

**Notice of the ordinary meeting of**

**Nelson City Council**

***Te Kaunihera o Whakatū***

Date:	Thursday 23 April 2020
Time:	9.00a.m.
Location:	Via Zoom

**Agenda**

***Rārangi take***

**Mayor** Her Worship the Mayor Rachel Reese

**Deputy Mayor** Cr Judene Edgar

**Members**

- Cr Yvonne Bowater
- Cr Trudie Brand
- Cr Mel Courtney
- Cr Kate Fulton
- Cr Matt Lawrey
- Cr Brian McGurk
- Cr Gaile Noonan
- Cr Rohan O'Neill-Stevens
- Cr Pete Rainey
- Cr Rachel Sanson
- Cr Tim Skinner

**Quorum** 7

**Pat Dougherty**  
**Chief Executive Officer**

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision. For enquiries call (03) 5460436.

## **Council Values**

Following are the values agreed during the 2016 – 2019 term:

- A. Whakautetanga: respect
- B. Kōrero Pono: integrity
- C. Māiatanga: courage
- D. Whakamanatanga: effectiveness
- E. Whakamōwaitanga: humility
- F. Kaitiakitanga: stewardship
- G. Manaakitanga: generosity of spirit

**Karakia Timatanga****1. Apologies**

Nil

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

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

**4. Public Forum**

4.1 New Life Ministries Incorporated - a request for an exemption to the Development Contribution Levies

**5. Confirmation of Minutes**5.1 12 March 2020 **9 - 15**

Document number M7766

Recommendation

***That the Council***

- 1. Confirms the minutes of the meeting of the Council, held on 12 March 2020, as a true and correct record.***

5.2 Extraordinary Meeting - 24 March 2020 **16 - 19**

Document number M7797

Recommendation

***That the Council***

- 1. Confirms the minutes of the extraordinary meeting of the Council, held on 24 March 2020, as a true and correct record.**

5.3 Extraordinary Meeting - 9 April 2020

**20 - 28**

Document number M8806

Recommendation

***That the Council***

- 1. Confirms the minutes of the extraordinary meeting of the Council, held on 9 April 2020, as a true and correct record.**

**6. Recommendations from Committees**

**6.1 Community Services Committee - 12 March 2020**

6.1.1 Update on Council-owned earthquake-prone buildings

Recommendation to Council

***That the Council***

- 1. Approves total unbudgeted operating expenditure of up to \$60,500 for the closure of the Stoke Memorial Hall, former Stoke Seniors Hall and the Refinery in 2019/20.**

**6.2 Hearings Panel - Other - 18 March 2020**

6.2.1 Findlay Place Easements - Deliberations Report

Recommendation to Council

***That the Council***

- 1. Consents to right of way, right to drain wastewater and right to drain water easements over the Local Purpose Reserve (Road) (Lot 17 DP 486996) in favour of Lot 2 DP 366503 under section 48(1) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.**



## **7. Mayor's Report**

**29-31**

### ***That the Council***

- 1. Receives the report (R15894); and***
- 2. Approves the purchase of an e-bike for \$9,000 (ex GST), to be funded from the Climate Reserve Fund, to be loaned to Community Compost for their food waste collection initiative.***

## **8. New Life Ministries Incorporated - Development Contributions**

**32 - 109**

Document number R13741

Recommendation

### ***That the Council***

- 1. Receives the report New Life Ministries Incorporated - Development Contributions (R13741) and its attachments (A2356963, A1964099, A2356964); and***
- 2. Declines the request from New Life Ministries Incorporated to waiver the development contributions on BC190313; and***
- 3. Directs officers to review the listed exemptions in the DC Policy during the 2021 review in relation to state integrated schools.***

## **9. Effects of setting the 2020/21 rates increase to zero**

This report will be distributed via a supplementary agenda.

## **10. City Centre Programme : COVID19 Opps**

This report will be distributed via a supplementary agenda.

**11. Nelson City Council Water Restrictions (urban/rural) 110 - 132**

Document number R13608

Recommendation

***That the Council***

- 1. Receives the report Nelson City Council Water Restrictions (urban/rural) (R13608) and its attachments (A2324759, A2147325, A2083366 and A2267192); and**
- 2. Approves the Maitai Reservoir Level Plan with proposed seasonal restriction stages\_(A2324759); and**
- 3. Approves the Proposed Nelson City Water Restriction Stage Descriptions (A2267192).**

**12. Governance Statement 2019 - 2022 133 - 197**

Document number R14824

Recommendation

***That the Council***

- 1. Receives the report Governance Statement 2019 - 2022 (R14824) and its attachments (A1708727) and (A2356871); and**
- 2. Adopts the Nelson City Council Governance Statement 2019 - 2022; and**
- 3. Delegates to the Chief Executive the authority to approve any minor amendments to the Governance Statement 2019 – 2022 to keep the document up to date during this triennium.**

### 13. Amendments to Delegations Register and Standing Orders 198 - 212

Document number R15894

Recommendation

#### ***That the Council***

- 1. Receives the report Amendments to Delegations Register and Standing Orders (R15894) and its attachments (A2356552, A2356632 and A2371254); and***
- 2. Approves the proposed amendments to the Delegations Register as set out in attachment one (A2356552) and attachment two (A2356632); and***
- 3. Approves the proposed amendment to Standing Orders as set out in attachment three (A2371254).***

## **CONFIDENTIAL BUSINESS**

### **Exclusion of the Public**

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:***

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	<b>Extraordinary Council Meeting - Public Excluded Minutes - 24 March 2020</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of	The withholding of the information is necessary: <ul style="list-style-type: none"><li>• Section 7(2)(c)(i) To protect information which is subject to an obligation of confidence</li></ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		information for which good reason exists under section 7.	<p>or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied</p> <ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>

## Karakia Whakamutunga



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## Minutes of a meeting of the Nelson City Council

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

**On Thursday 12 March 2020, commencing at 9.02a.m.**

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Present: Deputy Mayor J Edgar (Chairperson), Councillors T Brand, M Courtney, K Fulton, M Lawrey, R O'Neill-Stevens, B McGurk, G Noonan, P Rainey, R Sanson and T Skinner

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

Apologies: Her Worship the Mayor and Councillor Bowater

### **Karakia Timatanga**

Councillors gave a karakia timatanga.

Councillor Edgar noted the upcoming anniversary of the 15 March Christchurch Mosque shootings and emphasised the importance of unity in responding to hatred and prejudice.

### **1. Apologies**

Resolved CL/2020/010

#### ***That the Council***

- 1. Receives and accepts the apologies from Her Worship the Mayor and Councillor Bowater.***

Noonan/Courtney

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

There was no public forum.

### 5. Confirmation of Minutes

#### 5.1 13 February 2020

Document number M6686

Resolved CL/2020/011

***That the Council***

- 1. Confirms the minutes of the meeting of the Council, held on 13 February 2020, as a true and correct record.***

Fulton/Sanson

Carried

#### 5.2 Extraordinary Meeting – 5 March 2020

Document number M7738

Resolved CL/2020/012

***That the Council***

- 1. Confirms the minutes of the extraordinary meeting of the Council, held on 5 March 2020, as a true and correct record.***

Sanson/Fulton

Carried

### 6. Mayor's Report

Document number R15875, agenda pages 15 - 16 refer.

Councillor Edgar presented the Mayor's Report on behalf of Her Worship the Mayor. She noted that, given the Covid-19 situation, all overseas travel was being reconsidered, and Council was awaiting further information from the Department of Internal Affairs regarding whether the delegation to Tasmania would go ahead at this time.

Councillor Edgar noted the visit to Nelson on 10 March 2020 of Hon Phil Twyford, Minister of Economic Development, and Hon Damian O'Connor, Minister of Agriculture, to meet with key industry and business

representatives in the region, along with the Nelson and Tasman Mayors, to understand the impact of Covid-19 on the region.

Resolved CL/2020/013

***That the Council***

***1. Receives the report Mayor's Report (R15875).***

O'Neill-Stevens/Rainey

Carried

**7. Adoption of the Consultation Document and supporting information for the 2020/21 Annual Plan**

Document number R14842, agenda pages 17 - 117 refer.

Group Manager Strategy and Communications, Nicky McDonald, Group Manager Corporate Services, Nikki Harrison, and Manager Strategy, Mark Tregurtha, presented the report.

Mr Tregurtha tabled an updated consultation document with changes from the document included in the agenda (A2358301), a formatted consultation document (A2358304) and feedback form (A2358863). He explained the changes in the tabled consultation document.

Councillors considered the consultation document section by section.

Mr Tregurtha, Ms McDonald and Ms Harrison answered questions regarding:

- The order of sections at the front of the consultation document
- Housing intensification, use of sustainable building materials and greening of urban spaces
- Placing a climate lens across the Consultation Document
- The budget for dismantling the Mediterranean Food Warehouse and how this may affect the budget for the Elma Turner Library redevelopment
- The reasons for reduced capital spend in the three waters and flood protection areas
- Loan-funding the final stages of the Nelson Plan development
- Funding of the Marina hardstand project through the closed Marina account

Ms Harrison noted further that the reference on page 35 of the tabled Consultation Document to "*Nelson Plan costs of \$2 million*" should be corrected to state "*Nelson Plan costs of \$1.22 million*". She added that

the correct figures were included on page 31 of the tabled Consultation Document.

Councillors suggested further amendments to the consultation document be considered, as follows:

- Moving the table 'Visualising Our Direction for the 2020/21 Annual Plan' to follow the page 'Iwi and Council partnership'
- Changing the final sentence under Community Housing/Housing Reserve to "*The Reserve would allow Council to work with and support partners who have the ability to deliver social and affordable housing solutions for the community*"
- In the Maitai River Precinct section, including 'imagination playground' in inverted commas
- Including clarification of the amounts from the Climate Change Reserve Fund that have been spent in the current financial year, as well as amounts identified for 2020/2021
- Referencing Council's review of its Procurement Policy when discussing the Living Wage
- Including a sentence at the bottom of the first paragraph under the Koata Park heading to note "*It also has potential to attract significant government and other external funding*"

Attendance: The meeting adjourned from 10.22a.m. to 10.41a.m.

Ms Harrison, Ms McDonald and Mr Tregurtha answered further questions regarding:

- The commercial differential, and the average commercial rates rise as against the average residential rates rise
- The increase in stormwater and flood protection charges as against the proposed capital works programme in the Consultation Document

Councillors made additional suggestions for amendments to the Consultation Document:

- Including a side-bar in the climate change section regarding Council's tree planting programme, noting that tree planting is an effective strategy for combating climate change
- Altering the sentence starting the fourth paragraph under the Housing - Intensification and Affordability section to state *This work includes increasing housing supply within existing neighbourhoods which are suitable for residential intensification, in a sustainable way*



- Clarifying the proposed average rates rise is across residential and commercial ratepayers, and including an indication of average rates rises for commercial and residential ratepayers
- Clarifying that Elma Turner Library redevelopment figures are likely to change once costs for dismantling the Mediterranean Food Warehouse building are clarified

Ms Harrison noted a further correction to the climate change line in the Financial Reserves Estimates table, that the 'withdrawals' should be \$182,500, and the 'Balance June 2021' should be \$197,500.

Councillor Sanson, seconded by Councillor McGurk, moved the recommendation in the officer report, with the addition of the words "*as tabled and amended at the meeting of 12 March 2020*" in clause three of the recommendation.

Attendance: The meeting adjourned from 11.22a.m. to 11.27a.m.

Councillors debated the motion.

Resolved CL/2020/014

***That the Council***

1. ***Receives the report Adoption of the Consultation Document and supporting information for the 2020/21 Annual Plan (R14842) and its attachments (A2355273 and A2355138); and***
2. ***Adopts the supporting information described in paragraph 5.1 of this report (A2355138); and***
3. ***Adopts the Consultation Document, as tabled and amended at the meeting of 12 March 2020, for the Annual Plan 2020/21 (A2355273); and***
4. ***Agrees that the Mayor, Deputy Mayor and Chief Executive be delegated to approve any minor amendments required to the supporting information or the Consultation Document prior to the start of the consultation period; and***
5. ***Approves the consultation approach (set out in paragraphs 5.2 and 5.3 of this report (R14842)) and agrees that the approach meets the requirements of section 82 of the Local Government Act 2002.***

Sanson/McGurk

Carried

#### Attachments

- 1 A2358301 - Tabled document - Annual Plan Consultation Document, with changes
- 2 A2358304 - Tabled document - formatted Annual Plan Consultation Document
- 3 A2358863 - Tabled document - Annual Plan Consultation Document feedback form

## 8. Exclusion of the Public

Resolved CL/2020/015

#### ***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:***

Skinner/Noonan

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	<b>Council Meeting - Public Excluded Minutes - 13 February 2020</b>	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"> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>

The meeting went into confidential session at 11.49a.m. and resumed in public session at 11.51a.m.

The only business transacted in confidential session was to confirm the minutes of 13 February 2020. In accordance with the Local Government Official Information and Meetings Act 1987, no reason for withholding this decision from the public exists, therefore this decision has been recorded in the open minutes.

**9. Confirmation of Confidential Minutes - 13 February 2020**

Resolved CL/2020/016

***That the Council***

- 1. Confirms the minutes of part of the meeting of the Council, held with the public excluded on 13 February 2020, as a true and correct record.***

Skinner/Courtney

Carried

**10. Re-admittance of the Public**

Resolved CL/2020/017

***That the Council***

- 1. Re-admits the public to the meeting.***

Noonan/Brand

Carried

**Karakia Whakamutunga**

Councillors gave a karakia whakamutunga.

There being no further business the meeting ended at 11.52a.m.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date



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## **Minutes of an extraordinary meeting of the Nelson City Council**

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

**On Tuesday 24 March 2020, commencing at 1.00pm**

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**Present:** Her Worship the Mayor R Reese (Chairperson), Councillors T Brand, J Edgar, M Lawrey, R O'Neill-Stevens, G Noonan, P Rainey and T Skinner. Via audio-visual link: Councillors Y Bowater, M Courtney, K Fulton, B McGurk and R Sanson

**In Attendance:** Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Corporate Services (N Harrison), and Team Leader Governance (R Byrne), via audio-visual link: Group Manager Strategy and Communications (N McDonald)

**Apologies :** Nil

### **Opening Prayer**

Her Worship the Mayor Reese gave the opening prayer, and councillors sang a waiata.

### **1. Apologies**

Apologies were not taken at this time, to allow councillors joining the meeting via audio-visual link and opportunity to connect to the meeting.

### **2. Confirmation of Order of Business**

There was no change to the order of business.

### **3. Interests**

Councillor McGurk declared an interest in Item 1 on the Confidential Agenda, Community Housing: Revised Negotiating Brief, and left the meeting when the item was discussed.

### **4. Public Forum**

There was no public forum.

## 5. Mayor's Report

Her Worship the Mayor spoke on the Prime-Minister's announcement of a COVID-19 Alert Level 4 lockdown in operation from midnight on Wednesday 25 March 2020. She noted that while the community had experience in dealing with emergencies the current situation was very different and would require everyone to stay at home and look out for their neighbours. She encouraged employers to make contact with support services the Government was providing.

Her Worship the Mayor noted that while the Draft Annual Plan was currently open for consultation, when Council came to adopt this it would need to look at different tools to ensure Council operations continue to operate.

Attendance: The meeting adjourned from 1.18p.m. until 1.38p.m.

## 6. Emergency Provisions for COVID-19

Document number R15935

Manager Governance and Support Services, Mary Birch, presented the report and answered questions on the Chief Executive's decision on urgency, appointments to the Emergency Committee and the duration of the appointment.

Ms Birch provided an amendment to the recommendation to allow for the resolution to be revoked at any time, noting it was expected to remain in place for the duration of Alert Level 3 and 4.

Resolved CL/2020/018

### ***That the Council***

- 1. Receives the report Emergency Provisions for COVID-19 (R15935) and its attachments Emergency Committee Terms of Reference (A2363612) and Proposed Amendments to Standing Orders (A2335387); and***
- 2. Establishes an Emergency Committee, with a membership of three being, in the first instance, the Mayor, Deputy Mayor and the relevant Committee Chair whose area of responsibility the matter of urgency falls under; and***
- 3. Provides that where a member of the Emergency Committee is unable to fulfil their duties for whatever reason, another Standing Committee Chair will be appointed by the Chief Executive to undertake the role of Emergency Committee member; and***
- 4. Adopts the Emergency Committee's Terms of Reference (A2363612) and***

5. ***Delegates to the Emergency Committee all Council's powers, duties, and responsibilities, except for those that cannot legally be delegated; and***
6. ***Agrees that such delegation shall take effect if the Chief Executive determines that:***
  - a. ***An urgent decision to enable the proper performance of Council functions is required by Council or a Committee or a Subcommittee; and***
  - b. ***In the circumstances it is not possible or it is impracticable to convene a meeting or obtain a quorum for the Council, Committee or Subcommittee due to the COVID-19 pandemic, and***
7. ***Agrees that any decision made pursuant to this delegation will be binding on Council;***
8. ***Agrees that decisions made pursuant to this delegation will be circulated to all Councillors and the public as soon as possible and be reported at the earliest possible Council meeting; and***
9. ***Notes that the Council may revoke this delegation at any time but it is anticipated that it will remain in force while Alert Level 3 or 4 applies; and***
10. ***Approves the proposed amendments to Standing Orders as set out in Attachment 2 (A2335387).***

Noonan/Rainey

Carried

## 7. Exclusion of the Public

Resolved CL/2020/019

### ***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:***

Edgar/Her Worship the Mayor

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)
<b>1</b>	<b>Community Housing: Revised Negotiating Brief</b>	<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"> <li>• Section 7(2)(c)(i) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>

The meeting went into public excluded session at 2.04p.m. during which time Councillor Courtney joined the meeting at 2.12pm. The meeting resumed in public session at 3.44p.m.

There being no further business the meeting ended at 3.44p.m.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date



## **Minutes of an extraordinary meeting of the Nelson City Council**

**Audio-Visual (Zoom) meeting on Thursday 9 April 2020,  
commencing at 9.00a.m.**

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

**In Attendance:** Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Acting Group Manager Community Services (M Preston-Thomas), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald), Team Leader Governance (R Byrne) and Governance Adviser (E Stephenson)

**Apologies :** Nil

### **Karakia Timatanga**

The karakia timatanga (opening prayer) was given by Whaea Jane de Feu.

#### **1. Apologies**

**There were no apologies.**

#### **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**

There was no public forum.



## 5 Mayor's Report

Her Worship the Mayor presented her report (A2370921), which she tabled.

Resolved CL/2020/021

### ***That the Council***

#### ***1. Receives the Mayor's Report.***

Courtney/Edgar

Carried

#### **Attachments**

- 1 Mayor's Report - 9 April 2020 Extraordinary Council meeting

## 6. Update on the impact of COVID-19 and Council's response

Document number R16944, agenda pages 7 - 30 refer.

Her Worship the Mayor acknowledged Chief Executive, Pat Dougherty's leadership and the response from the organisation during the COVID-19 emergency. The Chief Executive acknowledged Council's IT team, the CDEM Group Controller (Group Manager Community Services) Roger Ball and Acting Group Manager Community Services, Mark Preston-Thomas. He answered questions regarding the effect on staff levels and recruitment and acknowledged the positive staff response when discussing the subject of a pay freeze in the next financial year.

Group Manager Corporate Services, Nikki Harrison and Group Manager Strategy and Communications, Nicky McDonald presented the report.

The motion was taken in parts and all decisions were carried unanimously.

### 6.1 Update on the impact of COVID-19 and Council's response - Receipt of Report

Resolved CL/2020/022

### ***That the Council***

#### ***1. Receives the report Update on the impact of COVID-19 and Council's response (R16944).***

Her Worship the Mayor/McGurk

Carried

## 6.2 Update on the impact of COVID-19 and Council's response - Rates Penalties

Ms Harrison and Ms McDonald answered questions regarding, social capital, criteria, the rates remission policy and payment plans.

Resolved CL/2020/023

### ***That the Council***

2. ***Notes that officers will remit rates penalties on the 2019/20 fourth rates instalment under the Rates Remission Policy using 'compassionate grounds' or where an agreed repayment programme is in place.***

Sanson/Edgar

Carried

## 6.3 Update on the impact of COVID-19 and Council's response - Annual Plan

Ms Harrison answered questions regarding the effect on future rates levels.

Discussion took place on the rating increase scenario to be reported back to the next Council meeting and the uncertainty in these extraordinary circumstances. It was noted the Long Term Plan process would be the time to review service levels and that community input would be required. This was not business as usual, it was about Council's response to supporting the community in this emergency.

Following discussion regarding the level of staff resources required to report on multiple scenarios, a further report on a zero percentage rating scenario was agreed and the recommendation was amended accordingly.

Resolved CL/2020/024

### ***That the Council***

3. ***Notes that officers will report back to the next Council meeting, on a rating scenario of 0% for 2020/21; and;***
4. ***Agrees that the consultation period for the 2020/21 Annual Plan be extended to 6 May 2020, to enable the public to provide feedback on an appropriate rates rise.***

Edgar/Noonan

Carried

The meeting was adjourned from 10.37a.m until 10.51a.m.

There was further discussion regarding rates and it was agreed that a new Rates Remissions Policy be developed and reported back to Council.

#### **6.4 Update on the impact of COVID-19 and Council's response - Inner City Parking**

Group Manager Infrastructure, Alec Louverdis, answered questions regarding inner city parking and the Parking and Vehicle Control Bylaw.

Resolved CL/2020/025

***That the Council***

- 5. Approves the suspension of charges for parking in the Central Business District until the end of June 2020; and***
- 6. Notes that steps may be required under the new Parking and Vehicle Control Bylaw, that comes into effect on 1 July 2020, to address the likely delay in installation of the new parking machines due to the COVID-19 shutdown***

McGurk/Courtney

Carried

#### **6.5 Update on the impact of COVID-19 and Council's response - Lease and Licence Income**

Ms Harrison answered questions regarding lease and licence income and payment plans. She confirmed that private tenants should have conversations with their landlords. Clause 8. of the recommendation was amended to clarify that this decision related only to Council tenants.

Resolved CL/2020/026

***That the Council***

- 7. Notes the decision by the Chief Executive to grant a three month waiver starting 1 April 2020 of:***
  - a. Rental and outgoings for tourism and hospitality tenants/licensees holding Council leases and licences; and***
  - b. Rental for community tenants holding leases and licences; and***
- 8. Notes that the Chief Executive will consider any requests from other Council tenants/licence holders, including taking into account financial hardship.***

Her Worship the Mayor/Rainey

Carried

## **6.6 Update on the impact of COVID-19 and Council's response - Events Funding**

Acting Group Manager Community Services, Mark Preston-Thomas answered questions regarding events funding and future events.

Resolved CL/2020/027

### ***That the Council***

- 9. Agrees that officers will discuss timing of the Fringe Festival with the organisers; and***
- 10. Notes that the Light Nelson Festival will be considered as part of the Annual Plan deliberations; and***
- 11. Notes that the 2020 Nelson Arts Festival is cancelled; and***
- 12. Agrees to invite a proposal from the Arts Festival Trust to replace the cancelled Arts Festival with local events involving regional partners; and***
- 13. Notes that the April 2020 Heritage Festival has been cancelled; and***
- 14. Notes that the Annual Plan deliberations report will include recommendations for the Events Fund and Venue Hire Fund; and***
- 15. Notes that Council-delivered events will be reviewed and adjusted as necessary during the COVID-19 recovery period.***

O'Neill-Stevens/Bowater

Carried

## **6.7 Update on the impact of COVID-19 and Council's response - Support for Community Organisations**

The Chief Executive answered questions regarding the proposed amount of funding. He noted that this was crisis funding to help keep community groups going, but that Council did not have enough money to help everyone and groups would need to apply for any available government funding.

It was agreed that funding criteria be reported to the next Council meeting and the recommendation was amended accordingly.

Resolved CL/2020/028

***That the Council***

- 16. Approves an Emergency Fund of \$200,000 to support community organisations impacted by COVID-19; and***
- 17. Delegates the setting of criteria and distribution of funds to support community organisations from the Emergency Fund to the Mayor, Deputy Mayor and the Chair of the Community Services Committee, with the criteria to be reported to the next Council meeting; and***
- 18. Notes that the criteria for granting funds from the Emergency Fund will include that the organisation has applied for any applicable Central Government support, for example wage subsidies.***

Sanson/Noonan

Carried

**6.8 Update on the impact of COVID-19 and Council's response - Community Investment Fund**

A correction was made to change 2021/22 to 2020/21 in the recommendations.

Mr Mark Preston-Thomas answered questions regarding the risk of over subscription for the fund.

Resolved CL/2020/029

***That the Council***

- 19. Agrees to remove the \$5000 cap on Community Investment Fund applications in 2020/21; and***
- 20. Agrees to modify the criteria for Community Investment Fund applications in 2020/21 to prioritise projects that reduce the impact of the COVID-19 emergency on vulnerable communities; and***
- 21. Notes that existing allocation processes utilising the independent panel will be used to make Community Investment Fund allocations.***

Edgar/Rainey

Carried

As an addendum to the Mayor's Report, Her Worship the Mayor advised the meeting that she had written to the Chair of the Remuneration Authority to say that her view was that it was appropriate to freeze Elected Members' remuneration as she believed that it was important to show leadership on this issue. She noted that she had received an appreciative response advising that her suggestion would be taken into consideration.

## 6.9 Vote of Thanks

Resolved CL/2020/030

### ***That the Council***

1. ***Acknowledges the work of the Nelson Regional Development Agency, the Chamber of Commerce and the Ministry of Business, Innovation and Employment, in relation to the support, assurity and knowledge they have provided.***

Her Worship the Mayor/Edgar

Carried

## 7. Exclusion of the Public

Resolved CL/2020/031

### ***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/McGurk

Carried

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	<b>Confidential Update on COVID-19 and its impact</b>	Section 48(1)(a) The public conduct of this matter would be	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(b)(ii)</li> </ul>

Item 7: Mayor's Report

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<b>on Council contracts</b>	likely to result in disclosure of information for which good reason exists under section 7	<p>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</p> <ul style="list-style-type: none"> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>

The meeting went into confidential session at 12.29p.m. and resumed in public session at 2.07p.m.

## Karakia Whakamutunga

The karakia whakamutunga (closing prayer) was given by Whaea Jane de Feu.

### **RESTATEMENTS**

It was resolved while the public was excluded:

	<b>PUBLIC EXCLUDED: Confidential Update on COVID-19 and its impact on Council contracts</b>
	<p><b><i>That the Council</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. <u>Receives</u> the report Confidential Update on COVID-19 and its impact on Council contracts, leases and licences (R16952); and</i></b></li> <li><b><i>2. <u>Agrees</u> that the report Confidential Update on COVID-19 and its impact on Council contracts, leases and licences (R16952) remain confidential at this time.</i></b></li> </ol>

The only other business transacted in confidential session was to readmit the public. In accordance with the Local Government Official

Information Meetings Act, no reason for withholding this information from the public exists therefore this business has been recorded in the open minutes.

**8. Re-admittance of the Public**

Resolved CL/2020/033

***That the Council***

***1. Re-admits the public to the meeting.***

Bowater/Rainey

Carried

There being no further business the meeting ended at 2.17p.m.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date



## **Mayor's Report**

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### **1. Purpose of Report**

- 1.1 To update Council on current matters.

### **2. Recommendation**

Recommendations to start with a verb e.g. approves/notes/allocates. Stick to one idea per clause, each clause must stand alone.

#### ***That the Council***

- 3. Receives the report (R15894); and**

- 4. Approves the purchase of an e-bike for \$9,000 (ex GST), to be funded from the Climate Reserve Fund, to be loaned to Community Compost for their food waste collection initiative.**

### **2. Discussion**

#### **COVID-19**

- 2.1 On Monday this week Prime Minister Jacinda Ardern announced that the COVID-19 Level 4 Lockdown would end at 11.59pm on Monday April 27. Level 3 restrictions will be in place for the following two weeks before Cabinet makes further decisions on May 11. Some things change in Level 3 but a lot remains the same. Over the last month New Zealanders have learned to live life in a new way. Bubbles, physical distancing, essential trips, and working from home are the new normal. But so are wage subsidies, salary cuts, job losses, business failure and financial hardship. Psychosocial impacts are significant and we know that vulnerable populations will be most affected. The impact of COVID-19 on our society is profound and will continue well beyond the removal of level restrictions.
- 2.2 Projecting the short to medium term impact on Nelson is challenging as we work through the decisions that we need to make as a Council to support our community. As a region with a high degree of non-essential service industries (48%) we can anticipate that a greater proportion of households and businesses may face financial hardship. COVID-19 is

presenting a very different economic situation to the Global Financial Crisis in 2007, or the share market crashes of 1987. Knowing the situation is uncertain and different means having a recovery plan becomes critical, innovation and thinking beyond business as usual are essential, and working together as a community will mean more than ever – he waka eke noa, we are all in this together.

- 2.3 Finally, kindness, compassion and consideration of others are the values and behaviours that have been an essential part of surviving Lockdown. Those values and behaviours will need to continue during Level 3 and 2 for us to be successful, and wouldn't it be outstanding if they thrived as a new and better way of living in a post COVID-19 society?

### **Draft Annual Plan 2020/21**

- 2.4 Today's meeting agenda includes a report that offers a scenario on how a zero rates increase for 2020/21 can be delivered. You should view this as a working model under development of what a recovery plan might look like. The ruler will be run over all costs to find savings. We want to be spending money where it will make a difference by investing in our community. I want to emphasise that the objective is not austerity. To quote Shamubeel Eaquib from his excellent EDNZ webinar last week, 'Austerity in a crisis is bad – it will make your citizens poor.' We will need to accelerate capital spend to support our community.
- 2.5 As background reading I encourage councillors to read the Local Government COVID-19 Response Unit's Initial Analysis on the financial implications for the Local Government Sector.  
[https://www.dia.govt.nz/diawebsite.nsf/Files/local-government-response-unit/\\$file/local-government-sector-COVID-19-financial-implications-report-1-initial-analysis.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/local-government-response-unit/$file/local-government-sector-COVID-19-financial-implications-report-1-initial-analysis.pdf)

### **'Shovel Ready' Infrastructure Projects**

- 2.6 Nelson and Tasman have submitted a package of shovel ready projects to Crown Infrastructure Partners. The process to identify and submit projects was managed through the recently established Project Kōkiri. A collaboration between Nelson City Council, Tasman District Council, Nelson Tasman Chamber of Commerce and the Nelson Regional Development Agency. The purpose of Project Kōkiri is to provide clarity and action on the region's economic restart and recovery plan. A summary document on projects is being compiled and will be tabled at the meeting.

### **E-bike Purchase for CBD Food Waste Collection**

- 2.1 At the 13 February 2020 Council meeting I indicated my support, following an approach from Community Compost, to purchase a Council owned e-bike and trailer for them to collect food waste in the CBD.
- 2.2 This promotes diversion from landfill and composting of food waste and is an excellent way to show how small actions can materially reduce emissions, encouraging everyone to engage and take action.

## Item 7: Mayor's Report

- 2.3 The cost for this equipment is \$9,000 (ex GST), funded from the Climate Reserve Fund. Officers will finalise an agreement to loan the bike to Community Compost who aim to have this initiative up and running by April 2020.

### **Donations**

- 2.4 I approved the payment of \$405.72 from the Mayoral Discretionary Fund to cover the cost of printing the Climate Forum Programme for the launch of the Nelson Tasman Climate Forum, held on 29 February 2020.

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**REPORT R13741**

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**New Life Ministries Incorporated - Development Contributions**

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**1. Purpose of Report**

- 1.1 To decide whether the New Life Ministries Incorporated (NLMI) should be granted a waiver for development contributions (DCs). The DCs relate to additional classroom and toilet facilities approved under Building Consent 190313 for the Nelson Christian Academy (NCA).
- 1.2 NLMI owns the land upon which the NCA runs a state integrated school. NLMI, the proprietor, is the building consent applicant. NLMI is a registered charitable trust. The governance of the NCA is undertaken by a school board of trustees which is a Crown entity. NCA is not the applicant for the building consent and accordingly it is NLMI that has been invoiced for DCs in relation to the building consent that they applied for and have had granted.

**2. Recommendation**

***That the Council***

- 1. Receives the report New Life Ministries Incorporated - Development Contributions (R13741) and its attachments (A2356963, A1964099, A2356964); and***
- 2. Declines the request from New Life Ministries Incorporated to waive the development contributions on BC190313; and***
- 3. Directs officers to review the listed exemptions in the DC Policy during the 2021 review in relation to state integrated schools.***

### **3. Background**

3.1 The Local Government Act 2002 (LGA) enables Council to recover from development a "*fair, equitable, and proportionate portion of the capital cost necessary to service growth over the long term*". The key legislative principles of development contributions (DCs) are:

- Causality: where development effect requires increased capacity or new asset.
- Proportionality: DC proportionate to asset life; i.e. no over-recovery.
- Benefit allocation: Costs allocated to all those who benefit from the assets.
- Transparency: Council must provide information about what and how DCs are used.
- Targeted: \$ are spent in the area and/or activity they were collected for.
- Efficiency: consider practicality and administrative efficiency.

3.2 The 2015 Development Contributions Policy contained a number of listed exemptions. Some of these are exemptions required by relevant legislation under the Local Government Act 2002 or other Acts of Parliament. The remainder of the listed exemptions were either rolled over from previous policies or included as a result of Council making a decision on submissions on the proposed 2015 policy.

3.3 In reviewing the 2015 Policy during a workshop Councillors expressed concern that some of the exemptions listed were for private for profit businesses. Councillors also received policy advice that any exemptions over and above those included in the LGA or other Government legislation, can actually start to undermine the Policy. The policy advice also highlighted that as the purpose of DCs is to fund growth and care is required in viewing DCs as a tool to encourage some activities over others.

3.4 This led to an evaluation of all exemptions listed and in particular questions were raised about the continued inclusion of exemptions h to k below which are not required by the LGA or other Government legislation.

(h) Developments undertaken by NMIT

(i) Kindergartens and playcentres

(j) Childcare and day care centres

(k) Integrated schools

## Item 8: New Life Ministries Incorporated - Development Contributions

- 3.5 At that same time the DC Working Group also considered whether Hospices should be listed as an exemption. The concerns raised were that the policy needed to be fair and consistent, that it was difficult to justify under the principles of DCs (that developments that increase the demand on the network should pay a fair, equitable, and proportionate portion of the capital cost necessary to service growth) and why there should be these exemptions.
- 3.6 All these activities are necessary to support the Nelson community, however DCs are about Council's funding mechanism to support infrastructure investment required as a result of growth. If DC's are not collected based on the principles set out under the LGA 2002, then the shortfall in funding will need to be met by rates. Council had to consider whether this was fair and equitable, and whether this creates inconsistencies in the application of the Policy.
- 3.7 In the case of state integrated schools, the discussion noted that schools that were entities of the Crown were exempt by legislation. School boards of trustees are classed as entities of the Crown. In the case of integrated schools the land is not usually owned by the Government or the school's board of trustees, and it is generally the land owner that applies for the building or resource consent triggering a DC, not the school board of trustees. This is the case with NLMI, the landowner applied for the building consent.
- 3.8 The 2018 Development Contributions Policy removed exemptions h to k above in section 3.4, which included Integrated Schools from the listed exemptions in the Development Contributions Policy 2015. While the DC Policy was subject to public consultation as part of Council's Long Term Plan (LTP) process, those affected by the removal of exemptions h to k were not specifically consulted. Exemptions will be considered again under the DC Policy review as part of the LTP process in 2021.
- 3.9 Council has in the past considered whether the Nelson Tasman Hospice should be given a waiver of DCs of \$141,681.77 for its new hospice development. Officers have had a request from St Joseph's School for a DC waiver of \$10,434,94 for their two new classrooms. Both parties were declined a waiver of DCs, the decisions being based on the principles of the purpose of development contributions – that those that benefit from new growth and development pay the costs associated with servicing it. If a waiver had been granted to those parties, this would mean that others would be paying for their development, because in the end, the additional infrastructure network and capacity required has to be paid for by someone. Such a decision would be contrary to the principles of DCs outlined in section 3.1 of this report.
- 3.10 The Nelson Tasman Hospice subsequently made a submission to the Long Term Plan to request a grant towards the development, which was approved by Council.

#### **4. Discussion**

- 4.1 In May 2019 the NLMI (the charitable trust that owns the land on which NCA operates a state integrated school) applied for a building consent to create a new classroom block including toilet amenities, and to renovate an existing unused building. This attracted a DC of \$21,8175.25 which was invoiced on 16 July 2019 but has not been paid.
- 4.2 The NCA sent in a letter to apply for an exemption on the 25 July 2019 to Council via the Alpha One Building Consent system. The letter was not allocated to officers from that system and it wasn't until October 2019 when NLMI followed up with officers as to a response that the letter was then sent direct to officers via email. The letter therefore was not received by the General Manager Environmental Management until 23 October 2019. A copy of the letter is included in Attachment 1. The application for an exemption was considered against the policy and declined. The Policy states in section 4.3.6 that:

*"The Council's general policy is that there are no other exemptions (other than those listed). Council will only consider any other application for exemption from payment of a development contribution at its absolute discretion and in exceptional circumstances."*

- 4.3 The Policy (a copy of which is provided in Attachment 2) then goes on to set out how applications can be made which include needing to be prior to an invoice being issued. The decision to decline is delegated to the Group Manager Environmental Management and the Policy states that a decision to decline will not be subject to further review or reconsideration within the Council. Only if the Council officer recommends the application be granted, is it required to be reported to Council for a resolution to grant.

- 4.4 NCA was advised of the decision to decline on 5 November 2019. The reasons for the decision were advised as:

*The policy states each application can be assessed on its own merits, in making a decision about exemptions Council shall have regard to (i) whether the development is part of a not for profit entity, (ii) any unique contributions that the development makes towards the Nelson City Community Outcomes and (iii) consistency with the general application of the 2018 Policy.*

*In this case the applicant hasn't demonstrated that either of matters (i) to (iii) are applicable although they state that they are a non-profit organisation. The Policy also requires that they apply for an exemption prior to an invoice being issued, which they have not done. The change in Councils policy in 2018 specifically removed the exemption provided for State Integrated Schools and Council considered this carefully at the time. Council has recently declined to provide an exemption to St Joseph's school for their latest classroom extension.*

## Item 8: New Life Ministries Incorporated - Development Contributions

- 4.5 The Group Manager Environmental Management was not aware of the charitable trust status at the time of the request. NLMI, the owner of the land upon which NCA operates, has since provided officers with documentation that it is a registered charity and has provided an assessment of how it considers its development contributes towards the Nelson City Community Outcomes (refer Attachment 3). There are however no exceptional circumstances that would lead officers to change the original decision to decline. The fact that NLMI is a registered charity is not exceptional in itself, and does not change officers original decision to decline given the policy and key legislative principles require that those who cause and benefit from Councils investment in growth assets should pay a fair and equitable portion.
- 4.6 The DC Policy does not provide for officers to approve waivers or exemptions, officers are only delegated authority to decline applications. Once an application is declined the Policy states that it *"will not be subject to further review or reconsideration within the Council"*.
- 4.7 As discussed in section 4.5, Officers do not consider there are any exceptional circumstances despite the charitable trust status and have not reported any recommendation to Council previously because that would be incorrect process and inconsistent with the Policy. Rather, in this instance, NLMI has requested that Council consider this matter, and officers have prepared this report to assist Council in considering the request.
- 4.8 If a decision were made to waive the payment of development contributions in this case, section 80 of the Local Government Act 2002 would potentially be engaged. This is because such a decision would potentially amount to a decision of a local authority that is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority. When s 80 is engaged, the local authority must, when making the decision, clearly identify:
- (a) The decision to waive DC's would be inconsistent with the policy as outlined above; and
  - (b) Council would need to identify the specific reasons why it decides to grant the waiver notwithstanding the inconsistency; and
  - (c) There would be no intention to amend the policy to accommodate the decision at this time, although as identified above the DC Policy will be reviewed as part of the 2021 LTP process.



## 5. Options

5.1 There are two options for Council to consider:

- (i) Decline the request for a waiver of the DC for NCA; or
- (ii) Approve the request for a waiver of the DC for NCA.

5.2 The risks, disadvantages and advantages of each of these options is outlined below.

<b>Option 1: Decline the request to waive DCs</b>	
Advantages	<ul style="list-style-type: none"> <li>The cost of growth related infrastructure is funded by the developments that create the demand.</li> <li>Reduced financial burden on ratepayers and/or other developers.</li> <li>Consistency with the Development Contributions Policy and the key legislative principles of development contributions (listed in section 3.1).</li> <li>Statutorily robust with no risk of appeal because the LGA only provides for objections to be heard by DC Commissioners where a policy has been incorrectly applied. The DC Policy has been correctly applied.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>The NCA considers that it is not financially able to afford the development contributions.</li> </ul>
<b>Option 2: Approve the request to waive DCs</b>	
Advantages	<ul style="list-style-type: none"> <li>Financially supports one state integrated school.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>The cost of growth related infrastructure is paid for by others (ratepayers) who have not created the demand.</li> <li>May set a precedent for future applications for escalating objections to Council which the policy is designed to avoid.</li> <li>Is inconsistent with the Policy and the key legislative principles of development contributions (as described in section 3.1).</li> <li>Creates a fairness and equity issue with other parties who have paid development</li> </ul>

## Item 8: New Life Ministries Incorporated - Development Contributions

	<p>contributions (e.g. another state integrated school and the Hospice).</p> <ul style="list-style-type: none"><li>• Creates a risk of legal challenge, for example by parties whose applications for exemptions have been or in the future are declined (in accordance with the Council Policy).</li></ul>
--	---

- 5.3 Officers recommend Option 1 Decline the request to waive DCs. If the Council is of a mind to approve the request, alternative wording for a potential resolution has been provided below to ensure that the legal complexities of making a decision that potentially engages section 80 of the Local Government Act are acknowledged.

*Approves a waiver of development contributions for New Life Ministries Incorporated on BC190313 and identifies the matters in relation to such a decision in accordance with section 80 of the Local Government Act, including:*

- (a) The decision to waive the development contribution would be inconsistent with the NCC Development Contributions Policy 2018; and*
- (b) Specific reasons ..... are identified as to why the Council has decided to grant the waiver notwithstanding the inconsistency with the Policy; and*
- (c) That there is no intention to amend the Policy to accommodate the decision at this time, however the Policy will be reviewed as part of the 2021 LTP process.*

- 5.4 The NLMI, in its submission to Council, also seeks a change to the Development Contributions Policy 2018 to include state integrated schools as listed exemptions. Officers recommend that this is considered as part of the next review of the Policy in 2021.

