



Nelson City Council
Te Kaunihera o **Whakatū**

Notice of the Ordinary meeting of

Nelson City Council

Te Kaunihera o Whakatū

Date:	Thursday 9 February 2023
Time:	9.00a.m.
Location:	Council Chamber Floor 2A, Civic House 110 Trafalgar Street, Nelson

Agenda

Rārangi take

Chairperson

His Worship the Mayor Nick Smith

Deputy Mayor

Deputy Mayor Rohan O'Neill-Stevens

Members

Cr Matty Anderson

Cr Matthew Bengé

Cr Trudie Brand

Cr Mel Courtney

Cr James Hodgson

Cr Kahu Paki Paki

Cr Pete Rainey

Cr Campbell Rollo

Cr Rachel Sanson

Cr Tim Skinner

Cr Aaron Stallard

Quorum 7

Lindsay McKenzie
Interim Chief Executive

Nelson City Council Disclaimer

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

Karakia and Mihi Timatanga

1. Apologies

Nil

2. Confirmation of Order of Business

3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

4.1 Emma Hunter from Aroha Kotahi will be in attendance to share their vision and kaupapa with the newly elected council.

5. Confirmation of Minutes

5.1 15 December 2022

12 - 28

Document number M19941

Recommendation

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 15 December 2022, as a true and correct record.***

6. Mayor's Report

29 - 34

Document number R27449

Recommendation

That the Council

1. ***Receives the report Mayor's Report (R27449) and its attachments (1833911234-50, 1833911234-51, 1833911234-47, 1833911234-49 and 1833911234-62); and***
2. ***Revokes the delegation to staff to decide, under sections 95 and 104 of the Resource Management Act, the discharge consent application in the name of Te Whatu Ora (Nelson Hospital) as this application is of high public interest and will be considered directly by Council; and***
3. ***Establishes the Sesquicentennial Taskforce to consider appropriate events to commemorate 150 years of Nelson City Council; and***
4. ***Appoints Councillor Mel Courtney (Chairperson) and Councillor Kahu Paki Paki, Pat Dougherty, