal to declare Upper Trafalgar Street to be a pedestrian mall aligns with the following Community Outcomes: <ul style="list-style-type: none">• Our Council provides leadership and fosters partnerships, a regional perspective and community engagement; and• Our communities have opportunities to celebrate and explore their heritage, identity and creativity; and• Our urban and rural environments are people-friendly, well-planned and sustainably managed.
3. Risk There is low risk associated with undertaking the consultation process which will assist in reducing risks associated with Council’s potential future decision making for Upper Trafalgar Street.
4. Financial impact The decision to carry out consultation has a relatively limited financial impact that will be carried out within existing budgets. Any decision to pedestrianise Upper Trafalgar Street will have financial implications and these will need to be considered as part of the deliberations and decision making on the SOP. Financial implications of pedestrianising Upper Trafalgar Street are outlined in section 5 of this report.
5. Degree of significance and level of engagement This decision to declare Upper Trafalgar Street to be a pedestrian mall is a matter of high significance to the community, hospitality businesses in Upper Trafalgar Street and other parts of the city, and therefore a special consultative process is being undertaken.
6. Inclusion of Māori in the decision making process No consultation with Māori was undertaken for this report.

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Trafalgar Street

7. Delegations

The decision relates to City Centre enhancement, business, economic development and tourism, events, a road closure and loss of car parking. Responsibility for these areas does not fall clearly to a single Council committee. Therefore, the decision is referred to the Council.



Statement of Proposal

Pedestrian Mall Declaration

Trafalgar Street – Nelson City



**This document constitutes a
Statement of Proposal under Section 87(1)(a) of the
Local Government Act 2002.**

Item 11: Statement of Proposal for Declaration of a Pedestrian Mall - Upper Trafalgar Street: Attachment 1

1. Introduction

- 1.1 Over the last two summers, 2017/18 and 2018/19, Nelson City Council has trialled the temporary closure of the section of Trafalgar Street between Hardy Street and Selwyn Place (Upper Trafalgar Street) to motor vehicle traffic. The temporary closures were in response to community feedback that had been received during consultation for the Long Term Plan and Annual Plan over the previous years.
- 1.2 Having trialled the closure to motor vehicle traffic for two summers, Council believes that the use of the resulting predominantly pedestrian space at Upper Trafalgar Street enhances the vitality of the city centre and contributes to the achievement of Council's priority on CBD Development. The aim for Nelson's central business district is for it to be attractive to business, residents and visitors, with an exceptional mix of events, civic facilities and retail.
- 1.3 The Council seeks the community's views on the proposal to permanently declare Upper Trafalgar Street to be a pedestrian mall prohibiting motor vehicles 365 days per year, subject to some specified exemptions, under section 336 of the Local Government Act 1974.

2. Background

- 2.1 In response to requests from the community and event organisers during the Annual Plan and Long Term Plan processes over multiple years, the Council trialed the temporary closure of Upper Trafalgar Street to motor vehicle traffic over the summers of 2017/18 and 2018/19. Upper Trafalgar Street was temporarily closed to motor vehicles, businesses extended their outdoor dining areas, and Council provided public tables, chairs, games and shade umbrellas for community use.
- 2.2 The summer closures of Upper Trafalgar Street to motor vehicles have received generally positive public support, and the area was active and well used over the trial periods. Upper Trafalgar Street has become a popular civic space especially when combined with 1903 Square and the Church steps for public events.
- 2.3 Council now wishes to seek the views of the community on the proposal to permanently declare Upper Trafalgar Street to be a pedestrian mall and prohibiting motor vehicles 365 days per year subject to some specified exemptions.
- 2.4 This Statement of Proposal outlines the pedestrian mall proposal and provides the community with an opportunity to provide their feedback on a range of options for the closure of Upper Trafalgar Street to motor vehicle traffic.

3. Proposal

- 3.1 Nelson City Council is consulting on the proposal that the section of Trafalgar Street between Selwyn Place and Hardy Street (Upper Trafalgar Street) be declared a Pedestrian Mall under section 336 of the Local Government Act 1974.

