

Notice of the ordinary meeting of

Nelson City Council

Te Kaunihera o Whakatū

Date:	Thursday 25 June 2020
Time:	9.00a.m.
Location:	Council Chamber Civic House 110 Trafalgar Street, Nelson

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

Opening Karakia**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**5. Confirmation of Minutes****14 - 27**

5.1 23 April 2020

Recommendation

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 23 April 2020, as a true and correct record.***

6. Recommendations from Committees**6.1 Environment Committee - 28 May 2020****28 - 53**

6.1.1 Dog Control Policy and Bylaw Deliberations

Note: the following documents are included in the agenda:

- Copy of Dog Control Bylaw
- Copy of relevant maps

Recommendation to Council

That the Council

1. **Retains the Railway Reserve (shown on Maps 2-5 in Attachment 4 **A2395332**) as an off-leash area in the Dog Control Bylaw; and**
2. **Retains the existing half on-leash and half-off leash approach to Isel Park (shown on Map 3 in Attachment 4 **A2395332**) in the Dog Control Bylaw; and**
3. **Amends the Dog Control Bylaw to require:**
 - i. **dogs to be on-leash in the grazed area of the Grampians Reserve (Map 6 of **Attachment A2395332**);**
 - ii. **dogs to be on-leash in the grazed area of Sir Stanley Whitehead Reserve (Map 7 of **Attachment A2395332**); and**
4. **Retains as off-leash areas:**
 - i. **the Maitai River Esplanade Reserve (Map 9 of attachment 4 **A2395332**);**
 - ii **the Tantragee Reserve area (Map 8 in Attachment 4 **A2395332**); and**
5. **Amends the Dog Control Bylaw to include Monaco Reserve as an off-leash neighbourhood park (listed in Schedule 3 and shown on Map 1 in Attachment 4 **A2395332**) excluding the playground which will continue to be a dog prohibited area; and**
6. **Retains Titoki Reserve as an off-leash area in the Dog Control Bylaw; and**
7. **Amends the Dog Control Bylaw to change Whakatū Drive Foreshore Reserve (shown on Map 15 of Attachment 4 **A2395332**) to an on-leash area; and**
8. **Amends the Dog Control Bylaw to prohibit dogs in the fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve (shown on Map 10 of Attachment 4 **A2395332**), but excluding the walkway adjacent to the Wakapuaka River; and**
9. **Amends the Dog Control Bylaw to require dogs to be kept on a lead on the margins, islands, sand and mudflats of Delaware Estuary and the walkway adjacent to the Wakapuaka River from Paremata Flats (shown on Map 10 of Attachment 4 **A2395332**); and**

10. Amends the Dog Control Bylaw provisions relating to the Boulder Bank in order to:

- i. retain the dogs prohibited status for the 4km from the Cut towards Boulder Bank Drive (shown on Maps 11 and 12 of Attachment 4) during the breeding season in Schedule One to be from 15 August to the last day in February (previously from October to February); and***
- ii. include the part of the Boulder Bank from Boulder Bank Drive to the Cut (shown on Maps 11, 12, and 13 of Attachment 4 **A2395332**) as an on-leash area in Schedule Two; and***
- iii. exclude the part of the Boulder Bank northwards from Boulder Bank Drive (shown on Maps 13 and 14 of Attachment 4 **A2395332**) in Schedule 2 (retaining this as an off-leash area); and***
- iv. change the status of the Glenduan Neighbourhood Park (refer Map 14 of Attachment 4 **A2395332**) to an off-leash area excluding the playground which will continue to be a dog prohibited area; and***

11. Amends the Dog Control Bylaw by changing clause 10.2 of the Bylaw to: "If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance to any person or injurious to the health of any person, the Dog Control Officer may, by notice in writing, require the dog owner or the owners or occupiers of the premises at which the dog is kept, within a time specified in such notice to do all or any of the following:

- a. reduce the number of dogs on the premises;***
- b. construct, alter, reconstruct or otherwise improve the kennels of other buildings or fences used to house or contain the dog;***
- c. tie up or otherwise confine the dog during specified periods;***
- d. take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health."; and***

12. Amends Schedule 3 to rename Emano East Reserve as Te Manu Reserve and remove reference to Emano West

Reserve and Hanby Park (numbers 206, 227, and 222 on the Overview Map of Attachment 3); and

- 13. Amends Schedule 1 item 15 of the Bylaw by replacing the phrase "foreshore and sea bed" with the term "common marine and coastal area" in both cases in which it is used twice within item 15; and***
- 14. Agrees the amendments do not give rise to any implications under the New Zealand Bill of Rights Act 1990 and the amended Dog Control Bylaw is the most appropriate form of Bylaw; and***
- 15. Adopts the Dog Control Bylaw (A2390190), subject to the key matters outlined above; and***
- 16. Determines that the amended Dog Control Bylaw will take effect from 27 July 2020.***

6.1.2 Minor amendment to the Navigation Safety Bylaw

Note: At the Committee meeting, officers were requested to check for more flexible wording. Following legal review, and with the Chair of Environment Committee's agreement, the proposed changes have been made to the Recommendation to Council

Recommendation to Council

That the Council

- 1. Makes a minor change to clause 3.21(b) of the Navigation Safety Bylaw, to state that the words "No person shall use any boat ramp for the launching of any trailer boat without having first paid any fees or charges which may be fixed by the Council from time to time in respect of such use, and displaying the appropriate ticket, label, sticker or other proof of such payment in a prominent and easily seen position on the trailer or in or on the towing vehicle" be replaced, from 29 June 2020 with the words "~~No person shall use any boat ramp for the launching of any trailer boat without having first paid any fees or charges which may be fixed by the Council from time to time in respect of such use, the payment by casual users to be proved by the person submitting the registration number of the towing vehicle at the time of payment, and the payment by annual permit holders to be proved by displaying the proof of payment in a prominent and easily seen position on the trailer or in or on the towing vehicle~~"***

"Any person who uses any boat ramp to launch a trailer boat must pay the fee or charge prescribed by Council. Non-casual users must display their permit in a prominent position on the trailer or towing vehicle."

6.2 Hearings Panel - Other - 10 June 2020

6.2.1 Te Manu Reserve Stormwater Easement - Deliberations Report

Recommendation to Council

That the Council

- 1. Consents to the easement in gross in favour of Nelson City Council over the area shown in blue on the plan (A2329363) of Te Manu Reserve (Lot 1 DP 4341) under section 48(1) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.***

6.3 Sports and Recreation Committee - 18 June 2020

6.3.1 Tahunanui Modellers Pond - Alternative Option Following Iwi Engagement

Recommendation to Council

That the Council

- 1. Alters, in accordance with Standing Order 22.6, the following parts of Council resolution # CL/2019/150 made on 8 August 2019:***
- 3. Approves ~~progressing Option 2 (with minor updates) of Report R10038 and~~ any alternative option iwi consider appropriate to preliminary design at an additional unbudgeted cost of \$80,000; and***
- 4. Requests Council officers bring a report back to the Sports and Recreation Committee detailing the findings from ~~updated design for Option 2, of Report 10038 and~~ any alternative option iwi consider appropriate before proceeding to public consultation.***

7. Mayor's Report **54 - 55**

Document number R16937

Recommendation

That the Council

- 1. Receives the report Mayor's Report (R16937); and***
- 2. Amends the membership of the Nelson Tasman Regional Landfill Business Unit by substituting Councillor Fulton with Councillor McGurk.***

8. New Zealand Local Government Funding Agency Amendments **56 - 61**

Document number R16983

Recommendation

That the Council

- 1. Receives the report New Zealand Local Government Funding Agency Amendments (R16983); and***
- 2. Authorises the Council's entry into the documentation noted in this report.***
- 3. Authorises the Mayor and Deputy Mayor to execute the following deeds for the purposes of recommendation 2 above:***
 - (i) Amendment and Restatement Deed (Multi-issuer Deed);***
 - (ii) Amendment and Restatement Deed (Notes Subscription Agreements); and***
 - (iii) Amendment and Restatement Deed (Guarantee and Indemnity).***
- 4. Authorises the Chief Executive to execute the Chief Executive Certificate and such other documents and take such other steps on behalf of Council as the Chief Executive considers it is necessary to execute or take to give effect to recommendation 2 above.***

9. Nelson Future Access - Public Engagement 62 - 72

Document number R13752

Recommendation

That the Council

- 1. Receives the report Nelson Future Access - Public Engagement (R13752) and its attachment (A2403124); and***
- 2. Receives for information the Nelson Future Access packages as detailed in Attachment A2403124 of Report R13752 that will form part of the public engagement.***

10. Saxton Field Committee - Update to Delegations 73 - 80

Document number R17035

Recommendation

That the Council

- 1. Receives the report Saxton Field Committee - Update to Delegations (R17035) and its attachments (A2389043 and A2389126); and***
- 2. Delegates the power to the Saxton Field Committee to approve the draft Saxton Field Reserve Management Plan for public consultation, to undertake the public consultation process and to be the Hearing Panel to hear and deliberate on the submissions for the draft Saxton Field Reserve Management Plan; and***
- 3. Notes that the Saxton Field Committee will recommend the final Saxton Field Reserve Management Plan to Tasman District and Nelson City Councils for adoption.***

11. 46-48 Trafalgar Street Reserve Development Contributions 81 - 108

Document number R15861

Recommendation

That the Council

- 1. Receives the report 46-48 Trafalgar Street Reserve Development Contributions (R15861) and its attachments (A2405622 and A2404805); and***
- 2. Approves a partial exemption from payment of reserves development contribution for 46-48 Trafalgar Street based on the exceptional circumstance demonstrated; and***
- 3. Approves the reduced reserves development contribution to be calculated based on 5.5% of the value of the additional lots, plus the general reserves fixed fee of \$1,160 per additional lot (all plus GST), all payable at the time of section 224(c) RMA/HASHAA application or Building Consent issue, whichever comes first.***
- 4. Notes that the reduced reserves development contribution in resolution 3 above will be used as the note for the reserves development contribution in HASHAA consent SH185018.***

12. Nelson Plan: Additional Funding 109 - 114

Document number R18069

Recommendation

That the Council

- 1. Receives the report Nelson Plan: Additional Funding (R18069); and***
- 2. Approves unbudgeted expenditure of \$135,500 to progress the Draft Nelson Plan in 2019/2020.***

13. Deconstruction of 23 Halifax Street (Former Mediterranean Food Warehouse building) 115 - 125

Document number R15885

Recommendation

That the Council

- 1. Receives the report Deconstruction of 23 Halifax Street (Former Mediterranean Food Warehouse building) (R15885); and***
- 2. Approves the deconstruction of the building at 23 Halifax Street (formerly known as the Mediterranean Food Warehouse); and***
- 3. Notes the inclusion in the Annual Plan of 2020/21 \$1,048,000 for the Elma Turner Library Redevelopment project, including work required to deconstruct the building at 23 Halifax Street.***

14. Elma Turner Library, Civic House and Climatorium 126 - 135

Document number R16984

Recommendation

That the Council

- 1. Receives the report Elma Turner Library, Civic House and Climatorium (R16984); and***
- 2. Adopts a stepped approach as set out in R16984 towards decision making on the Elma Turner Library, Civic House and a Climatorium.***

CONFIDENTIAL BUSINESS

15. 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:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
2	<p>Recommendations from Committees</p> <p>Infrastructure Committee 07/05/20</p> <p>Wastney Terrace Stormwater Upgrade – Property Negotiations</p> <p>Joint Shareholders Committee 18/05/20</p> <p>Revised Port Nelson Ltd Constitution</p> <p>Sports & Recreation Committee 18/06/20</p> <p>Poorman Valley Stream Shared Path Construction – Main Road Stoke to Neale Avenue</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
3	<p>Recommendation from Infrastructure Committee - Nelmac - Utilities Maintenance and Operations Contract</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities

Note:

- **This meeting is expected to continue beyond lunchtime.**
- **Lunch will not be provided.**
- **Youth Councillors Hailey Potts and Grace Gutschlag will be in attendance at this meeting.**

Youth Councillors have been invited to morning tea to meet Elected Members



Minutes of a meeting of the Nelson City Council

Held via Audio-Visual (Zoom)

On Thursday 23 April 2020, commencing at 9.05a.m

Present: Her Worship the Mayor R Reese (Chairperson), Councillors Y Bowater, T Brand, M Courtney, J Edgar, 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), Team Leader Governance (R Byrne), Governance Adviser (E Stephenson) and Governance Support (K McLean)

Apologies : Nil

Karakia Timatanga

Council's Kaihautu, Pania Lee, gave the opening karakia.

The passing of Council's Kaumatua, Kereopa Ratapu, was acknowledged.

16. Apologies

There were no apologies.

17. Confirmation of Order of Business

Her Worship the Mayor advised of two late items for the public part of the meeting, and that the following resolutions needed to be passed for the items to be considered:

17.1 Effects of setting the 2020/21 rates increase to zero; and

2.2 City Centre Programme: COVID19 Response

Resolved CL/2020/020

That the Council

- 1. Considers the item regarding Effects of setting the 2020/21 rates increase to zero at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made; and***
- 2. Considers the item regarding City Centre Programme: COVID19 Response at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.***

McGurk/Noonan

Carried

18. Interests

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

19. Public Forum

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

Kellie-Anne Eastmond, representing New Life Ministries Incorporated, tabled a document that had previously been circulated to Elected Members (A2363027, a replacement to the copy in the agenda). She referred to her original submission, noting an incorrect figure in the agenda and provided background information on New Life Ministries Incorporated. She addressed matters in the report, highlighting how integrated schools operated, and that the Development Contributions equated to a quarter of the School's annual income. She noted the School's beneficial role in the region and funding avenue differences.

Ms Eastmond highlighted the lack of consultation with affected parties and the lack of information provided by Council on the process when the policy was reviewed for development contributions. She said that her understanding was that a decision to decline had been made without the application being seen by the Group Manager Environmental Management. She felt that the school did fit into the exceptional circumstances category.

Ms Eastmond answered questions regarding the proportion of Nelson students, the application process and the status of the school.

Attachments

1 A2363027 - New Life Ministries tabled document

20. New Life Ministries Incorporated - Development Contributions – (Agenda Item 8)

Document number R13741, agenda pages 32 - 109 refer.

Group Manager Environmental Management, Clare Barton, and Team Leader City Development, Lisa Gibellini, spoke to the report. Ms Gibellini noted a correction to the amount of development contributions on agenda page 35, paragraph 4.1, which should read \$22,525.25. Ms Barton clarified that a copy of the request for exemption letter had been entered into Council's system, but did not come through to council officers due to system problems. Subject to the Policy, there had been a decision to decline. Further information about New Life Ministries' charitable status was provided by Ms Eastmond at a subsequent meeting. Ms Barton confirmed that she had seen the original letter, but had asked for a further hard copy at that meeting. She confirmed that application process issues had now been solved with a new system in place.

Ms Barton and Ms Gibellini answered questions regarding the 2015 policy review and consultation and the removal of state integrated schools out of the exemptions, Council's use of consultants and level of information provided to applicants and proof of charitable status.

The following motion was moved by Councillor Skinner and seconded by Her Worship the Mayor.

That the Council

1. *Receives the report New Life Ministries Incorporated - Development Contributions (R13741) and its attachments (A2356963, A1964099, A2356964); and*
2. *Accepts 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 Development Contributions Policy during the 2021 review in relation to state integrated schools.*

Discussion took place regarding:

- there was no Elected Member intention to remove state integrated schools from the exemptions in the 2015 policy review
- although Council's consultation process had been legally robust, best practice would have been to notify the small group of schools that would be affected
- Council systems issues

- concerns about precedent setting
- funding of independent schools
- the purpose of Development Contributions
- any other affected schools
- the existence of exceptional circumstances

Following advice from the Chief Executive, officers were requested to provide additional recommendations quoting the exceptional circumstances, noting the decision would be inconsistent with the policy and clarifying that there was no intention to amend the policy at this time.

The meeting was adjourned from 10.35a.m. until 11.00a.m.

With the agreement of the mover and seconder, the officer's additional recommendations were incorporated into the motion.

Resolved CL/2020/021

That the Council

- 1. Receives the report New Life Ministries Incorporated - Development Contributions (R13741) and its attachments (A2356963, A1964099, A2356964); and***
- 2. 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 have been identified as to why the Council has decided to grant the waiver notwithstanding the inconsistency with the Development Contributions Policy, being:***
 - The applicant was not aware of the opportunity to submit when the Development Contributions Policy was amended to remove state integrated schools;***
 - There would be a disproportionate impact on the applicant's funding streams;***
 - The applicant's submission highlighted an unintended consequence of the new Development Contributions Policy;***
 - The applicant had charitable status; and***
 - (c) That there is no intention to amend the Policy to accommodate the decision at this time.***

3. Directs officers to review the listed exemptions in the Development Contributions Policy during the 2021 review in relation to state integrated schools.

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Abstained/ Interest</u>
Mayor Reese (Chairperson)	Cr Bowater	
Cr Brand	Cr Lawrey	
Cr Courtney	Cr O'Neill-Stevens	
Cr Edgar	Cr McGurk	
Cr Fulton	Cr Rainey	
Cr Noonan	Cr Sanson	
Cr Skinner		

The motion was carried 7 - 6.

Skinner/Her Worship the Mayor

Carried

21. Confirmation of Minutes

21.1 12 March 2020

Document number M7766, agenda pages 9 - 15 refer.

Resolved CL/2020/022

That the Council

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

Edgar/Brand

Carried

21.2 24 March 2020 - Extraordinary Meeting

Document number M7797, agenda pages 16 - 19 refer.

Resolved CL/2020/023

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.***

Her Worship the Mayor/O'Neill-Stevens

Carried

21.3 9 April 2020 - Extraordinary Meeting

Document number M8806, agenda pages 20 - 28 refer.

Resolved CL/2020/024

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.***

Edgar/Brand

Carried

22. Recommendations from Committees

7.1 Community Services Committee - 12 March 2020

7.1.1 Update on Council-owned earthquake-prone buildings

Resolved CL/2020/025

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.***

Lawrey/Bowater

Carried

7.2 Hearings Panel - Other - 18 March 2020

7.2.1 Findlay Place Easements - Deliberations Report

Resolved CL/2020/026

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.***

McGurk/Skinner

Carried

23. Mayor's Report

Document number R16963

Her Worship the Mayor tabled a summary document listing Council's Crown Infrastructure Applications (A2374616).

The Mayor congratulated the Community on its response to the COVID-19 emergency, she noted that the region had been tested by emergency events on a number of occasions with floods, fires and cyclones. The Mayor said that she was impressed with the resilience of the community and that the effects of the pandemic would continue for many years, especially the economic impact. She noted that although Alert Level 3 was coming up, this would not mean a return to business for many businesses, which would continue to be under financial stress. The Mayor encouraged people to stand outside their houses at dawn on ANZAC Day to acknowledge those who had served.

In response to a question, Group Manager Infrastructure, Alec Louverdis, confirmed that the price of the e-bike being purchased included a trailer and branding.

Resolved CL/2020/027

That the Council

1. ***Receives the report Mayor's Report (R16963); 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.***

Her Worship the Mayor/Fulton

Carried

Attachments

- 1 A2374616 Crown Infrastructure Fund Applications

24. Effects of setting the 2020/21 rates increase to zero

Document number R16966, late items agenda pages 3 - 13 refer.

Group Manager Corporate Services, Nikki Harrison and Group Manager Strategy and Communications, Nicky McDonald, answered questions regarding the effect on the next rating round, events funding, the split between reductions of Elected member travel and training and catering budgets (\$23k and \$10k), maintenance of levels of services and use of the Emergency Fund for community organisations. It was confirmed that use of the fund would be reported back to Council.

Commentary on the assumptions used was requested for the final report.

Resolved CL/2020/028

That the Council

1. ***Receives the report Effects of setting the 2020/21 rates increase to zero (R16966) and its attachments (A2372220 and A2372381); and***
2. ***Notes the information on how a zero rates rise could be achieved and that a final decision will be made during Annual Plan deliberations ; and***
3. ***Notes the criteria for the Emergency Fund for community organisations.***

Sanson/Edgar

Carried

25. City Centre Programme: COVID19 Response

Document number R16965, late items agenda pages 14 - 0 refer.

Marg Parfitt, Lisa Gibellini, Clare Barton, Alan Gray,

Team Leader City Development, Lisa Gibellini, noted a correction to the terminology in option 1 of the agenda report, in that Ultraflex Delineators were now the recommended option. Officers answered questions regarding the consultation and communication/feedback plan. It was noted that a quick outcome was required.

Discussion took place on possible amendments to clause 7 of the recommendation to approve funding in principle to cover any of the options and to note that officers were seeking partial funding from the New Zealand Transport Agency.

The meeting was adjourned from 12.32p.m. until 2.05p.m.

Officers provided an updated recommendation.

Resolved CL/2020/029

That the Council

- 1. Receives the report City Centre Programme: COVID19 Response (R16965) and its attachment (A2373306); and***
- 2. Approves stage 1 short term tactical initiatives to enable safe pedestrian movement in the city centre post COVID19 lockdown from existing unspent Transport budget; and***
- 3. Approves undertaking a public feedback process on the four options for medium term tactical initiatives to enable safe pedestrian movement in the city centre; and***
- 4. Delegates approval of the public feedback process, documents and method to the City Centre Working Group; and***
- 5. Notes that officers will report the results of public consultation back to Council for a decision on which option to proceed with for stage 2; and***
- 6. Supports an Innovative Streets funding application to be submitted to NZTA; and***
- 7. Approves in principle capital budget provision of up to \$5M for inclusion in the Annual Plan 2020/21, subject to the outcome of the public feedback process, noting that New Zealand Transport Agency Innovative Streets funding of up to \$1M and up to a 51% subsidy on the balance of work will be applied for from the New Zealand Transport Agency.***

Fulton/Rainey

Carried

26. Nelson City Council Water Restrictions (urban/rural)

Document number R13608, agenda pages 110 - 132 refer.

Senior Activity Engineer - Water Supply, Phil Ruffell, presented the report, noting the background and protocols for water restrictions. He answered questions regarding the impact on Nelson businesses, consultation, environmental education messaging, alignment with Tasman District Council's protocols, trigger points for a range of Council assets - such as premier sports grounds, and matters dealt with under the Water Supply Bylaw.

It was noted that this was an operational issue and that there would be engagement with major users through the upcoming review of the Bylaw. For clarity, the recommendation was altered to state that water restrictions would be implemented through the Bylaw.

Resolved CL/2020/030

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) to be implemented through the Water Supply Bylaw.***

Fulton/Edgar

Carried

Extension of Meeting Time

Resolved CL/2020/031

That the Council

Extends the meeting time beyond six hours, pursuant to Standing Order 4.2.

Her Worship the Mayor/O'Neill-Stevens

Carried

27. Governance Statement 2019 - 2022

Document number R14824, agenda pages 133 - 197 refer.

Manager Governance and Support Services, Mary Birch, presented the report, noting that a variety of feedback had been received from Elected Members. Ms Birch suggested that a similar approach to the Code of Conduct be taken, in that she would collate the feedback and rework the document and finalise with a group of delegated Elected Members. A revised recommendation was provided to reflect this.

Ms Birch provided a summary of amendments:

- terminology alignment with legislation/relevant Council Documents
- information relating to types of workshops, whether they are open to the public and where to find workshop information
- Council's response to the current COVID-19 situation and support for the community
- emergency provisions, such as allowing remote attendance at Council meetings to fulfil quorum requirements
- external appointees and external appointments
- powers not permissible to be delegated
- include relevant legislation
- re-inclusion of Nelson 2060 as a Brilliant Basic
- amendments to the Iwi Relationship and Partnership section
- Smart Little City Vision priorities
- additional editing and formatting.