## 6. Conclusion

- 6.1 Officers have considered the request against the provisions of the Development Contributions Policy 2018 and the key legislative principles of development contributions in the Local Government Act and consider that the request should be declined. This would be consistent with both the Policy and the legislative principles. It would also be consistent with recent decisions on exemptions under Council's Policy. Both the Policy and the LGA provide for Council to recover a fair, equitable, and proportionate portion of the capital cost necessary to service growth from those that create it.

Item 8: New Life Ministries Incorporated - Development Contributions

**Author:**         **Lisa Gibellini, Team Leader City Development**

**Attachments**

Attachment 1:   A2356963 NLMI Request for DC Exemption 25 July 2019 [↓](#)

Attachment 2:   A1964099 Development Contributions Policy 2018 [↓](#)

Attachment 3:   A2356964 NLMI Submission Public Forum [↓](#)

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The recommended decision is consistent with the purpose of Local Government in that it retains the means to fund growth related infrastructure requirements in a manner that meets the key legislative principles of the LGA, is consistent with the DC Policy 2018, is consistent with recent decisions on exemptions under Council's policy and enables Council to recover a fair, equitable, and proportionate portion of the capital cost necessary to service growth from those that create it.
<b>2. Consistency with Community Outcomes and Council Policy</b>	Option 1 as recommended is consistent with the Policy on Development Contributions 2018.
<b>3. Risk</b>	There is a risk associated with the decision is if Option 2 to approve the waiver is selected including a risk of legal challenge by other parties (based on inconsistency and unfairness in application of its DC Policy) and an increase in applications for waivers and reductions.
<b>4. Financial impact</b>	There are no financial implications for Option 1. If Option 2 is selected then Council will be under-collecting DCs and the costs of this will be borne by ratepayers. There is also a risk that a precedent is set for further objections to be heard by Council which has resourcing and capacity implications.
<b>5. Degree of significance and level of engagement</b>	This matter is of low significance because the recommended Option 1 does not have any financial impact or change Council policy and therefore no wider engagement has been undertaken.
<b>6. Climate Impact</b>	There are no impacts or risk from or to climate change as a result of a decision on this matter.
<b>7. Inclusion of Māori in the decision making process</b>	No engagement with Māori has been undertaken in preparing this report.
<b>8. Delegations</b>	The relevant extract from the delegations register is in section 5.1.1 as follows:

Item 8: New Life Ministries Incorporated - Development Contributions

*Council retains all responsibilities, powers, functions and duties in relation to governance matters for the following items:*

- *Development Contributions and Financial Contributions*



100 Marsden Valley Road  
Stoke Nelson 7041  
phone: 03 5477082  
email: [office@nca.school.nz](mailto:office@nca.school.nz)  
web: [www.nca.school.nz](http://www.nca.school.nz)

25<sup>th</sup> July 2019

Nelson City Council  
P O Box 645  
Nelson  
Attention: Clare Barton, Manager Group Environmental Management  
Aaron Adcock, Engineering Officer Subdivisions

e: [190313@nelson.abcs.co.nz](mailto:190313@nelson.abcs.co.nz)

Dear Ms Barton and Mr Adcock

RE: BUILDING CONSENT 190313 – DEVELOPMENT CONTRIBUTION LEVY

I write in response to the Development Contribution Notice for New Life Ministries. I would like to apply for an exemption to the levies required under our consent. I refer to the NCC Policy on Development Contribution 2018 section 4.3.6 where it is stated that exemptions may be granted for developments that are undertaken by non-profit entities.

I note that the policy states that application for an exemption must be made prior to an invoice being issued. We were unaware that we needed to apply earlier as we did not know the policy had been changed removing exemptions for State-Integrated schools. Our previous developments had received exemptions under earlier policies.

As a non profit entity, New Life Ministries Incorporated is a registered charity, (CC35643) which has the sole purpose of providing State-Integrated Christian education in the Nelson Tasman region. Nelson Christian Academy is a decile 6 school, with our students coming from a wide range of socioeconomic backgrounds, currently 10% of our students are from refugee families.

We are a charitable organisation, providing a community service the same as any of our neighbouring state schools, which not only have their new building construction funded by the state but are also exempt from council development contributions.

As a State-Integrated school, we do not receive state funding for our new developments unlike other local schools. The funding for our development will come from the attendance dues, which each family pays, as well as borrowing from the bank, with the loan then being paid off over following years from the attendance dues. We have been intentional with the low rates of our dues as we desire to provide an inclusive Christian education in the region. The income from the attendance dues for 2018 was \$76786. You will note that the cost of the Development Contribution Levy is more than a quarter of this income received.

As a Trust, we are excited to be able to grow our school and increase our student numbers. We believe the need we have for more classrooms is a reflection of the positive growth in all areas of our region. We see our development contributing to the high quality of schools available for families in Nelson and Tasman.

I look forward to hearing from you, should you have any questions please do not hesitate to contact me on [kelli-anne@tripepper.co.nz](mailto:kelli-anne@tripepper.co.nz)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'K Eastmond', with a stylized flourish at the end.

Kelli-Anne Eastmond  
Proprietor  
New Life Ministries Incorporated

# **NELSON CITY COUNCIL**

## **POLICY ON DEVELOPMENT CONTRIBUTIONS 2018**

**1 July 2018**





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## GLOSSARY AND DEFINITIONS

Glossary and definitions	
Accommodation units	Defined in the LGA as: “...units, apartments, rooms in 1 or more buildings, or cabins or sites in camping grounds and holiday parks, for the purpose of providing overnight, temporary, or rental accommodation.”
Allotment	Defined in section 218 of the Resource Management Act 1991: <ul style="list-style-type: none"> <li>a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not: (i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or</li> <li>b) any parcel of land or building or part of a building that is shown or identified separately; (i) on a survey plan; or (ii) on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or</li> <li>c) any unit on a unit plan; or</li> <li>d) any parcel of land not subject to the Land Transfer Act 1952</li> </ul>
Allotment Value	Valuation of residential allotment values will be the GST-included valuation.
Applicant	The person(s) applying for a resource consent, building consent, or service connection.
Asset Management Plan	Council plans for the management of assets, applying technical and financial management techniques to ensure that specified levels of service are provided in the most cost-effective manner over the life-cycle of the asset.
Bedroom	For the purpose of assessing 1 and 2 bedroom residential units, a bedroom is any room in a residential unit that is greater than 4.5m <sup>2</sup> in floor area and capable to be used for sleeping purposes.
Building Work	Work for, or in connection with, the construction, alteration, or demolition of a building.
Capital Expenditure	The cost Council expects to incur to acquire new assets, or to upgrade or renew existing assets.
Community Facilities	Defined in the LGA as: Reserves, network infrastructure, or community infrastructure for which development contributions may be required.

Glossary and definitions	
Community infrastructure	<p>Defined in the LGA as the following assets when owned, operated, or controlled by a territorial authority:</p> <p><i>(a) community centres or halls for the use of a local community or neighbourhood, and the land on which they are or will be situated:</i></p> <p><i>(b) play equipment that is located on a neighbourhood reserve:</i></p> <p><i>(c) toilets for use by the public</i></p>
Community Outcomes	The outcomes that Council aims to achieve in meeting the current and future needs of the community for good-quality local infrastructure, local public services, and performance of regulatory functions.
Consent Holder	The person(s) to whom the resource consent, building consent, or service connection was granted.
Crown Entity	Crown entities are bodies established by law in which the Government has a controlling interest.
Development	<p>Defined in the LGA as:</p> <p>(a) any subdivision, building (as defined in section 8 of the Building Act 2004), land use, or work that generates a demand for reserves, network infrastructure, or community infrastructure; but</p> <p>(b) does not include the pipes or lines of a network utility operator</p>
Development Agreement	<p>Defined in the LGA as:</p> <p>A voluntary contractual agreement made under Sections 207A to 207F between one or more developers and 1 or more territorial authorities, for the provision, supply or exchange of infrastructure, land, or money to provide network infrastructure, community infrastructure, or reserves in 1 or more districts or part of a district.</p>
Development Contribution	<p>Defined in the LGA as:</p> <p>A contribution that is:</p> <ul style="list-style-type: none"> <li>a) provided for in a Development Contributions Policy included in the Council's Long Term Plan; and</li> <li>b) calculated in accordance with the methodology; and</li> <li>c) comprising (i) money; or (ii) land, including a reserve or esplanade reserve other than in relation to a subdivision consent, but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or (iii) both.</li> </ul>
District	The district of a territorial authority, in this case, the Nelson City area.
Estimated Building Value	The estimated aggregate of the values determined in accordance with Section 10 of the Goods and Services Tax Act 1985 of all goods and services to be supplied for that building work.

Glossary and definitions	
Household Unit of Demand (HUD)	The same meaning as Residential Unit in the Nelson Resource Management Plan applies. The HUD is equivalent to one residential title containing one residential unit.
ISA	Impermeable surface area
Land Development Manual	The Nelson City Council Land Development Manual 2010 forms the basis for design and construction of all Nelson City's roads, drains, water supply and reserve areas.
Lodged	The point in time at which an application that complies with all the requirements in Section 88(2) of the Resource Management Act 1991 or Section 45 of the Building Act 2004, has been received by the Council
LGA	The Local Government Act 2002
Methodology	The method by which development contributions are calculated.
NRMP	Nelson Resource Management Plan
Network Infrastructure	Defined in the LGA as:  The provision of roads and other transport, water supply, wastewater, and stormwater collection and management.
Non-Residential Development	Any development that is not for a residential unit.
Residential Unit	A single self-contained household unit, used principally for residential activities, whether by one or more persons and including accessory buildings. Where more than one kitchen facility is provided on site, there shall be deemed to be more than one residential unit. For the purposes of the policy, retirement villages are covered by this definition.
RMA	The Resource Management Act 1991.
Service Connection	Defined in the LGA as:  A physical connection to a service provided by, or on behalf of, Council

Glossary and definitions	
Service Overlay	<p>Chapter 3 of the NRMP:</p> <p>AD11.3.3 Services overlay</p> <p><u>AD11.3.3.i</u> The Services Overlay relates to the availability and capacity of services such as wastewater, water supply, stormwater drainage, and roads. The overlay areas contain one or more of the following servicing constraints:</p> <ul style="list-style-type: none"> <li>a) Development of the area is beyond the immediate scope of the Long Term Plan or Council's Nelson Development Strategy.</li> <li>b) The area is low lying and requires filling before servicing can occur</li> <li>c) The area is one where extension of services is required to serve other land or contribute to a network. This includes the provision of legal road and utilities up to the boundary of the development site to serve the development potential of adjoining land in the Services Overlay.</li> <li>d) Services in the area are inadequate and require comprehensive upgrading before development can proceed</li> <li>e) The area is above the contour for which water can be supplied to meet the requirements of the Council's Land Development</li> </ul> <p>Manual. (The standards are based on the NZS4404: Land Development and Subdivision, and the New Zealand Fire Service Water Supplies Code of Practice).</p> <p>These constraints must be addressed before development of these areas can proceed. Resource consent will not be declined for servicing constraint reasons when they have been resolved.</p> <p><u>AD11.3.3.ii</u> The Services Overlay also deals with situations where services need to be developed in the area in a comprehensive manner in conjunction with the Council and other property owners.</p>
Subdivision	<p>Defined in section 218 of the RMA:</p> <p>The division of an allotment by:</p> <ul style="list-style-type: none"> <li>a) an application to the District Land Registrar for the issue of a separate certificate of title for any part of the allotment; or</li> <li>b) the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or</li> <li>c) a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or</li> <li>d) the grant of a company lease or cross lease in respect of any part of the allotment; or</li> <li>e) the deposit of a unit plan, or an application to a Registrar General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or an application to Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by Section 226.</li> </ul>

### **Explanatory Note**

*[This note is only a guide to the major changes from the Development Contributions and Financial Contributions Policy 2015 and this Policy, but does not form substantive Policy. The contents are not a complete summary of the changes or policy reasons for the changes. Developers and their advisers should read the Policy in its entirety to familiarise themselves as to the policy changes made in this document.]*

*Significant changes which have been made in this Policy to the Development Contributions and Financial Contributions Policy 2015 include:*

- *Removal of financial contributions for neighbourhood reserve land in respect of new developments.*

*Under recent legislative changes, levying financial contributions will not be permitted after April 2022. However, the Council considers there is merit in removing financial contributions earlier. This will ensure that contributions towards Council capital expenditure are determined solely by the provisions of the Local Government Act (LGA);*

- *Inclusion of Nelson Regional Sewerage Business Unit (NRSBU) capital projects within the wastewater development contribution;*

*The NRSBU is a significant item of infrastructure capital expenditure by Nelson, and it is appropriate to include a fair, equitable, and proportionate portion of its total cost in the policy.*

- *Inclusion of flood protection capital projects that have a growth-related component within the stormwater collection and management development contribution, and where each relevant flood protection project is required, at least in part, to collect or manage stormwater run-off from developments or to protect developments from stormwater run-off.*

*New developments which have the effect of requiring additional capital expenditure to provide better flood protection by managing stormwater run-off are appropriately included in the calculation of infrastructure development contributions.*

- *Introduction of a development contribution of \$1,160/HUD for general reserves and improvements;*

*Development contributions have not been previously levied for reserve land. However, new developments have the cumulative effective of requiring the Council to expend capital to acquire additional reserve land and as such a development contribution is appropriate.*

- *Introduction of a development contribution for neighbourhood reserve land based on either a land contribution of 40m<sup>2</sup>/HUD or the equivalent in cash based on local land values;*

*Replacing the current financial contributions for neighbourhood reserves with a development contribution requires a calculation methodology based on the principles of the LGA. Accordingly, the new development contribution is proportionate to the level of service provided by Nelson (40m<sup>2</sup> of reserve land for every HUD), rather than the current land value based calculation for financial contributions.*

- *Introduction of a development contribution of \$280/HUD for community infrastructure (community centres, public toilets, and playgrounds on council reserves);*

*Development contributions have not been previously levied for community infrastructure. However, new developments have the cumulative effective of requiring the Council to expend*

*capital to acquire additional community infrastructure and as such a development contribution is appropriate.*

- *Removal of the some of the listed exemptions from paying development contributions and introduction of a general exemption provision for applicants providing evidence of exceptional circumstances;*

*An objective of the new Policy is that there should be consistency; i.e. like developments should generally be treated in a like manner. Accordingly, the Policy considers that exemptions from payment should only be provided in exceptional circumstances.*

- *Shortening the period for exemption from development contributions for residential developments in the city centre to those where construction of the development is commenced within one year (from the current grace period of two years). This only applies to the first 30 HUDs applying for an exemption in each financial year.*

*The Council wishes to hasten the development of inner-city residential developments and considers that limiting the time period for which this waiver applies will increase the incentive to commence construction of such residential developments.*

- *Introduction of a reduced development contribution for reserves of 25% for brownfield residential intensification.*

*The Council wishes to incentivise residential intensification in existing brownfield urban areas by providing for a reduced reserves development contribution, recognising that existing urban areas already have a level of service for neighbourhood reserves.*

## 1 INTRODUCTION

### 1.1 Overview

Nelson city continues to experience strong growth in its population, visitors, development and the local economy. This growth generates increased levels of subdivision and development activity which places greater pressure on the assets and services provided by the Council. Significant investment is required to meet the demands of growth through providing additional assets, or increasing the capacity of existing assets.

Historically, Council has sought a contribution towards the expansion of the city's reserves, community facilities and infrastructure from those developments that place additional demands on these services. Council has previously levied these contributions under two pieces of legislation:

- 1) **Development Contributions:** are levied under the provisions of Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 (LGA). To make use of these provisions Council must adopt a Policy on Development Contributions as part of the Council's 10-Year Plan ("Long Term Plan" or "LTP").
- 2) **Financial Contributions:** are imposed as a condition of a resource consent pursuant to sections 108, 220, 407 or 409 of the Resource Management Act (RMA) 1991. Under the Resource Legislation Amendment Act 2017, Councils will no longer be able to levy financial contributions after April 2022. However, in order to streamline and simplify the development process, this Policy removes the levying of financial contributions. All growth-related costs for community facilities and reserve land that are attributable to development will be charged through development contributions.

### 1.2 Transition between policies

This policy shall come into force from 1 July 2018, and applies to applications for a resource consent, building consent, or service connection received on or after that date.

For the purpose of determining when an application is received, all the required and relevant information must accompany an application for it to be considered complete.

Where an application had been received prior to 1 July 2018, notwithstanding anything in the Nelson Policy on Development Contributions and Financial Contributions 2015, the following financial contributions shall no longer be payable:

- a) The financial contribution of 0.5% of building value that is payable under Table 3 of the 2015 Policy in respect of reserves for residential and non-residential developments; and
- b) The financial contribution of 2% of estimated building value that is payable for infrastructure in the 2015 Policy.

### 1.3 Updating the policy

It is anticipated that this policy will be reviewed, and if necessary amended, at least every three years as part of the LTP process. For the financial years in between LTPs, the development contributions will be inflated based on the rate of increase (if any) in the Producers Price Index Outputs for Construction provided by Statistics New Zealand since the development contribution was last set. Any increase will only apply to the proportion of the development contribution that does not relate to the interest component

Before any increase takes effect, council will make publicly available information setting out the amount of the newly adjusted development contribution and show how any increase was calculated.



## 2 PURPOSE AND OBJECTIVES

Section 197AA of the LGA states that the purpose of development contributions is:

*“...to enable territorial authorities to recover from those persons undertaking development a fair, equitable, and proportionate portion of the total cost of capital expenditure necessary to service growth over the long term.”*

Under this Policy, Council intends to entirely fund the portion of capital expenditure (“capex”) that is attributable to growth by development contributions wherever it can be done so lawfully, fairly, reasonably, and practically.

Council considers that development contributions are the best mechanism available to ensure the cost of growth is apportioned to those who have created the need for that cost. Council considers it inappropriate to burden the community as a whole, by way of rating or other payment means, to meet the cost of growth.

Accordingly, the objectives of this policy are:

- (i) Fairness: ensure that those who create a need for new or additional assets, or assets of increased capacity, contribute their fair share to the cost of providing those asset, and to also ensure that the cost of providing new or additional assets, or assets of increased capacity, is allocated proportionately between those who benefit from the assets to be provided as well as those who create a need for those assets.
- (ii) Simplicity: ensure that the Policy is easy to understand and administratively simple to apply.
- (iii) Certainty and transparency: provide developers with a clear understanding of what will be funded from development contributions, what they will have to pay towards those costs, and when.
- (iv) Consistency: ensure that like developments are treated in a like manner.
- (v) Contribution to Nelson goals: support and facilitate the wider outcomes sought by Nelson City Council.

In developing this Policy, the principles in section 197AB of the LGA have also been taken into account, namely that:

- (a) development contributions are only required where the effects or cumulative effects of developments will create or have created a requirement for the council to provide or to have provided new or additional assets or assets of increased capacity;
- (b) development contributions are determined in a manner that is generally consistent with the capacity life of the assets for which they are intended to be used and in a way that avoids over-recovery of costs allocated to development contribution funding;
- (c) cost allocations used to establish development contributions are determined according to, and be proportional to, the persons who will benefit from the assets to be provided (including the community as a whole) as well as those who create the need for those assets;
- (d) development contributions are used –
  - (i) for or towards the purpose of the activity or the group of activities for which the contributions were required; and

- (ii) for the benefit of the district or the part of the district that is identified in the development contributions policy in which the development contributions were required;
- (e) the council should make sufficient information available to demonstrate what development contributions are being used for and why they are being used;
- (f) development contributions should be predictable and be consistent with the methodology and schedules of this Policy;
- (g) in calculating and requiring development contributions, the council may group together certain developments by geographic area or categories of land use, provided that—
  - (i) the grouping is done in a manner that balances practical and administrative efficiencies with considerations of fairness and equity; and
  - (ii) grouping by geographic area avoids grouping across an entire district wherever practical.

Other considerations which form part of the development of this policy include:

- (a) Council will use development contributions only for capital expenditure in respect of the activity for which they are collected. For instance, contributions collected because of a need to increase water supply capacity will be spent only on the water supply system. This will be according to an aggregated project basis for each of the activities. Any particular development contribution will not be allocated to any specific project within an activity.
- (b) Development contributions are not used to fund operational costs to maintain or to improve levels of service for existing users.
- (c) Development contributions are not required if:
  - (i) Council has imposed a condition on a resource consent in relation to the same development for the same purpose; or
  - (ii) the developer will fund or otherwise provide for the same network infrastructure; or
  - (iii) Council has already required a development contribution for the same purpose in respect of the same building work; or
  - (iv) Council has received or will receive funding from a third party for the project or provision of the same network infrastructure.

### 3 APPLICATION OF THE POLICY

#### 3.1 Who is assessed?

A development that creates additional demand will be assessed for development. A development can be any subdivision, building, land use, or work that generates a demand for reserves, network infrastructure or community infrastructure.

A development contribution may be required to be made to Council when:

- (i) a resource consent is granted under the RMA,
- (ii) a building consent is granted under the Building Act 2004, or
- (iii) an authorisation for a service connection is granted.

#### 3.2 What contributions are payable?

Council may require development contributions in relation to developments where the effect of the developments is to require new or additional assets or assets of increased capacity and, as a consequence, Council incurs capital expenditure to provide appropriately for:<sup>1</sup>

- (i) Reserve land and improvements.
- (ii) Network infrastructure.
- (iii) Community infrastructure.

For the purpose of this policy, the transportation activity has been considered as an integrated activity that includes all modes of transport.

#### 3.3 How much is payable?

Council applies a standard development contribution for all development within the city-wide catchment. Due to the relatively small and compact nature of the city, Council considers that the benefits from capital works on community facilities will generally flow through to developers and the community as a whole. Accordingly, a one-catchment approach is the fairest and simplest for all. A more targeted, catchment by catchment approach is considered to be significantly more complex to develop and assess; more costly and inefficient to administer; and inconsistent with other funding streams. All developments benefit from the network infrastructure provided, accordingly it is considered appropriate that all pay the same equitable amount for the additional capacity built into council's network.

The city-wide development contribution per household unit of demand (HUD) for each of the network infrastructure activities is shown below.

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<sup>1</sup> Definitions of the assets for which development contributions may be payable can be found in the Glossary and Definitions section of this Policy

**Table 1 : 2018/19 Development contributions by activity**

Activity	\$ per HUD (exc GST)
<b>NETWORK INFRASTRUCTURE</b>	<b>\$11,650</b>
Stormwater <sup>1</sup>	\$3,230
Wastewater	\$5,000
Water supply	\$2,050
Transportation	\$1,370
<b>COMMUNITY INFRASTRUCTURE</b>	<b>\$280</b>
Community infrastructure	\$280
<b>RESERVES</b>	<b>\$1,160 + 40m<sup>2</sup>/HUD</b>
General reserves <sup>2</sup>	\$1,160
Neighbourhood reserve land	40m <sup>2</sup> land/HUD, or cash equivalent
<b>Total</b>	<b>\$13,090</b>

The development contributions levied for consents in previous financial years are shown in Section 9. The development contribution payable is quantified for all types of developments using a HUD. The number of HUDs payable reflects the additional demand on council infrastructure created by the development. Only the additional demand created will be considered when assessing development contributions.

**Table 2 : Assessment of contributions**

Development	Stormwater	Waste water	Water Supply	Transport	Community Infrastructure	Reserves			
Subdivision	1 HUD per title for each activity (See Section 4 for exemptions)								
Residential building. New residential units on one title over and above 1 HUD	One bedroom residential unit = 0.5 HUD for each activity Two bedroom residential unit = 0.75 HUD for each activity Three or more bedroom residential unit = 1 HUD for each activity								
<u>Non-residential</u> <sup>(a)</sup> <u>building</u>  If additional to 1 HUD paid at subdivision	HUDs = ISA <sup>(b)</sup> / 2	Greater of: increase in pans, 2 pans = 1 HUD and water pipe size.	Water pipe size (see below)	HUDs = Car parks / 4	0.5 HUD per accommodation unit  Remainder not applicable <sup>(c)</sup>	0.5 HUD per accommodation unit (General Reserves)  Remainder not applicable <sup>(c)</sup>			
Internal diameter of water connection (mm)			20	25	32	40	50	100	150
HUDs			1	1.56	2.56	4	6.25	25	56.25

<sup>1</sup> This includes flood protection capital projects that have a growth-related component within the stormwater collection and management development contribution, and where each relevant flood protection project is required, at least in part, to collect or manage stormwater run-off from developments or to protect developments from stormwater run-off.

<sup>2</sup> General Reserves includes the land and the improvements to that land.

Notes to Table 2:

- (a) Assessment applies to all developments in the city-wide catchment, refer Section 3.4.
- (b) ISA = impermeable surface area
- (c) Accommodation units are deemed to be residential (reference s198A (2) LGA).

### 3.4 Development areas?

The provision of infrastructure to enable development will be prioritised through the LTP to ensure that:

- growth projections are aligned with capital spending for growth to enable infrastructure to be provided at the optimal time – not too early and not too late;
- optimal use is made of existing infrastructure;
- residential intensification is prioritised;
- sufficient capacity is provided to meet the requirements of the National Policy Statement on Urban Development Capacity.

Under this approach, not all identified development areas will be serviced in the next ten years. Therefore, the assessment of development contributions under this policy has been split into three categories:

*Category 1:* Development where no services overlay applies. (See Glossary for definition of a “service overlay.”)

*Category 2:* Development where a services overlay is currently in place, but the existing constraints relating to council provided infrastructure (to the development boundary at the bottom of the catchment) will be removed by works planned in the 2018-2028 LTP.

*Category 3:* Development where a services overlay is in place, and where the existing constraints relating to council provided infrastructure are not planned to be fully removed by works planned in the 2018-2028 LTP.

Maps of these development areas can be found in Section 9.

#### 3.4.1 Development areas to be assessed under the standard rules of this policy

Categories 1 and 2 will be assessed for the city-wide development contribution identified in this policy. The development areas, and the number of titles that meet the criteria of category 2 are shown in the following table.

**Table 3 : Development areas category 2**

No.	Development Area Name	Estimated Total Yield (Titles)	Titles available Years 1-5	Titles available Years 6-10
3	Ngawhatu Valley	800	0	345
4	Marsden Valley	1,000	0	650
9	Tasman Heights	500	314	0
11	Toi Toi	202	202	0
12	Washington Valley	39	34	0
19D	Lower Bayview	100	0	100
19E	Upper Bayview	250	0	250
21	Wastney Terrace	29	29	0
22	Todd Valley	4	0	4
26C	Saxton - Summerset, Wakatu	350	350	0
23	Nelson South	173	173	0

**3.4.2 Development areas that will not be assessed under the standard rules of this policy**

The third category is for any development areas not included in the above table, or for development above the limits set in the titles available years 1-5 and titles available years 6-10 columns in the table above.

For these areas, Council has not included the capital projects to remove all council provided infrastructure constraints within the 2018/19-2027/28 LTP. Therefore, the additional growth-related costs have not been included in the development contribution calculations. These development areas are shown below.

**Table 4 : Development areas Category 3**

No.	Development Area Name	Estimated Total Yield (Titles)
7	Quarantine Road	30
8	Airport and Golf Road	40
10A	Emano	96
10B	Murphy	75
16	Atmore Terrace/Cleveland Terrace	15
17	Upper Nile Street	10
19A	Brooklands	15
19B	Paremata	10
20	Werneth	20
24	Enner Glynn	110
25	Ralphine Way	30

In order to proceed with developments under this category, a Private Development Agreement (PDA) between Council and the developer may be required. Details on PDAs are provided in Section 8. Any PDA is likely to require a bespoke development contribution based on the standard contribution plus consideration of any works that the developer may need to undertake.

## 4 ASSESSMENT, PAYMENT AND EXEMPTIONS

### 4.1 Timing of assessment

Council will calculate contributions on a development's first application for a resource or building consent or connection authorisation and will re-calculate a development for contributions on any subsequent application after the first in relation to the same development.

### 4.2 Timing of payment

Invoices become due for payment immediately upon issue and will be generated at the following points:

Consent type	Issue of invoice/Payment timing
<b>Resource consent (subdivision)</b>	At the time of applying for a certificate under s.224(c) of the RMA
<b>Resource consents (others)</b>	Prior to the commencement of work
<b>Building consent</b>	At the time the building consent is granted
<b>Service connections</b>	At the time service connection approval is sought

Where invoices remain unpaid under Council's payment terms [the 20<sup>th</sup> day of the month following issue of invoice], normal debt collection practices to recover outstanding debts may be invoked.

Alternative enforcement action may include:

- Withholding the section 224(c) certificate on a subdivision;
- Preventing the commencement of a resource consent for a development;
- Withholding a code of compliance certificate under the Building Act;
- Withholding a certificate of acceptance under the Building Act;
- Withholding a service connection to a development; and
- Registering the development contribution under the Statutory Land Charges Registration Act 1928 as a charge on the title of the land in respect of which the development contribution was required.

### 4.3 Exemptions

The following exemptions to payment of development contributions will apply to developments assessed under this policy:

#### 4.3.1 Central City residential developments

Council wishes to encourage residential growth in the central city in order to intensify development within networks of existing infrastructure. Accordingly, an exemption to development contributions shall apply for the development of:

- (a) additional residential units, or a mixed development of residential and commercial units (provided that the exemption shall apply only in respect of the residential portion of the development), in the City Centre Zone of the Inner City Zone; and

- (b) additional residential units in the City Fringe Zone of the Inner City Zone as defined in the NRMP (refer Map 2 in Section 9).

The following conditions will apply in respect of this exemption:

- (i) The exemption shall be limited to 30 additional HUDs per financial year (1 July to 30 June);
- (ii) The allocation of the exemption will be based on the date the application for resource or building consent was submitted accompanied by all required information. The earliest applications will be granted the exemption until the limit is reached. Any unused exemption will not carry forward to the following financial year;
- (iii) The exemption shall be granted on the condition that construction commences within 12 months after the exemption is granted. If this condition is not met the exemption will no longer apply and the Development Contribution will be required at that time. Where an applicant can demonstrate that substantial progress has been made, the exemption may be extended up to 24 months from the date it was granted.

#### **4.3.2 Brownfield Intensification – Reserve Contribution**

Council will exempt a residential subdivision from 25% of the amount which would otherwise be payable as reserve contribution where the subdivision:

- (i) Has an underlying title of 2000m<sup>2</sup> or less; and
- (ii) Creates lots of 300m<sup>2</sup> or less; and
- (iii) Is located in the Residential Zone; and
- (iv) Is not located in the Services Overlay.

#### **4.3.3 Low infrastructure impact developments**

Council will consider exemptions, or partial exemptions, for developments which have low impact on network infrastructure requirements. Applications for exemptions must include clear evidence that the low impact design will reduce the demand on council services at peak times. It is envisaged these will be applied as such:

- (a) *Stormwater*: Council recognises that some developments control the additional stormwater they produce and consequently, have a reduced impact on Council's network. Where this impact is permanent and won't become redundant as a result of Council works in the future, Council may reduce development contributions for stormwater. In exercising this discretion, Council will be guided by the following:
  - i. Where, following events equal to or greater than a one in 15 years storm event, stormwater will not discharge into a Council managed system, stormwater development contributions may be reduced by up to 50%;
  - ii. Where, following events equal to or greater than a one in 15 years storm event, the stormwater will discharge into a Council managed system, stormwater development contributions: may be reduced by up to:
    - 1. 25% where primary stormwater flows are managed to pre-development levels;
    - 2. 50% where both primary and secondary stormwater flows are managed to pre-development levels



The maximum 50% discount reflects the fact that the developed property will receive benefit from associated stormwater mitigation capital expenditure work by Council in the catchment area. It will either be directly protected or the ability to move around the area unencumbered during storm events will be improved.

#### **4.3.4 Water supply and wastewater:**

If a development is unable to connect to the water supply or wastewater network then a contribution for these activities will not be required.

#### **4.3.5 Tasman District water supply:**

Where water for a development is to be supplied by Tasman District Council, the development contribution for water will be levied in accordance with the Tasman District Council's Development Contributions Policy current at the time, and not under this Policy. Applicants will be advised when consent applications are processed.

#### **4.3.6 Other exemptions**

The Council's general policy is that there are no other exemptions. Council will only consider any other application for exemption from payment of a development contribution at its absolute discretion and in exceptional circumstances.

An application must be made to Group Manager Environmental Management prior to an invoice being issued. Each application will be considered on its own merits but the Group Manager Environmental Management may have regard to (i) whether the development is part of a not-for-profit entity; (ii) any unique contribution that the development is making towards Nelson City Community Outcomes and (iii) consistency with the general application of the 2018 Policy.

A decision to decline the application will not be subject to further review or reconsideration within the Council. If the council officer recommends the application be granted, the exemption may only be granted by a resolution of the Council (or a Committee or Subcommittee acting under delegated authority).

### **4.4 Listed exemptions**

The following developments are exempt from development contributions

- (a) Boundary adjustments, and subdivisions undertaken to place existing building development onto separate titles, either unit titles or freehold titles, i.e. those subdivisions that do not create additional titles and/or do not involve the erection of additional household units of demand.
- (b) Additions and alterations to buildings where no additional HUD is created.
- (c) Accessory buildings that do not create an additional unit of demand e.g. hay sheds, unserviced utility buildings.
- (d) Developments undertaken by entities of the Crown.
- (e) Social housing developments undertaken by the following organisations: Abbeyfield, Habitat for Humanity, Nelson Tasman Housing Trust and any other partnership where Council has entered into an agreement to provide social housing.
- (f) Development undertaken at Whakatu Marae
- (g) Utility titles (e.g. for power transformers), access ways or legal roads.

#### **4.5 Refunds**

Where a development or subdivision does not proceed, any refund of money or return of land will be applied in accordance with section 209 of the LGA. Any refunds will be issued to or any returns made to the consent holder of the development to which they apply and will not be subject to any interest or inflationary adjustment.

## 5 RECONSIDERATIONS AND OBJECTIONS

### 5.1 Reconsideration of a development contribution

An applicant may request the reconsideration of a development contribution within 10 working days of receiving notice to pay. The request must be in writing, stating the grounds for a reconsideration, and the relief sought. As provided for in section 199A(1) of the LGA those grounds are that:

- (a) the development contribution was incorrectly calculated or assessed under council's Development Contribution Policy; or
- (b) Council incorrectly applied its Development Contributions Policy; or
- (c) the information used to assess the person's development against the Development Contributions Policy, or the way council has recorded or used it when requiring a development contribution, was incomplete or contained errors.

If reconsideration is applied for in relation to the first two grounds described above, no fee will be charged. In the case of the third ground (paragraph (c)) for reconsideration, if any error in recording of information or the manner in which it has been used is proven to be the fault of Council, no fee will be charged. If the information used to assess the person's development against the Development Contributions Policy is incomplete or contains errors and these errors or omissions are attributable to the applicant, a fee of \$255 + GST will be charged.

Requests for reconsideration can be lodged with Council in writing using the prescribed form and payment of any applicable fee. Applications with insufficient information or without payment of fee will be returned to the applicant with a request for additional information or payment.

Applications for reconsideration will be considered by a panel of up to three staff, including at least one person with delegated authority to determine the matter. A decision in writing shall be given to the person who made the reconsideration request within 15 working days after the date on which Council receives all required information relating to a request.

### 5.2 Objection to a development contribution

In accordance with sections 199C and 199D of the LGA, a person may object to any development contribution requirement. The right to object does not apply to challenges to the content of a Development Contributions Policy prepared in accordance with the Act, but can apply if the objector believes:

- (a) Council has failed to properly take into account features of the objector's development that on their own or cumulatively with other developments, would substantially reduce the impact of the development upon the requirement for Council to provide community facilities; or
- (b) Council required a development contribution for community facilities not required by, or related to, the objector's development, whether on its own or cumulatively with other developments; or
- (c) Council has required a development contribution in breach of Section 200 of the LGA; or
- (d) Council has incorrectly applied its Development Contributions Policy to the objector's development.

Any objection must be lodged with the Council within 15 working days of receiving notice to pay a development contribution, or within 15 working days of receiving the outcome of any request for reconsideration. Objectors must pay a deposit of \$2,750.00 + GST and are liable for all costs incurred

in the objection process, including staff and commissioner time, and other costs incurred by Council associated with any hearings unless the Council is directed to remit costs by the Commissioner.

The other aspects of the objections process are defined in Sections 199E to 199P and Schedule 13A of the LGA. It should be noted that when considering a development contribution objection and any evidence provided in relation to that objection, development contributions commissioners must give due consideration to the following:

- (a) the grounds on which the development contribution objection was made:
- (b) the purpose and principles of development contributions under Sections 197AA and 197AB:
- (c) the provisions of the development contributions policy under which the development contribution that is the subject of the objection was, or is, required:
- (d) the cumulative effects of the objector's development in combination with the other developments in a district or parts of a district, on the requirement to provide the community facilities that the development contribution is to be used for or toward:
- (e) any other relevant factor associated with the relationship between the objector's development and the development contribution to which the objection relates.

## 6 CALCULATION METHODOLOGY

This section provides an introduction to the development contributions calculation method for development contributions.

### 6.1 One-catchment approach

The Council assessed the effects of adopting a multiple catchment approach for planning and funding services in 2006 and again in 2014 when this Policy was reviewed in line with principles outlined in the LGA. The funding framework of Nelson City has been based on a one-catchment approach to reflect the compact nature of the city (see Chapter 6 of the NRMP).

For the reasons stated in section 3.3, Council has adopted a one-catchment approach to calculating development contributions.

### 6.2 Calculation method

The key concept of the approach is to define the total capital expenditure (capex) for growth consumed by the growth population over a period of time. This consumption of capex for growth is then apportioned among the increased number of household units of demand (HUDs) over the same time period. This defines the long run average cost of growth per unit of demand, defined as the dwelling equivalent contribution.

The calculation method can be summarised by the following steps:

STEP 1: Assess capital expenditure for growth on an asset by asset basis using financial reports (past expenditure) and projected expenditure.

STEP 2: Apportion capital expenditure for growth by the growth population (HUDs) over the design life of the asset, to assess the \$/unit of demand.

STEP 3: For each year in the analysis period determine the total consumption of asset capacity for each asset identified, namely – \$/unit of demand x the number units of demand.

STEP 4: Sum for all assets in each year in the analysis period, namely total capacity consumed in that year, measured in \$.

STEP 5: Sum each year in the ten-year analysis period and divide by the growth population (new dwelling equivalents) projected over the analysis period to determine the dwelling equivalent contribution.

#### 6.2.1 Growth costs

Capital expenditure may be attributable to one or more factors: growth, changes to levels of service, statutory requirements, or asset renewal. Under this Policy all projects have been assessed to calculate a fair, equitable and proportionate portion of council's infrastructure costs that can be attributed to growth. The growth costs reflect the cost that council has or will incur because of growth. The growth-related costs are solely those required to meet the additional demand created by the effects (including cumulative effects) of all development within the citywide catchment. This includes capacity in all up and downstream areas of the network, and not just the capacity in the locality of a given development. For example, the growth costs include the capacity in the headwork's assets such as treatment plants and storage asset.

Projects that were/are completed solely to address the demands of, and the benefits to, development, are considered to be 100% growth. Projects that were/are solely to replace existing assets or change levels of service are considered to be 0% growth. Projects that benefit both the existing community and the future community are apportioned using the following formula:

$$\text{Growth \%} = (\text{Demand at capacity} - \text{Demand at construction}) / \text{Demand at capacity}$$

Where possible the demand has been quantified using first principles, e.g. traffic flow, litres used, impermeable surface area (ISA). In other cases the demand is quantified using the number of HUDs, and the increase over the capacity life of the asset. This ensures that only a fair, equitable and proportionate portion of the total costs is passed onto the future community via development contributions.

This approach can be used on projects where growth is not the main driver. For example, an upgrade to a wastewater treatment plant may be a combination of both level of service change for the existing community and provision of capacity for the future community.

**6.2.2 Average cost of growth**

The development contributions are based on the long-term average cost of growth across the city and reflect the average cost of infrastructure required to service new development for each activity. This includes those growth-related projects planned for in the 2018-2028 LTP and also those growth-related projects that have already been completed.

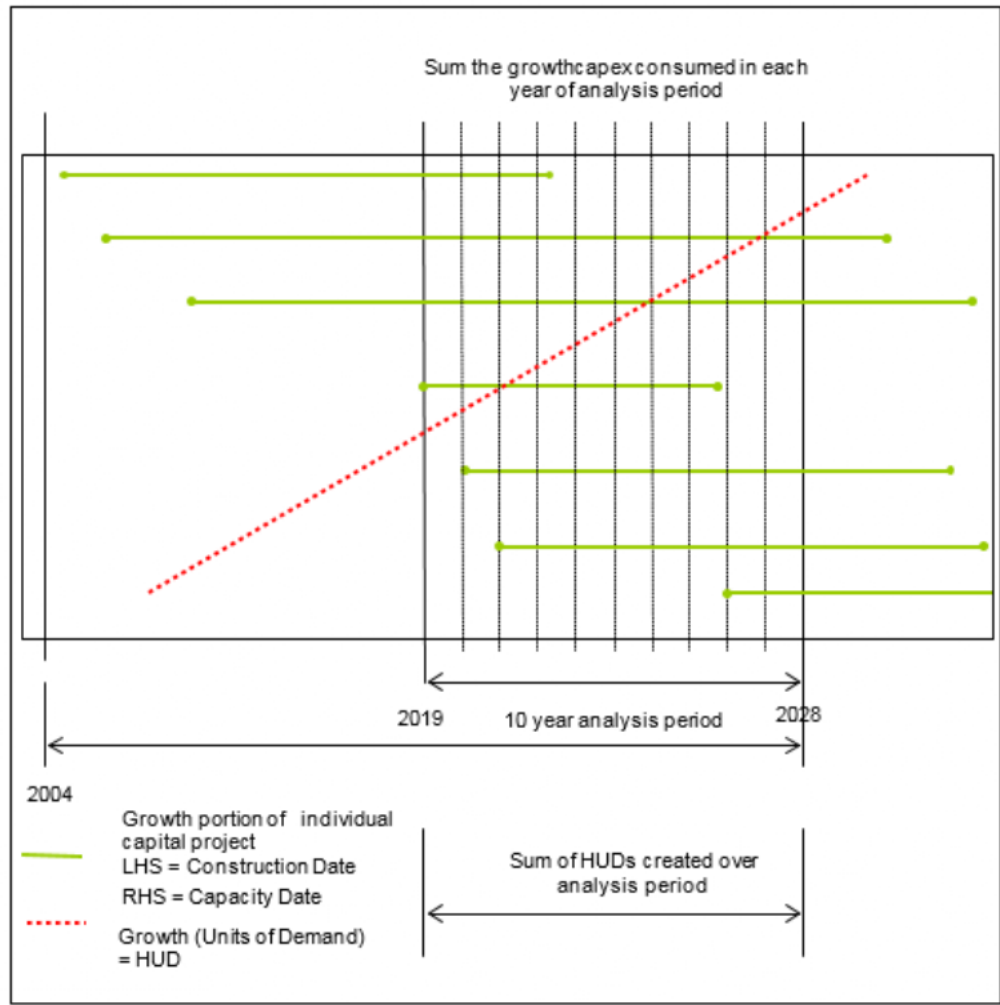
The calculation method uses the capacity life of each asset to fairly apportion the growth costs across the capacity life of the asset created. This ensures that all developments that benefit from the growth-related capital expenditure contribute an equitable portion. This also ensures that the rate the capacity is consumed is considered in the calculation so that early and late developers do not pay an unfairly high proportion of the growth costs. This also means that not all growth costs incurred in the LTP period will be funded over that period.