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- 3.2 Nelson City Council proposes that under the declaration motor vehicles will be prohibited in Upper Trafalgar Street 365 days per year.
- 3.3 The declaration is proposed to include exemptions for:
 - 3.3.1 Vehicles specifically authorised by Council to enter Upper Trafalgar Street for purposes such as emergency, litter collection, maintenance and street cleaning. This exemption is proposed to apply 24 hours per day; and
 - 3.3.2 Service vehicles associated with deliveries to the businesses fronting Upper Trafalgar Street. This exemption is proposed to apply between the hours of 6am and 8am daily.
- 3.4 Opportunities for public events to be held in the space would be available all year round, and permanent vehicle barriers, signage and street furniture would be installed. Parking meters and bollards would be removed. Accessible carparks would be allocated nearby along with a restricted time drop off park and loading space to ensure easy access to the area.
- 3.5 Declaring Upper Trafalgar Street to be a pedestrian mall prohibiting motor vehicles 365 days per year would also provide the option to adjoining business owners to extend their outdoor dining areas/leases all year round.
- 3.6 Once made, the declaration would only be able to be revoked or varied by a further special consultative procedure.

4. Reasons for the Proposal

- 3.5 Public feedback from the trial summer closures has been positive with the majority of feedback received seeking some form of permanent closure of Upper Trafalgar Street to vehicles.
- 3.6 The proposal will assist the Council in achieving its goal for the city centre:

Our aim for Nelson's central business district is for it to be attractive to business, residents and visitors, with an exceptional mix of events, civic facilities and retail. We are working to build an environment that supports commerce, encourages inner city living and is a catalyst for private sector investment. The top of the South, Te Tau Ihu, needs a strong commercial centre to thrive. We want our city centre to enrich and build our local culture – the bustling meeting place for everyone who lives, works and visits here.

5. Options

- 5.1 In evaluating the options for Upper Trafalgar Street, Council has considered that there are four reasonably practicable options, including the proposal. They are:

Option 1: Declare a Pedestrian Mall prohibiting motor vehicles for each summer	Declare a Pedestrian Mall prohibiting motor vehicles for the period 18 October to 31 April (summer) every year with specified exemptions for emergency, authorised and service delivery vehicles.
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Option 2: Declare a Pedestrian Mall prohibiting motor vehicles 365 days per year	Declare a Pedestrian Mall prohibiting motor vehicles for 365 days a year with specified exemptions for emergency, authorised and service delivery vehicles as described in section 3 above.
Option 3: Stop the road	Seek to permanently stop Upper Trafalgar Street under Schedule 10 of the Local Government Act 1974.
Option 4: Status Quo	Do nothing and leave the road open to motor vehicles. Under this option Council retains the ability to close the road temporarily for a total of 31 days per year for specified purposes under Schedule 10, clause 11(e) of the Local Government Act 1974.

- 5.2 Option 2 is the Council's proposal that it is being consulted on. The advantages and disadvantages of all of the options are assessed as follows:

Option 1: Declare a Pedestrian Mall prohibiting motor vehicles for the period 18 October to 31 April (summer) every year with specified exemptions for emergency, authorised and service delivery vehicles.	
Advantages	<p>Provides a public space in the city centre for community events and gatherings during the summer.</p> <p>Attracts people to the city centre and encourages them to linger longer and explore the city supporting local businesses.</p> <p>Aligns with the beginning of the Arts Festival.</p> <p>Assists to implement Nelsons Smart Little City aspirations by recognising Upper Trafalgar Streets role as a people focused space.</p> <p>Can be revoked or varied by a subsequent declaration following a further special consultative procedure.</p>
Disadvantages	<p>There are significant costs to Council in staff and contractor time involved in processing the summer closure, and physically setting up and removing the closure each year.</p> <p>There is currently no budget allocated for summer closure 2019/20 or thereafter in the Long Term Plan.</p> <p>Summer closure doesn't allow Council to invest in permanent robust and more efficient street furniture and closure barriers. New planter boxes are required for any additional summer closures as the current ones have reached their end of their lifecycle.</p> <p>Doesn't respond to the significant public support for the permanent closure of Upper Trafalgar Street to motor vehicle traffic 365 days per year.</p>

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Option 1: Declare a Pedestrian Mall prohibiting motor vehicles for the period 18 October to 31 April (summer) every year with specified exemptions for emergency, authorised and service delivery vehicles.	
	<p>Doesn't provide a public space available for winter activation in the city centre or for the community, Uniquely Nelson or Museum groups to hold events without going through a temporary road closure process and its associated 10 week lead in and administration costs.</p> <p>Doesn't provide an opportunity to improve the quality of the public space through permanent investment (i.e accessible parks, removal of bollards and parking meters, better crossing points to the Church steps, lighting investment).</p> <p>May draw hospitality customers away from other areas in the city centre every summer as the area becomes a summer novelty rather than permanent public space.</p>

Option 2: Declare a Pedestrian Mall prohibiting motor vehicles for 365 days a year with specified exemptions for emergency, authorised and service delivery vehicles as described in section 3.	
Advantages	<p>Provides a public space in the city centre for community events, festivals and gatherings all year round.</p> <p>Attracts people to the city centre and encourages them to linger longer and explore the city supporting local businesses.</p> <p>Assists to implement Nelsons Smart Little City aspirations by recognising Upper Trafalgar Streets role as a people focused space.</p> <p>Responds to the public feedback to date supporting the trials and seeking that the area be pedestrianised all year round.</p> <p>Provides for Council to make a one off investment in upgrading the space for pedestrian use, to make it more user friendly and inviting.</p> <p>Enables investment in more permanent accessible parking, signage, street furniture, shading and heating, other urban elements and storage equipment thereby making them more robust and reducing ongoing costs associated with a summer only trial.</p> <p>Reduces officer time and contractor costs associated with establishing and disestablishing the closure each summer.</p> <p>Reduces uncertainty to regular motor vehicle users in the city centre and allows for vehicle behaviour to adjust permanently.</p>

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Option 2: Declare a Pedestrian Mall prohibiting motor vehicles for 365 days a year with specified exemptions for emergency, authorised and service delivery vehicles as described in section 3.	
	<p>Provides future opportunities to improve the crossings and relationship between the Church steps and Upper Trafalgar Street active space.</p> <p>Provides for the opportunity for hospitality business to extend their outdoor dining areas and associate leases more permanently, enabling them certainty to invest in more robust furniture/ dining experience.</p> <p>All year round closure to motor vehicles may make the area seem less of a novelty offer creating less of a pull away from other hospitality offers in the city centre.</p> <p>Enables investment decisions in properties in and around Upper Trafalgar Street to be made with certainty over how the space will be used.</p> <p>Can be revoked or varied by a subsequent declaration following a further special consultative procedure.</p>
Disadvantages	<p>There is currently no budget for the works required to prohibit motor vehicle access to Upper Trafalgar Street with specified exemptions in the Long Term Plan.</p> <p>There may be additional work required by Council officers/contractors and budget to ensure that the space is activated during the winter months.</p> <p>There will be a loss of 12 carparks.</p> <p>A small number of businesses would have to make use of the short term parking in Selwyn Place or other parking spaces, drop off and loading zones nearby for out of hour access and deliveries.</p> <p>There may be some tension between users of Park Street until driver behaviour is self-moderated.</p> <p>May lead to the need for Council to review the function and restrictions on Park Street in the future (i.e. may require reclassification as loading area, one way or special access lane).</p>

Option 3: Seek to permanently stop Upper Trafalgar Street under Schedule 10 of the Local Government Act 1974.	
Advantages	Largely the same as option 2 advantages
Disadvantages	Is a permanent closure and limits flexibility of use. Once the road is stopped then it is very difficult to allow any kind of

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Option 3: Seek to permanently stop Upper Trafalgar Street under Schedule 10 of the Local Government Act 1974.	
	<p>service, emergency or other vehicles access at any time of the year.</p> <p>The land would cease to be legal road, a new regime of leases and licenses, and consents for the occupation of public space by the outdoor dining areas and events would need to be created, administered and applied for.</p>

Option 4: Do nothing and leave the road open to motor vehicles.	
Advantages	<p>Access is maintained for all road users.</p> <p>No costs are incurred to Council.</p>
Disadvantages	<p>Is contrary to public feedback following the two trials.</p> <p>Does not assist in achieving Council's Smart Little City and City Centre activation goals and send the signal that cars are more important to dedicate public space to than people.</p> <p>Limits the use of Upper Trafalgar Street for events and public gatherings to a total of 31 days per year for specified purposes.</p> <p>Only enables temporary road closures which are high in administration, lead in time and administration costs.</p> <p>Greater uncertainty for motor vehicle users with unpredictable road closures dates each year.</p>

6. Other Considerations

- 6.1 If, following consideration of submissions, Council decides to make the pedestrian mall declaration, any person may within one month, or such further time as the Environment Court allows, appeal the Council's decision to the Environment Court.

7. Submissions

- 7.1 A submission form is included at the end of this document. Anyone may make a submission about any aspect of Council's proposal and the alternatives and issues that have been considered. Council, in making its final decision, will take account of all matters raised in submissions and may, as a result, decide to pursue one of the alternatives above instead of its proposal.
- 7.2 All submissions, including the name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details be kept private and explain why it is necessary to protect your privacy. Council will not accept any anonymous submissions.

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7.3 Submissions can be made:

- Online at nelson.govt.nz
- By post to Community Housing, PO Box 645, Nelson 7010
- By dropping off to Civic House, 110 Trafalgar Street, Nelson

7.4 Submissions must be received no later than 4pm **24 July 2019**.

7.5 Any person who wishes to speak to the Council in support of their submission will be given the opportunity to address the Council at hearings on 6 August 2019.

REPORT R10164

Nelson Tasman Future Development Strategy - Authority for Joint Council Committee

1. Purpose of Report

- 1.1 To provide the Joint Council Committee with the authority to make all decisions in relation to adopting the Nelson Tasman Future Development Strategy.

2. Recommendation

That the Council

- 1. Receives the report Nelson Tasman Future Development Strategy - Authority for Joint Council Committee (R10164); and***
- 2. Delegates all decision-making powers in relation to adopting the Nelson Tasman Future Development Strategy to the Joint Committee; and***
- 3. Updates the Nelson City Council Delegations Register to reflect the above changes.***

3. Discussion

- 3.1 The Nelson Tasman Future Development Strategy (FDS) is a growth strategy for both the Nelson and Tasman regions and has been undertaken as a joint Nelson City and Tasman District Council project.
- 3.2 Following the second round of consultation which closed on 6 May 2019, the Joint Committee will provide direction on feedback received. This will be used to produce the final FDS which is planned to be taken to the Joint Committee meeting on 26 July 2019 for adoption. The Joint Committee does not however have any delegations to enable this. This report seeks to delegate all powers to the Joint Committee in relation to adoption of the FDS.

Item 12: Nelson Tasman Future Development Strategy - Authority for Joint Council Committee

- 3.3 Officers consider that the provision of direction on the feedback to the strategy, as well as the decision to adopt the strategy should be undertaken in a joint manner to enable consideration of trade-offs that may be required across territorial authority boundaries, as well as to avoid the risk that the two different Council's make different decisions that are not able to be accommodated in a Joint strategy.
- 3.4 Tasman District Council considered this matter on 9 May 2019 and resolved to:

Delegate the decision making powers for adoption of the Nelson Tasman Future Development Strategy to the Joint Committee of 26th July 2019.

Options

- 3.5 The Council can either refer this matter to Joint Council Committee or not:

Option 1: Refer matter to Joint Council Committee	
Advantages	<ul style="list-style-type: none">Decision making can occur in a coordinated manner with Tasman District Council and enables regional growth to be considered, and a strategy for the future to be adopted.
Risks and Disadvantages	<ul style="list-style-type: none">None
Option 2: Do not refer matter to Joint Council Committee	
Advantages	<ul style="list-style-type: none">None.
Risks and Disadvantages	<ul style="list-style-type: none">Both Councils could make different decisions thereby affecting the coordination of growth across the boundaries, and undermining the purpose of the Nelson Tasman Future Development Strategy and the direction of the National Policy Statement on Urban Development Capacity.

Author: Lisa Gibellini, Team Leader City Development

Attachments

Nil

Important considerations for decision making	
1. Fit with Purpose of Local Government	The NTFDS provides options for growth and infrastructure provision over the next 30 years to ensure that sufficient capacity is provided to enable statutory compliance, health safety and wellbeing of the Nelson and Tasman community. Delegation of decision making to the Joint Committee is consistent with the principles of good decision making.
2. Consistency with Community Outcomes and Council Policy	The NTFDS is consistent with the community outcomes and will assist Council to achieve them, particularly "Our urban and rural environments are people friendly, well planned and sustainably managed" and "Our infrastructure is efficient, cost effective and meets current and future needs". Delegation of decision making to the Joint Committee enables improved decision making at a regional level.
3. Risk	Delegation of decision making on the NTFDS to the Joint Committee reduces risk by enable a consistent and integrated decision to be made by both Councils at the same time.
4. Financial impact	There is no financial impact of the delegation of powers to the Joint Committee.
5. Degree of significance and level of engagement	This matter is of low to medium significance because it is enabling future joint decision making to occur to reduce risks to both communities.
6. Inclusion of Māori in the decision making process	No engagement with Māori has been undertaken in preparing this report.
7. Delegations	This report seeks to delegate all powers in relation to the NTFDS to the joint Committee because it has both cross Committee and cross Council infrastructure and planning considerations.

REPORT R9995

**Order of candidates' names on 2019 Local Elections
voting documents**

1. Purpose of Report

- 1.1 To obtain a Council decision regarding the order of candidates' names on voting documents for the 2019 Local Government Election.

2. Summary

- 2.1 Candidates' names on voting documents can be organised in three ways; alphabetical order of surname, pseudo-random order or computerised random order. This report asks Council to resolve which of these is to be used for Nelson City Council in the 2019 Local Government Elections.