Resolved CL/2020/032

That the Council

1. ***Receives the report (R16980) and its attachments (A1708727) and (A2356871); and***
2. ***Adopts the Nelson City Council Governance Statement 2019 – 2022, in order to comply with Section 40 (2) of the Local Government Act 2002 ; and***
3. ***Notes that further amendments to the Nelson City Council Governance Statement 2019 – 2022 are required; and***
4. ***Delegates to the Mayor, Deputy Mayor and Chair of the Governance Committee the authority to agree the further amendments; and***
5. ***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.

Sanson/Edgar

Carried

28. Amendments to Delegations Register and Standing Orders

Document number R15894, agenda pages 198 - 212 refer.

Governance Adviser, E-J Ruthven, presented the report, noting that these were two minor amendments to the proposed amendments.

Resolved CL/2020/033

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).***

Bowater/McGurk

Carried

29. Exclusion of the Public

Resolved CL/2020/034

That the Council

- 3. Excludes the public from the following parts of the proceedings of this meeting.***
- 4. 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/Bowater

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Extraordinary Council Meeting - Public Excluded Minutes - 24 March 2020	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(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 • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into public excluded session at 3.13p.m. and resumed in public session at 3.17p.m.

The only business transacted in confidential session was to confirm the confidential minutes and 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.

30. Confirmation of Minutes

30.1 24 March 2020 - Extraordinary Meeting

Document number M7798, agenda pages 3 - 6 refer.

Resolved CL/2020/035

That the Council

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

O'Neill-Stevens/Courtney

Carried

31. Re-admittance of the Public

Resolved CL/2020/036

That the Council

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

Skinner/Sanson

Carried

There being no further business the meeting ended at 3.17p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date



DOG CONTROL BYLAW NO. 221
June 2020

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1 INTRODUCTION

- 1.1 The title of this Bylaw shall be the "Dog Control Bylaw 2020."
- 1.2 The Bylaw shall come into effect on 27 July 2020.

2 DEFINITIONS

Terms and expressions defined in the Dog Control Act 1996 shall, when used in this Bylaw, have the meanings defined in the Act.

Act - Means the Dog Control Act 1996.

City - Means the territory of the City of Nelson as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

The Council - Means the Nelson City Council.

Playing area - Means that part of any sports ground which at the material time is marked out or otherwise set aside for the playing of any active sport.

Under control – Means that at all times a dog is able to be restrained or to obey commands.

Urban area – Means the area as defined in the Nelson Air Quality Plan, or any other resource management plan/s which replace it after this Bylaw is adopted.

3 DOGS PROHIBITED

- 3.1 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule One.

4 DOGS PERMITTED ON A LEASH

- 4.1 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule Two, unless the dog is at all times controlled on a leash.
- 4.2 Clause 4.1 does not apply to dogs under the direction of the Nelson Dog Training Club.

5 DOGS IN ALL OTHER PUBLIC PLACES

- 5.1 In all public places where dogs are not prohibited or required to be on a leash, dogs must be kept under control by the owner. It is the responsibility of the owner to decide whether this control can be achieved off leash or on a leash. Nothing in this clause absolves the owner from the obligation to carry a leash at all times while he or she is with the dog in a public place.
- 5.2 Every dog owner shall ensure that at all times the dog is under an appropriate degree of control which will ensure that the dog does not cause a nuisance to any other person, or rush at or startle any person in a manner

that causes that person to be injured or endangered, or causes any property to be damaged or endangered.

6 EXEMPTIONS

- 6.1 A working dog, as defined in the Act as well as any Land Search and Rescue dog, is exempted from Clauses 3, 4 or 5 above, while it is engaged in or being used for its working purpose.
- 6.2 Nothing in Clauses 4 or 5 shall prevent the Council from excluding dogs from any area for the purpose of holding an event.
- 6.3 Nothing in Clauses 3 or 4 shall prevent the Council from granting permission for dogs to enter a Schedule One or Two area for a special purpose such as feral animal control or the management of indigenous wildlife.
- 6.4 Clauses 6.1 and 6.3 do not negate the need to apply for a dog control permit from the Department of Conservation where such a permit is required to take a dog onto land administered by the Department of Conservation.

7 NUMBER OF DOGS

- 7.1 No occupier of any land or premises within the City, shall keep, or allow to be kept on the land or premises for any period exceeding seven days, more than two dogs over the age of three months.
- 7.2 Clause 7.1 shall not apply to any occupier of any land or premises within the City who had more than two dogs in February 2013. They have an "existing use right" to continue to own their existing dogs, until the end of the dogs' lives. Written permission will be required for ownership of any additional dogs after this date.
- 7.3 Clause 7.1 shall not apply to any occupier of any land or premises within the City who has written permission from the Council to keep more than two dogs.
- 7.4 Clause 7.1 shall not apply to any occupier of any land or premises which is outside of the urban area.

8 SEIZURE OF ROAMING DOGS

- 8.1 Any dog found wandering free at large on public or private property, whether or not it is wearing a collar having the proper registration label or disc attached as required by the Act, may be seized and impounded by any Dog Control Officer, Dog Ranger or other person authorised by the Council.

9. DOGS WITH CONTAGIOUS DISEASES

- 9.1 No owner of any dog with a contagious disease shall take the dog to a public place, or allow the dog to remain in a public place.

10. NUISANCES OR INJURY TO HEALTH

- 10.1 The owner of any dog or the owner or occupier of any premises where any dog is customarily kept, shall take all reasonable steps to ensure that the dog does not cause a nuisance to any person or be likely to be injurious to the health of any person.
- 10.2 If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance to any person or injurious to the health of any person, the Dog Control Officer may, by notice in writing, require the dog owner or the owners or occupiers of the premises at which the dog is kept, within a time specified in such notice to do all or any of the following:
- a) reduce the number of dogs on the premises;
 - b) construct, alter, reconstruct or otherwise improve the kennels or other buildings or fences used to house or contain the dog;
 - c) tie up or otherwise confine the dog during specified periods;
 - d) take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health.
- 10.3 If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance any person to whom notice is given under Clause 10.2 who fails to comply with the notice, within the time specified in the notice, shall commit an offence against this Bylaw.
- 10.4 Any dog left in a public place, whether restrained or not, and causing a nuisance or distress to any person by act of aggression, obstruction, noise or otherwise, may be removed by any Dog Control Officer, Dog Ranger or Constable and subsequently impounded.

11. DOGS DEFECATING

- 11.1 The owner of any dog that defecates in a public place or on land or premises other than that on which the dog is normally kept, shall immediately remove the faeces.
- 11.2 Every person, with or in control of any dog in any public place, or on any land or premises other than that on which the dog is usually kept, shall at all times carry on their person a bag or other receptacle suitable for the collection of any faeces which the dog might deposit.

12. OFFENCES AND PENALTIES

- 12.1 Every person who breaches this bylaw commits an offence.
- 12.2 Every person who commits an offence under this Bylaw may have an infringement notice issued to them or be prosecuted for a breach of bylaw under the Dog Control Act 1996 or the Local Government Act 2002.

SCHEDULE ONE

Dogs Prohibited Areas

1. Nelson Airport (unless transporting dogs for air lift in or out of Nelson; or dogs securely restrained in the owner's vehicle).
2. Eastern two thirds of Tahunanui Main Beach.
3. The playing area of any Council sports grounds. The exception is Maitai Cricket Ground, for which the prohibition only applies from October to March each year.
4. Children's playgrounds - the section of the reserve set aside for playground equipment.
5. Nelson City Council Water Reserves (without Council permits):
 - Maitai Valley
 - Roding
6. Brook Conservation Reserve.
7. Any public building owned or controlled by the Council. (Except in respect of the Trafalgar Centre or Stoke Hall when a function involving dogs is being held.)
8. Trafalgar Park.
9. Saxton Field Cricket Oval and the Athletics Track.
10. Saxton Field Hockey and Softball Areas.
11. Haulashore Island.
12. Oyster Island.
13. Haven Holes Reserve.
14. The following Maitai River swimming holes and the listed picnic areas:
 - The picnic area and river bank beside Black Hole - true right side of the river only. (This is the right-hand side, when looking downstream.)
 - Dennes Hole and the adjacent picnic area
 - Sunday Hole and the adjacent picnic area
 - Maitai Camp Hole and the adjacent picnic area.(This prohibition only applies from 1 December to 31 March each year.)

15. Dogs are prohibited from land administered by the Department of Conservation that is not a common marine and coastal area unless the owner has specific authorisation, for example a dog control permit from the Department of Conservation; or the reserve has Department of Conservation signage identifying where a dog may be taken without a permit. (Dogs are permitted on common marine and coastal areas administered by the Department of Conservation unless it is an area listed in this Schedule.)
16. The beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500 metres along each of those boundaries.
17. The Boulder Bank, from the Cut towards Boulder Bank Drive for 4 kilometres, from 15 August to the last day in February.
18. Whakapuaka Raupo Swamp.
19. The fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve, but excluding the northern most section of the walkway to the lookout adjacent to the Wakapuaka River and the fenced land adjacent to the swimming hole.
20. Dogs are permitted to be off leash on the formed cycling and walking tracks within Marsden Valley Reserve, including Involution Trail. However, they are prohibited from being in the bush areas (off the tracks) in the part of Marsden Valley Reserve to the east of the Barnicoat Walkway.
21. Sand Island.

SCHEDULE TWO

Dogs are Permitted but must be Kept on a Leash

1. All public footpaths and other public areas within the Central Business District, and within the Stoke and Tahunanui shopping centre.
2. Nelson cemeteries, both active and non-active. The active cemeteries are: Wakapuaka Cemetery, Marsden Valley Cemetery, Seaview Cemetery, and Hira Cemetery. The non-active cemeteries are, the Quakers Cemetery on Wellington Walkway and the Hallowell Cemetery near Shelbourne Street.
3. Horticultural Parks. These are: Miyazu Japanese Gardens, Anzac Memorial Park, Church Hill, Melrose Gardens, Queens Gardens, Broadgreen Gardens and Isel Park. The exception to the on-leash requirement is the less cultivated part of Isel Park which begins at Main Road Stoke and extends to the Isel Park entrance gate, as well as the area south of the access road beyond the Isel Park entrance gate. This exception applies when events are not being held in Isel Park.
4. Neighbourhood Parks – excluding those listed in Schedule Three.
5. The margins, islands, sand and mudflats of Delaware Estuary, and the northernmost section of the walkway adjacent to the Wakapuaka River from Paremata Flats to the lookout.
6. Around the playing areas of sports fields when games or training sessions are occurring. (At other times dogs may be off lead on sports grounds other than the playing area of sports grounds.)
7. The Maitai walkway, from the river mouth up to the Collingwood Street bridge.
8. The grazed parts of the Grampians Reserve and the Sir Stanley Whitehead Park.

(Note: The grazed parts of the Maitai River Esplanade Reserve, Tantragee Reserve and Paremata Flats Reserve are areas where dogs may be off-leash.)

9. Delaware Estuary margins, and islands within the estuary.
10. The Boulder Bank from Boulder Bank Drive to the Cut.

(Note: The Boulder Bank from the Cut toward Boulder Bank Drive for 4 kilometres is a dogs prohibited area from 15 August to the end of February, and dogs may be off leash on the Boulder Bank northwards from Boulder Bank Drive.)

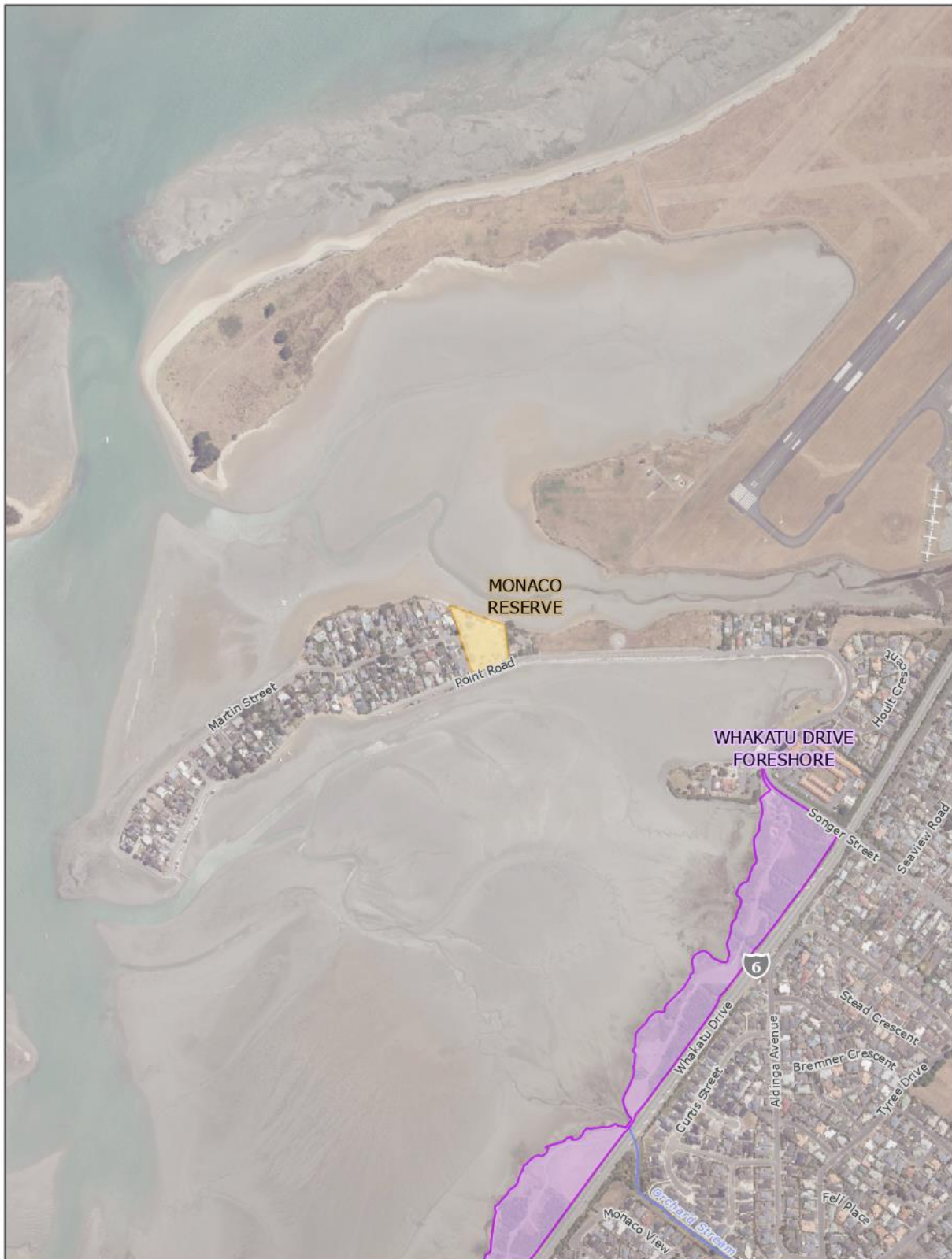
11. Whakatū Drive Foreshore Reserve.

SCHEDULE THREE

Neighbourhood Parks in which Dogs may be Off Leash

- Abraham Heights Reserve
- Andrews Farm Reserve
- Bay View Reserve
- Betsy Eyre Park
- Bishopdale Reserve
- Bishop's Park
- Bledisloe North Reserve
- Branford Park
- Corder Park
- Custom House Reserve
- Fairfield Park
- Grampian Oaks Reserve
- Glenduan Reserve
- Hira Reserve
- Kowhai Reserve
- Monaco Reserve
- Murphy North Reserve
- Murphy South Reserve
- Ngapua Reserve
- Nikau Reserve
- Orchard Reserve
- Pipers Park
- Poplar Reserve
- Queen Elizabeth II Reserve
- Station Reserve

- Songer Reserve
- Te Manu Reserve
- Tosswill Reserve
- Waterhouse Reserve
- Wolfe Reserve



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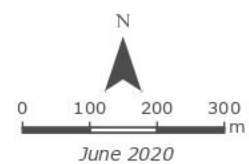
Proposed Dog Bylaw Map 1

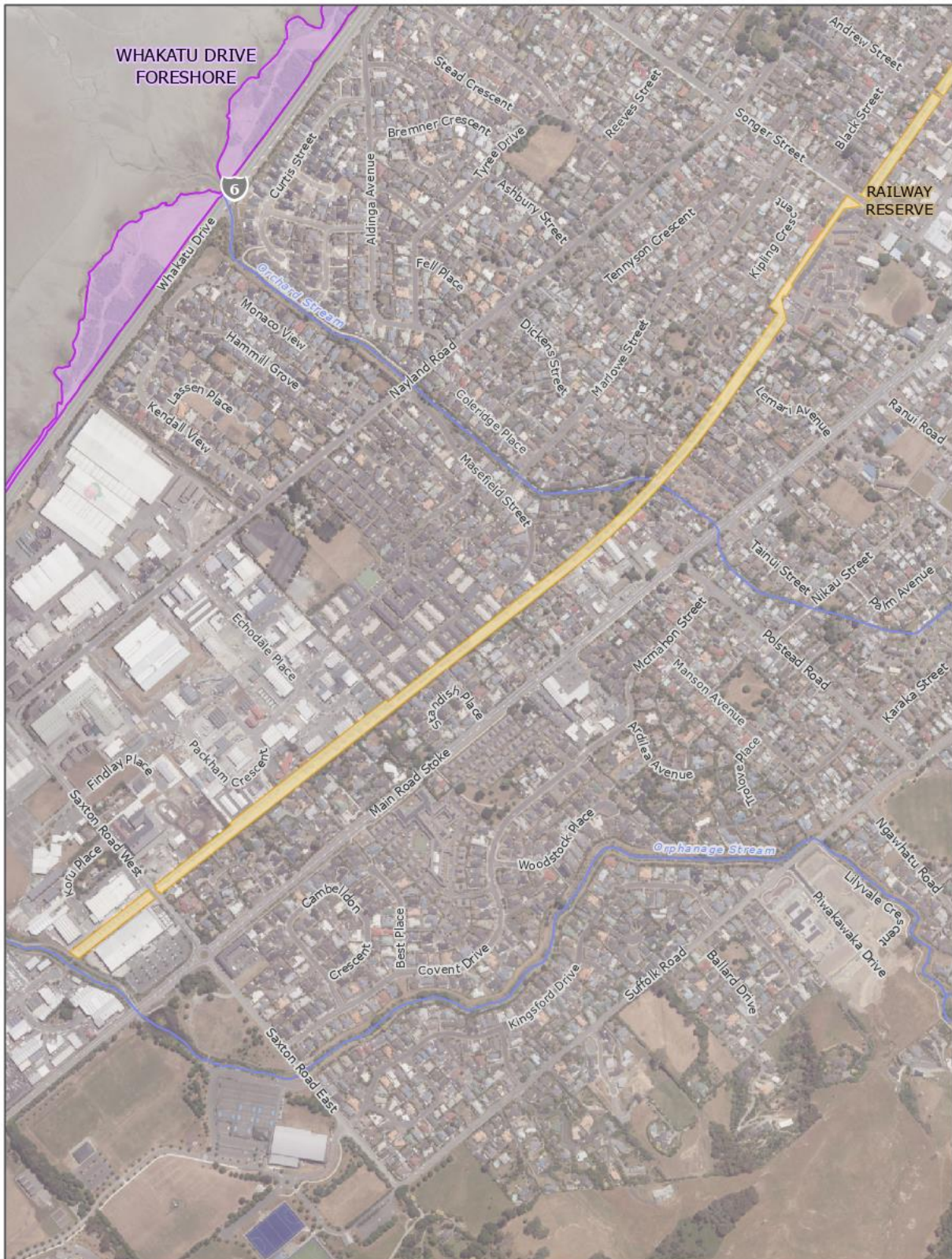
R9973



Proposed Dog Bylaw

- On-Leash
- Off-Leash





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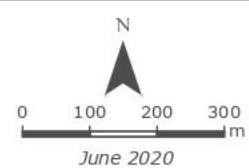
Proposed Dog Bylaw Map 2

R9973



Proposed Dog Bylaw

- On-Leash
- Off-Leash



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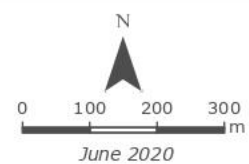
Proposed Dog Bylaw Map 3

R9973



Proposed Dog Bylaw

- On-Leash
- Off-Leash



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DH1, Original map size A4.

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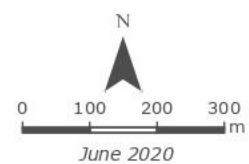
Proposed Dog Bylaw Map 4

R9973



Proposed Dog Bylaw

Off-Leash



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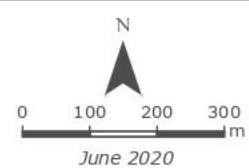
Proposed Dog Bylaw Map 5

R9973

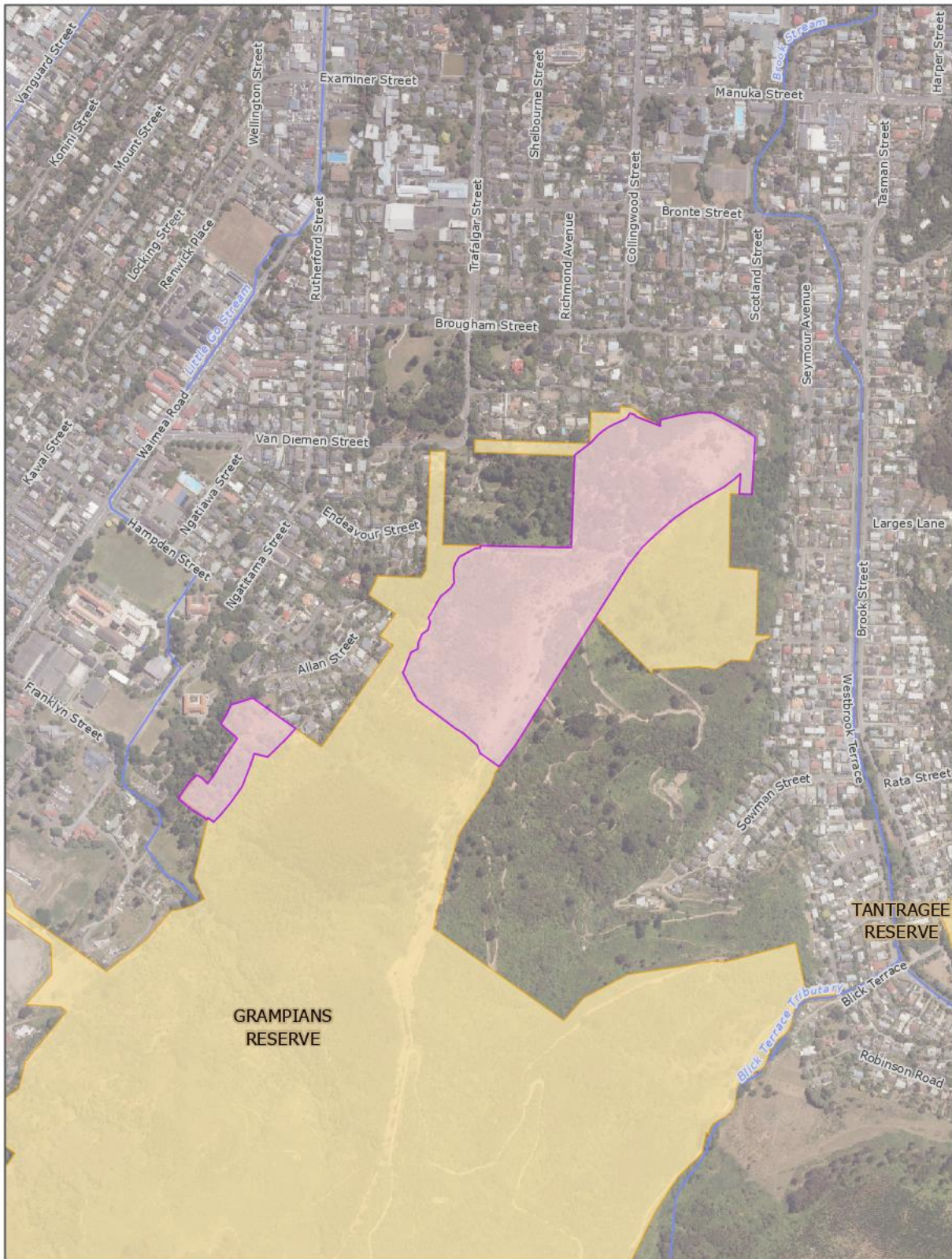


Proposed Dog Bylaw

Off-Leash



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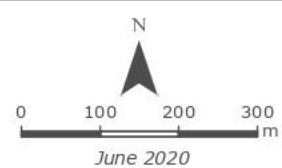
Proposed Dog Bylaw Map 6

R9973

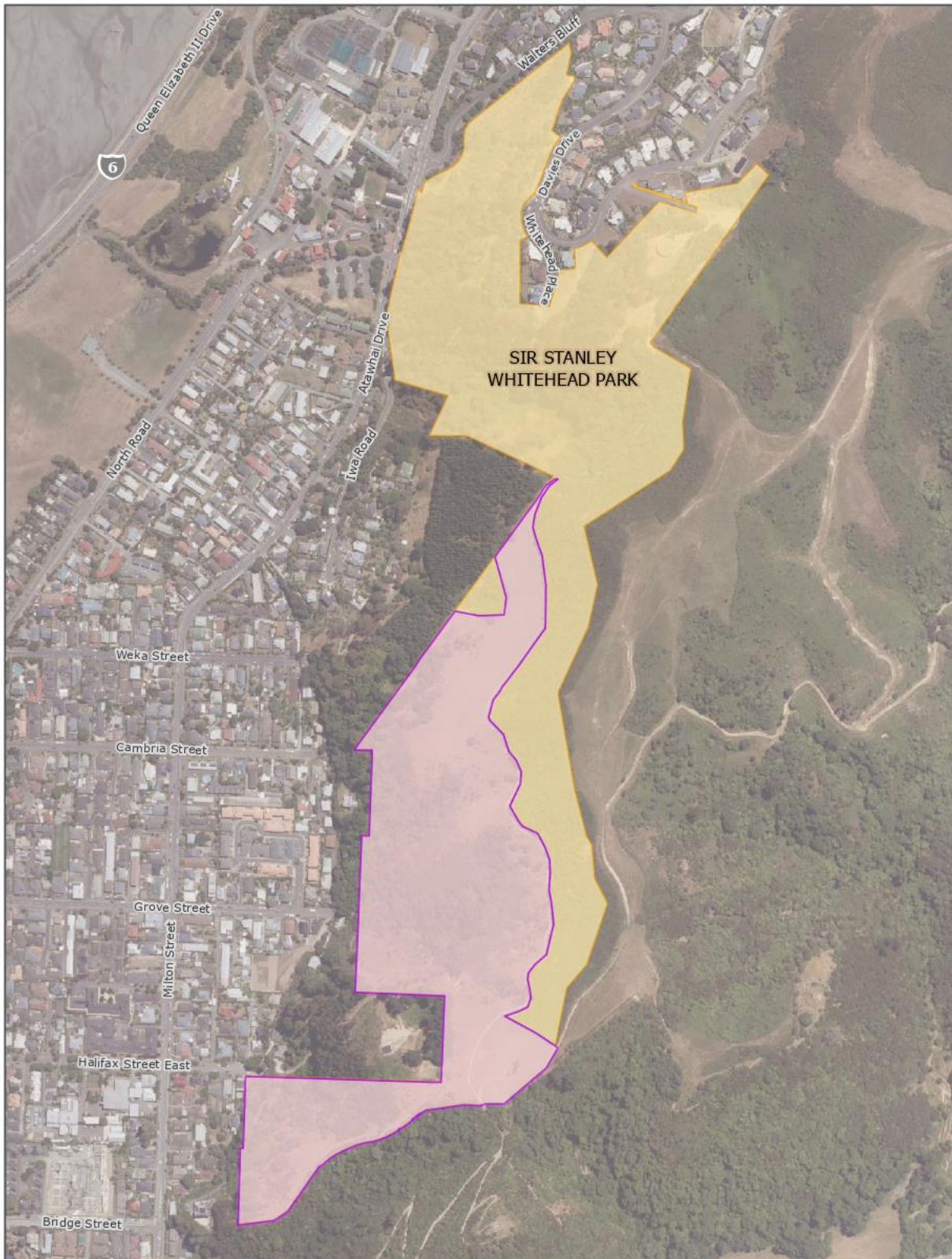


Proposed Dog Bylaw

- On-Leash
- Off-Leash



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DH1, Original map size A4.



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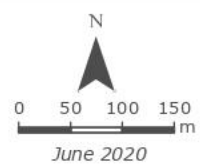
Proposed Dog Bylaw Map 7

R9973



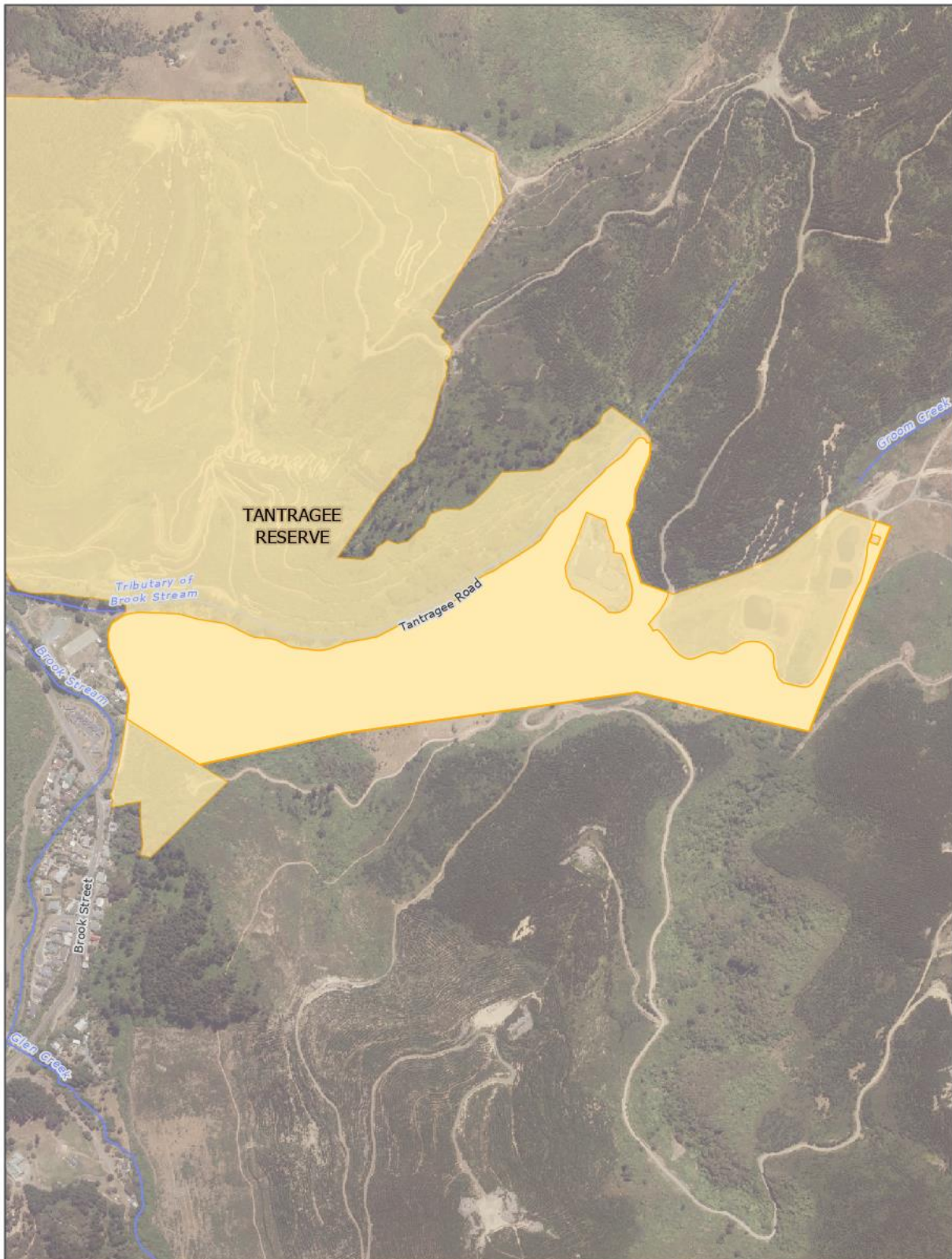
Proposed Dog Bylaw

- On-Leash
- Off-Leash



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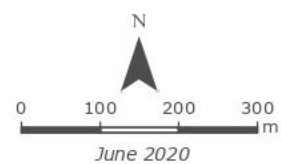
Proposed Dog Bylaw Map 8

R9973



Proposed Dog Bylaw

- Off-Leash
- Off-Leash (Grazed Area)



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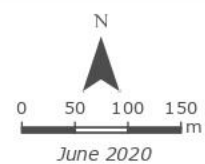
Proposed Dog Bylaw Map 9

R9973

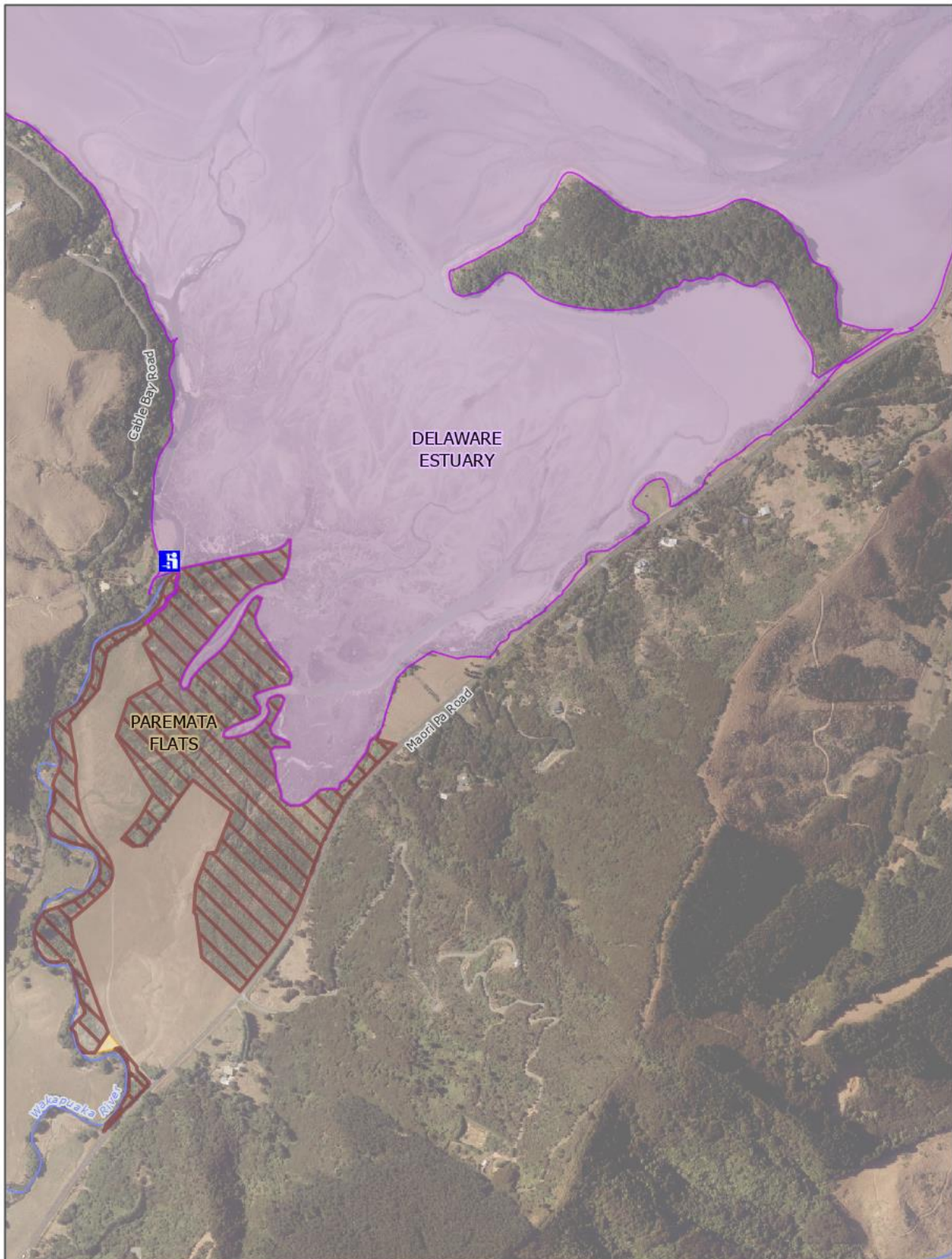


Proposed Dog Bylaw

- Off-Leash
- Off-Leash (Grazed Area)



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Proposed Dog Bylaw Map 10

R9973

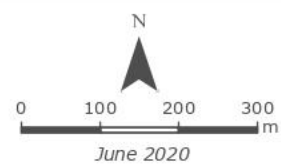


Proposed Dog Bylaw

-  Dogs Prohibited
-  On-Leash
-  Off-Leash



Viewpoint







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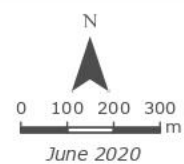
Proposed Dog Bylaw Map 11

R9973



Proposed Dog Bylaw

-  Dogs Prohibited (15 August to Last Day of February)
-  On-Leash



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DH1, Original map size A4.





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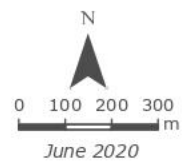
Proposed Dog Bylaw Map 12

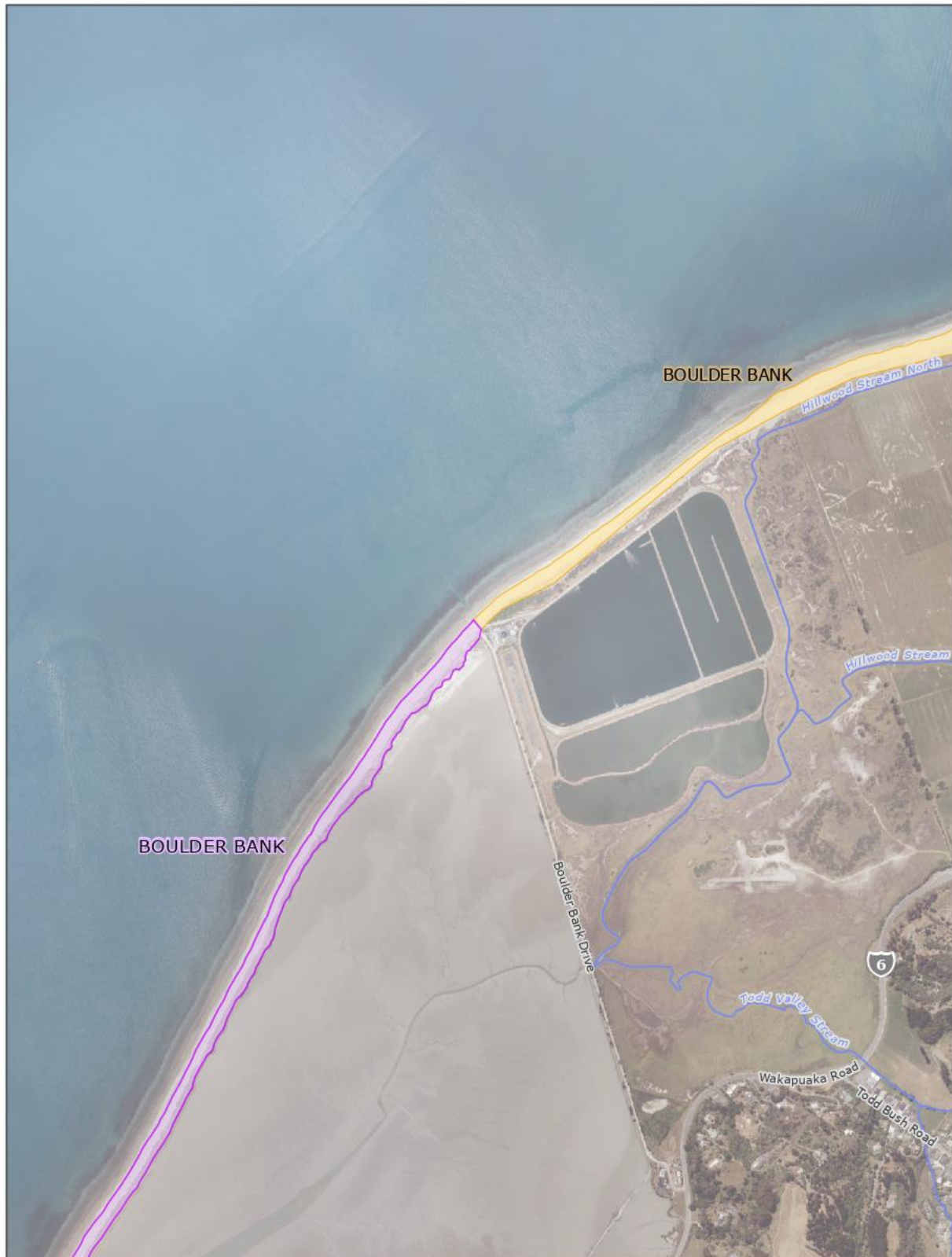
R9973



Proposed Dog Bylaw

-  Dogs Prohibited (15 August to Last Day of February)
-  On-Leash





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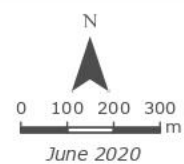
Proposed Dog Bylaw Map 13

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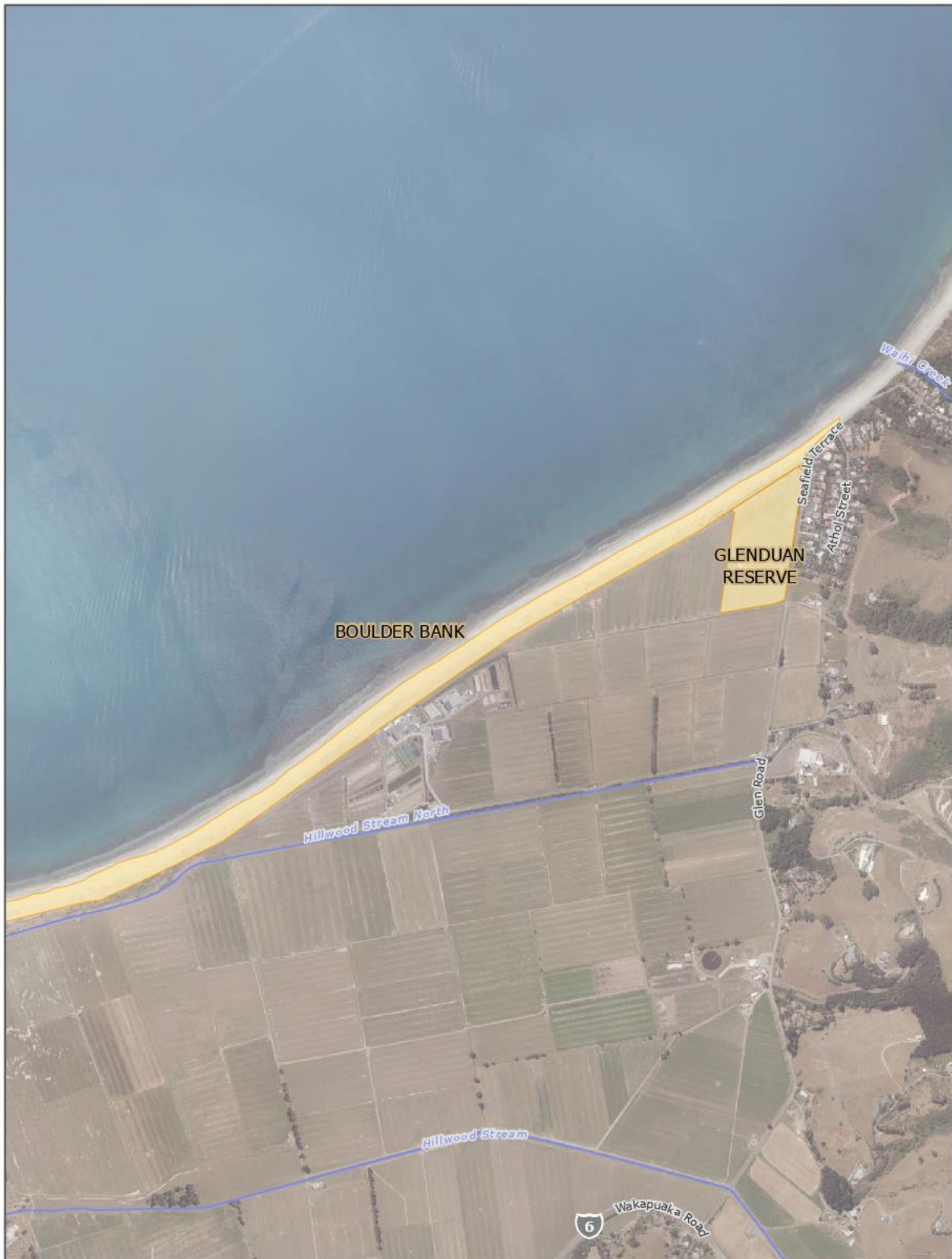


Proposed Dog Bylaw

- On-Leash
- Off-Leash



File Ref: A2395332
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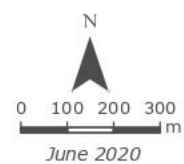
Proposed Dog Bylaw Map 14

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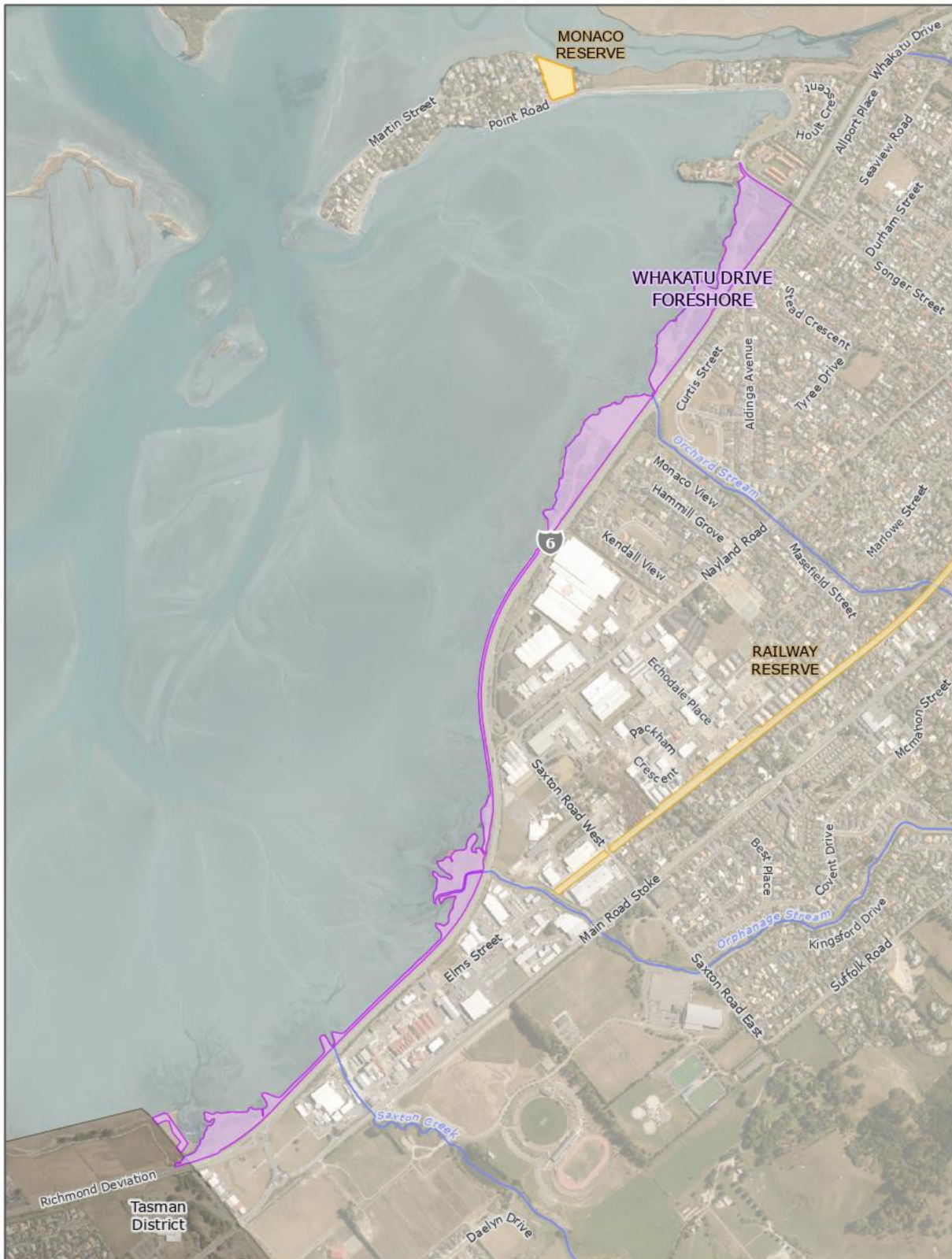


Proposed Dog Bylaw

Off-Leash



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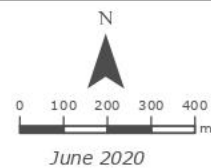
Proposed Dog Bylaw Map 15

R9973



Proposed Dog Bylaw

- Off-Leash
- On-Leash





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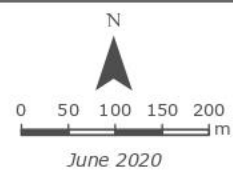
Proposed Dog Bylaw Map 16

R9973



Proposed Dog Bylaw

Off-Leash



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File Ref: A2395332
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REPORT R16937

Mayor's Report

1. Purpose of Report

- 1.1 To update Council on current matters.