The standard contribution (\$/HUD) is based on the average cost of growth for each activity over a 10-year analysis period.

$$\begin{aligned} \text{Standard development contribution} &= \frac{\$}{\text{HUD}} \\ &= \text{Sum of growth costs consumed in analysis period} / \\ &\quad \text{Sum of new HUDs in analysis period} \end{aligned}$$

This method is summarised in the following diagram:

Nelson City Council  
Policy on Development Contributions - 2018  
**Figure 1 – Long run average cost of growth**



Although the method uses a bottom up approach at the project level, the standard contribution reflects the average cost of growth for the overall activity. This is considered the fairest way to ensure all development in the city-wide catchment pays a fair and equitable contribution to fund each activity and service growth over the long term.

For the purpose of the calculations, the design life of the longer life assets has been capped at 30 years. This design life is used in both the calculation of the growth portion and the consumption of the growth costs. This ensures that the interest costs of funding long life assets are not disproportionately high. The 30 years was chosen as it is consistent with Council's 30 Year Infrastructure Strategy.

**6.2.3 Interest considerations**

Interest costs have been assessed based on 5% interest per annum, as adopted in the 2018 LTP. The interest component of the standard contribution is based on the average interest costs over the 10-year analysis window. This includes consideration of the existing growth-related debt which is based on the growth costs to date and the contribution income received to date.

#### **6.2.4 Neighbourhood reserve land**

The basis of the 40m<sup>2</sup> / HUD is linked back to the level of service for neighbourhood reserves. This is currently 1.7Ha per 1,000 persons. Based on an average household size of 2.4 people this equates to 1.7Ha per 400 HUD, or 40m<sup>2</sup> / HUD. Provision of this land ensures that sufficient neighbourhood reserves land is provided to maintain the desired level of service.

### **6.3 Significant assumptions**

#### **6.3.1 Best available knowledge**

All information used in the calculation of development contributions is the best available knowledge at the time of the calculation models being prepared.

Capital expenditure projections are those that have been forecast in the Long Term Plan. Actual expenditure for the years to and including 2007/08 to 2016/17, and estimates for 2017/18 have been used. Amendments to the capital programme have been made to account for budgets carried forward and expenditure changes. The public scrutiny and the audit of these capital projections provides additional confidence as to the process.

#### **6.3.2 Growth projections**

Council prepared growth projections in 2018. These projections used Statistics New Zealand census data and projections. These show that Nelson's population is expected to grow by over 6,000 residents and by 2028 the population is expected to be over 59,000. The number of households is expected to increase by over 3,500 in the life of this LTP, before continuing to grow at a slightly slower rate.

The increase in residential HUDs in the development contribution model is based on the projected increase in households. The growth in non-residential rating units is assumed to be 1%, as adopted in the 2018 LTP.

However, Council bases its financial forecasting for income from Development Contributions based on the funds received in previous years. This is because developments, and the income from these, takes time to be realised, and Council needs to minimise the risk of income being lower than forecast. This conservative approach uses an average of 230 new Household Units of Demand p.a. over the ten years, i.e 2,300 for the term of the LTP. Growth rates and the Development Contributions policy are reviewed at least three yearly and income from Development Contributions, are reviewed each year as part of the Annual Report and Annual Planning processes. If development is faster or slower than forecast then Council can consider changing its capital work programme to match the rate of growth.



## 7 ASSESSMENT OF DEVELOPMENT CONTRIBUTIONS

### 7.1 Developments over more than one allotment

Where a development is over more than one allotment and is subject to Sections 75 and 77 of the Building Act 2004, then the development contributions will be assessed as for one allotment.

### 7.2 Staged subdivision

Where a staged subdivision development is undertaken via a single consent, the development contribution payable will be assessed based on the date the application for consent was submitted and will continue to apply to each stage of the development for which a separate certificate under section 224(c) of the RMA is applied for.

Where a staged subdivision development is undertaken via multiple consent applications, each development contribution requirement will be assessed according to the policy applying at the time each separate application for consent is submitted.

### 7.3 Quantifying demand

The following conversion factors shall be used to quantify the demand created by each type of development.

#### 7.3.1 Residential

Each additional residential title created where the standard development contributions are applicable shall pay 1 HUD.

New residential units on one title over and above 1 HUD, shall be assessed as follows:

- 0.5 HUD for a one bedroom residential unit,
- 0.75 HUD for a two bedroom residential unit,
- 1 HUD for a residential unit of three or more bedrooms.

Council considers this the fairest and simplest way to acknowledge that a smaller residential unit places a lower demand on council's infrastructure, compared to a typical dwelling. This also achieves Councils strategic outcome of promoting intensification for residential development throughout the city, encourages greater housing choice, and may also promote housing affordability.

#### 7.3.2 Non-residential

Each additional non-residential title shall pay 1 HUD for each activity at subdivision stage. In addition, non-residential developments that create additional demand shall be converted to HUDs at building consent stage based on:

- Stormwater –impermeable surface area in addition to the existing shall be converted to HUDs based on 316m<sup>2</sup> per HUD.
- Water Supply – the increase in pipe size from the existing shall be used to calculate the HUD.
- Wastewater – the greater of the number of pans in addition to existing, where each two additional pans equates to 1 HUD, or the increase in water pipe size from the existing.

The conversion table for both water and wastewater is shown below:

Internal diameter of water connection (mm)	20	25	32	40	50	100	150
HUDs	1	1.56	2.56	4	6.25	25	56.25

- **Transportation** - The number of car parks shall be used as a proxy to quantify the additional demand created by a non-residential development, i.e. the more car parks, the higher the increase in demand. The standard approach defined below shall be applied to all developments in the city-wide catchment, regardless of the actual car parking requirements of the consent conditions. A development not required to provide car parks (e.g. in the city centre) will still be assessed for a transportation contribution under the standard approach because Council considers that regardless of the car parking being on-site or off-site, all non-residential development will create additional demand on the transportation network.

The number of car parks for all non-residential developments will be calculated under the formula set out in Table 10.3.1 in Appendix 10 of the NRMP based on the development type (e.g. commercial activity, industrial activity etc) and size. The number of car parks shall be converted to HUDs based on 4 car parks per HUD, e.g. 6 car parks = 1.5 HUD.

- **General Reserves and Community Infrastructure** – 0.5 HUD per accommodation unit for Accommodation developments (considered “residential” for the purpose of assessing reserve land contributions).
- **Neighbourhood reserve land** – not applicable.

#### 7.4 Assessment method

When Council receives an application for a resource consent, building consent or service connection, it will:

- 1) test that the application represents a “development” (as defined under Section 197 of the LGA);
- 2) determine whether the development, alone or cumulatively with other developments, has the effect of requiring new or additional assets of increased capacity;
- 3) assess whether it has required or will require council, as a consequence, to incur capital expenditure to provide for this.

If Council is satisfied that the legal requirements have been met, as outlined above, and that a development contribution is required and provided for under this Policy, it will then assess the level of contribution payable as follows:

##### **Step One: Assess demand currently on the development site**

In attributing units of demand to a particular development or type of development the Council will identify the number of units of demand that existed on the site prior to the development.

##### **Step Two: Assess the post development demand**

The number of HUDs post development can be quantified based on the size of the development using the same method.

##### **Step Three: Assess the additional demand**

The additional demand is simply the difference between pre-development and post development, quantified in HUDs for each activity.

##### **Step Four: Calculating the Development Contribution to be charged**

To calculate the contribution the number of additional HUDs is multiplied by the standard contribution of each activity.

**Table 5 : Assessment method – summary table**

	A	B	C = (B – A)	D	C x D
Activity	Pre Development HUDs	Post Development HUDs	Additional Demand HUDs	Standard DC \$ per HUD (exc GST)	Total DC \$ per HUD (exc GST)
NETWORK INFRASTRUCTURE					
Stormwater				\$3,230	
Wastewater				\$5,000	
Water Supply				\$2,050	
Transportation				\$1,370	
COMMUNITY INFRASTRUCTURE					
Community infrastructure				\$280	
RESERVES					
General reserves				\$1,160	
Neighbourhood reserve land				40m <sup>2</sup> /HUD	
TOTAL				\$13,090 + 40m <sup>2</sup> /HUD	

Reserve land contribution – valuation and statutory cap

The Neighbourhood Reserve Land contribution may be paid as cash or by provision of land. The land must meet the requirements of the Land Development Manual in order to be deemed an acceptable contribution.

Where the Neighbourhood Reserve Land contribution is paid in cash, the contribution will be based on a land valuation of the developed lot. The valuation must be provided by a suitably qualified professional at the time of application for 224(c).

For developments that are not subdivisions, the land valuation used will be the existing land value as shown on NCC NMap. All land valuations will be exclusive of GST, if any.

The statutory cap will be applied as follows. Section 203 (1) of the LGA 2002 states that the total reserve contribution must not exceed the greater of:

- (a) 7.5% of the value of the additional lots created by a subdivision; and
- (b) the value equivalent of 20 square metres of land for each additional HUD created by the development.

The total reserve contribution is the sum of the General Reserve contribution and the equivalent cash value of the Neighbourhood Reserve Land contribution.

For a subdivision consent the cap will be the greater of (a) and (b). For a development that is not a subdivision (e.g. a secondary dwelling on an existing lot) the cap will be (b). Examples of how these caps are applied are shown in the following table.

Subdivision - number of lots and land valuation (\$)	Subdivision and average lot size (m <sup>2</sup> )	Land Value (\$/m <sup>2</sup> )	40m <sup>2</sup> /HUD Neighbourhood Reserves	General Reserves (\$/HUD)	Total Contribution	20m <sup>2</sup> cap	7.5% cap	Maximum cap	DC Levied
10 lots with total valuation of \$3.0M; (\$300k/lot)	5,000m <sup>2</sup> ; average = 500m <sup>2</sup> /lot	\$600/m <sup>2</sup>	\$240k	\$12k	<b>\$252k</b>	\$120k	<b>\$225k</b>	<b>\$225k</b>	\$225k <sup>1</sup>
20 lots with total valuation of \$3.5M; (\$175k/lot)	4,000m <sup>2</sup> ; average = 200m <sup>2</sup> /lot	\$875/m <sup>2</sup>	\$700k	\$23k	<b>\$723k</b>	<b>\$350k</b>	\$262.5k	\$350k	\$350k <sup>2</sup>
30 lots with total valuation of \$7.5M; (\$250k/lot)	19,500m <sup>2</sup> ; average = 650m <sup>2</sup> /lot	\$385/m <sup>2</sup>	\$462k	\$34k	\$496k	\$231k	\$563k	\$563k	\$496k <sup>3</sup>
\$300k – second dwelling BC	700m <sup>2</sup>	\$430/m <sup>2</sup>	\$17,140	\$1,160	<b>\$18,300</b>	<b>\$8,570</b>	n/a – not a subdivision	\$8,570	\$8,570 <sup>2</sup>
\$250k – single lot subdivision	290m <sup>2</sup>	\$860/m <sup>2</sup>	\$34,480	\$1,160	<b>\$35,640</b>	\$17,200	<b>\$18,750</b>	<b>\$18,750</b>	\$14,060 <sup>3</sup>

1 = 7.5% cap applies

2 = 20m<sup>2</sup>/HUD cap applies

3 = 7.5% cap and Brownfield intensification exemption applies

## 8 DEVELOPMENT AGREEMENTS

Sections 207A to 207F of the Act provides for the Council and a developer to enter into specific arrangements for the provision of particular infrastructure to meet the special needs of a development.

These will typically be used for development occurring ahead of when it was anticipated or development areas not included in the long term plan and therefore not considered under the standard schedule of this policy.

Development agreements may provide that:

- a) Council pays the full costs of the growth-related reserves, community and network infrastructure, and recovers the costs through a bespoke, targeted development contribution from the developer(s) specific to the subject site; or
- b) The developer(s) pays for the cost of the growth-related reserves, community and network infrastructure, and is responsible for recovering the costs from any other developers that receive the benefit of the infrastructure. This provision of infrastructure would off-set any development contributions for each specific activity; or
- c) A combination of (a) and (b) above.

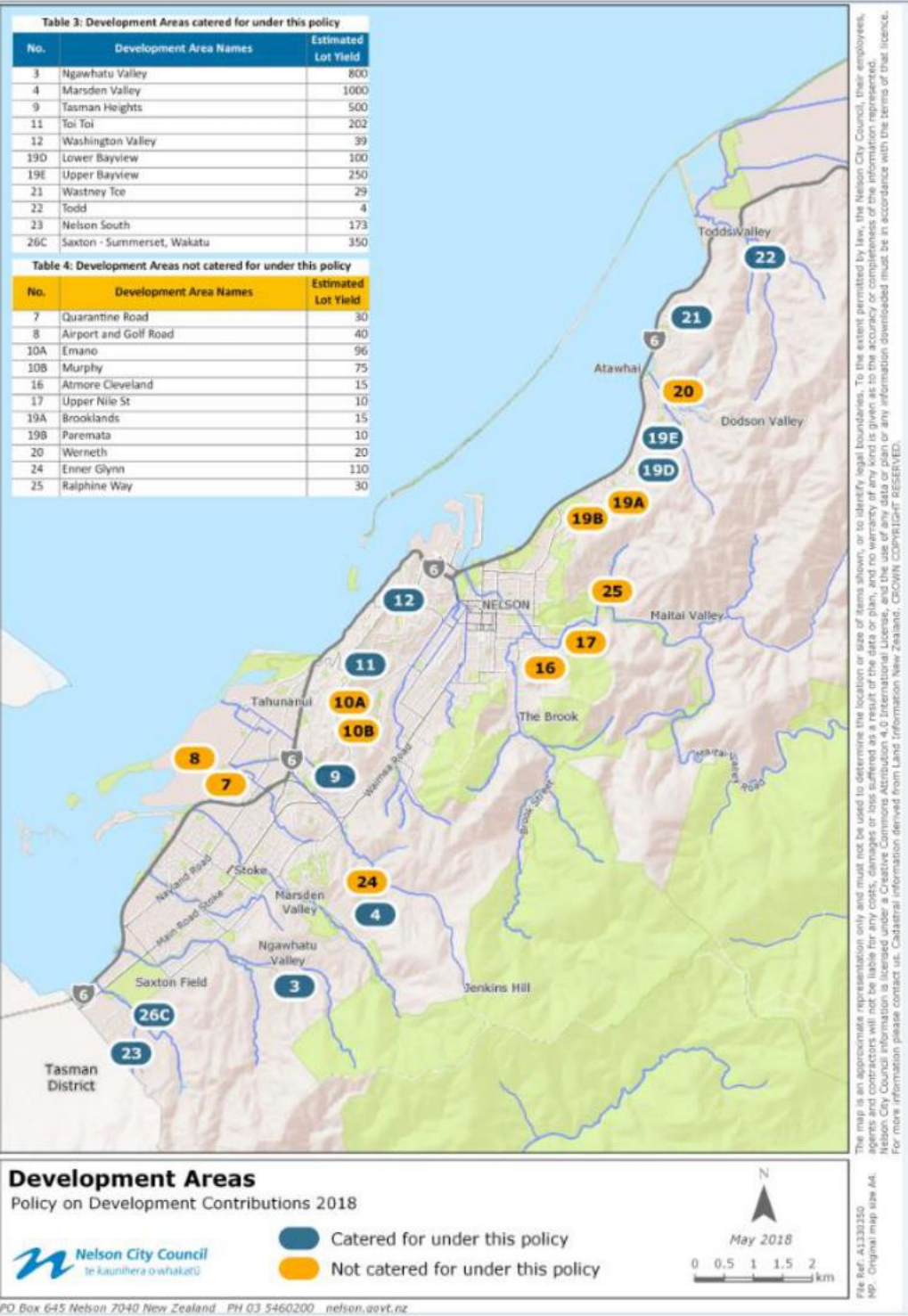
A development agreement may be entered into after being requested in writing by either the developer, or the Council. Regardless of which party requests the Agreement, the request may be accepted in whole or in part, subject to any amendments agreed by the Council and the developer, or may be declined by the Council. Council will provide the developer who made the request with a written notice of its decision and the reasons for its decision.

A development agreement is a legally enforceable contract, and comes into force when all parties that will be bound by the agreement have signed it.

A development agreement does not oblige Council to grant a resource consent, building consent, service authorisation, or to issue certification. Council may not refuse to grant or issue a consent, certificate, or authorisation on the basis that a development agreement has not been entered into.

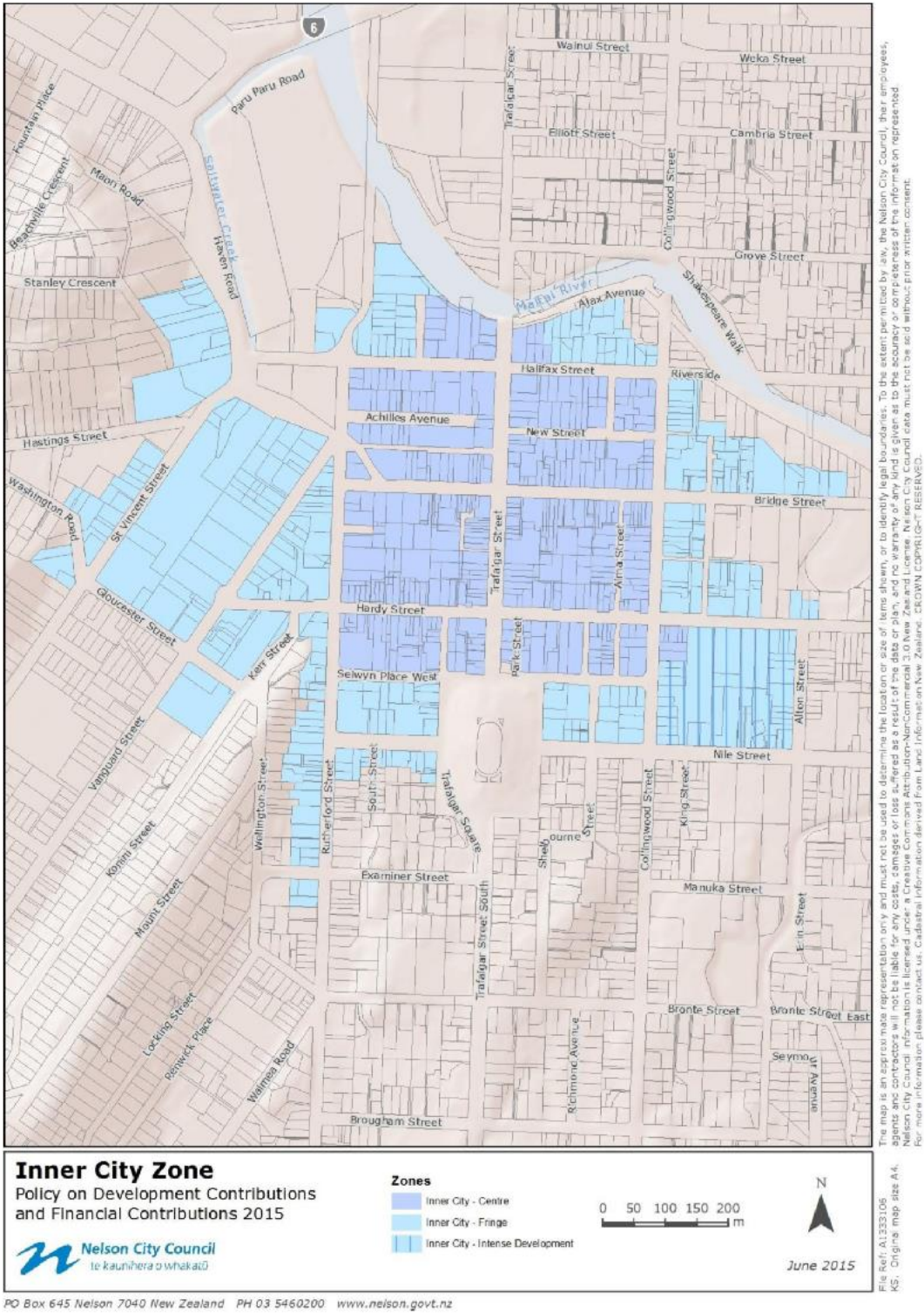
9 APPENDIX – DISCLOSURE SCHEDULES AND SUPPORTING INFORMATION

9.1 Maps - Map 1 - Development areas





Map 2 – Inner City Zone



## 9.2 Consideration of activity funding – Section 101(3)

Section 101(3)	Consideration of services
(a)(i) the community outcomes to which the activity primarily contributes	<p>Network infrastructure, community infrastructure and reserves contribute to several of the Council's joint regional community outcomes:</p> <ul style="list-style-type: none"> <li>• <u>Our unique natural environment is healthy and protected</u> - Development Contributions enable Council to provide network infrastructure that reduces the impact of people on the environment.</li> <li>• <u>Our urban and rural environments are people-friendly, well planned and sustainably managed</u> - Development contributions enable provision of good quality, sustainable and effective infrastructure and facilities.</li> <li>• <u>Our infrastructure is efficient, cost effective and meets current and future needs</u> – the Policy provides a funding framework that helps enable integrated land use planning and development by providing efficient and effective infrastructure that meets current and future needs.</li> <li>• <u>Our communities are healthy, safe, safe, inclusive and resilient</u> - Development contributions enable council to provide network infrastructure that enables a healthy, safe community.</li> <li>• <u>Our region is supported by an innovative and sustainable economy</u> - Development contributions ensure that the cost of growth is fairly and reasonably met by new developments.</li> </ul>
(a)(ii) the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals	<p>Due to the relatively small and compact nature of the city, Council considers that the benefits from capital works on community facilities will generally flow through to developers and the community as a whole. Accordingly, a one-catchment approach is the fairest and simplest for all. A more targeted, catchment by catchment approach is considered to be significantly more complex to develop and assess; more costly and inefficient to administer; and inconsistent with other funding streams. All developments benefit from the network infrastructure provided, accordingly it is considered appropriate that all pay the same equitable amount for the additional capacity built into council's network.</p>



Section 101(3)	Consideration of services
(a) (iii) the period in or over which those benefits are expected to occur	The purpose of development contributions is to assist in providing infrastructure that will ensure intergenerational equity. The approach determines the capacity of each asset and the amount of capacity that will be utilised by the growth community. The length of time over which the asset created will provide a benefit to the future community has been considered. Many of the assets may provide capacity beyond the 10 year window of the LTP. If this benefit extends beyond the current LTP horizon, then growth costs shall be recovered in this LTP and the next, as the capacity is taken up. This approach ensures the developers today do not subsidise future development in an inequitable manner.
(a)(iv) the extent to which the actions or inaction of particular individuals or a group contribute to the need to undertake the activity	Development contributions are a fair source of funding for each of the activities for which they are collected because they allow the capital costs of the activity to be allocated to those that create the need for capital expenditure.
(a)(v) the costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities; and	Development contributions received for a specific activity will only be used for, or towards, the capital expenditure of that activity for which the contributions were required. Using development contributions to fund the cost of providing additional services for growth, provides greater transparency. The benefits of this approach include intergenerational equity, fairer apportionment of costs and a more targeted, user pays system. These benefits are considered to significantly exceed the costs of assessing development contributions.
(b) the overall impact of any allocation of liability for revenue needs on the community	Council believe that the level of contributions required do not place an overly burdensome requirement on developers. The use of contributions ensure that the existing community do not have to subsidise all growth-related costs through rates. Similarly, the city-wide catchment approach ensures that the liability for revenue does not unreasonably fall on a particular area of the development community.

### 9.3 Summary of capital expenditure for growth

The planned expenditure over the 10-year plan, the growth portion and the development contribution revenue projected to be recovered during the 10 year window is shown below. The historic total cost and growth costs considered in the calculations of development contributions are also shown.

**Table 6 : 2018/19-2027/28 LTP – Summary of capital costs, growth costs and projected contribution revenue**

Activity	Historical		2018/19 to 2027/28 LTP		Total Growth Costs Considered	2018/19 to 2027/28 LTP	
	NCC Capital Costs	Growth Costs	NCC Capital Costs	Growth Costs		Total 10 Year Interest Costs	Projected Revenue from development contributions
Stormwater	40,765,000	8,828,000	83,714,000	11,801,000	20,629,000	3,340,000	11,454,000
Wastewater	45,948,000	16,460,000	68,157,000	14,212,000	30,672,000	4,595,000	17,723,000
Water Supply	38,463,000	9,114,000	59,579,000	3,494,000	12,609,000	1,464,000	7,192,000
Transportation	19,061,000	2,344,000	83,999,000	10,058,000	12,402,000	1,007,000	5,279,000
Community Infrastructure	9,272,000	1,499,000	6,550,000	225,000	1,724,000	0	766,000
General Reserves	9,121,000	3,541,000	27,941,000	4,931,000	8,472,000	397,000	4,043,000
<b>Grand Total</b>	<b>162,630,000</b>	<b>41,786,000</b>	<b>329,940,000</b>	<b>44,721,000</b>	<b>86,508,000</b>	<b>10,803,000</b>	<b>46,457,000</b>

1 Due to the transitional nature of the policy, a portion of the revenue may be financial contributions, depending on the location of the future development.

2. Council intends to fund all growth costs through development contributions. The projected revenue is based on the forecast number of new HUDs over the next 10 years. The revenue is subject to a number of factors such as the speed of development, the quantum of remissions and exemptions, the lag time between consent and certification (payment) and is therefore difficult to forecast.

3. Neighbourhood reserve land is not shown as a \$ value as this will be provided as a combination of land and money.

The proposed growth costs for each year of the 2018 LTP are summarised in the below table for each activity.

**Table 7 : 2018/19-2027/28 LTP growth costs by year (\$000s)**

Activity	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Grand Total
Stormwater	946	1,648	2,051	1,133	752	1,334	699	999	845	1,394	11,801
Wastewater	565	1,088	3,712	3,939	379	1,562	1,546	428	340	654	14,212
Water Supply	66	594	132	264	928	902	88	240	227	53	3,494
Transportation	462	973	987	927	760	1,458	2,683	855	399	555	10,058
Community Infrastructure	48	80	98								225
General Reserves	314	961	585	742	339	628	344	684	170	164	4,931
<b>Grand Total</b>	<b>2,401</b>	<b>5,344</b>	<b>7,563</b>	<b>7,004</b>	<b>3,157</b>	<b>5,883</b>	<b>5,360</b>	<b>3,206</b>	<b>1,981</b>	<b>2,820</b>	<b>44,721</b>

#### 9.4 Schedule of assets

The following table shows the core component and the interest component of the development contribution for each activity. These have been rounded the nearest \$10.

**Table 8 : Summary of development contributions component**

Activity	Core Component	Interest Component	Total Development Contribution
Stormwater	2,290	940	3,230
Wastewater	3,700	1,300	5,000
Water Supply	1,630	420	2,050
Transportation	1,110	260	1,370
Community Infrastructure	280	0	280
General Reserves	1,040	120	1,160
Neighbourhood reserve land			40m <sup>2</sup> /HUD
<b>Grand Total</b>	<b>10,050</b>	<b>3,040</b>	<b>\$ 13,090 +40m<sup>2</sup>/HUD</b>

The following tables show the schedule of assets as required by Section 201A of the LGA 2002. This table includes both historical and planned capital projects, these have been split out for each activity. The component each project makes up of the total contribution for each activity is also shown. Projects in year 10 of the 2018 to 2027 LTP are not included in this table as the capacity does not start getting consumed until the year following construction, therefore the projects are not included in the contributions.

**Table 9 : Schedule of assets**

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
<b>Stormwater</b>	<b>114,081,731</b>	<b>18%</b>	<b>82%</b>	<b>20,628,857</b>	<b>\$2,289</b>
<b>Historic</b>	<b>38,753,175</b>	<b>23%</b>	<b>77%</b>	<b>8,828,259</b>	<b>\$1,202</b>
Arapiki Stream (first stage)	6,320,007	28%	72%	1,741,386	\$229
Q15 reticulation upgrades (Q15 pipelines) - pre-2009	5,070,537	29%	71%	1,492,916	\$186
Q15 reticulation upgrades (pump station catchment) - pre-2009	4,400,016	29%	71%	1,295,495	\$161
Hampden St East Little Go Stream: Stage 2	3,980,830	23%	77%	909,941	\$142
Orchard Creek	2,361,308	28%	72%	650,624	\$86
Other conditioned projects (prior to Jul 2006)	283,942	100%	0%	283,942	\$34
Nayland Road (to Saxton)	874,924	29%	71%	252,051	\$32
Saxton Creek upgrade	4,265,682	5%	95%	203,128	\$31
Capital: York Stream Channel Upgrade	3,297,145	5%	95%	181,241	\$29
Orphanage Stream upgrade	649,995	24%	76%	156,315	\$23
Salt Water Creek/Haven Rd Culvert	601,913	25%	75%	148,823	\$22
Railway Reserve - Saxton Rd West - Dryden Street	599,495	23%	77%	137,217	\$21
Montcalm/Arrow/Wash Vly/Hastings	558,481	24%	76%	135,423	\$20
Orphanage Stream upgrade (saxton Road East Culvert)	526,808	22%	78%	114,591	\$19
Tasman St upgrade(Nile to Bronte)	436,157	25%	75%	107,243	\$16
Stanley Beachville (stage 1)	333,218	29%	71%	95,995	\$12
Iwa Road	299,405	28%	72%	84,368	\$11
Stanley/Beachville stormwater	235,953	24%	76%	56,292	\$8
Hampton St East- Little Go Stream	189,561	24%	76%	46,230	\$7
Orphanage Stream / Sunningdale	188,124	22%	78%	41,230	\$7
New Pumps (part of Pump Station Catchment Wood Area)	178,000	24%	76%	43,542	\$7
Wastney Terrace stormwater (pvt drain prgm)	182,148	23%	77%	42,702	\$7
Tahuna Slip Pvt/ Pub Drains	166,520	22%	78%	36,490	\$6
Maire Stream: Stage 1	171,638	22%	78%	37,787	\$6
Neale/Kea/Kaka/Railway Reserve	160,119	27%	73%	43,125	\$6
Tahuna Slope Risk Area	145,285	23%	77%	34,096	\$5
Tasman (Cambria/Grove) (part of Pump Station Catchment Wood Area)	140,978	26%	74%	36,487	\$5

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
147A to 149 Waimea Road Stormwater	114,309	23%	77%	26,031	\$4
LOS: York catchment evaluation	106,723	25%	75%	26,505	\$4
Little Go Stream upgrade Rutherford St	100,353	22%	78%	21,829	\$4
Saxton Creek, Main Rd Stoke Culvert to Sea	222,089	10%	90%	21,787	\$3
Pvt/Pub Drains programme	92,255	24%	76%	21,976	\$3
Tahunanui Hills Stormwater- Moana Avenue to Rocks Road	88,321	22%	78%	19,212	\$3
Airlie St	87,411	22%	78%	19,014	\$3
Rutherford Stage 1: Girls College	79,251	23%	77%	18,448	\$3
LOS: Nile Street East SW & flood protection	78,671	24%	76%	19,111	\$3
Fifeshire	75,525	23%	77%	17,199	\$3
Wakapuaka Flats Stormwater Network Upgrade	73,654	25%	75%	18,294	\$3
North Esk/Beccles	71,773	25%	75%	17,663	\$3
Vanguard Street Stormwater	69,292	23%	77%	16,247	\$2
Wastney Terrace stormwater (pvt drain prgm)	59,698	22%	78%	12,985	\$2
Capital: Mount St / Konini St	52,659	22%	78%	11,454	\$2
Piping Ditches programme	50,026	24%	76%	11,758	\$2
St Vincent/Hastings St Culvert	50,000	22%	78%	10,876	\$2
Saxton Creek upgrade Land Purchase	237,207	5%	95%	11,296	\$2
Atawhai Crescent Storm Water	40,000	22%	78%	8,701	\$1
Brook Stream Catchment Improvements	39,403	25%	75%	9,787	\$1
Capital: Todds Valley Stream upgrade	38,139	25%	75%	9,371	\$1
Capital: Arapiki Road stormwater	38,003	23%	77%	8,795	\$1
Orphanage Stream - bunding and Suffolk Road Culvert	33,335	22%	78%	7,251	\$1
Catchment Mgt Plans: Maitai	26,323	25%	75%	6,538	\$1
Oldham Creek upgrade	24,036	22%	78%	5,267	\$1
LOS: Nile Street East	24,998	22%	78%	5,438	\$1
Bisley Avenue	21,208	22%	78%	4,613	\$1
Bisley Avenue	20,619	23%	77%	4,720	\$1
Suburban Club private drain subsidised (storm)	19,258	22%	78%	4,215	\$1
Stansell Pvt/ Pub Drains	17,010	20%	80%	3,436	\$1

## Policy on Development Contributions 2018

Nelson City Council

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Chamberlain stormwater upgrade	16,527	25%	75%	4,105	\$1
Airlie St Stormwater	16,555	23%	77%	3,770	\$1
Maitai flood management	13,519	24%	76%	3,284	\$0.48
St Vincent/Hastings St Culvert	11,326	24%	76%	2,696	\$0.40
Halifax St upgrade(Tasman to Milton)	9,179	24%	76%	2,185	\$0.33
Main Rd Stoke/Poormans St/Culvert op	5,050	24%	76%	1,236	\$0.18
Athol Street Storm water	5,000	22%	78%	1,088	\$0.18
Fifeshire	5,000	22%	78%	1,088	\$0.18
Ballard Dr stormwater upgrade	1,152	25%	75%	286	\$0.04
Ariesdale/Thompson Tce	127	22%	78%	28	\$0.00
<b>2018 LTP</b>	<b>75,328,556</b>	<b>16%</b>	<b>84%</b>	<b>11,800,598</b>	<b>\$1,087</b>
Saxton Creek, Main Rd Stoke Culvert to Sea	8,389,855	19%	81%	1,596,956	\$212
Little Go Stream upgrade Rutherford St	2,867,000	20%	80%	559,142	\$77
Montcalm/Arrow/Wash Vly/Hastings	3,078,977	19%	81%	581,857	\$76
Tahunanui Hills Stormwater- Moana Avenue to Rocks Road	2,371,406	18%	82%	418,307	\$47
Orphanage Stream - bunding and Suffolk Road Culvert	1,666,640	19%	81%	324,153	\$45
Hill ST stormwater	240,000	100%	0%	240,000	\$45
Wastney Terrace stormwater (pvt drain prgm)	1,652,800	19%	81%	318,385	\$43
Marybank / Tresillian Ave	1,887,525	17%	83%	311,578	\$30
LOS: Nile Street East	807,904	21%	79%	167,662	\$26
Brook Stream Catchment Improvements	2,107,738	15%	85%	324,703	\$24
Capital: Mount St / Konini St	1,210,371	17%	83%	210,074	\$23
Saxton Creek upgrade	3,163,518	5%	95%	150,644	\$23
St Vincent/Hastings St Culvert	3,926,930	14%	86%	546,989	\$23
Tosswill to Tahuna Stormwater Upgrade	904,690	18%	82%	162,136	\$19
Pvt/Public Drains	1,150,265	16%	84%	185,254	\$16
Vanguard Street Stormwater	682,848	18%	82%	122,528	\$14
Rutherford Stage 2 - Box Culvert	3,243,760	14%	86%	439,086	\$14
Review of Jenkins & Arapiki (airport)	842,296	17%	83%	139,269	\$13
Capital: Main Rd Stoke (Louisson - Marsd	905,575	16%	84%	145,792	\$13

## Policy on Development Contributions 2018

Nelson City Council

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Maitai flood management	583,200	18%	82%	105,636	\$13
Emano Street Channel	1,473,383	15%	85%	215,053	\$12
Airlie St	467,600	19%	81%	88,786	\$12
Capital: Main Rd Stoke (Hays cnr - Louis	678,303	16%	84%	109,571	\$10
Examiner	405,728	18%	82%	73,991	\$9
Public/Private Drains & Open Chanel Upgrade Progra	2,135,245	14%	86%	288,325	\$9
Main Rd Stoke/Poormans St/Culvert op	677,330	16%	84%	105,952	\$8
Stansell Pvt/ Pub Drains	310,670	16%	84%	49,906	\$8
Renwick / Wellington Street / Waimea Road	451,153	17%	83%	77,567	\$8
Athol Street Storm water	673,650	15%	85%	104,278	\$8
Golf/ Parkers	544,524	16%	84%	88,188	\$8
Cherry/Baigent/Ridgeway	706,315	15%	85%	108,050	\$8
Capital: York Stream Channel Upgrade	2,329,890	5%	95%	128,072	\$8
Mahoe/Orsman/Matipo	634,186	15%	85%	98,266	\$7
Ngaio/Maitland	536,320	16%	84%	85,968	\$7
Manson Ave	371,462	17%	83%	64,439	\$7
Beach Road	312,960	18%	82%	56,507	\$7
Cawthron Crescent	303,306	18%	82%	55,301	\$7
Emano Reserve Stormwater	297,410	18%	82%	53,534	\$6
Seaton/Allisdair	323,465	17%	83%	56,571	\$6
Brooklands	228,304	19%	81%	43,954	\$6
Capital: Poynters Cres	401,228	16%	84%	65,239	\$6
Capital: Arapiki Road	326,023	17%	83%	55,785	\$6
Capital: Milton: Grove-Cambria	307,560	17%	83%	52,412	\$5
Maire Stream: Stage 1	330,750	17%	83%	55,130	\$5
Ariesdale/Thompson Tce	305,010	17%	83%	51,640	\$5
Riverside	336,696	16%	84%	54,934	\$5
Totara/Hutcheson	235,733	18%	82%	42,285	\$5
Capital: Shelbourne St s/w upgrade	229,442	18%	82%	41,390	\$5
Piping Ditches	296,480	17%	83%	49,710	\$5

## Policy on Development Contributions 2018

Nelson City Council

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
York Terrace	428,496	15%	85%	65,732	\$5
Kowhai	322,539	16%	84%	52,091	\$5
Beatson Road	523,422	15%	85%	76,995	\$5
Dodson Valley	200,326	18%	82%	36,852	\$5
Paru Paru	314,124	16%	84%	50,696	\$4
Orphanage Stream / Sunningdale	132,103	21%	79%	27,415	\$4
Tui Glen	192,322	18%	82%	34,588	\$4
Black	261,570	16%	84%	42,124	\$4
Isel Place	278,290	16%	84%	43,983	\$4
Rotoiti	158,470	18%	82%	28,910	\$4
Private Drains/Sub	242,414	16%	84%	38,490	\$3
Hardy (Tasman-Alton)	692,880	14%	86%	94,070	\$3
Bisley Avenue	122,030	18%	82%	22,102	\$3
Martin	421,234	14%	86%	58,098	\$2
Pateke	144,195	16%	84%	23,298	\$2
Anglia/Scotia	235,228	15%	85%	34,209	\$2
Kauri Street	66,471	20%	80%	13,237	\$2
Murphy Street	1,470,400	13%	87%	187,222	\$2
Ashdonleigh Grove Storm water	86,150	17%	83%	15,008	\$2
Oldham Creek stormwater upgrade	1,176,680	13%	87%	149,713	\$1
Strawbridge Sq Stormwater improvements	88,670	16%	84%	14,426	\$1
Capital: Arapiki Stream	524,717	13%	87%	68,482	\$1
Tipahi/Eckington	750,114	13%	87%	96,424	\$1
Orphanage Stream Upgrade - Stage 2	248,959	14%	86%	33,664	\$1
Poormans Stream	239,450	13%	87%	32,317	\$1
Collingwood Street	440,505	13%	87%	57,153	\$1
Capital: Railway Reserve/ Newall/Bledisloe	787,677	13%	87%	100,223	\$1
Capital: Rangiora Tce	126,946	14%	86%	17,984	\$1
Jellicoe/Bledisloe/Kaka/Kea/Freyberg/Maple	741,886	13%	87%	94,310	\$1
Karaka	432,626	13%	87%	55,881	\$1



Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Kauri/Matai/Titoki/Ranui	422,606	13%	87%	54,636	\$1
Manuka	709,719	13%	87%	90,146	\$1
Kipling	326,879	13%	87%	42,380	\$1
Capital: Todds Valley Stream upgrade	180,750	13%	87%	24,001	\$1
Jenkins Stream stormwater upgrade	180,750	13%	87%	24,001	\$1
Wakapuaka Flats Stormwater Network Upgrade	428,150	13%	87%	54,736	\$1
Orchard Stream	180,750	13%	87%	24,001	\$1
Stafford Ave	275,880	13%	87%	35,801	\$1
Haven Rd open channel upgrade	521,025	13%	87%	66,252	\$1
Capital: Halifax St: Tas-Miltm	1,185,616	13%	87%	148,699	\$1
Nikau Rd open channel upgrade	232,230	13%	87%	29,761	\$0
Railway Reserve (Bishopdale - St Vincent) stormwater improve	16,005	18%	82%	2,849	\$0
Nile St East Storm water	10,000	21%	79%	2,075	\$0
Brougham St	63,215	14%	86%	8,625	\$0
Capital: Viewmount/Ridgeway	64,781	14%	86%	8,779	\$0
Annesbrook Drive Storm Water	10,440	19%	81%	1,960	\$0
Marsden Road storm water	10,670	18%	82%	1,899	\$0
Otterson Street to Pascoe Street Stormwater	344,770	13%	87%	43,345	\$0
<b>Wastewater</b>	<b>80,880,807</b>	<b>38%</b>	<b>62%</b>	<b>30,671,568</b>	<b>\$3,700</b>
<b>Historic</b>	<b>39,876,369</b>	<b>41%</b>	<b>59%</b>	<b>16,459,644</b>	<b>\$2,220</b>
WWTP Upgrade Primary Clarifier - NRSBU	4,182,704	100%	0%	4,182,704	\$527
Nelson North Wastewater Treatment Plant (NNWWTP) - mechanical treatment	9,721,760	29%	71%	2,861,609	\$356
Marsden Valley Trunk / Express Sewer (Stage 1)	1,703,565	100%	0%	1,703,565	\$237
Regional Pipeline - NRSBU	5,979,796	30%	70%	1,793,939	\$233
Corder Park Pump Station upgrade	6,248,784	24%	76%	1,504,683	\$223
Neale Park PS	4,440,663	22%	78%	966,039	\$157
NNWWTP - wetland treatment	3,416,983	28%	72%	962,636	\$124
Previous contribution conditions	682,280	100%	0%	682,280	\$104
Marsden Valley Trunk / Express Sewer (Stage 2)	720,751	100%	0%	720,751	\$101
Ngawhatu Valley sewer trunk main	539,592	100%	0%	539,592	\$78

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Quarantine/Songer sewer trunk main	937,921	25%	75%	232,932	\$34
Neale Park PS upgrade	559,177	24%	76%	132,875	\$20
Vanguard and Paru Paru pump stations	316,903	24%	76%	77,341	\$12
Nelson WWTP trickling filter cover	182,803	25%	75%	45,400	\$7
Awatea Place Pump station	111,158	22%	78%	24,182	\$4
Corder Park Pump Station	54,398	22%	78%	11,834	\$2
Awatea Place	49,336	23%	77%	11,236	\$2
Gracefield Beheading	27,795	22%	78%	6,047	\$1
<b>2018 LTP</b>	<b>41,004,438</b>	<b>35%</b>	<b>65%</b>	<b>14,211,924</b>	<b>\$1,480</b>
Regional Pipeline Upgrade - NRSBU	7,371,750	85%	15%	6,265,988	\$773
Ngawhatu Valley TM - Stage 2	2,677,529	100%	0%	2,677,529	\$211
Awatea Place Pump station	7,065,000	19%	81%	1,342,638	\$177
System Performance Improvements	12,362,100	15%	85%	1,868,329	\$127
Neale Park PS	2,116,729	21%	79%	439,363	\$67
Gracefield Beheading	2,453,713	18%	82%	448,054	\$55
Elm st sewer upgrades	153,300	100%	0%	153,300	\$27
Atawhai Pump Stations (Brooklands & Marybank)	1,465,508	17%	83%	243,166	\$23
Wastewater Network Upgrades	1,920,650	13%	87%	257,825	\$7
Hill St sewer upgrade	25,550	100%	0%	25,550	\$4
Wastewater model calibration	217,400	17%	83%	37,404	\$4
Songer st upgrade- NRSBU	58,700	100%	0%	58,700	\$3
Quarantine Road Sewer Pump Station	2,093,300	13%	87%	263,494	\$1
Hill Street sewer upgrade	25,000	21%	79%	5,189	\$1
Saxton Road sewer upgrade	998,210	13%	87%	125,395	\$0.47
<b>Water Supply</b>	<b>48,265,385</b>	<b>26%</b>	<b>74%</b>	<b>12,608,567</b>	<b>\$1,632</b>
<b>Historic</b>	<b>29,625,507</b>	<b>31%</b>	<b>69%</b>	<b>9,114,336</b>	<b>\$1,270</b>
Maitai Pipeline (Dam to Water Treatment Plant)	13,171,954	26%	74%	3,413,260	\$482
Stoke #3 reservoir and trunkmain	1,575,828	100%	0%	1,575,828	\$206
Maitai Pipeline (WTP Westbk Tce)	4,954,723	23%	77%	1,151,078	\$180
Obs. Hill Res & Pump	982,437	100%	0%	982,437	\$144

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Cross city link return	2,500,000	32%	68%	807,869	\$95
WTP Membranes	4,170,012	13%	87%	523,516	\$78
Todds Valley upgrade	760,944	32%	68%	245,897	\$29
Maitai Pipeline design	537,295	29%	71%	155,132	\$20
Wastney Tce pump station	520,191	31%	69%	160,272	\$20
Water Loss Reduction Programme	210,641	20%	80%	42,716	\$8
Maitai Pipeline Duplication	88,071	25%	75%	21,786	\$3
Chamboard Place new water ridermain	68,781	22%	78%	15,122	\$3
Maitai Pipeline (WTP - Westbk Tce)	40,000	22%	78%	8,692	\$1
Ngawhatu Valley - Polstead/Suffolk ridermain	32,630	25%	75%	8,110	\$1
Capital: Atawhai No	10,000	22%	78%	2,173	\$0.36
Water Loss Reduction Programme	2,000	22%	78%	448	\$0.07
<b>2018 LTP</b>	<b>18,639,878</b>	<b>19%</b>	<b>81%</b>	<b>3,494,231</b>	<b>\$362</b>
Capital: Atawhai No	4,669,663	16%	84%	764,519	\$74
Capital: Atawhai Trunkmain	4,199,056	16%	84%	688,594	\$67
Suffolk Road to Hill Street Trunk water main	357,700	100%	0%	357,700	\$63
Dam Upgrades	2,800,573	17%	83%	473,694	\$50
Water Loss Reduction Programme	1,980,468	15%	85%	303,786	\$35
Suffolk Road (Saxton to Ngawhatu) water upgrade	153,300	100%	0%	153,300	\$27
Capital: Atawhai Res & pump Ma	173,014	100%	0%	173,014	\$20
Ngawhatu Valley high level reservoir	1,287,150	14%	86%	180,718	\$9
Water Treatment Plant Upgrades	960,075	12%	88%	119,477	\$6
water pump stations - upgrades	1,362,180	13%	87%	182,782	\$6
Water supply H&S risk mitigation programme	72,660	19%	81%	13,790	\$2
NCC - TDC Link	262,540	13%	87%	35,356	\$1
Maitai Pipeline Hazard mitigation	361,500	13%	87%	47,500	\$1
<b>Transportation</b>	<b>54,361,609</b>	<b>23%</b>	<b>77%</b>	<b>12,387,301</b>	<b>\$1,115</b>
<b>Historic</b>	<b>9,453,251</b>	<b>25%</b>	<b>75%</b>	<b>2,343,784</b>	<b>\$313</b>
Ridgeway connection	1,466,266	32%	68%	466,845	\$53
Todd Bush Rd upgrade	590,473	23%	77%	137,178	\$19

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Tasman St upgrade(Nile to Bronte)	574,252	24%	76%	137,644	\$18
Princes Drive	559,124	26%	74%	143,414	\$18
Nayland Road	443,327	31%	69%	136,616	\$16
Sundry Land Purchases - Growth	105,319	100%	0%	105,319	\$15
Footpath: Walkway Connection	443,930	26%	74%	113,867	\$14
Minor Improvements top up	408,080	26%	74%	104,672	\$13
Waimea Rd / Motueka St Intersection	575,280	14%	86%	82,871	\$13
Maitai Walkway (Akerston St to Traf St)	355,361	25%	75%	87,545	\$11
Bishopdale to the Ridgeway shared path	284,358	21%	79%	58,914	\$9
WC 452 UCP Saltwater Creek Crossing	298,985	22%	78%	65,519	\$9
Stock Effluent Facility	256,698	25%	75%	63,415	\$8
Arapiki Rd retaining wall replacement	210,857	21%	79%	45,055	\$7
School approaches/frontage treatments	201,553	22%	78%	45,058	\$7
Bronte Street new footpath, Scotland to Collingwood	193,154	22%	78%	42,202	\$6
Railway Reserve to CBD (via St Vincent (Stage II Gloucester Street to Haven Rd))	132,948	20%	80%	26,233	\$4
Manuka St minor improvements	130,458	21%	79%	27,214	\$4
Bridge St enhancement	127,129	24%	76%	30,536	\$4
Streetlight upgrade Programme	116,838	21%	79%	24,972	\$4
WC341 Maori Rd Retaining wall	111,967	20%	80%	22,789	\$4
WC341 Maitai footbridge cathodic protection	107,473	22%	78%	23,551	\$3
Songer St new footpath - Nayland to Durham	102,439	19%	81%	19,937	\$3
WC 341 Oldham Bridge Replace	197,243	10%	90%	19,364	\$3
Corder Park Cycleway	87,731	30%	70%	26,421	\$3
WC 341 Elm Street Intersection safety improvements	86,661	19%	81%	16,889	\$3
Gloucester / Kerr / Oxford St cycle lane & Hardy St crossing	79,995	24%	76%	19,467	\$3
Ring Route Signage CBD	74,916	20%	80%	15,296	\$2
School frontage St Josephs and Central (Willow Walk)	73,230	21%	79%	15,658	\$2
Capital: Halifax/Traf St landscape improvements	64,974	21%	79%	13,893	\$2
Rocks Rd cycling and walking project	61,119	25%	75%	15,057	\$2
School frontage Nelson Intermediate	55,454	21%	79%	11,858	\$2

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Church Street Improvements	53,600	19%	81%	10,432	\$2
WC452 Main Road Stoke cycleway Saxton Creek to Champion Road	53,714	20%	80%	10,787	\$2
Rocks Rd to Maitai shared path	52,866	21%	79%	11,257	\$2
Nikau/Palm new footpaths	45,559	22%	78%	9,984	\$1
School frontage Auckland Point School	41,924	21%	79%	8,964	\$1
Whakatu Drive / Beatson Road	43,376	24%	76%	10,605	\$1
Railway Reserve to CBD (via St Vincent (Stage I Railway Reserve to Gloucester Street))	30,469	21%	79%	6,515	\$1
Atawhai Dr (near Founders)	30,641	22%	78%	6,715	\$1
St Vincent to CBD cycle connection	28,498	20%	80%	5,648	\$1
WC341 Poleford Bridge seismic upgrade	28,082	20%	80%	5,543	\$1
WC341 Gibbs Bridge Seismic upgrade	26,413	20%	80%	5,165	\$1
WC 452 UCP Tahunanui Cycle Network	26,979	20%	80%	5,463	\$1
The Brook Area Cycling and Walking Improvements	26,037	20%	80%	5,287	\$1
WC 341 Jenkins Creek shared path widening	27,122	22%	78%	5,872	\$1
Roading Minor Improvement Programme	25,766	21%	79%	5,342	\$1
WC151 Saxton Growth Area Transport Programme	25,500	22%	78%	5,588	\$1
WC 452 Gloucester Street Connections	24,371	22%	78%	5,341	\$1
WC 341 Minor Improvements	20,812	19%	81%	3,853	\$1
Muritai SH6 intersection (incl Ped crossing across SH6)	19,902	20%	80%	4,045	\$1
Maitai Valley Road shared path modifications	20,000	22%	78%	4,383	\$1
Maitai Walkway (Saltwater Creek Crossing)	19,564	23%	77%	4,468	\$1
WC 341 Anti Slip to Maitai Path deck	16,149	19%	81%	3,143	\$1
WC341 Nikau/Palm new footpaths	15,015	22%	78%	3,290	\$0.47
WC 341 Brook Cycle&Walk Improvements	13,821	19%	81%	2,559	\$0.45
WC341 Waimea Road Pedestrian Refuge	12,982	20%	80%	2,561	\$0.43
Maitai shared path (Collingwood St to Nile St)	13,100	24%	76%	3,142	\$0.41
WC452 Maitai shared path to Nelson east programme	12,750	22%	78%	2,794	\$0.40
WC 341 Maitai shared path to Anzac Park active transport fac	10,200	22%	78%	2,235	\$0.32
WC341 Cable Bay catch fence	10,200	22%	78%	2,235	\$0.32
WC341 Sharedzone - Beachville Cres	9,315	21%	79%	1,911	\$0.31

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
WC341 Airport Bridge Replacement	27,558	5%	95%	1,390	\$0.23
Wood to Intermediate via Colleges, part B (Brougham chgs)	7,153	24%	76%	1,721	\$0.23
Tahunanui to Annesbrook cycle connection	6,925	23%	77%	1,598	\$0.22
WC212 York Stream Reseal Kawai Street	5,892	22%	78%	1,291	\$0.18
10 Halstead Rd building conversion (aka Bata, Hub)	5,813	25%	75%	1,436	\$0.18
Wood to Intermediate via Colleges, part C (Van Deiman St)	5,693	24%	76%	1,390	\$0.18
School approach & Frontage treatments	5,220	21%	79%	1,116	\$0.17
Todd Bush Rd	5,000	22%	78%	1,096	\$0.16
WC341 Ridgeway/Marsden Valley Rd, minor improvements	3,054	20%	80%	623	\$0.10
Wood to Intermediate via Colleges, part A (Sharrows to Tasman)	1,260	25%	75%	311	\$0.04
Toi Toi: Vanguard St intersection	1,153	21%	79%	247	\$0.04
Ring Route Signage CBD	2,084	9%	91%	198	\$0.03
WC 341 Cable Bay Road cycle safety signs	989	19%	81%	192	\$0.03
Railway Res/Princes Dr ext overbridge	129	100%	0%	129	\$0.02
Waimea/Motueka intersection upgrade	779	14%	86%	110	\$0.02
Putaitai St/Main Rd Stoke Right Turn	540	19%	81%	105	\$0.02
Putaitai St/ Main Rd Stoke Right turn	502	19%	81%	93	\$0.02
WC 341 Milton weka intersection safety	497	19%	81%	97	\$0.02
Variable speed signs	464	25%	75%	115	\$0.01
North Esk ToiToi Street intersections MS	292	25%	75%	72	\$0.01
Collingwood St pedestrian refuge at New St	162	25%	75%	40	\$0.01
WC 341 Maitai Path underpass flooding improvements	9,768	0%	100%	15	\$0.00
<b>2018 LTP</b>	<b>44,908,359</b>	<b>22%</b>	<b>78%</b>	<b>10,043,517</b>	<b>\$801</b>
Marsden Valley Road Upgrade	2,146,549	96%	4%	2,060,687	\$120
WC151 Saxton Growth Area Transport Programme	8,681,609	16%	84%	1,402,519	\$86
Hill Street North improvements	684,740	75%	25%	513,555	\$79
WC324 Main Rd Stoke/Marsden Rd	612,116	100%	0%	612,116	\$59
WC 531 CBD interchange	2,578,100	18%	82%	466,663	\$44
WC341 New Footpaths	3,217,627	17%	83%	547,503	\$42
WC 341 Marsden Valley Ridgeway Upgrade	357,000	100%	0%	357,000	\$41



Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
New Footpaths	2,666,250	17%	83%	453,654	\$35
WC 452 Tahunanui Cycle Network - SH6 Tahunanui Drive connect	1,421,432	20%	80%	278,675	\$32
WC 341 Minor Improvements	4,055,737	12%	88%	485,865	\$32
WC 324 Quarantine/Nayland intersection upgrades	2,618,279	9%	91%	231,406	\$30
Toi Toi St upgrade	812,660	19%	81%	156,950	\$18
Grove Street Footpath upgrade	933,720	18%	82%	165,366	\$15
Mount Street and Konini Street upgrade	652,690	19%	81%	123,297	\$13
WC452 Maitai shared path to Nelson east programme	685,535	18%	82%	125,858	\$12
WC452 Cross Town Links Brook to Central Programme	951,425	17%	83%	160,669	\$12
Milton St (Grove to Cambria)	662,230	17%	83%	113,437	\$9
WC324 Polstead Main Road Stoke Intersection Upgrade	653,572	17%	83%	112,184	\$9
WC 341 Railway Reserve/Princes Dr cycle crossing upgrade	52,000	100%	0%	52,000	\$9
WC 341 Maitai shared path to Anzac Park active transport fac	308,124	20%	80%	61,119	\$7
WC 341 Waimea Road Franklyn Street intersection improvements	473,222	18%	82%	82,870	\$7
WC341 Toi Toi/Vanguard intersection upgrade	394,656	18%	82%	72,265	\$7
WC452 Stoke East West Cycle Connection	492,720	17%	83%	82,327	\$6
WC 452 UCP Saltwater Creek Crossing	200,000	21%	79%	42,023	\$6
WC452 Main Road Stoke cycleway Saxton Creek to Champion Road	244,686	18%	82%	43,255	\$5
WC 324 Waimea Rd/Van Diemen Jct improvements	794,083	8%	92%	60,888	\$5
WC324 Arapki Road Upgrade	229,649	19%	81%	44,599	\$5
Maitai Valley Road shared path modifications	180,000	21%	79%	37,821	\$5
WC 531 Stoke interchange	386,183	17%	83%	64,576	\$5
WC 341 Gloucester Street intersection improvements	1,008,180	15%	85%	146,280	\$4
WC 341 Waimea Road / Hampden Street intersection upgrade	145,195	20%	80%	29,388	\$4
WC 341 St Vincent Street Toi Toi Street safety improvements	211,019	18%	82%	38,012	\$4
WC341 Montreal Princes Drive Intersection	574,978	15%	85%	86,810	\$3
WC341 Railway Reserve improvements	356,342	16%	84%	56,951	\$3
WC341 Sharedzone - Wigzell	153,249	19%	81%	28,936	\$3
WC452 Nile Street cycle facilities	155,796	19%	81%	29,022	\$3
WC341 Sharedzone - Beachville Cres	110,140	20%	80%	22,336	\$3

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
WC341 Stoke Pedestrian Refuges	158,250	18%	82%	28,515	\$3
WC 341 Jenkins Creek shared path widening	90,000	21%	79%	18,911	\$3
WC341 Market Road/Bishopdale Ave Intersection improvements	125,146	18%	82%	22,097	\$2
Halifax (Maitai to Milton)	1,753,564	14%	86%	241,964	\$2
WC 341 MI Waimea Ridgeway	93,570	19%	81%	17,390	\$2
WC 341 Market Rd Intersection improvements	536,836	14%	86%	77,170	\$2
Putaitai St/ Main Rd Stoke Right turn	40,000	18%	82%	7,035	\$1
Hampden Street walkway upgrade	299,500	14%	86%	43,282	\$1
WC341 Polstead Suffolk Intersection Upgrade	149,582	15%	85%	22,572	\$1
WC 341 Toi Toi Emano Street intersection	242,631	14%	86%	34,836	\$1
WC341 Sharedzone - Mayroyd	15,000	21%	79%	3,152	\$0.42
WC 452 CBD Cycle parking facilities	25,002	18%	82%	4,424	\$0.39
WC 341 Vanguard Street Stormwater	33,053	17%	83%	5,504	\$0.39
WC341 Ngawhatu Suffolk Intersection	214,801	14%	86%	30,048	\$0.38
WC452 Atawhai Shared path extension to Todds Valley	261,422	14%	86%	35,991	\$0.25
WC341 Stoke Centre Traffic Calming and Pedestrian Safety Wor	5,008	20%	80%	1,007	\$0.12
WC 341 Nile St/Clouston Tce intersection improvement	3,500	21%	79%	735	\$0.10
<b>Community Infrastructure</b>	<b>7,893,120</b>	<b>22%</b>	<b>78%</b>	<b>1,723,759</b>	<b>\$276</b>
<b>Historic</b>	<b>6,737,430</b>	<b>22%</b>	<b>78%</b>	<b>1,499,020</b>	<b>\$244</b>
Greenmeadows Centre	6,609,773	22%	78%	1,469,423	\$240
CP: Greenmeadows Centre	125,336	23%	77%	29,054	\$5
AM: Greenmeadows Centre	1,322	24%	76%	315	\$0
Cafe facility	1,000	23%	77%	228	\$0
<b>2018 LTP</b>	<b>1,155,690</b>	<b>19%</b>	<b>81%</b>	<b>224,740</b>	<b>\$32</b>
Growth: Millers Acre Toilet	514,410	19%	81%	99,691	\$14
Tahunanui Lions Toilet Upgrade	516,280	19%	81%	99,165	\$14
Greenmeadows Centre	125,000	21%	79%	25,884	\$4
<b>General Reserves</b>	<b>25,960,909</b>	<b>33%</b>	<b>67%</b>	<b>8,456,862</b>	<b>\$1,042</b>
<b>Historic</b>	<b>6,751,404</b>	<b>52%</b>	<b>48%</b>	<b>3,540,880</b>	<b>\$537</b>
Capital: land purchase (Daelyn)	689,314	100%	0%	689,314	\$115



Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Reserve Development Programme	744,236	100%	0%	742,858	\$111
Capital: General Development	644,117	92%	8%	593,983	\$86
Relocate Overhead Power	868,538	26%	74%	225,143	\$32
Capital: Planting	145,947	97%	3%	141,824	\$20
Capital: Fences and Walls	143,147	88%	12%	126,659	\$19
new Cycle / Path development	372,722	31%	69%	115,192	\$19
Road Entrance Main Rd Stoke	474,566	27%	73%	128,091	\$17
Capital: Furniture	109,912	92%	8%	101,668	\$15
Upgrade for multiuse	262,426	26%	74%	67,968	\$10
Saxton Creek recreation pond enhancements	256,525	23%	77%	58,389	\$9
Capital: Upgrade Accessways/Carp	63,591	100%	0%	63,591	\$9
Cricket oval drainage remediation	243,025	26%	74%	62,997	\$9
Brook MTB Hub	135,000	22%	78%	29,327	\$5
CP: Saxton Field General Development	106,716	25%	75%	26,385	\$4
Esplanade & Foreshore Planting Prgm	103,992	22%	78%	22,591	\$4
Upgrade: Structures	27,591	85%	15%	23,467	\$3
Fringed hill Revegetation	84,256	22%	78%	18,303	\$3
Capital: Stadium Surface Water Deflection	80,001	24%	76%	19,462	\$3
Saxton Oval electrical improvements	77,856	24%	76%	18,536	\$3
Capital: Planting	77,847	22%	78%	16,911	\$3
Modellers Pond Solution	75,463	22%	78%	16,393	\$3
CP: Saxton -Walkways/cycleways	67,677	24%	76%	16,441	\$2
Minor LOS improvements	63,192	22%	78%	13,727	\$2
Capital: Accessway / Carparks	52,659	22%	78%	11,439	\$2
Saxton Oval Util shed & Fire Alarm (CWC)	51,349	25%	75%	12,766	\$2
Poormans walkway (Main rd - Neale ave)	49,000	22%	78%	10,644	\$2
New entrance signs	34,453	30%	70%	10,343	\$2
Cricket ODI	44,796	26%	74%	11,612	\$2
Codgers new MTB tracks	43,768	22%	78%	9,508	\$2
Capital: Park Upgrades	42,127	22%	78%	9,151	\$2

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Hammer throw at Saxton Field	39,998	23%	77%	9,060	\$1
Marsden Valley mountain bike tracks stage one 2016-17	36,641	22%	78%	7,960	\$1
Maitai revegetation	31,598	22%	78%	6,864	\$1
OPs: Neighbourhood Parks Upgrade Prgm	24,930	24%	76%	5,965	\$1
Motor Vehicle	23,609	22%	78%	5,129	\$1
CP: Saxton Road Construction Main Road Stoke	22,071	27%	73%	5,957	\$1
CP: Grant: Road Entrance Champion Drive	22,105	23%	77%	5,136	\$1
Cricket World Cup Ltd	21,750	25%	75%	5,407	\$1
CP: Relocate Overhead Power	21,629	26%	74%	5,653	\$1
Capital: Wakapuaka Sandflats	21,063	22%	78%	4,576	\$1
Capital: Minor Development	21,063	22%	78%	4,576	\$1
Maitai MTB Hub	20,000	22%	78%	4,345	\$1
Cricket/Athletics Pavilion	4,819	100%	0%	4,819	\$1
Capital: Fences / Walls	15,800	22%	78%	3,432	\$1
Capital: Security Gates/Bollards	15,800	22%	78%	3,432	\$1
Growth: Furniture/Signs	15,800	22%	78%	3,432	\$1
Internet Upgrade	13,370	26%	74%	3,466	\$0.49
Athletics equipment shed	11,761	25%	75%	2,924	\$0.43
HoN: Bio & Eco Planting	3,031	100%	0%	3,031	\$0.41
Capital: Signs	10,532	22%	78%	2,288	\$0.38
Upgrade: Structures	10,532	22%	78%	2,288	\$0.38
Paremata Flats upgrade (growth)	10,532	22%	78%	2,288	\$0.38
OPs: New Planting Prgm	9,845	26%	74%	2,517	\$0.36
CWC Legacy	8,826	25%	75%	2,194	\$0.32
LOS: accessibility improvement items	8,415	22%	78%	1,828	\$0.30
Codgers MTB track reinstatement	7,573	22%	78%	1,645	\$0.27
PF: Neighbourhood Parks Upgrade Prgm	7,027	23%	77%	1,618	\$0.26
AM: Daelyn land purchase	5,846	25%	75%	1,458	\$0.21
Capital: Lighting / Signs	5,794	22%	78%	1,259	\$0.21
Minor Development	5,767	23%	77%	1,313	\$0.21

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Tahuna Reserve Development Plan	5,381	22%	78%	1,169	\$0.19
Capital: Signs/Furniture	5,268	22%	78%	1,144	\$0.19
Capital: New Planting	5,268	22%	78%	1,144	\$0.19
HoN: Trees & Plants	1,344	100%	0%	1,344	\$0.18
CP: Cricket oval drainage remediation	4,601	26%	74%	1,193	\$0.17
PP: Saxton Field General Development	3,614	27%	73%	976	\$0.13
CP: Neigh Parks: Capital Access ways carparks	3,396	27%	73%	916	\$0.13
PP: Saxton Cycle Track (Regional Velodrome)	2,711	27%	73%	732	\$0.10
CP: Branford Park	1,811	27%	73%	484	\$0.07
PF: Neighbourhood Parks Planting Prgm	1,450	27%	73%	391	\$0.05
PP: Daelyn land purchase	758	26%	74%	200	\$0.03
ET: Neigh Parks: Capital Access ways carparks	640	26%	74%	168	\$0.02
CP: Cricket/Athletics Pavilion	414	27%	73%	112	\$0.02
PF: Saxton Field General Development	365	27%	73%	99	\$0.01
PP: Saxton -Walkways/cycleways	290	27%	73%	78	\$0.01
CP: Victory Square - Skateboard half pipe	232	23%	77%	53	\$0.01
PP: Branford Park cycleway	226	27%	73%	61	\$0.01
CP: Grant: Champion carpark	162	23%	77%	37	\$0.01
CP: Saxton Cycle Track (Regional Velodrome)	138	27%	73%	37	\$0.01
<b>2018 LTP</b>	<b>19,209,505</b>	<b>26%</b>	<b>74%</b>	<b>4,915,982</b>	<b>\$505</b>
Reserve Development Programme	2,004,670	100%	0%	2,004,670	\$195
Retired forestry block conversion programme	2,221,700	16%	84%	358,883	\$33
Modellers Pond Solution	970,900	20%	80%	191,248	\$28
Maitai MTB Hub	918,100	20%	80%	179,219	\$26
Poormans walkway (Main rd - Neale ave)	577,600	19%	81%	111,244	\$16
Capital: General Development	999,270	16%	84%	161,627	\$15
Capital: Planting	889,460	16%	84%	141,739	\$13
Rutherford Park - Saltwater Cr path landscaping	490,240	19%	81%	91,861	\$12
Fringed hill Revegetation	648,415	17%	83%	107,559	\$11
Capital: Park Upgrades	610,665	16%	84%	98,772	\$9

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Isel park bridge upgrade	318,250	19%	81%	61,987	\$9
Wakapuaka Sandflats Esplanade shared path	343,200	19%	81%	64,769	\$9
Esplanade & Foreshore Planting Prgm	555,150	16%	84%	89,793	\$8
Saltwater Cr bridge (Haven Rd - Traf Park)	433,300	17%	83%	73,947	\$8
Atawhai Reserve Improvements	258,580	19%	81%	49,467	\$7
Jenkins Stream (Pascoe to Airport)	617,506	15%	85%	92,526	\$7
Alliance Green levelling, irrigation and drainage	292,300	18%	82%	52,252	\$6
Upgrade: Structures	359,610	17%	83%	60,422	\$6
Almond tree flats pedestrian and cycle bridge	241,760	18%	82%	44,446	\$6
new Cycle / Path development	256,120	18%	82%	45,329	\$5
Link to Manu Kau reserve	202,590	19%	81%	38,338	\$5
Maitai revegetation	333,090	16%	84%	53,876	\$5
Capital: Mountain bike Tracks	494,010	15%	85%	73,236	\$5
Courtside lighting and seating for outdoor netball courts	223,620	18%	82%	39,788	\$5
Capital: Accessway / Carparks	335,750	16%	84%	53,261	\$5
Eureka Park walkway development	177,040	19%	81%	33,305	\$4
Miyazu Garden Pond Relining	232,850	17%	83%	39,748	\$4
Saxton Creek path (Champion Dr - Saxton field)	371,324	15%	85%	55,331	\$4
Alliance Green toilets and pavilion	515,400	14%	86%	72,589	\$4
Capital: Minor Development	162,130	17%	83%	28,024	\$3
Saxton Field playground	317,825	15%	85%	46,296	\$3
Marsden Valley MTB Hub	189,040	16%	84%	30,281	\$3
Back beach car parking review	86,760	20%	80%	17,140	\$2
LOS: accessibility improvement items	94,880	18%	82%	17,364	\$2
Dog exercise park	83,300	19%	81%	15,676	\$2
Capital: Furniture	133,236	16%	84%	21,550	\$2
Capital: Upgrd Accessways/Carp	109,700	17%	83%	18,266	\$2
Capital: Fences and Walls	111,030	16%	84%	17,959	\$2
Capital: Security Gates/Bollards	111,030	16%	84%	17,959	\$2
Paremata Flats upgrade (growth)	88,824	16%	84%	14,367	\$1

Activity / Asset	NCC Capital Cost	Portion funded through development contributions	Portion funded through other sources	Growth Costs to be funded through development contributions	Core Component \$/HUD
Capital: Fences / Walls	77,721	16%	84%	12,571	\$1
Capital: Planting	66,618	16%	84%	10,775	\$1
Mountain Bike track development (P59)	30,000	21%	79%	6,212	\$1
Complete tree planting (Alliance and Champion)	30,660	20%	80%	6,039	\$1
Upgrade: Structures	55,515	16%	84%	8,979	\$1
Capital: Signs	55,515	16%	84%	8,979	\$1
Alliance Green cricket wicket blocks (x2)	32,010	18%	82%	5,666	\$1
Paddys Knob reserve development	20,000	21%	79%	4,141	\$1
Oval embankment steps/accessibility stand	20,000	21%	79%	4,141	\$1
Capital: Signs/Furniture	25,613	17%	83%	4,297	\$0.45
Temporary Seating	19,062	18%	82%	3,454	\$0.43
Glen - boulder bank pathway (P7)	15,660	19%	81%	2,928	\$0.39
Fitness trail	21,840	17%	83%	3,650	\$0.38
Growth: Furniture/Signs	22,206	16%	84%	3,592	\$0.34
Walkway link from the Wood (Cambria St) to Stanley Whitehead	10,440	19%	81%	1,952	\$0.26
Capital: Trafalgar Park Stand Removal	10,670	18%	82%	1,889	\$0.22
Walkway to connect Poorman Stream to Greenmeadows	10,670	18%	82%	1,889	\$0.22
New entrance signs	10,970	17%	83%	1,827	\$0.19
Remove Trafalgar Park cycle track	11,180	16%	84%	1,767	\$0.15
Boardwalk Tahuna camp to beach	11,450	15%	85%	1,706	\$0.12
Flood lighting for concert safety	271,480	12%	88%	33,413	\$0.08
<b>Grand Total</b>	<b>331,443,560</b>	<b>26%</b>	<b>74%</b>	<b>86,476,915</b>	<b>\$10,055</b>

9.5 Previous development contributions

Table 10 : Historical Development Contributions and Financial Contribution exemption

Activity	2006/07	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Stormwater	3,884	3,843	3,897	3,991	2,999	3,043	3,075	2,370	2,394	2,442
Wastewater	3,221	3,832	3,886	3,980	2,756	2,796	2,825	4,270	4,319	4,418
Water Supply	1,871	2,436	2,470	2,529	3,054	3,098	3,131	2,950	2,984	3,053
Transport	2,196	2,414	2,448	2,507	882	895	904	980	998	1,034
Total Development Contributions <sup>1</sup>	11,172	12,525	12,701	13,007	9,691	9,832	9,935	10,570	10,695	10,947
Financial contribution exemption amount	71,031	82,777	83,949	85,964	88,371	89,657	\$90,598	\$91,974	\$92,747	\$94,299

<sup>1</sup> Contributions set in the 2006,2009, 2012 and 2015 Long Term Plans and adjusted for inflation in between

## **Submission to Nelson City Council concerning Development Contribution Levies.**

Submitter: Kelli-Anne Eastmond for New Life Ministries Incorporated  
Contact: [kelli-anne@tripepper.co.nz](mailto:kelli-anne@tripepper.co.nz) / 021 124 7482

My submission is on behalf of New Life Ministries Incorporated, proprietors of Nelson Christian Academy. New Life Ministries is a registered charity with the Charities Commission (appendix 1). As Proprietor of the NCA we own the buildings and land and are responsible for the development and maintenance of the school unlike state schools where the Government is the owner and is responsible for all development and maintenance. Our other role as Proprietor is to determine and protect the special character of the school.

Nelson Christian Academy is a state integrated full primary school located in Marsden Valley, catering for students from ages 5 to 13. (Years 1-8). It is a special character school providing a Christian education for families in the Nelson and Tasman regions. NCA is Decile 6 school with students coming from Wakefield through to Hira. Approximately 150 students of our students travel by bus.

NCA has experienced a lot of growth in the last few years, reflecting the ongoing growth in our region. The increasing demand for a Christian education is supported by our ever growing enrolment waiting list. Due to this demand we recently had a roll increase of 30 students approved by the Ministry of Education (MOE) allowing our roll to be extended to cater for 260 students. This increase to our roll has required additional facilities for our students and staff.

In May 2019 we applied for a Building Consent with plans to build a new classroom block with toilet amenities and to renovate an existing building on the school grounds that was not being used. On the 16<sup>th</sup> of July we were notified that our application had been granted and we were sent an invoice. It was upon receipt of this invoice that we were made aware that Development Contribution Levies had been charged (appendix 2). This was of surprise to us as our previous development had not been subjected to these levies nor had there been notification at any stage prior to the issue of the invoice that these levies would be incurred. Upon investigation this was due to a change to the 2018 Development Contribution Policy where the exemption for state integrated schools was removed. Had we been aware that the automatic exemption had been removed from the Policy a request for an exemption would have been made prior to the Consent application being made as we believe that we met the criteria outlined in the new Policy. I note that state schools are exempt from these levies and I ask that consideration be given that would allow our school to have same exemption.

Following discussions with Council staff we were advised to apply for an exemption to the levies even though we had not met the time-frame specified. Our request (appendix 3) was submitted to the Council on the 25<sup>th</sup> of July, no response or communication (other than an email receipt acknowledging my email) was made from Council. Overdue invoice reminders were sent on the 31<sup>st</sup> of August and the 30<sup>th</sup> of September, following receipt of each of these I contacted Council to enquire as to the progress of our request. On the 23<sup>rd</sup> of October I received a phone call from a council staff member requesting I re-send the exemption request letter as they had no record of it being received. I sent a copy of the request through that day. On the 5<sup>th</sup> of November I was advised that our request for an



exemption had been declined by Clare Barton, Manager Group Environmental Management. It was declined due to our request being made after our BC application was made and there was not evidence of our charitable status in our request. Both of these factors were identified and addressed in our request. Following this, we were advised to discuss our request further with council staff. On the 16<sup>th</sup> of January I met with Clare Barton and Lisa Gibellini and was advised that they are unable to reconsider our request however an exemption may be granted by a resolution of the Council following a recommendation from a council officer so they advised that I should prepare a submission for the meeting in March.

As Proprietor of NCA, NLM have two primary sources of funding, one is the Attendance Dues paid for each student who attends and the second is Policy One funds from the MOE. The use of these funds must be made in accordance with the Education Act 1989.

- Attendance Dues are required to be spent on new developments, the repayment of loans/mortgages and administrative costs such as insurances and accountancy fees.
- Policy One funds are used for the maintenance of buildings that the school's Board of Trustee is not required to pay for (being all maintenance expenses under \$5000).
- In addition to these two primary sources, we also ask each family to make voluntary special character donation that is used to provide additional curricular resources. This was only introduced in 2019.

New Life Ministries has only one paid staff member who is employed for five hours per week, the role is school based and they are responsible for the Proprietor finances. The six trustees of NLM are all volunteers, there is no financial reimbursement made to trustees for their contribution. All funds received are invested back into the school to further develop and enhance the facilities for the students and staff.

We have been advised that our Dues are some of the lowest in state integrated schools, it is our aim to provide an affordable Christian education therefore we endeavour to keep our Dues at reasonable rates so that no students are excluded for financial reasons. We recognise that a large number of our students come from lower socio-economic backgrounds and their parents have made a financial sacrifice in choosing NCA.

Last year the Dues were \$414 per student with a minimal increase to \$500 per student for 2019. The special character donation is \$160 per family.

2018	Received
Attendance Dues	\$76786

2019	Received
Attendance Dues	\$76495
Special Character Contribution	\$727



The amount of the Development Contribution levies invoiced was \$21,8175.25, this represents 28.48% of our annual income for 2018 and 28.59% for 2019 which is a large proportion of our Attendance Dues income.

NCA is the only school owned by NLM therefore we do not have a large pool of funds available for use. All funds available for the development of new facilities come from local families. Our mission is not to be a developer making a profit but is to provide a quality Christian education to those in our community. I draw your attention to the NCC Community Outcomes document (appendix 4), where there is an aspiration to have *'access for the community to a range of social, education and recreational facilities and activities with high quality and accessible recreation, education and health and community facilities'* we believe that our school supports this aspiration with the provision of a high quality Christian school to those in our community who desire this option for their children.

In closing: I request on behalf of New Life Ministries for:

- 1 an exemption to the Development Contribution Levies invoiced in relation to our current building project
- 2 a change to the NCC Development Contribution Policy that results in all three state integrated schools in the Nelson area being exempt from future Development Contribution Levies

I wish to confirm that I am available to speak to this submission at the Council meeting on the 23<sup>rd</sup> of March 2020.

Thank you

Signed by



Kelli-Anne Eastmond  
for New Life Ministries Incorporated

Date:

Appendices:

- 1 CC35643\_CharitySummary – NLM
- 2 NCC Invoice for BC 190313
- 3 NLM Request for Exemption
- 4 NCC Community Outcomes Document

## Community outcomes

Councils are required by the Local Government Act 2002 to have community outcomes, which are a statement of the outcomes Council is working to achieve in meeting the current and future needs of our community.

In 2014 Nelson City Council and Tasman District Council were involved in a process to develop a set of shared regional outcomes. These are contained in the table below. While the two Councils share joint outcomes, the descriptions that accompany them are individual to each Council to reflect their community's different needs and aspirations.

These regional outcomes fit with the purpose of local government to guide delivery of services in a way that is efficient, effective and appropriate to present and anticipated future circumstances. Adopting joint outcomes with Tasman District Council demonstrates an understanding that we are one region and need to collaborate to provide the best and most efficient service to our communities.

### *Our unique natural environment is healthy and protected*

- We treasure, protect and restore the special places, landscapes, native species and natural ecosystems of Nelson.
- Natural biodiversity is widely understood and valued.
- Introduced species have a place, and pests are controlled.
- Open spaces are linked and productive land is protected.
- The intergenerational kaitiakitanga (guardianship) of tangata whenua iwi is recognised; the community understands the concept and are involved in caring for ngā taonga tuku iho (treasure of the ancestors).
- Nelson is a place where everyone can enjoy the natural environment while it is protected for the future.
- We recognise the importance of a healthy environment for tourism, and minimise the impacts of human activities on the environment.

### *Our urban and rural environments are people-friendly, well planned and sustainably managed*

- Urban and rural areas are designed to be child-, family- and people-friendly.
- We think and plan regionally and act locally within that context.
- Attractive, safe, accessible and walkable 'city villages' provide for people of all ages and abilities through good urban design.
- There is a full range of affordable, healthy, attractive and energy-efficient housing and community facilities with more intensification in urban areas and a clear urban/rural boundary.

*Our infrastructure is efficient, cost effective and meets current and future needs*

- We have good quality, sustainable, integrated, affordable and effective public transport, infrastructure, energy-use and transport networks.
- Waste and pollution are minimised so we have clean water, clean seas, clean air, and healthy flora, fauna and soils.
- Growth is well managed and there is little waste or pollution.
- We are proud of our developing cycleway network.

*Our communities are healthy, safe, inclusive and resilient*

- We are a tolerant, supportive and diverse community.
- Māori culture and tikanga (traditions) are acknowledged as taonga (treasure) that represent our regional uniqueness.
- We take pride in the warm welcome we give to visitors and new arrivals (manaakitanga).
- Everyone is included and involved, can participate in decision-making and is able to enjoy a good quality of life, wherever they come from and whatever their age, abilities or income.
- We nurture our young people so Nelson is a safe and healthy place for everyone to grow up and live.
- We have adequate policing and well-designed public spaces providing a feeling of safety and security in our homes and communities.
- There is more attention to health promotion with quality primary and secondary health care accessible to all.
- We are a resilient community, able to cope with disasters or emergencies.

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

- We are proud of our region, our communities and our diverse heritage.
- We have a strong sense of community, enhanced by activities, festivals, events and celebrations that reflect our distinct environment and people.
- We celebrate and acknowledge our heritage and our history and how that contributes to our distinctive identity.
- We tell our whakapapa (history) in an honest way and acknowledge the lesson that history has taught us.
- We reflect and celebrate our progress as a community.
- We value and support those things that make Nelson special and unique – our Māori history, our people, art and crafts, the café culture, the outdoors, local food and wines, boutique shops and the relaxed atmosphere.
- There is a wide range of arts opportunities for everyone to take part in.

*Our communities have access to a range of social, educational and recreational facilities and activities*

- We have a good range of sports and recreation facilities for all ages, including youth and older residents. We protect, enhance and interpret Nelson's human heritage and historic sites.
- There is a wide range of recreation, educational and leisure opportunities for everyone to take part in.
- We have high quality and accessible recreation, education, health and community facilities.
- We support and encourage all culturally diverse groups to demonstrate their unique recreational activities to the wider community.

*Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement*

- We work together as a region, think of the generations that will follow and listen to the full range of views.
- Everyone has the opportunity to participate in the community's major decisions and information is easy to obtain.
- Leaders consult with and understand their communities and work for the good of all, including the wider region.
- Our leaders inspire respect, take responsibility for their decisions and act to improve the big issues facing our community.
- All sectors of the community and region work effectively together.
- We support and mentor our youth to become the leaders of the future.

*Our region is supported by an innovative and sustainable economy*

- We all participate in the regional economy and it meets people's needs.
- We are a business-friendly region, and economic activity is sensitive to the environment, heritage and people of Nelson.
- We are skilled and adaptable and we see the benefits of a wide range of high-value industries and businesses.
- We enjoy high quality employment, education and training opportunities.
- Small, locally-owned businesses are an essential part of the community and central city.
- We encourage appropriate new investment into our community.
- Our youth can live, learn and work in Nelson.
- We invest in skills development and our people so we can enjoy balanced and healthy lives.
- We recognise, support and celebrate innovation and achievement.



## Charity Summary

Registration Number:	CC35643
Registration Date:	30/06/2008
Charity Name:	New Life Ministries Incorporated

## Charity Details

Trading Name

### Registration Details

Registration Status:	Registered
Balance Date:	December 31
IRD Number:	Restricted
NZBN Number:	9429042678120

### Address for Service:

Charity's Postal Address:	PO Box 3227 Richmond 7050
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Charity's Street Address:	100 Marsden Valley Road RD 1 Stoke Nelson 7011
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### Charity's other details

Phone:	03 5477082
Fax:	035477082
Email:	office@nca.school.nz
Website:	
Facebook:	
Twitter:	
Social Network Name:	

New Life Ministries Incorporated  
 100 Marsden Valley Road  
 Stoke  
 Nelson 7011

Civic House  
 110 Trafalgar Street  
 PO Box 645  
 Nelson 7040

Phone (03) 546-0200  
 Fax (03) 546-0239  
 E-mail [customer.service@ncc.govt.nz](mailto:customer.service@ncc.govt.nz)

GST Reg No: 10-730-295  
 Invoice Date: 16/07/19  
 Customer No: BC190313  
 Order No.

## Tax Invoice 63120

Quantity	Description	Rate	Amount
	BUILDING CONSENT 190313 : 100 Marsden Valley Road Nelson Owner: New Life Ministries Incorporated		
	Plan Checking		1,241.75 *
	BRANZ Levy		650.00 00
	Insurance Levy		487.50 *
	MBIE Levy		1,306.50 *
	Administration fees		156.75 *
	Inspection Fees		1,875.00 *
	Title Registration		250.00 *
	Development Contribution Wastewater		17,250.00 *
	Development Contribution Stormwater		2,655.87 *
	Development Contribution Roading		1,969.38 *
	Quality Assurance Levy		650.00 *
	<b>BEFORE GST</b>		<b>24,861.07</b>
	<b>(* Includes GST) GST</b>		<b>3,631.68</b>
			<b>\$28,492.75</b>
	<b>Payment Received</b>		<b>2,625.00CR</b>
	<b>Due Date: 20 AUG 19</b>		
Page 1	Please refer to our website for our Customer Terms & Conditions <a href="http://www.nelson.govt.nz/customer-accounts">www.nelson.govt.nz/customer-accounts</a>		

PO Box 645  
 Nelson 7040

Customer No: BC190313  
 New Life Ministries Incorporated  
 Invoice No: 63120

Office Hours  
 Monday, Tuesday, Wednesday and Friday  
 8:30am to 5:00pm  
 Thursday  
 9:00am to 5:00pm

To request a change of postal address for any accounts you have with Nelson City Council please complete the online change of address form on our website at [nelsoncitycouncil.co.nz/change-of-address-form/](http://nelsoncitycouncil.co.nz/change-of-address-form/)

☐ or tick this box and we will send you a change of address form in the post for you to complete.

Total Due: \$25,867.75

Amount Enclosed:

Electronic payments can be made to bank account 030703 0325055 00 and please quote customer number as the reference.

## Areas of Operation

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New Zealand:	Nelson - Marlborough - Tasman
Percentage spent overseas	0

## Purpose & Structure

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### Purpose

Growing together in wisdom, maturity and favour with God and man.

### Entity Structure

Charitable Trust

### Activities

Main Activity:	Provides buildings / facilities / open space
Activities:	Provides buildings / facilities / open space, Provides religious services / activities

### Sectors

Main Sector:	Education / training / research
Sectors:	accommodation / housing, Education / training / research, Religious activities

### Beneficiaries

Main Beneficiary:	Children / young people
Beneficiaries:	Children / young people, Religious groups

## Annual Returns

Date Submitted	For Year Ended	Total Income	Total Expenditure	Reference
01/01/2020	31/12/2019			AR013
21/05/2019	31/12/2018	254,170	122,419	AR012
12/06/2018	31/12/2017	241,637	111,864	AR011
29/06/2017	31/12/2016	194,624	118,358	AR010
28/06/2016	31/12/2015	168,287	65,719	AR009
09/06/2015	31/12/2014	145,247	77,689	AR008
25/06/2014	31/12/2013	119,358	66,691	AR007
27/06/2013	31/12/2012	118,348	81,543	AR006
20/06/2012	31/12/2011	119,785	51,524	AR005
17/06/2011	31/12/2010	111,454	48,210	AR004
10/06/2010	31/12/2009	111,008	45,431	AR003
30/05/2009	31/12/2008	110,890	28,948	AR002



## Officer Details

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### Current Officers

<b>Name</b>	<b>Officer Type</b>	<b>Position</b>	<b>Position Appointment Date</b>
Nicholas Kempthorne	Individual	Trustee	26/03/2018
Matthew Thomas	Individual	Trustee	04/09/2017
Kelli-Anne Eastmond	Individual	Trustee	03/12/2018
Jan Higgins	Individual	Trustee	01/01/2015
Wesley Smith	Individual	Trustee	01/01/2015
Christopher Baigent	Individual	Trustee	01/01/2002

### Past Officers

<b>Name</b>	<b>Officer Type</b>	<b>Position</b>	<b>Last Date as an Officer</b>
Stephen King	Individual	Trustee	31/12/2019
Gordon Milmine	Individual	Trustee	31/12/2009
Wendy Daly	Individual	Trustee	31/03/2015
Christopher George	Individual	Trustee	31/03/2013
Joseph Gregory	Individual	Trustee	31/03/2012
Derek Coffey	Individual	Trustee	25/05/2016
Rebekah Smith	Individual	Trustee	25/05/2016
Charles Parker	Individual	Trustee	03/12/2018

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**REPORT R13608**

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**Nelson City Council Water Restrictions (urban/rural)**

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**1. Purpose of Report**

- 1.1 To adopt water restriction protocols for Nelson City Council (NCC) that will guide the implementation of staged restrictions to water use or abstraction for all activities in the urban and rural areas.

**2. Summary**

- 2.1 Water supplies for the Nelson area predominantly come from the Nelson City Council (NCC) reticulated supply or via private schemes where water is abstracted from streams and rivers.
- 2.2 In order to responsibly manage these supplies in the event of drought or other supply constraints, NCC must adopt protocols that will support the imposition of water use restrictions across all activities in the city.
- 2.3 The resource consent for the operation of the NCC Water Supply has set 'bottom line' water restriction trigger points based on the water level in the Maitai Dam. These levels represent the latest that restrictions can be imposed to establish effective demand management to protect the water source.
- 2.4 Restrictions on the water separately abstracted from streams, rivers and bores or wells are established by NCC's Nelson Resource Management Plan and individual resource consents.
- 2.5 Given the time delay between imposing water restrictions and the response by customers it is appropriate for NCC to establish trigger levels at earlier stages for the urban supply and for clarity consolidate the urban and rural protocols into one document.
- 2.6 Tasman District Council (TDC) also supplies water to properties within the NCC area. TDC have recently adopted a comprehensive set of water restriction protocols that NCC are expected to apply to the residential area served by TDC. TDC have agreed that these protocols could be modified where appropriate and used by NCC for our network supply. These now form the basis for the proposed urban restrictions.

### 3. Recommendation

#### *That the Council*

- 1. Receives the report Nelson City Council Water Restrictions (urban/rural) (R13608) and its attachments (A2324759, A2147325, A2083366 and A2267192); and**
- 2. Approves the Maitai Reservoir Level Plan with proposed seasonal restriction stages\_(A2324759); and**
- 3. Approves the Proposed Nelson City Water Restriction Stage Descriptions (A2267192).**

### 4. Background

- 4.1 Council owns and operates the largest of the reticulated water supply networks in the city. Approximately 20,000 properties are connected to the supply and approximately 30,000m<sup>3</sup> of water is supplied to the city on peak summer days. The raw water is sourced from the Maitai and Roding Rivers.
- 4.2 TDC acts as a bulk water supplier to NCC for the residential/school areas adjacent Champion Road and Hill Street North. NCC is responsible for the operation of the NCC portion of the network and customer billing. The NCC water supply bylaw operates in this area and NCC are required to apply appropriate water restrictions to match TDC urban restrictions when these are in place.
- 4.3 TDC also supplies water directly to the Raewards complex, Alliance freezing works, Wakatu Industrial Estate and the ENZA complex in Nayland Road. Water restrictions are imposed on this area by TDC.
- 4.4 There are also a number of privately owned and operated rural supplies that draw their raw water from streams, rivers, bores or wells across the city. These vary in size from single to multiple property supplies and restrictions for these takes are set through resource consents or permitted activity standards. Restrictions are triggered by river flow levels set out in the Nelson Resource Management Plan (NRMP).
- 4.5 When river levels fall, NCC seeks to maintain a reasonable supply of water to the city while meeting the environmental needs of the source streams or rivers. In order to do this restrictions on water takes are necessary.

## **5. Discussion**

- 5.1 The water behind the Maitai Dam has been exceptionally important for the city water supply and most years has either removed the need for restrictions or delayed the introduction of restrictions to areas supplied by the NCC network. Notwithstanding this, water restrictions are often imposed on the urban and rural areas in summer.
- 5.2 With effective demand management through restrictions and education the volume of water in the Maitai Dam will provide the city with water security for droughts of 1 in 60 year severity out to approximately 2060.

### **Water Restrictions in NCC and TDC**

- 5.3 A condition of the new water supply resource consents (Maitai and Roding) is the requirement to implement a range of water restrictions based on the water level in the Maitai Dam. The point where these restrictions start is equivalent to the 65% storage level in the dam.
- 5.4 During the drought experienced across the region in 2019 Council officers monitored the city water demand and the impact on the dam water level. This identified that while initial restriction stages raise community awareness they do not deliver large reductions in demand.
- 5.5 To overcome this it is appropriate to introduce water restrictions earlier than required by the resource consent. In the short term the proposed new restriction trigger levels are not expected to alter the return periods where restrictions are imposed.
- 5.6 The proposed restriction trigger points have also been modified to respond to the seasonal nature of rainfall in Nelson. In essence the closer we get to autumn and winter the more likely it is that rain will fall. This allows NCC the flexibility to draw down the Maitai dam further in these times before restrictions are imposed (see Attachments 1 and 2).
- 5.7 Attachment 3 sets out when restrictions have been imposed on the city urban supply since 1999.
- 5.8 Current stage 1 and 2 restrictions (sprinklers only on alternate days and a sprinkler ban respectively) are not uncommon, occurring approximately every 2-5 years. Stage three restrictions (sprinkler ban and hose controls) are rarer occurring approximately every 10-12 years. There are no recorded instances of more stringent restrictions than stage three over the past 20 years.
- 5.9 In 2019 TDC adopted a comprehensive set of water restriction protocols that were developed to respond to issues raised during the 2018-2019 drought. These protocols describe in some detail what each restriction stage means for residential, business and community activities. In order to better align the NCC and TDC water restrictions TDC have given permission for NCC to adjust the document for NCC conditions and use as required.

## Item 11: Nelson City Council Water Restrictions (urban/rural)

- 5.10 The proposed protocols (see Attachment 4) provide Council and all customers with a document that sets out which activities are subject to restrictions, what the nature of the restrictions are and when they will apply.
- 5.11 By way of some general examples, residential lawns can be watered until stage 2, public golf club greens until stage 5, premier sports event fields until stage 5, amenity plantings (including under verandah baskets) until stage 4 (trees protected in the NRMP can be watered until stage 5).
- 5.12 Council will retain an ongoing involvement in setting the level of reduction in water usage required for business activities under the various restriction stages. This proposal reflects the diverse nature of business activities in the city and the importance of the local economy to the region. Some components of these activities such as watering grass and amenity plantings, outdoor washing and pools and water features are straightforward to control with 'on-off' restrictions; however the bulk of water used by business activities is critical to the functioning of the business and a reduction in usage by a percentage set by Council as drought events develop is considered more appropriate.
- 5.13 The proposed protocols have been reviewed by NCC's Parks and Facilities and Environment teams and amended to reflect their operational priorities.
- 5.14 Restrictions on rural water takes from bores and wells are set out in the NRMP and individual resource consents. These are based on the levels of water in the streams and rivers. Each river has a specific 'trigger flow' and 'minimum flow' that when reached is used by Council to initiate the various restriction stages (see Attachment 4). As these levels and restrictions are set in the NRMP Council will review them as part of the development of the Proposed Nelson Plan Whakamahere Whakatū.

### **Impact of Climate Change**

- 5.15 Predictions of the impact of climate change for the Nelson region suggest the likelihood of 'wetter wet periods' and 'drier dry periods' into the future as temperatures increase. Some models predict more days in summer with higher temperatures over 25°C with consequent greater demand for water at the same time that the frequency of extreme rainfall events may also increase.
- 5.16 On balance the 'drier dry periods' are likely to mean that water restrictions will be imposed more regularly. The following table sets out the expectancy for when urban water restrictions are likely to be imposed in today's environment and a possible scenario for the future.

Item 11: Nelson City Council Water Restrictions (urban/rural)

NCC Proposed Restriction Stage	Description	Exercised frequency (since 1999)	Return period (years)	Return period including potential effects of climate change (years)
0	Dam Full			
0	Education about water.		1.6	~1.3
1	Stage 1 restrictions	11	2.7	~2.5
2	Stage 2 restrictions	5	5.5	~5.3
3	Stage 3 restrictions	2	~12.0	~11.0
4	Stage 4 restrictions	0	~50.0	~45.0
5	Stage 5 restrictions	0	>100.0	~100.0
6	Stage 6 restrictions	0	>100.0	~100.0

## 6. Options

- 6.1 The following table sets out the two options that Council can consider. Council officers recommend Option 2 be adopted.

Option 1: Adopt resource consent trigger points for urban supplies	
Advantages	<ul style="list-style-type: none"> <li>Meets requirements of water supply resource consent</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>Concentrates trigger levels over a very short timeframe</li> <li>Does not provide a comprehensive set of protocols for different activities</li> </ul>
Option 2: Adopt earlier trigger levels and detailed protocols (recommended option)	
Advantages	<ul style="list-style-type: none"> <li>Allows time for people to adapt and respond to water restriction stages</li> <li>Provides clarity about the exact nature of restrictions</li> <li>Reduced usage will potentially allow enhanced flows in source rivers</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>Nil</li> </ul>

## **7. Conclusion**

- 7.1 In order to maintain an effective water supply during seasonal dry periods or when the network supply is interrupted Council requires water restriction protocols that can be implemented in a timely fashion. The proposed restrictions also offer NCC an opportunity to improve alignment of restrictions between Richmond and Nelson urban supplies.

**Author: Phil Ruffell, Senior Activity Engineer - Water Supply**

### **Attachments**

- Attachment 1: Maitai Reservoir Level Plan with Proposed Seasonal Restriction Stages (A2324759) [↓](#)
- Attachment 2: Resource Consent Water Restriction Trigger Levels and Proposed Trigger Levels (A2147325) [↓](#)
- Attachment 3: Water Restriction History (A2083366) [↓](#)
- Attachment 4: Proposed Nelson City Water Restriction Stage Descriptions (A2267192) [↓](#)

<b>Important considerations for decision making</b>
<b>1. Fit with Purpose of Local Government</b> <p>The Nelson City Council Water Supply Bylaw and water restriction stage descriptions sets out how Council will ensure a viable community water supply to support the following purpose of Local Government:</p> <p><i>(b) to promote the social, economic, environmental and cultural well-being of communities in the present and for the future.</i></p>
<b>2. Consistency with Community Outcomes and Council Policy</b> <p>The Water Restriction Protocols have been developed to support the delivery of the following Council Community Outcome:</p> <ul style="list-style-type: none"><li>• <i>Our communities are healthy, safe, inclusive and resilient</i></li></ul>
<b>3. Risk</b> <p>Adopting the proposed water restriction stage descriptions and trigger levels is a low risk as it is intended to be applied in times of drought or water shortage in the Maitai Dam. Adopting restriction stage descriptions and trigger levels helps Council mitigate risks by providing a clear plan to achieve the goal of ensuring there is an adequate supply of water to the Nelson community in times of drought or other network impact.</p>
<b>4. Financial impact</b> <p>Some minor impact on water supply income is expected as water restrictions impact demand for a short period in the financial year. As restrictions are imposed on a semi-regular basis the impact on income and expenditure levels is recognised and incorporated into budgets.</p>
<b>5. Degree of significance and level of engagement</b> <p>This matter is of low to medium significance because water restrictions are anticipated in dry summers and regular media releases raise the community awareness of weather conditions and impacts. The need for restrictions is identified in the water supply bylaw which followed a special consultative process with the community.</p>
<b>6. Climate Impact</b> <p>Water restrictions are typically imposed in response to seasonal dry weather. Having a document that sets out clearly what is expected of Council and the community in terms of reduced water usage supports Council's leadership role in helping the community adapt to climate impacts.</p>



## **7. Inclusion of Māori in the decision making process**

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

## **8. Delegations**

The Council has the ability to set water restrictions under the Water Supply Bylaw No 223 (2014). Decisions about urban and rural restrictions fall to separate committees. In order to allow the development of one document that contains both urban and rural water restrictions in a timely fashion it is appropriate that the matter is considered by the full Council.

*Areas of Responsibility:*

*Environment Committee*

- *Regulatory enforcement and monitoring*

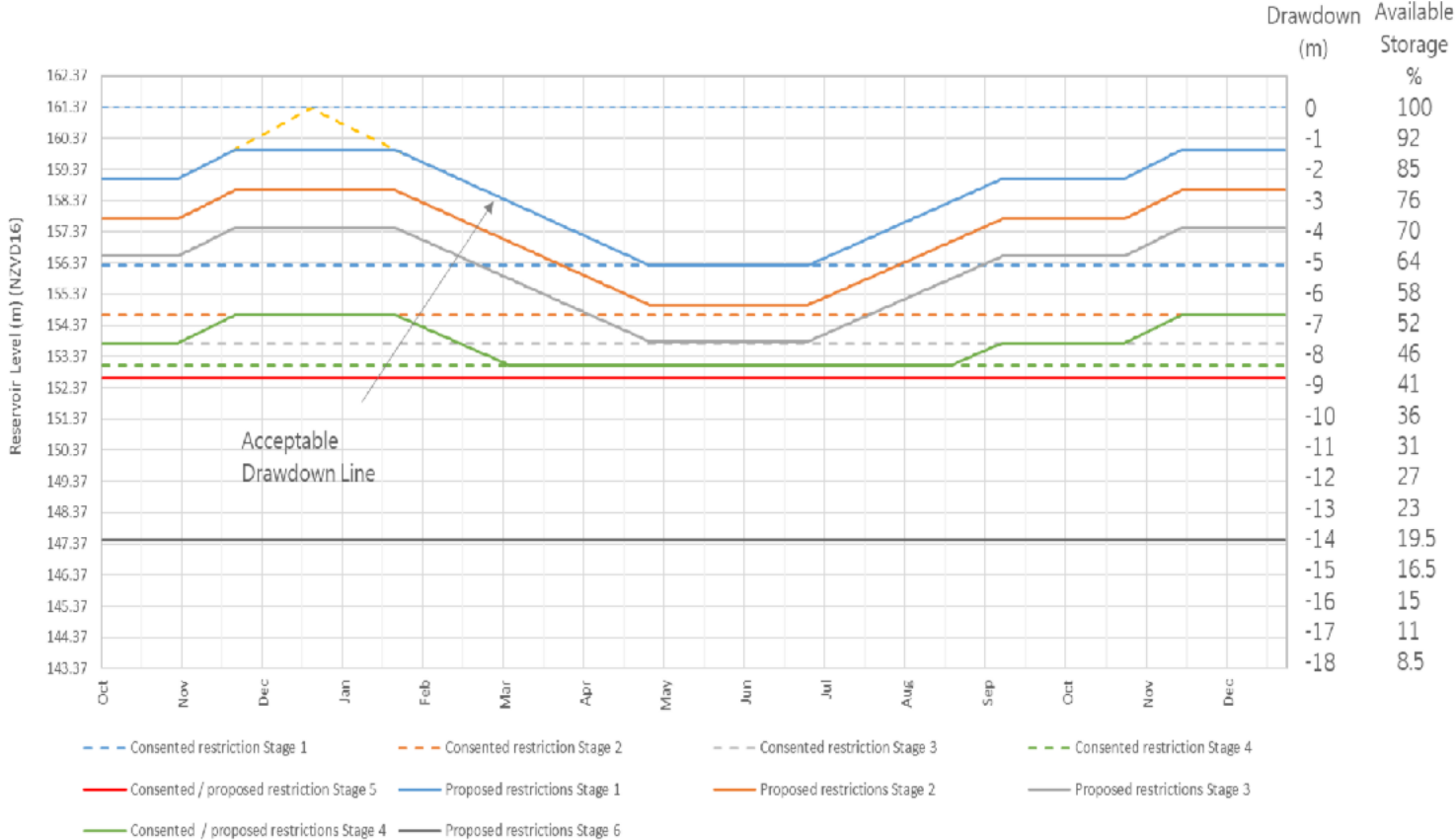
*Infrastructure Committee*

- *Water*
- *Bylaws, within the areas of responsibility*

*Powers to Decide:*

- *All persons using water supplied to any premises shall comply with any water restriction, which may be imposed by the Council from time to time to manage seasonal or other demands and/or water supply shortages.*

Maitai Dam Levels and Seasonal Restriction Stages



## Water Restriction Stages NCC

### Required by Resource Consent RM165192

#### Trigger Levels and Water Conservation Stages and Measures. Applies all year.

North Branch Reservoir Trigger level (metres above mean sea level NZVD2016)	Maitai Dam Volume (Mm <sup>3</sup> )	Water Conservation Stage	Water Conservation Measures
161.37	4.068 (100%)	Nil. Dam Full.	Nil.
156.3	2.677 (65.8%)	1	Advertise drought condition-save water. Sprinklers only every second day (odd/even property numbers to match appropriate day)
154.7	2.224 (54.7%)	2	Sprinkler Ban. Hand held hose only
153.8	2.011 (49.4%)	3	Sprinkler and Hosing ban. Industrial and commercial property restrictions
153.1	1.852 (45.5%)	4	Reduce minimum flow at the Forks to 200 l/s, in addition to Water Conservation Stage 3 measures.
152.7	1.775 (43.6%)	5	Reduce minimum flow at the Forks to 180 l/s in addition to Water Conservation Stage 3 measures.

A2147325

**Proposed Water Restriction Trigger Levels.**

**Applies Summer Months (Nov-Jan) – adjusted seasonally for remainder of year as per proposed seasonal restriction stages (A2324759).**

NCC Proposed Restriction Stage	Description	Maitai Dam Level NZVD (NCCVD)	Dam Volume Mm <sup>3</sup> (%full)	2018/19 Restrictions
0	Dam Full	161.37 (173.75)	4.068 (100%)	
0	Education about conserving water. Warning about restrictions to come if no rain.	160.87 (173.25)	3.934 (97%)	
1	Stage one restrictions	160.0 (172.38)	3.67 (90%)	159.988 (172.368) 30 Jan 2019
2	Stage two restrictions	158.7 (171.08)	3.28 (80%)	158.781 (171.161) 15 Feb 2019
3	Stage three restrictions	Proposed 157.5 (169.88)	2.95 (72.4%)	157.63 (170.01) 1 March 2019 All restrictions lifted 28 March 2019
4	Stage four restrictions <u>Plus</u> Supplementary flow to Maitai reduced to 200l/s at RL 153.1	Proposed 154.7 (167.08)	2.22 (54.7%)	
5	Stage five restrictions <u>Plus</u> Supplementary flow to Maitai reduced to 180l/s at RL 152.7 Declare a state of emergency and reduce supplementary flows into the Maitai 35l/s for each 1m reduction in level Discontinue use of old raw water supply line (new line can supply 19,000-20,000m <sup>3</sup> /d)	Proposed 152.7 (165.08)	1.78 (43.8%)	
6	Stage six restrictions State of emergency and stop supplementary flows into the Maitai	Proposed 147.5 (159.88)	0.81 (20%)	

A2147325

**NCC Water Restrictions** (Previous 20 years)

Start	Finish	NCC Stage	Maitai Dam Level (NCCVD) (-12.38 for NZVD)
28/01/1999		Stage 1	
5/03/2001		Stage 1	
1/05/2001		Stage 2	
1/03/2003		Stage 1	
24/03/2003		Stage 2	
	23/05/2005	Stage 1	
1/12/2005	10/04/2006	Stages 1, 2, and 3 (imposed at various times during the period)	172.672 (160.292)
28/12/2005	26/01/2006	Stage 2	
26/01/2006	10/04/2006	Stage 3	
7/03/2006		Stage 1	
5/12/2007	19/12/2007	Stage 1	172.758 (160.378)
15/12/2014	22/12/2014	Stage1	172.881 (160.501)
18/12/2017	15/01/2018	Stage 1	173.224 (160.844)
30/01/2019		Stage 1	172.368 (159.988)
15/02/2019		Stage 2	171.161 (158.781)
1/03/2019		Stage 3	170.012 (157.632)
13/03/2019		Stage 2	169.332 (156.952)
19/03/2019	28/03/2019	Stage 1. Restrictions lifted 28 March 2019.	170.865 (158.485)
2020		No restrictions as at 4 March 2020	

A2083366

Current (2019) Stage 1: Sprinklers alternate days. Stage 2: Sprinkler ban. Stage 3: Sprinkler and hose ban. Hand held buckets and watering cans only.

**TDC Water Restrictions Champion Road (Previous 5 years)**

Start	Finish	TDC Stage
2/02/2015		Stage 1
16/02/2015	9/03/2015	Stage 2
25/11/2015		Stage 1
14/12/2015	12/01/2016	Stage 2
6/03/2017	13/03/2017	Stage 1
11/12/2017	15/01/2018	Stage 1
14/01/2019		Stage 1
22/01/2019		Stage 2
4/02/2019		Stage 3
18/02/2019	11/03/2019	Stage 4
11/03/2019		Stage 3
20/03/2019		Stage 1
	28/03/2019	Restrictions lifted
27/01/2020		Stage 1 Affiliated (Richmond area Phase A)
10/02/2020		Stage 2 Affiliated (Richmond area Phase A)
17/02/2020		Stage 3 Affiliated (Richmond area Phase B)
24/02/2020		Stage 2 Affiliated (Richmond area Phase B)

A2083366

# NELSON CITY RESIDENTIAL WATER RESTRICTION STAGES

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Residential Premises. Residential Premises means premises used principally as a place of residence and includes a dwelling, flat, hotel, motel, hostel, boarding house, camping ground, or retirement village (as defined in section 6 Retirement Villages Act 2003).

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health purposes including drinking and sanitation (laundry, cleaning and showering/bathing)



Water for fire-fighting purposes



Water for health and safety purposes

	STAGE 1 Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	STAGE 2 Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	STAGE 3 Restrictions in effect on all water use. Water conservation is essential.	STAGE 4 Restrictions in effect on all water use. Water conservation is essential.	STAGE 5 Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock* purposes.	STAGE 6 Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
<b>Pools, spas, water features and water play activities</b>	Filling a pool, spa or water feature is prohibited. Topping up a pool, spa or water feature is permitted. Using water for water play activities is permitted.	Filling and topping up a pool, spa or water feature is permitted. Using water for water play activities is permitted.	<b>All water use for pools, spas, water features and water play activities is prohibited.</b>	All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	<b>All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes.</b>
<b>Outdoor washing (vehicle washing, outdoor surfaces and windows)</b>	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	<b>Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.</b>	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	<b>All outdoor washing activities prohibited except where cleaning is required for health and safety reasons, or other emergency.</b>	<b>Water supply only from nominated key supply points. Use of water for livestock purposes is prohibited.</b>
<b>Grass area and lawns</b>	Watering grass or lawns is permitted on alternate days.	<b>Watering grass or lawns is prohibited.</b>	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
<b>Amenity Planting (flower beds, planters, shrubs, trees)</b>	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket/watering can. Watering protected trees listed in the District Plan is permitted using this watering method.	<b>Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket/watering can.</b> Watering protected trees listed in the District Plan is permitted using this watering method.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket/watering can. Watering protected trees listed in the District Plan is permitted using this watering method.	<b>Watering all amenity plants and trees is prohibited, except for protected trees listed in the District Plan.</b> Watering protected trees is permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering systems (automatic, spray or dripper) or a bucket/watering can.	<b>Watering prohibited.</b>	
<b>Productive Gardens (fruits and vegetables for domestic use)</b>	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket/watering can.	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket/watering can.	<b>Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket/watering can.</b>	<b>Watering permitted on alternate days using a bucket/watering can. only.</b>	<b>Watering prohibited.</b>	





# NELSON CITY BUSINESS WATER RESTRICTION STAGES

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Business Premises. Business Premises means Premises used principally for any profession, trade, manufacture or undertaking carried on for gain or reward, but excludes Public / Institutional Premises.<sup>1</sup>

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health purposes including drinking and sanitation (laundry, cleaning and showering/bathing)



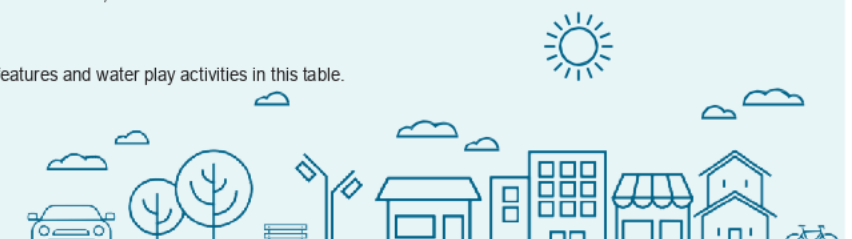
Water for fire-fighting purposes



Water for health and safety purposes

	STAGE 1 Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	STAGE 2 Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	STAGE 3 Restrictions in effect on all water use. Water conservation is essential.	STAGE 4 Restrictions in effect on all water use. Water conservation is essential.	STAGE 5 Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock <sup>4</sup> purposes.	STAGE 6 Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
<b>All business activities</b> (incl contractor use of hydrants)	Conserve water wherever possible.	Conserve water wherever possible.	Reduce usage by 10%–30% of the baseline as notified by Council. <sup>2,3</sup>	Reduce usage by 31%–50% of the baseline as notified by Council. <sup>2,3</sup> Contractor water from nominated hydrants only, volume as notified by Council.	All water use prohibited except for human drinking water, sanitation, medical, health and safety, firefighting, and livestock <sup>4</sup> purposes.	All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes. Water supply only from nominated key supply points. Use of water for livestock <sup>4</sup> purposes is prohibited.
<b>Outdoor washing</b> (vehicle and container washing, outdoor surfaces and windows)	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only. Washing containers for biosecurity is permitted.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces and containers is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited, except where cleaning is required for health and safety reasons, or other emergency.	
<b>Grass area and lawns</b>	Watering grass or lawns is permitted on alternate days.	<b>Watering grass or lawns is prohibited.</b>	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
<b>Amenity Planting</b> (flower beds, planters, shrubs, trees, under verandah hanging baskets)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket/watering can. Watering protected trees listed in the District Plan is permitted using this watering method.	<b>Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket/watering can.</b> Watering protected trees listed in the District Plan is permitted using this watering method.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket/watering can. Watering protected trees listed in the District Plan is permitted using this watering method.	<b>Watering all amenity plants and trees is prohibited; except for protected trees listed in the District Plan. Watering protected trees is permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering systems (automatic, spray or dripper) or a bucket/watering can.</b>	<b>Watering prohibited.</b>	
<b>Pools, spas, water features and water play activities<sup>5</sup></b>	Filling a pool, spa or water feature is prohibited. Topping up a pool, spa or water feature is permitted. Using water for water play activities is permitted.	Filling and topping up a pool, spa or water feature is permitted. Using water for water play activities is permitted.	<b>All water use for pools, spas, water features and water play activities is prohibited.</b>	All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	

1. Business premises includes the Richmond Aquatic Centre, Riverside Pool and Nayland Pool and premises used principally for a farming, agricultural or horticultural business.
2. When water restrictions are in force under this stage, the restrictions and prohibitions on water use applicable during this stage are in addition to the obligation to reduce use of the Public Water Supply by the percentage specified for 'all business activities'. Savings that are made through compliance with the restrictions and prohibitions applicable during this stage will count towards, and may exceed, the required percentage savings. Regardless of the water savings made due to restrictions and prohibitions applicable during this stage, users may need to reduce their water use in other areas in order to achieve the required percentage savings.
3. The Council may exempt the owner or occupier of any new business from the requirement to reduce water usage at a Business Premises by the percentage specified if the owner or occupier of the new business has applied in writing for the exemption and the Council is satisfied that the new business has not previously operated from that Business Premises. Any such exemption granted by the Council shall be in writing and shall expire on the Expiry Date. Where the Council issues a water invoice to the exemption holder on a monthly basis the Expiry Date is the date of the twelfth water invoice issued by the Council in respect of the new Business Premises. For all other exemption holders the Expiry Date is the date of the second water invoice issued by the Council to the exemption holder in respect of the new Business Premises. An exemption granted under this clause shall not exempt any Person from the obligation to comply with the other restrictions or prohibitions on water use at the Business Premises, which are set out above.
4. Livestock means cattle, sheep, horses, swine, alpacas, llamas, goats, deer, poultry, bees, fish, rabbits and other animals kept on the premises for business purposes.
5. When Stage 1, 2, 3, or 4 water restrictions are in force, the Richmond Aquatic Centre, Riverside Pool and Nayland Pool are exempt from the restrictions and prohibitions on use of water for pools, spas, water features and water play activities in this table.
6. The Council may grant an exemption upon application to comply with restrictions outlined during Stage 1, 2, 3, 4 and 5 for water used for animal welfare purposes.





# NELSON CITY PUBLIC / INSTITUTIONAL WATER RESTRICTION STAGES

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Public / Institutional Premises. Public / Institutional Premises means Premises used principally for the purposes of:

- a. not-for-profit organisations, whether incorporated or unincorporated;
- b. local government, central government or Departments of State;
- c. utility operators as defined in section 4 Utilities Access Act 2010;
- d. childcare centres and kindergartens, whether public or private;
- e. hospitals and hospice, whether public or private;
- f. medical and dental surgeries, and medical and other primary health care centres;
- g. educational institutions, including public and private primary, intermediate, and secondary schools, universities, polytechnics, and other tertiary institutions;
- h. public libraries, public museums, and public art galleries;
- i. police stations;
- j. fire stations;
- k. community halls and community recreation centres;
- l. public parks, sports grounds;
- m. courthouses;
- n. churches and chapels;
- o. probation and detention centres;
- p. road as defined in section 315 Local Government Act 1974, or state highway as defined in section 5 Land Transport Management Act 2003, but does not include fire hydrants.

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health purposes including drinking and sanitation (laundry, cleaning and showering/bathing)



Water for fire-fighting purposes



Water for health and safety purposes

	STAGE 1 Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	STAGE 2 Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	STAGE 3 Restrictions in effect on all water use. Water conservation is essential.	STAGE 4 Restrictions in effect on all water use. Water conservation is essential.	STAGE 5 Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock purposes.	STAGE 6 Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
Water play activities (water slides etc)	Using water for water play activities is permitted.	Using water for water play activities is permitted.	Using water for water play activities is prohibited.	Using water for water play activities is prohibited.	Using water for water play activities is prohibited.	All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes. Water supply only from nominated key supply points.
Council's water supply maintenance activities (flushing hydrants and pipes)	Conserve water wherever possible.	Conserve water wherever possible.	All activities using water prohibited, except with Group Manager Infrastructure approval.	All activities using water prohibited, except with Group Manager Infrastructure approval.	All activities using water prohibited, except with Group Manager Infrastructure approval.	
Outdoor washing (vehicle washing, outdoor surfaces and windows)	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or a bucket.	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or a bucket.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited except where cleaning is required for health and safety reasons, or other emergency.	
Grass areas and lawns, (parks/reserves/cemeteries, schools and sports fields)	Watering grass or lawns is permitted on alternate days.	Watering grass or lawns is prohibited except for the watering of bowling greens, croquet greens, golf greens, cricket pitches, grass tennis courts and Council approved premier event fields.	Watering grass or lawns is prohibited except for the watering on alternate days of bowling greens, croquet greens, golf greens, cricket pitches, grass tennis courts and Council approved premier event fields.	Watering grass or lawns is prohibited except for the watering on alternate days of bowling greens, croquet greens, golf greens and Council approved premier event fields.	Watering grass or lawns is prohibited.	
Amenity planting (flower beds, planters, shrubs, trees, under verandah hanging baskets)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket/watering can. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering permitted on alternate days when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket/watering can. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering permitted on alternate days when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket/watering can. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering all amenity plants and trees is prohibited except for protected trees listed in the District Plan and high value recently planted trees. Watering these trees is permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering systems (automatic, spray or dripper) or a bucket/watering can.	Watering prohibited.	
Community food gardens (productive gardens growing fruits and vegetables for personal/community use)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket/watering can.	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket/watering can.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket/watering can.	Watering permitted on alternate days using a bucket/watering can only.	Watering prohibited.	
Public/school pools (water used for the operation of community pools/spas and school pools)	Conserve water wherever possible.	Conserve water wherever possible.	Filling a pool is prohibited and topping up a pool is permitted.	Filling or topping up a pool is prohibited.	Filling or topping up a pool is prohibited.	

A2267192



# NELSON CITY WATER RESTRICTION NOTES

## Definition of baseline for the purposes of the Business Water Restriction Protocol

- A** For each Business Premises the baseline (measured in cubic metres) in any month is the monthly mean / average of the quantity of water supplied by the Council to the Business Premises calculated in accordance with section 1 below. Upon application the Council's Group Manager Infrastructure may agree in writing in any particular case to calculate the baseline using the statistical median rather than the mean if that better represents normal usage.

### SECTION 1

#### Six monthly billing customers

**Monthly baseline mean =  $(A+B+C) / 18$**

A, B, and C are the six monthly water supply figures for each of the billing periods that included the same month in the previous 3 years respectively.

#### Monthly billing customers

**Monthly baseline mean =  $(A+B+C) / 3$**

A, B, and C are the monthly water supply figures for the same month in the previous 3 years respectively.

- B** In this definition month means a calendar month.
- C** The definition may be amended from time to time.
- D** During Stage 3 and 4, a business's monthly water allocation will be prorated when translating into weekly limits, unless otherwise agreed by the Group Manager Infrastructure.



# NELSON RESOURCE MANAGEMENT PLAN WATER RESTRICTION STAGES

The restrictions and prohibitions set out in this part apply to the use of Water abstracted from streams, rivers and ground water/ponds/ reservoirs/ dams that reduce the flow in any natural water body(excluding the Nelson City Council public water supply) at any property including Residential Premises. Residential Premises means premises used principally as a place of residence and includes a dwelling, flat, hotel, motel, hostel, boarding house, camping ground, or retirement village (as defined in section 6 Retirement Villages Act 2003). See Appendix 28 Nelson Resource Management Plan (NRMP) for details of permitted water takes and trigger flows and minimum flows.

THESE ACTIVITIES ARE PERMITTED, UNLESS RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health purposes including drinking and sanitation (laundry, cleaning and showering/bathing), stock drinking water. Volume limits apply see NRMP.



Water for fire-fighting purposes



Water for health and safety purposes. Volume limits apply see NRMP.

STAGE 1 RURAL WATER RESTRICTIONS (not on reticulated supply)				STAGE2 RURAL WATER RESTRICTIONS (not on reticulated supply)		
	<b>Have consent and Council approved water conservation plan</b> Emergency water use only permitted as per water conservation plan <u>or</u> domestic use (human drinking water, sanitation, human medical, health and safety), firefighting and livestock <sup>4</sup> drinking water purposes <u>or</u> share of surplus flow above minimum flow all as per NRMP.	<b>Have consent but no Council approved water conservation plan</b> Emergency water use only permitted for domestic use (human drinking water, sanitation, human medical, health and safety), firefighting and livestock <sup>4</sup> drinking water purposes all as per NRMP.	<b>No consent – permitted activity</b> Emergency water use only permitted for domestic use (human drinking water, sanitation, human medical, health and safety), firefighting and livestock <sup>4</sup> drinking water purposes all as per NRMP.	<b>Have consent and Council approved water conservation plan</b> Emergency water use only permitted for firefighting and livestock <sup>4</sup> drinking water purposes.	<b>Have consent but no Council approved water conservation plan</b> Emergency water use only permitted for firefighting and livestock <sup>4</sup> drinking water purposes.	<b>No consent – permitted activity</b> Emergency water use only permitted for livestock <sup>4</sup> drinking water and firefighting purposes.
<b>Pools, spas, water features and water play activities.</b> Stock dipping ponds. Farm tanks/aquaculture activities.	<b>All water use for pools/ponds, tanks/aquaculture, spas, water features and play activities is prohibited.</b>			<b>All water use prohibited except for stock drinking water (maximum 0.5l/s from any river or stream) and firefighting purposes.</b>		
<b>Outdoor washing</b> (vehicle and machinery washing, outdoor surfaces/dairy shed washdown and windows)	<b>All outdoor washing activities are prohibited.</b>					
<b>Grass area</b> (lawns, pasture irrigation, golf fairways and greens, sports courts)	<b>Watering grass areas/paddocks is prohibited.</b>					
<b>Amenity Planting</b> (flower beds, planters, shrubs, trees/shelter belts, horticulture/nursery activities)	<b>Watering amenity planting and horticulture activities is prohibited.</b>					
<b>Productive Gardens</b> (fruits and vegetables for domestic use, horticulture/nursery activities)	<b>Watering productive gardens and horticulture activities is prohibited.</b>					





## NELSON RESOURCE MANAGEMENT PLAN: APPENDIX 28 (Part)

### AP28.3 Water allocation rules

#### AP28.3.i Water allocation - general rules

##### a) Water intake structures

The water intake structures of water takes in the Rural Zone shall be designed and constructed in a way that prevents fish entering the structures. Methods to achieve this include:

- i. a maximum water velocity into the structure that is no greater than 0.5l/s, and
- ii. screening the intake with mesh spacing that is no larger than 1.5mm in one dimension, and
- iii. locating the intake screen at least 0.5m into the water column.

##### b) Water meters

Water meters shall be installed and maintained on the outlet of the pump for all consented water abstractions in any zone.

##### Explanation:

All water takes which require resource consent will be metered. Water metering provides the only feasible and practical method of monitoring total abstraction from rivers. Without metering there is no practical way Council can accurately monitor abstraction from rivers and groundwater, or know how much water remains in the river or aquifer for either in-stream uses or for other abstraction. Metering may also provide useful information on hydraulic linkages between rivers, aquifers, wetlands and springs during droughts and high rainfall events.

