



**Notice of the ordinary meeting of**

## **Nelson City Council**

### ***Te Kaunihera o Whakatū***

|           |  |
|-----------|--|
| Date:     | Tuesday 22 September 2020                                      |
| Time:     | 9.00a.m.   |
| Location: | Council Chamber<br>Civic House<br>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 2019 - 2022 term:

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

## **Karakia Timatanga**

### **1. Apologies**

- 1.1 No apologies have been received

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

### **3. Interests**

- 3.1 Updates to the Interests Register
- 3.2 Identify any conflicts of interest in the agenda

### **4. Public Forum**

- 4.1 Save the Maitai Campaign - proposed re-zoning of Kaka Valley to allow a residential subdivision

### **5. Confirmation of Minutes**

- 5.1 13 August 2020 **9 - 24**

Document number M13049

Recommendation

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

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

### **6. Recommendations from Committees**

#### **6.1 Infrastructure Committee - 26 August 2020**

- 6.1.1 Infrastructure Quarterly Report

Recommendation to Council

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

- 1. Approves additional unbudgeted funding of \$382,210 to cover the impact of delays from COVID-19 on the following capital projects:***
- a. \$31,957 - Annesbrook Water Upgrade;***
- b. \$83,373 – St Vincent Street sewer renewal;***

- c. **\$92,945 – Tahunanui Cycleway;**
  - d. **\$97,617 – Saxton Creek Stage 3;**
  - e. **\$14,318 – Poormans Stream Culvert;**
  - f. **\$62,000 – Railway Reserve underpass; and**
2. **Approves additional unbudgeted funding of \$425,000 to fund the Hardy/Vanguard watermain renewal work to be undertaken in the 2020/21 financial year; and**
  3. **Approves funding of \$480,000 be brought forward from the 2021/22 financial year into the 2020/21 financial year, and \$273,000 from the 2022/23 financial year into the 2020/21 financial year to allow the Tosswill Road Stormwater Upgrade to be completed ahead of schedule; and**
  4. **Approves funding of \$1Million be brought forward from 2021/22 into the 2020/21 financial year to allow the Whakatu Drive (Storage World) Flood Protection upgrade to be completed in the 2020/21 financial year.**

## **6.2 Governance and Finance Committee - 27 August 2020**

### **6.2.1 Carry Forwards 2019/20**

Recommendation to Council

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

1. **Approves the carry forward of \$1.3 million unspent capital budget for use in 2020/21; and**
2. **Notes that this is in addition to the carry forward of \$7.8 million approved during the 2020/21 Annual Plan, taking the total carry forward to \$9.1 million; and**
3. **Approves the carry forward of \$73,000 unspent capital budget to future years, for consideration in the Long Term Plan 2021-31; and**
4. **Notes total savings and reallocations in 2019/20 capital expenditure of \$1.0 million including staff time; and**
5. **Notes that the total 2020/21 capital budget (including staff costs and excluding consolidations and vested**

*assets) will be adjusted by these resolutions from a total of \$57.1 million to a total of \$58.4 million; and*

- 6. Approves the carry forward of \$122,000 unspent operating budget for use in 2020/21.**

## **7. Mayor's Report 25**

Document number R20303

Recommendation

***That the Council***

- 1. Receives the report Mayor's Report (R20303).**

## **8. Māori Ward - Consideration 26 - 54**

Document number R19260

Recommendation

***That the Council***

- 1. Receives the report Māori Ward - Consideration (R19260) and its attachments (A2447790 and A2453130); and**
- 2. Decides not to introduce a Māori Ward; and**
- 3. Notes that there is no requirement to give public notice; and**
- 4. Requests that officers report back to Council with alternative options for increasing Māori participation in decision-making; and**
- 5. Notes that the Mayor will write to the Minister of Local Government and the Chief Executive of the Department of Internal Affairs urging an amendment to the Local Electoral Act 2001 to ensure the legal requirements to establish a Māori Ward are the same as for a general ward.**

## **9. Allocation of Climate Change Reserve Funding**

**55 - 60**

Document number R20265

Recommendation

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

- 1. Receives the report Allocation of Climate Change Reserve Funding (A20265); and***
- 2. Allocates \$139,620 of the remaining funds within the climate reserve for the purpose of undertaking priority climate change work in advance of the Long Term Plan, including preparation of an Emissions Reduction Action Plan; and***
- 3. Agrees that a sum of \$20,000 remain in the Climate Change Reserve for community initiatives and if not used by May 2021, this funding go towards the priority climate change work outlined in report R20265.***

## **10. Intensification Action Plan**

**61 - 103**

Document number R13749

Recommendation

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

- 1. Receives the report Intensification Action Plan (R13749) and its attachment (A2410696); and***
- 2. Approves the Intensification Action Plan (A2410696); and***
- 3. Directs that a provisional budget of \$50,000 be included the draft Long Term Plan 2021-31 (over years 1 to 3) for a City Centre Residential Conversion Fund.***

**11. Nelson Tasman Land Development Manual - Delegation Resolution Amendment 104 - 109**

Document number R20307

Recommendation

***That the Council***

- 1. Receives the report Nelson Tasman Land Development Manual - Delegation Resolution Amendment (R20307); and***
- 2. Delegates the Chairperson of the Environment Committee and the Group Manager Environment authority to approve minor technical wording amendments, or correction of errors to the Nelson Tasman Land Development Manual 2019.***

**12. Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement 110 - 117**

Document number R19195

Recommendation

***That the Council***

- 1. Receives the report Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement (R19195); and***
- 2. Approves the release of the Draft Whakamahere Whakatū Nelson Plan for Public Engagement on 6 October 2020.***

**CONFIDENTIAL BUSINESS**

**Exclusion of the Public**

Recommendation

***That the Council***

- 1. Excludes the public from the following parts of the proceedings of this meeting.***

**2. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

| <b>Item</b> | <b>General subject of each matter to be considered</b>   | <b>Reason for passing this resolution in relation to each matter</b>  | <b>Particular interests protected (where applicable)</b>  |
|-------------|--|---|---|
| <b>1</b>    | <b>Council Meeting - Public Excluded Minutes - 13 August 2020</b>                                      | <p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p> | <p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(g)<br/>To maintain legal professional privilege</li> <li>• Section 7(2)(i)<br/>To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> <li>• Section 7(2)(a)<br/>To protect the privacy of natural persons, including that of a deceased person</li> <li>• Section 7(2)(b)(ii)<br/>To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</li> </ul> |
| <b>2</b>    | <b>Recommendations from Committees</b><br><br><b>Governance and Finance Committee – 27 August 2020</b> | <p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>  | <p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(i)<br/>To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including</li> </ul>   |



| Item     | General subject of each matter to be considered  | Reason for passing this resolution in relation to each matter  | Particular interests protected (where applicable)  |
|----------|--|--|--|
|          | <p>Nelmac Final Statement of Intent 2020/21</p> <p><b>Sports and Recreation Committee - 17 September 2020</b></p> <p>Brook Reserve – Reserve Management Plan process</p> |  | <p>commercial and industrial negotiations)</p> <p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(g)<br/>To maintain legal professional privilege</li> </ul>              |
| <b>3</b> | <b>Nelmac - Utilities Maintenance and Operations Contract - Supplementary Information</b>  | <p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p> | <p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(h)<br/>To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul> |



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## **Minutes of a meeting of the Nelson City Council**

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

**On Thursday 13 August 2020, commencing at 9.05a.m.**

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

**In Attendance:** Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Community Services (R Ball), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald), Team Leader Governance (R Byrne) and Governance Support (K McLean)

**Apologies :** Nil

### **Karakia Timatanga**

Kaihautu Pania Lee gave the opening karakia.

#### **1. Apologies**

There were no apologies

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

Her Worship the Mayor Reese advised she would vacate the Chair at 9.30a.m. to attend a Civil Defence Emergency Management (CDEM) briefing.

#### **3. Interests**

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

#### **4. Public Forum**

- 4.1 Save the Maitai Campaign - proposed re-zoning of Kaka Valley to allow a residential subdivision

As the public could only attend meetings via Zoom during COVID Level 2 the speakers, Annette Milligan and Peter Taylor, requested that their Public Forum be moved to the next Council meeting that the public could attend in person.

- 4.2 Hospitality New Zealand - Airbnb's - moved out

As the public could only attend meetings via Zoom during COVID Level 2 the speaker, Stacie Warren, requested that her Public Forum be moved to the next Council meeting that the public could attend in person.

- 4.3 Dr Aaron Stallard and Jenny Easton– Maitai Precinct

Dr Stallard , via Zoom, also spoke on behalf of Jenny Easton. He said they were calling for Council to reconsider the proposal to build Civic House in an area that they considered had an unacceptable risk to flooding in the context of climate change. Dr Stallard's provided speaking notes (A2440992) and a Maitai river flood hazard map which outlined flooding in 2021 (A2440996), which are attached.

Her Worship the Mayor advised that the Chief Executive had discussed the updated flood model with Jenny Easton, and offered to arrange for Dr Stallard to have this opportunity if he wished.

##### **Attachments**

- 1 A2440992 NCC Meeting 13 August 2020 - StallardEaston
- 2 A2440996 - Maitai flood mapping 2100

The meeting adjourned at 9.25a.m. at which time Her Worship the Mayor Reese vacated the Chair to Deputy Mayor Judene Edgar.

The meeting reconvened at 9.26a.m.

#### **5. Confirmation of Minutes**

- 5.1 25 June 2020

Document number M10966, agenda pages 11 - 27 refer.

A minor amendment was indicated in the Mayor's Report.

Resolved CL/2020/109

***That the Council***

- 1. Confirms the amended minutes of the meeting of the Council, held on 25 June 2020, as a true and correct record.***

Lawrey/Sanson

Carried

5.2 30 June 2020

Document number M11978, agenda pages 28 - 43 refer.

A spelling mistake was indicated in the resolution for Item 9: Funding Request: Businesses for Climate Action.

Resolved CL/2020/110

***That the Council***

- 1. Confirms the amended minutes of the meeting of the Council, held on 30 June 2020, as a true and correct record.***

Courtney/Lawrey

Carried

5.3 9 July 2020 - Extraordinary Meeting

Document number M11997, agenda pages 44 - 63 refer.

Resolved CL/2020/111

***That the Council***

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

McGurk/Fulton

Carried

**6. Recommendations from Committees**

**6.1 Community Services Committee - 30 July 2020**

**6.1.1 Stoke Memorial Hall Strengthening**

Resolved CL/2020/112

***That the Council***

1. ***Approves the total allocation of \$1.2M in 2020/21 in capital expenditure for seismic strengthening the Stoke Memorial Hall to 67% of the New Building Standard (Importance Level 3), with the project to commence in 2020/21, subject to the success of the Provincial Growth Fund application, as set out in the table below;***

|             | Capex     | Comment  |
|-------------|-----------|--|
| 2020/<br>21 | \$120,000 | Existing   |
|             | \$458,000 | Brought forward from 2024/25                       |
|             | \$500,000 | Potential Provincial Growth Fund (to be confirmed) |
|             | \$120,000 | Unbudgeted funding                                 |
|             | \$1.2M    | Total 2020/21                                      |

***and***

2. ***Agrees that, if the Provincial Growth Fund application for strengthening the Stoke Memorial Hall is unsuccessful, Council will still proceed with the design work for the project, with physical works timing to be confirmed in the Long Term Plan 2021-31.***

Lawrey/Bowater

Carried

**7. Dedication of Local Purpose (Road) Reserve as Legal Road - Ngati Rarua St (Agenda Item 11)**

Document number R15924, agenda pages 185 - 192 refer.

Group Manager Infrastructure, Alec Louverdis, introduced Team Leader Capital Projects, Jasper Snyder, who presented the report. Mr Snyder answered questions on use of macrons for Māori names, using 'Ara' instead of Street and how this worked in search engines. Mr Louverdis noted this would be followed up with the Manager, Technology and Customer Experience.

Resolved CL/2020/113

***That the Council***

- 1. Receives this report Dedication of Local Purpose (Road) Reserve as Legal Road - Ngati Rarua Street (R15924) and its attachments (A2412824 and A2422463); and***
- 2. Resolves to dedicate the Local Purpose Reserve (Road) at Lot 26 DP 487679 (RT 698929), Ngati Rarua Street, Nelson as legal road pursuant to Section 111 of the Reserves Act 1977.***

McGurk/Fulton

Carried

The meeting adjourned at 9.43a.m. and reconvened at 9.49a.m., at which time Her Worship the Mayor Reese assumed the Chair.

## **8. Mayor's Report**

Document number R18196, agenda pages 64 - 110 refer.

Her Worship the Mayor Reese presented her report and tabled a summary report on the allocation of the emergency fund (A2439373).

Mayor Reese updated Council on COVID-19 information, with day two of Auckland in Level 3 and the rest of New Zealand in Level 2. She advised that data was being compiled as quickly as possible to understand the level of impact of infection in the community. She confirmed that there was no evidence of COVID-19 in Nelson and reminded people to adhere to Level 2 restrictions.

Chief Executive, Pat Dougherty, provided an update on the steps put in place and the approach to Level 2. He discussed fatigue in the organisation, the expanded capital budget programme, and additional Government funding and signalled that staff would not be able to maintain business as usual if Nelson moved up the COVID levels.

Mayor Reese explained the process for voting at the Local Government New Zealand AGM and advised that she also held the Tasman District Council proxy. Council provided guidance on voting for the LGNZ Rule Change, with possible amendment, and Remits.

It was agreed that the rule change for the President's term of office would not be supported, but an amendment may be foreshadowed.

Remits for consideration were:

1. Public transport support was supported

2. Housing affordability was supported
3. Returning GST on rates for councils to spend on infrastructure was supported
4. Natural hazards and climate change adaptation was supported
5. Annual regional balance transfers was not supported
6. Local government electoral cycle was supported
7. Water bottling was supported
8. Quorum when attending local authority meetings was supported but a judgement call on the day.
9. Use of macrons for local authorities was supported
10. Rates rebate for low income property owners was supported
11. Local Government's CO2 emissions was supported

Resolved CL/2020/114

***That the Council***

- 1. Receives the report Mayor's Report (R18196) and its attachment (A2430907); and***
- 2. Provides guidance to the Mayor on Councillors support for the proposed change to Local Government New Zealand Constitution rule F15 to limit the President's term of office to two terms.***
- 3. Provides guidance to the Mayor on Councillors support for the proposed remits to the Local Government New Zealand Annual General Meeting 2020, as discussed; and***
- 4. Receives the tabled Summary report - Allocation of the Emergency Fund August 2020 (A2439373)***

Her Worship the Mayor/Edgar

Carried

**Attachments**

- 1 A2439373 Summary report - Allocation of the Emergency Fund August 2020.pdf

**9. Three Waters Programme Investment Package**

Document number R19214, agenda pages 124 - 174 refer.

Chief Executive, Pat Dougherty, presented the report and noted that the Memorandum of Understanding (MOU) would need to be signed by the end of August and Council would need to enter into a funding agreement by the end of September. He answered questions on Elected Members' input into the delivery plan and good faith discussions on what the reform would look like.

Attendance: Councillor Brand left the meeting from 11.15a.m. to 11.51a.m.

Attendance: Councillor Fulton left the meeting from 11.50a.m. to 11.57a.m.

Group Manager Infrastructure, Alec Louverdis, answered questions on the availability of contractors to deliver on competing projects and timeframes and advised he had regular discussions with the Contractors Federation about future capacity.

Councillor O'Neill-Stevens, seconded by Councillor Sanson, moved and amended the officer recommendation adding that that the draft Delivery Plan be circulated to Elected Members before sign off and the Mayor, the Chair of the Infrastructure Committee and the Chief Executive be delegated to sign this off.

Resolved CL/2020/115

***That the Council***

- 1. Receives the report Three Waters Programme Investment Package (R19214) and its attachments (A2436659, A2436658, A2436660, A2436656 and A2436662); and***
- 2. Authorises the Mayor and Chief Executive sign the Memorandum of Understanding at Attachment One (A2436659) and Funding Agreement at Attachment Two (A2436658); and***
- 3. Agrees to nominate the Mayor and Chief Executive as the primary point of communication for the purposes of the Memorandum of Understanding and reform programme – as referred to on page 6 of the Memorandum of Understanding (A2436659); and***
- 4. Agrees to delegate decisions about the allocation of regional funding to the Mayor, Chair of Infrastructure and the Chief Executive, with the understanding that the minimum level of funding to the Council be based upon the formula used to calculate the direct council allocations, and noting that participation by two-thirds of territorial authorities within the Nelson, Tasman, and Marlborough region is required to access the regional allocation; and***



5. ***Notes that the Memorandum of Understanding and Funding Agreement cannot be amended or modified by either party, and doing so would void these documents; and***
6. ***Notes that participation in this initial stage is to be undertaken in good faith, but this is a non-binding approach, and the Council can opt out of the reform process at the end of the term of the agreement (as provided for on page 5 of the Memorandum of Understanding); and***
7. ***Notes that the Council has been allocated \$2.86 million of funding, which will be received as a grant as soon as practicable once the signed Memorandum of Understanding and Funding Agreement are returned to the Department of Internal Affairs, and a Delivery Plan has been supplied and approved (as described on page 5 of the Memorandum of Understanding). An additional \$2.86 million will also be allocated to Nelson out of the Regional allocation if this is split in the way recommended by the Steering Committee; and***
8. ***Notes that the draft Delivery Plan will be circulated to councillors for feedback prior to sign-off.***
9. ***Agrees to delegate sign-off for the delivery plan to the Mayor, Chair of Infrastructure and the Chief Executive; and***
10. ***Notes that the Delivery Plan must show that the funding is to be applied to operating and/or capital expenditure relating to three waters infrastructure and service delivery, and which:***
  - ***supports economic recovery through job creation; and***
  - ***maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance.***

O'Neill-Stevens/Sanson

Carried

The meeting adjourned at 12.20p.m., at which time Councillor Courtney left, and reconvened at 1.10p.m.

## **10. Council Emission Reduction Targets (Agenda Item 8)**

Document number R17034, agenda pages 111 - 123 refer.

Climate Change Champion, Chris Cameron, presented his report and advised that following discussion with Councillors Sanson and O'Neill-Stevens around interim targets and alignment with government, had provided agreed amended recommendations. The amended recommendation was provided to Elected Members.

Chief Executive, Pat Dougherty, advised that Climate Change was being included in Activity Management Plans, the Climate Change Framework was additional work, but manageable.

Mr Cameron answered questions on funding, delivery targets, working jointly with Tasman District Council, the foodwaste trial and long term funding in the Long Term Plan. He advised members that he was in the process of looking at how to report on embedded carbon in business case development.

Resolved CL/2020/116

***That the Council***

- 1. Receives the report Council Emission Reduction Targets (R17034); and***
- 2. Commits to adopting the five-year emissions reductions budgets to be confirmed by government in 2021 as a way of ensuring Council takes early and substantive action towards achieving carbon neutral status with measurable positive changes by 2025;***
- 3. Agrees that Nelson City Council adopts the Government targets for Council's own greenhouse gas emissions reductions (i.e., net zero emissions of all GHGs other than biogenic methane by 2050, and a 24 to 47 per cent reduction below 2017 biogenic methane emissions by 2050, including 10 per cent reduction below 2017 biogenic methane emissions by 2030); and***
- 4. Agrees that work is undertaken to develop specific emission reduction projects for inclusion in the Long Term Plan 2021-31, along with development of a comprehensive Council "Emissions Reduction Action Plan" in line with timeframes to produce the upcoming Long Term Plan; and***
- 5. Notes that a strategic framework, to bring together and provide high level guidance to all of the key elements of climate change work underway in Council, will be considered and scheduled through the development of the Long Term Plan 2021-31; and***
- 6. Notes that work to set targets and reduce emissions in the Nelson Tasman Regional Landfill Business Unit is critical to address Council's entire emissions profile***

***and that substantial work is already underway in the Nelson Tasman Regional Landfill Business Unit to measure and reduce emissions; and***

- 7. Notes that the development of community emissions targets and actions will be undertaken as a separate piece of work, aligned with the strategic framework and the work currently being undertaken by the Nelson Tasman Climate Forum; and***
- 8. Advocates to central government for an appropriate legislative and regulatory framework to support the local government sector to achieve carbon zero status.***

O'Neill-Stevens/Fulton

Carried

## **11. Electoral System - Review**

Document number R18153, agenda pages 175 - 184 refer.

Manager Governance and Support Services, Mary Birch presented the report and answered questions on councils moving to Single Transferrable Vote (STV) or remaining with First Past the Post (FPP), the District Health Board appointments review, voter error and agreed that diversity was a common rationale for choosing STV.

Resolved CL/2020/117

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

- 1. Receives the report Electoral System - Review (R18153); and***
- 2. Decides to change to the Single Transferable Vote electoral system; and***
- 3. Notes that Council will give public notice by 19 September 2020 of the right for Nelson Council electors to petition for a poll on a change to the electoral system.***

The motion was put and a division was called:

#### For

Her Worship the Mayor Reese  
(Chairperson)  
Cr Brand  
Cr Edgar  
Cr Fulton  
Cr Lawrey  
Cr O'Neill-Stevens  
Cr McGurk  
Cr Noonan  
Cr Rainey

#### Against

Cr Bowater  
Cr Skinner

#### Absent

Cr Courtney

Cr Sanson

The motion was carried 10 - 2.