2. Recommendation

That the Council

- 1. Receives the report Mayor's Report (R16937); and***
- 2. Amends the membership of the Nelson Tasman Regional Landfill Business Unit by substituting Councillor Fulton with Councillor McGurk.***

2. Discussion

Nelson Tasman Regional Landfill Business Unit Membership

- 2.1 Membership of the Nelson Tasman Regional Landfill Business Unit has been reviewed and Councillor McGurk will replace Councillor Fulton.

Principles of Collaboration

- 2.2 The Principles of Collaboration with our Danish partners and Wakatū Incorporation has been signed by all parties. We are now looking forward to working together to share knowledge and supporting each other in understanding and developing opportunities and projects that respond to climate change.

Lemvig Climatorium

- 2.3 The Lemvig Climatorium is scheduled to be officially opened 20 August (starting 10am in Denmark/ 8pm New Zealand) by HRH Crown Prince Frederik. Nelson's contribution will be a video that will be played during the event and include words from the Mayor and the Chair of Wakatū Incorporation Chair, waiata, and karakia.

Item 7: Mayor's Report

- 2.4 We are working with Lemvig on providing a live stream of the opening so that we can share in the activities from our side of the world.

Donations

- 2.5 The Mayor approved funding of \$318.00 from the Mayoral Discretionary Fund to cover the airfare costs for Te Rina Te Kawa who the Mayor is mentoring under the Tuia Rangitahi Leadership programme. Te Rina is travelling to Rotorua in July to attend the second hui as part of this programme.
- 2.6 The Mayor donated \$1,150 from the Mayoral Discretionary Fund to the "Aroha" benefit organ concert tour. The concept of the tour is to provide a free one hour concert to as many of the aged and palliative care facilities across New Zealand as funding will allow. There are two organists and two trucks. The first concert began in Nelson at the Ernest Rutherford Retirement Village. Nelson organist and project creator, Mark Patterson is touring the South Island and internationally renowned organist Dr Kemp English is touring the North Island. The organisers have also teamed up with Aged Concern as a national charity and any excess funds from their appeal will be donated to them.

Author: Rachel Reese, Mayor of Nelson

Attachments

Nil

REPORT R16983

New Zealand Local Government Funding Agency Amendments

1. Purpose of Report

- 1.1 To seek approval for the amendment of Local Government Funding Agency (LGFA) agreements.

2. Summary

- 2.1 Council is a member of the LGFA borrowing programme as a borrower and a guarantor but is not a shareholder. LGFA has proposed amending the borrowing programme by making amendments to certain LGFA documents to allow direct lending to Council Controlled Organisations (CCOs) that are 100% owned by one or multiple councils.
- 2.2 In order to amend the LGFA documentation, each local authority member of LGFA is required to enter into certain deeds of amendment and restatement prior to 30 June 2020.
- 2.3 Council's Treasury Policy does not allow Council's CCOs to borrow through the LGFA. These changes were proposed by officers and considered by the Audit, Risk and Finance Subcommittee on 17 September 2019 but were rejected. Notwithstanding this decision in relation to Council's CCOs, Council as borrower and guarantor is still required to sign these amendments.

3. Recommendation

That the Council

- 1. Receives the report New Zealand Local Government Funding Agency Amendments (R16983); and***
- 2. Authorises the Council's entry into the documentation noted in this report.***
- 3. Authorises the Mayor and Deputy Mayor to execute the following deeds for the purposes of recommendation 2 above:***

(i) Amendment and Restatement Deed (Multi-issuer Deed);

(ii) Amendment and Restatement Deed (Notes Subscription Agreements); and

(iii) Amendment and Restatement Deed (Guarantee and Indemnity).

4. Authorises the Chief Executive to execute the Chief Executive Certificate and such other documents and take such other steps on behalf of Council as the Chief Executive considers it is necessary to execute or take to give effect to recommendation 2 above.

4. Background

- 4.1 At the LGFA AGM on 21 November 2019 the 31 shareholders approved amending the LGFA lending documentation to allow direct lending to Council Controlled Organisations (CCOs) that are 100% owned by one or multiple councils (the only exception being those with a New Zealand Government ownership).
- 4.2 For members that are not shareholders (a further 36 councils), the approval is coming through the signing of the documents by the respective Councils. All councils will have signed by 30 June 2020.
- 4.3 LGFA has proposed amending the borrowing programme by making amendments to certain LGFA documents, including the:
- 4.3.1 Multi-issuer Deed;
 - 4.3.2 Guarantee and Indemnity; and
 - 4.3.3 Notes Subscription Agreement.

5. Discussion

- 5.1 The purpose of the proposed amendments are as follows:
- 5.1.1 Currently council-controlled organisations (CCOs) are required to borrow through the parent local authority. This amendment has been requested by the sector and will enable approved council-controlled organisations (CCOs) to borrow directly through the LGFA borrowing programme (on the basis of guarantees from and/or sufficient uncalled capital issued to their parent local authorities) allowing for more flexibility in debt structure;

Item 8: New Zealand Local Government Funding Agency Amendments

- 5.1.2 Allow local authorities to apply to the LGFA to be tested at the group level rather than at the parent level (for compliance with LGFA covenants);
 - 5.1.3 When Council borrows through the LGFA, they are currently required to invest 1.6% of the proceeds back with the LGFA as a borrower note, which are redeemed at the maturity of the associated debt. This amendment will increase the amount of the borrower notes from 1.6% to 2.5% of the debt. Although the LGFA is not regulated, this change has been driven by a decision to increase LGFA capital in line with the requirement for all regulated NZ financial institutions to increase capital; and
 - 5.1.4 Make certain other technical improvements to the borrowing programme, in particular to allow the provision of committed standby borrowing facilities.
 - 5.2 In order to amend the LGFA documentation, each local authority member of LGFA is required to enter into certain deeds of amendment and restatement. Council therefore needs to make a formal resolution to execute the following legal documents:
 - 5.2.1 Amendment and Restatement Deed (Multi-issuer Deed);
 - 5.2.2 Amendment and Restatement Deed (Notes Subscription Agreement); and
 - 5.2.3 Amendment and Restatement Deed (Guarantee and Indemnity).
- In addition, the Chief Executive is requested to sign a section 118 Chief Executive Certificate (in relation to the documents noted at 5.3.1 – 5.3.3).
- 5.3 The documents at 5.2.1, 5.2.2 and 5.2.3 have been prepared by LGFA's solicitors, Russell McVeagh. Simpson Grierson have reviewed and approved the documents on behalf of the LGFA Shareholders' Council. The Chief Executive Certificate has been prepared by Simpson Grierson.
 - 5.4 It is proposed that the authority for signing the abovementioned documents be delegated to the Mayor and Deputy Mayor. The Chief Executive is also requested to sign the Chief Executive Certificate.
 - 5.5 Any LGFA lending to CCOs requires parent Council approval with appropriate security structure arrangements. Port companies are ineligible to borrow as they are not a CCO under the Local Government Act. The amendment allows for more flexibility in how Council and CCOs structure their borrowing but overall, it does not increase risk for Councils as the same borrowing will occur albeit through a different structure.
 - 5.6 All other member Councils of the LGFA borrowing programme have signed the amendments. LGFA requires all Councils to approve the legal

Item 8: New Zealand Local Government Funding Agency Amendments

documents for it to take effect. A representative of the LGFA will be available at the meeting to answer any questions.

6. Options

- 6.1 Council can either proceed with approving the proposed amendments and sign the documents, or refrain from signing them.

Option 1: Approve the proposed amendments and sign the documents	
Advantages	<ul style="list-style-type: none">• Currently, there is no advantage to Council but approving the amendments allows us to carry out our membership obligations in good faith.• It is possible that Council might want to take advantage of the amendments at some point in the future.
Risks and Disadvantages	<ul style="list-style-type: none">• Based on the information provided by the LGFA's lawyers, none are noted.
Option 2: Retain Status Quo - do not approve the proposed amendments	
Advantages	<ul style="list-style-type: none">• Council is not currently impacted by the proposed changes.
Risks and Disadvantages	<ul style="list-style-type: none">• If Council does not approve the proposed amendments, then CCOs will not be able to borrow through the LGFA.

7. Next Steps

- 7.1 Select two elected members to sign the required documents on Council behalf.
- 7.2 Delegate to the Chief Executive Authority to sign the required documents.

Author: Clare Knox, Manager Finance

Attachments

Nil

Important considerations for decision making	
1. Fit with Purpose of Local Government	Risk management through being able to borrow through the LGFA enables more efficient and effective provision of services as set out in section 10(1)(b) of the Local Government Act.
2. Consistency with Community Outcomes and Council Policy	Nothing in the proposed LGFA documentation is inconsistent with any other previous Council decision or Council Policy. Updating the documentation supports the community outcome "Our Council provides leadership and fosters partnerships, a regional perspective and community engagement".
3. Risk	As a joint guarantor, Council's risk is unlikely to change from the amendments as CCOs are currently borrowing through the parent local authority. The risk is partially reduced by the increase in borrower notes.
4. Financial impact	There is no direct financial impact from amending the LGFA documentation.
5. Degree of significance and level of engagement	This matter is of low significance because it includes minor amendments to existing agreements, therefore no consultation has taken place.
6. Climate Impact	None
7. Inclusion of Māori in the decision making process	No engagement with Māori has been undertaken in preparing this report.
8. Delegations	<p>The Audit and Risk Subcommittee has the delegation to consider treasury matters, however due to the urgency of the request, this is being brought directly to Council. This is in accordance with section 5.2.2 of the Delegations Register:</p> <p>"On the recommendation of the Chief Executive, and with the agreement of the Chair of the relevant committee, subcommittee or subordinate decision-making body and Mayor, matters within the area of responsibility of a particular committee, subcommittee or subordinate decision-making</p>

Item 8: New Zealand Local Government Funding Agency Amendments

body may be considered directly by Council instead. If this occurs, the Chair of the relevant committee, subcommittee or subordinate decision-making body will report to the following meeting of the committee, subcommittee or subordinate decision-making body regarding the reason for doing so, and the outcome of the matter at the Council meeting."

REPORT R13752

Nelson Future Access - Public Engagement

1. Purpose of Report

- 1.1 To inform the Council of the Nelson Future Access project (NFA) packages that will form part of the public engagement.

2. Summary

- 2.1 The NFA project is led by Waka Kotahi New Zealand Transport Agency (NZTA) with Nelson City Council (NCC) as a key Project Partner.
- 2.2 Work on the Detailed Business Case is well advanced and is now ready for wider public engagement and Council is presented with the packages for information.

3. Recommendation

That the Council

- 1. Receives the report Nelson Future Access - Public Engagement (R13752) and its attachment (A2403124); and***
- 2. Receives for information the Nelson Future Access packages as detailed in Attachment A2403124 of Report R13752 that will form part of the public engagement.***

4. Background

- 4.1 The Nelson Southern Link Investment Programme Business Case (PBC) (including the Rocks Road Walking and Cycling project) was adopted by the NZTA in June 2017.
- 4.2 Since the adoption of that PBC, changing Central Government priorities through the 2018 Government Policy Statement of Land Transport (GPS) have set a greater focus on safety, accessibility, resiliency and the environment through mode neutrality and reducing dependency on private vehicles.

Item 9: Nelson Future Access - Public Engagement

- 4.3 At its 13 December 2018 meeting, Council endorsed the NFA project's objectives and scope as detailed below.

Objectives

- Identify customer needs and growth pressures in the study area.
- Define the existing and future function of key transport corridors (for all modes) in the study area, to deliver a safe, accessible and resilient network cognisant of NCC's goals, the needs of customers and the wider community.
- Make best use of existing infrastructure and services as well as new/emerging technologies.
- Ensure integration of land use and transport systems to reduce the dependency on private single occupancy motor vehicles.
- Investigate and identify a package of measures that could be progressed on SH6 Rocks Road in the short to medium term which enhances walking and cycling and supports NCC's vision for a world class waterfront.
- Investigate and make recommendations in respect of key journeys between Nelson City's CBD, Waterfront, Airport, Port and Richmond including the need for, and if appropriate the timing and/or triggers for an alternative arterial route to Rocks Road and Waimea Road, to resolve long standing uncertainty about the Nelson Southern Link.

Scope

A confirmed list of projects (based on those currently proposed in the 2018-21 NLTP/RLTP), which can be progressed as discrete activities in 2018-21 period, ahead of the outcomes of the Detailed Business Case (DBC) process.

A single stage Business Case (ssBC) investigating SH6 Rocks Road and the delivery of an enhanced walk/cycle corridor in the short to medium term. The ssBC will need to align to the objectives, evidence base and emerging package of the wider DBC but is required to be delivered early to take advantage of pre-implementation funding potentially available in the 2018-21 NLTP period.

A DBC for an integrated, detailed multi-modal transport system with a staged investment programme (over 30 years) which gives effect to the stated project objectives.

- 4.4 The project has a three layered Governance structure as shown below and each of these groups has met several times:
- 4.4.1 A Working Group comprising NZTA officers, NCC/TDC technical officers and the appointed consultant AECOM;
 - 4.4.2 A Steering Group comprising Senior NZTA/NCC officers and NCC'S independent transport specialist;

Item 9: Nelson Future Access - Public Engagement

- 4.4.3 A Governance Group (GG) comprising her Worship the Mayor Rachel Reese, Chair of the Nelson Regional Transport Committee (RTC) (Councillor Brian McGurk), NCC Chief Executive (Pat Dougherty), NZTA Director Regional Relationships South Island (Jim Harland), NZTA Chief Advisor System Design (Kevin Reid) and a representative from the Te Tau Ihu Iwi Chairs.
- 4.5 The development of the Detailed Business Case (DBC) has followed the NZTA business case approach. Regular progress updates have been provided to the Nelson RTC. In addition, Mr Jim Harland provided an NFA update at the 7 November 2019 councillor induction at Fairfield House.
- 4.6 The benefits that the project will seek to contribute to are:
 - 4.6.1 Improving how people and freight move around and through Nelson;
 - 4.6.2 Making Nelson more accessible;
 - 4.6.3 Improving the quality of the urban environment in the transport corridors;
 - 4.6.4 Making the transport system safe;
 - 4.6.5 Making the transport system more resilient.

5. Community Input

- 5.1 Community input, prior to public engagement, has been gained through the formation of a Project Reference Group (PRG) to gather community insight with representation from transport system users, iwi, community, residential and business groups. This Group has met on three occasions, most recently on 10 June 2020.
- 5.2 To assess the packages a Multi Criteria Analysis (MCA) will be used. The MCA includes Iwi partner/stakeholder values, Investment objectives, Assessment of effects and Implementability criteria. The PRG will score the stakeholder values, iwi will score the Māori values and technical experts will score the rest.

6. Iwi Partnership

- 6.1 Iwi involvement as a key partner organisation has been a focus of the NFA project. Initially a workshop with Te Tau Ihu Iwi chair representatives on the best way to enable collaboration with Iwi of Te Tau Ihu was held resulting in representation on the GG as well as participation at the PRG workshops. More recently MCA criteria on Māori

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Cultural Values have been collaboratively developed with iwi advisors and used to assess the packages.

7. Rocks Road Walk and Cycle Single Stage Business Case (RRBC)

- 7.1 Included in the scope endorsed by Council in December 2018 was the proposal to deliver the RRBC ahead of the wider project. Due to the complexities with sea level rise and the age and condition of the sea wall, it was later determined that a more robust business case would be made by considering the Rocks Road Walk and Cycle component in tandem with the wider NFA. This approach was noted by the GG and was also reported to the NCC RTC.
- 7.2 Subsequent to this and as a result of the COVID 19 pandemic, Council submitted an application for the Rocks Road walk and cycle facility project to central government's 'shovel-ready' projects, through the Crown Infrastructure Partners Fund (CIF).
- 7.3 The application was submitted on the basis that whilst NCC and NZTA have been working together on the NFA project to develop the long-term transport system for Nelson, that a high quality walking and cycling connection along Rocks Road will form a key element of that plan, and that the investment is likely to align with long term improvements to Rocks Road to upgrade the seawall.
- 7.4 The project also has the potential to boost the draw power of Nelson's waterfront, improve resilience of the transport corridor and create significant employment opportunities. A significant opportunity would have been lost if the funding application had not been made.
- 7.5 The proposal put forward as part of the application was for a total project value of \$61.5M (with a request for a 50/50 funding split by way of a grant and NZTA funding).

8. Council decisions

- 8.1 As a key Project Partner, NCC's involvement is required at the following key milestones:
 - 8.1.1 Milestone One: To present to NCC for information the packages for public engagement – the subject of this report; and
 - 8.1.2 Milestone Two: Endorsement of final proposal, necessary as this will have financial implications for the NCC.
- 8.2 The NZTA Board will approve the DBC as project lead.

9. Timeline

- 9.1 The timeline from this point on is as follows:
 - 9.1.1 Public engagement – 25 June to 27 July 2020.

Item 9: Nelson Future Access - Public Engagement

- 9.1.2 Assessment of feedback and reporting back to the GG (anticipated September 2020).
- 9.1.3 Recommend programme to proceed to funding consideration. This will require both the NZTA Board and Council sign-off.

10. Discussion

- 10.1 The packages as presented in this report (to be tabled at the meeting by NZTA) are the culmination of several months of targeted work involving key stakeholders through the PRG, Iwi Partners and the governance structure.
- 10.2 These packages will form the basis for public engagement with the wider community and Council is presented with these packages for information.
- 10.3 The GG endorsed the packages narrative for public engagement in May 2020.
- 10.4 The packages are not final and will be further refined and assessed taking on board feedback responses.
- 10.5 The NZTA project management team will be in attendance to talk to the packages and to answer any questions Councillors may have.

11. Options

- 11.1 Public engagement is the next step in the process and the packages are presented to Council for information.
- 11.2 Whilst these packages are presented to the Council for information, Council has the option of either receiving the packages for public engagement or to not receive the packages for public engagement.

Option 1: Receive packages that will go out for public engagement	
Advantages	<ul style="list-style-type: none">• Will show Council leadership• Public engagement will enable community feedback and insight• A necessary step to finalise the NFA DBC• Will recognise the commitment from the PRG• Will show commitment to addressing the problem statements• Strengthens collaborative working relationship with NZTA

Item 9: Nelson Future Access - Public Engagement

	<ul style="list-style-type: none"> Will allow sufficient time for the DBC to be developed sufficiently for inclusion in the 2021/23 Regional Land Transport Programme (RLTP)
Risks and Disadvantages	<ul style="list-style-type: none"> None
Option 2: Do not receive the packages that will go out for public engagement	
Advantages	<ul style="list-style-type: none"> None
Risks and Disadvantages	<ul style="list-style-type: none"> Reputational risk with the wider Nelson community and the PRG Apathy and fatigue with high probability of burn out from the PRG who have been dealing with this project for many years Apathy and fatigue from the wider Nelson community resulting from repeated engagement on on this project for several years No positive outcome for Nelson If NZTA do not proceed with engagement, the RLTP deadline will be missed for incorporating projects arising from the DBC for the 2021/23 period and will miss prioritisation for investment in Central Government's National Land Transport Programme.

12. Conclusion

- 12.1 The packages as presented in this report are the culmination of several months of investigation work and collaboration with the GG, the PRG and Iwi. The packages are presented to Council for information to allow wider public engagement to commence, noting that they will be further refined following consideration of the feedback received.

13. Next Steps

- 13.1 The next steps will be for NZTA to commence public engagement and receive/report back all feedback received.

Author: Alec Louverdis, Group Manager Infrastructure

Attachments

Attachment 1: A2403124 - Package Information for Public Engagement [↓](#)

<p>Important considerations for decision making</p>
<p>1. Fit with Purpose of Local Government</p> <p>The proposed NFA public engagement aligns very well with the purpose of local government in that it will solicit feedback that will enable democratic local decision-making and will promote the social, economic, environmental, and cultural well-being of communities for the future.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The recommendation to proceed to public engagement will contribute to the following community outcomes - "Our infrastructure is efficient, cost effective and meets current and future needs"; "Our communities are healthy, safe, inclusive and resilient"; "Our region is supported by an innovative and sustainable economy.</p>
<p>3. Risk</p> <p>The report seeks to proceed with public engagement on the packages that is based on the narrative to understand the long-term solutions to make sure we future proof any short-term solutions. This narrative has been endorsed by the GG and workshopped with iwi and the PRG. The aim of the engagement is to ascertain from the wider public their views on the packages. The process followed, to minimise the risk, to date has been extensive and has included:</p> <ul style="list-style-type: none"> - Following the NZTA Business Case approach; - Setting up a three tiered governance structure with invited iwi representation on the GG; - Setting up of a PRG comprising a wide range of stakeholders; - Liaising with Iwi at a high level. <p>Any delay in engagement will miss the RLTP deadline for incorporating projects arising from the DBC for the 2021/23 period and this will miss prioritisation for investment in Central Government's National Land Transport Programme.</p>
<p>4. Financial impact</p> <p>The packages to be approved for engagement will guide future decisions that will have a cost implication for Council and NZTA. Any cost to Council will involve discussions with NZTA and other parties at the appropriate time.</p>
<p>5. Degree of significance and level of engagement</p>

Item 9: Nelson Future Access - Public Engagement

<p>This outcome of the NFA is of high significance and public engagement is proposed.</p>
<p>6. Climate Impact</p> <p>The NFA Investment Logic Map has as one of its benefits “Nelson’s transport system contributes to quality urban environments” with an associated KPI of increasingly moving to carbon neutrality.</p> <p>The project is also focussing on adaptation with respect to sea level rise.</p>
<p>7. Inclusion of Māori in the decision making process</p> <p>Separate consultation has been held with the Te Tau Ihu Iwi Chairs who have also been afforded representation at the GG. Formal consultation with iwi will take place as part of the proposed wider public engagement.</p>
<p>8. Delegations</p> <p>Regular updates on the NFA have been provided to the Nelson Regional Transport Committee (RTC).</p> <p>The Objectives and Scope of the NFA were received by the 3 December 2018 Nelson RTC and endorsed by Council on 13 December 2018.</p> <p>The decision to proceed to public engagement is NZTA’s. The Governance Group has endorsed the narrative. Council’s role is to receive the packages, for information, that will proceed to public engagement.</p>



Council Report Attachment

To Nelson City Council
Cc
From Waka Kotahi – New Zealand Transport Agency
Date 25 June 2020
Subject Nelson Future Access Project

1. Purpose

To provide information on the Nelson Future Access project public engagement scheduled to start following this meeting through into late July.