##### c) Monitoring fee

A monitoring fee, as established through the annual fees and charges process managed by the Planning & Consents Division, shall be paid to the Council by all water permit holders for the purposes of monitoring water flows, levels and abstractions.

#### AP28.3.ii Basis and methods for water rationing

Water abstraction during periods of low flow will be restricted using the following criteria:

- a) all water takes must cease where any trigger flows in Appendix 28.2 are reached and where:
  - i) the take is not for domestic, stock water, or fire fighting purposes, and
  - ii) a water conservation plan has not been approved by the Council, and
- b) all water takes must cease, except for fire fighting purposes, when the minimum flow is reached, and
- c) water shortage directions will be issued as a last resort.

Rationing for all take, use, or abstraction of water which is not a permitted activity will be implemented on a catchment by catchment basis, as follows:

#### Nelson Resource Management Plan (22/07/06) A28-7

Flow	Basis for rationing/requirement	Methods of monitoring/advising affected parties	Methods of rationing
Trigger flow and above	No rationing	Website	N/a
Between minimum flow and trigger flow	a) For permit holders with a Water Conservation Plan approved by the Council: surplus flow above the minimum flow, apportioned amongst users based on a % equal to the % of cumulative permitted allocation. e.g. if an abstractor holds 25% of the cumulatively allocated	- Notice in paper - Website	- Flow restrictors on pump outlets - Pumping roster - Water meter monitoring - Water user groups - Water shortage directions

A2267192

	<p>water, they may abstract 25% of the available flow above the minimum flow</p> <p>OR as set out in the Water Conservation Plan.</p> <p>b) For permit holders without an approved Water Conservation plan abstraction must cease.</p> <p>c) For domestic water abstractions, no watering of lawns or amenity plantings.</p>		
Minimum flow and below	All takes other than for fire fighting purposes and stock drinking water must cease.	<ul style="list-style-type: none"> <li>- Phone calls to affected persons</li> <li>- Website</li> </ul>	<ul style="list-style-type: none"> <li>- Water shortage directions</li> <li>- Abstraction ceases</li> </ul>
No minimum flow specified	% of residual flow being abstracted.		<ul style="list-style-type: none"> <li>- Consent conditions</li> <li>- Flow restricters on pump outlets</li> <li>- Pumping roster</li> <li>- Water meter monitoring</li> <li>- Water user groups</li> <li>- Water shortage directions</li> </ul>



Item	Permitted	C
<b>FWr.12</b> <b>Take, use, or diversion of surface water</b>  [note that this rule is a regional rule]	<b>FWr.12.1</b> a) The take, use, or diversion of surface water for reasonable domestic use is permitted if: i) the relevant conditions in Appendix 28.3 are met, and ii) the volume of the take does not exceed 1m <sup>3</sup> per residential unit per day (plus 300 litres per bedroom for short term living accommodation) and there are no adverse effects on the water source, and iii) the rate of take does not exceed 0.5 litres per second, and iv) there is no take below any minimum flow specified in Appendix 28.2, and v) the Council's reticulated water supply is not available to the site. b) The take or use of surface water for stock drinking water is permitted if the rate of take does not exceed 0.5 litres per second. c) The take or use of surface water for fire fighting or the filling of fire ponds is permitted.	C F r

Item	Permitted	
<p><b>FWr.14</b></p> <p><b>Take, use, or diversion of groundwater</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.14.1</p> <p>The take, use, or diversion of groundwater for:</p> <ul style="list-style-type: none"> <li>a) reasonable domestic use, or</li> <li>b) stock drinking water, or</li> <li>c) pump testing limited to a duration cumulatively no longer than 48 hours for any one bore, is permitted if:             <ul style="list-style-type: none"> <li>i) the relevant conditions of Ap28.3 are met, and</li> <li>ii) the volume of the water take does not exceed 1 m<sup>3</sup> per residential unit per day (plus 300L per bedroom for visitor accommodation), and</li> <li>iii) the rate of the water take does not exceed 0.5 l/s, and</li> <li>iv) the bore or well is not located closer than 50m to any coastal marine area or any adjacent bore, and</li> <li>v) the bore or well is not located closer than 25m to any surface waterbody, and</li> <li>vi) the bore or well is not located closer than 50m of any effluent treatment pond, septic tank, sewage treatment or disposal area, or silage stack or pit, and</li> <li>vii) the Council's reticulated water supply is not available to the site.</li> </ul> </li> <li>d) The take of groundwater for dewatering a site during construction or earthworks is permitted if:             <ul style="list-style-type: none"> <li>i) the take does not lower groundwater to more than 8 m below the ground level of the site, and</li> <li>ii) the take does not create a significant risk of subsidence.</li> </ul> </li> <li>e) The take or use of groundwater for fire fighting is permitted.</li> </ul>	<p>F</p> <p>r</p>

Item	Permitted	
<b>FWr.15</b> <b>Take or use of water from ponds, reservoirs or dams</b>  [note that this rule is a regional rule]	<b>FWr.15.1</b> The take or use of water from an out-of-stream lawfully constructed pond, reservoir, or dam is permitted if the take or use from those sources does not reduce the flow in any natural water body.	<b>C</b> <b>I</b>



## **Governance Statement 2019 - 2022**

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### **Purpose of Report**

- 1.1 To adopt the Nelson City Council Governance Statement 2019 – 2022.

### **2. Recommendation**

***That the Council***

- 1. Receives the report Governance Statement 2019 - 2022 (R14824) and its attachments (A1708727) and (A2356871); and***
- 2. Adopts the Nelson City Council Governance Statement 2019 - 2022; and***
- 3. Delegates to the Chief Executive the authority to approve any minor amendments to the Governance Statement 2019 – 2022 to keep the document up to date during this triennium.***

### **3. Background**

- 3.1 Section 40 of the Local Government Act 2002 requires Council to prepare and make publicly available a local governance statement within six months after a local body election.
- 3.2 A local governance statement is a collection of information about the processes through which the local authority makes decisions and engages with its community. It explains how residents can influence those processes.

### **4. Discussion**

- 4.1 The local governance statement is required, under Section 40 of the Act, to include:
- the functions, responsibilities, and activities of the local authority
  - any local legislation that confers powers on the local authority
  - the bylaws of the local authority

- the electoral system and the opportunity to change it
- representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them
- members' roles and conduct
- governance structures and processes
- meeting processes
- consultation policies
- policies for liaising with Māori
- the management structure and the relationship between management and elected members
- the remuneration and employment policy
- equal employment opportunities policy
- key approved planning and policy documents
- systems for public access to Council and its elected members
- processes for requests for official information

4.2 A copy of the tracked changes Governance Statement for 2019 - 2022 is included as Attachment 1, identifying the updates that have been made this triennium.

4.3 A copy of the updated Governance Statement 2019 – 2022 is included as Attachment 2.

4.4 Changes were made to the following sections:

4.4.1 Section 2.0 – The Functions, Responsibilities and Activities of the Nelson City Council. This reflects the changes to the Local Government Act which repealed Sections 10 (2) and 11A.

4.4.2 Section 6.4 - Code of Conduct. This section has been expanded to reflect the revised Code of Conduct, adopted on 31 October 2019.

4.4.3 Section 7 – Governance Structures and Processed, Membership and Delegations. Substantive changes were made to reflect this triennium's committee structure with the establishment of Committees of the Whole with the delegated power to exercise Council's responsibilities.

4.4.4 Section 8 – the Council Controlled Organisations and Other Organisations. A new section has been added to provide details on the Council Controlled Organisations and Other Organisations. Previously, this information was included in the Delegations Register. The Delegations Register adopted by Council on 14 November 2019 did not include this information as it was felt that it should be captured in the Governance Statement instead.

4.4.5 Section 11 - Policies for Liaising and Relationships with iwi and Māori. This section has been reviewed by Council's Kaihautū and reflects the current approach in this area as Council continues to strengthen our partnership through:

- the establishment of the Iwi-Council Partnership;
- regular meetings at Governance, Management and operational levels;
- the appointment of iwi representatives to three Council committees;
- the appointment of NCC dual kaumātua Kereopa Ratapu and Melanie McGregor
- the promotion of te reo Māori within Council and within our community.

4.4.6 Section 14 - Remuneration and Employment Policies. It is a requirement under the Local Government Act for a section on this topic to be included. For reasons unknown, it was not included in the previous Governance Statement. A new section has been added to ensure compliance with the legislation.

4.5 Minor updates were made to several other sections of the document to ensure it remains current and reflects any changes Council policy or procedures.

## 5. Options

5.1 Council is required by legislation to prepare and make publicly available a local governance statement. The adoption of the draft local governance statement will ensure that Council meets its legislative obligations.

5.2 Council can choose to adopt the Governance Statement as presented either in whole, in part or with any required amendments, or not to adopt the Governance Statement as presented.

<b>Option 1: Adoption of Draft Governance Statement as presented or amended as required</b>	
Advantages	<ul style="list-style-type: none"><li>• Council meets its statutory obligations</li><li>• Provides the public with information in a timely manner about local authority decision-making, community engagement and how residents can influence those processes.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• None</li></ul>

<b>Option 2: Not Adopt the Draft Governance Statement as presented</b>	
Advantages	<ul style="list-style-type: none"><li>• Allows Council to make further changes to the Draft Governance Statement</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• Council may fail to meet its statutory obligations</li></ul>

**Author:**        **Mary Birch, Manager Governance and Support Services**

### **Attachments**

Attachment 1: (A2356871) Draft Governance Statement - 2019 - 2022 - Tracked Changes [↓](#)

Attachment 2: (A1708727) Draft Governance Statement 2019 - 2022 [↓](#)

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	<p>The preparation of a local governance statement is a requirement of the Local Government Act 2002. A local governance statement contains information for the community regarding ways to participate in, and influence, democratic processes – enabling democratic decision making.</p>
<b>2. Consistency with Community Outcomes and Council Policy</b>	<p>The preparation of a local governance statement supports the community outcome “Our Council provides leadership and fosters partnerships...and community engagement.”</p> <p>“Residents have the opportunity to participate in major decisions and information is easy to access.”</p>
<b>3. Risk</b>	<p>The adoption of the local governance statement is a low risk decision because it meets Council’s obligations under the Local Government Act 2002 to prepare and make publicly available a governance statement within the first six months after a local body election and the information that it contains is already publicly available on Council’s website.</p>
<b>4. Financial impact</b>	<p>Nil</p>
<b>5. Degree of significance and level of engagement</b>	<p>This matter is of low significance because it relates to the adoption of a document which compiles information that is already available to the public and therefore no engagement has been undertaken.</p>
<b>6. Climate Impact</b>	<p>This decision will have no impact on the ability of Council or District to proactively respond to the impacts of climate change now or in the future.</p>
<b>7. Inclusion of Māori in the decision making process</b>	<p>No engagement with Māori has been undertaken in preparing this report.</p>
<b>8. Delegations</b>	<p>Council retains full responsibility for the adoption of the Governance Statement.</p>



**Nelson City Council**  
te kaunihera o whakatū

**Draft**

**Nelson City Council  
Governance Statement  
~~2016~~ – **2019** – **2022****

**~~Adopted 28 March 2017~~**

(A2356871)

Note: The Governance Statement is adopted by Council at the commencement of each three year term of local government (triennium).

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## 1.0 Introduction

### 1.1 What is a Local Governance Statement?

A local governance statement is a requirement of Section 40 of the Local Government Act 2002: (the Act). A new local governance statement is required within six months of each triennial election and is updated as necessary.

The ~~Local Government Act 2002~~ requires a local governance statement to include information on the following matters:

- Functions, responsibilities and activities of the Council
- Local legislation and bylaws
- The electoral system and the opportunity to change it
- Representation arrangements, and the way these can be changed
- Members' roles and conduct
- Governance structures, processes, membership and delegations
- Meeting processes
- Consultation policies
- Policies for liaising with Māori
- The management structure and the relationship between elected members and management
- Remuneration and employment policies
- Equal employment opportunities policies
- Key planning and policy documents and the process for their development and review
- Public access to the Council and the elected members
- Processes for official information requests.

## 2.0 The Functions, Responsibilities and Activities of the Nelson City Council

The purpose of the Nelson City Council, as set out in section 10 of the ~~Local Government Act 2002~~, is to ÷

- Enable democratic local decision making and action by, and on behalf of, communities; and
- ~~to meet~~Promote the ~~current~~social, economic, environmental, and future needscultural well-being of communities ~~for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.~~

~~In this Act, good quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—~~

- ~~• efficient; and~~
- ~~• effective; and~~
- ~~• appropriate to the present and anticipated future circumstances~~

## **~~2.1 Essential Services and Activities~~**

- ~~• Section 11A of the Local Government Act 2002 also states that in performing its role, for the Council must have particular regard to the contribution that the following core services make to its communities: future.~~
- ~~• Network infrastructure~~
- ~~• Public transport services~~
- ~~• Solid waste collection and disposal~~

### **~~2.22.1 The avoidance or mitigation Role of natural hazards~~Nelson City Council**

- ~~• Libraries, museums, reserves, recreational facilities, and community amenities.~~

~~The role of Nelson City Council, as set out in section 11 of the Act is to:~~

- ~~• give effect to the purpose of local government; and~~
- ~~• perform the duties, and exercise the rights, conferred on it by or under the Act and any other enactment.~~

To achieve this purpose, the Nelson City Council has divided its work into the following significant activities: transport, water supply, wastewater, solid waste, stormwater, flood protection, environment, social, parks and active recreation, economic, and corporate.

A full description of what activities the Nelson City Council does in each of these activity areas is available in the Nelson City Council Long Term Plan ~~2015—2025~~2018 – 2028. Copies of this Long Term Plan are available on the Council's website or at the Council offices, (refer to section 14 of this Governance Statement for contact details).

~~The~~ Nelson City Council is also committed to taking a sustainable development approach through the services it provides and in the way that it operates as an organisation.

### **~~2.32.2 Nelson's Vision for the Future: Nelson 2060~~**

~~Given the range of activities the Council engages in, a vision (of what Nelson would be like in 2060) has been developed to help the community understand what the Council thinks is important for guiding its work programme:~~

~~*Nelson is an inclusive city, with a diverse range of residents who can connect easily to each other and to the beautiful place that we call home. Our inclusive leadership style supports our unique approach to living,*~~

~~which is boldly creative, ecologically exemplary, socially balanced and economically prosperous.~~

The vision covers four themes:

- ~~• A sustainable city of beauty and connectivity.~~
- ~~• Outstanding lifestyles, immersed in nature and strong communities.~~
- ~~• A strong economy built on knowledge and understanding.~~
- ~~• Successful partnerships providing good leadership.~~

**2.2.1 Council has also worked with Tasman District Council to develop the following shared regional The Long Term Plan – 2018 – 2028**

Council's vision is that

Nelson is The Smart Little City.

It is a vibrant place - where we are deeply connected with, and committed to, our natural, social and cultural environment. Clever business and innovation help us thrive. We enjoy living fulfilled lives in smart, sustainable communities.

This vision for the city guides Council as it delivers the Long Term Plan 2018-2028.

Council's Mission is that

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

Our Community Outcomes:

- Our unique natural environment is healthy and protected
- Our urban and rural environments are people-friendly, well planned and sustainably managed
- Our infrastructure is efficient, cost-effective and meets current and future needs
- Our communities are healthy, safe, inclusive and resilient
- Our communities have opportunities to celebrate and explore their heritage, identity and creativity
- Our communities have access to a range of social, educational and recreational facilities and activities
- Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement
- Our region is supported by an innovative and sustainable economy

~~Further information on Nelson 2060 and the Council's vision, goals, sustainability principles and community outcomes is available on Council's website.~~

The top four priorities are:

- **Infrastructure** - Our city, community and environment all depend on our core infrastructure networks to provide safe and smart transport, water, wastewater,

stormwater, and flood protection. Council is putting essential infrastructure at the forefront to future-proof our city.

- **Environment** - Kia whakatu tika te tai ao me te tai ao tiaki te tai ao - if the environment is kept well and strong it will look after itself and us. Council recognises investing in the environment is essential for our future.
- **City Centre Development** - Our aim for Nelson's central business district is for it to be attractive to businesses, 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.
- **Lifting Council Performance** - To achieve our vision of a Smart Little City, we need a Council team that enables things to happen. It needs to provide solutions to cut through the red tape so that real value can be delivered to our community.

### **2.2.2 The Annual Plan 2020/2021**

Council has three focuses for the 2020/2021 Annual Plan:

1. Creating a Sustainable Transport Culture
2. Housing Affordability and Intensification
3. Maitai River Precinct

### **2.42.3 Unitary Authority – a Dual Role for Nelson City Council**

As a unitary authority, the Nelson City Council has the combined responsibilities and functions of both a territorial (local) and regional council. This is different from most other local authorities in New Zealand. More often a regional council is a separate organisation with several territorial authorities (city or district councils) within its borders. Other unitary authorities are ~~the~~ Auckland Council, Gisborne District Council, Marlborough District Council, Tasman District Council and ~~the~~ Chatham Islands District Council.

The main effect of being a unitary authority is that Nelson City Council undertakes a wider range of functions and activities at both a local and regional level.

## **3.0 Local Legislation and Bylaws**

There is currently no local legislation that confers powers on the Nelson City Council. However, there are a number of bylaws that are currently enacted. These are listed in Appendix 1.

## **4.0 The Electoral System and the Opportunity to Change it**

Elections for the Mayor and councillors are held once every three years.

### **4.1 The Voting System**

Regulation 8 of the Local Electoral Regulations 2001 allows for one of two electoral systems to be used for local body elections. Those two systems are First Past the Post (FPP) and Single Transferrable Vote (STV).

The Nelson City Council currently holds its elections under the First Past the Post electoral system. Electors vote by indicating their choice for Mayor by placing a tick

beside one of the names and the person who receives the most votes becomes Mayor. Councillors are elected the same way, with the 12 candidates who each receive the most votes becoming councillors. Voters in this system may vote for no more than 12 candidates. The elections are conducted by post over a three week period to make it as convenient as possible for people to vote.

The other option permitted under the Local Electoral Act 2001, but not currently used by ~~the~~ Council, is the Single Transferable Vote system. Electors vote by ranking candidates in order of preference by placing a number beside each candidate's name. The elector can vote for one or up to the total number of candidates on the paper. The number of votes required for a candidate to be elected, the quota, depends on the number of positions to be filled and the number of valid votes. The successful candidates are worked out as follows:

- First, by counting the first preferences of all the electors and allocating these to the respective candidates
- Then by transferring a proportion of each vote received by any candidate whose number of first preferences exceeds the quota, in accordance with their electors' second preferences
- Then by excluding the lowest polling candidate and transferring their votes in accordance with their electors' second preferences
- This process is continued until the required number of members has been elected.

The last local body elections took place in October ~~2016~~2019, and the next elections will take place in October ~~2019~~2022.

#### 4.2 Deciding on which Electoral System to Use

Under the Local Electoral Act 2001, ~~the~~ Nelson City Council can resolve to change the electoral system to be used for the next two elections. ~~In August 2014, Council resolved to retain the status quo of using the First Past the Post system.~~

The Local Electoral Act 2001 provides three methods in which a council can change their voting system:

- ~~the~~ Council can resolve to change the voting system
- ~~the~~ Council can conduct a binding poll of eligible electors on which electoral system to use
- Or a binding poll can be initiated by at least five percent of eligible electors signing a petition demanding that a poll be held.

Once changed, an electoral system must be used for at least the next two triennial general elections. The electoral system cannot be changed for one election and then changed back for the next election.

~~The Council last considered this matter in August 2014; Council resolved to retain the status quo of using the First Past the Post system.~~

Council may choose to review the electoral system in future, ~~and~~. Any resolution must be made by 12 September two years before the next triennial local election, i.e. by 12 September ~~2017~~2020 for the ~~2019~~2022 local election.

Regardless of whether Council wishes to change the system or remain with the existing system, public notice must be given of the electoral system to be used and



the right of the public to demand a poll to change that system. This notice must be given prior to 19 September two years before the next triennial election, i.e. by 19 September ~~2017~~2020 for the ~~2019~~2022 local election.

## 5.0 Representation Arrangements

~~The~~ Nelson City Council does not have any wards, constituencies or community boards.

### 5.1 Electoral Representation and Boundary Review

~~The~~ Nelson City Council is required to review its representation arrangements at least once every six years. This review must include the following:

- The number of elected members (within the legal requirement to have a minimum of six and a maximum of 30 members, including the Mayor)
- Whether the elected members (other than the Mayor) shall be elected by the entire district, or whether the district will be divided into wards for electoral purposes, or whether there will be a mix of voting as a city as a whole or on a wards basis
- If election by wards is preferred, then the boundaries and names of those wards and the number of members that will represent each ward
- Whether or not to have separate wards for electors on the Māori electoral roll
- Whether to have community boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

~~The~~ Council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review, and should also follow guidelines published by the Local Government Commission. The Local Electoral Act 2001 gives members of the public the right to make a written submission to the Council, and the right to be heard on this submission, with respect to any reorganisation proposal.

Members of the public also have the right to appeal any decisions on the above to the Local Government Commission which will make a binding decision on the appeal. Further details on the matters that the Council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

~~The~~ Nelson City Council, at its meeting on 23 July 2015, decided that ~~the~~ Council shall consist of 13 members, including the Mayor, ~~and~~ that the members of the Council shall be elected by the electors of the City as a whole, (meaning there would be no wards) and that there shall be no community boards established within the Nelson City Council area.

The next representation review will commence in 2021.

### 5.2 Māori Wards

The Local Electoral Act 2001 (section 19Z) gives ~~the~~ Council the ability to establish separate wards for Māori electors. ~~The~~ Council may resolve to create separate Māori wards or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by five percent of eligible electors within the district at any time.

If Māori wards are implemented, the numbers of seats in that ward will be allocated according to the percentage of voters who are registered on the Māori electoral roll. In Nelson the number of such voters would only allow one ward.

In November 2011 ~~the~~ Council decided to establish a Māori Ward for the 2013 local body elections. Nelson residents initiated a petition for a poll of voters on this issue. The 2012 poll result was against establishing a Māori Ward. Under the Local Electoral Act 2001 (~~section 19 ZF(5))~~, the result of that poll ~~is~~ was effective for the next two triennial elections (i.e. 2013 and 2016). ~~Council may choose to review the matter of separate Māori wards no later than 23 November 2017 for the 2019 local election.~~

Council may choose to review the matter of separate Māori wards no later than 23 November 2020 for the 2022 local election.

### 5.3 The Reorganisation Process

The ~~Local Government Act 2002~~ states that local government reorganisations may apply for one or more of the following matters:

- ~~the~~ Union of districts or regions
- ~~the~~ Constitution of a new district or region, including a new local authority
- ~~the~~ Abolition of a district or region, including the abolition of a local authority
- ~~the~~ Alteration of the boundaries of the district
- ~~the~~ Transfer of statutory obligations or a discretionary function from one local authority to another
- ~~the~~ Assumption by a territorial authority of the powers of a regional council as a unitary authority
- ~~the~~ Establishment of a local board area, how the chairperson is elected and whether the local board may include appointed members
- ~~the~~ Abolition of a local board area
- ~~the~~ Alteration of the boundaries of a local board area
- ~~the~~ Union of two or more local board areas

The procedures for resolving each type of proposal are slightly different. In general they begin with a proposal to the Local Government Commission either from the local authority, the Minister of Local Government, or by any person, body or group.

Further information on these requirements can be found in the Local Government Act 2002. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

In July 2010, a petition for the union of Nelson and Tasman Councils was assessed by the Local Government Commission. In early 2012, the Local Government Commission announced that it had approved a new local government structure for the Nelson and Tasman areas which would be put to the electors of both districts for approval in separate polls in April 2012. The results of this poll were not in favour of the proposal; ~~therefore~~. Therefore, separate councils for the Nelson and Tasman regions remain.

In December 2013, the Local Government Commission received an application for a reorganisation proposal for Nelson City and Tasman District Councils. The Local Government Commission decided not to proceed with the application due to a lack of detailed information.

## 6.0 Members' Roles and Conduct

The roles of elected members, the Mayor and Deputy Mayor are explained below. The names of the ~~2016—~~2019 - 2022 Nelson City Council ~~elected members~~ Mayor and the ~~Mayor~~ councillors are provided in Appendix 2.

### ~~6.1 The Councillors~~

~~The role and responsibilities of a Councillor fall into two main categories:~~

- ~~• being a member of the governing body of the Council~~
- ~~• being an elected representative of the community.~~

~~Elected members are responsible for setting the policy direction of the Council, monitoring the performance of the Council and employing the Chief Executive.~~

~~Councillors in Nelson are elected by the city as a whole. Councillors have equal voting rights and may be appointed to one or more committees and working parties. They also may represent the Council on outside organisations and through attendance at civic events.~~

### 6.26.1 The Mayor

The Mayor is elected by the city as a whole and, as one of the elected members, shares the same responsibilities as other members of Council. In addition, the Mayor has the following roles:

- Leadership of the community and the other elected members
- Advocate on behalf of the community and representing its interests
- Chairing Council meetings and being responsible for ensuring the orderly conduct of business as set out in the Council's standing orders (a set of procedures adopted by it for the conduct of its meetings)
- Lead the development the authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the other elected members
- Acting as the ceremonial head of the Council on behalf of Nelson.

Section 41A of the ~~Local Government Act 2002~~ outlines ~~new~~the Mayoral powers in relation to the appointment of the Deputy Mayor and committee chairpersons, and the establishment of committees. ~~The new provision also empowers the Mayor to lead the development of the Council's plans, policies and budgets.~~

### 6.36.2 The Deputy Mayor

The Deputy Mayor may be appointed by the Mayor or by the Council at its first meeting. The Deputy Mayor steps in when the Mayor is unavailable.



### 6.3 The Councillors

The role and responsibilities of a councillor fall into two main categories:

- Being a member of the governing body of the Council
- Being an elected representative of the community

Elected members are responsible for setting the policy direction of the Council, monitoring the performance of the Council and employing the Chief Executive.

Councillors in Nelson are elected by the city as a whole. Councillors have equal voting rights and may be appointed to one or more committees and working parties. They also may represent the Council on outside organisations and through attendance at civic events.

### 6.4 Code of Conduct

~~The Local Government Act 2002 (schedule 7 part 1 (15))~~ requires that all councils have a Code of Conduct for their elected members. ~~The Nelson City Council adopted its Code of Conduct on 20 November 2014, and it was most recently updated in 31 October 2015. A minor review of the Code of Conduct was undertaken in mid-2016 but no changes were made 2019.~~ The Code of Conduct may be amended or replaced at a meeting of the full Council, provided that this motion is supported by 75 percent of the members present, ~~but; it~~ cannot be revoked without replacement.

~~The main principles in~~ The Code of Conduct are that sets out the standards of behaviour expected from elected members are obliged to act in good faith and conscientiously perform in the exercise of their duties in a professional manner with honesty. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- Promote effective decision-making and integrity as well as with reasonable care community engagement;
- Enhance the credibility and diligence—accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.
- This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in the code.

~~The Code of Conduct also sets out principles for working~~ is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public, staff, and provides processes to be followed in the event of an alleged breach.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

Copies of the Nelson City Council Elected Members' Code of Conduct (A1181923) are available on the Council's website or at the Council offices ~~— (refer to section 14 of this Governance Statement for contact details:).~~

## 6.5 Statutory Requirements

There are a number of specific pieces of legislation applying to the conduct of elected members, including the following:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer ~~in respect of the Chief Executive and,~~ to abide by the current code of conduct and standing orders
- ~~the~~ Local Authorities (Members' Interests) Act 1968, which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect)
- ~~The~~ Local Government Official Information and Meetings Act 1987, which covers the fundamental principle of availability of information, along with provisions for the conduct of Council meetings
- ~~the~~ Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way
- ~~the~~ Financial Markets Conduct Act 2013, which imposes on elected members the same responsibilities as company directors whenever Council offers securities (debt or equity) to the public.
- ~~the~~ Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for ~~private profit, personal gain..~~
- ~~the~~ Health and Safety at Work Act 2015, which allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace, and for the person conducting a business or undertaking (~~PCBU~~) (i.e. the Council) to ensure, as far as is reasonably practicable, the safety of workers and others who may be impacted by the work the business undertakes.
- ~~the~~ Protected Disclosures Act 2000, which encourages people to report serious wrongdoing in their workplace by providing protection for employees who want to 'blow the whistle'. This applies to public and private sector workplaces.

## 7.0 Governance Structures and Processes, Membership and Delegations

### 7.1 Council

The ~~2016—2019~~ 2019 – 2020 Nelson City Council has decided to deal with all business through a committee structure ~~that reports through to full Council.~~ This structure generally operates in a six-weekly cycle with committee meetings in weeks one to four of the cycle and a Council meeting in week six ~~to consider all recommendations from Committees.~~

A schedule of Council and committee meeting dates can be found on ~~the Nelson City Council~~Council's website [nelson.govt.nz](http://nelson.govt.nz).

## **7.2 Committees**

The Council has established five governing committees<sup>7</sup> and each has delegations specific to its topic area. These committees are:

- ~~Works and~~ Infrastructure
- ~~Planning and Regulatory~~
- ~~Environment~~
- Governance ~~and Finance~~
- Community Services
- Sports and Recreation

~~These committees are all established as 'committees of the whole' – that is, all elected members are members of every governing committee.~~

~~The delegations for each committee of the whole explain the areas of responsibility and powers of each committee. The areas of responsibility for each of the governing committees are contained in the governing committee delegations, as set out in the 2019 -2022 Delegations Register (A1183061). A copy of the Nelson City Council Delegations Register is available on the Council's website [nelson.govt.nz](http://nelson.govt.nz), or at the Council offices (refer to section 14 of this Governance Statement for contact details).~~

~~The committees' powers in the delegations are expressly broad in nature. That is, each committee is delegated the power to exercise Council's responsibilities, functions, powers and duties in relation to governance matters within the areas of responsibility covered by the committee, aside from the limits contained within the 'powers to recommend to Council' (for which the committee has power to consider matters, but not to make a final decision on them).~~

~~The Delegations Register also identifies matters for which Council retains all responsibilities, functions, powers and duties in relation to governance matters (section 5.2). Consideration of matters and decision-making for these items remains the responsibility of Council, although governance input may be sought at an early stage through specified alternative mechanisms, such as Working Groups.~~

~~Council has a number of other committees and subcommittees that deal with matters relating to specific functions of the Council. A list of these committees is provided below. The Nelson City Council Delegations Register (A1183061) provides a full description of the functions, delegations and membership of all committees and subcommittees. A copy of the Nelson City Council Delegations Register is available on the Council's website or at the Council offices, refer to section 14 of this Governance Statement for contact details. The Nelson City Council Delegations Register is discussed in more detail in section 7.4 of this Governance Statement.~~

~~Other Council Committees:;~~

- Chief Executive Employment Committee
- Civil Defence Emergency Management Group
- District Licensing Committee

- Hearings Panel – Resource Management Act
- Hearings Panel - Other
- Nelson City Council Tasman District Council Joint Shareholders Committee
- Joint Committee of Nelson City and Tasman District Councils
- Nelson Regional Sewerage Business Unit
- Nelson Tasman Regional Landfill Business Unit
- Resource Management Act Procedures Committee
- Regional Transport Committee
- ~~Regional Pest Management Committee~~
- Saxton Field Committee

Council Subcommittees:

- Audit, ~~and~~ Risk ~~and Finance~~ Subcommittee
- Commercial Forestry Advisory Group
- Iwi-Council Partnership Group
- Tenders Subcommittee

The Delegations Register provides a full description of the functions, delegations and membership of all committees and subcommittees. Details of other delegations that can be found in the Delegations Register are included below in Section 7.4.

The Council also establishes working parties or working groups. These are similar to a committee but less formal and are assigned to a single issue or project for a specific time. Working parties or working groups may include members of the public and staff members and usually oversee the drafting of policies or plans before they are considered by the Council, ~~however~~. However, working parties and working groups are not delegated ~~decisions~~ decision-making bodies.

Council has established the following Working Groups:

- City Centre Working Group
- City for All Ages Working Group

## 8.0 Council-Controlled Organisations and Other Organisations

~~The Nelson City Council also has links with many organisations that may be public, private, for profit or non-profit. A list of Council Controlled Trading Organisations (CCTO), Council Controlled Organisations (CCO) and other Council Organisations, including membership and delegation details and how directors to these organisations are appointed, is available in the Nelson City Council Delegations Register (A1183061).~~

### **8.1 Council Controlled Organisations (CCOs)**

CCOs are organisations for which a local authority controls 50% or more of the voting rights, or rights to appoint 50% or more of the directors/trustees. The current CCOs are:

- The Nelson Regional Development Agency
- The Bishop Suter Trust
- Tasman Bays Heritage Trust (Joint with Tasman District Council)
- The City of Nelson Civic Trust
- Nelson Municipal Band Trust

### **8.2 Council Controlled Trading Organisations (CCTOs)**

Council Controlled Trading Organisations are CCOs that operate a trading undertaking for the purpose of making a profit. The current CCTOs are:

- Nelmac Ltd
- Nelson Airport Ltd (Joint CCTO with Tasman District Council)

### **8.3 Other Commercial Trading Enterprises not classified as a CCTO**

- Port Nelson Ltd (Joint with Tasman District Council)

### **8.4 Council Organisations (COs)**

COs are organisations for which a local authority controls any proportion of the voting rights, or rights to appoint directors/trustees. The current CO is:

- Nelson Centre of Musical Arts

### **8.18.5 Delegation of Responsibilities**

To ensure efficiency and effectiveness in the conduct of a local authority's business, Schedule 7 section 32 of the ~~Local Government Act 2002~~ enables local authorities to delegate most of its responsibilities, duties, or powers to committees, subordinate decision making bodies, members, or officers. There are some exceptions where specific powers cannot be delegated and these are listed in Schedule 7 section 32 of the Local Government Act 2002.

The Nelson City Council Delegations Register (A1183061) sets out:

- The background to the responsibilities of the Council, individual councillors and the Chief Executive
- The principles of delegation
- The actual delegations made by the Council to its committees and the Chief Executive.

When deciding which powers to delegate, and to what level, the Council and the Chief Executive will balance the following needs for:

- ~~for the~~ Council to operate efficiently and effectively



- ~~for the~~ Council to concentrate on its policy-making role and for the Chief Executive and staff to implement Council policy and administer Council facilities and services
- ~~for the~~ Council's operations to be carried out in an open and fair manner
- ~~for~~ Those with responsibility for a task or function to have the authority necessary to carry it out effectively
- ~~for~~ All statutory requirements to be properly observed.

~~Principles relevant to the Nelson City Council Delegations Register are that:~~

- ~~• delegations are made to positions, not to specific persons~~
- ~~• delegations must be recorded in the Nelson City Council Delegations Register~~
- ~~• decisions made under delegated authority cannot be subsequently overturned by the Council.~~

Copies of the Nelson City Council Delegations Register (A1183061) are available on the Council's website or at the Council offices, ~~(refer to section 14 of this Governance Statement for contact details-).~~

## 9.0 Meeting Processes

The legal requirements for Council meetings are set down in Schedule 7 of the Local Government Act 2002 and Part VII of the Local Government Official Information and Meetings Act 1987.

All Council and Committee meetings must be open to the public unless there is good reason to consider an item in a public excluded part of the meeting. When the item is deemed to be public excluded, members of the public are asked to leave the room until discussion on the item is complete. Section 48 of the Local Government Official Information and Meetings Act 1987 ~~section 48~~ contains a list of the limited circumstances where Council may consider items with the public excluded. These circumstances generally relate to the protection of personal privacy, legally privileged information or information subject to commercial activities or negotiations and the maintenance of public health, safety and order.

For an ordinary meeting of Council, at least 14 days' notice of the time and place of the meeting must be given to members. Extraordinary meetings generally can be called with three working days' notice.

The Council agenda is a public document, although parts of it may be withheld if the public excluded circumstances apply. Minutes of meetings must be kept as evidence of the proceedings of the meeting. Agendas and minutes of meetings must be made available to the public subject to the provisions of the Local Government Official Information and Meetings Act 1987.

During meetings the Mayor and councillors must follow standing orders. Council may suspend parts of the standing orders by a vote of 75 percent of the members present and voting. ~~The Nelson City Council adopted its Standing Orders (A691137) at the 27 October 2016~~ 22 June 2017 Council meeting. Standing Orders will be reviewed during this triennium.

The Mayor or committee chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for

disorderly conduct, or remove any member of Council who does not comply with standing orders.

Members of the public are able to attend Council and Committee meetings. Members of the public do not have speaking rights at meetings unless the Chairperson invites someone to speak.

However, members of the public are welcome to attend and address a meeting of the Council or its committees through a public forum or petition. Nelson City Council Standing Orders explain this process. Copies of the Nelson City Council Standing Orders are available on Council's website [nelson.govt.nz](http://nelson.govt.nz) or by contacting an ~~an~~ Administration a Governance Adviser at the Council offices, ~~(refer to section 14 of this Governance Statement for contact details:).~~

Council and governing committee meetings are currently live-streamed to YouTube. To access live streaming or previous recordings of meetings you can search for the Nelson City Council page on [www.youtube.com](http://www.youtube.com).

~~If you are interested in attending a Council meeting, or require any information about a Council meeting, you can contact an Administration Adviser at the Council offices. All public meetings are advertised in Our Nelson (a free fortnightly publication that details Council news and information) or the Nelson Mail, and. The meeting agendas and minutes are available on the Council's website, at the Council offices, and at public libraries, (refer to section 14 of this Governance Statement for contact details:).~~

~~If you are interested in attending a Council meeting, or require any information about a Council meeting, you can contact a Governance Adviser at the Council offices.~~

## 10.0 Consultation Policies

### 10.1 Significance and Engagement Policy

The basic principles of consultation are set out in section 82 of the Local Government Act 2002.

Council has adopted a Significance and Engagement Policy which lets both Council and the community identify the degree of significance attached to particular decisions, to understand when the community can expect to be engaged in Council's decision making processes, and know how this engagement is likely to take place.

The Policy covers how significance is determined, community engagement, special consultative procedure, information requirements and engagement with iwi.

The Significance and Engagement Policy is available on Council's website, [nelson.govt.nz](http://nelson.govt.nz) or a copy can be requested at the Council offices, ~~(refer to section 14 of this Governance Statement for contact details:).~~

### 10.2 Community Engagement and Communication

The Council engages with the public through a range of methods ~~and media~~ including:

- Our Nelson, a free fortnightly publication sent to households and ~~non-resident ratepayers available~~ on ~~request~~ digital channels that details Council news, contains a 'Councillor's Comment' section and ~~information (contact Paul Shattock, (03) 546 0301 or )~~ public notifications
- ~~the Council website at~~ websites such as [nelson.govt.nz](http://nelson.govt.nz)

- ~~newspaper advertisements and shape.nelson.govt.nz that deals specifically with legal announcements~~ consultation responses
- ~~Paid advertising for some public notices~~ such as resource ~~consent or consents~~, election notices; and ~~others such as~~ calls for tenders
- ~~press~~ Media releases, radio interviews, ~~public presentations and forums~~ press statements and responses, as well as columns by the Mayor.
- ~~social media~~
- Social media – including Twitter, Facebook, Instagram and a Youtube Channel where all Council meetings are livestreamed
- Consultation and engagement activities ~~including public presentations, hearings and forums~~
- The ~~Nelson City~~ Council also conducts frequent surveys, as well as an annual telephone survey of a sample of residents.

## 11.0 Policies for Liaising and Relationships with iwi and Māori

~~The Māori make up approximately 10.65% of Whakatū/Nelson population as at 2018. This is slightly lower than the national Māori population of 16.5%. Nelson City Council – Te Kaunihera o Whakatū encourages all residents including Māori to participate in Council's decision-making processes.~~

~~The Local Government Act 2002 Part 6 provides principles acknowledges the special place of tangata whenua within the region and requirements for local authorities that facilitate the participation of Māori in decision-making processes. indeed across Aotearoa/New Zealand.~~

~~This is to Councils have statutory responsibilities to engage with iwi and Māori and 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 authority decision-making processes.~~

~~These principles and requirements are as follows:~~

- ~~a local authority must establish and maintain processes to provide opportunities for Māori to contribute to their decision-making processes and to consider ways to foster the development of Māori capacity~~
- ~~consultation with Māori – a local authority must ensure that it has in place processes for consulting with Māori that are in accordance with the principles of consultation as set out by section 82 of the Local Government Act 2002~~
- ~~local authority decision making – where, in the course of the decision-making process, a significant decision relates to land or a body of water, the local authority must take into account the relationship of Māori and their culture and their traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga~~
- ~~working with Māori – the Long Term Plan must outline how the local authority will work with Māori to further community outcomes~~
- ~~the Local Government Act 2002 requires Council to build the capacity of Māori to engage with local government.~~



~~Representatives of the Māori community are involved in Council working groups on relevant issues, and the Mayor (or the Mayor's nominated representative) is a standing member of the Whakatū Marae Management Kōmiti.~~

~~Nelson City Council currently works with Māori groups on projects that benefit both Māori and the wider community of Whakatū (Nelson).~~

~~Prior to through various Acts of Parliament including the Treaty of Waitangi Settlements, Councillors and senior managers engaged with iwi representatives and mātāwaka to discuss issues of mutual interest through Te Kotahitanga Forum. Settlement legislation. Within Whakatū/Nelson region these include:~~

~~Council also had Memorandum of Understanding (MoU) with six of the local iwi from 2005. These MoU have become out of date as a result of Treaty of Waitangi Settlements.~~

~~Statutory responsibilities Council enacts under the various Treaty of Waitangi Settlements across the eight iwi derive from the:~~

- ~~• Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014;~~
- ~~• Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014, and;~~
- ~~• Ngati Toa Rangatira Claims Settlement Act 2014~~

~~The Treaty of Waitangi Settlements Acts above clearly outline each area of interest including statutory acknowledgements over land, water, sites, wāhi tapu, valued flora and fauna, and other taonga for the eight iwi.~~

~~Council works closely with the iwi in ensuring their interests in the above in relation to specific resource consent applications, iwi environmental issues of concern and possible solutions and hui to assist good decision-making takes place.~~

~~There is also a commitment to establish a Freshwater Committee with the eight iwi and the three unitary authorities across Nelson, Tasman and Marlborough.~~

~~Opportunities of mutual benefit to Council and iwi to work together in a post-settlement environment also exist in continuing to raise social, cultural and economic outcomes for iwi, Māori and the broader region.~~

~~In supporting the Council to enact its responsibilities to iwi and Māori under The Local Government Act 2002 and the various Treaty of Waitangi Settlement Acts 2014, the Council has two key positions.~~

~~The The Local Government Act places obligations on Councils to facilitate participation by Māori in decision-making processes. The key success of local government meeting its legislative requirement will be its ability to provide an environment (through systems, structures and services) that encourages and supports Māori to enter and participate in these processes.~~

~~The Resource Management Act 1991 promotes the sustainable management of natural and physical resources in a way that enables communities to provide for their environmental, social, economic and cultural wellbeing. Within the Resource Management Act are provisions for consulting and working with iwi, such as when preparing or changing regional policy statements, regional plans and district plans as well as other resource management decisions.~~

Over and above statutory obligations, the intent of an iwi-Council partnership is to move beyond matters of environmental and cultural importance and to understand Māori values, issues and aspiration as they relate to environmental, social, economic and cultural wellbeing.