Her Worship the Mayor/Edgar

Carried

### **Extension of Meeting Time**

Resolved CL/2020/118

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

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

Edgar/Bowater

Carried

## **12. Exclusion of the Public**

Resolved CL/2020/119

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

- 1. Excludes the public from the following parts of the proceedings of this meeting.***
- 2. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:***

Edgar/Her Worship the Mayor

Carried

| Item | General subject of each matter to be considered              | Reason for passing this resolution in relation to each matter  | Particular interests protected (where applicable)   |
|------|--|--|---|
| 1    | <b>Council Meeting - Confidential Minutes - 25 June 2020</b> | Section 48(1)(a)<br><br>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"><li>• Section 7(2)(h)<br/>To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li><li>• Section 7(2)(i)<br/>To enable the local authority to carry on, without prejudice or</li></ul> |

| Item | General subject of each matter to be considered   | Reason for passing this resolution in relation to each matter   | Particular interests protected (where applicable)  |
|------|---|---|--|
|      |   |   | disadvantage, negotiations (including commercial and industrial negotiations)  |
| 2    | <b>Recommendations from Committees</b><br><br><b>Sports and Recreation Committee -</b><br><br><b>6 August 2020</b><br><br>Urgent Funding Request – Tasman Rugby Union | Section 48(1)(a)<br><br>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</li> </ul>    |
| 3    | <b>Mayor's Report - Nominations for Local Government New Zealand President and Vice-President</b>   | Section 48(1)(a)<br><br>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>  |
| 4    | <b>Council Status Report - Confidential</b>   | Section 48(1)(a)<br><br>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul> |

The meeting went into confidential session at 3.00p.m. and resumed in public session at 3.25p.m. to move a motion to allow Chris Ward, of Policyworks, to be in attendance for Item 5 of the Confidential agenda to answer questions and, accordingly, the following resolution was required to be passed:

Resolved CL/2020/120

***That the Council***

- 1. Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that Chris Ward of Policyworks remain after the public has been excluded, for Item 5: Civic House Options of the Confidential agenda as he has knowledge relating to the Civic House that will assist the meeting.***

Noonan/Edgar

Carried

**Exclusion of the Public**

Resolved CL/2020/121

***That the Council***

- 1. Excludes the public from the following parts of the proceedings of this meeting.***
- 2. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows.***

Her Worship the Mayor/Bowater

Carried

|          |                            |  |   |
|----------|----------------------------|--|---|
| <b>5</b> | <b>Civic House Options</b> | <p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p> | <p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(i)<br/>To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul> |
|----------|----------------------------|--|---|

The meeting went into confidential session at 3.26p.m. and resumed in public session at 5.13p.m.

**RESTATEMENTS**

It was resolved while the public was excluded:

**Recommendations from Committees**

|          |   |
|----------|---|
| <b>2</b> | <b>CONFIDENTIAL: Recommendations from Committees –<br/>Recommendation from Sports and Recreation Committee<br/>Urgent Funding Request – Tasman Rugby Union</b>  |
|          | <p><b><i>That the Council</i></b></p> <p><b>1. <u>Agrees</u> that, if the Tasman Rugby Union is unsuccessful in obtaining funding from other sources, Council will provide the Tasman Rugby Union:</b></p> <ul style="list-style-type: none"> <li><b><i>a one off subsidy by way of a grant of a total of \$8,600 for ground hire charges for Mako games in 2020 funded as unbudgeted expenditure; and</i></b></li> <li><b><i>if the Mako are successful in reaching the finals, hosted at Trafalgar Park, Council will provide the Tasman Rugby Union with a further one-off subsidy by way of a grant of a total of \$2900 for the further Mako ground hire charge in 2020, funded as unbudgeted expenditure; and</i></b></li> </ul> <p><b>2. <u>Agrees</u> that the decision only be made publicly available</b></p> |

|          |  |
|----------|--|
| <b>4</b> | <b>CONFIDENTIAL: Council Status Report - Confidential</b>  |
|          | <p><b>1. <u>Agrees</u> the report R18194 and its attachment A1166633 remain confidential at this time.</b></p> |

|          |  |
|----------|--|
| <b>5</b> | <b>CONFIDENTIAL: Civic House Options</b>   |
|          | <p><b><i>That the Council</i></b></p> <p><b>1. <u>Receives</u> the report Civic House Options (R18154) and its attachments (A2430651, A2420980, and A2421781); and</b></p> <p><b>2. <u>Confirms</u> that, subject to final approval through the business case process, Council's main office will remain in Civic House, at its current location; and</b></p> <p><b>3. <u>Notes</u> that the preliminary version of the Property and Facilities Asset Management Plan 2021-2031 will include capital funding for the sequential upgrade of staff accommodation, the Council Chamber and councillor amenities in Civic House; and</b></p> <p><b>4. <u>Agrees</u> that the decision, this report (R18154) and its attachments (A2420980 and A2421781) be released from</b></p> |

|  |  |
|--|--|
|  | <b><i>public excluded with paragraphs 6.34 to 6.41 and attachment A2430651 redacted.</i></b> |
|--|--|

There being no further business the meeting ended at 5.13p.m.

Confirmed as a correct record of proceedings:

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



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## **Mayor's Report**

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

- 1.1 To update Council on current matters.

### **2. Recommendation**

***That the Council***

- 1. Receives the report Mayor's Report (R20303).***

### **3. Mayoral Discretionary Fund**

- 3.1 The Mayor donated \$538.69 from her Mayoral Discretionary Fund to cover the cost of one year's web hosting, registration and licensing costs for the Nelson Trails website. This website was designed by Jordan Miller, who is a professional GIS consultant. The website provides maps and descriptions of trails around the Nelson-Tasman region, including detailed information and local knowledge.
- 3.2 The information is taken from a number of places, such as Nelson City Council and Tasman District Council feeds, Department of Conservation information tables/sites, and forestry media releases. Feedback has been received that this is an invaluable source of information and is an asset to the Nelson-Tasman community as it is used extensively by locals and visitors alike.

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

### **Attachments**

Nil

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## **Māori Ward - Consideration**

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

- 1.1 To consider whether to introduce a Māori Ward for the 2022 and 2025 Local Government elections.

### **2. Summary**

- 2.1 The Local Government Act 2002 places obligations on councils to facilitate participation by Māori in decision-making processes. The key tool for local government to meet this legislative requirement is its ability to provide an environment (through systems, structures and services) that encourages and supports Māori to enter and participate in these processes.
- 2.2 The Local Electoral Act 2001 (LEA) provides that a local authority may resolve to establish Māori wards for electoral purposes. If it does so prior to 23 November two years prior to a triennial election, the change takes effect for the next two triennial elections and then continues until it is changed again.
- 2.3 If a local authority passes such a resolution, it must give public notice, not later than 30 November two years prior to a triennial general election, of the right of five percent of electors to demand a poll to countermand the resolution. The result of the poll is binding for the following two triennial elections and associated by-elections.
- 2.4 Māori representation in Council was considered by the Iwi-Council Partnership Group in June 2020. The report included discussion on the establishment of a Māori Ward. Whilst Māori representation at Council, particularly through externally appointed members on committees, was fully supported, the establishment of Māori wards was not.

### **3. Recommendation**

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

- 1. Receives the report Māori Ward - Consideration (R19260) and its attachments (A2447790 and A2453130); and***

- 2. Decides not to introduce a Māori Ward; and**
- 3. Notes that there is no requirement to give public notice; and**
- 4. Requests that officers report back to Council with alternative options for increasing Māori participation in decision-making; and**
- 5. Notes that the Mayor will write to the Minister of Local Government and the Chief Executive of the Department of Internal Affairs urging an amendment to the Local Electoral Act 2001 to ensure the legal requirements to establish a Māori Ward are the same as for a general ward.**

#### **4. Background**

- 4.1 Local authorities have the ability to establish Māori wards for electoral purposes. The establishment of a Māori Ward is *one* option for increasing Māori participation in Council decision making.
- 4.2 Over a number of years, the Council has worked to provide strong, open and transparent relationships which have assisted in the identification of further opportunities for iwi and Māori to participate in, as well as support the development of Māori capacity to contribute to Council decision-making. Council has already progressed Māori input into decision-making, endorsed by iwi, through:
  - Iwi representation on the Nelson Regional Sewage Business Unit and the Nelson Tasman Regional Landfill Business Unit as well as an external representative on the Environment Committee who, in addition to her technical expertise, brings a te ao Māori view;
  - The formalisation of the Iwi-Council Partnership Group, established in 2018, involving eight iwi Chairs, the Mayor and three elected members;
  - The Mayor's role as a member of the Whakatū Marae Kōmiti Whakahaere;
  - The appointment of a kaumātua to provide cultural assistance to the Mayor and Council for official occasions;
  - Establishment of Te Kāhui Whiria - A dedicated Māori Partnerships Team at Council who provide cultural leadership to the organisation. This team is led by the Kaihautū, who reports directly to the Chief Executive and sits on the executive team Senior Leadership Team;

## Item 8: Māori Ward - Consideration

- The Nelson City Council and Iwi Managers Forum; Te Ohu Toi Ahurea (Arts & Heritage group) and Te Ohu Taiao (Environmental group); and
- The Iwi Working Group which guides, informs and provides meaningful engagement in the development of Whakamahere Whakatū – the Nelson Plan.

### Requirements of the Local Electoral Act 2001

#### Provisions

- 4.3 The statutory provisions for establishing Māori wards are set out in sections 19Z to 19ZH of the LEA.
- 4.4 There are two primary mechanisms for establishing Māori wards:
- a) A Council resolution
  - b) A poll of electors. The poll may be:
    - demanded by electors or
    - the result of a local authority resolution

#### Public Notice

- 4.5 If the Council resolves to establish a Māori Ward, it must give public notice of the resolution. The public notice must include a statement that a poll is required to countermand Council's resolution. A valid petition to demand a poll requires the support of five percent of the electorate.

#### Number of Members

- 4.6 The LEA prescribes how many members can be elected within a Māori ward, based on population data.

#### Timeframes

- 4.7 The LEA also prescribes the statutory timeframe for establishing and implementing a Māori ward within the three year electoral cycle. For a Māori ward to be introduced for the 2022 Local Government elections, the timeframes are detailed in the following table:

| Timeframes for the Introduction of a Māori Ward in the 2022 Local Government Election |             |      |
|---|-------------|------|
| Action  | LEA Section | Date |

## Item 8: Māori Ward - Consideration

|  |              |   |
|--|--------------|---|
| Council resolution to establish a Māori Ward   | 19Z          | By 23 November 2020   |
| Public notice or resolution to establish a Māori Ward, including statement that a poll is required to countermand that resolution                  | 19ZA         | By 30 November 2020   |
| Five per cent of electors demand a poll to countermand Council's decision. This date and reference also applies if Council resolves to hold a poll | 19ZB         | Prior to 21 February 2021   |
| Poll held [result of the poll takes effect for the next two elections]   | 19ZB or 19ZD | No later than the 89 days after notification and not later than 21 May 2021 |

- 4.8 Any decision binds Council for the next two Local Government elections in 2022 and 2025.

### **Representation Review**

- 4.9 Councils are required to undertake a review of their representation arrangements at least every six years.
- 4.10 Council will undertake a representation review in the current triennium, prior to the 2022 Local Government election. The Representation Review will be considered by Council in the coming months, so any decision relating to Māori ward arrangements would have implications for this review. For example, whether the establishment of a Māori Ward should trigger a change to the total number of members.

### **Previous Consideration of Māori Wards**

- 4.11 Council recognises the value and benefits of having Māori input into Council decision making.
- 4.12 Council last considered this matter in November 2011. The creation of a Māori Ward was included in the submission to the Local Government Commission in August 2011, as part of the proposed amalgamation of Nelson City and Tasman District. As part of the submission, Council also supported Māori representation across the region in the form of a Māori Community Board.

## Item 8: Māori Ward - Consideration

- 4.13 On 3 November 2011, a report came to Council – Policy Planning and Governance. This report was to establish a Māori Ward in Nelson for the Local Government Election in 2013, in the event that an amalgamation of the Tasman and Nelson Councils did not proceed. No specific consultation was undertaken with iwi or the public on the establishment of a Māori Ward before the report came to Council for consideration.
- 4.14 Council resolved to establish a Māori ward for the 2013 Local Government Election and gave public notice of the right to demand a poll to countermand this resolution. The decision to establish a Māori Ward triggered a poll of electors.
- 4.15 The establishment of a Māori Ward for Nelson was not supported by voters in the poll. A total of 15,638 votes were received (43.8% return) with 12,387 votes (79.21%) against the proposal and 3192 votes (20.41%) for the proposal.

### **Consultation with iwi**

- 4.16 The Local Government Commission, in its guidelines for local authorities undertaking representation reviews, states that local authorities need to consider appropriate consultation with iwi and hapū at an early stage.
- 4.17 A report (Attachment 1 - A2447790) on Māori Representation in Council was presented to the Iwi-Council Partnership Group on 24 June 2020. The report included discussion on different options for increasing Māori participation in decision-making, including the establishment of a Māori Ward. Whilst Māori representation at Council, particularly through externally appointed members on committees, was fully supported, the establishment of Māori wards was not. This was primarily as a result of the high level of negative response from the community that was experienced in 2011 and 2012, which iwi did not want repeated.
- 4.18 Not all iwi Chairs were present at the Iwi-Council Partnership Group meeting held on 24 June 2020. Therefore, further consultation was undertaken and this confirmed that iwi do not support pursuing a Māori ward.

### **Alternative Models for Māori Representation and input into Council decision-making**

- 4.19 The report to the Iwi-Council Partnership Group on 24 June 2020 (Attachment 1 - A2447790), considered other models and opportunities for Māori to have input into Council decision making, to ensure that Council meets its obligations under the Local Government Act 2002 to "*provide opportunities for Māori to contribute to its decision-making processes*".
- 4.20 The Iwi-Council Partnership Group resolved the following:

*That the Council*

## Item 8: Māori Ward - Consideration

**Receives** the report *Māori Ward - Consideration (R19260)* and its attachment (A2403570); and

**Supports** the preference to increase Māori representation on Council Committees, Subcommittees and subordinate decision making bodies subject to voting rights,

**Supports** the development of a policy for Māori representation on Council Committees, Subcommittees and subordinate decision making bodies, noting the groups preference for such representation to have voting rights.

- 4.21 The importance of voting rights for Māori representatives at committee and subcommittee level was recognised to ensure that a valuable contribution was made to decision-making.
- 4.22 A policy for the selection and appointment of Māori representatives on committees and subcommittees would need to be developed. It was noted that as the policies covering the Selection, Appointment and Remuneration Policy for External Appointees on Council Committees and the Selection, Appointment and Remuneration Policy for External Appointees on Council Subcommittees were currently under review, there was scope for combining these so that one policy covered all external appointees, including Māori representatives.
- 4.23 A report providing an update on this issue will be presented to the Iwi-Council Partnership Group at its next meeting on 30 September 2020. Following further consideration and feedback from the Partnership Group, a report will be brought to Council.

## 5. Discussion

### How does a Māori ward work?

- 5.1 If the Council implements a Māori Ward, candidates in future elections have an option to stand for the Māori Ward or the general ward (noting that as Nelson does not currently have any wards, the general electorate votes at large). Māori Ward candidates do not need to be on the Māori electoral roll and vice versa for candidates standing at large. However, all candidates must be registered parliamentary electors.
- 5.2 Electors on the Māori electoral roll are then eligible to vote for candidates in the Māori Ward. Electors on the general electoral roll are then eligible to vote for candidates at large. Regardless of which roll an elector is on, an elector only has one opportunity to vote (either for a Māori Ward or in Nelson, at large).
- 5.3 Every five years, electors have the opportunity to change from being on the general electoral roll to the Māori electoral roll and vice versa.

### Calculating the number of Māori Ward members

- 5.4 The LEA prescribes a formula to calculate the number of members from a Māori ward.
- 5.5 For calculating the number of Māori Ward members, the following formula applies to territorial authorities:

$$nmm = \frac{mepd}{mepd + gepd} \times nm$$

Where:

**nmm** = number of Māori Ward members

**mepd** = Māori electoral population of the district

**gepd** = general electoral population of the district

**nm** = proposed number of members of the council (other than the Mayor)

- 5.6 Section 3 of the Electoral Act 1993 contains the following definitions for “general electoral population” and “Māori electoral population”:

*General electoral population – the total ordinarily resident population at the last census less the Māori electoral population*

*Māori electoral population – a calculation based on the number of electors on the Māori electoral roll and proportions of those of Māori descent not registered and those under 18 years of age.*

- 5.7 Statistics New Zealand calculate the Māori electoral population and the general electoral population. The Government Statistician, through the Local Government Commission, has provided data for calculation purposes. The data is based on the 2018 census, as follows:

| <b>Nelson City Council</b>             |        |
|--|--------|
| Māori electoral population             | 3,057  |
| General electoral population           | 47,823 |
| Total Population                       | 50,880 |
| Total members (excluding Mayor)        | 12     |
| Number of Māori ward members           | 0.72   |
| Number of Māori ward members (rounded) | 1      |



## Item 8: Māori Ward - Consideration

- 5.8 During the Representation Review in 2021, Council will determine the total number of councillors and whether those councillors will continue to be elected at large and/or from wards. The Council must ensure fair representation of electors to provide approximate population equality per member (i.e. an elected member in one ward "represents" the same number of people as another ward (+/- 10%)).
- 5.9 Given the likely single membership of a Māori Ward, Council would not need to consider ward boundaries for the member elected by those on the Māori roll during the subsequent representation review.
- 5.10 The legislation does not provide for Māori electoral subdivision to be constituted for community boards.

### **Conducting a Poll**

- 5.11 Section 19ZD of the LEA allows for Council to resolve that a poll be held on a proposal to establish a Māori Ward.
- 5.12 Therefore, instead of making the decision to establish a Māori Ward, Council could decide to undertake a poll on whether to establish a Māori Ward. Council could decide to undertake a poll separately on this matter or in conjunction with the 2022 Local Government Election.
- 5.13 Should Council choose to conduct a poll or should a poll be demanded by the public, there would be costs associated with this in the order of \$110,000. There is currently no budget to cover this cost.
- 5.14 Costs of a poll held in conjunction with the 2022 triennial election are likely to be significantly less, with a current estimate being approximately \$10,000.

### **Māori Wards – situation across the sector**

- 5.15 The current situation across the sector regarding Māori Wards is as follows:
- Bay of Plenty Regional Council's three Māori wards were created by legislation in 2001 (Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001);
  - Waikato Regional Council introduced Māori Wards in 2013, though Council resolution, which did not result in a request for a poll.
  - Wairoa District Council introduced a Māori Ward in the Local Government election in 2019, as a result of a poll conducted in conjunction with the 2016 Local Government election (as shown in the table below, a previous attempt to introduce a Māori Ward was not supported by public poll in 2012).
  - New Plymouth District Council resolved to introduce a Māori ward in July 2020. It is not yet known whether a poll will be requested

## Item 8: Māori Ward - Consideration

by the public (as shown below, a previous attempt in 2015 was not supported by the public).

- 5.16 Recent poll results, where a council's resolution has not been supported by the public are:

| Date | Council                                | Results              |
|------|--|----------------------|
| 2018 | Western Bay of Plenty District Council | 22% for, 78% against |
| 2018 | Palmeston North City Council           | 31% for, 69% against |
| 2018 | Whakatāne District Council             | 45% for, 55% against |
| 2018 | Manawatu District Council              | 23% for, 77% against |
| 2018 | Kaikoura District Council              | 20% for, 80% against |
| 2015 | Far North District Council             | 32% for, 68% against |
| 2015 | New Plymouth District Council          | 17% for, 83% against |
| 2013 | Hauraki District Council               | 19% for, 81% against |
| 2012 | Waikato District Council               | 20% for, 80% against |
| 2012 | Wairoa District Council                | 48% for, 52% against |

### Central Government Consideration

- 5.17 In 2017, Member of Parliament Marama Davidson, Green Party, introduced a Member's Bill to amend the LEA to ensure that the establishment of both Māori and general wards and constituencies on district and regional councils follow the same legal process. The bill was defeated during its first reading.
- 5.18 In May 2016, Andrew Mark Judd submitted a petition to Parliament "*That the House of Representatives consider a law change to make the establishment of Māori wards on district councils follow the same legal framework as establishing other wards on district councils*". Parliament referred the petition to the Justice Committee (a Parliamentary Select Committee) for consideration alongside the Inquiry into the 2017 General Election and the 2016 Local Elections.
- 5.19 The Committee reported back to Parliament on 10 December 2019. The committee made no recommendations in relation to Māori wards.
- 5.20 In 2018, David Cull, President of Local Government New Zealand, wrote an open letter on behalf of the 78 local authorities of New Zealand (Attachment 2 - A2453130) to the Government requesting that the poll

## Item 8: Māori Ward - Consideration

for Māori Wards and Constituencies be removed. This was on the basis that as the poll provisions only applied to Māori wards and constituencies and not other wards, the provision in the LEA was discriminatory to Māori and inconsistent with the principles of equal treatment in the Treaty of Waitangi.

- 5.21 It is not anticipated that there will be any legislative changes in the near future to the way in which Māori wards are established.

### **6. Risk**

- 6.1 Council acknowledges the special place of tangata whenua within the region. Previous consideration of this matter generated wide public interest and the community expressed its strong opposition to the establishment of a Māori Ward through public forum speakers, media commentary and voting in the poll. Iwi have indicated that due to their experience in 2011 and 2012, their recommendation is to increase Māori participation in Council decision-making through other mechanisms.
- 6.2 Since that time, considerable progress has been made to enhance Council's relationships with iwi. These relationships may be damaged if Council resolves to establish a Māori Ward which results in a public demand for a poll and/or a repeat of outspoken public negativity towards Māori.
- 6.3 There is a reputational risk for Council if a decision is made to establish a Māori Ward against the advice and input from iwi.

### **7. Engagement – Legislative Requirements**

#### **Local Government Act 2002**

- 7.1 The purpose of local government specified in section 10(a) of the Local Government Act 2002 as being "*to enable democratic local decision-making and action by, and on behalf of, communities*", and the principle requiring the Council to conduct its business in an open, transparent, and democratically accountable manner, is upheld by following the procedures set out in the LEA in respect of setting up a Māori Ward. There is no requirement to follow the special consultative procedure or consult with the community in any other manner, as the procedure set out in the LEA is sufficient to ascertain the views of the community. This procedure ensures that the decision on the Māori Ward is made in a clear, transparent and accountable manner, namely as the outcome of a binding poll.