2. Background

Refer Council Report R13752.

3. Engagement Narrative

The project team has worked through the long list of possible transport options for Nelson from the previous study, suggestions from the Project Reference Group and the technical working groups. The long list of options has been developed into a group of packages that will meet the project objectives and ensure the transport system supports the Nelson of 2048.

The packages represent key themes and are purposefully different to understand the trade-offs and challenges as well as enable the collection of community insight.

The community engagement narrative is based on the principle that we will optimise the existing transport network first in the short term, but before we do that we need to understand the long term solution so we can make sure we tension, tradeoff and future proof how we deliver the optimisation activities.

The Packages consists of:

Short Term – Optimisation activities:

- Core cycling and pedestrian network to enable connected routes, and encourage active modes which benefit people's health and the environment (lower carbon) and take advantage of the emerging micro mobility trends such as Ebikes.
- Minor bus network improvements including ticketing improvements.
- Local area traffic calming measures to make our streets safer and our neighbourhoods more liveable.
- Intersection upgrades to support better vehicle movement including prioritisation of buses.
- Speed management on parts of the network to make our neighbourhood vibrant places to live and safer for people walking and cycling.
- Revising parking and public transport fares to encourage walking, cycling and using the bus.
- Marketing and promotion of different ways to travel to work and school.

Long Term – Packages

Priority Lanes – Adding lanes to SH6/Rocks Rd and Waimea Rd /Rutherford St (peak period clearways) for priority traffic

Coastal Route – Widening of the SH6 Coastal State Highway Corridor (provides two lanes in each direction) for general traffic

Inland Route – Building a new Inland Route – with or without priority traffic

A brochure based on understanding the long term first has been developed and will be tabled at the meeting.

In Summary:

We should optimise the transport network first, but we need to understand the long term solution so we can make sure we future proof how we do it.

4. Engagement Methods

The brochure content will be used in a variety of formats to gain community insight. This includes the project website and social pinpoint, an online community engagement platform that allows the community to link their feedback to locations on a map.

The brochure will also be made available at libraries, council service centres and content will be used as static window displays in key locations.

Due to the recent relaxing of the Covid 19 levels we are now able to hold face to face engagements. The exact details are still being finalised, but we do plan to hold a drop in information event at two locations that give the opportunity for people to ask questions and meet the team.

Feedback from the community on these potential project packages is scheduled to start following this meeting and run through to late July.

REPORT R17035

Saxton Field Committee - Update to Delegations

Purpose of Report

- 1.1 To update the Saxton Field Committee delegations in order to progress the Saxton Field Reserve Management Plan.

1. Recommendation

That the Council

- 1. Receives the report Saxton Field Committee - Update to Delegations (R17035) and its attachments (A2389043 and A2389126); and***
- 2. Delegates the power to the Saxton Field Committee to approve the draft Saxton Field Reserve Management Plan for public consultation, to undertake the public consultation process and to be the Hearing Panel to hear and deliberate on the submissions for the draft Saxton Field Reserve Management Plan; and***
- 3. Notes that the Saxton Field Committee will recommend the final Saxton Field Reserve Management Plan to Tasman District and Nelson City Councils for adoption.***

2. Discussion

- 2.1 The Saxton Field Committee is currently undertaking a review of the Saxton Field Reserve Management Plan. The Committee has undertaken early consultation for the preparation of a draft Plan which was workshopped by the Saxton Field Committee on 22 May 2020.
- 2.2 It is unclear within the Terms of reference for the Committee whether it has the ability to approve a Draft Reserve Management Plan for public consultation. The current Terms of Reference for the Committee state

Item 10: Saxton Field Committee - Update to Delegations

that it is responsible for considering proposals for reserve development and community consultation. It has the power to recommend the Reserve Management Plan to the two Councils for adoption. However, the Terms of Reference are silent on whether the Committee can approve a Draft Reserve Management Plan for public consultation. Therefore, staff are requesting that Council delegates the ability for the Committee to approve the draft reserve management Plan for public consultation.

- 2.3 It is common for a Committee to be delegated the power to do all matters leading up to but excluding the adoption of a final plan. The final plan will be recommended to the two Councils for adoption.
- 2.4 The proposed update to the Saxton Field Committee Terms of Reference is included in attachment one (A2389043). The proposed update to Council's Delegations Register is included as attachment two (A2389126).
- 2.5 The proposed changes were approved by Tasman District Council on 30 April 2020.

Author: **Andrew Petheram, Property, Parks and Facilities Asset Manager**

Attachments

- Attachment 1: A2389043 - Proposed update to Saxton Field Committee Terms of Reference [↓](#)
- Attachment 2: A2389126 - Proposed update to Delegations Register [↓](#)

Saxton Field Committee

Terms of Reference

1. Purpose

The Saxton Field Committee (the Committee) is to oversee the development and management of Saxton Field on behalf of Nelson City Council and Tasman District Council (the councils).

2. Membership

Each council must appoint two elected members to the Committee.

An independent member will be appointed in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'

At the inaugural meeting a Chairperson will be elected for the purposes of the inaugural meeting only, and will not have a casting vote at that meeting.

The independent member will be the Chair of the Committee and will have voting rights.

If the Chair is unavailable a Chairperson will be elected from among members attending on the day.

3. Stakeholders

Representatives from iwi, relevant sporting codes, relevant community groups, and Sport Tasman may be invited to attend Committee meetings as key stakeholders when required. However, these representatives will only have speaking rights with the agreement of the Committee Chair. The representatives will not have voting rights.

4. Quorum

Quorum for the Committee is three members, including a minimum of one councillor each from Nelson City Council and Tasman District Council.

5. Meeting Frequency

Ordinary Committee meetings will be held at least three times per year, or as needed.

6. Areas of Responsibility

The Committee is responsible for:

- Considering proposals for reserve development
- Promotion and marketing of Saxton Field as a regional venue
- Capital development of Saxton Field

A2389043

- Developing a naming and signage policy and considering requests under this policy
- Considering applications for leases and licenses
- Activities, developments and management actions provided for in the adopted Saxton Field Reserve Management Plan and associated policies
- Developing a work programme including any community consultation required.

7. Powers to decide

- Matters relating to items provided for in the approved operations, capital expenditure and maintenance budgets for Saxton Field
- Matters relating to marketing of Saxton Field, within approved budgets and policies
- Approval of applications for concessions
- Approval of the draft Saxton Field Reserve Management Plan for public consultation, to undertake the public consultation process and to be the Hearing Panel to hear and deliberate on the submissions for the draft Saxton Field Reserve Management Plan.

8. Powers to recommend

The Committee has powers to recommend to the Nelson City Council, and the Tasman District Council:

- Future capital works programmes
- Financial contributions for the operations, maintenance and capital development of the reserve
- Reserve policies for approval including the Saxton Field Reserve Management Plan and any Development Plan
- Leases, licenses and easements (to the relevant Council)
- Any other matters within the areas of responsibility noted above

All recommendations will carry the rider that it shall be subject to adoption by the other Council, unless for a matter specific to one Council.

9. Role of the Committee

- To act as a governance group for matters relating to Saxton Field
- To request, receive and consider any information relevant to the areas of responsibility
- To be an interface between community groups and the two councils
- To report to Nelson City Council, and Tasman District Council when required

10. Role of the Chair

- To review the agenda with staff prior to Committee meetings

A2389043

- To chair meetings according to the agreed agenda and to assist the Committee to reach consensus on issues and options

11. Role of staff

Staff provide technical expertise, project management and administrative support to the Committee. Their role is to:

- Provide advice and reports to enable full consideration of the options before the Committee
- Provide advice to the Committee on legal and statutory issues and obligations
- Lead technical discussions on options under consideration
- Manage project resources (budget and staff time)
- Manage project issues, risks, changes and advise the Committee of issues as they arise
- Provide staff reports to meetings at decision making points
- Organise and manage engagement with key stakeholders and the wider community
- Keep Committee members briefed on key communications with key stakeholders and the public
- Prepare and distribute agendas for Committee meetings
- Maintain records of processes used, options considered, key decisions made by the Committee and reasons for decisions, so that the decision making process can be clearly understood

12. Independent member

The independent member will be appointed in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'.

13. Remuneration

The independent Chair will be remunerated in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'.

Reimbursement of the independent Chair's expenses relating to vehicle mileage and travel time will be done in accordance with the Tasman District Council Expenses Policy for Elected Members. To claim expenses the independent chair is required to fill out and submit a claim form to seek reimbursement. Any such claim must be made within the relevant financial year.

14. Interests

Interests should be declared at the start of Committee meetings.

15. Reporting

- Agendas and minutes of Committee meetings will be prepared by the Council providing administration services.
- Minutes of Committee meetings will be received by each Council, at which point any recommendations to the Council/s will be considered.
- Committee meetings will comply with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)).
- The Standing Orders of the Council providing administration to the committee shall be applied at each meeting.

16. Varying Terms of Reference

These terms of reference may be varied by resolution of both councils and any such resolution shall carry the rider that it shall be subject to adoption by the other council.

17. Review of Terms of Reference

These Terms of Reference will be reviewed after one year of Committee operations, and no later than the third year of the 2016-19 triennium.

18. Dissolution of the Committee

The councils may dissolve the committee at any time. Any such dissolution is completed once both councils have separately confirmed the decision by resolution.

5.16 Saxton Field Committee

The Saxton Field Committee is a joint committee of Nelson City and Tasman District Councils. It is governed by a Terms of Reference (A1342334).

5.16.1 Areas of Responsibility

The Committee is responsible for:

- Considering proposals for reserve development
- Promotion and marketing of Saxton Field as a regional venue
- Capital development of Saxton Field
- Developing a naming and signage policy and considering requests under this policy
- Considering applications for leases and licenses
- Activities, developments and management actions provided for in the adopted Saxton Field Reserve Management Plan and associated policies
- Developing a work programme including any community consultation required.

5.16.2 Powers to Decide

- Matters relating to items provided for in the approved operations, capital expenditure and maintenance budgets for Saxton Field
- Matters relating to marketing of Saxton Field, within approved budgets and policies
- Approval of applications for concessions
- Approval of the draft Saxton Field Reserve Management Plan for public consultation, to undertake the public consultation process and to be the Hearing Panel to hear and deliberate on the submissions for the draft Saxton Field Reserve Management Plan

5.16.3 Powers to Recommend to Councils

The Committee has powers to recommend to the Nelson City Council, and the Tasman District Council:

- Future capital works programmes
- Financial contributions for the operations, maintenance and capital development of the reserve

- Reserve policies for approval including the Saxton Field Reserve Management Plan and any Development Plan
- Leases, licenses and easements (to the relevant Council)
- Any other matters within the areas of responsibility noted above
- All recommendations to Council will be subject to adoption of an equivalent resolution by the other Council, unless it is a matter specific to one Council only.

REPORT R15861

46-48 Trafalgar Street Reserve Development Contributions

1. Purpose of Report

- 1.1 To consider a request from Jim Hussey and Georgina McGrath-Hussey for an exemption to the reserves development contribution payable on subdivision consent SH185018, a 13 lot residential subdivision at 46 & 48 Trafalgar Street, also known as Cadiz Court.

2. Recommendation

That the Council

- 1. Receives the report 46-48 Trafalgar Street Reserve Development Contributions (R15861) and its attachments(A2405622 and A2404805); and***
- 2. Approves a partial exemption from payment of reserves development contribution for 46-48 Trafalgar Street based on the exceptional circumstance demonstrated; and***
- 3. Approves the reduced reserves development contribution to be calculated based on 5.5% of the value of the additional lots, plus the general reserves fixed fee of \$1,160 per additional lot (all plus GST), all payable at the time of section 224(c) RMA/HASHAA application or Building Consent issue, whichever comes first.***
- 4. Notes that the reduced reserves development contribution in resolution 3 above will be used as the note for the reserves development contribution in HASHAA consent SH185018.***

3. Background

- 3.1 The land at 46-48 Trafalgar Street, Nelson, became a Special Housing Area (SHA) in respect of the HASHAA by Order in Council on 14 August 2017; refer Housing Accords and Special Housing Areas (Nelson) Order 2017 (LI 2017/237). It is referred to in the Order in Council as The Wood (Cádiz Court) Special Housing Area.
- 3.2 The development involves the construction, and associated earthworks, of 13 con-joined residential townhouses in two rows, 5 of which are two storey and 8 of which are three storey.
- 3.3 Each of the residential units will be contained within its own allotment (a subdivision creating 13 allotments) with additional lots being created for commonly owned access and shared areas. A copy of the architectural plans are in Attachment 2.
- 3.4 The application has been processed under HASHAA, and a draft consent was issued for the applicants review. The applicant has placed the consent on hold after assessing the likely amount payable for reserves development contributions.
- 3.5 The site is located in the Residential Zone 180m away from the boundary of the City Centre Zone. There are 30 Household Units of Demand (HUDs) worth of Development Contributions available each financial year to waive for development in the City Centre Zone. This waiver is not available for this site which sits on the other side of the Maitai River in the Residential Zone. The draft subdivision consent contains an advisory note that development contributions (including reserves) are payable on 11 of the 13 lots in accordance with the NCC Development Contributions Policy 2018.
- 3.6 In 2018 Council reviewed the 2015 Development Contributions Policy and included reserves development contributions which were previously charged under the Resource Management Act as a financial contribution.
- 3.7 The Nelson City Council Parks and Reserves Activity Management Plan sets out the levels of service for neighbourhood reserves. The level of service adopted by Council is for a neighbourhood reserve to be provided within 800m walking distance (or 10m minute's walk) of 99% of residential households, and to provide 1.7Ha neighbourhood reserves per 1,000 residents (84Ha for 50,000 people in the 2015 and 2018 AMP).
- 3.8 The Parks and Reserves Activity Management Plan seeks to provide good quality reserves critical to the health and wellbeing of both people and the environment, and to meet the level of service sought by the community. This level of service was consulted on through the LTP and adopted by Council.
- 3.9 There was discussion and debate during the 2018 DC Policy review that the change to development contributions for reserves from financial contributions would result in smaller allotments with a higher per square

Item 11: 46-48 Trafalgar Street Reserve Development Contributions

metre value paying a greater amount of reserves development contribution.

- 3.10 Council adopted the NCC Development Contributions Policy on 21 June 2018. The development contributions in that policy that relate to this development are:

Table 1 : 2018/19 Development contributions by activity	\$ per HUD (exc GST)
NETWORK INFRASTRUCTURE	\$11,650
Stormwater	\$3,230
Wastewater	\$5,000
Water supply	\$2,050
Transportation	\$1,370
COMMUNITY INFRASTRUCTURE	\$280
Community infrastructure	\$280
RESERVES	\$1,160 + 40m²/HUD
General reserves	\$1,160
Neighbourhood reserve land	40m ² land/HUD, or cash equivalent

- 3.11 The basis of the 40m² / HUD is linked back to the level of service for neighbourhood reserves. This is 1.7Ha per 1,000 persons. Based on an average household size of 2.4 people this equates to 40m² / HUD.
- 3.12 In addition to the standard contributions specified above, the brownfield intensification discount and reserves development contribution cap in the policy also apply to this site, these provisions are as follows:

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).

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.

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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).

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 2000m² or less; and*
- (ii) Creates lots of 300m² or less; and*
- (iii) Is located in the Residential Zone; and*
- (iv) Is not located in the Services Overlay.*

3.13 The applicants have provided a valuation from Telfer Young to assist in determining how much the reserves development contribution payable will likely be. Officers have used that valuation to apply the 2018 Policy and have estimated reserves development contribution for the 11 allotments (HUDS) to be \$570,627 including GST. This is an estimate as the amount payable cannot be determined until the lots are created and an actual valuation undertaken.

3.14 The contribution is made up of:

Subdivision and average lot size (m ²)	937m ² (for 11 lots with lowest value/m ²); average = 85m ² /lot
40m ² /HUD Neighbourhood Reserves	\$1,521,673
General Reserves (\$1160/HUD)	\$12,760
Contribution	\$1,534,432
20m ² cap	\$760,836
7.5% cap	\$241,304
Maximum cap	\$760,836
Brownfield discount of 25%	\$190,209
Total DC to be levied for reserves (excl GST)	\$570,627
Neighbourhood reserves DC (excl GST)	\$557,427
General Reserves DC (excl GST)	\$12,760

4. Discussion

- 4.1 This is one of the first subdivision consents assessed under the new 2018 Development Contributions Policy that represents small sized and high value allotments.
- 4.2 Under the LGA, a development contributions policy is required to take into account a number of different principles set out in section 197AB which include that *"cost allocations used to establish development contributions should be - 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 asset."*
- 4.3 The principle of proportionality (i.e. that the development contribution levied on a single development should be proportionate to the demand that it creates) is complemented by an objective in the Policy of consistency; i.e. that like developments should be treated in a like manner.
- 4.4 The 2018 methodology links increases in population to increases in reserves space at a value (rate/m²) that represents the value of the area the reserve needs to be located in. The 2018 policy has an assumption that Council purchases reserves in all new growth areas. This is derived from the Parks and Reserves Activity Management Plan which only has levels of service for the creation of new reserves.
- 4.5 In brownfield areas Council is more likely to be improving existing reserves, than purchasing new reserves, and this is important in order to encourage intensification. The Parks and Reserves Activity Management Plan does not currently include a level of service that relates to reserve improvements rather than just land purchase. Officers recommend that a new level of service for reserves in brownfield intensification areas is developed in the next Parks and Reserves Activity Management Plan, this will then flow into the Development Contribution Policy review.
- 4.6 Notwithstanding this, the reserves development contribution estimate for 46-48 Trafalgar Street, is actually less than that required to meet the levels of service adopted in the LTP. The reserves development contribution payable is defined by the legislated cap of 20m² (section 203 Maximum development contributions not to be exceeded) in the LGA2002:
- 4.7 Section 203 Development contributions for reserves must not exceed the greater of—
- (a) 7.5% of the value of the additional allotments created by a subdivision; and
 - (b) the value equivalent of 20 square metres of land for each additional household unit or accommodation unit created by the development.

Item 11: 46-48 Trafalgar Street Reserve Development Contributions

- 4.8 On top of that the applicant is eligible for the 25% brownfield discount in the DC Policy. The amount payable is therefore representative of the legislated cap minus 25% (which equates to less than half of what the AMP and LTP considers is what Council needs to provide for reserves as a result of growth).
- 4.9 The Local Government Act 2002 (LGA) enables Council to recover from development a "fair, equitable, and proportionate portion of the total cost of capital expenditure necessary to service growth over the long term" (section 197AA LGA 2002).
- 4.10 Officers consider that the method that the 2018 Development Contribution's Policy uses to determine the amount of the contribution is consistent with the requirements of the LGA 2002. However, given the outcome when applied to this development, the level of service for reserves in the Parks and Reserves Activity Management Plan is very high and requires review, and it does not take into account that in brownfield areas Council is more likely to upgrade existing reserves to support intensification rather than purchase land for new reserves.
- 4.11 Under section 198 of the LGA 2002, Council may only require the development contribution as provided for in the Development Contributions Policy. In addition a development contribution must be consistent with the content of the Development Contributions Policy in force at the time of application for resource consent.
- 4.12 As set out above, the applicable specific exemptions under the Development Contributions Policy have already been applied to this development.
- 4.13 Section 4.3.6 of the Development Contributions Policy also provides that:
- 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.*
- 4.14 In these circumstances the Development Contributions Policy requires an application to the Group Manager Environmental Management. The Group Manager Environmental Management considers each application on its merits, but 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. This is not an exclusive list of considerations so the Group Manager may also have regard to other relevant considerations.
- 4.15 If the Group Manager decides to decline the application, the policy provides that this decision will not be subject to further review or reconsideration within the Council. If the Group Manager recommends that the application for exemption be granted, the final decision must be made by Council.

Item 11: 46-48 Trafalgar Street Reserve Development Contributions

- 4.16 The applicant seeks partial exemption under section 4.3.6 of the Development Contributions Policy to the reserves development contribution requirements for neighbourhood reserves, and proposes a reduced requirement based on the previous 5.5% of the value of additional lots reserves financial contribution policy requirements.
- 4.17 This application has been considered by the Group Manager who recommends that the application be granted. The grounds put forward by the applicant to justify the exemption and the officers' assessment of those grounds and recommendation follows.
- (a) *The format of the Cadiz Court development combined with the formula for assessing the neighbourhood reserve contribution of 40m², results in a scale of contribution that can only be described as astronomical thus creating exceptionally high costs (and exceptionally higher than the contributions reasonably anticipated in the Policy and also far beyond what is considered to be fair and reasonable);*
- 4.18 Officers consider that this development does represent an exceptional circumstance in that the high density scale of the development located on high value land has resulted in a reserves development contribution of a value not anticipated to be an outcome of the 2018 Policy. While officers tested the effects of the policy change at the time, it was not anticipated that Nelson would obtain land values of \$345,000 for an 84m² allotment (this being the average value of the average section size in this development).
- (b) *the Policy does not achieve the objectives and in fact does the opposite as they do not encourage intensification;*
- 4.19 Officers consider that in this instance the value of the reserves development contribution payable does not represent the levels of service delivered for brownfield intensification areas or encourage intensification. The next steps section of this report identifies action required to address this. In terms of this application for a partial exemption, this is an exceptional circumstance related to a lack of levels of service for intensification and the high density of the development undertaken on high value the land.
- (c) *the total DC costs to pay are contrary to the principles of the LGA in that they are unfair, not equitable and not reasonable proportionate portion of capital costs for reserves. This site is only 130m from the City Centre where the same development could qualify for a full exemption for both infrastructure and neighbourhood reserves;*
- 4.20 Officers consider that the value of the reserves contribution payable is not contrary to the development contribution principles set out in section 197AB of the LGA. The reserves development contribution is required in accordance with the current policy which complies with the relevant

Item 11: 46-48 Trafalgar Street Reserve Development Contributions

principles of the LGA. In addition, the reserves development contribution payable does not exceed the statutory cap in the LGA.

- 4.21 The site is located 180m away from the city centre zone which does have an allowance of 30HUDs per financial year to be waived for residential development. Proximity to a zone boundary isn't an exceptional circumstance in itself, as wherever the zone boundary is located there will always be sites close to it that do not benefit from the waiver, and sites within the zone boundary that miss out when the 30HUD waiver has been allocated. Notwithstanding this, at the time this application was accepted by Council (the time at which any eligible waiver is allocated) there were 18.5 HUDs of waivers available that could have been applied if the site was located in the city centre zone. Officers do not consider that this is an exceptional circumstance supporting departure from the policy.