### **11.1 Council Kaumātua supports**

The Council has had a kaumātua since 2003 appointed to support the Mayor and Chief Executive on tikanga (Māori customs), pōwhiri (welcomes on kawa (etiquette), tikanga (custom) and ceremonial matters. The Council kaumātua position has resulted in a major advance in the relationship between Council and iwi. Following a recommendation from iwi, in November 2019, two kaumātua were appointed to Council.

### **11.2 Rangatira to Rangatira - Leadership Meetings**

The Iwi-Council Partnership Group was established in December 2018 and meets quarterly. This group involves the Mayor, Deputy Mayor, two elected members of Council, and Chairs from each of the eight iwi. The role of this group is primarily to review the Memorandum of Understanding and to develop an Engagement and Partnering Strategy. Following the completion of this work the Partnership Group will continue to discuss other governance or relationship matters.

The Nelson City Council and Iwi Managers Forum involves the marae), blessings and other ceremonies Council Chief Executive and iwi Chief Executives and General Managers from each of the eight iwi. The focus of this forum is primarily on management matters.

- The Council also has a Kaihautū — General Manager Māori position which reports directly to the Chief Executive and is part of the senior leadership team. The Kaihautū is leading Councils work in our ongoing relationship with iwi and Māori and provides advice to Council and Councillors on Māori issues. Further detail about this position can be found in the Management Diagram in Appendix 4.

In the meantime, Council continues to consult with the eight iwi authorities to identify resource management issues of concern and possible solutions to them.

The Iwi Working Group (IWG) has been established with the following role and purpose:

- Identify the strategic outcomes to lead the development of the Nelson Plan
- Identify resource management issues of significance to iwi
- To consider and comment on draft provisions of the Nelson Plan to ensure adequate cultural perspective is provided and outcomes and issues identified by Iwi are addressed. Where necessary IWG will assist to develop appropriate responses with agreement of the Manager Planning
- To work collaboratively on the development of freshwater provisions including engaging with the Freshwater Advisory Committee from Treaty Settlements when it is established.

### **11.3 Iwi representation also occurs on the committee in charge of Mana Kaunihera - Appointments to Council Committees**

Iwi have a representative on the Nelson Regional Sewerage Business Unit (a and the Nelson Tasman Regional Landfill Business Unit (jointly owned resource between the Council and resources with Tasman District Council) as well as and the Planning and

Regulatory Committee. A continued focus for Council and iwi leaders is to explore how to achieve additional iwi representation on Council committees.

The Nelson Regional Development Agency has appointed two iwi representatives endorsed by iwi to their Board. The Tasman Bays Heritage Trust and Suter Gallery Trust Board.

Finally, Council actively participates in the Regional Inter-sector Forum (RIF), also have iwi representatives.

The Mayor is a community representative on the Whakatū Marae committee.

Iwi have an integral role with the Te Taihū Intergenerational Strategy focused on the wellbeing of our whānau (people), pūtea (economy) and Taiao (environment) across the whole Te Taihū (Top of the South) region.

#### **11.4 Te Kāhui Whiria Māori Partnerships Team**

The Kaihautū, Manager Māori Partnerships reports directly to the Chief Executive and is part of the senior leadership team. The Kaihautū is employed to guide and help Council to achieve its aspirations of strengthening its partnerships with iwi, mātāwaka and Māori communities; as well as continuing to support cultural development within the organisation.

Similarly, the role of the Kaituitui, Māori Partnerships Coordinator is to provide administrative and project coordination to support the vision of Te Kāhui Whiria.

He Waka Kuaka is a Te Reo Māori course available to staff. Council staff meet weekly for waiata. Council have developed a Cultural Tool Kit for staff and offer Treaty of Waitangi training throughout the year.

### **12.0 The Management Structure and Relationship between Management and Elected Members**

A diagram illustrating the management structure of the Nelson City Council is provided in Appendix 3. This diagram also explains the responsibilities of each area of the Council's management.

#### **12.1 The Chief Executive**

The Chief Executive is the only person directly employed by the Council. The role and responsibilities of the Chief Executive are listed in ~~the Local Government Act 2002~~ Section 42 and Schedule 7, Sections 33 - 36 the Local Government Act 2002 and are also outlined in the Nelson City Council Delegations Register (A1183061).

The Chief Executive is employed by the Council for a term of up to five years, and in some circumstances this may be increased for an additional two years.

#### **12.2 Responsibilities of the Chief Executive implements and manages the Council's policies and objectives within the budgetary constraints established by the**

The Act provides for Council. Under section 42 of the Local Government Act 2002, the responsibilities to delegate the management of the organisation to the Chief Executive are in accordance with s42 and clauses 33 – 36 of Schedule 7, on the terms and conditions Council sees fit.

The Chief Executive is responsible to the elected Council for:

- Implementing the decisions of the ~~Council~~local authority; and
- Providing advice to members of the ~~Council~~local authority and to its community boards, if any; and
- Ensuring that all responsibilities, duties, and powers delegated to ~~the Chief Executive him or her~~ or to any person employed by the ~~Chief Executive~~local authority, or imposed or conferred by ~~any~~an Act, regulation, or bylaw, are properly performed or exercised; and
- ~~managing~~Ensuring the effective and efficient management of the activities of the ~~Council effectively and efficiently~~local authority; and
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the ~~Council~~local authority; and
- Providing leadership for the staff of the ~~Council~~local authority; and
- ~~Employing staff (including negotiation, on behalf of the local authority, the staff of the local authority; and~~
- Negotiating the terms of employment for of the staff) of the local authority.

Furthermore, the Chief Executive is also responsible for:

- Ensuring, as far as practicable, that the management structure of the local authority reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes;
- Ensuring, as far as practicable, that the management structure of the local authority is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.

All other Council officers are employed by the Chief Executive. The Chief Executive is therefore the only person that can give an instruction to a staff member. For this reason, complaints about a Council staff member should be directed to the Chief Executive rather than elected members. The Chief Executive can be contacted at the Council offices ~~;~~ (refer to section 14 of this Governance Statement for contact details:).

### 13.0 Equal Employment Opportunities Policy

The principle of equal employment opportunities is an essential component of staff management and the Nelson City Council is committed to integrating it into ~~human resource~~People and Capability management strategies. Equal employment opportunities are not just about creating a workforce where men and women are treated equally, rather it is recognition that diversity is appreciated and valued. Equal employment opportunities enhance the work and personal environments of employees, both current and future.

The Nelson City Council will continue with the on-going development of ~~human resource~~People and Capability policies, practices and procedures to ensure that the recruitment, development and advancement of staff, as well as the availability of opportunities, occurs in an open and transparent manner regardless of age, gender, ethnicity, religion, sexual preference, disability and/or political beliefs. These strategies will recognise diversity, enhance the workplace and enable staff to contribute to the on-going success of the organisation.



## **14.0 Remuneration and Employment Policy**

Nelson City Council has a range of up to date employment policies. Council works actively towards being a good employer and an employer of choice.

Nelson City Council benchmarks staff remuneration against current market data, from an external reputable provider.

## **14.015.0 Key Approved Planning and Policy Documents and the Process for their Development and Review**

The Nelson City Council has a large number of policy and planning documents that are available on the Council website and at the Council offices ~~-(refer to section 14 of this Governance Statement for contact details:-).~~

The key approved documents are:

### **14.115.1 Long Term Plan ~~2015—2025~~2018 - 2028**

The Nelson City Council adopts a Long Term Plan every three years. The current Long Term Plan was adopted in June ~~2015~~2018. The main purpose of the Long Term Plan is to detail priority activities and spending for a ten year period.

As part of the Long Term Plan, Council must adopt an Infrastructure Strategy which identifies the key strategic infrastructure issues over the next 30 years and describes options for managing those issues, and the implications of those options. It must also adopt a Financial Strategy which aims to facilitate prudent financial management and guide consideration of proposals for funding and expenditure.

The Long Term Plan is subject to consultation according to the special consultative procedure outlined in sections 83 and 93A-93G of the Local Government Act 2002.

### **14.215.2 Annual Plan**

The Nelson City Council develops and adopts an Annual Plan every year. The main purpose of an annual plan is to contain budget and funding information for the year to which the annual plan relates, and identify any variation from the Long Term Plan.

The Annual Plan is subject to the principles of consultation outlined in section 82 of the Local Government Act 2002 unless the proposed annual plan does not include significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.

### **14.315.3 Annual Report**

The Annual Report must be prepared by October each year and covers the previous financial year. The Council adopted the Annual Report ~~2015/16~~2018/19 in October 2016, ~~and the 2016/17 Annual Report will be adopted in October 2017~~2019.

The Annual Report is the Council's key accountability report and covers its financial and service performance for the previous year.

Asset/Council is required to adopt the 2019/2020 Annual Report by 31 October 2020.

### **14.415.4 Activity Management Plans**

An ~~asset~~activity management plan is prepared for each of Council's significant ~~assets~~activities, including water supply, transport, wastewater, stormwater and flood protection, solid waste, property and facilities, ~~and~~ parks and reserves. ~~There are also~~

~~activity management plans for~~, environment, community partnerships, arts, and heritage, ~~and building and regulatory~~.

These documents are key planning tools that outline how agreed levels of service will be delivered for the key infrastructural assets and activities of Nelson City Council.

~~Asset/~~Activity Management Plans are reviewed every three years and inform the Long Term Plan.

#### ~~14.5~~15.5 Nelson Plan

~~The~~ Council is working on a full review of all of its plans developed under the Resource Management Act 1991 ("RMA Plans"). Once prepared, the reviewed plan will be called the Te Māhere mō Whakatū Nelson Plan.

Nelson's RMA Plans include the Nelson Regional Policy Statement, Nelson Air Quality Plan and the Nelson Resource Management Plan which ~~incorporates~~incorporate the District Plan, Regional Plan and Regional Coastal Plan. The Nelson Plan will integrate all of these Plans into the one document.

The Nelson Plan will set out how we manage the growth, development and protection of our built and natural environment; for example setting limits for subdivision, building height, earthworks or managing water quality and quantity.

It is a requirement that plans developed under the RMA are reviewed every ten years.

~~Council aims to release~~A draft Nelson Plan ~~before was made available to the end of 2017, with notification public in March 2020.~~

~~A copy~~ of the Nelson Plan ~~to follow in 2018.~~

~~The current, together with the previous~~ Nelson Resource Management Plan, Air Quality Plan and Regional Policy Statement can be found on Council's website and at the Council offices, ~~(refer to section 14 of this Governance Statement for contact details:).~~

#### ~~14.6~~15.6 Other Planning and Policy Documents

Council has a number of other policy and planning documents which guide decision-making, ~~these include. A full list of these documents is available on request at the Council offices, a sample of which is noted below:~~

- ~~• Heart of Nelson~~
- ~~• Iwi Management Plans~~
- ~~• Nelson 2060 (refer section 2.2 of this Governance Statement)~~
- ~~• Nelson Biodiversity Strategy~~
- Recreation policies such as the Out and About - Active Travel and Pathway-based Recreation Policy and ~~Out and About—On Tracks Strategy~~Reserve Management Plans
- Arts Policies such as the Regional Arts Strategy ~~and Arts Policy~~
- ~~Regional Land~~Transport policies such as the Regional Land Transport Strategy and Regional Land Transport Plan

- ReserveWaste policies such as the Nelson Tasman Waste Management Plansand Minimisation Plan
  - ~~Regional Pest Management Strategy (under review in 2017/18)~~
  - ~~Significance & Engagement Policy (refer section 9.1 of this Governance Statement)~~
  - Community policies such as the Social Wellbeing Policy and Nelson's Youth Strategy
  - Urban development policies such as the National Policy Statement Urban Development Capacity and Nelson Future Development Strategy
  - Environmental policies such as the Nelson Air Quality Plan and Environmental Grants Policy
- ~~Whakatu Nelson Heritage Strategy~~

## **15-016.0 Public Access to Council Services and Elected Members**

### **15-116.1 Contact Details for the Council Offices**

General enquiries:

Civic House  
PO Box 645  
110 Trafalgar Street  
NELSON 7040

Telephone: (03) 546 0200 (24 hour service)

Fax: (03) 546 0239

E-mail: [enquiry@ncc.govt.nz](mailto:enquiry@ncc.govt.nz)

Website: [www.nelson.govt.nz](http://www.nelson.govt.nz)

Civic House Opening Hours are:

Monday, Tuesday, ~~Wednesday~~Thursday and Friday 8.30am to 5.00pm  
~~Thursday~~Wednesday 9.00am to 5.00pm

Written correspondence to the Council may be addressed to the Chief Executive or appropriate staff member at the postal and email address above.

### **15-216.2 Contact Details for the ~~Mayor and~~ Elected Members**

Mayor Rachel Reese	<a href="mailto:mayor@ncc.govt.nz">mayor@ncc.govt.nz</a>	(03) 546 0242 027 246 7766
Councillor Yvonne Bowater	<a href="mailto:yvonne.bowater@ncc.govt.nz">yvonne.bowater@ncc.govt.nz</a>	027 673 1411
Councillor Trudie Brand	<a href="mailto:trudie.brand@ncc.govt.nz">trudie.brand@ncc.govt.nz</a>	027 756 8201
Councillor Mel Courtney	<a href="mailto:mel.courtney@ncc.govt.nz">mel.courtney@ncc.govt.nz</a>	022 079 6250

Councillor Judene Edgar	<a href="mailto:judene.edgar@ncc.govt.nz">judene.edgar@ncc.govt.nz</a>	021 541 927
Councillor Kate Fulton	<a href="mailto:kate.fulton@ncc.govt.nz">kate.fulton@ncc.govt.nz</a>	027 844 3197
Councillor Matt Lawrey	<a href="mailto:matt.lawrey@ncc.govt.nz">matt.lawrey@ncc.govt.nz</a>	027 406 3434
Councillor Brian McGurk	<a href="mailto:brian.mcgurk@ncc.govt.nz">brian.mcgurk@ncc.govt.nz</a>	(03) 544 1955 027 444 0170
Councillor Gaile Noonan	<a href="mailto:gaile.noonan@ncc.govt.nz">gaile.noonan@ncc.govt.nz</a>	(03) 548 2688 027 518 8812
Councillor Rohan O'Neill-Stevens	<a href="mailto:rohan.oneillstevens@ncc.govt.nz">rohan.oneillstevens@ncc.govt.nz</a>	021 026 84778
Councillor Pete Rainey	<a href="mailto:pete.rainey@ncc.govt.nz">pete.rainey@ncc.govt.nz</a>	021 747 383
Councillor Rachel Sanson	<a href="mailto:rachel.sanson@ncc.govt.nz">rachel.sanson@ncc.govt.nz</a>	021 106 5043
Councillor Tim Skinner	<a href="mailto:tim.skinner@ncc.govt.nz">tim.skinner@ncc.govt.nz</a>	(03) 548 8879 021 668 733

## **16-017.0 Requests for Official Information**

Under the Local Government Official Information and Meetings Act 1987, any person may request information from the Council. All requests for information are deemed to be a request made under the Local Government Official Information and Meetings Act 1987. Requests need to be specific about the information to be provided. Once a request is made, Council must supply the information within 20 working days (there are certain circumstances where this time-frame may be extended).

### **16-117.1 How do I Make a Request for Information?**

You can put your request in writing to:

Nelson City Council  
PO Box 645  
NELSON 7040

or email to [LGOIMA@ncc.govt.nz](mailto:LGOIMA@ncc.govt.nz)

[or complete the online Information Request form that is available on Council's website nelson.govt.nz](https://www.nelson.govt.nz)

You are also welcome to phone our Customer Service Centre +64 3 546 0200 or ask in person at the Customer Service Centre.

### **16-217.2 Can the Council Withhold Information?**

Once a request is made, the Council must supply the information as soon as reasonably practicable unless good reason exists for withholding it. The Local Government Official Information and Meetings Act 1987 sections 6 and 7 provide the reasons for a local council to withhold official information.

Examples of common reasons to withhold information are to:

- protect peoples' privacy



- maintain legal privilege
- enable the Council to carry on its commercial activities

### **~~16.3~~17.3 Will I have to Pay for the Information?**

If a request is for a significant amount of information, or requires substantial collation and research, Council is entitled to charge and those charges are based on guidelines from the Ministry of Justice.

Under these guidelines you are entitled to:

- The first hour of time free
- Twenty pages of free photocopying
- We can recover any other actual costs (e.g. reproducing a photograph)
- Time in excess of an hour is charged at \$38/half hour
- Additional copying is charged at 20 cents per page

Where charges are payable, Council will advise you of the cost of processing your request before officers begin working on it. You can then decide if you want to continue, withdraw or refine your request. ~~A deposit of 50% of the cost in advance may be required.~~

All requests will be dealt with under the terms of Section 13 of the Local Government Official Information and Meetings Act 1987.

### **~~16.4~~17.4 Can I Complain about a Decision?**

You can complain to the Ombudsmen if:

- you are refused access to any information, and you disagree with the grounds on which it was refused
- the person handling your request does not reply to you within the time limit
- you are not happy with the length of an extended time limit
- you believe that you have been charged an unreasonable amount for the information
- you are not happy with the way the information has been made available or with any conditions placed on the use of the information.

Complaints about refusals to release official information should be made in writing and directed to ~~one of the Offices~~Office of the Ombudsmen. The main office is:

PO Box 10152  
WELLINGTON 6143

[www.ombudsmen.parliament.nz](http://www.ombudsmen.parliament.nz)

Freephone: (0800) 802 602

Email: [info@ombudsmen.govt.nz](mailto:info@ombudsmen.govt.nz)

## Appendix 1 - Nelson City Council Bylaws as at March ~~2017~~2020

Part 8 of the Local Government Act 2002 allows councils to create and apply bylaws in their areas. Bylaws are to be reviewed five years after the date they were enacted. After that, bylaws are to be reviewed every 10 years. Council's bylaws are available on the Council website and at the Council offices, refer to section 14 of this Governance Statement for contact details.

Number	Name	General Description	Effective Date	Review Date
No 207	Parking and Vehicle Control	This Bylaw provides the means for the Council to establish vehicle parking areas and other vehicle control measures, and to regulate their use.  Includes provisions banning the use of skateboards in high density pedestrian areas.	December 2011 and amended in December 2012	December 2021
No 210	Speed Limits	This Bylaw provides the means for the Council to introduce different speed limits for different parts of the City.	November 2011 and amended in August 2013	As required (Land Transport Act 1998)
No 218	Navigation and Safety	This Bylaw regulates all navigable waters within Nelson City.	19 September 2019	October 2029
No 221	Dog Control	This Bylaw gives effect to the Dog Control Policy by regulating the adverse impacts of dogs on the community.	25 February 2013	February 2019
No 223	Water Supply	This Bylaw covers the protection of water supply and water source, as well as metering of water supply.	4 March 2015	December 2020
No 224	Wastewater	This Bylaw provides for the acceptance and control of Wastewater including Trade Waste to a Wastewater System operated by Council.	23 November 2015	December 2020
No 225	Urban Environments	This Bylaw covers: keeping of animals, urban amenity, trading in public places, control of alcohol in public places, reserves, and burial and cremations.	2 June 2015	June 2020
No 226	City Amenity	This bylaw relates to city amenity and safety.	11 September 2017	December 2022

Number	Name	General Description	Effective Date	Review Date
No 227	Freedom Camping	This Bylaw gives Council powers to regulate and manage freedom camping activities on Nelson City local authority lands and introduces an infringement regime for offences.	1 December 2017	December 2022

**Appendix 2 - Nelson City Council ~~Mayor and~~ Elected Members (~~2016—2019~~) - 2022)****Mayor**

Rachel Reese

**Deputy Mayor**

~~Paul Matheson~~

Judene Edgar

**Councillors**

~~Luke Acland~~

~~Ian Barker~~

Yvonne Bowater

Trudie Brand

Mel Courtney

~~Bill Dahlberg~~

Kate Fulton

Matt Lawrey

Brian McGurk

~~Mike Rutledge~~

Gaile Noonan

Rohan O'Neill-Stevens

Pete Rainey

Rachel Sanson

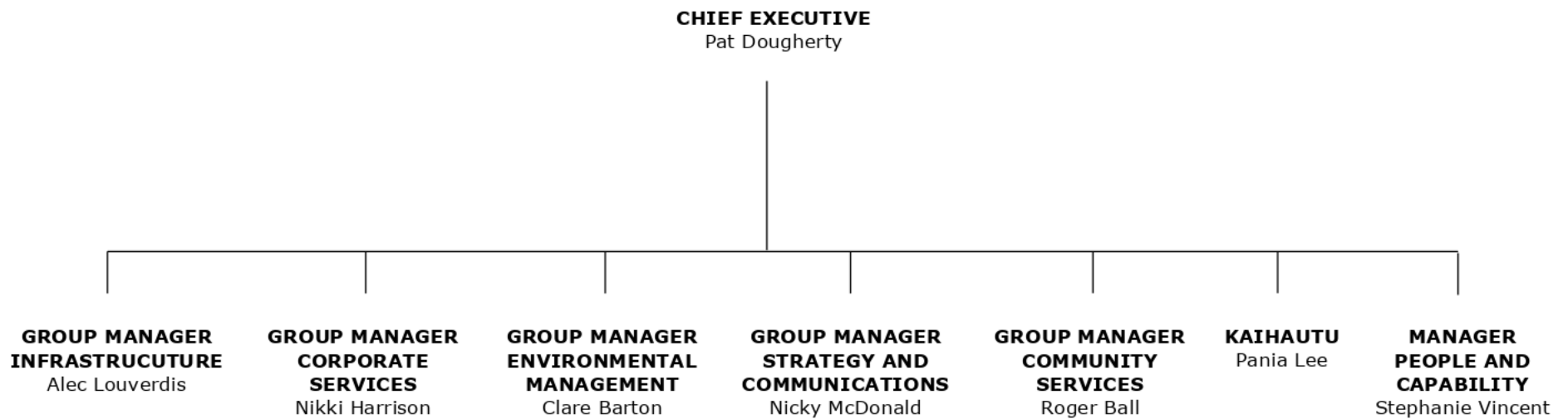
Tim Skinner

Stuart Walker

For a full list of Council Committees and Subcommittees, and their memberships, please refer to Council's Delegations Register (A1183061), available on Council's website and at ~~the~~ Council offices, (refer to section 14 of this Governance Statement for contact details).

## Appendix 3 - Nelson City Council Management Structure

### Nelson City Council Management Structure





# **Draft**

# **Nelson City Council**

# **Governance Statement**

# **2019 - 2022**

Note: The Governance Statement is adopted by Council at the commencement of each three year term of local government (triennium).

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## **1.0 Introduction**

### **1.1 What is a Local Governance Statement?**

A local governance statement is a requirement of Section 40 of the Local Government Act 2002 (the Act). A new local governance statement is required within six months of each triennial election and is updated as necessary.

The Act requires a local governance statement to include information on the following matters:

- Functions, responsibilities and activities of the Council
- Local legislation and bylaws
- The electoral system and the opportunity to change it
- Representation arrangements, and the way these can be changed
- Members' roles and conduct
- Governance structures, processes, membership and delegations
- Meeting processes
- Consultation policies
- Policies for liaising with Māori
- The management structure and the relationship between elected members and management
- Remuneration and employment policies
- Equal employment opportunities policies
- Key planning and policy documents and the process for their development and review
- Public access to the Council and the elected members
- Processes for official information requests.

## **2.0 The Functions, Responsibilities and Activities of the Nelson City Council**

The purpose of the Nelson City Council, as set out in section 10 of the Act, is to

- Enable democratic local decision making and action by, and on behalf of, communities; and
- Promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

### **2.1 The Role of Nelson City Council**

The role of Nelson City Council, as set out in section 11 of the Act is to:

- give effect to the purpose of local government; and

- perform the duties, and exercise the rights, conferred on it by or under the Act and any other enactment.

To achieve this purpose, the Nelson City Council has divided its work into the following significant activities: transport, water supply, wastewater, solid waste, stormwater, flood protection, environment, social, parks and active recreation, economic, and corporate.

A full description of what activities the Nelson City Council does in each of these activity areas is available in the Nelson City Council Long Term Plan 2018 – 2028. Copies of this Long Term Plan are available on the Council's website or at the Council offices (refer to section 14 of this Governance Statement for contact details).

Nelson City Council is also committed to taking a sustainable development approach through the services it provides and in the way that it operates as an organisation.

## **2.2 Nelson's Vision for the Future**

### **2.2.1 The Long Term Plan – 2018 – 2028**

Council's vision is that

*Nelson is The Smart Little City.*

*It is a vibrant place - where we are deeply connected with, and committed to, our natural, social and cultural environment. Clever business and innovation help us thrive. We enjoy living fulfilled lives in smart, sustainable communities.*

This vision for the city guides Council as it delivers the Long Term Plan 2018-2028.

Council's Mission is that

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

Our Community Outcomes:

- Our unique natural environment is healthy and protected
- Our urban and rural environments are people-friendly, well planned and sustainably managed
- Our infrastructure is efficient, cost-effective and meets current and future needs
- Our communities are healthy, safe , inclusive and resilient
- Our communities have opportunities to celebrate and explore their heritage, identity and creativity
- Our communities have access to a range of social, educational and recreational facilities and activities
- Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement
- Our region is supported by an innovative and sustainable economy

The top four priorities are:

- **Infrastructure** - Our city, community and environment all depend on our core infrastructure networks to provide safe and smart transport, water, wastewater, stormwater, and flood protection. Council is putting essential infrastructure at the forefront to future-proof our city.
- **Environment** - Kia whakatu tika te tai ao me te tai ao tiaki te tai ao - if the environment is kept well and strong it will look after itself and us. Council recognises investing in the environment is essential for our future.
- **City Centre Development** - Our aim for Nelson's central business district is for it to be attractive to businesses, 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.
- **Lifting Council Performance** - To achieve our vision of a Smart Little City, we need a Council team that enables things to happen. It needs to provide solutions to cut through the red tape so that real value can be delivered to our community.

### 2.2.2 The Annual Plan 2020/2021

Council has three focuses for the 2020/2021 Annual Plan:

1. *Creating a Sustainable Transport Culture*
2. *Housing Affordability and Intensification*
3. *Maitai River Precinct*

### 2.3 Unitary Authority – a Dual Role for Nelson City Council

As a unitary authority, the Nelson City Council has the combined responsibilities and functions of both a territorial (local) and regional council. This is different from most other local authorities in New Zealand. More often a regional council is a separate organisation with several territorial authorities (city or district councils) within its borders. Other unitary authorities are Auckland Council, Gisborne District Council, Marlborough District Council, Tasman District Council and Chatham Islands District Council.

The main effect of being a unitary authority is that Nelson City Council undertakes a wider range of functions and activities at both a local and regional level.

### 3.0 Local Legislation and Bylaws

There is currently no local legislation that confers powers on the Nelson City Council. However, there are a number of bylaws that are currently enacted. These are listed in Appendix 1.

### 4.0 The Electoral System and the Opportunity to Change it

Elections for the Mayor and councillors are held once every three years.

#### 4.1 The Voting System

Regulation 8 of the Local Electoral Regulations 2001 allows for one of two electoral systems to be used for local body elections. Those two systems are First Past the Post (FPP) and Single Transferrable Vote (STV).

The Nelson City Council currently holds its elections under the First Past the Post electoral system. Electors vote by indicating their choice for Mayor by placing a tick beside one of the names and the person who receives the most votes becomes Mayor. Councillors are elected the same way, with the 12 candidates who each receive the most votes becoming councillors. Voters in this system may vote for no more than 12 candidates. The elections are conducted by post over a three week period to make it as convenient as possible for people to vote.

The other option permitted under the Local Electoral Act 2001, but not currently used by Council, is the Single Transferable Vote system. Electors vote by ranking candidates in order of preference by placing a number beside each candidate's name. The elector can vote for one or up to the total number of candidates on the paper. The number of votes required for a candidate to be elected, the quota, depends on the number of positions to be filled and the number of valid votes. The successful candidates are worked out as follows:

- First, by counting the first preferences of all the electors and allocating these to the respective candidates
- Then by transferring a proportion of each vote received by any candidate whose number of first preferences exceeds the quota, in accordance with their electors' second preferences
- Then by excluding the lowest polling candidate and transferring their votes in accordance with their electors' second preferences
- This process is continued until the required number of members has been elected.

The last local body elections took place in October 2019, and the next elections will take place in October 2022.

### **4.2 Deciding on which Electoral System to Use**

Under the Local Electoral Act 2001, Nelson City Council can resolve to change the electoral system to be used for the next two elections.

The Local Electoral Act 2001 provides three methods in which a council can change their voting system:

- Council can resolve to change the voting system
- Council can conduct a binding poll of eligible electors on which electoral system to use
- Or a binding poll can be initiated by at least five percent of eligible electors signing a petition demanding that a poll be held.

Once changed, an electoral system must be used for at least the next two triennial general elections. The electoral system cannot be changed for one election and then changed back for the next election.

Council last considered this matter in August 2014; Council resolved to retain the status quo of using the First Past the Post system.

Council may choose to review the electoral system in future. Any resolution must be made by 12 September two years before the next triennial local election, i.e. by 12 September 2020 for the 2022 local election.

Regardless of whether Council wishes to change the system or remain with the existing system, public notice must be given of the electoral system to be used and the right of the public to demand a poll to change that system. This notice must be given prior to 19 September two years before the next triennial election, i.e. by 19 September 2020 for the 2022 local election.

## **5.0 Representation Arrangements**

Nelson City Council does not have any wards, constituencies or community boards.

### **5.1 Electoral Representation and Boundary Review**

Nelson City Council is required to review its representation arrangements at least once every six years. This review must include the following:

- The number of elected members (within the legal requirement to have a minimum of six and a maximum of 30 members, including the Mayor)
- Whether the elected members (other than the Mayor) shall be elected by the entire district, or whether the district will be divided into wards for electoral purposes, or whether there will be a mix of voting as a city as a whole or on a wards basis
- If election by wards is preferred, then the boundaries and names of those wards and the number of members that will represent each ward
- Whether or not to have separate wards for electors on the Māori electoral roll
- Whether to have community boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

Council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review and should also follow guidelines published by the Local Government Commission. The Local Electoral Act 2001 gives members of the public the right to make a written submission to the Council and the right to be heard on this submission, with respect to any reorganisation proposal.

Members of the public also have the right to appeal any decisions on the above to the Local Government Commission which will make a binding decision on the appeal. Further details on the matters that the Council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

Nelson City Council, at its meeting on 23 July 2015, decided that Council shall consist of 13 members, including the Mayor, that the members of the Council shall be elected by the electors of the City as a whole (meaning there would be no wards) and that there shall be no community boards established within the Nelson City Council area.

The next representation review will commence in 2021.

### **5.2 Māori Wards**

The Local Electoral Act 2001 (section 19Z) gives Council the ability to establish separate wards for Māori electors. Council may resolve to create separate Māori wards or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by five percent of eligible electors within the district at any time.

If Māori wards are implemented, the numbers of seats in that ward will be allocated according to the percentage of voters who are registered on the Māori electoral roll. In Nelson the number of such voters would only allow one ward.

In November 2011, Council decided to establish a Māori Ward for the 2013 local body elections. Nelson residents initiated a petition for a poll of voters on this issue. The 2012 poll result was against establishing a Māori Ward. Under the Local Electoral Act 2001 section 19 ZF(5), the result of that poll was effective for the next two triennial elections (i.e. 2013 and 2016).

Council may choose to review the matter of separate Māori wards no later than 23 November 2020 for the 2022 local election.

### **5.3 The Reorganisation Process**

The Act states that local government reorganisations may apply for one or more of the following matters:

- Union of districts or regions
- Constitution of a new district or region, including a new local authority
- Abolition of a district or region, including the abolition of a local authority
- Alteration of the boundaries of the district
- Transfer of statutory obligations or a discretionary function from one local authority to another
- Assumption by a territorial authority of the powers of a regional council as a unitary authority
- Establishment of a local board area, how the chairperson is elected and whether the local board may include appointed members
- Abolition of a local board area
- Alteration of the boundaries of a local board area
- Union of two or more local board areas

The procedures for resolving each type of proposal are slightly different. In general they begin with a proposal to the Local Government Commission either from the local authority, the Minister of Local Government or by any person, body or group.

Further information on these requirements can be found in the Local Government Act 2002. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

In July 2010, a petition for the union of Nelson and Tasman Councils was assessed by the Local Government Commission. In early 2012, the Local Government Commission announced that it had approved a new local government structure for the Nelson and Tasman areas which would be put to the electors of both districts for approval in separate polls in April 2012. The results of this poll were not in favour of the proposal. Therefore, separate councils for the Nelson and Tasman regions remain.

In December 2013, the Local Government Commission received an application for a reorganisation proposal for Nelson City and Tasman District Councils. The Local

Government Commission decided not to proceed with the application due to a lack of detailed information.

## **6.0 Members' Roles and Conduct**

The roles of elected members, the Mayor and Deputy Mayor are explained below. The names of the 2019 - 2022 Nelson City Council Mayor and councillors are provided in Appendix 2.

### **6.1 The Mayor**

The Mayor is elected by the city as a whole and, as one of the elected members, shares the same responsibilities as other members of Council. In addition, the Mayor has the following roles:

- Leadership of the community and the other elected members
- Advocate on behalf of the community and representing its interests
- Chairing Council meetings and being responsible for ensuring the orderly conduct of business as set out in the Council's standing orders (a set of procedures adopted by it for the conduct of its meetings)
- Lead the development the authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the other elected members
- Acting as the ceremonial head of the Council on behalf of Nelson.

Section 41A of the Act outlines the Mayoral powers in relation to the appointment of the Deputy Mayor and committee chairpersons and the establishment of committees.

### **6.2 The Deputy Mayor**

The Deputy Mayor may be appointed by the Mayor or by the Council at its first meeting. The Deputy Mayor steps in when the Mayor is unavailable.

### **6.3 The Councillors**

The role and responsibilities of a councillor fall into two main categories:

- Being a member of the governing body of the Council
- Being an elected representative of the community

Elected members are responsible for setting the policy direction of the Council, monitoring the performance of the Council and employing the Chief Executive.

Councillors in Nelson are elected by the city as a whole. Councillors have equal voting rights and may be appointed to one or more committees and working parties. They also may represent the Council on outside organisations and through attendance at civic events.

### **6.4 Code of Conduct**

The Act, schedule 7 part 1 (15), requires that all councils have a Code of Conduct for their elected members. Nelson City Council adopted its Code of Conduct on 31 October 2019. The Code of Conduct may be amended or replaced at a meeting of the

full Council, provided that this motion is supported by 75 percent of the members present; it cannot be revoked without replacement.

The Code of Conduct sets out the standards of behaviour expected from elected members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.
- This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in the code.

The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

Copies of the Nelson City Council Elected Members' Code of Conduct (A1181923) are available on the Council's website or at the Council offices (refer to section 14 of this Governance Statement for contact details).

## **6.5 Statutory Requirements**

There are a number of specific pieces of legislation applying to the conduct of elected members, including the following:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer, to abide by the current code of conduct and standing orders
- Local Authorities (Members' Interests) Act 1968, which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect)
- Local Government Official Information and Meetings Act 1987, which covers the fundamental principle of availability of information, along with provisions for the conduct of Council meetings
- Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way



- Financial Markets Conduct Act 2013, which imposes on elected members the same responsibilities as company directors whenever Council offers securities (debt or equity) to the public.
- Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for personal gain..
- Health and Safety at Work Act 2015, which allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace, and for the person conducting a business or undertaking (i.e. the Council) to ensure, as far as is reasonably practicable, the safety of workers and others who may be impacted by the work the business undertakes.
- Protected Disclosures Act 2000, which encourages people to report serious wrongdoing in their workplace by providing protection for employees who want to 'blow the whistle'. This applies to public and private sector workplaces.

## **7.0 Governance Structures and Processes, Membership and Delegations**

### **7.1 Council**

The 2019 – 2020 Nelson City Council has decided to deal with all business through a committee structure. This structure generally operates in a six-weekly cycle with committee meetings in weeks one to four of the cycle and a Council meeting in week six.

A schedule of Council and committee meeting dates can be found on Council's website [nelson.govt.nz](http://nelson.govt.nz).

The Council has established five governing committees and each has delegations specific to its topic area. These committees are:

- Infrastructure
- Environment
- Governance and Finance
- Community Services
- Sports and Recreation

These committees are all established as 'committees of the whole' – that is, all elected members are members of every governing committee.

The delegations for each committee of the whole explain the areas of responsibility and powers of each committee. The areas of responsibility for each of the governing committees are contained in the governing committee delegations, as set out in the 2019 -2022 Delegations Register (A1183061). A copy of the Nelson City Council Delegations Register is available on the Council's website [nelson.govt.nz](http://nelson.govt.nz). or at the Council offices (refer to section 14 of this Governance Statement for contact details).

The committees' powers in the delegations are expressly broad in nature. That is, each committee is delegated the power to exercise Council's responsibilities, functions, powers and duties in relation to governance matters within the areas of responsibility covered by the committee, aside from the limits contained within the 'powers to

recommend to Council' (for which the committee has power to consider matters, but not to make a final decision on them).

The Delegations Register also identifies matters for which Council retains all responsibilities, functions, powers and duties in relation to governance matters (section 5.2). Consideration of matters and decision-making for these items remains the responsibility of Council, although governance input may be sought at an early stage through specified alternative mechanisms, such as Working Groups.

Council has a number of other committees and subcommittees that deal with matters relating to specific functions of the Council:

- Chief Executive Employment Committee
- Civil Defence Emergency Management Group
- District Licensing Committee
- Hearings Panel – Resource Management Act
- Hearings Panel - Other
- Nelson City Council Tasman District Council Joint Shareholders Committee
- Joint Committee of Nelson City and Tasman District Councils
- Nelson Regional Sewerage Business Unit
- Nelson Tasman Regional Landfill Business Unit
- Resource Management Act Procedures Committee
- Regional Transport Committee
- Saxton Field Committee

Council Subcommittees:

- Audit and Risk Subcommittee
- Forestry Advisory Group
- Iwi-Council Partnership Group
- Tenders Subcommittee

The Delegations Register provides a full description of the functions, delegations and membership of all committees and subcommittees. Details of other delegations that can be found in the Delegations Register are included below in Section 7.4.

The Council also establishes working parties or working groups. These are similar to a committee but less formal and are assigned to a single issue or project for a specific time. Working parties or working groups may include members of the public and staff members and usually oversee the drafting of policies or plans before they are considered by the Council. However, working parties and working groups are not delegated decision-making bodies.

Council has established the following Working Groups:

- City Centre Working Group

- City for All Ages Working Group

## **8.0 Council-Controlled Organisations and Other Organisations**

Nelson City Council also has links with many organisations that may be public, private, for profit or non-profit.

### **8.1 Council Controlled Organisations (CCOs)**

CCOs are organisations for which a local authority controls 50% or more of the voting rights, or rights to appoint 50% or more of the directors/trustees. The current CCOs are:

- The Nelson Regional Development Agency
- The Bishop Suter Trust
- Tasman Bays Heritage Trust (Joint with Tasman District Council)
- The City of Nelson Civic Trust
- Nelson Municipal Band Trust

### **8.2 Council Controlled Trading Organisations (CCTOs)**

Council Controlled Trading Organisations are CCOs that operate a trading undertaking for the purpose of making a profit. The current CCTOs are:

- Nelmac Ltd
- Nelson Airport Ltd (Joint CCTO with Tasman District Council)

### **8.3 Other Commercial Trading Enterprises not classified as a CCTO**

- Port Nelson Ltd (Joint with Tasman District Council)

### **8.4 Council Organisations (COs)**

COs are organisations for which a local authority controls any proportion of the voting rights, or rights to appoint directors/trustees. The current CO is:

- Nelson Centre of Musical Arts

### **8.5 Delegation of Responsibilities**

To ensure efficiency and effectiveness in the conduct of a local authority's business, Schedule 7 section 32 of the Act enables local authorities to delegate most of its responsibilities, duties, or powers to committees, subordinate decision making bodies, members, or officers. There are some exceptions where specific powers cannot be delegated and these are listed in Schedule 7 section 32 of the Local Government Act 2002.

The Nelson City Council Delegations Register (A1183061) sets out:

- The background to the responsibilities of the Council, individual councillors and the Chief Executive
- The principles of delegation

- The actual delegations made by the Council to its committees and the Chief Executive.

When deciding which powers to delegate, and to what level, the Council and the Chief Executive will balance the following needs for:

- Council to operate efficiently and effectively
- Council to concentrate on its policy-making role and for the Chief Executive and staff to implement Council policy and administer Council facilities and services
- Council's operations to be carried out in an open and fair manner
- Those with responsibility for a task or function to have the authority necessary to carry it out effectively
- All statutory requirements to be properly observed.

Copies of the Nelson City Council Delegations Register (A1183061) are available on the Council's website or at the Council offices (refer to section 14 of this Governance Statement for contact details).

## **9.0 Meeting Processes**

The legal requirements for Council meetings are set down in Schedule 7 of the Local Government Act 2002 and Part VII of the Local Government Official Information and Meetings Act 1987.

All Council and Committee meetings must be open to the public unless there is good reason to consider an item in a public excluded part of the meeting. When the item is deemed to be public excluded, members of the public are asked to leave the room until discussion on the item is complete. Section 48 of the Local Government Official Information and Meetings Act 1987 contains a list of the limited circumstances where Council may consider items with the public excluded. These circumstances generally relate to the protection of personal privacy, legally privileged information or information subject to commercial activities or negotiations and the maintenance of public health, safety and order.

For an ordinary meeting of Council, at least 14 days' notice of the time and place of the meeting must be given to members. Extraordinary meetings generally can be called with three working days' notice.

The Council agenda is a public document, although parts of it may be withheld if the public excluded circumstances apply. Minutes of meetings must be kept as evidence of the proceedings of the meeting. Agendas and minutes of meetings must be made available to the public subject to the provisions of the Local Government Official Information and Meetings Act 1987.

During meetings the Mayor and councillors must follow standing orders. Council may suspend parts of the standing orders by a vote of 75 percent of the members present and voting. Nelson City Council adopted its Standing Orders (A691137) at the 22 June 2017 Council meeting. Standing Orders will be reviewed during this triennium.

The Mayor or committee chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of Council who does not comply with standing orders.