#### **Local Electoral Act 2001**

- 7.2 There is no requirement under the LEA to undertake consultation or take steps to ascertain the views of the community ahead of a resolution to establish a Māori Ward. The LEA requires Council to give notice of the

## Item 8: Māori Ward - Consideration

resolution and give voters the right to demand a poll on the question of whether Nelson should have a Māori Ward.

- 7.3 Therefore, the views of the community are obtained and acted upon when a poll is held. If the decision does not trigger the community to demand a poll, Council or the Community may, at any time require a poll to be held.

## 8. Options

| <b>Option 1: Establish a Māori Ward</b>                             |  |
|---|--|
| Advantages  | <ul style="list-style-type: none"><li>• Provides an opportunity for Māori participation in decision-making at Council level</li><li>• Public have the opportunity for input in this decision through the right to demand a poll</li></ul>  |
| Risks and Disadvantages   | <ul style="list-style-type: none"><li>• Only one Māori Councillor elected</li><li>• The decision would go against feedback received from iwi</li><li>• Likelihood of outspoken public negativity directed against Māori</li><li>• Risk of damage to Council's relationships with iwi</li></ul>     |
| <b>Option 2: Decide not to establish a Māori Ward (recommended)</b> |  |
| Advantages  | <ul style="list-style-type: none"><li>• Council is able explore other opportunities which are supported by iwi, for greater Māori participation in Council decision making</li><li>• Reduced risks of public negativity directed at Māori and damage to Council's relationship with iwi.</li></ul> |
| Risks and Disadvantages   | <ul style="list-style-type: none"><li>• No Māori representation at Council meetings</li></ul>  |

## 9. Conclusion

- 9.1 Establishment of a Māori ward is *one* means of further strengthening Council's relationship with Māori to help meet the statutory obligations relating to participation in decision-making. Whether or not a ward is established, Council will continue to build on the relationships developed and will continue to ensure that Māori are involved in the Council's decision-making processes for the benefit of the whole community.

Item 8: Māori Ward - Consideration

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

**Attachments**

- Attachment 1: (A2447790) Iwi-Council Partnership Group Report - Māori Representation in Council - June 2020 [↓](#)
- Attachment 2: (A2453130) LGNZ Letter to Government - Maori Ward Polls - March 2018 [↓](#)

| <b>Important considerations for decision making</b>  |
|--|
| <p><b>1. Fit with Purpose of Local Government</b></p> <p>Considering the establishment of Māori Wards enables democratic decision-making and action by, and on behalf of, communities.</p> <p>The purpose of the LGA is to provide for democratic and effective local government that recognises the diversity of New Zealand communities (s3 LGA). By assessing the opportunities for the most effective mechanism for Māori to contribute to the decision making process, Council recognises the diversity of our community.</p>   |
| <p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p><i>"Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.</i></p> <p><i>Council leaders are strongly connected to our people and mindful of the full range of community views and of the generations that follow. Residents have the opportunity to participate in major decisions and information is easy to access."</i></p> <p>Considering the establishment of Māori Wards, whilst giving the community an option to provide input on this through a poll, provides our voters with an opportunity to participate in this important decision.</p> |
| <p><b>3. Risk</b></p> <p>As outlined in paragraph 6, it is likely that there would be adverse consequences from a Council decision to establish a Māori Ward:</p> <ul style="list-style-type: none"><li>• a repeat of the public backlash against Māori which occurred in 2011 and 2012, when this matter was last considered;</li><li>• damage to Council's current relationships with iwi; and</li><li>• reputational risk that Council is making a decision against the advice of iwi</li></ul>   |
| <p><b>4. Financial impact</b></p> <p>There are no immediate costs associated with considering whether to establish a Māori Ward.</p> <p>However, additional unbudgeted costs would be incurred if Council resolved or the public initiated a poll. These costs would be in the region of \$110,000.</p> <p>If a poll was to be conducted in conjunction with the Local Government Election in 2022, additional costs would be approximately \$10,000.</p>  |

## **5. Degree of significance and level of engagement**

This matter is of high significance because the outcome affects all electors and residents of Nelson City, in terms of their elected member representation.

There is likely to be national interest in this topic.

The community has previously expressed its views on this matter, with a large majority being opposed to the establishment of a Māori Ward.

There is no requirement under legislation to consult with the community on this matter before making this decision as the provisions of the LEA allow for public input through the demand of a poll. However if a Māori Ward is to be further pursued it is recommended that community engagement is undertaken.

## **6. Climate Impact**

This decision will have no impact on the ability of Council to proactively respond to the impacts of climate change now or in the future.

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

Engagement with Māori has been undertaken through a report presented to the Iwi-Council Partnership Group on 24 June 2020. This report sought iwi views on Māori representation at Council, including the establishment of a Māori Ward. The Iwi-Council Partnership Group did not support the establishment of a Māori Ward. Further engagement with iwi has confirmed that view.

## **8. Delegations**

This is a decision of Council.

Item 6: Māori Representation in Council



Iwi-Council Partnership Group

24 June 2020

REPORT R18059

## Māori Representation in Council

### 1. Purpose of Report

- 1.1 To understand how the Iwi-Council Partnership Group wish to promote Māori decision-making in Council.

### 2. Recommendation

***That the Iwi-Council Partnership Group***

1. ***Receives the report Māori Representation in Council (R18059) and its attachment/s (); and***
2. ***Advises preference to increase Māori representation on Council Committees, Subcommittees and subordinate decision making bodies; and***
3. ***Supports the development of a policy for Māori representation on Council Committees, Subcommittees and subordinate decision making bodies.***

### 3. Background

- 3.1 Nelson City Council has five governing Committees, and several subcommittees and subordinate decision making bodies (see attachment 1 for a list of committees).
- 3.2 Māori are represented on the Environment Committee, Nelson Regional Sewage Business Unit, and the Nelson Tasman Regional Landfill Business Unit.
- 3.3 Nelson City Council has also progressed Māori input into decision-making through:
- (i) The formalisation of the Iwi-Council Partnership Group established in 2018, involving eight iwi Chairs, the Mayor and three elected members. The Partnership Group meet



Item 6: Māori Representation in Council

quarterly to discuss a partnership agreement, and the development of an engagement and partnering strategy;

- (ii) The appointment of two Māori representatives to the Nelson Regional Development Agency (NRDA).

3.4 Other existing opportunities for Māori to have input into Council decision making include:

- (i) The Mayor's role as a member of the Whakatū Marae Kōmiti Whakahaere;
- (ii) The appointment of dual kaumātua roles of Koroheke and Rūruhi to provide cultural assistance to the Mayor and Council for official occasions;
- (iii) A dedicated Māori Partnerships Team who provide cultural leadership to the organisation. This team is led by the Kaihautū, who reports directly to the Chief Executive, and sits on the executive team;
- (iv) The Nelson City Council and Iwi Managers Forum; Te Ohu Toi Ahurea (Arts & Heritage group) and Te Ohu Taiao (Environmental group) meet quarterly to discuss engagement at management and operational levels.
- (v) The Iwi Working Group who guide, inform and provide meaningful engagement in the development of Whakamahere Whakatū – the Nelson Plan;
- (vi) Māori whānau, hapū and iwi are also invited to provide input at workshops on various Council led projects, such as strategies on climate change, ageing, heritage and the Nelson Plan.

3.5 In 2011, Council exercised the powers of a local authority under section 19Z Local Electoral Act 2001 by resolving that the district be divided into one Māori ward.

*THAT Council resolve that a Māori ward be established for the 2013 Local Government Elections in accordance with section 19Z of the Local Electoral Act 2001.*

3.6 The Council in its submission to the Local Government Commission supported Māori representation in the form of a Māori Ward to provide for more effective and efficient Council engagement with Māori. This was

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supported as Māori have distinct and specific interests in the governance issues of the region.

- 3.7 Following a poll, a Māori ward for Nelson was not supported by voters. 15,387 votes were received (43.4% return) with 12,298 votes against the proposal and 3131 for it. In percentage terms, 79.41% of votes counted were against the proposal and 20.22% for. This showed the Nelson community was not ready to take this step.
- 3.8 The lack of community support for Māori wards following a poll is not unique to Nelson, and has been the outcome for a number of other regions around the Country. Including, Western Bay of Plenty, Whakatane, Palmerston North, Manawatu, Kaikoura and New Plymouth.
- 3.9 In 2017, a bill was submitted to Government by the Green Party to support Māori wards which was lost 71 to 48.
- 3.10 In 2018, Local Government New Zealand (LGNZ) requested government change the Electoral Act to be consistent with how other wards are created. Nelson City Council supported this amendment to be made.

#### **4. Discussion**

- 4.1 Nelson City Council recognises the value and benefits of having Māori input into Council decision making. Setting up a Māori ward, or increasing the number of Māori representatives on Council committees aligns with the principles of the Treaty, as well as satisfying the LGA 02. However, there are a number of constraints in pursuing a Māori ward as experienced in 2011.
- 4.2 One opportunity is to continue to formalise Māori representation on Council committees. This approach would require endorsement by Council, and iwi would need to identify the priority Council committees, subcommittees and subordinate decision making bodies they would like Council to consider Māori representation on.
- 4.4 The appointment process may follow a similar process to how external appointments are made to Council committees, such as the Nelson Regional Sewage Business Unit or the Nelson Tasman Regional Development Agency. In the past, iwi have either nominated a Māori representative to the committee, or have been a part of an interview panel to select an appointment. Meeting fees would align with existing payment models for external appointees.

#### **5. Statutory Consideration Provisions**

##### ***Local Government Act 2002 (LGA 02)***

- 5.1 The purpose of the Local Government Act 2002 (LGA 02) is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and provides a framework and powers for local authorities to decide which activities they undertake and the

Item 6: Māori Representation in Council

manner in which they will undertake them; and promotes the accountability of local authorities to their communities.

- 5.2 In performing its role, there are several obligations under the LGA 02 concerning Māori. The key obligation is in section 81 of the LGA 02, which provides:

*Contributions to Decision-making Processes by Māori*

(1) A local authority must –

- (a) *establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and*
- (b) *consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and*
- (c) *provide relevant information to Māori for the purposes of paragraphs (a) and (b).*

(2) A Local authority, in exercising its responsibility to make judgements about the manner in which subsection (1) is to be complied with, must have regard to –

- (a) *the role of the local authority, as set out in section 11; and*
- (b) *such other matters as the local authority considers on reasonable grounds to be relevant to those judgements.*

- 5.3 The Council also has more specific obligations concerning Māori involvement in consultation and decision-making. Section 82(2) of the LGA 02 requires the Council to "ensure that it has in place processes for consulting with Māori" that comply with the principles of consultation in section 82(1). Also, section 77 sets out the matters that the Council must address in any decision-making process: in addition to identifying all reasonably practicable options and assessing those options, the Council is obliged to take certain matters concerning Māori into account where they are relevant. Section 77(1)(c) provides:

*A local authority must, in the course of the decision-making process, ... if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.*

- 5.4 Participation by Māori is also recognised in the key principles that apply to local authorities under section 14 of the LGA 02. Section 14(1)(d) requires the Council to act in accordance with the following principle when performing its role: "A local authority should provide opportunities for Māori to contribute to its decision-making processes". Typically this

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principle will be satisfied by the Council meeting its particular obligations in sections 81, 82(2), and 77(1)(c) outlined above.

- 5.5 Section 4 of the LGA 02 provides some context for these particular obligations:

*In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.*

**Local Electoral Act 2001 (LEA)**

- 5.6 The Local Electoral Act 2001 (LEA) governs the establishment of representation arrangements for local authorities. Local authorities in making decisions under the Act must take into account the principles specified in section 4(1) that include fair and effective representation for individuals and communities.
- 5.7 The LEA was amended in 2002 by the Local Electoral Amendment Act 2002, which introduced into its parent Act the option for adoption of Māori constituencies and Māori wards, by resolution of the council and through demand for a poll. Māori wards (in the case of territorial authorities) and Māori constituencies (in the case of regional councils) are provided for in new sections 19Z-19ZH.
- 5.8 Under the LEA local authorities are required to review their representation arrangements at least once every six years. There are three processes that form a review of democratic arrangements:
- (a) *A review of the electoral system*
  - (b) *A review of Māori wards*
  - (c) *A review of representation arrangement.*

**Review of Māori Wards**

- 5.9 A review of Māori wards (sections 19Z – 19ZH of the Local Electoral Act 2001) is optional. If a local authority did choose to introduce Māori wards, its decision will be effective for the next two triennial elections only. To introduce Māori wards for the 2022 elections, the Council would need to make its resolution to introduce Māori wards by 23 November 2020.
- 5.10 There is no requirement for Council to use special consultative procedure for this decision. However, in addition to the usual decision-making requirements in the LGA 02, there are a number of procedural processes that need to be followed.

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- 5.11 If a resolution has been made by a local authority to introduce Māori wards, a local authority **MUST** give public notice of this resolution by 30 November 2020, advising electors that they may at any time demand that a poll be held on whether the Council's decision on the introduction of Māori wards can proceed.
- 5.12 The mechanism to demand a poll is for 5% or more of the eligible electors in the district to sign a written demand (sections 19Z-19ZC). If a demand for a poll is received by 21 February 2021, a poll must be held by 21 May 2021 (within 89 days of notification). However, notwithstanding this requirement, the Council may, at anytime resolve that a poll be held on whether a district/region is divided into Māori wards/constituencies (section 19ZD).
- 5.13 In the event that a Māori ward were to be established in the Nelson district, then an optional 'add-on' available to the Council would be to establish a Māori Community Board for that ward. A Māori Community Board could help Council to meet the requirement of the Local Government Act 2002. It may provide a mechanism for Māori to contribute to decisions of the Council in terms of:
- (a) Representation (providing a voice)
  - (b) Processes (preparing relevant plans and policies)
  - (c) Resources (water, taonga, mahinga kai)
  - (d) Relationships (kanohi ki te kanohi) and building understanding.

**6. Options**

| <b>Option 1: Māori Wards</b>   |  |
|--|--|
| Advantages   | <ul style="list-style-type: none"> <li>One Māori member of Council;</li> <li>Ensures Māori perspective is considered in decision-making.</li> </ul>  |
| Risks and Disadvantages  | <ul style="list-style-type: none"> <li>Only one Māori Councillor elected;</li> <li>A poll to put the resolution to vote only requires 5% of eligible electors in the district;</li> <li>Nelson community unlikely to support it due to public perceptions of preferential treatment of Māori wards.</li> </ul> |
| <b>Option 2: Increase Māori representation on Council Committees</b> |  |
| Advantages   | <ul style="list-style-type: none"> <li>Māori representation can be shared across individuals across committees;</li> </ul>   |

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|                         |  |
|-------------------------|--|
|                         | <ul style="list-style-type: none"> <li>• Focused appointments based on skill set;</li> <li>• Ensures Māori perspective is considered in decision-making;</li> <li>• Influential in discussion and debate of decision making process;</li> <li>• More opportunities to influence decisions across Council;</li> <li>• Minimise public perceptions of preferential treatment of a Māori ward.</li> </ul> |
| Risks and Disadvantages | <ul style="list-style-type: none"> <li>• Not a Councillor;</li> <li>• No ability to participate in discussions or decisions at Council level;</li> <li>• No voting rights on Council committees;</li> <li>• Requires iwi time and involvement in the appointment process.</li> </ul>   |

## 7. Conclusion

7.1 Option 2 is the recommended option to increase Māori representation on Council Committees, Subcommittees and subordinate decision making bodies. This approach enables more opportunities for iwi/Māori input in Council decisions.

7.2 Council are at the start of a process to understand how iwi wish to increase Māori decision making in Council. The next step will be to prepare papers for Council requesting support to:

- (i) increase Māori representation on Council Committees, subcommittees and subordinate decision making bodies; and
- (ii) develop a policy for Māori representation on Council Committees, subcommittees and subordinate decision making bodies.

**Author:** Pania Lee, Kaihautu

## Attachments

Attachment 1: Council Committees, Subcommittees and subordinate decision making bodies (A2403570)

## Council committees and appointments

### MAYOR

Rachel Reese

### DEPUTY MAYOR

Judene Edgar

### Governing Committee

| Committee                     | Chair         | Deputy Chair                            | Membership  |
|-------------------------------|---------------|---|---|
| <b>Governance and Finance</b> | Rachel Sanson | Gaile Noonan                            | Trudie Brand<br>Yvonne Bowater<br>Mel Courtney<br>Judene Edgar<br>Kate Fulton<br>Matt Lawrey<br>Brian McGurk<br>Rohan O'Neill-Stevens<br>Pete Rainey<br>Tim Skinner<br>External<br>Appointees x 2 |
| <b>Environment</b>            | Kate Fulton   | Brian McGurk<br>(Nelson Plan Lead Role) | Trudie Brand<br>Yvonne Bowater<br>Mel Courtney<br>Judene Edgar<br>Matt Lawrey<br>Gaile Noonan<br>Rohan O'Neill-Stevens<br>Pete Rainey<br>Rachel Sanson<br>Tim Skinner                             |

## Item 6: Māori Representation in Council: Attachment 1

| Committee                    | Chair        | Deputy Chair          | Membership  |
|------------------------------|--------------|-----------------------|---|
|                              |              |                       | External<br>Appointee x 1   |
| <b>Community Services</b>    | Matt Lawrey  | Yvonne Bowater        | Trudie Brand<br>Mel Courtney<br>Judene Edgar<br>Kate Fulton<br>Brian McGurk<br>Gaile Noonan<br>Rohan O'Neill-Stevens<br>Pete Rainey<br>Rachel Sanson<br>Tim Skinner   |
| <b>Sports and Recreation</b> | Tim Skinner  | Trudie Brand          | Yvonne Bowater<br>Mel Courtney<br>Judene Edgar<br>Kate Fulton<br>Matt Lawrey<br>Brian McGurk<br>Gaile Noonan<br>Rohan O'Neill-Stevens<br>Pete Rainey<br>Rachel Sanson |
| <b>Infrastructure</b>        | Brian McGurk | Rohan O'Neill-Stevens | Trudie Brand<br>Yvonne Bowater<br>Mel Courtney<br>Judene Edgar<br>Kate Fulton<br>Matt Lawrey<br>Gaile Noonan<br>Pete Rainey<br>Rachel Sanson<br>Tim Skinner           |

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## Subcommittees

| Committee             | Chair                             | Deputy Chair                      | Membership   |
|-----------------------|-----------------------------------|-----------------------------------|--|
| <b>Audit and Risk</b> | External Appointee<br>John Peters | External Appointee<br>John Murray | Mayor Reese<br>Deputy Mayor<br>Chair of the Governance and Finance Committee |

## Other Committees

| Committee                                       | Chair   | Deputy Chair          | Membership  |
|---|---|-----------------------|---|
| <b>Chief Executive Employment</b>               | Mayor Reese   | Deputy Mayor<br>Edgar | Gaile Noonan<br>Pete Rainey   |
| <b>Civil Defence Emergency Management Group</b> | Alternates between<br>Mayor Reese and<br>Mayor King (TDC) | None appointed        | Mayor Reese<br>Mayor King (TDC)<br>Stuart Bryant (TDC)<br>Judene Edgar  |
| <b>Joint Committee</b>                          | Alternates between<br>Mayor Reese and<br>Mayor King (TDC) | None appointed        | All Elected Members<br>of Nelson City and<br>Tasman District Councils   |
| <b>Joint Shareholders Committee</b>             | Alternates between<br>Mayor Reese and<br>Mayor King (TDC) | None appointed        | Tasman District Elected<br>Members Stuart Bryant<br>Christeen Mackenzie<br>Kit Maling<br>David Ogilvie<br><br>Nelson City Elected<br>Members Rachel Reese<br>Mel Courtney<br>Judene Edgar<br>Brian McGurk |

## Item 6: Māori Representation in Council: Attachment 1

|  |  |   |  |
|--|--|---|--|
|  |  |   | Gaile Noonan<br>Rachel Sanson  |
| <b>Regional Transport</b>                                    | Brian McGurk                           | Judene Edgar                              | Mayor Reese<br>Rohan O'Neill-Stevens<br>Jim Harland (NZTA<br>Representative)   |
| <b>Nelson Regional<br/>Sewerage<br/>Business Unit</b>        | Kit Maling (TDC)                       | Tim Skinner                               | Trevor Tuffnell (TDC)<br>Brian McGurk<br>Brendon Silecock<br>(Independent Member)<br>Frank Hippolite (Iwi<br>Representative)<br>Philip Wilson (Industry<br>Representative) |
| <b>Nelson Tasman<br/>Regional Landfill<br/>Business Unit</b> | Judene Edgar                           | Trindi Walker<br>(TDC)                    | Stuart Bryant (TDC)<br>Kate Fulton<br>Andrew Stephens (Iwi<br>Representative)  |
| <b>District Licensing</b>                                    | External commissioner                  | Kate Fulton                               | Gaile Noonan   |
| <b>Resource<br/>Management<br/>Act Procedures</b>            | Appointed by<br>Committee              | Appointed by<br>Committee                 | Mayor Reese<br>Kate Fulton<br>Brian McGurk   |
| <b>Hearings Panel –<br/>Resource<br/>Management Act</b>      | n/a – Panel constituted<br>as required | n/a – Panel<br>constituted as<br>required | Mayor Reese<br>Kate Fulton<br>Brian McGurk<br>Tim Skinner  |
| <b>Hearings Panel –<br/>Other</b>                            | n/a – Panel constituted<br>as required | n/a – Panel<br>constituted as<br>required | All councillors  |

|                                |                                   |     |   |
|--------------------------------|-----------------------------------|-----|---|
| <b>Saxton Field Committee</b>  | Derek Shaw<br>(Independent Chair) | n/a | Kit Maling (TDC)<br>Trevor Tuffnell (TDC)<br>Judene Edgar and Tim Skinner   |
| <b>Forestry Advisory Group</b> | External Appointee<br>John Murray | n/a | Mayor Reese<br>Rachel Sanson<br>Peter Gorman (Independent Forestry Expert)<br>Alec Louverdis (Group Manager Infrastructure) |

## Other

| <b>Group</b>              | <b>Chair</b>                                  | <b>Deputy Chair</b> | <b>Membership</b>   |
|---------------------------|---|---------------------|---|
| <b>Youth Council</b>      | n/a – appointed by Youth Council              | n/a                 | All councillors on rotation   |
| <b>Biodiversity Forum</b> |   |                     | Councillor liaison roles held by Kate Fulton<br>Brian McGurk<br>Rachel Sanson   |
| <b>Sister Cities</b>      | Sister Cities Coordinator<br>Gail Collingwood | n/a                 | Mayor Reese<br>Bill Findlater<br>Marilyn Gibbs<br>Lyndal McMeeking<br>Barbara Markland<br>Helen Tyson<br>Councillor Trudie Brand<br>Youth Councillor Jasmine Wayman |

Item 6: Māori Representation in Council: Attachment 1

| Group                                | Chair       | Deputy Chair | Membership   |
|--------------------------------------|-------------|--------------|--|
| <b>Developer Advisory Group</b>      | n/a         | n/a          | Mayor Reese<br>Mel Courtney<br>Matt Lawrey   |
| <b>Greenmeadows Working Party</b>    | n/a         | n/a          | Mayor Reese<br>Chair and Deputy Chair of<br>Community Services<br>Chairperson Audit and Risk<br>Subcommittee |
| <b>City Centre Working Group</b>     | Pete Rainey | Mel Courtney | Mayor Reese<br>Trudie Brand<br>Matt Lawrey<br>Gaile Noonan   |
| <b>Iwi-Council Partnership Group</b> | Rotation    | n/a          | Mayor Reese<br>Judene Edgar<br>Matt Lawrey<br>Rachel Sanson<br>Iwi Representatives                           |



22 March 2018

Rt Hon Jacinda Ardern  
Prime Minister  
Leader of the Labour Party  
Parliament Buildings  
WELLINGTON

Rt Hon Winston Peters  
Deputy Prime Minister  
Leader of New Zealand First  
Parliament Buildings  
WELLINGTON

Hon James Shaw  
Leader of the Green Party  
Parliament Buildings  
WELLINGTON

Dear Leaders

**Removing the poll for Māori wards and constituencies – an open letter to the Government**

**Ngā mihi kia koutou kī runga i ngā tini āhuatanga ō te wā, greetings to you all during this time of many and varied issues.**

We are writing to you in your role as the three leaders of our governing coalition on behalf of our members, the 78 local authorities of New Zealand. This letter seeks your support to remove those sections (s.19ZA to 19ZG) of the Local Electoral Act 2001 (LEA) that allow for polls of electors on whether or not a city, district or region can establish Māori wards and constituencies.