(d) given the submissions received from the community in April 2018 which raised concerns about the major changes to the Policy and its effects, there is compelling reasons here for an exemption and for a fair and reasonable calculation to be made;

- 4.22 All submissions were considered by Council during the deliberations on the 2018 policy and a decision made. Officers do not consider that this is an exceptional circumstance supporting departure from the policy.

(e) the social and economic impacts brought about by COVID-19. The Applicant is still operating in the tourism industry. As a result of COVID19, there is a significant impact on the tourism industry as well as a slump in demand among travellers. This effect is catastrophic and potentially devastating for the industry and therefore, this project which has been in the "pipeline" since May 2017, needs to be finalised so that the Applicant can move forward.

- 4.23 The impacts of COVID19 have been felt by all of the Nelson community through a variety of ways including loss of international tourism, loss of employment/income, reduction in customers, and social effects. This is not an exceptional circumstance relative to the payment of reserves development contributions on a development, it is an effect felt by all of the community, one that affects all of the community's ability to pay all sorts of levies, rates, rents and expenses. Officers do not consider that this is an exceptional circumstance supporting departure from the policy.

Summary

- 4.24 Overall, officers consider that it is the extremely high land value and high density nature of this development, driven by its location close to the city centre, which creates an exceptional circumstance whereby the value of reserves development contribution was not anticipated as an outcome of the policy. Officers consider that a partial exemption from in the amount payable of reserves development contribution is justified in this situation because of that exceptional circumstance.

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- 4.25 In terms of the relief sought, the applicant seeks "*fair treatment and consider guidance should be taken from the former policy which required a 5.5% contribution*".
- 4.26 Under the 2015 Development and Financial Contributions Policy the amount of reserves financial contribution payable at subdivision stage would have been \$203,500 (this is 5.5% of the value of the additional lots).
- 4.27 The 2018 Development Contribution Policy also requires a development contribution for general reserves (in addition to neighbourhood reserves) a fixed fee of \$1,160 per lot. This is for regional reserves such as Trafalgar and Rutherford Parks development and equates to \$12,760 excluding GST for this development.

5. Options

- 5.1 There are three options for Council to consider:
- (i) Grant a partial exemption (i.e. reduce) from the reserves development contribution payable due to the exceptional circumstance applicable to this development.
 - (ii) Decline to reduce the reserves development contribution payable on this development.
 - (iii) Grant a full exemption of the all reserves development contribution payable on this development.
- 5.2 Officers consider that a reserves development contribution of 5.5% of the value of each additional allotment, plus the General Reserves fixed fee of \$1,160 per lot (both excl GST) is a fair, equitable and proportionate basis on which to levy reserves development contribution given the exceptional circumstance applicable to this development. This is estimated to be \$190,157 plus GST (\$218,680 incl GST), representing \$17,287 excl GST per additional allotment. Note this is only an estimate as the actual contribution is dependent on the final valuation of the lots.
- 5.3 This contribution estimate of \$17,287 is comparable to reserves development contributions attributable to other greenfield developments not located on such high value land, and for this reason it is considered a fair and reasonable contribution for this development.
- 5.4 The risks, disadvantages and advantages of each of these options is outlined below.

Item 11: 46-48 Trafalgar Street Reserve Development Contributions

Option 1: Grant a partial exemption (i.e. reduce) from the reserves development contribution payable due to the exceptional circumstance applicable to this development to 5.5% of the value of each additional allotment, plus the general reserves fixed fee per additional lot.	
Advantages	<ul style="list-style-type: none"> • Reflects the demonstrated exceptional circumstance where the policy did not anticipate such small lot sizes on high land values. • Is a fair, equitable and proportionate contribution towards neighbourhood reserves for which this development creates an additional demand of 11 HUDs. • Maintains the fixed fee payment for general reserves reflecting that the new HUDs will benefit from regional reserves (such as Saxton, Rutherford and Trafalgar Parks).
Risks and Disadvantages	<ul style="list-style-type: none"> • Exceptional circumstances have to be demonstrated on a case by case basis in order to gain an exemption under the 2018 DC Policy. This mitigates the risk that a precedent for exemptions is set. • Council may under collect projected neighbourhood reserves contributions however this is very difficult to predict given the lag in development payments driven by the market.
Option 2: Decline to reduce the reserves development contribution payable on this development.	
Advantages	<ul style="list-style-type: none"> • Reserves DCs are collected from current developments in accordance with the current DC Policy and current levels of service in the LTP, supporting the current LTP programme of reserves acquisition.
Risks and Disadvantages	<ul style="list-style-type: none"> • The developer of 46-48 Trafalgar Street SHA considers that they are not financially able to afford the development with this level of reserves development contribution required. • The applicant has in officers opinion demonstrated exceptional circumstances apply to this development in that the high density and high value of the land has resulted in a value of contribution not anticipated under the policy.
Option 3: Grant full exemption from reserves development contribution payable on this development	

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Advantages	<ul style="list-style-type: none">• The developer benefits from no payment of reserves development contributions and increased demand on reserves to offset the high density nature of the development.
Risks and Disadvantages	<ul style="list-style-type: none">• Insufficient funds are collected to finance the Parks and Reserves Activity Management Plan levels of service for neighbourhood and general reserves.• The exceptional circumstances do not justify no payment of reserves contribution and this may set a precedent for future applications.

- 5.5 Officers note that a review of the levels of service for neighbourhood reserves in the Parks and Reserves Activity Management Plan to feed into the LTP 2021-2031 and consequently the DC Policy for 2021 is programmed. In the meantime, there may be other applications for exemptions that may need to be considered by Council on a case by case basis where exceptional circumstances can be demonstrated.

6. Conclusion

- 6.1 Officers have provided advice to Council to enable consideration of the request for an exemption on reserves development contribution payable on subdivision consent SH185018, a 13 lot residential subdivision at 46 & 48 Trafalgar Street, also known as Cadiz Court.

7. Next Steps

- 7.1 The Intensification Action Plan includes actions to initiate a review of the levels of service for neighbourhood reserves in the Parks and Reserves Activity Management Plan beginning next financial year. This work will feed into the Long Term Plan 2021-2031 and any changes to levels of service will be reflected in the Development Contributions Policy review scheduled for 2021 as part of the LTP.

Author: Lisa Gibellini, Team Leader City Development

Attachments

Attachment 1: A2405622 Cadiz Court DC Exemption Request [↓](#)

Attachment 2: A2404805 SH185018 Cadiz Court Site Plan [↓](#)

Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>The recommended decision is consistent with the purpose of Local Government in that it retains the means to fund growth related infrastructure (including reserves) requirements in a manner that meets the key legislative principles of the LGA, while taking into account the exceptional circumstance demonstrated and enables Council to recover a fair portion of the capital cost necessary to service growth from those who create it.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>Option 1 is consistent with the Policy on Development Contributions 2018 where an applicant can demonstrate exceptional circumstances.</p>
<p>3. Risk</p> <p>Risks associated with a decision to grant a partial or full exemption include 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.</p>
<p>4. Financial impact</p> <p>The financial implications for option 1 are that a lower level of reserves development contribution will be collected from this development than that attributable to the application of the policy. This lower level still equates to a fair contribution when compared to other developments on lower valued land. If a decision is made to grant a full exemption from the requirement to pay the reserve development contribution then Council will be under collecting DCs and the costs of this will be borne by ratepayers or other developers so that Council can still deliver the adopted levels of service in the LTP.</p>
<p>5. Degree of significance and level of engagement</p> <p>This matter is of low significance because the recommended option has minor financial impact and does not change Council policy.</p>
<p>6. Climate Impact</p> <p>There are no impacts or risks from or to climate change as a result of a decision on this matter.</p>
<p>7. Inclusion of Māori in the decision making process</p> <p>No engagement with Māori has been undertaken in preparing this report.</p>

8. Delegations

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

- Development Contributions and Financial Contributions



Lucas House, 51 Halifax Street, Nelson
PO Box 343, Nelson 7040
Phone: 03 539-0330
Mobile: 027 244 3388
Email: mark@landmarklile.co.nz
www.landmarklile.co.nz

19 May 2020

Nelson City Council
Attn: Pat Dougherty
Chief Executive
pat.dougherty@ncc.govt.nz

Dear Pat,

Exemption to Development Contributions

Cadiz Court – SH185018 and SH185019

The purpose of this letter is to set out the reasons why 4648 Trafalgar Street Limited (the applicant) has sought an exemption under section 4.3.6 of the Nelson City Council Policy on Development Contributions (1 July 2018). As a part of setting out these reasons it is considered necessary to first provide the legislative background and a description of the applicant's development proposal.

1. The Purpose of Objectives of the Policy

The Purpose and Objectives of the DC Policy is set out in Section 2 of the policy as follows:

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." (emphasis added)

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. (emphasis added)*

The objective and purpose of development contributions are therefore very clearly set out in the legislation and also in the Nelson City Council policy. They enable the Council to charge for the fair and reasonable costs of growth to provide for:

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

2. The Development Contributions Policy

The current Policy came into force on 1 July 2018 following with a number of so called '**major changes**' incorporated following a review of the previous 2015 Policy. The major changes are outlined in the Explanatory Note contained within pages 5 and 6 of the current Policy, with the relevant part provided below:

[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);
- *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 40m²/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 (40m² of reserve land for every HUD), rather than the current land value based calculation for financial contributions.

- 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. (emphasis added)

It is within Section 3 (pp10-13) of the Policy that the and methodology of calculating and paying development contributions (\$) is prescribed. In short, the methodology determined how many 'Household Units of Demand' (HUD) are generated from the subdivision or development project. For residential subdivision, one HUD is of additional demand is generated for each additional title.

Table 1 of the Policy sets out the city-wide development contribution per household unit of demand (HUD):

Activity	\$ per HUD (excluding GST)
NETWORK INFRASTRUCTURE	%11,650
Stormwater	\$3,230
Wastewater	\$5,000
Water supply	\$2,050
Transporation	\$1,1370
COMMUNITY INFRASTRUCTURE	\$280
Community Infrastructure	\$280
RESERVES	\$1,160 + 40m²/HUD
General reserves	\$1,160
Neighbourhood reserve land	40m ² land/HUD, or cash equivalent
Total	\$13,090

Of note in Table 1 above is that the \$13,090.00 per lot/HUD does not include the DC payment towards Neighbourhood Reserve Land. The neighbourhood reserves component is in addition to the \$13,090.00 per HUD.

Important also to this new method of calculating the reserve land contribution is the statutory cap, as set out in Section 203(1) of the LGA 202 which states that the total reserve contribution must not exceed the greater of:

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

In order to calculate the Neighbourhood Reserve Contribution it is necessary to obtain a registered valuation which would occur during the formal subdivision process. The Council would then raise an invoice and required the DCs to be paid prior to the developer obtaining their 224 certificate from Council.

Section 4 of the Policy sets out the timing of the requirement payments and also the Exemptions to payment. The following exemptions are provided for:

- 4.3.1 Central City residential development (being the 30 credits available from 1 July each financial year to encourage intensification in the Central City)
- 4.3.2 Brownfield Intensification – Reserve Contribution (being the 25% discount for brownfield intensification in certain circumstances)
- 4.3.3 Low infrastructure impact developments
- 4.3.4 Water supply and wastewater
- 4.3.5 Tasman District water supply
- 4.3.6 **Other exemptions** (to provide for exceptional circumstances)
- 4.4 Listed Exemptions (such as social housing and boundary adjustments).

It is pursuant to Section 4.3.6 above that the applicants have made this application for an exemption:

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). (emphasis added)

The only qualifying criteria in Section 4.3.6 is that the applicant must demonstrate that there are exceptional circumstances, and in those circumstances, the application will be considered on its own merits and at Council's absolute discretion. In the second paragraph the policy lists three matters that the Group Manager *may* have regard to, however this list is not exhaustive.

3. The Wood (Cadiz Court) special housing area

On 23 March 2017 the NCC considered and agreed to The Wood (Cadiz Court) special housing area which was subsequently gazetted on 14 August 2017. This site (being 1609m²) was gazetted with the following qualifying development criteria:

- Maximum number of storeys: 3
- Maximum calculated height: 11.9m
- Minimum number of dwellings: 12

4. Cadiz Court proposal

Provided within **Attachment 1** of this application are a set of elevations and plans that are sourced from the resource consent application from 4648 Trafalgar Limited, "Cadiz Court". This site is located in the *Residential Zone - Higher Density Area* and a short 130m walk to the Trafalgar Street Bridge over the Maitai River.

The development involves removal / demolition of the existing buildings from 46 and 48 Trafalgar Street, retaining and raising the site to avoid flood risks, and then construction of 13 residential units within two buildings located along the northern and southern sides of the property.

The southern block will contain 5 units while the northern block will contain 8 units. The southern block is two storied (as a part of mitigating daylight impacts) while the northern block is three storied.

The footprint of each of the units, given the multi-storied design, is relatively small along within each of the proposed freehold titles. The northern block of 8 units are to be located on freehold titles of between 80m² and 97m². The southern block of 5 units are located on freehold titles of 87m² to 90m². Despite the footprints being small, each of the southern units is provided with 2 bedrooms while the northern units have three bedrooms. This format is considered to be highly efficient but also necessary as a part of achieving a level of intensification that is feasible, while also meeting the minimum of 12 units required by the Qualifying Development Criteria under the Housing Accords and Special Housing Areas Act.

5. The Calculation of HUDs in accordance with the Policy

Hence for the purpose of this application the applicant obtained a valuation from Telfer Young (TY) in February 2020 which is provided within **Attachment 2**. That valuation calculates the land valuations of the lots to be developed, with those valuations used to calculate the Neighbourhood Reserve HUDs set out in **Table 2** below:

Lot No.	Land Area (m²)	Market Value (TY)	40m²/HUD
1	83	\$400,000	\$192,771
2	80	\$375,000	\$187,500
3	80	\$375,000	\$187,500
4	80	\$375,000	\$187,500
5	80	\$375,000	\$187,500
6	80	\$375,000	\$187,500
7	80	\$375,000	\$187,500
8	97	\$400,000	\$164,948
9	89	\$300,000	\$134,831
10	87	\$275,000	\$126,437
11	87	\$275,000	\$126,437
12	87	\$275,000	\$126,437
13	90	\$300,000	\$133,333

Following the exemptions set out in Section 4 of the Policy it is also necessary to apply the 25% brownfields exemption, determine whether the statutory cap applies, and also address whether the application is considered to comprise exceptional circumstances. The brownfields exemption and statutory cap is applied in **Table 3** below.

TABLE 3: Exemptions and Statutory Cap Applied					
1 Lot No.	2 40m²/HUD	3 -25% Brownfields Exemption	Statutory Cap		5 DC for Reserve
			4a 20m²	4b 7.5%	
1	\$192,771	\$144,578	\$96,385	\$30,000	\$96,385
2	\$187,500	\$140,625	\$93,750	\$28,125	\$93,750
3	\$187,500	\$140,625	\$93,750	\$28,125	\$93,750
4	\$187,500	\$140,625	\$93,750	\$28,125	\$93,750
5	\$187,500	\$140,625	\$93,750	\$28,125	\$93,750
6	\$187,500	\$140,625	\$93,750	\$28,125	\$93,750
7	\$187,500	\$140,625	\$93,750	\$28,125	\$93,750
8	\$164,948	\$123,711	\$82,474	\$30,000	\$82,474
9	\$134,831	\$101,123	\$67,415	\$22,500	\$67,415
10	\$126,437	\$94,827	\$63,218	\$20,625	\$63,218
11	\$126,437	\$94,827	\$63,218	\$20,625	\$63,218
12	\$126,437	\$94,827	\$63,218	\$20,625	\$63,218
13	\$133,333	\$99,999	\$66,666	\$22,500	\$66,666
	\$2,130,000	\$1,597,642	\$1,065,094	\$251,253	\$1,065,094

Given the opportunity to benefit from the Brownfields Intensification exemption (Policy 4.3.2), the total Neighbourhood Reserve contributions amount to \$1,597,642.00, or an average of approximately \$123,000.00 per lot. This is a significant proportion of the finished/developed market value of each lot.

The Statutory Cap from section 203(1) of the LG Act 2002 however requires that no more than \$1,065,094 is paid, being an average of **approximately \$81,930.00 per lot**. Thus it would appear that the charge, as it exceeds the cap, is unlawful.

It is important to place this in context with the policy that existing prior to this '**major change**' in 2018. The previous policy has a Financial Contribution of 5.5% of the value of the land. With an average land value of \$344,230, this would have involved a RFC of \$18,932 per lot. The new policy has therefore caused a **432% increase** to the value of Neighbourhood Reserve Contributions for this intensification project, without adding in the mandatory \$1160.00 per lot for 'general reserves' and without the \$280.00 per lot/HUD for community infrastructure.

In practice therefore, despite the stated purpose of this major change to require a new development contribution that is proportionate to the level of service provided, and to charge what is fair, equitable, the Policy in fact results in the opposite. The calculation results in a disproportionate contribution being charged, with the Neighbourhood Reserve Contribution being what can only be described as astronomical and in direct contrast/conflict with the Council's stated objectives for intensification.

The exceptional circumstances considered to be relevant to this application are as follows:

- (a) The format of the Cadiz Court development combined with the formula for assessing the neighborhood reserve contribution of 40m², results in a scale of contribution that can only be described as astronomical thus creating exceptionally high costs (and *exceptionally* higher than the contributions reasonably anticipated in the Policy and also far beyond what is considered to be fair and reasonable);
- (b) the Policy does not achieve the objectives and in fact does the opposite as they do not encourage intensification;
- (c) the total DC costs to pay are contrary to the principles of the LGA in that they are unfair, not equitable and not reasonable proportionate portion of capital costs for reserves. This site is only 130m from the City Centre where the same development could qualify for a full exemption for both infrastructure and neighbourhood reserves;
- (d) given the submissions received from the community in April 2018 which raised concerns about the major changes to the Policy and its effects, there is compelling reasons here for an exemption and for a fair and reasonable calculation to be made;
- (e) the social and economic impacts brought about by COVID-19. The Applicant is still operating in the tourism industry. As a result of COVID19, there is a significant impact on the tourism industry as well as a slump in demand among travellers. This effect is catastrophic and potentially devastating for the industry and therefore, this project which has been in the "pipeline" since May 2017, needs to be finalised so that the Applicant can move forward.

6. The Impact of this Application being declined

The impact of this policy on the Cadiz Court development is that the project simply cannot proceed as it is not being economically feasible. A 430% cost increase on Reserve Fund Contributions is simply untenable.

This matter highlights what the City is now facing with any other attempt to undertake intensification outside of the City Centre and in the City Centre once credits are unavailable. The Policy stifles intensification and it does not encourage it, thus the policy does exactly the opposite of what Council wanted.

The reason why this matter has not come forward sooner is that the other intensification projects have either been processed under the former DC Policy or are located within the City Centre thereby benefiting from the 30 credits available each year from 1 July. The applicants are not aware of any other true intensification development projects that has been required to pay the same DC contributions.

7. Relief Sought

The original application for an exemption states:

It came to our attention later in 2019 that the changes made to the DC Policy in 2018, in particular the neighbourhood reserve component of 40m²/HUD, now generates an excessive cost that is unfair, unreasonably high, and therefore entirely inconsistent with the purpose and principles of the LGA (Section 197AA).

Pursuant to clause 4.3.6 of the Policy, the Council may in "its absolute discretion and in exceptional circumstances" consider "other exemptions". These circumstances are considered to fully justify special consideration of what is considered to be fair and reasonable for this project. Given the significance and complexity of this issue, we request the opportunity to meet with Council to find a solution. (emphasis added)

We have met with Council officers in an attempt to resolve this matter and were correctly directed to the Policy and the steps that must be taken. We note however that the power to decide is vested in a Council Officer (Ms Barton) and if she *declines* this application for exemption there is no right of appeal. It is only if Ms Barton *approves* the exemption that the matter comes to Council. We request this matter be referred to the full Council for consideration on its merits.

We understand the Council is in the process of reviewing the DC Policy and that those changes would be considered in early 2021, for adoption and use by 1 July 2021. The applicants cannot wait that long, and nor should they have to. In the meantime, we consider the Council has full/absolute discretion to grant an exemption to ensure it achieves its objectives and is shown to encourage intensification. Clearly, the current Policy is not fair and reasonable, with the calculated neighbourhood reserve contributions being disproportionate to the cost of growth. The applicants request fair treatment and consider guidance should be taken from the former policy which required a 5.5% contribution.

Please contact me if you have any further queries.