Members of the public are able to attend Council and Committee meetings. Members of the public do not have speaking rights at meetings unless the Chairperson invites someone to speak.

However, members of the public are welcome to attend and address a meeting of the Council or its committees through a public forum or petition. Nelson City Council Standing Orders explain this process. Copies of the Nelson City Council Standing Orders are available on Council's website [nelson.govt.nz](http://nelson.govt.nz) or by contacting a Governance Adviser at the Council offices (refer to section 14 of this Governance Statement for contact details).

Council and governing committee meetings are currently live-streamed to YouTube. To access live streaming or previous recordings of meetings you can search for the Nelson City Council page on [www.youtube.com](http://www.youtube.com).

All public meetings are advertised in Our Nelson (a free fortnightly publication that details Council news and information) or the Nelson Mail. The meeting agendas and minutes are available on the Council's website (refer to section 14 of this Governance Statement for contact details).

If you are interested in attending a Council meeting, or require any information about a Council meeting, you can contact a Governance Adviser at the Council offices.

## **10.0 Consultation Policies**

### **10.1 Significance and Engagement Policy**

The basic principles of consultation are set out in section 82 of the Local Government Act 2002.

Council has adopted a Significance and Engagement Policy which lets both Council and the community identify the degree of significance attached to particular decisions, to understand when the community can expect to be engaged in Council's decision making processes, and know how this engagement is likely to take place.

The Policy covers how significance is determined, community engagement, special consultative procedure, information requirements and engagement with iwi.

The Significance and Engagement Policy is available on Council's website, [nelson.govt.nz](http://nelson.govt.nz) or a copy can be requested at the Council offices (refer to section 14 of this Governance Statement for contact details).

### **10.2 Community Engagement and Communication**

The Council engages with the public through a range of methods including:

- Our Nelson, a free fortnightly publication sent to households and available on digital channels that details Council news, contains a 'Councillor's Comment' section and public notifications
- Council websites such as [nelson.govt.nz](http://nelson.govt.nz) and [shape.nelson.govt.nz](http://shape.nelson.govt.nz) that deals specifically with consultation responses
- Paid advertising for some public notices such as resource consents, election notices and calls for tenders
- Media releases, radio interviews, press statements and responses, as well as columns by the Mayor.

- Social media – including Twitter, Facebook, Instagram and a Youtube Channel where all Council meetings are livestreamed
- Consultation and engagement activities, including public presentations, hearings and forums
- The Council also conducts frequent surveys, as well as an annual telephone survey of a sample of residents

### **11.0 Policies for Liaising and Relationships with iwi and Māori**

Māori make up approximately 10.65% of Whakatū/Nelson population as at 2018. This is slightly lower than the national Māori population of 16.5%. Nelson City Council – Te Kaunihera o Whakatū acknowledges the special place of tangata whenua within the region and indeed across Aotearoa/New Zealand.

Councils have statutory responsibilities to engage with iwi and Māori and to recognise the Treaty of Waitangi, through various Acts of Parliament including the Treaty of Waitangi Settlement legislation. Within Whakatū/Nelson region these include:

- Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014;
- Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014, and;
- Ngati Toa Rangatira Claims Settlement Act 2014

The Local Government Act places obligations on Councils to facilitate participation by Māori in decision-making processes. The key success of local government meeting its legislative requirement will be its ability to provide an environment (through systems, structures and services) that encourages and supports Māori to enter and participate in these processes.

The Resource Management Act 1991 promotes the sustainable management of natural and physical resources in a way that enables communities to provide for their environmental, social, economic and cultural wellbeing. Within the Resource Management Act are provisions for consulting and working with iwi, such as when preparing or changing regional policy statements, regional plans and district plans as well as other resource management decisions.

Over and above statutory obligations, the intent of an iwi-Council partnership is to move beyond matters of environmental and cultural importance and to understand Māori values, issues and aspiration as they relate to environmental, social, economic and cultural wellbeing.

#### **11.1 Council Kaumātua**

The Council has had a kaumātua since 2003 appointed to support the Mayor and Chief Executive on kawa (etiquette), tikanga (custom) and ceremonial matters. The Council kaumātua position has resulted in a major advance in the relationship between Council and iwi. Following a recommendation from iwi, in November 2019, two kaumātua were appointed to Council.

#### **11.2 Rangatira to Rangatira - Leadership Meetings**

The Iwi-Council Partnership Group was established in December 2018 and meets quarterly. This group involves the Mayor, Deputy Mayor, two elected members of Council, and Chairs from each of the eight iwi. The role of this group is primarily to

review the Memorandum of Understanding and to develop an Engagement and Partnering Strategy. Following the completion of this work the Partnership Group will continue to discuss other governance or relationship matters.

The Nelson City Council and Iwi Managers Forum involves the Council Chief Executive and iwi Chief Executives and General Managers from each of the eight iwi. The focus of this forum is primarily on management matters.

### **11.3 Mana Kaunihera - Appointments to Council Committees**

Iwi have a representative on the Nelson Regional Sewerage Business Unit and the Nelson Tasman Regional Landfill Business Unit (jointly owned resources with Tasman District Council) and the Planning and Regulatory Committee. A continued focus for Council and iwi leaders is to explore how to achieve additional iwi representation on Council committees.

The Nelson Regional Development Agency has appointed two iwi representatives endorsed by iwi to their Board. The Tasman Bays Heritage Trust and Suter Gallery Trust Board also have iwi representatives.

The Mayor is a community representative on the Whakatū Marae committee.

Iwi have an integral role with the Te Taihū Intergenerational Strategy focused on the wellbeing of our whānau (people), pūtea (economy) and Taiao (environment) across the whole Te Taihū (Top of the South) region.

### **11.4 Te Kāhui Whiria Māori Partnerships Team**

The Kaihautū, Manager Māori Partnerships reports directly to the Chief Executive and is part of the senior leadership team. The Kaihautū is employed to guide and help Council to achieve its aspirations of strengthening its partnerships with iwi, mātāwaka and Māori communities; as well as continuing to support cultural development within the organisation.

Similarly, the role of the Kaituitui, Māori Partnerships Coordinator is to provide administrative and project coordination to support the vision of Te Kāhui Whiria.

He Waka Kuaka is a Te Reo Māori course available to staff. Council staff meet weekly for waiata. Council have developed a Cultural Tool Kit for staff and offer Treaty of Waitangi training throughout the year.

## **12.0 The Management Structure and Relationship between Management and Elected Members**

A diagram illustrating the management structure of the Nelson City Council is provided in Appendix 3. This diagram also explains the responsibilities of each area of the Council's management.

### **12.1 The Chief Executive**

The Chief Executive is the only person directly employed by the Council. The role and responsibilities of the Chief Executive are listed in Section 42 and Schedule 7, Sections 33 - 36 the Local Government Act 2002 and are also outlined in the Nelson City Council Delegations Register (A1183061).

The Chief Executive is employed by the Council for a term of up to five years, and in some circumstances this may be increased for an additional two years.

## **12.2 Responsibilities of the Chief Executive**

The Act provides for Council to delegate the management of the organisation to the Chief Executive in accordance with s42 and clauses 33 – 36 of Schedule 7, on the terms and conditions Council sees fit.

The Chief Executive is responsible to the elected Council for:

- Implementing the decisions of the local authority; and
- Providing advice to members of the local authority and to its community boards, if any; and
- Ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and
- Ensuring the effective and efficient management of the activities of the local authority; and
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
- Providing leadership for the staff of the local authority; and
- Employing, on behalf of the local authority, the staff of the local authority; and
- Negotiating the terms of employment of the staff of the local authority.

Furthermore, the Chief Executive is also responsible for:

- Ensuring, as far as practicable, that the management structure of the local authority reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes;
- Ensuring, as far as practicable, that the management structure of the local authority is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.

All other Council officers are employed by the Chief Executive. The Chief Executive is therefore the only person that can give an instruction to a staff member. For this reason, complaints about a Council staff member should be directed to the Chief Executive rather than elected members. The Chief Executive can be contacted at the Council offices (refer to section 14 of this Governance Statement for contact details).

## **13.0 Equal Employment Opportunities Policy**

The principle of equal employment opportunities is an essential component of staff management and the Nelson City Council is committed to integrating it into People and Capability management strategies. Equal employment opportunities are not just about creating a workforce where men and women are treated equally, rather it is recognition that diversity is appreciated and valued. Equal employment opportunities enhance the work and personal environments of employees, both current and future.

The Nelson City Council will continue with the on-going development of People and Capability policies, practices and procedures to ensure that the recruitment, development and advancement of staff, as well as the availability of opportunities, occurs in an open and transparent manner regardless of age, gender, ethnicity,



religion, sexual preference, disability and/or political beliefs. These strategies will recognise diversity, enhance the workplace and enable staff to contribute to the on-going success of the organisation.

#### **14.0 Remuneration and Employment Policy**

Nelson City Council has a range of up to date employment policies. Council works actively towards being a good employer and an employer of choice.

Nelson City Council benchmarks staff remuneration against current market data, from an external reputable provider.

#### **15.0 Key Approved Planning and Policy Documents and the Process for their Development and Review**

The Nelson City Council has a large number of policy and planning documents that are available on the Council website and at the Council offices (refer to section 14 of this Governance Statement for contact details).

The key approved documents are:

##### **15.1 Long Term Plan 2018 – 2028**

The Nelson City Council adopts a Long Term Plan every three years. The current Long Term Plan was adopted in June 2018. The main purpose of the Long Term Plan is to detail priority activities and spending for a ten year period.

As part of the Long Term Plan, Council must adopt an Infrastructure Strategy which identifies the key strategic infrastructure issues over the next 30 years and describes options for managing those issues, and the implications of those options. It must also adopt a Financial Strategy which aims to facilitate prudent financial management and guide consideration of proposals for funding and expenditure.

The Long Term Plan is subject to consultation according to the special consultative procedure outlined in sections 83 and 93A-93G of the Local Government Act 2002.

##### **15.2 Annual Plan**

The Nelson City Council develops and adopts an Annual Plan every year. The main purpose of an annual plan is to contain budget and funding information for the year to which the annual plan relates, and identify any variation from the Long Term Plan.

The Annual Plan is subject to the principles of consultation outlined in section 82 of the Local Government Act 2002 unless the proposed annual plan does not include significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.

##### **15.3 Annual Report**

The Annual Report must be prepared by October each year and covers the previous financial year. The Council adopted the Annual Report 2018/19 in October 2019.

The Annual Report is the Council's key accountability report and covers its financial and service performance for the previous year.

Council is required to adopt the 2019/2020 Annual Report by 31 October 2020.

#### **15.4 Activity Management Plans**

An activity management plan is prepared for each of Council's significant activities, including water supply, transport, wastewater, stormwater and flood protection, solid waste, property and facilities, parks and reserves, environment, community partnerships, arts and heritage.

These documents are key planning tools that outline how agreed levels of service will be delivered for the key infrastructural assets and activities of Nelson City Council.

Activity Management Plans are reviewed every three years and inform the Long Term Plan.

#### **15.5 Nelson Plan**

Council is working on a full review of all of its plans developed under the Resource Management Act 1991 ("RMA Plans"). Once prepared, the reviewed plan will be called the Te Māhere mō Whakatū Nelson Plan.

Nelson's RMA Plans include the Nelson Regional Policy Statement, Nelson Air Quality Plan and the Nelson Resource Management Plan which incorporate the District Plan, Regional Plan and Regional Coastal Plan. The Nelson Plan will integrate all of these Plans into the one document.

The Nelson Plan will set out how we manage the growth, development and protection of our built and natural environment; for example setting limits for subdivision, building height, earthworks or managing water quality and quantity.

It is a requirement that plans developed under the RMA are reviewed every ten years.

A draft Nelson Plan was made available to the public in March 2020.

A copy of the Nelson Plan, together with the previous Nelson Resource Management Plan, Air Quality Plan and Regional Policy Statement can be found on Council's website and at the Council offices (refer to section 14 of this Governance Statement for contact details).

#### **15.6 Other Planning and Policy Documents**

Council has a number of other policy and planning documents which guide decision-making. A full list of these documents is available on request at the Council offices, a sample of which is noted below:

- Recreation policies such as the Out and About - Active Travel and Pathway-based Recreation Policy and Reserve Management Plans
- Arts Policies such as the Regional Arts Strategy
- Transport policies such as the Regional Land Transport Strategy and Regional Land Transport Plan
- Waste policies such as the Nelson Tasman Waste Management and Minimisation Plan
- Community policies such as the Social Wellbeing Policy and Nelson's Youth Strategy
- Urban development policies such as the National Policy Statement Urban Development Capacity and Nelson Future Development Strategy

- Environmental policies such as the Nelson Air Quality Plan and Environmental Grants Policy

## 16.0 Public Access to Council Services and Elected Members

### 16.1 Contact Details for the Council Offices

General enquiries:

Civic House  
PO Box 645  
110 Trafalgar Street  
NELSON 7040

Telephone: (03) 546 0200 (24 hour service)

Fax: (03) 546 0239

E-mail: [enquiry@ncc.govt.nz](mailto:enquiry@ncc.govt.nz)

Website: [www.nelson.govt.nz](http://www.nelson.govt.nz)

Civic House Opening Hours are:

Monday, Tuesday, Thursday and Friday 8.30am to 5.00pm  
Wednesday 9.00am to 5.00pm

Written correspondence to the Council may be addressed to the Chief Executive or appropriate staff member at the postal and email address above.

### 16.2 Contact Details for the Elected Members

Mayor Rachel Reese	<a href="mailto:mayor@ncc.govt.nz">mayor@ncc.govt.nz</a>	(03) 546 0242 027 246 7766
Councillor Yvonne Bowater	<a href="mailto:yvonne.bowater@ncc.govt.nz">yvonne.bowater@ncc.govt.nz</a>	027 673 1411
Councillor Trudie Brand	<a href="mailto:trudie.brand@ncc.govt.nz">trudie.brand@ncc.govt.nz</a>	027 756 8201
Councillor Mel Courtney	<a href="mailto:mel.courtney@ncc.govt.nz">mel.courtney@ncc.govt.nz</a>	022 079 6250
Councillor Judene Edgar	<a href="mailto:judene.edgar@ncc.govt.nz">judene.edgar@ncc.govt.nz</a>	021 541 927
Councillor Kate Fulton	<a href="mailto:kate.fulton@ncc.govt.nz">kate.fulton@ncc.govt.nz</a>	027 844 3197
Councillor Matt Lawrey	<a href="mailto:matt.lawrey@ncc.govt.nz">matt.lawrey@ncc.govt.nz</a>	027 406 3434
Councillor Brian McGurk	<a href="mailto:brian.mcgurk@ncc.govt.nz">brian.mcgurk@ncc.govt.nz</a>	(03) 544 1955 027 444 0170
Councillor Gaile Noonan	<a href="mailto:gaile.noonan@ncc.govt.nz">gaile.noonan@ncc.govt.nz</a>	(03) 548 2688 027 518 8812
Councillor Rohan O'Neill-Stevens	<a href="mailto:rohan.oneillstevens@ncc.govt.nz">rohan.oneillstevens@ncc.govt.nz</a>	021 026 84778

Councillor Pete Rainey	<a href="mailto:pete.rainey@ncc.govt.nz">pete.rainey@ncc.govt.nz</a>	021 747 383
Councillor Rachel Sanson	<a href="mailto:rachel.sanson@ncc.govt.nz">rachel.sanson@ncc.govt.nz</a>	021 106 5043
Councillor Tim Skinner	<a href="mailto:tim.skinner@ncc.govt.nz">tim.skinner@ncc.govt.nz</a>	(03) 548 8879 021 668 733

## 17.0 Requests for Official Information

Under the Local Government Official Information and Meetings Act 1987, any person may request information from Council. All requests for information are deemed to be a request made under the Local Government Official Information and Meetings Act 1987. Requests need to be specific about the information to be provided. Once a request is made, Council must supply the information within 20 working days (there are certain circumstances where this time-frame may be extended).

### 17.1 How do I Make a Request for Information?

You can put your request in writing to:

Nelson City Council  
PO Box 645  
NELSON 7040

or email to [LGOIMA@ncc.govt.nz](mailto:LGOIMA@ncc.govt.nz)

or complete the online Information Request form that is available on Council's website [nelson.govt.nz](http://nelson.govt.nz)

You are also welcome to phone our Customer Service Centre +64 3 546 0200 or ask in person at the Customer Service Centre.

### 17.2 Can the Council Withhold Information?

Once a request is made, the Council must supply the information as soon as reasonably practicable unless good reason exists for withholding it. The Local Government Official Information and Meetings Act 1987 sections 6 and 7 provide the reasons for a local council to withhold official information.

Examples of common reasons to withhold information are to:

- protect peoples' privacy
- maintain legal privilege
- enable the Council to carry on its commercial activities

### 17.3 Will I have to Pay for the Information?

If a request is for a significant amount of information, or requires substantial collation and research, Council is entitled to charge and those charges are based on guidelines from the Ministry of Justice.

Under these guidelines you are entitled to:

- The first hour of time free

- Twenty pages of free photocopying
- We can recover any other actual costs (e.g. reproducing a photograph)
- Time in excess of an hour is charged at \$38/half hour
- Additional copying is charged at 20 cents per page

Where charges are payable, Council will advise you of the cost of processing your request before officers begin working on it. You can then decide if you want to continue, withdraw or refine your request.

All requests will be dealt with under the terms of Section 13 of the Local Government Official Information and Meetings Act 1987.

#### **17.4 Can I Complain about a Decision?**

You can complain to the Ombudsmen if:

- you are refused access to any information, and you disagree with the grounds on which it was refused
- the person handling your request does not reply to you within the time limit
- you are not happy with the length of an extended time limit
- you believe that you have been charged an unreasonable amount for the information
- you are not happy with the way the information has been made available or with any conditions placed on the use of the information.

Complaints about refusals to release official information should be made in writing and directed to the Office of the Ombudsmen. The main office is:

PO Box 10152  
WELLINGTON 6143

[www.ombudsmen.parliament.nz](http://www.ombudsmen.parliament.nz)

Freephone: (0800) 802 602

Email: [info@ombudsmen.govt.nz](mailto:info@ombudsmen.govt.nz)

## Appendix 1 - Nelson City Council Bylaws as at March 2020

Part 8 of the Local Government Act 2002 allows councils to create and apply bylaws in their areas. Bylaws are to be reviewed five years after the date they were enacted. After that, bylaws are to be reviewed every 10 years. Council's bylaws are available on the Council website and at the Council offices, refer to section 14 of this Governance Statement for contact details.

Number	Name	General Description	Effective Date	Review Date
No 207	Parking and Vehicle Control	This Bylaw provides the means for the Council to establish vehicle parking areas and other vehicle control measures, and to regulate their use.  Includes provisions banning the use of skateboards in high density pedestrian areas.	December 2011 and amended in December 2012	December 2021
No 210	Speed Limits	This Bylaw provides the means for the Council to introduce different speed limits for different parts of the City.	November 2011 and amended in August 2013	As required (Land Transport Act 1998)
No 218	Navigation and Safety	This Bylaw regulates all navigable waters within Nelson City.	19 September 2019	October 2029
No 221	Dog Control	This Bylaw gives effect to the Dog Control Policy by regulating the adverse impacts of dogs on the community.	25 February 2013	February 2019
No 223	Water Supply	This Bylaw covers the protection of water supply and water source, as well as metering of water supply.	4 March 2015	December 2020
No 224	Wastewater	This Bylaw provides for the acceptance and control of Wastewater including Trade Waste to a Wastewater System operated by Council.	23 November 2015	December 2020
No 225	Urban Environments	This Bylaw covers: keeping of animals, urban amenity, trading in public places, control of alcohol in public places, reserves, and burial and cremations.	2 June 2015	June 2020
No 226	City Amenity	This bylaw relates to city amenity and safety.	11 September 2017	December 2022

Number	Name	General Description	Effective Date	Review Date
No 227	Freedom Camping	This Bylaw gives Council powers to regulate and manage freedom camping activities on Nelson City local authority lands and introduces an infringement regime for offences.	1 December 2017	December 2022

## **Appendix 2 - Nelson City Council Elected Members (2019 - 2022)**

### **Mayor**

Rachel Reese

### **Deputy Mayor**

Judene Edgar

### **Councillors**

Yvonne Bowater

Trudie Brand

Mel Courtney

Kate Fulton

Matt Lawrey

Brian McGurk

Gaile Noonan

Rohan O'Neill-Stevens

Pete Rainey

Rachel Sanson

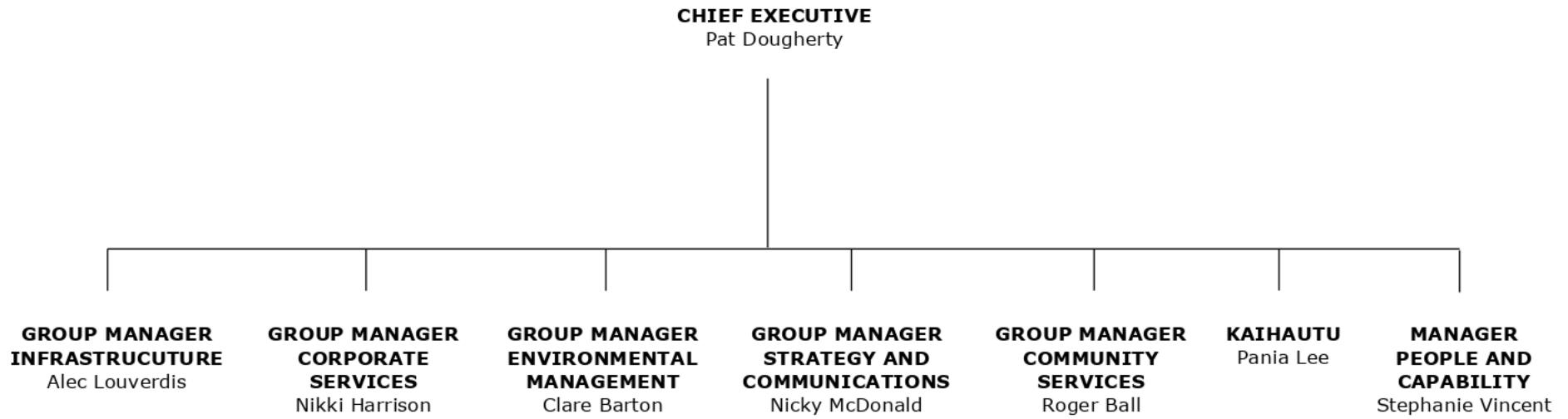
Tim Skinner

For a full list of Council Committees and Subcommittees and their memberships, please refer to Council's Delegations Register (A1183061), available on Council's website and at Council offices (refer to section 14 of this Governance Statement for contact details).



Appendix 3 - Nelson City Council Management Structure

Nelson City Council Management Structure



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**REPORT R15894**

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**Amendments to Delegations Register and Standing Orders**

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**1. Purpose of Report**

- 1.1 To amend the Delegations Register to clarify the Chief Executive's delegated authority with regards to writing off outstanding accounts receivable or remitting fees and charges, and to clarify processes regarding the Hearings Panel – Other; and
- 1.2 To amend Standing Orders to incorporate a process for elected members to apply for a leave of absence.

**2. Recommendation**

***That the Council***

- 1. Receives the report Amendments to Delegations Register and Standing Orders (R15894) and its attachments (A2356552, A2356632 and A2371254); and***
- 2. Approves the proposed amendments to the Delegations Register as set out in attachment one (A2356552) and attachment two (A2356632); and***
- 3. Approves the proposed amendment to Standing Orders as set out in attachment three (A2371254).***

**3. Proposed amendments to Delegations Register**

- 3.1 There are several aspects of the Delegations Register which officers suggest should be amended. These relate to the Chief Executive's delegated authority and the responsibility of the Audit and Risk Subcommittee in relation to writing off outstanding accounts receivable or remits of fees and charges, and the processes and operation of the Hearings Panel – Other.

**Chief Executive's Delegations regarding Write-Offs of Outstanding Accounts Receivable**

- 3.2 At the start of the 2019 triennium Council made a number of changes to the Delegations Register, including providing a broad delegation of Council's powers to the Chief Executive, with limitations designed to protect Council's governance role in providing strategic direction.
- 3.3 One of the limitations placed on the Chief Executive's delegated powers is governance matters retained by Council or delegated by Council to a committee, subcommittee or subordinate decision-making body.
- 3.4 There is an anomaly in the delegated responsibility of the Audit and Risk Subcommittee, whereby the subcommittee has the power to recommend to the Governance and Finance Committee *"to write off outstanding accounts receivable or remit fees and charges of amounts over the Chief Executive's delegated authority"* but the Chief Executive's delegated powers do not identify the extent of the Chief Executive's authority to do so.
- 3.5 In order to remedy this, it is suggested that the Chief Executive's delegated powers include a limit of \$10,000 for writing off outstanding accounts receivable or remitting fees and charges. The proposed changes are as set out in attachment one (A2356552).
- 3.6 The suggested limit of \$10,000 is a higher limit than previously delegated to the Chief Executive, with previous iterations of the Delegations Register requiring subcommittee input for amounts over \$2500. The \$2500 amount has not changed for a number of years, and officers now suggest that outstanding accounts receivable of up to \$10,000 is a more appropriate limit for the Chief Executive to be able to write off before requiring input from the Audit and Risk Subcommittee. The Chief Executive may still choose to refer any outstanding accounts receivable under the amount of \$10,000 to the Audit and Risk Subcommittee if he considers the circumstances require subcommittee input.
- 3.7 The Chair of the Audit and Risk Subcommittee, Mr John Peters, has been consulted regarding the proposed \$10,000 limit. He has advised that he is comfortable with the proposed amount of \$10,000, given the organisation's turnover and record of debt management, provided that officers continue to report outstanding accounts receivable to the Audit and Risk Subcommittee.
- 3.8 It should be noted that the decision to write-off a debt is an administrative one. Although debts are written off from an accounting point of view, records are still kept and if an opportunity to recover any debt arises, action is taken. Most of the balance of Council's outstanding accounts receivables is with Credit Recoveries Limited, Council's debt recovery agency, which continues recovery activities. Every possible effort is made to locate and obtain payment from debtors.

## Item 13: Amendments to Delegations Register and Standing Orders

### **Hearings Panel - Other**

- 3.9 There are two aspects of the Hearings Panel – Other delegations where changes would be beneficial:
- Chairing of each Hearings Panel – Other; and
  - The Hearings Panel – Other’s responsibilities regarding Parking and Vehicles Bylaw Schedule changes.
- 3.10 The proposed changes to the Delegations Register in respect of the Hearings Panel – Other are included in attachment two (A2356632) and are discussed in turn below.

### **Chairing of Hearings Panel - Other**

- 3.11 The Hearings Panel – Other delegated authority includes the responsibility for making certain decisions on behalf of Council under statutory authority, some of which include a right of appeal to the District Court. Therefore, it is appropriate that the chair of each Hearings Panel – Other has appropriate training and experience to be able to chair Panel meetings. It is considered that completion of the ‘Making Good Decisions’ course provides an appropriate level of training to chair these meetings.
- 3.12 It is suggested that the Delegations Register be amended to state that the chair of each Panel will be an elected member who has previously undertaken the ‘Making Good Decisions’ course.

### **Clarifying the Hearings Panel – Other responsibilities regarding Parking and Vehicles Control Bylaw Schedule changes**

- 3.13 The Local Government Act 2002 generally requires a special consultative procedure or formal consultation process under section 82 for making changes to bylaws. An exception to this is, where a bylaw leaves a specific matter to be regulated or controlled by Council resolution.
- 3.14 Part 2 of the Parking and Vehicle Control Bylaw enables Council to specify certain parking and vehicle restrictions in Schedules by resolution. Council may also amend or remove these restrictions in the Schedules by further resolution. In doing so, Council must still apply the usual Local Government Act 2002 decision making principles and in particular assess the significance of any proposed changes and any need for consultation with affected parties.
- 3.15 Council has delegated the power to change the schedules in the Parking and Vehicle Control Bylaw to the Hearings Panel – Other. It is implicit in this delegation that the Panel must meet the decision-making principles of the Local Government Act 2002 in doing so, as required for all decisions of Council, its committees, subcommittees and subordinate decision-making bodies.

### Item 13: Amendments to Delegations Register and Standing Orders

- 3.16 Examples of the types of schedule changes the Panel might consider include the proposed location of yellow 'no stopping' lines, considering time limits on parking spaces (for example, P60, P120 or P180), and considering appropriate locations for bus stops, bicycle or motorbike parks, and mobility parks. Decisions such as these may require community engagement as appropriate, depending on the significance of the proposed change, as part of the provision of information to meet the decision-making principles in the Local Government Act 2002.
- 3.17 However, if Council was to consider changing the bylaw itself – rather than the schedules – a consultation meeting the requirements of section 156 of the Local Government Act 2002 would be required (either a special consultative procedure or section 82 consultation process). The Infrastructure Committee holds the delegated responsibility for parking, and the delegated authority to undertake community engagement, including all steps relating to special consultative procedures or other formal consultation processes.
- 3.18 Currently, the Hearings Panel – Other delegated powers to decide include references to 'public consultation' alongside the power to change schedules to the Parking and Vehicle Control Bylaw, which raises the suggestion that the Hearings Panel – Other might potentially undertake special consultative procedures or other formal consultation processes relating to changes to the schedules.
- 3.19 To clarify that the Infrastructure Committee is responsible for any such formal consultative processes on proposed changes to the bylaw, it is suggested that the Hearing Panel – Other delegations be re-worded to remove references to public consultation, and to clarify that the Hearing Panel – Other's responsibility is to decide on changes to the schedules to the bylaw only. The proposed changes are also included in attachment two (A2356632).

### **Proposed amendments to Standing Orders**

#### **Incorporating Leave of Absence process into Standing Orders**

- 3.20 Attachment three (A2371254) proposes to incorporate an additional appendix 11 to Standing Orders, to outline a leave of absence process for elected members.
- 3.21 Clause 5(1)(d) of Schedule 7 to the Local Government Act 2002 states that the office of a member of a local authority becomes vacant if the member is absent without leave of the local authority from four consecutive meetings (other than extraordinary meetings) of the local authority.
- 3.22 It is expected that elected members will usually be available for scheduled meetings, or enter apologies for individual meetings as appropriate. However, there are times at which elected members may

## Item 13: Amendments to Delegations Register and Standing Orders

need to miss four or more consecutive meetings and to apply for a leave of absence to avoid their office becoming vacant.

- 3.23 Previously the Nelson City Council Code of Conduct included a process for a Leave of Absence. This was removed from the Code of Conduct adopted by Council at the start of the 2019 triennium. Council's Standing Orders refer to the ability of an elected member to apply for a leave of absence in clause 12.3, therefore it is appropriate for the Leave of Absence process to be included as an appendix to Standing Orders.
- 3.24 The proposed process for elected members' leave of absence has been reviewed and updated. Previously applications for a leave of absence could be included on the confidential agenda of any Council or committee meeting (including retrospectively, when appropriate). The proposed process is for requests to be included in the confidential Mayor's report for Council meetings. This reflects that decisions regarding leave of absence requests are more appropriately made by Council, rather than by a committee. The proposed process retains the ability for retrospective applications to be made where appropriate.
- 3.25 The proposed process also notes that requests for a leave of absence will be granted unless there is good reason not to. This reflects the expectation that elected members' requests for leaves of absence are likely to be rare, and made for genuine reasons, with the result that they are unlikely to be refused.
- 3.26 In accordance with Standing Order 3.2, amendments to Standing Orders must be made by the Council and by a vote of not less than 75% of the members present.

## 4. Options

- 4.1 It is recommended that the proposed updates to the Delegations Register and Standing Orders are adopted. Council can choose to approve the proposed updates to the Delegations Register and Standing Orders, make further amendments or not approve them.
- 4.2 There are no notable risks or disadvantages associated with adopting the proposed changes beyond those discussed elsewhere in this report.

**Author:** E-J Ruthven, Governance Adviser

## Attachments

Attachment 1: A2356552 - Proposed update to Delegations Register - Chief Executive's delegated powers [↓](#)

Item 13: Amendments to Delegations Register and Standing Orders

Attachment 2: A2356632 - Proposed updates to Delegations Register -  
Hearings Panel - Other [↓](#)

Attachment 3: A2371254 - Proposed update to Standing Orders - Leave of  
Absence process [↓](#)

<b>Important considerations for decision making</b>
<p><b>1. Fit with Purpose of Local Government</b></p> <p>Adoption of the proposed changes to the Delegations Register and Standing Orders assists Council in enabling democratic decision-making as efficiently and effectively as possible.</p>
<p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>The proposed amendments to the Delegations Register and Standing Orders are consistent with Council's community outcome of <i>"Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement"</i> as they aim to clarify how the decisions and activities of Council are implemented and managed.</p>
<p><b>3. Risk</b></p> <p>The proposed changes to the Delegations Register and Standing Orders aim to improve clarity regarding procedures and decision-making, thereby reducing the risk of ambiguity.</p>
<p><b>4. Financial impact</b></p> <p>There are no obvious financial implications as a result of incorporating the elected members' leave of absence process into Standing Orders, or to the proposed changes to the Delegations Register in relation to the Hearings Panel – Other.</p> <p>The proposed changes to the Chief Executive's delegated powers regarding writing off outstanding accounts receivable means that higher levels of bad debts may be written off than previously without a committee decision; however the Audit and Risk Subcommittee retains overall oversight of Council's debtors and legal proceedings.</p>
<p><b>5. Degree of significance and level of engagement</b></p> <p>The matters considered in this report are of low significance because they are largely administrative in nature, aimed at ensuring core Council documents are as clear as possible. Therefore no public engagement has taken place regarding these matters.</p>
<p><b>6. Climate Impact</b></p> <p>The matters considered in this report do not have any impact on climate change.</p>
<p><b>7. Inclusion of Māori in the decision making process</b></p> <p>No engagement with Māori has been undertaken in preparing this report.</p>



**8. Delegations**

Council retains responsibility for the Delegations Register and Standing Orders.

### 3. Delegations from Council to the Chief Executive

Council delegates to the Chief Executive all responsibilities, duties, functions and powers of Council to act on any matter, except:

- those excluded by operation of law or expressly excluded by statute;
- those governance matters retained by Council or delegated by Council to committees, subcommittees or subordinate decision-making bodies;
- expenditure not in accordance with the Long Term Plan and Annual Plan; and
- the awarding of any tender over \$2,500,000; and
- Writing off outstanding accounts receivable or remit fees and charges over \$10,000.

The Chief Executive's responsibilities, duties, functions and powers include (but are not limited to):

- all responsibilities, duties, functions and powers imposed on Council by statute or assumed under bylaws made by Council;
- all activities in accordance with the Long Term Plan or Annual Plan;
- the management of capital expenditure, and operation and management expenditure, up to the limits approved in the Long Term Plan or Annual Plan;
- the negotiation of contracts and execution of all documents (except for those required by operation of law to be signed by elected members),
- property transactions (including leases and licences) aside from those retained by Council;
- the release of information, including public excluded information, under the Local Government Official Information and Meetings Act 1987;
- commencing, responding to and joining legal proceedings and the settlement of claims; and
- all responsibilities, duties, functions and powers recorded in the Officer Delegations Manual.

In exercising his or her delegated powers, the Chief Executive must comply with any relevant conditions, including (but not limited to) activities and/or budgets in accordance with the relevant Long Term Plan or Annual Plan, financial limits or other legislative, procedural policy or reporting requirements.

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The Chief Executive may sub-delegate any of these responsibilities, duties or powers unless sub-delegation is excluded either by operation of law or expressly excluded by statute.

The Chief Executive may choose to refer any matter delegated to him or her back to Council, or to the committee, subcommittee or subordinate decision-making body with the appropriate area of responsibility. This may be appropriate where, for example, the Chief Executive considers a matter to be contentious, or to require political input because of the high degree of policy involved.

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## **6.1 Audit and Risk Subcommittee**

This is a subcommittee of the Governance and Finance Committee

### **6.1.1 Areas of Responsibility**

- Council's Treasury policies
- Council's Annual Report
- Audit processes and management of financial risk
- Monitoring organisational risks, including debtors and legal proceedings
- Internal audit
- Health and Safety
- Any matters raised by Audit New Zealand or the Office of the Auditor-General

### **6.1.2 Powers to Decide**

- None

### **6.1.3 Powers to Recommend to Governance and Finance Committee**

- To write off outstanding accounts receivable or remit fees and charges of amounts over the Chief Executive's delegated authority
- Any matters within the areas of responsibility or such other matters referred to it by the Council

### **6.1.4 Powers to Recommend to Council**

- Adoption of Council's Annual Report

For the Terms of Reference for the Audit and Risk Subcommittee please refer to document A1437349.

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#### **4.4 Subordinate Decision-Making Bodies**

Council may set up subordinate decision-making bodies for any purpose it considers appropriate.

Meetings of subordinate decision-making bodies may be subject wholly, in part, or not at all to the requirements of the Local Government Official Information and Meetings Act 1987, or may be subject to separate legislative requirements, such as the Sale and Supply of Alcohol Act 2012 or the Resource Management Act 1991. Procedural matters for these bodies is as per the legislation under which the body operates, or as set out in the terms of reference for the body.

Membership lists of subordinate decision-making bodies are set out in Schedule One of the Delegations Register.

The subordinate decision-making bodies currently constituted by Nelson City Council are:

- District Licensing Committee
- Hearings Panel – Other
- Hearings Panel – Resource Management Act
- Community Investment Funding Panel

The Hearings Panel – Resource Management Act, and the Hearings Panel – Other relate to Council’s regulatory functions. Neither has a set membership of particular elected or externally appointed members, nor a standing chairperson.

Each meeting of the Hearings Panel – Resource Management Act or Hearings Panel – Other is convened as a new meeting and a Chairperson is appointed from among the pool of:

- Commissioners, in the case of a Hearings Panel – Resource Management Act; or
- Councillors who have **previously** undertaken the ‘Making Good Decisions’ course, in the case of a Hearings Panel – Other.

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## **5.19 Hearings Panel – Other**

### **5.19.1 Functions:**

- To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996, all matters relating to Temporary Road Closures pursuant to Schedule 10 Clause 11(e) of the Local Government Act 1974, matters relating to naming features within the city, and any other matters required for determination by Council under legislation as determined by Council.

### **5.19.2 Membership:**

- All elected members aside from the Mayor, in rotation. Each Hearings Panel-Other will be made up of three members.
- **The Chair of each Panel will be an elected member who has previously undertaken the 'Making Good Decisions' course.**
- The Group Manager Environmental Management may appoint one or more Independent Commissioners to either assist the Hearings Panel - Other or to hear and determine any particular application, such as when Council or a Council-Controlled Organisation or Council-Controlled Trading Organisation is (or could be perceived to be) an interested party, other than applications made for temporary road closure under Schedule 10 Clause 11(e) of the Local Government Act 1974.

### **5.19.3 Powers to Decide:**

- The power to appoint a panel to hear and determine with any other consent authority any application requiring a joint hearing
- The power to hear and recommend appropriate actions from hearings of designations and heritage orders
- The power to hear, consider and attempt to resolve contested road stopping procedures
- The power to consider and determine applications for temporary road closures made under Schedule 10 Clause 11(e) of the Local Government Act 1974
- The power to hear and determine all matters arising from the administration of the Building Act 1991, and the Building Act 2004
- The power to hear and determine objections to the classification of dogs, and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996
- The power to name all features within the city requiring naming including roads, streets, service lanes, plazas, parking areas, parks, reserves, gardens and all public facilities or

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infrastructure, aside from those impacted by the Naming Rights and Sponsorship Policy for Community Services Facilities

- The power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property
- The power to make changes to the schedules to the Parking and Vehicle Control Bylaw ~~that do not require public consultation~~
- ~~The power to hear submissions and recommendations on proposed changes to the schedules to the Parking and Vehicle Control Bylaw requiring public consultation~~
- The power to administer the administering body functions under section 48 of the Reserves Act 1977 on proposed rights of way and other easements on reserves vested in Council

### 12.3 Leave of absence

A council, local board or community board may grant a member leave of absence following an application from that member made in accordance with the Procedure for Leave of Absence set out in ~~Council's Elected Members' Code of Conduct~~ **Appendix 11**.

Meeting minutes will record that a member has leave of absence for that meeting.

#### Appendix 11: Procedure for Leave of Absence

A leave of absence is required if an elected member will be absent from four or more consecutive Council, committee or subcommittee meetings (not including extraordinary meetings). For absences of three or less consecutive meetings, elected members should notify their apologies to the Chair of the meeting and the Governance team in writing.

Failure to seek a leave of absence may result in an elected member's office becoming vacant under clause 5(1)(d), Schedule 7 of the Local Government Act 2002.

Elected members are encouraged to request a leave of absence from Council in advance of the leave period starting. However, it is also possible for leaves of absence to be granted retrospectively.

The process for a leave of absence is:

- On becoming aware of the need for a leave of absence, elected members should make a written request seeking a leave of absence (email is acceptable). The written request should:
  - Be made as soon as practicable;
  - Be sent to the Mayor, copying in the Chief Executive and the Governance team;
  - Set out the expected period of leave, including start and end dates (where known);
  - Explain the reason for the leave;
  - Provide any additional information the elected member wishes to be considered; and
  - Advise whether elected members' regular courier deliveries are to be suspended for the duration of the leave period.
- The request will be included on the confidential Mayor's Report for the next Council meeting.
- The Council will take the following matters into account in resolving to grant the leave of absence:
  - The elected member's reason for seeking a leave of absence;
  - Any previous leaves of absence granted to the elected member;
  - The elected member's attendance record at meetings, workshops and other Council responsibilities;
  - Any leaves of absence granted to other elected members during the same time

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- period as the request;
  - Whether granting the request would adversely affect the Council's work;
  - Any additional information the elected member wishes to have considered, as provided with the request; and
  - Any other matters the Council considers relevant.
- A leave of absence request will be granted unless there is good reason not to do so.
- Following the Council meeting, the Governance team will advise the elected member in writing of the Council's decision regarding their leave of absence request. The Governance team will also advise Chairs of relevant committees, the meetings of which the elected member will miss during their approved leave of absence.
- Requests for a leave of absence may be made retrospectively, should an elected member be unable to have a leave request considered prior to the start of their leave. Retrospective applications for a leave of absence will follow the process outlined above.

During a leave of absence:

- The elected member will be listed as 'on leave of absence' in the minutes of any relevant meetings, without the need for a resolution of the meeting concerned.
- The elected member will continue to receive appropriate information and documents by email and courier delivery (unless courier deliveries have been suspended).
- Elected members remain entitled to attend and vote any meetings of which they are a member during their leave of absence period. However, they should notify the Mayor/Chairperson and the Governance team in writing of their intention to attend the meeting, prior to the start of the meeting.

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