Following its decision in 2001 to establish Māori constituencies for the Bay of Plenty Regional Council, Parliament amended the LEA to give this power to councils, in consultation with their citizens. The amendment also allowed electors, through a binding poll, to either require a council to establish wards and constituencies or overturn a council decision to that effect.

The changes to the LEA were intended to increase Māori representation in local authorities but the intent has failed, largely due to the nature of the poll provisions; provisions which do not apply to any other type of ward or constituency. The binding poll only applies to Māori wards and constituencies.

Since 2002, in fact, the only Māori wards or constituencies so far established have been the constituencies introduced by the Waikato Regional Council, by resolution, in 2013 and the Māori wards, agreed by poll, in Wairoa in 2016. Over this period many polls have been held at the request of iwi to establish Māori wards only to be lost and in a number of instances councils have resolved to establish Māori wards only to have their decisions overturned by a poll of voters, for example, in New Plymouth District prior to the 2016 local elections.

Currently five councils have resolved to establish Māori wards; these are Kaikoura District Council, Manawatu District Council, Western Bay of Plenty District Council, Whakatāne District Council and Palmerston North City Council, and each council is facing a binding poll that could reverse their decisions. Should any of the polls succeed (a simple majority is all that is required) then not only will the proposed Māori wards not be established, but no future consideration of Māori wards will be able to take place until after the 2022 local authority elections.

As noted, these poll provisions apply only to the establishment of Māori wards and constituencies. That they do not apply to other wards and constituencies marks the provision as discriminatory to Māori and inconsistent with the principle of equal treatment enshrined in the Treaty of Waitangi. Either the poll provisions should apply to all wards or they should apply to none. The discriminatory nature of these polls is not acceptable.

Of equal concern, the polls reduce a complex issue to a simple binary choice, which, by encouraging people to take sides, damages race relations in our districts. Matters of representation and relationships should be addressed in a deliberative manner that employs balanced and considered dialogue – not by poll. In fact, a poll is not necessary. Should a council resolve to establish Māori wards or constituencies, or any other ward, against the wishes of its community then the community has the option to hold that council to account at the next election – this is how representative democracy is intended to work.

It is imperative that the Government acts to address the unfairness created by the poll provisions and put in place a legislative framework that will enable mature and constructive conversations about options for Māori representation in local authorities. We acknowledge that the answers will vary from place to place, which is appropriate, but resorting to simplistic and emotion-fuelled campaigns to seek signatures and votes is not good for our communities.

We intend to share this letter widely with our members and the public and look forward to meeting with you to discuss our request and share with you the reasons why we believe this is an important and urgent matter for parliament to consider.

Nāku iti nei, nā

A handwritten signature in black ink, appearing to read 'Dave Cull', written in a cursive style.

Mayor Dave Cull  
President  
Local Government New Zealand

CC: Hon Nanaia Mahuta, Minister of Local Government  
Hon Kelvin Davis, Minister for Crown/Māori Relations

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## **Allocation of Climate Change Reserve Funding**

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

- 1.1 To provide funding from the climate reserve to undertake work that is critical to achieving Council's climate change priorities.

### **2. Recommendation**

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

- 1. Receives the report Allocation of Climate Change Reserve Funding (A20265); and***
- 2. Allocates \$139,620 of the remaining funds within the climate reserve for the purpose of undertaking priority climate change work in advance of the Long Term Plan, including preparation of an Emissions Reduction Action Plan; and***
- 3. Agrees that a sum of \$20,000 remain in the Climate Change Reserve for community initiatives and if not used by May 2021, this funding go towards the priority climate change work outlined in report R20265.***

### **3. Background**

#### **Climate change work required**

- 3.1 At the Council meeting on 13 August 2020, emission reduction targets for Council's own activities were adopted (report R17034):

*Resolved CL/2020/001*

*Commits to adopting the five-year emissions reductions budgets to be confirmed by government in 2021 as a way of ensuring Council takes early and substantive action towards achieving*

## Item 9: Allocation of Climate Change Reserve Funding

*carbon neutral status with measurable positive changes by 2025;*

*Agrees that Nelson City Council adopts targets for Council's own greenhouse gas emissions reductions that are in line with the Government targets (i.e., all GHGs other than biogenic methane achieve net zero emissions by 2050); and*

*Agrees that Nelson City Council adopts the Government targets for Council's own greenhouse gas emissions reductions (i.e., net zero emissions of all GHGs other than biogenic methane by 2050, and a 24 to 47 per cent reduction below 2017 biogenic methane emissions by 2050, including 10 per cent reduction below 2017 biogenic methane emissions by 2030); and*

*Agrees that work is undertaken to develop specific emission reduction projects for inclusion in the Long Term Plan 2021-31, along with development of a comprehensive Council "Emissions Reduction Action Plan" in line with timeframes to produce the upcoming Long Term Plan; and*

- 3.2 This report seeks approval to allocate \$139,620 from the Climate Change Reserve to progress these resolutions and other priority work, acknowledging that there is no other single source of funding available explicitly for climate change work within the Council.

## 4. Discussion

### The Climate Change Reserve

- 4.1 To date a number of community-led and Council-led projects have accessed funding from the climate reserve fund, as shown in the following table:

|   |           |
|---|-----------|
| <b>Total fund value</b>                 | \$500,000 |
| <b>Allocated funding</b>                | \$340,380 |
| Preparation for Danish delegation visit | \$20,000  |
| City centre spatial plan development    | \$100,000 |
| E-bike for food waste collection        | \$9,000   |
| Food waste trial                        | \$120,000 |
| Nelson Tasman Climate Forum             | \$62,500  |
| Businesses for Climate Action           | \$28,880  |
| <b>Remaining funds</b>                  | \$159,620 |

### Use of remaining funds

- 4.2 This report proposes that \$139,620 of the remaining funds in the climate reserve would be used internally (i.e., providing for temporary



## Item 9: Allocation of Climate Change Reserve Funding

staff/contractors and expert advice) to assist in the delivery of the following projects and activities:

- Development of the initial ERAP, including the development of specific emission reduction projects for consideration within the LTP;
- Exploring the scope of climate adaptation work required by Council (including the expectations arising from the National Climate Change Risk Assessment and the upcoming National Adaptation Plan) and development of an initial project plan for that workstream;
- Accessing expert advice and other analysis to support development of climate change initiatives in the LTP;
- Undertaking an assessment of the financial risk/liability that Council may face with respect to climate impacts, including requirements for reporting to central government.

4.3 The last bullet is a new area of work related to the need for councils to provide climate change related information to government under the Climate Change Response Act. The Ministry for the Environment has signalled that the first request will be made very soon, seeking information on how councils are preparing for the impacts of climate change. It is expected that an increasing number of such requests for information will be forthcoming, including on the level of risk exposure or liability that councils face. There is therefore a need for Council to prepare appropriately, and have the systems in place to effectively respond to those requests.

4.4 Officers consider that leaving a sum in the climate reserve available for community initiatives is important. The amount remaining under this proposal for such purposes is \$20,000. Access to this funding would require agreement from Council, consistent with the current process. During development of the LTP the concept of making a similar type of fund available for community climate initiatives could be considered.

## 5. Options

| <b>Option 1: Allocate Climate Change Reserve funding for priority climate change work (recommended)</b> |  |
|---|--|
| Advantages  | <ul style="list-style-type: none"><li>• Allows progress to be made on the ERAP in time to feed into the LTP</li><li>• Work on climate adaptation can be progressed in a timely way</li><li>• Council can be prepared for information requests required under the Climate Change Response Act</li></ul> |

## Item 9: Allocation of Climate Change Reserve Funding

|   |   |
|---|---|
| Risks and Disadvantages                                   | <ul style="list-style-type: none"><li>• With most of the funding allocated to priority work there will be limited funds to respond to other climate change matters as they arise</li><li>• Funding for community initiatives would be limited to \$20,000</li></ul> |
| <b>Option 2: Retain funding in Climate Change Reserve</b> |   |
| Advantages  | <ul style="list-style-type: none"><li>• Council has funding available should new workstreams or more significant community proposals emerge</li></ul>   |
| Risks and Disadvantages                                   | <ul style="list-style-type: none"><li>• Work on climate change priorities cannot progress at pace</li><li>• Council lacks good information on which to base climate change related funding in the LTP</li></ul>   |

## 6. Conclusion

- 6.1 There are a number of important climate change workstreams that need extra resource to progress. Officers recommend that funding be allocated from the Climate Change Reserve to allow work to continue at pace.

**Author:** Chris Cameron, Climate Change Champion

### Attachments

Nil

|   |
|---|
| <p><b>Important considerations for decision making</b></p>  |
| <p><b>1. Fit with Purpose of Local Government</b></p> <p>Allocating funding to allow priority climate change work to proceed contributes to the economic, environmental and social wellbeing of the Nelson community by progressing readiness for adaptation responses and planning for emissions reductions.</p>   |
| <p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>The decisions requested in this report contribute to the following community outcomes:</p> <p>Our communities are healthy, safe, inclusive and resilient</p> <p>Our Council provides leadership and fosters partnerships, a regional perspective and community engagement</p> <p>Our urban and rural environments are people-friendly, well planned and sustainably managed</p> <p>Our unique natural environment is healthy and protected</p> |
| <p><b>3. Risk</b></p> <p>Approving use of this funding reduces risk by helping climate change preparedness and advancing work in priority areas. If the funding is not approved there is a risk that appropriate allocations in the LTP will be more difficult without good information on climate change project requirements.</p>   |
| <p><b>4. Financial impact</b></p> <p>The funding requested is from an existing allocation.</p>  |
| <p><b>5. Degree of significance and level of engagement</b></p> <p>This matter is of low significance as it is using an existing budget and progressing work which will be considered further by Council, including through the LTP development process.</p>  |
| <p><b>6. Climate Impact</b></p> <p>This report directly impacts on Council's ability to adequately address the impacts of climate change by progressing priority workstreams.</p>   |
| <p><b>7. Inclusion of Māori in the decision making process</b></p> <p>No engagement with Māori has been undertaken in preparing this report.</p>  |

**8. Delegations**

Allocation of the Climate Change Reserve is a decision for Council.

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## **Intensification Action Plan**

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

- 1.1 To approve the draft Intensification Action Plan to assist in delivery of Nelson's objectives under the Nelson Tasman Future Development Strategy.
- 1.2 Directs that a provisional budget of \$50,000 be included the draft Long Term Plan 2021-31 (over years 1 to 3) for a City Centre Residential Conversion Fund, noting that officers will report back on its criteria.

### **2. Summary**

- 2.1 The Nelson Tasman Future Development Strategy (FDS) was adopted by the Nelson and Tasman Joint Committee on 26 July 2019. It is a high level strategy to guide how the two areas intend to grow over the next thirty years and sets out the role that both greenfield (expansion and intensification) and brownfield (intensification) have to play in accommodating Nelson's future growth.
- 2.2 Recognising that intensification is harder to achieve, the FDS recommended development of an Intensification Action Plan (IAP) to support its intensification objectives. The intention behind the IAP is to accelerate a change in housing supply towards intensification through a number of levers that are within Council's control. This includes facilitating a coordinated response across different business units in Council.
- 2.3 The IAP is a whole of Council action plan for Nelson, and once approved will sit alongside other guiding documents that inform Council's Activity Management Plans, Long Term Plans, draft Whakamahere Whakatū Nelson Plan, Infrastructure Strategy, Regional Land Transport Plan and other guiding documents of Council. Delivery of its actions will be dependent on Council's priorities over time, with timings and actions adjusted accordingly.
- 2.4 To achieve the Government's growth agenda Council may wish to consider taking a more direct role in addressing housing capacity. Officers will report back on options for Council to consider on how it might take a more direct role at the meeting 12 November 2020.

### 3. Recommendation

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

- 1. Receives the report Intensification Action Plan (R13749) and its attachment (A2410696); and***
- 2. Approves the Intensification Action Plan (A2410696); and***
- 3. Directs that a provisional budget of \$50,000 be included the draft Long Term Plan 2021-31 (over years 1 to 3) for a City Centre Residential Conversion Fund.***

### 4. Background

- 4.1 The FDS seeks to accommodate 60 percent of its projected growth over the next thirty years by intensification in the Nelson Urban Area (that being Nelson, Richmond and Hope). Intensification helps to achieve many of Council's broader goals, such as modal shift and carbon reduction.
- 4.2 At its meeting on 26 July 2019 to adopt the FDS Council resolved;
- "Requests officers to prepare an Intensification Action Plan to enable and incentivise intensification."*
- 4.3 The resolution came from the FDS's recommendation to develop an IAP that is to include at least the following initiatives:
- Identify, research and collate information on housing preferences.
  - Develop a strategy for improvements to transport, reserves and community facilities in areas subject to intensification.
  - Review of Development Contributions policies to ensure that they better reflect costs associated with different types and locations of growth (intensification versus expansion).
  - Explore acquisition of key sites to help catalyse development and/or achieve strategic public realm outcomes.
  - Consideration of partnerships with Community Housing Providers, Housing New Zealand and potential Urban Development Authorities to facilitate redevelopment of public land holdings.
  - Collaboration with private sector housing providers on possible 'pilot' projects to demonstrate high-quality, feasible intensification projects in appropriate locations.

## Item 10: Intensification Action Plan

- Development of educational and guidance material for applicants to facilitate good quality design outcomes.
- Identify intensification areas that could be progressed (up zoned) in the short to medium term.

### 5. Discussion

- 5.1 The draft IAP has taken into consideration the initiatives noted in 4.3 above, Council's feedback following approval of the IAP scope (R10376) at a meeting 19 September 2019 and from a Council workshop on potential actions held on 18 February 2020. It has also been prepared with input from different Council business units.
- 5.2 The Tasman District Council has developed a separate action plan for its district and this was approved at its meeting 20 August 2020. A link to its action plan can be found here: [TDC's Intensification Action Plan](#). Although the Action Plans are different, reflecting that each district has specific actions to focus on relevant to the identified impediments to intensification, they are aligned to achieve the objectives of the FDS across both districts. They are also set out in a similar manner to make it easier for the public to follow.
- 5.3 The draft IAP is also designed to form a strong foundation for future actions to occur. With housing supply controlled by developers, central government, community housing providers and iwi, establishing and building relationships to see a wider diversity of housing provided in the future also forms a key function of the IAP.
- 5.4 The scope that was approved by Council identified the following four work streams; Perception, Regulation, Infrastructure and Cost. Since then the 'Perception' work stream has been renamed 'Housing Preference' to reflect a wider range of actions and to align it with the approach taken by the Tasman District Council.
- 5.5 The draft IAP, once adopted, will be reviewed and updated alongside the FDS. Officers propose that an update on actions from the IAP is reported to Council annually in conjunction with National Policy Statement on Urban Development (NPS-UD) monitoring reports.

### National Policy Statement on Urban Development

- 5.6 The Government released its updated NPS-UD in July 2020. The statement replaces the previous 2016 statement on urban development capacity and imposes a number of new requirements for Council, which has been assessed as a Tier 2 Urban Environment. The updated NPS-UD can be found here: [NPS-UD](#). A summary of the new requirements can be found here: [NPS-UD Guide](#).
- 5.7 Where possible, actions to support the new requirements have been included in this draft IAP in preparation for the objectives that will be required in the next FDS and its subsequent implementation / action plan.

## Item 10: Intensification Action Plan

- 5.8 Officers are awaiting further Government guidance on the requirements of the implementation plan under policy 3.18 of the NPS-UD, noting that in future it will be a requirement that the implementation plan for the urban environment be jointly prepared as a single document with Tasman District Council.

### **Workstreams in the IAP**

- 5.9 The four workstreams that are outlined below have been designed to:
- 5.9.1 Provide a coherent and coordinated work programme across different parts of the Council and in key documents.
  - 5.9.2 Support development including development by private landowners, social housing providers and/or large developers.
  - 5.9.3 Add to urban amenity through quality design.
  - 5.9.4 Provide certainty of intensification capacity in agreed areas.
  - 5.9.5 Provide designated funding in support of specific projects.

### **Housing preference**

- 5.10 The housing preference workstream aims to support high-quality and well-functioning intensification projects including those by other parties. In practice this means:
- Officers will actively seek to maintain and build relationships, and assist those with an interest in intensified housing development including developers, private landowners and social housing providers as well as Te Tau Ihu iwi, reporting back on partnership opportunities as they arise.
  - Continuing to provide support and advice on high quality and well-functioning urban design of intensification projects.
  - Extending Council's assessment, monitoring and reporting of housing capacity and demand in the city.
  - Leading and promoting successful projects to raise awareness of the benefits intensification can provide.
- 5.11 The Housing Preference actions propose exploration of the use of one or more Council owned assets for an exemplar development. The benefit of a project of this type is to demonstrate the positive market perception of what intensification can provide and use it to build developer and buyer confidence while promoting intensified housing. It is also a means for Council to increase market supply and uptake rates. The next step will involve officers preparing a report to Council on options to progress this action.



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- 5.12 Meanwhile, officers have increased the proposed budget for the Urban Design Panel through the draft LTP 2021-31 (from \$30,000 to \$50,000 per year) to accommodate the increase in advice on quality intensification that is expected.

### **Regulation**

- 5.13 Regulation actions focus on ensuring the regulatory environment enables intensification. In practice this means:

- The draft Nelson Plan enables intensification as well as provides for a range of housing types in a range of locations.
- Developing educational and guidance material to assist applicants understand what is involved in, and how to navigate resource consent and building requirements e.g. for backyard infill and commercial to residential conversions in the city centre.
- Ensuring Council responds to national direction on urban development.

- 5.14 A range of planning methods are proposed in the draft NP in support of medium density housing intensification and to align the Plan with the NPS-UD.

### **Infrastructure**

- 5.15 Infrastructure (including reserves) actions focus on ensuring that capacity is available to provide for intensification at the rate required. In practice this means:

- Development of cross business unit Neighbourhood Asset Upgrade Plans. These will be developed over the life of the Long Term Plan and programmed in advance of major infrastructure upgrades of intensification areas to ensure infrastructure planning is integrated to achieve desired outcomes.
- Bulk programming of infrastructure investment through the Long Term Plan for the short to medium term that provides sufficient capacity relative to uptake rates achieved.
- Ensure that infrastructure policies provide for future intensification.
- A new level of service for the upgrade of existing urban reserves.
- That where possible, other public realm improvements support intensification objectives e.g. the city centre programme strengthens the city as an attractive place to live.

- 5.16 Currently the draft Long Term Plan 2021-31 has infrastructure programming for two of the six decade one intensification areas (cream of the crop). These are for the City Centre to be completed in year

## Item 10: Intensification Action Plan

2031/32 and Victory to be completed in year 2031/32. Washington Valley has also been programmed for an upgrade to be completed in year 2026/27 and will therefore have infrastructure capacity for greater intensification.