Yours sincerely,



Mark Lile

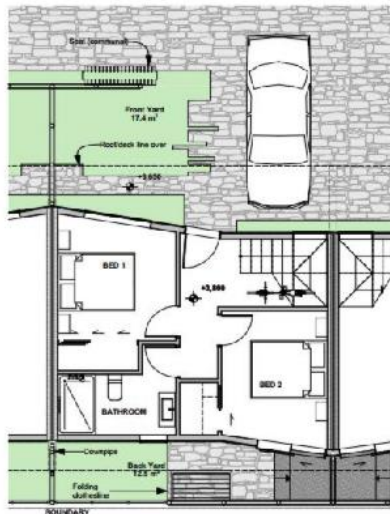
Landmark Lile Limited

Resource Management Consultancy

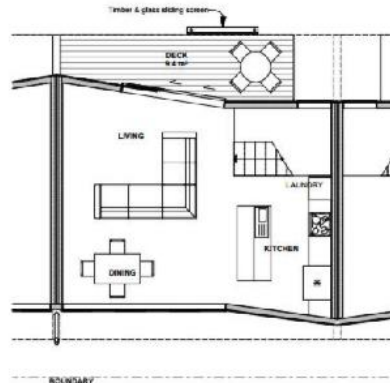
cc. Jim Hussey and Georgina McGrath-Hussey
Nigel McFadden (Duncan Cotterill)
The Mayor (Nelson City Council)

Attachment 1: Cadiz Court Plans and Elevations

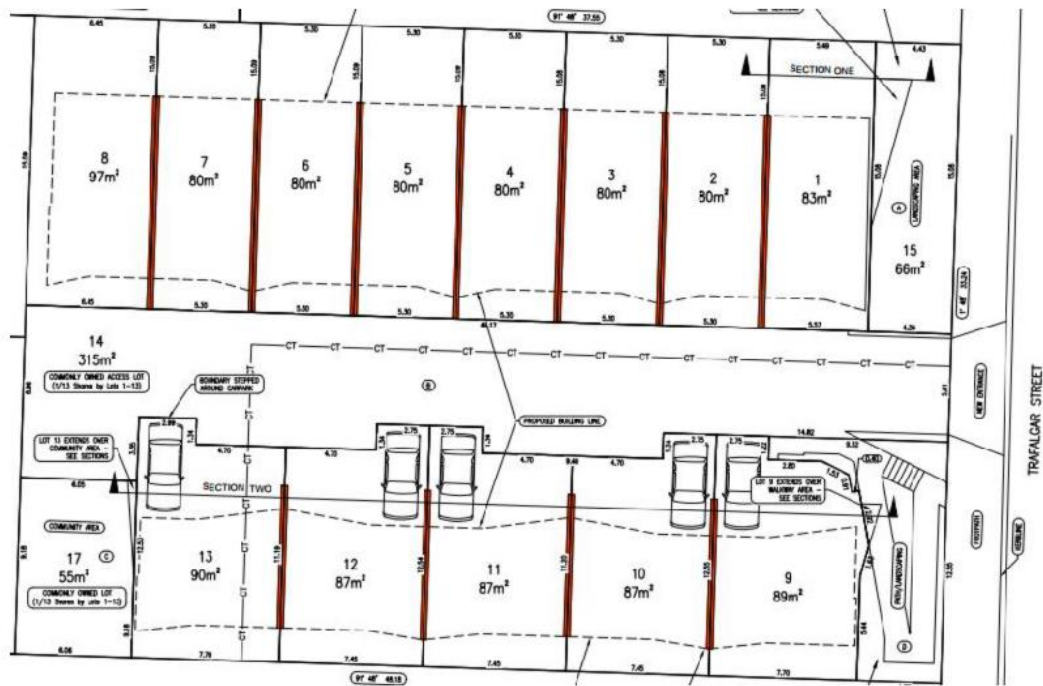




GROUND FLOOR

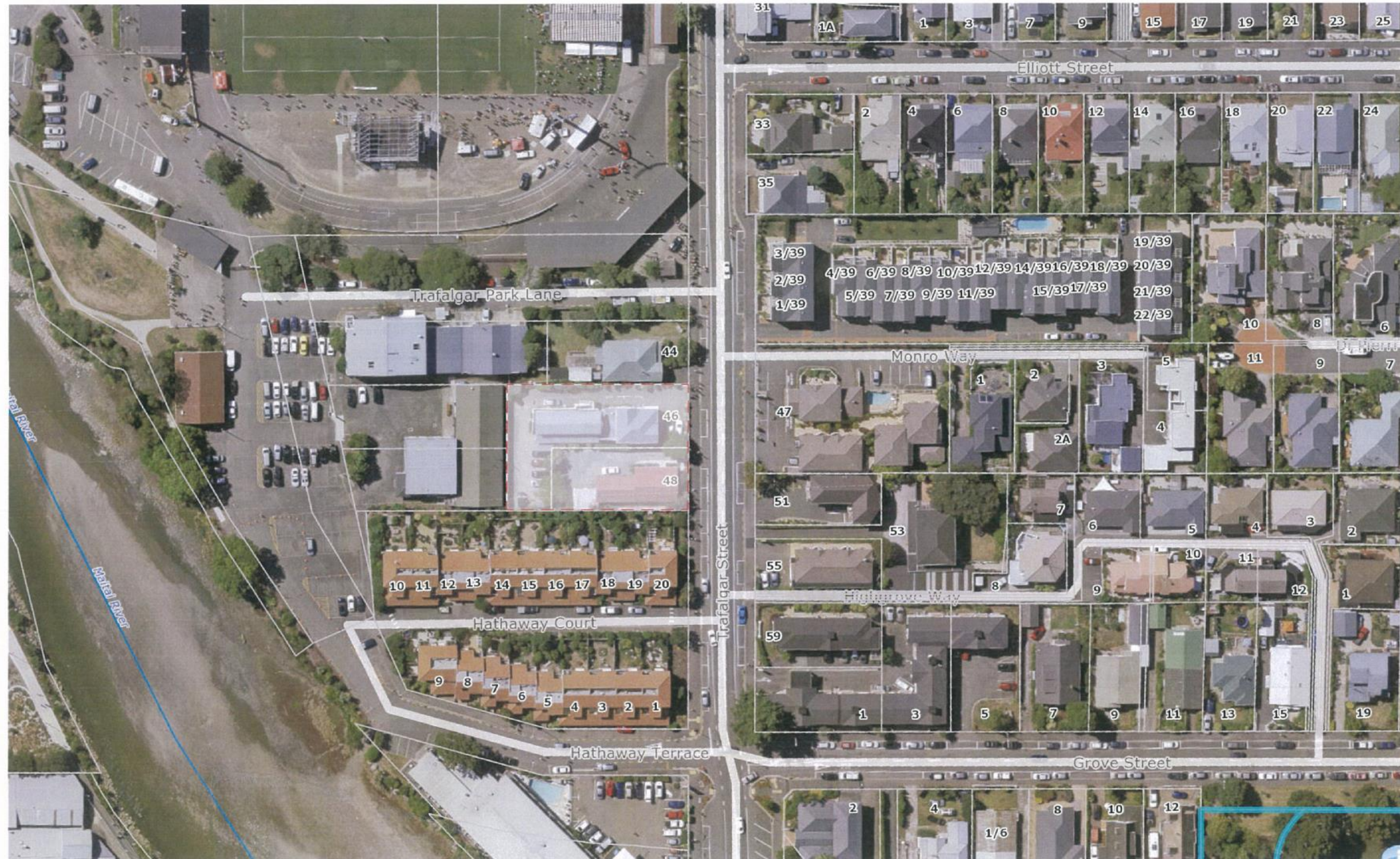


FIRST FLOOR





Attachment 2: Telfer Young Valuation



Received
- 0 OCT 2018

Source: Top of the South Maps

vorstermans architects
www.vorstermans.co.nz
t 04 394 8395 e info@vorstermans.co.nz

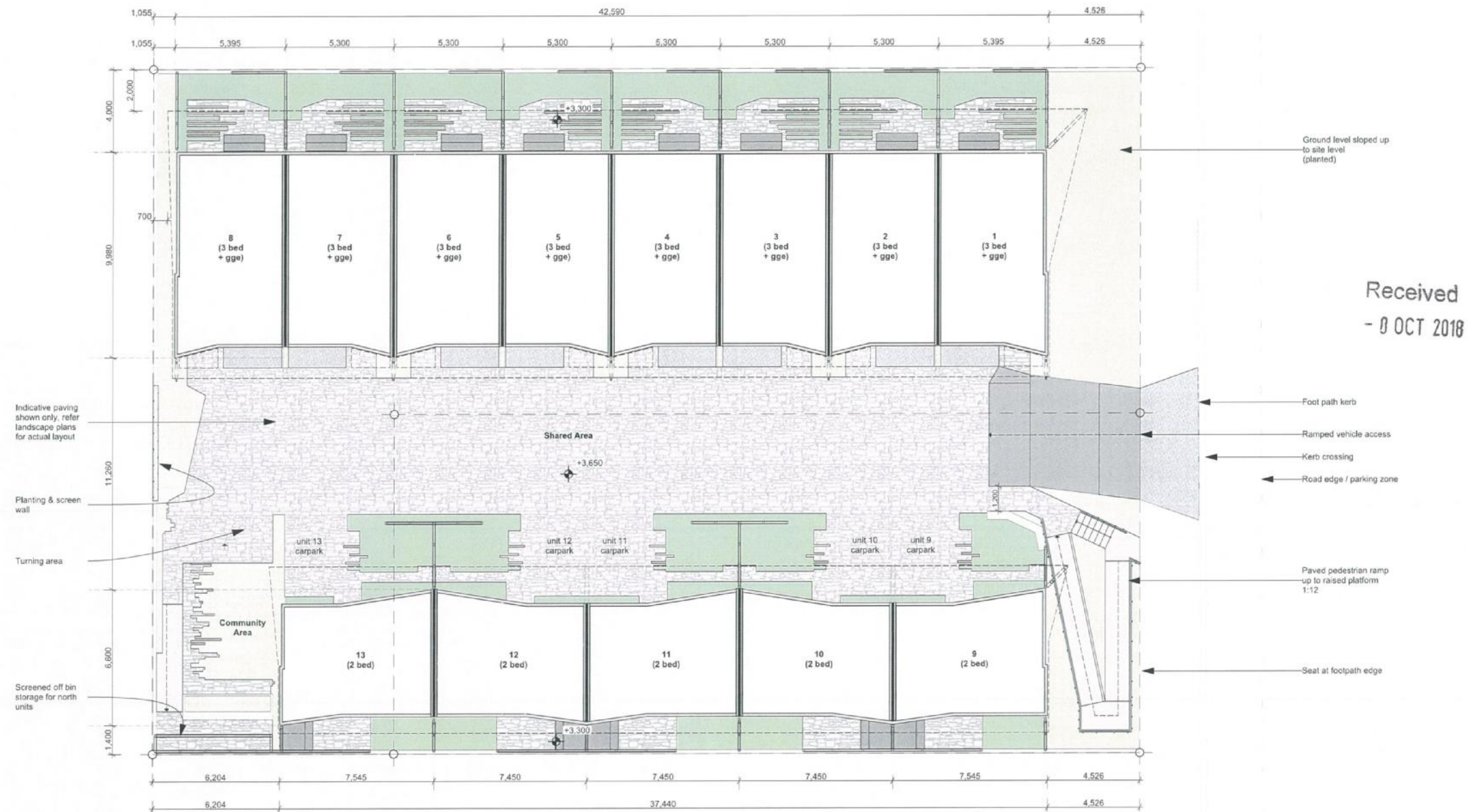
Client: 4648 Trafalgar Street Ltd.
Project: Cadiz Court SHA, 46-48 Trafalgar Street, Nelson
Drawing Title: Location Plan

Date: 08.10.2018
Scale: Approx 1:500 @ A1

Issue: 0
Rev: 0
Rev notes: n/a for RDC Application

Project No: T1801
Drawing No: RC-A-02

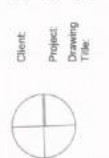
RESOURCE CONSENT



Project No. T1801
Drawing No. RC-A-05
Resource Consent 0
Issue: 0
Rev: 0
Rev notes: n/a for RC Application

Date: 08.10.2018
Scale: 1:100 @ A1

Client: 4648 Trafalgar Street Ltd.
Project: Cadiz Court SHA, 46-48 Trafalgar Street, Nelson
Drawing Title: Proposed Site Plan



vorstermans architects
www.vorstermans.co.nz
t 04 384 8395 e info@vorstermans.co.nz

Received
- 8 OCT 2018



Source: Top of the South Maps

vorstermans architects
www.vorstermans.co.nz
t 04 384 6395 e info@vorstermans.co.nz

Client: 46-48 Trafalgar Street Ltd.
Project: Cadiz Court SHA, 46-48 Trafalgar Street, Nelson
Drawing Title: Site Context Plan

Date: 08.10.2018
Scale: Approx 1:500 @ A1

Issue: 0
Rev: 0
Rev notes: n/a for RDC Application

Project No.: T1801
Drawing No.: RC-A-06

RESOURCE CONSENT

REPORT R18069

Nelson Plan: Additional Funding

1. Purpose of Report

- 1.1 To approve additional funding for the Whakamahere Whakatū Nelson Plan to allow work to progress this financial year.

2. Recommendation

That the Council

- 1. Receives the report Nelson Plan: Additional Funding (R18069); and***
- 2. Approves unbudgeted expenditure of \$135,500 to progress the Draft Nelson Plan in 2019/2020.***

3. Background

- 3.1 The Environment Committee considered the additional funding request for 2019/2020 for the Nelson Plan at the Environment Committee meeting (28 May 2020). That Committee referred the decision to 25 June Council meeting.
- 3.2 By way of background, the Nelson Plan timeline was amended and a new governance structure was established at the 28 November 2019 Environment Committee. The report to the Committee on 28 November 2019 also signalled that the Nelson Plan budget had a forecast overspend. The extent of this forecast overspend for 2019/2020 and future years was outlined at the Annual Plan workshop on 4 December 2019. It was signalled that the anticipated spend of \$5m, shown in the 2018/28 LTP was likely to significantly increase over the 10 year development life of the Plan. Discussion at the workshop included loan funding the Nelson Plan project. This approach is proposed given the long term value of the Plan (10 to 15 years) and the need to ensure equity by spreading the cost over all the ratepayers that would benefit.
- 3.3 The Environmental Management Group Quarterly report to the 5 March 2020 Environment Committee indicated that a full year overspend of

Item 12: Nelson Plan: Additional Funding

\$250,000 was forecast for the Nelson Plan. The amount set out in the report has been revised to \$135,000.

- 3.4 Decisions for future costs of the Nelson Plan will be predominantly made by Council through the Annual Plan and Long Term Plan processes.

4. Discussion

2019/2020

- 4.1 For 2019/2020 the following table sets out the breakdown of the shortfall of \$135,000 funding. The main drivers for this shortfall are:

- a) Changes in new regulatory requirements. Including:
- (i) The application of the National Planning Standards.
 - (ii) National Policy / Environmental Standards on:
 - Plantation forestry;
 - Freshwater;
 - Urban Development;
 - (iii) Anticipation and preparation for changes to the NES for Air Quality; NPS for Indigenous Biodiversity; NPS on Highly Productive Soil and Resource Management Act amendments on Climate change, among others.
- b) Change in project scope. This includes: additional peer reviews; COVID 19 altering scope and timing with an increased focus on engagement during this financial year; and more detailed one on one engagement generally.
- c) Additional workforce and skill expertise including: carrying staff vacancies that have not been able to be recruited for resulting in an increase in the use of consultants; external specialists required to deal with an increased complexity of issues; and a larger volume of work than anticipated.
- d) E-Plan costs.

Total Forecast Nelson Plan Cost 2019/20	1,125,845
Approved budget 2019/20	725,845
Less savings from staff vacancies (used in part to cover consultancy costs)	(200,000)
Budget Shortfall 2019/20	200,000

Item 12: Nelson Plan: Additional Funding

Less transfer of additional budget from Science and Environment	(64,500)
Nett Budget Shortfall 2019/20	135,500

Loan funding vs Rates funding

- 4.2 Currently the Nelson Plan is being funded through Operational Budget in the Annual Plan and the Long Term Plan.
- 4.3 The Nelson Plan has multiple year benefits, and therefore it is proposed to loan fund the remaining spend over 10 to 15 years. This is in line with Council's Revenue and Financing Policy.
- 4.4 As the Nelson Plan has a 10 to 15 year life, loan funding spreads the costs for current and future ratepayers.

5. Options

- 5.1 In preparing this report all costs have been pared back for the 2nd six months of this financial year reflecting the impact of COVID 19 with the movement of engagement into the following financial year. Work instead has moved to testing the Draft Nelson Plan with key stakeholders and technical work required for the Nelson Plan to proceed in a timely way. All other work that can be moved into the following year has been.

Option 1: Recommended

- 5.2 To continue delivering on the re calibrated plan due to COVID 19 with Proposed Plan notification in February 2022.

Option 2:

- 5.3 To consider a plan that delivers the Nelson Plan over a longer period either by pausing the Plan or notifying it in phases.

Option 3:

- 5.4 Cease work on the Plan until some future date.

Option 1: Continue with re calibrated delivery plan	
Advantages	<ul style="list-style-type: none"> The Plan timeline stays generally on track to a Proposed Notification date of February 2022. Meets statutory requirements and public expectation.
Risks and Disadvantages	<ul style="list-style-type: none"> The Nelson Plan project will continue to be funded during a time of potential austerity.

Item 12: Nelson Plan: Additional Funding

Option 2: Pause or Phase Notification	
Advantages	<ul style="list-style-type: none">• Spread the costs over a longer period providing an ability to reduce pressure on rates increases or provide an ability to reduce costs.
Risks and Disadvantages	<ul style="list-style-type: none">• Not meeting statutory requirements for Plan review.• Costs will increase further overall to deliver a Proposed Plan• Normal turnover of staff during this period will leave gaps in built up knowledge.• Public expectations not met to have new and current Nelson Plan.• Out of step with new statutory requirements e.g. the National Planning Standards.
Option 3: Cease work on the Nelson Plan	
Advantages	<ul style="list-style-type: none">• Expenditure ceases.
Risks and Disadvantages	<ul style="list-style-type: none">• Nelson City Council's statutory requirements are not met. Council's ability to deliver its functions will be questioned.• A Plan framework that is highly out dated will continue to apply to development proposals.

6. Conclusion

- 6.1 The additional funding is needed to deliver the Nelson Plan to meet Council's statutory requirements and meet public expectations for delivery. The cost increases are driven by a number of factors including external Government requirements and the need for increased consultant use in a difficult recruitment market. These were not adequately anticipated in setting the budgets up some time ago.

Author: Clare Barton, Group Manager Environmental Management

Attachments

Nil

Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>Democratic decision making seeking meaningful input on a Draft Plan will not be achieved if the work does not continue. The Plan is a key means by which council performs its regulatory functions. Input on a draft Plan will help ensure overall a cost effective means of achieving the purpose of the Local Government Act through assisting to reduce submissions during the statutory process.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The Long Term Plan signals the delivery of the Nelson Plan and the funding is required to enable its delivery.</p> <p><i>The Nelson Plan will enable many of the community outcomes to be achieved, particularly:</i></p> <ul style="list-style-type: none"> - <i>Our urban and rural environments are people-friendly, well planned and sustainably managed</i> - <i>Our unique natural environment is healthy and protected</i> - <i>Our infrastructure is efficient, cost effective and meets current and future needs</i> - <i>Our communities are healthy, safe, inclusive and resilient</i> - <i>Our communities have opportunities to celebrate and explore their heritage, identity and creativity</i> - <i>Our region is supported by an innovative and sustainable economy</i>
<p>3. Risk</p> <p>If there is no additional funding then the Nelson Plan will be unable to be completed leading to reputational risk amongst the public, key stakeholders and iwi partners as well as not delivering on a statutory Government requirement.</p>
<p>4. Financial impact</p> <p>The 2019/20 financial impact is to increase the budget by approximately \$135,000.</p> <p>The transition to loan-funding the Nelson Plan better distributes the costs over the life of the Plan, as the provisions and regulations of it affect current and future generations. Loan-funding the Plan enables the costs to be more evenly and fairly distributed across current and future rate-payers.</p>

<p>Loan funding reduces the short-term rating impact, but does increase total costs once interest costs are accounted for.</p>
<p>5. Degree of significance and level of engagement</p> <p>Developing the Nelson Plan is of high significance to the community which has been recognised in the consultation planned. The decision in this report relating to 2019/20 is of low significance and no engagement has been undertaken on this.</p>
<p>6. Climate Impact</p> <p>The additional funding will enable the continuation of engagement with the community for future strategies for flooding and coastal inundation and mitigation.</p>
<p>7. Inclusion of Māori in the decision making process</p> <p>An Iwi Working Group has been engaged throughout the development of the Plan to date and will continue to be included. No specific engagement has occurred regarding the costs.</p>
<p>8. Delegations</p> <p>The Environment Committee has the following delegations.</p> <p>5.4.1 Areas of Responsibility:</p> <ul style="list-style-type: none">• The Regional Policy Statement, District and Regional Plans, including the Nelson Plan <p>5.4.2 Delegations:</p> <p>The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.</p> <p>At its meeting on 4 June 2020, the Environment Committee referred this matter to Council.</p>

REPORT R15885

Deconstruction of 23 Halifax Street (Former Mediterranean Food Warehouse building)

1. Purpose of Report

- 1.1 To approve the deconstruction of 23 Halifax Street (formerly known as the Mediterranean Food Warehouse), and to approve that this be part of the Elma Turner Library Redevelopment project.

2. Summary

- 2.1 The building at 23 Halifax Street has an Earthquake Prone building rating of 25% of the New Building Standard (NBS) and an Earthquake Prone Building Notice requiring the hazard be addressed by January 2022.
- 2.2 Structural engineering consultants have advised that in the event of an earthquake, the upper wall to the building may potentially fail and fall into or away from the adjoining building. It is therefore recommended this building be deconstructed prior to the library project being confirmed, with urgency.
- 2.3 The cost estimate for this deconstruction and associated work is \$753,000 to complete, in total, with \$748,000 required in 2020/21.
- 2.4 It is recommended that it be funded from the Elma Turner Library Redevelopment project. The 2020/21 budget was increased by \$748,000 to \$1,048,000 through the Annual Plan to allow for the deconstruction of the building as well as planned work for the library project.

3. Recommendation

That the Council

- 1. Receives the report Deconstruction of 23 Halifax Street (Former Mediterranean Food Warehouse building) (R15885); and***
- 2. Approves the deconstruction of the building at 23 Halifax Street (formerly known as the Mediterranean Food Warehouse); and***

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3. *Notes the inclusion in the Annual Plan of 2020/21 \$1,048,000 for the Elma Turner Library Redevelopment project, including work required to deconstruct the building at 23 Halifax Street.*

4. Background

- 4.1 The building at 23 Halifax Street, adjoining the library, was purchased by Nelson City Council in 2006 for additional expansion of the library in the future. The building was tenanted until 2012 and has not been open to the public since then. The only use of the building since then has been as storage for Council.
- 4.2 The building was assessed as being earthquake prone in 2012. The rating for the building is 25% NBS (Importance Level 2).
- 4.3 This report seeks confirmation that proceeding with the deconstruction can occur ahead of the library project being confirmed, noting that deconstruction (or strengthening) is required before January 2022.
- 4.4 'Deconstruction' is the selective dismantlement of building components, specifically for reuse, repurposing, recycling, and waste management and differs from 'demolition' where a site is cleared of its building by the most expedient means. Deconstruction is being considered for this building as it will result in less waste to landfill and carbon emissions.

5. Discussion

Seismic Strength

- 5.1 A seismic assessment of 23 Halifax Street was undertaken by MWH New Zealand in 2012. This assessment highlighted structural weaknesses in the first floor walls, ground floor walls and the blockwork dividing wall on the ground floor. The building was found to be 25% NBS (Importance Level 2).
- 5.2 Further advice was sought in February 2020 to ensure a consistent approach was being taken with all of Council's earthquake prone buildings, including the Stoke Memorial Hall, and the Refinery. Advice was given that confirmed the building is prone to significant damage during a seismic event given that it only has a capacity of 25% of the NBS.
- 5.3 The February 2020 advice highlights a weakness in the first floor walls where there are only narrow sections of wall between windows, inadequate reinforcing steel and poor restraint at the top of the walls provided by the lightweight roof structure. These first floor walls are above footpaths on three sides and above the library access corridor on the remaining side. On the library side the concrete wall extends several

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metres above the adjacent library wall and is a high consequence risk to anyone in that part of the library during an earthquake. The risk to pedestrians on the surrounding footpaths is potentially greater as even small sections of falling masonry could cause critical injuries and there is no suitable protection in close proximity.

Public Safety

- 5.4 The 2020 advice also notes that “predicting how a building will behave during a seismic event is not an exact science” making it very difficult to determine the likelihood of the walls collapsing. With only a moderate level of confidence in the information regarding likelihood and a potentially extreme consequence, Council’s risk criteria indicates that this is a high risk. Although the Earthquake Prone Building Notice for this building does not require remediation to be completed before January 2022, the risk to the people in the vicinity should be managed as soon as is reasonably practicable.
- 5.5 The act of removing the building also has significant health and safety risks to workers and others. These risks are related to hazardous materials such as asbestos, as well other site-specific risks, such as from debris falling and structural performance of the building during the deconstruction. By completing the deconstruction in a controlled fashion with comprehensive health and safety controls in place, the contractor can manage these risks effectively. Council’s contractor management health and safety processes will provide Council with assurance that the risks associated with deconstruction are adequately managed.

Elma Turner Library Project

- 5.6 The Elma Turner Library is planned for a re-development, with further community engagement to be finalised once the scope of the project is confirmed (anticipated December 2020, although there could be some timing changes resulting from COVID-19 shutdown).
- 5.7 The exact footprint for the library redevelopment is not known but may extend into the 23 Halifax Street site. The deconstruction of the building at 23 Halifax Street is being considered as part of the Elma Turner Library redevelopment scope and funded out of this project. It was always assumed that this building would be demolished as part of the library project.
- 5.8 Because of the risk of this building, it is recommended that the deconstruction occur ahead of decisions on the rest of the library redevelopment.
- 5.9 This deconstruction seeks to use funding brought forward from the library project, and not to increase the budget for the Elma Turner library, although it should be noted that the library redevelopment project’s total budget may change once scope and footprint have been confirmed. The budget for the library redevelopment, allocated through the Long Term Plan 2018-28 was \$14.9 million.

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Storage

- 5.10 The building is currently used as a storage facility by Nelson City Council. Items being stored predominantly include old furniture, doors and building materials.
- 5.11 The project will need to consider where the stored items can move to, and whether there is a need to keep these items at all. Council process will be followed for any asset disposal, if required.