3. Recommendation

That the Council

- 1. Receives the report Order of candidates' names on 2019 Local Elections voting documents (R9995); and***
- 2. Approves, in accordance with Regulation 31(2) of the Local Electoral Regulations 2001, the candidates' names on voting documents for the 2019 triennial local election be in computerised random order.***

4. Background

Candidates' Names on Voting Documents

- 4.1 Regulation 31(1) of the Local Electoral Regulations 2001 provides that candidates' names on the voting document may be arranged in one of three ways; alphabetical order of surname, pseudo-random order or computerised random order. Regulation 31(2) provides that Council may resolve which of these three ways is used. Regulation 31(3) provides

Item 13: Order of candidates' names on 2019 Local Elections voting documents

that if there is no such resolution, the candidates' names must be arranged in alphabetical order of surname.

- 4.2 In 2016 Council resolved that candidates' names be arranged in computerised random order.

5. Discussion

- 5.1 There are advantages and disadvantages to each method, discussed below.

- 5.2 **Computerised Random Order:** Under this method, the order of candidates' names is determined randomly by computer for each voting document, so that the order of names of candidates will vary from one voting document to another.

5.2.1 This is considered the fairest option, with no bias to any candidates and is therefore the recommended option.

5.2.2 There is however, the potential for confusion amongst voters whose voting papers look different when compared to another's. This is considered a very minor risk, compared to the fairness for all candidates.

- 5.3 **Pseudo-Random Order:** Using this method, the names of candidates are listed in a random order, and all voting documents use the same order. If this method is used, the candidates' names would be placed in a container, mixed together and then drawn out, with the candidates' names being placed on all voting documents in the order in which they are drawn. If Council decides to use pseudo-random order, any person is entitled to attend the place where the order of candidates' names will be arranged, and a public notice is required to be given of the date and time it will occur.

5.3.1 This is a considered to be a fair method and all voting papers look alike, avoiding any possible confusion upon comparison between voting documents.

5.3.2 However, there is possible bias for candidates appearing at the top of the list compared to those in the middle and the bottom of every voting paper.

- 5.4 **Alphabetical Order of Surname:** This method is self-explanatory.

5.4.1 This method favours candidates whose surnames begin with letters at the beginning of the alphabet as they are automatically at the top of the list. Likewise, it disadvantages candidates whose names begin with letters in the middle and end of the alphabet as they are automatically placed further down the list.

5.4.2 If no decision is made, this is the default order of candidates' names.

6. Options

- 6.1 There are advantages and disadvantages to each of these methods. It is considered that the fairest option for all candidates is computerised random order. For this reason, option 1 is recommended.

Option 1: Computerised Random Order – Recommended option	
Advantages	<ul style="list-style-type: none"> • This is considered the fairest option for all candidates • As the order of candidates' names will vary from one document to another, there is no bias resulting from name order
Risks and Disadvantages	<ul style="list-style-type: none"> • There is the potential for confusion amongst voters whose papers look different when making a comparison with another person's voting document.
Option 2: Pseudo-Random Order	
Advantages	<ul style="list-style-type: none"> • This is considered a fair option • The order of candidates' names is set • All voting papers look alike
Risks and Disadvantages	<ul style="list-style-type: none"> • There is an advantage for candidates whose names appear at the top of the list
Option 3: Alphabetical	
Advantages	<ul style="list-style-type: none"> • The order of candidates' names is set • All voting papers look alike • Finding the name of their preferred candidate is easy
Risks and Disadvantages	<ul style="list-style-type: none"> • There is a disadvantage to those whose surnames begin with letters at the middle and end of the alphabet, as their names would appear lower down the list

Author: Mary Birch, Manager Governance and Support Services

Attachments

Nil

Important considerations for decision making	
1. Fit with Purpose of Local Government	Choosing an appropriate format for documents supports compliance with regulation 31(2) of the Local Electoral Regulations 2001.
2. Consistency with Community Outcomes and Council Policy	This supports the community outcome "Our Council provides leadership and fosters partnerships, a regional perspective and community engagement".
3. Risk	If a decision is not made, the default order of candidates' names will be alphabetical, which would advantage some candidates and could lead to negative feedback about the process.
4. Financial impact	Preparation of voting papers is part of the existing elections budget.
5. Degree of significance and level of engagement	This matter is of low significance and therefore no engagement is proposed.
6. Inclusion of Māori in the decision making process	No engagement with Māori has been undertaken in preparing this report.
7. Delegations	Election matters have not been delegated to a committee, therefore this is a decision for Council.