- 5.17 The areas identified in the FDS that have not be catered for in the next ten years include:
- Hospital/Nelson South
  - Waimea Road
  - Stoke School
  - The Brook.
- 5.18 The reason for the timing reprioritisation of infrastructure capacity across all six areas is due to the significant cost to provide these services, estimated at \$81 million, and the ability of Council officers to deliver a larger work programme.
- 5.19 The key to achieving residential intensification in Nelson is not simply down to enabling zoning and infrastructure provision. Council needs to achieve an uptake rate (rate of conversion of standard development densities to medium density) in order to obtain meaningful intensification. Currently uptake rates are very low. The additional \$56 million to provide infrastructure to six intensification areas instead of two is expected to only yield a small number of additional dwellings, estimated at approximately 250, under current uptake rates. Council could consider options to improve the uptake rate of intensification and a report on this will be brought back to Council, and on the establishment of a City Centre Residential Conversion Fund.
- 5.20 It would be more reasonable to programme infrastructure roll out to intensification areas once uptake rates have begun to increase. Some intensification can be accommodated within the infrastructure capacity of existing areas before significant upgrades are required, therefore the current programme is considered to be an efficient use of resources and will be reviewed through a variety of mechanisms including the updated FDS and future LTPs.

### **Cost**

- 5.21 The Cost actions focus on ensuring that Council's financing and funding tools are targeted to enable intensification. In practice this means:
- Updating the Development Contributions Policy to better align with intensification objectives.
  - Programming of infrastructure improvements at the right time by asset managers.

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- Continuing to offer private developer agreements to assist with overcoming lags in infrastructure capacity programing.
- Housing Reserve: The cost actions include Council's intention that a Housing Reserve, using proceeds from any sale of Council's housing divestment, is established and criteria for its disbursement set.
- City Centre Residential Conversion Fund: As an incentive to repurpose city centre buildings into residential it is also proposed that funding of \$50,000 be made for consideration in the draft Long Term Plan 2021-31 (over years 1 to 3), to subsidise the regulatory costs of conversion of upstairs commercial to residential in existing city centre buildings. This will be administered by the City Development Team.

## 6. Options

- 6.1 Officers are recommending option 1, that the Intensification Action Plan be adopted, to provide direction on the means by which Council will incentivise and support housing intensification in Nelson. This includes bringing back a report for decision on several actions proposed for the short term as discussed in this report.

| <b>Option 1: Adopt the draft Intensification Action Plan as attached. This is the recommended option.</b> |  |
|---|--|
| Advantages  | <ul style="list-style-type: none"> <li>• Enables officers to progress actions that support enabling the uptake rate of intensified housing</li> <li>• Signals to the developers and the community the direction that Council is taking</li> <li>• Aligns with Council's housing affordability and intensification goals</li> <li>• Aligns with the city centre liveability key move</li> <li>• Positions the Council in preparation of future requirements under the NPS-UD</li> </ul> |
| Risks and Disadvantages   | <ul style="list-style-type: none"> <li>• Requires additional funding be provided for consideration in the draft Long Term Plan 2021-31 for a City Centre Residential Conversion Fund</li> </ul>  |
| <b>Option 2: Make amendments to the draft Intensification Action Plan.</b>                                |  |
| Advantages  | <ul style="list-style-type: none"> <li>• Provides Council the opportunity to make more significant changes if necessary</li> </ul>   |
| Risks and Disadvantages   | <ul style="list-style-type: none"> <li>• Likely to require further time and delay the intensification work programme</li> </ul>  |

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|   |   |
|---|---|
|   | <ul style="list-style-type: none"><li>Has the potential to not align with the draft LTP 2021-31</li></ul>   |
| <b>Option 3: Do not adopt the draft Intensification Action Plan</b> |   |
| Advantages  | <ul style="list-style-type: none"><li>No known advantages</li></ul>   |
| Risks and Disadvantages   | <ul style="list-style-type: none"><li>Does not provide officers with direction on how to give effect to the Nelson Tasman Future Development Strategy</li><li>Does not achieve Council's goals of housing affordability and intensification</li></ul> |

## 7. Conclusion

- 7.1 The FDS identifies residential intensification as a means to provide capacity for housing growth in Nelson and the IAP provides the means by which intensification can be enabled through the levers and tools available to Council.

## 8. Next Steps

- 8.1 If the action plan is adopted as recommended the next steps are for:
- 8.1.1 Business Unit Managers to use the IAP to assist with the setting of priorities.
  - 8.1.2 Allocation of a provisional budget of \$50,000 be included in the draft Long Term Plan 2021-31 (over years 1 to 3) for a City Centre Residential Conversion Fund.
  - 8.1.3 Reports be brought back to Council; on the potential use of council property for housing development including identifying sites and options for achieving increased intensification, and on the establishment of a City Centre Residential Conversion Fund, its criteria and any resource implications for delivery.
  - 8.1.4 Inform the community of the action plan via a media release and make the Intensification Action Plan available to the public via Council's website once a final copy has been received from the designer.

**Author:** Gabrielle Thorpe, Senior City Development Adviser

## Item 10: Intensification Action Plan

### **Attachments**

Attachment 1: A2410696 - Draft Intensification Action Plan [↓](#)

|  |
|--|
| <p><b>Important considerations for decision making</b></p>   |
| <p><b>1. Fit with Purpose of Local Government</b></p> <p>The draft IAP includes actions that support Council’s role to promote the social, economic, environmental and cultural well-being of communities in the present and for the future through considered planning for growth. It also gives effect to Government direction as set out in the National Policy Statement on Urban Development.</p>   |
| <p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>Development of an Intensification Action Plan supports the following community outcomes:</p> <p><i>Our urban and rural environments are people-friendly, well planned and sustainably managed</i></p> <p><i>Our infrastructure is efficient, cost effective and meets our current and future needs</i></p> <p>The IAP will assist in the delivery of the Nelson Tasman Future Development Strategy and along with other priorities, will inform the Long Term Plan 2021-31 and the draft Whakamahere Whakatū Nelson Plan, and other guiding documents of Council. It is also consistent with housing affordability / intensification and liveable city outcomes for more residential housing sought in the Annual Plan 2020/21.</p> |
| <p><b>3. Risk</b></p> <p>There is a risk that the intensification objectives of the FDS will not be able to be realised over time, given dependency on its uptake by others, including landowner’s, developers and social housing providers. The draft IAP helps mitigate that risk by focusing Council’s attention on actions it can take to incentivise intensification and through regular monitoring and reporting of intensification uptake.</p>  |
| <p><b>4. Financial impact</b></p> <p>Planned intensification investment to enable capacity in key areas will be programmed in the draft Long Term Plan 2021-31 following adoption of this IAP. The IAP also seeks a provisional budget of \$50,000 to be included for consideration in the draft LTP 2021-31 for a City Centre Residential Conversion Fund.</p>  |
| <p><b>5. Degree of significance and level of engagement</b></p> <p>This matter is of low-medium significance and consequently there has been early engagement on draft actions with the Te Tau Ihu Maori Housing Forum and the Community Action Nelson. Officers have also liaised with staff from the Tasman District Council. Community consultation of the long-term impacts on</p>   |

## Item 10: Intensification Action Plan

the community of implementing a more compact urban form will occur through the draft Whakamahere Whakatū Nelson Plan and draft Long Term Plan 2021-31 and in the future, on any revisions of the Future Development Strategy.

### **6. Climate Impact**

The Future Development Strategy identified potential areas for housing intensification in Nelson City. Some of those areas were identified as being potentially vulnerable to the impacts of sea level rise. Council will be engaging with the community on these and other climate change adaptation issues, initially through the Nelson Plan consultation.

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

No formal engagement with Māori has been undertaken in preparing this report except for high level aims that have been socialised with members of the Te Tau Ihu Maori Housing Forum.

### **8. Delegations**

The Council has the delegation to consider Future Development Strategy and Intensification Action Plan.



A2410696



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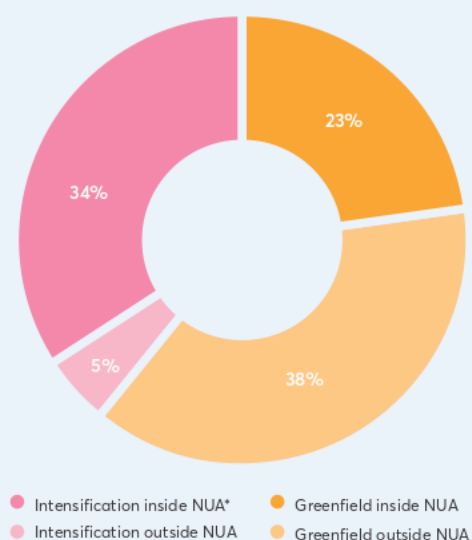


## Summary

### Purpose

As more people seek to live in Nelson's Smart Little City, extra planning for housing is required. To provide direction on the way forward a Nelson Tasman Future Development Strategy (Strategy) covering the combined region was jointly adopted by Nelson City Council and Tasman District Council in July 2019. The Strategy has been developed to guide the development of the city's growth capacity in the larger Nelson Urban Area (that being Nelson, Richmond and Hope). The Strategy highlights the need for planning rules and incentivisation tools to meet projected housing market demands over the next 30 years and sets out the role that both greenfield (expansion and intensification) and brownfield (intensification) have to play in accommodating Nelson's future growth. Included in this is that at least 60 percent of future housing growth is to be accommodated by intensification (the building up of housing) within the Nelson Urban Area.

**Figure 1. The location of regional growth capacity as identified in the Nelson Tasman Future Development Strategy** (Figure 3, page 11)



The Strategy recommends each Council develop an Intensification Action Plan to identify and progress actions to enable and support the intensification outcomes of the Future Development Strategy.

Nelson's Intensification Action Plan provides a guiding framework for Council's actions to enable housing intensification, with a focus on the areas the Strategy has identified. The actions concentrate on Nelson City Council's jurisdiction only, designed to deliver on the shared vision for regional growth through its focus on Nelson's growth plan, taking into account Council's strategic aspirations and desire to be more intentional about its growth planning.

While the global pandemic in early 2020 has introduced some uncertainty around population projections during the development of this action plan, the strategic framework of the Strategy remains relevant. The Strategy directs the location of growth while reflecting community priorities and outcomes, at whatever rate growth occurs in the future.

There is also a well-documented shortfall in housing supply even for the current population, reflected in housing prices and other indicators of housing stress. Reports of Nelson's housing capacity can be found on Council's website: [nelson.govt.nz/building-and-property/city-development/urban-development-capacity/](https://nelson.govt.nz/building-and-property/city-development/urban-development-capacity/)



## Overview

The Nelson Tasman Future Development Strategy was adopted by the Nelson Tasman Joint Committee on 26 July 2019. It is a high-level strategy that guides how the two regions intend to grow over the next 30 years. The Strategy, along with each Council's Long Term Plans and Resource Management Plans, gives effect to the requirements of the National Policy Statement on Urban Development Capacity, which was the National Policy Statement at that time. Since the development of the Strategy, in July 2020, the Government has released an updated National Policy Statement on Urban Development (NPS-UD) which will inform its future reviews and updates.

Although Nelson experiences a range of housing needs this action plan concentrates on enabling and encouraging intensified housing within the urban boundary. Nelson has limited greenfield capacity, however, this action plan is not intended to substitute the role of greenfield development in easing supply as both have a key role. Notwithstanding this, additional support of intensified development is important in recognition that it can be harder to achieve its uptake than with greenfield development. Intensification of the existing urban area also seeks to encourage better use of these areas with benefits for people from increased accessibility to workplaces, services and amenities as well as supporting greater accessibility to public and active transport networks and the efficient provision of infrastructure within the city.

For the purpose of this document, intensification means focusing on compact urban growth by encouraging and enabling more housing to be created, either through the replacement or adaptation of existing buildings or development of vacant land.

The Intensification Action Plan is intended to enable new dwellings across the housing continuum.

Actions are focused on facilitating the coordination and prioritisation across the following Council workstreams: Housing preference, Regulation, Infrastructure, and Cost. Actions are designed to either directly affect housing supply or create the necessary conditions for intensification, for example, planned and phased infrastructure. The cost of implementing the actions varies considerably, with some a commitment to continuing existing practices, while others require significant time and investment. Detailed actions of each of these workstreams can be found in the relevant sections that follow.

**Figure 2. Continuum of housing needs**



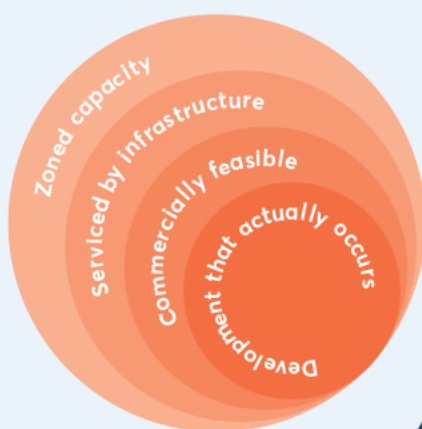
## Implementation

While the Strategy provides a 30-year framework for planned growth, it will be reviewed regularly as per the requirements of the NPS-UD. Once reviewed, the NPS-UD will also require an implementation plan, which is to be reviewed annually. More Government guidance is expected to be released shortly about the requirements of this implementation plan.

Meanwhile, it is important to understand the difference between capacity and supply in relation to this action plan as Council currently has limited control over increasing the supply of housing<sup>1</sup>. This is largely generated through the work of developers and private landowners, although intensified housing is also delivered by social housing providers and iwi. Delivery of public housing, residential housing and urban development is also the focus of the Ministry of Housing and Urban Development, which leads the country's housing and urban development work programme.

Council's current key areas of influence sit with what is plan-enabled under its operative Resource Management Plan – through land-use zoning and rules – and what is serviced through infrastructure provision to a site or area. In this way, Council provides an enabling environment that supports landowners to redevelop their land to meet demand.

**Figure 3. The capacity-supply relationship showing the broad relationship between capacity and market supply. Council's influence sits within the two top spheres**



## Te Tau Ihu iwi

The Strategy was prepared in consultation with Te Tau Ihu iwi<sup>2</sup>.

In terms of spatial constraints and opportunities, some common themes from the consultation with iwi included the need to take a longer view, protection, enhancement and restoration of the natural environment (for example water health) and supporting social and economic development. This includes supporting the ability of whānau and their communities to maintain their relationship with their ancestral lands, and enhancing their sense of identity and belonging in the region.

More work is proposed through workstream 1 – to progress the relationship with iwi, and through workstream 2 – the development of the Whakamahere Whakatū Nelson Plan (WWNP). In future, the NPS-UD has increased the scope of matters for consideration – in preparation of Future Development Strategies for example – and the values and aspirations of iwi/hapu for the desired state of the urban environment.

**Papakāinga** is used to describe the traditional and contemporary Māori concept of the kāinga (village) occupation of ancestral or tribal lands. The draft Whakamahere Whakatū Nelson Plan is expected to enable land-use planning changes to better provide for papakāinga and the development of Māori land (including Treaty settlement land) in Nelson.

1. The Government's Urban Growth Agenda is looking at tools to assist both central and local government in this area.

2. The natural grouping of eight iwi at the top of the South Island: Ngāti Apa ki te Rā Tō, Ngāti Koata, Ngāti Kuia, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Ngāti Toa Rangatira, Rangitāne o Wairua, Te Ātiawa o Te Waka-a-Māui



## Summary of actions

The table below provides a summary of the individual actions to incentive intensification. Further information on the actions is provided in the relevant section of the plan.

Table 1. Summary of actions

| Goal  | Action  | Responsibility                                 | Timescale                                    |
|---|---|--|--|
| <b>Housing preference</b>   |   |  |  |
| <b>Alignment between new dwelling supply and current/ future household demand</b> | Implement monitoring and reporting measures identified in the Strategy and under the National Policy Statement on Urban Development (a detailed assessment of housing need and supply)  | City Development                               | Quarterly with annual publication of results |
|   | Maintain and build relationships with Te Tau Ihu iwi, Kāinga Ora-Homes and Communities and local CHPs to maximise opportunities for more targeted housing in Nelson including social housing or papakāinga  | Strategy, City Development & Resource Consents | Ongoing                                      |
|   | Proactively assist developers to include housing as a part of mixed-use developments in the city centre, city centre fringe and suburban commercial zones, for example, by testing design feasibility ideas, maintaining relationships with developers and landowners, focusing public realm upgrades in locations where they can leverage residential development and proactively assisting through pre-application meetings | City Development, Resource Consents & Building | Ongoing                                      |
| <b>Improvements in the perception of, and confidence in, intensive housing</b>    | Continue to provide free independent advice for development proposals that have significant urban design implications through the Urban Design Panel  | City Development                               | Ongoing                                      |
|   | Review Council's Urban Design Protocol Action Plan  | City Development                               | 2021   |
|   | Continue to require high-quality design standards for intensive housing through Plan objectives, policies and rules   | Environmental Planning                         | Ongoing                                      |



| Goal  | Action   | Responsibility                            | Timescale                    |
|---|--|---|------------------------------|
| <b>Housing preference</b>   |  |   |                              |
| <b>Improvements in the perception of, and confidence in, intensive housing</b>  | Explore the possibility of facilitating a partnership to establish a collaborative exemplar housing development in the city centre/fringe area using Council-owned assets  | City Development                          | Ongoing                      |
|   | Through Council's website platform, promote successful projects where development has worked well as a result of good design and/or Council/developer collaboration through Council's media and communications channels. For example, using Our Nelson, the Council's Facebook and Twitter feeds to showcase and report on innovative and creative projects  | City Development & Communications         | Ongoing                      |
| <b>Regulation</b>   |  |   |                              |
| <b>Council's Resource Management Plan/s enable and encourage housing intensification in the city particularly in Strategy areas</b> | Ensure the Regional Policy Statement is drafted to provide clear support for housing intensification as recommended in the Strategy and required by the NPS-UD   | Environmental Planning                    | 2022 onwards                 |
|   | <p>For the WWNP to;</p> <ul style="list-style-type: none"> <li>provide for intensive housing in greenfield areas, and brownfield areas identified for intensification to encourage and enable these housing types to be provided and enable a mix of housing typologies</li> <li>provide high-quality on-site amenity appropriate to the mix of uses and residents' needs as informed by Housing and Business Development Capacity Assessments and continued testing of capacity provided by draft rules</li> <li>reduce notification requirements for infill housing</li> </ul> | Environmental Planning & City Development | In conjunction with the WWNP |



| Goal   | Action   | Responsibility   | Timescale |
|--|--|--|-----------|
| <b>Regulation</b>  |  |  |           |
| <b>Landowners know how to navigate and understand the regulatory environment concerning intensification projects</b> | Develop information guides to assist with investment decision making for all types of intensification and promote the building of these housing types <ul style="list-style-type: none"> <li>For the city centre – on the conversion of upstairs commercial space to residential</li> <li>For brownfield residential – regulatory requirements of the Resource Management Act and Building Act for example, for backyard infill, tiny homes or repurposing of existing homes to intensify</li> </ul> | Communications, Environmental Planning, Building, Resource Consents & City Development | Ongoing   |
|  | Continue to help applicants considering intensive housing proposals, for example through pre-application meetings, the use of the urban design panel, major projects and duty planner services. A proportion of these services are already free for customers  | Resource Consents, supported by Building & City Development                            | Ongoing   |
| <b>National direction is implemented throughout Council activities</b>   | Stay up to date with national direction through changes to its legislative and regulatory documents. Raise local issues at a national level, for example, through submission responses to draft National Policy Statements   | All departments  | Ongoing   |





| Goal  | Action  | Responsibility                       | Timescale  |
|---|---|--------------------------------------|--|
| <b>Infrastructure</b>   |   |                                      |  |
| <b>Future Long Term Plan's, AMP's and Infrastructure Strategy enable sufficient housing intensification in designated areas</b> | Undertake Neighbourhood Asset Upgrade Plans for each Strategy intensification area to guide current and future infrastructure investment in a coordinated way including use of road and reserve for low impact stormwater and amenity offsets   | City Development & Activity Managers | During decade 1 of the Long Term Plan 2021–2031                                  |
|   | Alignment of lead and lag infrastructure budgeting to ensure capacity is enabled in each intensification area in a coordinated way  | Activity Managers                    | Propose in draft Long Term Plan 2021–2031 and ongoing for future Long Term Plans |
| <b>Utilities infrastructure planning is undertaken in conjunction with intensification development</b>                          | Ensure utility planning activities consider the proposed intensification areas for example, active and/or public transport opportunities nearby or exploring the benefit of preparing parking management plans in areas that apply  | Activity Managers                    | Ongoing. Policy-Strategy work to inform draft Long Term Plan 2021–2031           |
|   | Ensure that infrastructure policies provide for future intensification. For example, city centre intensification objectives are supported through, and aligned with, the Public Transport Strategy, Out and About Policy and Parking Strategy development and NZTA projects and funding opportunities | Activity Managers                    | Ongoing  |
| <b>Reserve amenity is in step with intensification</b>  | Develop new Level of Service and associated development programme for the upgrade of existing urban neighbourhood reserves in intensification areas and align with Neighbourhood Asset Upgrade Plans  | Parks and Reserves                   | To be consulted on in conjunction with the draft Long Term Plan 2021–2031        |
| <b>Public realm improvements leverage private residential development in the city centre</b>                                    | Continue to deliver planned city centre programmes to reinforce the city centre as an attractive place for events and recreation as well as to live and work  | City Development                     | Ongoing  |



| Goal  | Action  | Responsibility                       | Timescale  |
|---|---|--------------------------------------|--|
| <b>Cost</b>   |   |                                      |  |
| <b>Council's Development Contributions policy supports its intensification objectives</b>                       | Propose changes in the policy particularly for reserve contributions through the LTP 2021–2031  | City Development                     | Propose in draft Long Term Plan 2021–2031 and ongoing for future Long Term Plans |
| <b>Budgeting of Infrastructure investment to service-plan enabled growth</b>                                    | Budget infrastructure is programmed to enable the provision of increased capacity through the LTP process at the right time in response to Future Development Strategy and Housing Business Assessment results  | Activity Managers                    | Propose in draft Long Term Plan 2021–2031 and ongoing for future Long Term Plans |
| <b>Development Agreements provide a workable solution to the timing of infrastructure capacity</b>              | Continue to use Development Agreements to deliver FDS intensification objectives  | Activity Managers & City Development | Ongoing  |
|   | Consider introducing the ability to negotiate an affordability criteria when doing private development agreements   | Activity Managers & City Development | Ongoing  |
| <b>Any divestment of Council's community housing supports social and affordable housing solutions in Nelson</b> | Establish a Housing Reserve to allow Council to work with and support partners who have the ability to deliver social and affordable housing solutions for the community into the future  | Strategy                             | Ongoing  |
| <b>More uptake of residential in the city centre</b>  | Provide for consideration of a City Centre Residential Conversion Fund of \$50,000 in the draft LTP 2021–2031 over years 1 to 3, to subsidise the regulatory cost of conversion of upstairs commercial to residential in existing city centre buildings | City Development                     | Propose in draft Long Term Plan 2021–2031  |



# Introduction

## What is intensification?

Intensification is the practice of focusing on compact urban growth, by encouraging and enabling more housing to be created either through replacement or adaptation of existing buildings or development of vacant land. In this way, the intensification of areas or suburbs involves a transition from lower density types of housing to include more intensive types of housing. Intensification traditionally takes one of two forms:

- **Infill** – Where an additional dwelling(s) is added to a single site and may or may not include subdivision of the site.
- **Redevelopment** – Where an original dwelling is removed from a site and replaced with a number of attached units/apartments. This can also include the comprehensive redevelopment of multiple dwellings and sites, as shown in the figure below.