Use of the Space after Deconstruction

- 5.12 Officers are working with the City Development Team with a view to identifying how the vacant land may be temporarily used, once the building has been removed. In line with a focus on the central city, there are opportunities for some city activation uses until the land is confirmed for any other purpose. Any activation work would require additional funding, but this has not yet been considered as part of this project. Funding for any activation work or other temporary uses would need to be included through the Long Term Plan 2021-31.

Consent Requirements

- 5.13 A resource consent will not be required for the deconstruction of 23 Halifax Street as long as the ground remains untouched. In light of this, the building will be deconstructed down to the concrete slab-on-grade, and the slab will remain in place.
- 5.14 However, given the close proximity of the Elma Turner Library building and the seismic risk with the first floor walls, a building consent will be required.

Opportunities to Make Better Uses of Resources

- 5.15 Given the Declaration of Climate Emergency made by Council, for this project officers are currently investigating deconstruction and better use of resources and associated greenhouse gas emissions reduction through reuse and recycling opportunities available within the Nelson Tasman region. Evidence has shown that deconstruction creates less carbon emissions than the more traditional approach of demolition. As a result, officers will be aiming to recycle and reuse as much as possible through this building's removal.
- 5.16 This approach also supports the waste hierarchy in the Joint Waste Management and Minimisation Plan (JWMMP) of avoid, reduce, reuse, recycle, recover, treat and dispose. The JWMMP also provides further guidance for officers when considering the way to remove the building.
- 5.17 Officers, through this report, are seeking confirmation from Council that this building should be 'deconstructed' rather than demolished to provide better alignment with the Declaration of Climate Emergency and with the objectives from the JWMMP.

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Project Timeframe

- 5.18 As noted, work is required to be completed prior to January 2022 when the Earthquake Prone Building Notice requires it either be strengthened or demolished. It is also recommended that it be done as soon as possible in order to reduce the risk posed by the building.
- 5.19 As a result, officers have commenced the background work and engagement process for the local contractor with a view to commencing physical works as soon as possible, likely in early 2021. Council is now following a streamlined procurement process to award physical work contracts by way of assigning work on an equitable basis to a core group of competent contractors for contracts up to \$2 million. In accordance with this fast-tracked procurement processes, a local preferred tenderer has been identified who has experience with deconstruction projects within the region.
- 5.20 This procurement process aims to support kick starting the regional economy following COVID-19 restrictions and enables work to commence quickly. Officers will continue to ensure value for money throughout this process.
- 5.21 This work also provides significant financial benefits to the community, local businesses and employees following the negative economic effects of COVID-19 restrictions.
- 5.22 As part of commencing work as soon as possible, the following tasks are also programmed:
- Removal of stored items from the building
 - Hazardous material assessment
 - Structural review of the adjoining library wall and methodology to remove the wall without risk to the library building
 - Confirm methodology for deconstruction and method to make best re-use and recycling of the building's materials in order to minimise waste.
- 5.23 The methodology for deconstruction and making the best use of materials on site is a site specific analysis for this building. Given it is Council's first 'deconstruction' project, it is an important step to identify the available materials and potential re-use and recycling of them as well as what markets exist for the various building elements. It will occur in parallel to the other required tasks above.
- 5.24 The intention is for the building consent to be applied for in August 2020, which allows time for the structural and hazardous assessments, and the methodology for deconstruction to be completed prior.

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6. Budget

6.1 It is proposed that the deconstruction of the building be funded from the Elma Turner Library Redevelopment project. The Annual Plan 2020/21 budget has been increased to enable the work to occur. This increase is not an increase in the total Elma Turner Library project budget, but in the budget allocated in 2020/21 only.

6.2 The estimated cost for the deconstruction of the building (assuming markets are available for reusing and recycling materials as much as possible) are included in the table below:

Item	Approximate cost
Site establishment	\$3,000
Asbestos investigation and disposal	\$215,000
Deconstruction	\$233,000
Protection of library wall	\$36,000
Building consent	\$5,000
Preliminary and general	\$46,000
Contingency (40%)	\$215,000
TOTAL	\$753,000 Made up of: <ul style="list-style-type: none">• \$5,000 - 2019/20 (commence hazardous material investigation and understanding of materials on site)• \$748,000 - 2020/21

6.3 Asbestos surveys will need to be completed prior to the deconstruction to ensure that the method proposed appropriately addresses any risks from asbestos and hazardous materials on the site. This cost included in the above is an assumed removal cost. A high contingency is included in the project as the surveys have not yet been completed.

6.4 A high contingency is also used because of the unknowns associated with the working environment during different COVID-19 Alert Levels, including potential reduced work efficiencies, and risks of delay if alert levels change.

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- 6.5 Specialist engineering advice will also need to be sought to confirm the deconstruction methodology and the method of protecting the library wall during works, and making it good again after the building has been removed. This cost is included in the above.
- 6.6 The estimated cost includes all work to deconstruct the building, while recovering materials for as much reuse and recycling as possible, and is a slightly higher cost than the traditional demolition cost would have been. The higher cost is primarily attributed to the additional labour required to sort and carefully remove material, and also to hire required additional plant and facilities that may be required to effectively prepare materials for acceptable re-use.
- 6.7 Should a traditional demolition be preferred, it is expected that the costs would be 10% less than deconstruction, based on other examples of similar projects.
- 6.8 The draft Annual Plan budget for the Elma Turner Library redevelopment project for 2020/21 was \$300,000. This was increased to \$1.048M as shown in the table below for the final Annual Plan 2020/21.
- 6.9 Costs for deconstruction of this building required this budget to be increased by \$748,000. The budget included for the Annual Plan for adoption 2020/21 for both the deconstruction of 23 Halifax and the consultation and planning for the Elma Turner Library redevelopment is \$1,048,000, as shown in the table below:

Work required	Amount required in 2020/21
Deconstruction (refer 6.2)	\$748,000
Elma Turner Library Redevelopment	\$300,000
TOTAL Elma Turner Library Redevelopment	\$1,048,000

7. Options

- 7.1 In light of the risk to the Elma Turner Library as well as users, and in order to meet legislated timeframes, the option of retaining the building and doing nothing is not an ideal outcome and not considered further in this report.
- 7.2 The option to deconstruct (dismantle, recycle and reuse building materials where possible and practical) is recommended. Council can either proceed with urgency on this project or wait for further direction from the library project. The timing on the Earthquake Prone Building Notice is to remedy the issue by January 2022.
- 7.3 These options are shown below, with Option 1 as the preferred option.

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Option 1: Deconstruct the building, recycling and reusing building materials where possible and practical with urgency	
Advantages	<ul style="list-style-type: none"> • Less waste to landfill than traditional demolition • Supports the development of a circular economy approach for the building sector than traditional demolition • Opportunity to re-use good materials • Less carbon impact than traditional demolition • Providing leadership within the community • Potentially provides additional employment opportunities for the local community • Meets earthquake prone building notice timeframe sooner and removes risk of building failure earlier
Risks and Disadvantages	<ul style="list-style-type: none"> • Costs are around 10% more than the traditional demolition subject to secondary markets for reuse of materials being identified • Not everything will be recyclable
Option 2: Deconstruct the building, recycling and reusing building materials where possible and practical, after waiting for further direction on the library project	
Advantages	<ul style="list-style-type: none"> • Means waiting for the confirmation of the library project before continuing which would confirm whether any additional work is required at the same time • Less waste to landfill than traditional demolition • Supports the development of a circular economy approach for the building sector • Opportunity to re-use good materials • Less carbon impact than traditional demolition • Providing leadership within the community • Potentially provides additional employment opportunities for the local community • Meets earthquake prone building notice timeframe and removes risk of building failure
Risks and Disadvantages	<ul style="list-style-type: none"> • The risk remains in place for longer

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	<ul style="list-style-type: none">• The project is not able to be used to quickly get work in the central city going again, post COVID-19 lockdown and restrictions• Costs are around 10% more than the traditional demolition, subject to secondary markets for reuse of materials being identified• Not everything will be recyclable• May not meet 2022 Building Act timeframe
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8. Conclusion

- 8.1 The building is earthquake prone and this is required to be remedied by January 2022.
- 8.2 Officers are proposing to deconstruct the building, using funding from the Elma Turner Library redevelopment project to do this, in a way that re-uses and re-cycles as much as is possible.
- 8.3 An increase in the budget allocated in 2020/21 has been undertaken to enable this to happen. This increase is not an increase in the total Elma Turner Library project budget, but in the budget allocated in 2020/21 only. Work has commenced prior to the Annual Plan budget being confirmed to reflect the urgency of the project.

9. Next Steps

- 9.1 Continue with hazardous materials and structural assessment
- 9.2 Officers to confirm materials able to be re-used and recycled to help to inform the scope and brief for the work
- 9.3 Seek appropriate consents
- 9.4 Confirm contractor engagement
- 9.5 Complete the deconstruction.

Author: Jane Loughnan, Property and Facilities Asset Planner

Attachments

Nil

Item 13: Deconstruction of 23 Halifax Street (Former Mediterranean Food Warehouse building)

Important considerations for decision making

1. Fit with Purpose of Local Government

This decision assists Council to provide for the current and future needs of the local community by promoting physical and environmental wellbeing. In accordance with the Building Act 2004, 23 Halifax Street is deemed to be an earthquake prone building as it is less than 33% of the New Building Standard, this decision is in line with Building Act timeframes for action.

2. Consistency with Community Outcomes and Council Policy

The recommendation aligns with Community Outcomes and Nelson 2060 vision in terms of considering recycling strategies in the preferred deconstruction process.

This recommendation aligns with the community outcome that:

- Our communities are healthy, safe, inclusive and resilient
- Our infrastructure is efficient, cost effective and meets current and future needs
- Our communities have access to a range of social, educational and recreational facilities and activities

3. Risk

Environmentally friendly deconstruction is largely dependent upon the available local plant and resource to be able to process the building material to an appropriate standard for re-use (particularly concrete). There is a risk that not all resources will be available (in particular for any concrete crushing) within the region.

There is a risk that asbestos or hazardous materials require additional work to remove than has been allowed for in the budget.

Risk of increasing COVID-19 restrictions increasing again meaning that work cannot commence as was planned.

4. Financial impact

It is proposed that the funds allocated for the Elma Turner Library redevelopment be utilised for the deconstruction of 23 Halifax Street given the likelihood that the vacant site will become part of the proposed footprint for the redeveloped library and associated works.

It is anticipated that the deconstruction costs for the preferred option may be more than 10% above the standard demolition costs.

5. Degree of significance and level of engagement

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As the removal of 23 Halifax Street is in the community's best interests (in regard to public safety), the significance of engagement is low. However, the proposed use as a temporary public space once demolition has been completed may require some public consultation. This activity is deemed to be separate to the deconstruction process.

No public engagement has been undertaken on this matter.

Neighbouring properties will need to be informed as part of the project planning.

6. Climate Impact

Carbon emission reduction has been considered in this report and is reflected in the recommended option.

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 following delegations to consider the approval

Areas of Responsibility:

- *Elma Turner Library redevelopment*

REPORT R16984

Elma Turner Library, Civic House and Climatorium

1. Purpose of Report

- 1.1 To confirm the approach to be taken by Council for making decisions on options for the Elma Turner Library, Civic House and the Climatorium.

2. Summary

- 2.1 Council has some important decisions to make about three inter-related projects –the Elma Turner Library redevelopment, Civic House and the proposed Climatorium.
- 2.2 There is considerable complexity around the number of options available. This report seeks Council approval to take a stepped approach in order to simplify decision making and to enable progress to be made on the business cases for the projects.

3. Recommendation

That the Council

- 1. Receives the report Elma Turner Library, Civic House and Climatorium (R16984); and***
- 2. Adopts a stepped approach as set out in R16984 towards decision making on the Elma Turner Library, Civic House and a Climatorium.***

4. Background

- 4.1 At its meeting on 12 December, Council resolved:

Resolved CL/2019/001

That the Council

Approves engagement of a consultant to work with officers and elected members to explore and refine options for Council's

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workplace improvement and interlinked projects, with a view to bringing back a business case for Council consideration

Approves expenditure of up to \$100,000 from the Climate Change Reserve to support development of the City Centre Spatial Plan; and

Directs officers to engage with Wakatū Incorporation to explore Riverside Precinct options for the library and civic buildings, and the re-purposing of Civic House, as part of the development of the City Centre Spatial Plan; and

Notes that the time needed to undertake work on options will mean that the timelines for delivery of the library redevelopment project in the Long Term Plan 2018-2028 will need to be adjusted.

- 4.2 Chris Ward, of Policy Works Ltd, was engaged to explore and refine the options for Civic House, the Elma Turner Library and the Climatorium. He presented two proposed approaches to this work to the City Centre Working Group on 8 April 2020, and then to a Council workshop on 21 April 2020. This report seeks a decision on Council's preferred approach. Mr Ward will co-present this report.

5. Discussion

- 5.1 There are three interlinked projects that need Council decisions to progress.

Elma Turner Library Redevelopment

- 5.2 The Elma Turner Library redevelopment has been a project in successive Council Long Term Plans since 2009, where the work was originally scheduled to begin in the 2015/16 year. The 2012 Long Term Plan included the redevelopment, scheduled for 2017/18 (design, \$493,000) and 2018/19 (construct, \$5 million). In the 2015-25 Long Term Plan, the project was brought forward to commence in 2016/17, with the total budget set at \$6 million, split over three years, in line with Council's project management standards.
- 5.3 In 2015 the "three precincts" work commenced, which looked strategically at the Haven, Marina/Akersten and the City Centre. As part of this workstream, alternative locations for the Library were considered, and a possible move of the Library to Civic House was identified.
- 5.4 Whilst no formal proposal was put to the community, feedback on the idea was encouraged through the 2016/17 Annual Plan consultation. Council received 107 submissions, 90 of which supported the existing location.
- 5.5 As a result, on 11 May 2016, Council confirmed:

Resolved CL/2016/123

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THAT the existing riverside location of the Elma Turner Library be confirmed as the site for the library redevelopment in order to provide certainty on the timing for upgrade work at Civic House, and to allow for adaptive re-use of the State Advances Building;

AND THAT officers report to Council on any additional budget that might be required to realise the library's potential in that location with a view to any adjustments being made during development of the 2018/28 Long Term Plan.

- 5.6 In the 2018-28 Long Term Plan Consultation Document, specific reference was made to the Library being redeveloped within the riverside area, and the budget was increased to \$14.9 million:

"Council wants to make the most of the riverside precinct and the Elma Turner Library will be key to activating that space as a significant community asset and activity hub."

- 5.7 Sixty-five submissions were received on the redevelopment, with around 90 per cent in support of the proposals. Key themes included:

- the location (within the Riverside precinct) is ideal;
- the space currently available is inadequate;
- lack of study and seating areas, and public meeting areas; and
- unsatisfactory noise levels (from different activities happening in a small space).

The Council then resolved to:

Resolved CL/2018/002

Direct staff to prepare a development brief to inform a revised Business Case for the Elma Turner Library re-development, taking into account wider issues involving the development of the riverside precinct, technology change and the future of libraries.

- 5.8 In April 2019, a contract was let for the Community Engagement component of the Library redevelopment to Athfield Architects Limited. That work has progressed on the basis that the Library *"will be a landmark for the city and connect the river to the CBD"*. The final report has been delayed by the COVID-19 event. However, the authors have confirmed:

- all sectors of the community endorsed the site of the river precinct for the Elma Turner Library redevelopment; and
- the final report will confirm that river precinct is the preferred location.

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- 5.9 The Council has received consistent broad support from the community for maintaining the Library within the Riverside precinct. However, more recently, questions have been raised about the suitability of the Riverside site for the Library given the likely impacts of climate change resulting in increased risk of flooding or inundation. After reviewing the most recent modelling information, officers believe that those risks can be managed through appropriate design features, as are being demonstrated in other buildings currently under construction in the precinct. Further information on those matters and options for addressing them will be dealt with in the business case for the Library project.

Workplace Improvement Project – Civic House

- 5.10 Council has budgeted for improvements to Civic House to improve its facilities for staff and Councillors since 2008. Work scheduled to start in 2018/19 was put on hold to allow consideration of alternatives, including an initial concept prepared by Wakatū Incorporation to build a new civic building and library on the Riverside Precinct.
- 5.11 Other locations for Civic House within the central city have not been explored in any detail. These options will be considered in the business case for Civic House. Any option which involves Civic House being located on the Riverside Precinct will impact on the Elma Turner Library Redevelopment Project.

Climatorium

- 5.12 Representatives from Nelson and Lemvig, Denmark have been exploring opportunities for collaboration and knowledge transfer between Danish and New Zealand agencies, businesses and researchers in relation to climate change solutions. A Climatorium is currently under construction in Lemvig, described as “a forum for knowledge, education, innovation and development projects within utility services and climate change”.
- 5.13 It is designed to be a space where the scientific community can come together with local and regional government, the private/corporate sector and the community to develop innovative climate solutions.
- 5.14 On 5 March 2020, Council agreed to sign Principles of Collaboration that set out a commitment by the different parties to work together on local and national climate challenges. Signing by all parties was completed on 4 May 2020. There is currently no commitment to a physical building in Nelson by any party.
- 5.15 There is a need to clearly set out what options Council has in relation to a Climatorium prior to developing a detailed business case in relation to site options for a construction project. These options could include the creation of a virtual Climatorium or adapting an existing facility.

Wakatū Incorporation – Engagement

- 5.16 Regular meetings have been held between Wakatū Incorporation staff and Council representatives over the last few months, and they remain keen for Council to make decisions as quickly as possible, so that they can progress their own planning. Discussions have been constructive, with a range of options canvassed, and further concept design work has been commissioned to support some options. This work will be available to inform future decisions.

Approaches to Decision Making

- 5.17 Two approaches have been identified to help Council make decisions on the three projects. The **stepped** approach sees the projects broken down into smaller components, and Council decision making taking place through a series of reports seeking interim decisions that progressively narrows the options down to give clarity to the scope of the final business case.
- 5.18 Council decisions on the projects will be built over successive Council meetings using individual project specific reports. The proposed timeline is:
- 5.18.1 13 August 2020 meeting – report seeking decision on Civic House relocation to Riverside Precinct or renovation. The decision on this project has the potential to significantly impact on the options for the Library and the Climatorium.
 - 5.18.2 24 September 2020 meeting – report seeking decision on Council commitment to a Climatorium. This will include built and virtual options of the concept.
 - 5.18.3 24 September 2020 meeting – report seeking confirmation of the location within the Riverside Precinct for the Elma Turner Library redevelopment.
 - 5.18.4 12 November 2020 meeting – Business cases for final options for confirmation.
- 5.19 The stepped approach is more efficient both in staff and contractor time, and in the use of Council meeting time. Some options are likely to be ruled out earlier and would not, therefore, require full business case treatments. The estimated non-staff cost is \$15,000.
- 5.20 The **integrated** approach keeps more options open for consideration in the business case, and would allow Council to consider how the projects interact with each other. The options will be made up of combinations of locations for the Library (three Riverside plus at least one city centre); at least four options for the location of Civic House (including status quo and Riverside plus two alternate city centre locations) and at least three Climatorium options.

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- 5.21 Whilst some options may be ruled out relatively quickly, this approach would still need Council to consider at least 18 different combinations as options. The most effective way of achieving this would be to use a Council workshop to assess and narrow down the different options.
- 5.22 The proposed timeline would include:
- 5.22.1 July/August/September 2020 – develop long list of options and prepare high level business case for different combinations.
 - 5.22.2 October/November 2020 – Council workshop(s) to shortlist options.
 - 5.22.3 December 2020 workshop to run through the draft business cases.
 - 5.22.4 January/February 2021 – Council report to finalise business cases.
- 5.23 The resource (staff and contractor time) required to proceed with this approach is estimated to be at least three times that of the stepped approach. This approach will also require significantly more workshop time with Councillors. There is a risk that the timeframes will not be met if a broad consensus is not quickly reached due to the complexity of options being presented.

Consistency with the Spatial Plan

- 5.24 The Spatial Plan will investigate opportunities to apply the Six Key Moves developed as part of the City Centre Programme Plan. It will consider the City Centre in the current context of retail and hospitality spending trends, housing intensification, development opportunities, transport and climate change. The Spatial Plan sits at a higher strategic level than the individual projects being considered. However, it will identify options open to Council to use its infrastructure projects to deliver on the Six Key Moves.
- 5.25 Councillors have asked to see this prior to final business cases for the Library, Civic House and Climatorium being presented for decisions. Both approaches presented in this report are consistent with the spatial plan approach. Substantive decisions made by Council prior to the Spatial Plan being finalised can be accommodated within that document.

Options

Option 1: Stepped Approach (Preferred)	
Advantages	<ul style="list-style-type: none">• Builds on previous work and previous Council decisions.• Breaks decision making into more manageable parts.

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	<ul style="list-style-type: none"> • Allows individual projects to proceed at different speeds. Projects could be phased to smooth capital expenditure. • Allows some combinations of options to be ruled out quickly. • At any stage Council can seek further information to help it with subsequent decisions. • Strategic outcomes delivered in stages. • Efficient use of Councillor, Officer and contractor time.
Risks and Disadvantages	<ul style="list-style-type: none"> • Interim decisions on one project may rule out future options for one of the other projects. • The projects will deliver project specific benefits which may not necessarily deliver strategic outcomes.
Option 2: Integrated Approach	
Advantages	<ul style="list-style-type: none"> • Allows Council to see how all three projects fit together to deliver strategic outcomes. • More detail is provided on all available combinations of options. • Some synergies between projects might be identified that reduce costs.
Risks and Disadvantages	<ul style="list-style-type: none"> • The complexity of the options presented is higher which will delay decisions and commencement of projects. • Additional effort (time and expenditure) is required to consider some options that could otherwise be ruled out relatively quickly. • Likely to be less ability to phase capital expenditure.

6. Conclusion

- 6.1 Council has important decisions to make on three related projects, each of which could have significant financial impacts on Council's capital works programme over the next three years. Considering all three projects together at the same time is deemed unwieldy and risks significant further delays to the commencement of any of the projects.
- 6.2 Council's contractor has recommended a stepped approach be taken in order to make decision-making more manageable and to make more efficient use of time and budget. Officers support that recommendation and believe it offers Council the best opportunity of making progress with

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the Elma Turner Library redevelopment in line with community expectations captured in the Long Term Plan 2018-28.

Author: Pat Dougherty, Chief Executive

Attachments

Nil

Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>This report recommends a process which will enable Council to make effective and efficient decisions regarding significant infrastructure projects.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The recommendation is consistent with the community outcomes:</p> <ul style="list-style-type: none"> • 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 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 region is supported by an innovative and sustainable economy.
<p>3. Risk</p> <p>The key risk is that substantive decisions on the three projects are delayed further. This would cause ongoing uncertainty to developers and Council staff, impacting on staff retention and recruitment and resulting in increased maintenance costs for Civic House and the Elma Turner Library.</p>
<p>4. Financial impact</p> <p>This decision has no financial impact.</p>
<p>5. Degree of significance and level of engagement</p> <p>This matter is of low significance as it relates solely to Council process.</p>
<p>6. Climate Impact</p> <p>Any business cases for capital projects developed as a result of the process chosen by Council will consider and make recommendations in relation to climate change impact.</p>
<p>7. Inclusion of Māori in the decision making process</p> <p>No engagement with Māori has been undertaken in preparing this report.</p>
<p>8. Delegations</p> <p><i>Council retains all responsibilities, powers, functions and duties in relation to governance matters for the following items:</i></p>

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- *Elma Turner Library redevelopment (City Centre Working Group to provide governance input in accordance with the Terms of Reference, with Council to consider and decide matters)*