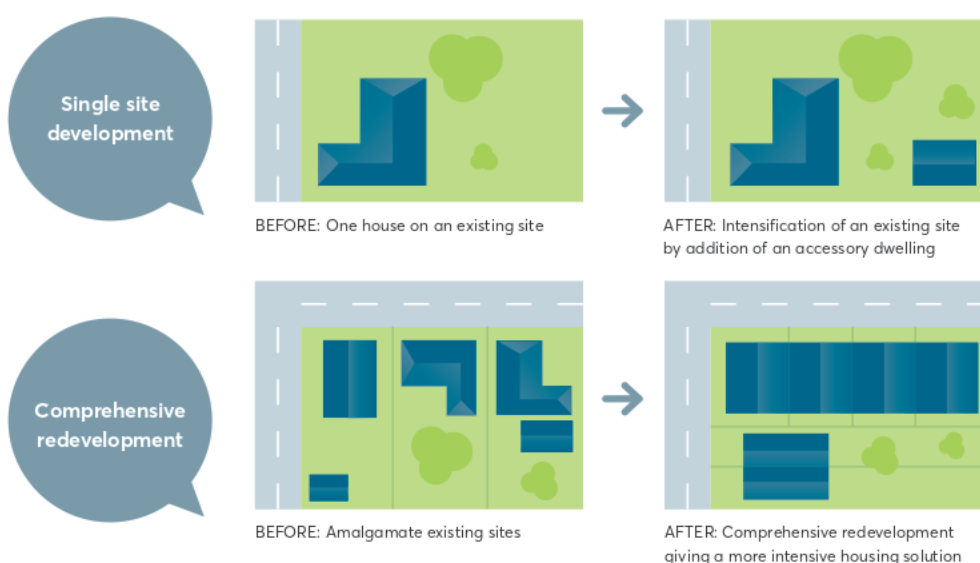
The definition of different density standards as adopted in the National Planning Standards.<sup>3</sup>

- **Low-density residential zone** – Areas used predominantly for residential activities and buildings consistent with a suburban scale and subdivision pattern, such as one to two-storey

houses with yards and landscaping, and other compatible activities.

- **General residential zone** – Areas used predominantly for residential activities with a mix of building types, and other compatible activities.
- **Medium-density residential zone** – Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.
- **High-density residential zone** – Areas used predominantly for residential activities with high concentration and bulk of buildings, such as apartments, and other compatible activities.
- **Mixed-use zone** – Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities
- **City Centre zone** – Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region.

**Figure 4. Growth by intensification** (extract from Nelson Tasman Future Development Strategy, Figure 6, page 17)



12 3. Ministry for the Environment. November 2019. National Planning Standards. Wellington: Ministry for the Environment.





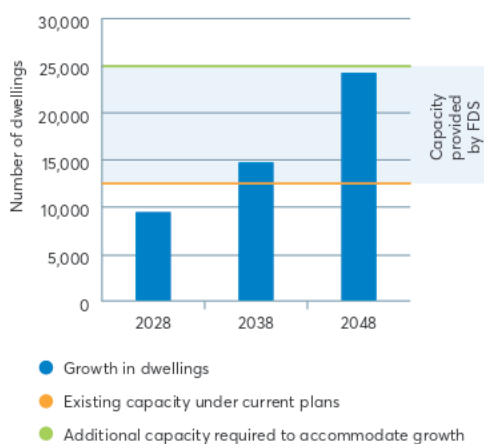
## Why intensification in Nelson?

The Nelson Tasman Joint Committee at its meeting 26 July 2019, resolved that *"both Councils strongly support intensification where it is currently feasible in order to accommodate growth now. There are some areas which are ready to go for intensification... Changes in the next Long Term Plan as a result of the intensification action plan will enable future intensification areas to be brought forward"*.

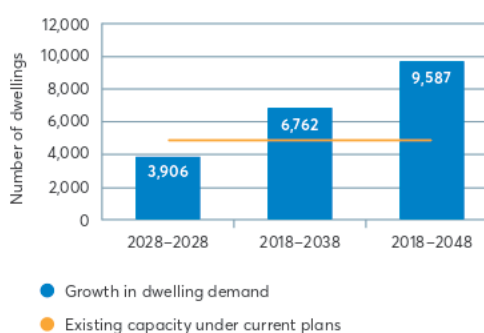
Support for this type of housing development has emerged in response to housing growth needing to keep up with population demand and in recognition that compact urban cities offer key benefits to their residents.

Alongside its intensification objectives, the Strategy also provides for urban expansion, proposed for Saxton and Maitahi for example, the mix of which is expected to provide Nelson's future housing capacity. The capacity provided in the Strategy is not needed all at the same time. The capacity is to be spread over a 30-year period, with emphasis on the period from 2028 to 2048.

**Figure 5. Growth dwellings and extra capacity needed** (extract from Nelson Tasman Future Development Strategy, Figure 2, page 10)



**Figure 6. Nelson's growth dwellings and extra capacity needed in a high growth scenario**



**Figure 7. Long term household capacity projection (brownfield and greenfield) by broad location** (adapted from Nelson Tasman Future Development Strategy, Table 1, page 15)

| Nelson – Intensification Area |                              | Decade 2: 2029–2038 | Decade 3: 2039–2048 | Total |
|-------------------------------|------------------------------|---------------------|---------------------|-------|
| Brownfield                    | Greenfield                   |                     |                     |       |
| Central                       | –                            | 2,288               | 154                 | 2,442 |
| Stoke                         | –                            | 313                 | 981                 | 1,294 |
| Dodson                        | –                            | 190                 | –                   | 190   |
| –                             | Mahitahi Valley <sup>4</sup> | 614                 | 228                 | 842   |
| –                             | Saxton                       | 819                 | –                   | 819   |
| Nelson total                  |                              | 4,223               | 1,363               | 5,586 |

4. Referred to as Kaka Valley in the Nelson Tasman Future Development Strategy

Intensification Action Plan 13

This is because some capacity for the next 10 years is already provided for under Council's operative Resource Management Plan. Figure 7 (see page 13) demonstrates the Strategy's projected capacity for decade 2 and 3. For more information on proposed growth areas see Council's website, [nelson.govt.nz/building-and-property/city-development/future-development-strategy](https://nelson.govt.nz/building-and-property/city-development/future-development-strategy)

For intensified development, the Strategy recommends significant housing intensification in and around the Nelson City Centre, areas to the south of Nelson's City Centre and in Stoke over the next three decades.





Supported by the Government's Urban Growth Agenda, intensification is an effective way to shape a city and accommodate its growing housing needs. Locally, during consultation on the Strategy, the majority of respondents also supported the district's growing population be housed in and near existing town centres. There are many advantages to more people living within walking distance of schools, employment, shops, amenities and services. These include the health, community and environmental benefits that stem from providing day-to-day needs and social and cultural interactions within walking distance of people's homes.

As a result, the Strategy identified a pattern of settlement that reinforces local centres and a 'spine' core transport network as the best way to achieve the type of growth the community asked for. It also identified spatial areas within the existing urban area that could provide the necessary potential for increased density. In Nelson, these were assessed as around the Dodson Valley area, Nelson City Centre and Stoke.

Focusing on developing existing neighbourhoods and the city centre area also means investing in higher levels of amenity within these communities. As these areas are intensified, special care and attention is needed to consider the quality of life, access to social amenity and health and wellbeing impacts on the people and the communities who live there.

Benefits can also be realised by aligning infrastructure development work with existing routine renewals and the improvement of supporting assets like wastewater and stormwater. If planned well, this approach will allow the city to maximise the value it achieves from its overall spend on infrastructure and services.

**Figure 8. Location and type of intensification proposed in the Nelson District** (extract from Nelson Tasman Future Development Strategy, Table 2, page 16)

| Type of Intensification   | Details   | Locations   | Estimate of capacity by household |
|---|---|---|-----------------------------------|
|  | Mixed use area in and around city centre – some four to six storey apartments   | Nelson City Centre  | 676                               |
|  | Some three-storey terrace housing, some low-rise apartments, some mixed-use (commercial ground floor residential above) | Waimea Road, Hospital/ Nelson South, Victory, Stoke Centre, St Vincent                            | 1,142                             |
|  | Some two-storey terraced housing, some townhouses   | Fairfield Park, The Black Cat, Stoke School, Arapiki, Isel, Washington Valley, The Brook, Nayland | 1,826                             |
|  | Additional infill units and townhouses on some sites  | The Nile  | 90                                |



The Strategy identified the following initiatives that the action plan should at least consider:

**Figure 9. Intensification Action Plan**

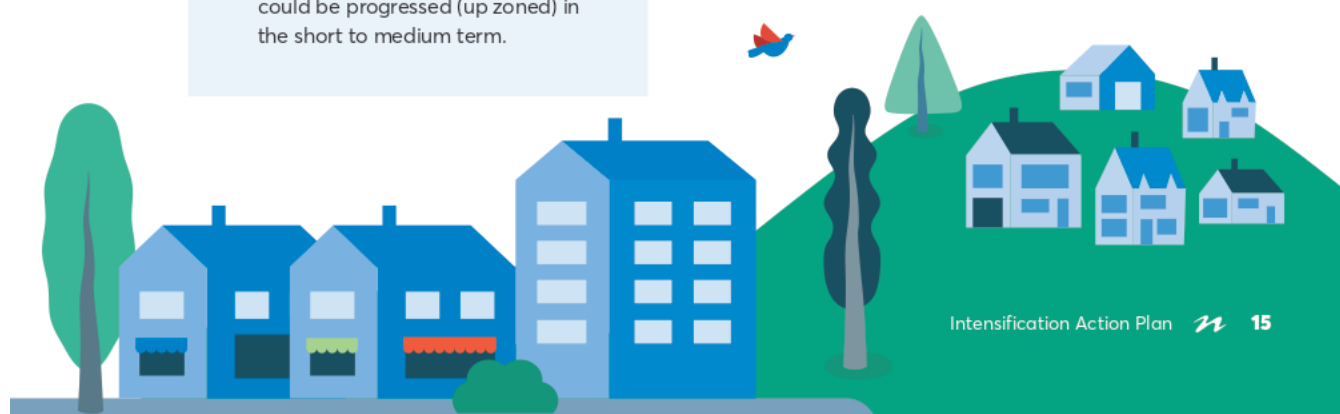
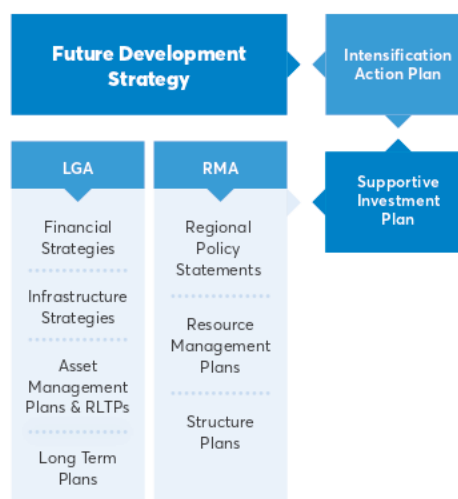
(extract from Nelson Tasman Future Development Strategy, page 35)

- Identify, research and collate information on housing preferences.
- Develop a strategy for improvements to transport, reserves and community facilities in areas subject to intensification.
- Review of Development Contributions policies to ensure that they better reflect costs associated with different types and locations of growth (intensification versus expansion).
- Explore acquisition of key sites to help catalyse development and/or achieve strategic public realm outcomes.
- Consideration of partnerships with Community Housing Providers, Housing New Zealand and potential Urban Development Authorities to facilitate redevelopment of public land holdings.
- Collaboration with private sector housing providers on possible 'pilot' projects to demonstrate high-quality, feasible intensification projects in appropriate locations.
- Development of educational and guidance material for applicants to facilitate good quality design outcomes.
- Identify intensification areas that could be progressed (up zoned) in the short to medium term.

## Where does the Intensification Action Plan fit within Council's strategic framework?

The Intensification Action Plan is one of the detailed recommendations of the Strategy to help with its implementation. While the actions in this plan provide a framework to support the intent of the Strategy, they are not binding or exclusive. As more information comes to hand, and the feasibility of capacity is explored, actions may change or further subsequent actions may apply. In this way, it sits alongside other guiding documents that are used to inform Council's Activity Management Plans, Long Term Plans, Resource Management Plans and other documents of Council. Delivery of its actions will be dependant on Council's priorities over time, with timings and actions adjusted accordingly. Future actions will also be informed by the annual monitoring and reporting of housing supply and demand by Council.

**Figure 10. Strategic framework of Council's plans**





## Related issues not within the scope of this Intensification Action Plan

- Climate change: The Strategy identified potential areas for housing intensification in Nelson City. However, some of those areas were identified as being potentially vulnerable to the impacts of sea-level rise. Council will be engaging with the community on these and other climate change adaption issues separately, initially through the Nelson Plan consultation.
- Housing affordability levers not in Council's control. These include, but are not limited to, the following effects on the local market: availability and terms of bank finance, tax settings, regional labour force and employment, construction costs and development of private landholdings.
- Increasing the supply of developed land. Council does not have control mechanisms for increasing supply. Council only has

control of what is "plan enabled" through land-use zoning and rules, what is serviced through infrastructure provision to the site, and the use of the assets it owns.

- The internal amenity, energy performance or construction standards of new dwellings. While these are important considerations, they are beyond the scope of enabling the Future Development Strategy.

## Actions to contribute to intensification objectives

The Plan organises its actions under four key workstreams to achieve its purpose of incentivising intensification in areas where Council has influence or control. The four workstreams are: Housing preference, Regulation, Infrastructure, and Cost. As the city's very first housing intensification action plan, its focus is on creating the building blocks necessary to enable the city's long-term intensification objectives. The four workstreams are set out in the sections that follow.

# Workstream 1 – Housing preference

This workstream aims to support attractive urban development to see more intensification within the Nelson District and a greater variety of housing uptake is delivered. Actions focus on quality design, understanding our housing needs, leading by example (creating exemplar housing developments on Council land) and working with others to create a diversity of housing supply.

## Summary of Housing Preference Intensification goals

### Alignment between new dwelling supply and current/ future household demand

In 2013 the typical dwelling in Nelson was a three-bedroom house with two residents. There were also a significant number of two-bedroom dwellings with one resident and a notable number of three bedroom dwellings housing only one person. (See Figure 11 on page 17.)

Nelson's demographic is also changing, with an expected increase in those aged over 65.

It is anticipated that an ageing population would increase demand for a different type of housing choice, often smaller, low maintenance housing types that are close to services. (See Figure 12 on page 18.)

The recent increasing trend\* towards attached dwellings, such as apartments, retirement village units, townhouses or flats being built across both Nelson and Tasman is encouraging, but further investigation will help understand whether what is being built is expected to meet our future population profile. (See Figure 13 on page 18.)

*\*In the year ended June 2019, 30% of consented new dwellings in Nelson and Tasman were attached dwellings, compared with an average of 15% in the previous 10 years.*



There are many participants in the housing sector who contribute to the overall housing stock that is provided. This action plan seeks to have a better understanding of potential housing mismatches (the stock in Nelson in relation to future needs) and to work with iwi, Government, developers, landowners and other housing providers to see a more diverse range of housing provided to accommodate the greater range of living arrangements that are expected in the future.

With the development of apartments and townhouses in the city centre growing, this action plan seeks to continue to actively support the inclusion of housing as a part of mixed-use developments in the city centre, city centre fringe and the suburban commercial zones. The intention is to assist developers by testing design feasibility ideas and providing pre-application support while also continuing to focus public realm improvements in locations that support city centre residential.

### Improvements in the perception of and confidence in intensified housing

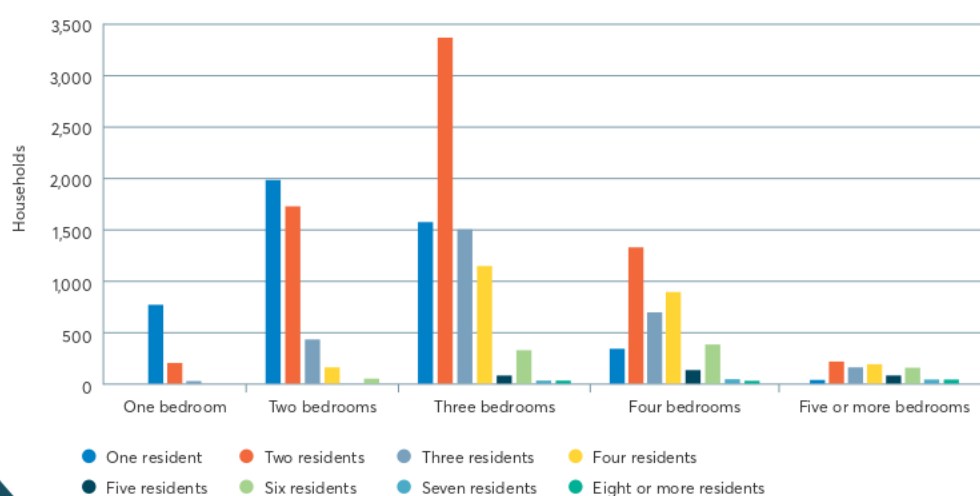
While building up offers many benefits, for it to be successful, people, including those undertaking the development, need to buy into this approach. Therefore there is a role in the promotion of high-quality design to assist with reorientating market expectations from standalone dwellings with bigger sections to better appreciate the benefits that higher-density provides.

High-quality urban design will also continue to be supported through the Nelson Resource Management Plan, Nelson Tasman Land Development Manual and Urban Design Panel. Use of the Crime Prevention Through Environmental Design (CPTED) and reserves standards will also continue to support good practice design.

Nelson City Council is a signatory to the New Zealand Urban Design Protocol and has an action plan in support. The Urban Design Protocol Action Plan would benefit from a review to determine its relevancy in the current urban growth environment and to provide recommendations on its update.

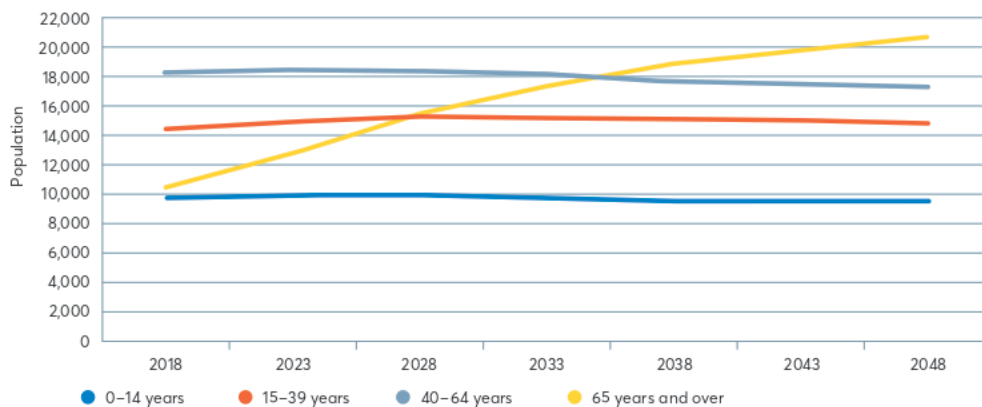
Council owns a number of properties scattered throughout the city. These areas are currently occupied by a mix of public car parking, private car parking, civic buildings, private commercial activity or vacant earthquake-prone buildings. Further exploration of Council's role in leading and improving the perception of intensified housing is warranted. This can be achieved through the investigation into possibilities of facilitating a partnership to create an exemplar housing development. This type of development would aim to demonstrate and showcase the benefits that being well connected to transport and other central facilities and services provide.

Figure 11. Household composition in Nelson. 2013 Census





**Figure 12. Population projection by age group** (based on 2019 Statistics New Zealand population projection updates)



**Figure 13. Building consents for new dwellings, Nelson and Tasman, by type, 2006–2018 (June year)**

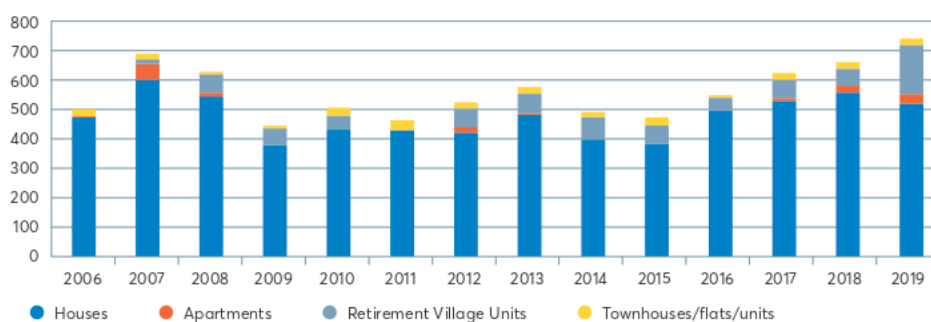


Table 2. Actions to improve the housing preference of intensified housing and to incentivise its uptake

| Housing preference   |   |  |  |
|--|---|--|--|
| Goal   | Action  | Responsibility                                 | Timescale                                    |
| Alignment between new dwelling supply and current/ future household demand | Implement monitoring and reporting measures identified in the Strategy and under the National Policy Statement on Urban Development (a detailed assessment of housing need and supply)  | City Development                               | Quarterly with annual publication of results |
|  | Maintain and build relationships with Te Tau Ihu iwi, Kāinga Ora-Homes and Communities and local CHPs to maximise opportunities for more targeted housing in Nelson including social housing or papakāinga  | Strategy, City Development & Resource Consents | Ongoing                                      |
|  | Proactively assist developers to include housing as a part of mixed-use developments in the city centre, city centre fringe and suburban commercial zones, for example, by testing design feasibility ideas, maintaining relationships with developers and landowners, focusing public realm upgrades in locations where they can leverage residential development and proactively assisting through pre-application meetings | City Development, Resource Consents & Building | Ongoing                                      |
| Improvements in the perception of, and confidence in, intensive housing    | Continue to provide free independent advice for development proposals that have significant urban design implications through the Urban Design Panel  | City Development                               | Ongoing                                      |
|  | Review Council's Urban Design Protocol Action Plan  | City Development                               | 2021   |
|  | Continue to require high-quality design standards for intensive housing through Plan objectives, policies and rules   | Environmental Planning                         | Ongoing                                      |



| Housing preference  |   |                                   |           |
|---|---|-----------------------------------|-----------|
| Goal  | Action  | Responsibility                    | Timescale |
| Improvements in the perception of, and confidence in, intensive housing | Explore the possibility of facilitating a partnership to establish a collaborative exemplar housing development in the city centre/fringe area using Council-owned assets   | City Development                  | Ongoing   |
|   | Through Council's website platform, promote successful projects where development has worked well as a result of good design and/or Council/developer collaboration through Council's media and communications channels. For example, using Our Nelson, the Council's Facebook and Twitter feeds to showcase and report on innovative and creative projects | City Development & Communications | Ongoing   |

## Workstream 2 – Regulation

The regulation workstream aims to achieve clear and effective regulatory methods that enable sufficient high-quality intensification in the right place. Therefore actions under this workstream are concentrated on activities in the regulatory space, for example, the draft Whakamahere Whakatū Nelson Plan, and assisting people in understanding these regulatory processes and requirements. Building Act constraints are not included as these are not able to be addressed through this process.

### Summary of Regulation Intensification goals

#### Council's current and future Resource Management Plans enable and encourage housing intensification in FDS areas

Council's Resource Management Plan is a significant mechanism Council has to enable housing for Nelson's growing population. The Nelson Resource Management Plan already contains provisions designed to enable growth and encourage intensified developments, for example, through Comprehensive Development.

However, while growth has occurred under the current Plan, intensification uptake has remained relatively modest.

The current Nelson Resource Management Plan is under review and a new Plan, the Whakamahere Whakatū Nelson Plan (WWNP) is in the process of being developed. At the time of developing this action plan, a range of planning methods are proposed in the draft WWNP and to align it with the NPS-UD to enable greater residential intensification.



Where higher land density uses are proposed in the WWNP it is expected that a broader range of amenity values, characteristics that influence and enhance people's appreciation of that area, will be provided in that neighbourhood. This is important as intensified development traditionally means that less private open space is provided on-site. The benefit of greater use of public amenity is the more efficient and effective use of the open spaces that are regulated for and provided by Council.

Regional Policy Statements set out the significant resource management issues for a region, and the resource management issues of significance to iwi authorities in the region. They guide the development of future Resource Management Plans (the WWNP), by setting a vision for how Nelson will grow and develop over the life of that Plan (the next 10-20 years).

The Strategy recommended a review of Nelson's Regional Policy Statement to:

- Establish new objectives that introduce the 2019 FDS growth concept (intensification and expansion areas) and give statutory support to the overall settlement pattern
- Establish new objectives and policies to enable centres-based intensification of the existing urban area, noting that the character of those places will be subject to change over the medium to long term
- Afford greater policy support for well-designed intensification in appropriate locations within existing urban areas, and discourage poorly-designed or located intensification proposals
- Provide policy support for urban expansion areas that are consistent with the first stages of the 2019 NTFDS (2028 to 2038)
- Establish staging 'triggers' that manage the release of the larger urban expansion areas identified in the second stage of the 2019 FDS (2038-2048) (or subsequent reviews), based on factors such as overall population growth rates, percentage of new housing located in intensification areas, and adequate forward supply of development opportunities
- Achieve coordinated and logical urban growth, including efficient integration of land use and necessary infrastructure.

#### The National Policy Statement on Urban Development seeks:

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- a. the area is in or near a centre zone or other area with many employment opportunities
- b. the area is well-served by existing or planned public transport
- c. there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

National Policy Statement on Urban Development 2020 pg 10. [www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/AA%20Gazetted%20-%20NPSUD%2017.07.2020%20pdf.pdf](http://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/AA%20Gazetted%20-%20NPSUD%2017.07.2020%20pdf.pdf)



### Landowners know how to navigate and understand the regulatory environment concerning intensification projects

Supporting people to better understand development opportunities is also key. Small investors are important, as they can collectively contribute to significant housing supply, one or two dwellings at a time. In some cases, the creation of new housing units will be for their own family benefit, and will not necessarily conform to a standalone model. This action plan seeks to assist small investors by producing user guides to make navigating the Building Act and Resource Management Act easier, and

continue to support those considering smaller intensive housing proposals by subsidising some of the costs associated with pre-application meetings and duty planner services, for example.

### National direction is implemented throughout Council activities

Central Government is continuing to provide additional direction and guidance to councils to assist with urban development that requires changes to Council's existing plans and policies. Council needs to stay well informed of these changes as well as ensure that local issues are well understood at a national level.

**Table 3. Actions to improve the regulatory environment of intensified housing and to incentivise its uptake**

| Regulation   |  |   |                              |
|--|--|---|------------------------------|
| Goal   | Action   | Responsibility                            | Timescale                    |
| Council's Resource Management Plan/s enable and encourage housing intensification in the city particularly in Strategy areas | Ensure the Regional Policy Statement is drafted to provide clear support for housing intensification as recommended in the Strategy and required by the NPS-UD   | Environmental Planning                    | 2022 onwards                 |
|  | <p>For the WWNP to;</p> <ul style="list-style-type: none"> <li>provide for intensive housing in greenfield areas, and brownfield areas identified for intensification to encourage and enable these housing types to be provided and enable a mix of housing typologies</li> <li>provide high-quality on-site amenity appropriate to the mix of uses and residents' needs as informed by Housing and Business Development Capacity Assessments and continued testing of capacity provided by draft rules</li> <li>reduce notification requirements for infill housing</li> </ul> | Environmental Planning & City Development | In conjunction with the WWNP |



| Regulation  |   |  |           |
|---|---|--|-----------|
| Goal  | Action  | Responsibility   | Timescale |
| Landowners know how to navigate and understand the regulatory environment concerning intensification projects | <p>Develop information guides to assist with investment decision making for all types of intensification and promote the building of these housing types</p> <ul style="list-style-type: none"> <li>For the city centre – on the conversion of upstairs commercial space to residential</li> <li>For brownfield residential – regulatory requirements of the Resource Management Act and Building Act for example, for backyard infill, tiny homes or repurposing of existing homes to intensify</li> </ul> | Communications, Environmental Planning, Building, Resource Consents & City Development | Ongoing   |
|   | Continue to help applicants considering intensive housing proposals, for example through pre-application meetings, the use of the urban design panel, major projects and duty planner services. A proportion of these services are already free for customers   | Resource Consents, supported by Building & City Development                            | Ongoing   |
| National direction is implemented throughout Council activities   | Stay up to date with national direction through changes to its legislative and regulatory documents. Raise local issues at a national level, for example, through submission responses to draft National Policy Statements  | All departments  | Ongoing   |





## Workstream 3 – Infrastructure

### Ensuring that supporting network infrastructure is in place

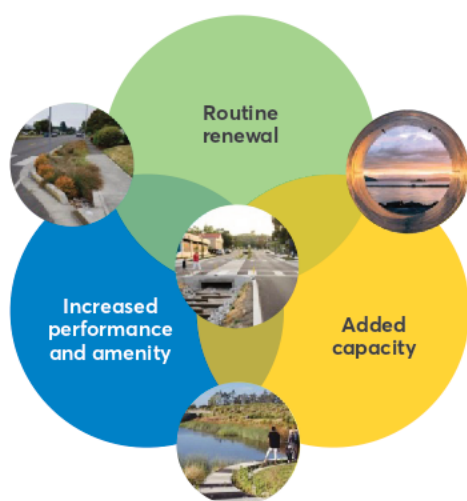
Infrastructure underpins all development and having high-quality, reliable infrastructure plays a critical role. The infrastructure workstream aims to provide certainty to developers that there is sufficient capacity in each intensification area to encourage development by achieving a coordinated plan for high-quality intensification asset development and upgrades. It also ensures that public realm enhancements planned for the city centre support private residential development in this area to occur.

### Summary of Infrastructure Intensification goals

#### Future Long Term Plan's, AMP's, Spatial Plan's and Infrastructure Strategy enable sufficient housing intensification in designated areas

Infrastructure activity covers the three waters (water, wastewater and stormwater) transport and reserves and involves:

- Renewal – the replacement of an ageing or failing asset
- Performance – improvements to, or change of, the performance of an asset
- Capacity – provision of new capacity for more users (growth)



The development of Neighbourhood Asset Upgrade Plans, a street by street assessment including three waters, transport and reserve amenity of intensification areas, will inform and guide the location and timing of infrastructure and service investment of the areas. Programming of investment through Activity Management Plans, Long Term Plans and the 30-year Infrastructure Strategy is the main planning tool of the Infrastructure workstream to achieve plan-enabled growth.

Although some intensification investment involves longer-lead time such as investment in decade two or three of the Strategy, infrastructure investment also needs have the ability to be responsive and adaptive to growth, to be able to respond as and where it happens.

That means a different method of budgeting, funding and delivery of some project types is needed, in particular, lag investment, such as transport infrastructure. Lag investment is responsive because it happens at the time when the demand is created, providing Council the flexibility to accommodate high-cost projects at relatively short notice in the way it funds and spends programme budgets.

When making decisions on lead investment it is important to consider:

- The amenity standards required to support a behaviour change towards intensification through neighbourhood quality, while relieving amenity concerns of existing residents



- Avoidance of “splitting” and/or duplicating costs by investing growth income in situations where renewals and performance improvements would otherwise be required anyway.

The actions below have been designed to help determine and accommodate both lag and lead investment, principally through Long Term Plan and Annual Plan mechanisms to enable future intensification to be planned, budgeted and programmed across a busy work programme. This is important as significant infrastructure investment will be required in the draft Long Term Plan 2021–31 and its subsequent versions to accommodate the city’s intensification objectives.

#### **Utilities infrastructure planning is undertaken in conjunction with intensification development**

To use resources efficiently it is important to programme infrastructure at the right time, which is not too early or too late relative to uptake rates. While intensification provides many benefits, as communities will be closer to employment, schools and services, it requires additional planning of its utilities, for example, transport links, including active and public transport and main-trunk connections. Transport planning requires identifying improvements that have the greatest benefits while helping to keep people safe. The NPS-UD directive to remove minimum parking rates in district plans will also require an additional planning response.

#### **Reserve Infrastructure**

Planning also plays a key part in the delivery of reserve amenity as more people occupy the same area, and the role of public space becomes more important. While traditional standalone housing units provide a number of on-site amenities (such as access to private play equipment, trees, lawns and open space), higher density land use means some of this amenity value will need to be publically provided, including access to greenspace, reserves and playgrounds. There is also a greater need for holistic design as space and materials will benefit from being multi-functional and adaptable. For example, a street may begin to play a greater role in providing trees, shade and areas of green through the use of water sensitive design – design that uses natural components, i.e. vegetation and soil, to address stormwater effects.

#### **Public realm improvements in the city centre**

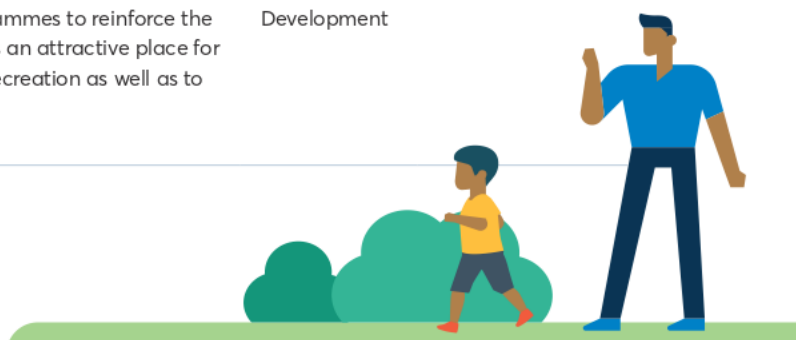
Both the Strategy and Nelson’s City Centre programme Six Key Moves prioritise the growth of residential activity in the city centre. Creating a liveable city means more people living close to shops, hospitality, culture and entertainment and supports the modal shift to more active and sustainable forms of transport that Council seeks. It also adds vibrancy to the heart of Nelson’s centre. With more people expected to live in the city centre improvements to the quality of it are needed to ensure it is ready to support the additional residential growth. This means continuing to deliver planned city centre programmes to reinforce the city centre as an attractive place for events and recreation as well as to live and work.





Table 4. Actions to improve infrastructure capacity for intensified housing and to incentivise its uptake

| Infrastructure   |   |                                      |  |
|--|---|--------------------------------------|--|
| Goal   | Action  | Responsibility                       | Timescale  |
| Future Long Term Plan's, AMP's and Infrastructure Strategy enable sufficient housing intensification in designated areas | Undertake Neighbourhood Asset Upgrade Plans for each Strategy intensification area to guide current and future infrastructure investment in a coordinated way including use of road and reserve for low impact stormwater and amenity offsets   | City Development & Activity Managers | During decade 1 of the Long Term Plan 2021–31                                    |
|  | Alignment of lead and lag infrastructure budgeting to ensure capacity is enabled in each intensification area in a coordinated way  | Activity Managers                    | Propose in draft Long Term Plan 2021–2031 and ongoing for future Long Term Plans |
| Utilities infrastructure planning is undertaken in conjunction with intensification development                          | Ensure utility planning activities consider the proposed intensification areas for example, active and/or public transport opportunities nearby or exploring the benefit of preparing parking management plans in areas that apply  | Activity Managers                    | Ongoing. Policy – Strategy work to inform draft Long Term Plan 2021–31           |
|  | Ensure that infrastructure policies provide for future intensification. For example, city centre intensification objectives are supported through, and aligned with, the Public Transport Strategy, Out and About Policy and Parking Strategy development and NZTA projects and funding opportunities | Activity Managers                    | Ongoing  |
| Reserve amenity is in step with intensification  | Develop new Level of Service and associated development programme for the upgrade of existing urban neighbourhood reserves in intensification areas and align with Neighbourhood Asset Upgrade Plans  | Parks and Reserves                   | To be consulted on in conjunction with the draft Long Term Plan 2021–31          |
| Public realm improvements leverage private residential development in the city centre                                    | Continue to deliver planned city centre programmes to reinforce the city centre as an attractive place for events and recreation as well as to live and work  | City Development                     | Ongoing  |



## Workstream 4 – Cost

The purpose of the cost workstream is to ensure intensification is cost-incentivised through Council's funding programmes. This includes mechanisms that collect infrastructure-related funding are fit for purpose, responding to the types of spending that are needed and considering whether this investment can be optimised, and ensuring that appropriate funding and budgeting mechanisms are in place in support.

Council's current 30-Year Infrastructure Strategy, Long Term Plan and Development Contribution policies jointly establish a financial system for infrastructure growth costs to be charged back to developers at the time of development.

### Summary of Cost Intensification goals

#### Council's Development Contributions policy supports its intensification objectives

A development contribution is a charge by Council to cover growth-related costs, namely for water, wastewater, stormwater, transport, reserves and community facilities. Development contributions are collected at the resource consent and building consent stages or where a service connection is authorised. Development contributions are applied over the whole of Nelson as a single catchment.

Council has identified three potential areas requiring review; the reserves development contributions, the overall complexity of the policy and its listed exemptions. The proposed amendments will be consulted on as part of public consultation on the draft Long Term Plan 2021–31.

#### Budgeting of Infrastructure to service-plan enabled growth

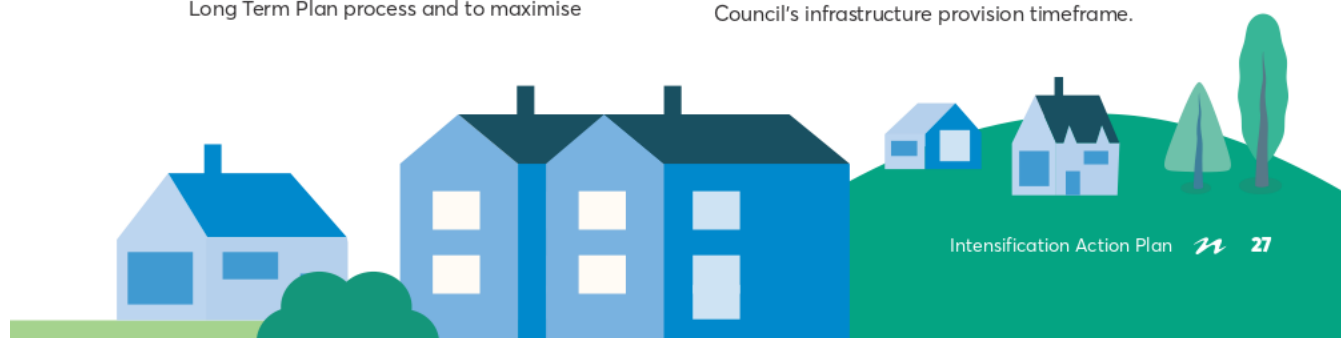
Infrastructure is programmed to enable the provision of increased capacity through the Long Term Plan process and to maximise

opportunities for upgrades to be aligned with asset renewal programmes. Development capacity is infrastructure ready when:

- Short-term – there is adequate existing development infrastructure to support the development of the land
- Medium-term – as for the short-term above or funding for adequate infrastructure to support development of the land is identified in the Long Term Plan
- Long-term – as for the medium-term above or the development infrastructure to support the development capacity is identified in Council's Infrastructure Strategy

#### Development Agreements provide a workable solution to the timing of infrastructure capacity

Development Agreements are contractual agreements voluntarily entered into between one or more developers and Council. The agreements may cover the provision, supply or exchange of infrastructure and/or land or paying money to provide network infrastructure, works or reserve land. Development Agreements give developers certainty and flexibility to proceed with a development that may not align with the Council's infrastructure provision timeframe.



For example, the Council sets out how it intends to provide core infrastructure for growth in its Long Term Plan (10 years) and Infrastructure Strategy (30 years). A developer may wish to enter into a Development Agreement when their proposed development requires strategic infrastructure within a timeframe that is not aligned with the Council's infrastructure plans, or if the infrastructure the proposed development needs is a larger scale than that contemplated in the Council's Long Term Plan.

There is also an opportunity to negotiate affordability criteria when doing private development agreements that could see a part of the development set aside for affordable housing.

### **Divestment of Council's community housing supports social and affordable housing solutions in Nelson**

Council has confirmed its intent to set aside the full proceeds of any divestment of its

community housing assets as a Housing Reserve during its Annual Plan 2020/21 process. The decision recognises that housing affordability is a critical issue for Nelson and that the Housing Reserve would allow Council to work with and support partners who have the ability to deliver social and affordable housing solutions for the community into the future. As social housing is traditionally intensified housing, this action will facilitate the development of criteria to ensure funds are allocated to support and leverage objectives that maximise social and affordable housing in Nelson.

### **City Centre Residential Conversion Fund**

Provide for consideration of a City Centre Residential Conversion Fund of \$50,000 in the draft Long Term Plan 2021–31 over years 1 to 3, to subsidise the regulatory cost of conversion of upstairs commercial to residential, to incentivise residential uptake in existing city-centre buildings.

**Table 5. Actions to improve costs for intensified housing and to incentivise its uptake**

| Cost  |  |                   |  |
|---|--|-------------------|--|
| Goal  | Action   | Responsibility    | Timescale  |
| <b>Council's Development Contributions policy supports its intensification objectives</b> | Propose changes in the policy particularly for reserve contributions through the LTP 2021–31   | City Development  | Propose in draft Long Term Plan 2021–2031 and ongoing for future Long Term Plans |
| <b>Budgeting of Infrastructure investment to service-plan enabled growth</b>              | Budget infrastructure is programmed to enable the provision of increased capacity through the LTP process at the right time in response to Future Development Strategy and Housing Business Assessment results | Activity Managers | Propose in draft Long Term Plan 2021–2031 and ongoing for future Long Term Plans |



| Cost   |   |                                      |   |
|--|---|--------------------------------------|---|
| Goal   | Action  | Responsibility                       | Timescale                                 |
| Development Agreements provide a workable solution to the timing of infrastructure capacity              | Continue to use Development Agreements to deliver FDS intensification objectives  | Activity Managers & City Development | Ongoing                                   |
|  | Consider introducing the ability to negotiate an affordability criteria when doing private development agreements   | Activity Managers & City Development | Ongoing                                   |
| Any divestment of Council's community housing supports social and affordable housing solutions in Nelson | Establish a Housing Reserve to allow Council to work with and support partners who have the ability to deliver social and affordable housing solutions for the community into the future  | Strategy                             | Ongoing                                   |
| More uptake of residential in the city centre  | Provide for consideration of a City Centre Residential Conversion Fund of \$50,000 in the draft LTP 2021–31 over years 1 to 3, to subsidise the regulatory cost of conversion of upstairs commercial to residential in existing city centre buildings | City Development                     | Propose in draft Long Term Plan 2021–2031 |



## Glossary

**Council** means Nelson City Council

**Demand** means: In relation to housing, the demand for dwellings in an urban environment in the short, medium and long-term, including:

- the total number of dwellings required to meet projected household growth and projected visitor accommodation growth;
- demand for different types of dwellings;
- the demand for different locations within the urban environment; and
- the demand for different price points recognising that people will trade off (b), (c) and to meet their own needs and preferences.

**Development capacity** means in relation to housing land, the capacity of land intended for urban development based on:

- the zoning, objectives, policies, rules and overlays that apply to the land, in the relevant proposed and operative regional policy statements, regional plans and district plans; and
- the provision of adequate development infrastructure to support the development of the land.

**Development infrastructure** means network infrastructure for water supply, wastewater, stormwater, and land transport as defined in the Land Transport Management Act 2003, to the extent that it is controlled by local authorities.

**Expansion areas** means rural-zoned areas that have been identified for assessment in the Future Development Strategy as providing medium and long-term housing capacity.

**Greenfield** development means land identified or used for urban development (residential, business or industrial) that has not been previously used for that purpose.

**HBA** means Housing and Business Development Capacity Assessment

**Infill** means new standalone houses that are constructed within the existing defined area of the city

**Intensification** means development that increases the density of an existing urban area. Intensification can occur as infill, redevelopment or within greenfield development areas where the zoning is changed to enable increased density.

**Long-term** means between 11 and 30 years.

**Medium-term** means between three and 10 years.

**Nelson Urban Area** is defined by Statistics New Zealand and means the geographical area covering all of the Nelson Territorial Authority Area (excluding the Whangamoa area unit) and the main Richmond Urban areas of the Tasman Territorial Authority area, including the following area units:

- Aniseed Hill
- Hope
- Best Island
- Bell Island
- Ranzau
- Richmond East
- Richmond West

**NPS-UD** means National Policy Statement on Urban Development

**Plan-enabled** means the cumulative effect of all zoning, objectives, policies, rules and overlays and existing designations in plans, and the effect this will have on opportunities for development being taken up.

**Short-term** means within the next three years.

**Strategy** means Future Development Strategy under policies PC12 to PC14 of the NPS-UDC.







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**REPORT R20307**

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**Nelson Tasman Land Development Manual - Delegation  
Resolution Amendment**

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**1. Purpose of Report**

- 1.1 To amend a resolution of the Planning and Regulatory Committee from the 28 May 2019.

**2. Summary**

- 2.1 In May 2019, Nelson City Council and Tasman District Council adopted the Nelson Tasman Land Development Manual (NTLDM).
- 2.2 A resolution of the Planning and Regulatory Committee delegated to the Group Manager Environment and Chair of the Planning and Regulatory Committee the ability to make minor technical corrections or limited amendments, prior to 1 July 2019.
- 2.3 This report seeks an amended resolution to remove the time limit on making minor technical corrections. The amended resolution would then correspond to Tasman District Council's resolution, and enable delegated decision-makers to review and approve minor technical corrections.

**3. Recommendation**

***That the Council***

- 1. Receives the report Nelson Tasman Land Development Manual - Delegation Resolution Amendment (R20307); and***
- 2. Delegates the Chairperson of the Environment Committee and the Group Manager Environment authority to approve minor technical wording amendments, or correction of errors to the Nelson Tasman Land Development Manual 2019.***



## Item 11: Nelson Tasman Land Development Manual - Delegation Resolution Amendment

### 4. Background

- 4.1 In May 2019, Nelson City Council and Tasman District Council adopted the Nelson Tasman Land Development Manual (NTLDM).
- 4.2 A resolution of the Planning and Regulatory Committee delegated the Group Manager Environment and Chair of the Planning and Regulatory Committee to make minor technical corrections and amendments, prior to 1 July 2019 – when the document took effect.
- 4.3 Since 1 July 2019, a series of minor errors with the NTLDM have been identified by Council staff and external users of the document. Corrections are limited to those that improve readability, correct errors, or clarify interpretation. The delegation does not extend to increasing requirements on developers or making substantive changes to the NTLDM.
- 4.4 An amendment to the resolution is sought to remove the time limit imposed in the resolution from 28 May 2019 and update the resolution to reflect the new title of the Chair of the Environment Committee.
- 4.5 The amendment allows efficient administration of the NTLDM, and enables future errors to be corrected.
- 4.6 The resolution of the Planning and Regulatory Committee was:

Recommendation to Council PR/2019/025

*That the Council*

*...*

- 3. *Delegates the Chairperson of the Planning and Regulatory Committee and the Group Manager Environment authority to approve minor technical wording amendments, or correction of errors to the Nelson Tasman Land Development Manual 2019 and proposed Plan Change documents to improve readability and/or consistency prior to 1 July 2019.*

- 4.7 Council resolved to adopt the recommendation on 20 June 2019 (Resolved CL/2019/101).

### 5. Discussion

- 5.1 An amendment to the resolution of the Planning and Regulatory Committee would enable the Chair of the Environment Committee and Group Manager Environmental Management to review and consider

## Item 11: Nelson Tasman Land Development Manual - Delegation Resolution Amendment

minor technical wording amendment or correct errors, before approving such changes.

- 5.2 A list of the potential changes has been circulated between Tasman District Council and Nelson City Council staff, to NTLDM users via the local surveying and engineering institutes and included on Council's website for feedback. Further minor errors were identified through this process and included in the list of items that the delegated decision-makers will consider.
- 5.3 More substantive items have also been proposed for change, but these changes cannot be made via the delegated authority for minor technical corrections. A separate process for these changes will be proposed.
- 5.4 The decision sought is not inconsistent with previous decisions, but does seek an amendment to a prior resolution, as outlined above.
- 5.5 The reference in the delegation to making corrections to the Nelson Resource Management Plan Change documents is no longer relevant, and does not need to be carried over.

### **NTLDM Versions**

- 5.6 If the minor corrections are approved, an updated version of the NTLDM will be issued (NTLDM 2020).
- 5.7 Due to legal complexity with the NTLDM being an 'externally referenced document' in the Nelson Resource Management Plan, the 2019 version remains valid for application in resource consenting decisions. Updated standards may be applied with the agreement of the applicant, or where relevant to Discretionary or Non-Complying Activity consent applications. A practice note will be issued to assist resource consent applicants and processing officers.

### **Options**

| <b>Option 1: Amend Resolution to remove timeframe and update titles of parties with delegations.</b> |  |
|--|--|
| Advantages   | <ul style="list-style-type: none"><li>• Efficient administrative process</li><li>• Consistent with process with the Tasman District Council</li><li>• Enables checks and balance of process without undue delay to make corrections that are affecting users of the NTLDM.</li></ul> |
| Risks and Disadvantages  | <ul style="list-style-type: none"><li>• Limits public involvement in the process of making minor corrections to the NTLDM.</li></ul>   |

Item 11: Nelson Tasman Land Development Manual - Delegation Resolution  
Amendment

| <b>Option 2: Council sign-off for all changes to NTLDM</b> |   |
|--|---|
| Advantages   | <ul style="list-style-type: none"><li>• Full public process options available, with consideration of Significance and Engagement Policy.</li></ul>  |
| Risks and Disadvantages                                    | <ul style="list-style-type: none"><li>• Level of “process” exceeds extent of changes, reducing Council responsiveness to minor issues.</li><li>• Resolutions inconsistent across Nelson/Tasman Boundary on a joint document. Risk that decisions and processes may differ, causing confusion for NTLDM users.</li></ul> |

## **6. Next Steps**

- 6.1 The Chair of the Environment Committee and Group Manager Environmental Management to review list of proposed minor corrections; and if approved, these changes will be updated into a NTLDM 2020 version. A schedule of changes will accompany the new version; and a practice note will be issued to explain the application of the 2019 version in resource consents.

**Author:** Maxine Day, Manager Environmental Planning

### **Attachments**

Nil

## **Important considerations for decision making**

### **1. Fit with Purpose of Local Government**

Delegation of powers and duties is a function set up by the Local Government Act to assist with the efficient administration of decision-making. This report seeks to amend a delegation previously granted by the Planning and Regulatory Committee.

### **2. Consistency with Community Outcomes and Council Policy**

This report enables efficient administration of the NTLDM which helps deliver the following community outcomes:

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

Nelson is a well-planned district with a carefully managed urban intensification and a clear urban/rural boundary. The buoyant city centre is celebrated for its distinctive boutique character. Our easy city to sea access provides locals and visitors with a world-class waterfront experience. We work with our partners to support the development of a range of affordable, healthy and energy-efficient housing in our residential areas. Good urban design and thoughtful planning create safe, accessible public spaces for people of all ages, abilities and interests.

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

Nelson City relies on its good quality, sustainable, affordable and resilient infrastructure network which supports a growing population and strong regional economy. The community is proud of the many active transport options available and the effective public transport system. We invest in waste water, storm water, solid waste and flood protection networks to keep our people safe and healthy, the environment protected and the economy flourishing

### **3. Risk**

This report represents a low risk decision for Council, as it seeks to enable constrained delegation to decision-makers for minor changes.

### **4. Financial impact**

No additional financial impacts arise from this decision.

### **5. Degree of significance and level of engagement**

This matter is of low significance to the public generally, but does enable efficient administration that will improve the interaction of NTLDM users with council processes.

Prior to seeking approval by the delegated decision-makers the list of potential changes to the NTLDM has been advertised for feedback to key user groups. The feedback resulted in a small number of suggested changes.

More substantive changes will be required to undergo a more rigorous process, and will be the subject of a subsequent report to Council.

#### **6. Climate Impact**

No consideration of climate impacts has been undertaken for this report.

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

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

#### **8. Delegations**

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 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.

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**REPORT R19195**

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**Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement**

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**1. Purpose of Report**

- 1.1 To approve the release of the Draft Whakamahere Whakatū Nelson Plan for public engagement from 6 October to 6 December 2020.

**2. Summary**

- 2.1 A draft Whakamahere Whakatū Nelson Plan (draft Plan) has been prepared under the Resource Management Act 1991 (RMA).
- 2.2 Public engagement on the draft Plan is proposed so the community can provide feedback on the content and direction of it. The feedback will inform Council about any changes that may be required prior to the formal notification process under the RMA.
- 2.3 The draft Plan has no statutory role until it is formally notified. Once the Plan is notified in 2022, it will begin to replace the Nelson Resource Management Plan, Nelson Regional Policy Statement and Nelson Air Plan.

**3. Recommendation**

***That the Council***

- 1. Receives the report Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement (R19195); and***
- 2. Approves the release of the Draft Whakamahere Whakatū Nelson Plan for Public Engagement on 6 October 2020.***

**4. Background**

- 4.1 The Resource Management Act 1991 requires the Plan to be reviewed 10 years after it becomes operative. Consequently, a full review of the Nelson Resource Management Plan was initiated in November 2013.

## Item 12: Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement

- 4.2 The Plan review has involved the analysis of issues, trends, data, new legislation and public views on the goals for, and management of a very wide range of topics, including such things as land use, population growth, water management, subdivision, heritage, landscapes, biodiversity, transportation, climate change, coasts, rivers, discharges, natural hazards etc.
- 4.3 The review involves Te Tau Ihu iwi. In 2014 an iwi working group was established with representation from the eight iwi authorities. The working group has met regularly throughout the process to discuss, inform, review, draft and shape the draft Plan.
- 4.4 In 2014 and 2015 a draft Regional Policy Statement (RPS) was developed. Feedback from the public was sought on the draft RPS in 2016.
- 4.5 In 2017 the Draft Nelson Plan was workshopped with elected members, iwi and freshwater working groups, and an initial peer review was carried out. There was public engagement on fault, liquefaction, and river flooding hazards. Engagement continued with landowners who have significant natural areas or heritage values on their properties. Nelson's business and development community were also engaged with.
- 4.6 In 2018 the Draft Nelson Plan was completed and compiled as one document for the first time, including web map overlays. Internal testing of the Draft Plan was carried out with key Council teams, and a revised version was prepared in December 2018.
- 4.7 In 2019, the Draft Nelson Plan was tested by external planning peer reviewers and a first stage legal review of the Draft Plan was carried out. The Draft Plan was reviewed by NCC elected members and iwi through a series of topic-based workshops. The introduction of the Government driven National Planning Standards in mid-2019 meant a complete re-organisation of the Plan was required. The National Planning Standards also required the Plan to be available in an electronic format (an E-Plan).
- 4.8 In early 2020, Council postponed planned engagement on the Draft Plan as the Covid-19 pandemic curtailed public engagement opportunities. Instead, Council undertook testing with key stakeholders (frequent users of the Nelson Resource Management Plan, statutory agencies, neighbouring councils and the like). The purpose of the testing was to identify errors, omissions and clarify interpretation – those matters have largely been incorporated in a revised Draft Plan. More substantive matters raised by key stakeholders will be addressed along with feedback from the community engagement. The key stakeholders will be informed of this process.
- 4.9 The release of the draft Plan in October 2020 allows the wider public to see the content and direction of the Nelson Plan. The Draft Plan and Maps are extensive and are available on the Nelson Plan page of Council's Shape Nelson website (<https://shape.nelson.govt.nz/nelson-plan>).

## Item 12: Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement

- 4.10 As the Draft Plan does not yet contain all of the anticipated provisions, it is being released in two phases. The first engagement phase includes the majority of the provisions, while the second phase will cover coastal and river flooding; provisions for an airport zone; education/research zone/s (NMIT, Cawthron sites); Sites and Areas of Significance to Maori (Schedule and mapping); Haven and Marina Precincts; new Air Plan provisions once the National Environmental Standards for Air are released by Central Government; implement changes to the NPS on Freshwater Management and any new directions from National Policy statements that may be released before early 2021.
- 4.11 The Draft Plan identifies where sections are incomplete, awaiting national direction, further technical input or community feedback on options.
- 4.12 The second phase also allow time to respond to recently released changes to the Healthy Waterways Action Policy; National Environmental Standards on Marine Aquaculture; and any other legislative directions that may affect the Nelson Plan prior to notification. The NPS on Urban Development has partially been given effect to in the Draft Nelson Plan, but has not yet been fully incorporated given the NPS has only recently been released.
- 4.13 It is noted that Government has signalled the delayed release of three further national directions that the Nelson Plan will need to give effect to: NPS Indigenous Biodiversity; NPS Highly Productive Land; and NES Air Quality.
- 4.14 Following public and stakeholder engagement, Council and the iwi working group will consider requests for substantive changes, prior to formal notification of the Proposed Whakamahere Whakatū Nelson Plan in 2022.

## **5. Discussion**

- 5.1 The Council can use the opportunity to engage with the public on the Draft Plan to help understand issues; to assess potential impacts; and to inform the need for changes or for further work.
- 5.2 The timeframe for the Nelson Plan project enables the feedback to be considered prior to finalising the formal 'Proposed' version.
- 5.3 Engagement prior to formal notification potentially reduces the extent of submissions, hearings and appeals; which in turn can reduce costs for all parties and minimises timeframes.



Item 12: Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement

## Options

| <b>Option 1: Release the Draft Plan for public feedback</b>  |   |
|--|---|
| Advantages   | <ul style="list-style-type: none"> <li>• The document is at a stage where it would benefit from receiving public feedback to refine or re-direct content.</li> <li>• The Council has been signalling for some time that the Plan would be available for public feedback</li> <li>• Efficient use of resources</li> <li>• Two phases of engagement may mean that 'information overload' is reduced, and people have a better ability to participate on topics that affect them.</li> <li>• Two phases of consultation allows for a more manageable workload for officers.</li> </ul> |
| Risks and Disadvantages                                      | <ul style="list-style-type: none"> <li>• The Plan is not a complete document. Two phases of consultation creates risk of disengagement and can increase costs associated with publishing material and officer time.</li> <li>• Resource Management Act Reform and ongoing changes may affect the content and timing of the Plan.</li> </ul>   |
| <b>Option 2: Delay the Draft Plan due to RMA uncertainty</b> |   |
| Advantages   | <ul style="list-style-type: none"> <li>• Further legislation changes to the RMA are signalled that could be incorporated to produce a Plan to meet the requirements of the new legislation. This reduces the risks of re-doing work and associated costs.</li> </ul>  |
| Risks and Disadvantages                                      | <ul style="list-style-type: none"> <li>• High uncertainty as to timing and scope of RMA changes.</li> <li>• Additional time delays and loss of public confidence in process</li> <li>• Increased costs as currency of processes and information declines over time.</li> <li>• Need for resource management provisions to reflect current national directions and local issues – these would be further delayed if the Plan was not released.</li> </ul>  |

Item 12: Release of Draft Whakamahere Whakatū Nelson Plan for Public Engagement

| <b>Option 3: Withhold Draft and Only Produce Notified Version</b> |   |
|---|---|
| Advantages  | <ul style="list-style-type: none"><li>• Potentially speed up notification timeframe</li><li>• Reduce pre-notification costs</li></ul>   |
| Risks and Disadvantages   | <ul style="list-style-type: none"><li>• Likely to result in a larger number of submissions</li><li>• Reduces the ability of the public to influence content of the Plan and gives Council less flexibility to respond to public interest</li><li>• Public and Council costs likely to increase after notification due to formal process requirements (e.g. the need for technical evidence for hearings, and/or longer hearings).</li></ul> |

## **6. Conclusion**

- 6.1 Release of the Draft Whakamahere Whakatū Nelson Plan enables Council to test the directions and provisions contained within it; and for the community, stakeholders and interest groups to help shape the direction of resource management in Nelson.

## **7. Next Steps**

1. Finalise the E-Plan to enable basic property-level search functionality (with higher functionality planned for the Proposed Plan).
2. Release the Draft Plan on 6 October for engagement purposes until 6 December 2020.
3. Review feedback prior to finalising the Proposed Nelson Plan.

**Author:** Maxine Day, Manager Environmental Planning

### **Attachments**

Nil

## Important considerations for decision making

### 1. Fit with Purpose of Local Government

The development of resource management plans is function of local government under the Resource Management Act 1991 (RMA).

The purpose of the Resource Management Act is to promote the sustainable management of natural and physical resources. In the RMA, ***sustainable management*** means *managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety*, while fulfilling other duties.

### 2. Consistency with Community Outcomes and Council Policy

The development of the Draft Nelson Plan enables Council to deliver a number of the community outcomes set out in the Long Term Plan; and Nelson 2060. In addition, the Nelson Plan is being developed to inform and integrate with the Infrastructure Strategy and Future Development Strategy, among others.

Specifically, the following outcomes are relevant:

- Our unique natural environment is healthy and protected
- Our urban and rural environments are people-friendly, well planned and sustainably managed
- Our communities are healthy, safe, inclusive and resilient

### 3. Risk

There is low risk of adverse consequences arising from releasing the Plan for informal feedback. The early engagement process enables Council to consider the views of the community prior to formal processes and regulations take effect.

The development of the Plan has involved a series of previous engagement phases; and partnership with iwi, as described in the report.

Issues that arise as a consequence of the feedback will be reported back to Council before decisions are made.

#### **4. Financial impact**

The financial impact of the decision to engage on a draft Plan has been incorporated into the Annual Plan 2020/2021. No additional financial impacts are anticipated with this decision.

#### **5. Degree of significance and level of engagement**

The decision contained in this report is of high significance under the LGA because there is a reasonable expectation of the issues contained within the Draft Nelson Plan generating wide public interest within the District.

Therefore the report seeks approval to release a draft version of the Nelson Plan to enable early engagement and feedback prior to entering the formal stages of notification and hearings. The process for engagement does not require a Special Consultative Procedure as decisions on the content of the Nelson Plan will be made under the Resource Management Act.

The process for engaging with iwi will continue via the Environmental Planning iwi working group, as a minimum.

The decision contained in this report does not relate to a strategic asset; does not impact on levels of service, rates, or debt; and the decision does not create irreversible decisions.

#### **6. Climate Impact**

The Draft Nelson Plan contains provisions relating to climate change adaptation and mitigation. Those provisions are contained within the Regional Policy Statement (Part 2) and dispersed across the Draft Plan. Further work and engagement on climate change adaptation and mitigation is planned for Phase 2 Engagement.

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

No engagement with Māori has been undertaken in preparing this report, however, representatives from Te Tau Ihu iwi have been involved in the development of the Draft Nelson Plan since 2014. The involvement is ongoing.

The last meeting with the working group occurred on 27 August 2020, where feedback from Stakeholder engagement was shared; and a programme of next steps outlined, including public engagement.

#### **8. Delegations**

*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*

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*of a particular committee, subcommittee or subordinate decision-making 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.*

The reason for this report being considered by Council rather than the Environment Committee is due to the following factors:

- Stakeholder feedback closed on 31 July 2020
- Staff needed 4 weeks to consider feedback from stakeholders and where appropriate, incorporate that feedback into the Draft Nelson Plan.
- The meeting dates for the Environment Committee fell either too early (3 Sept) or too late (22 October) to approve the release of the Draft for engagement for 8 weeks from 6 October.

The Chair of the Environment Committee, the Mayor and the Chief Executive agreed that the matter be considered at the Council meeting. Outcomes from this meeting of Council, and reasons, will be reported to the Environment Committee on 22 October 2020.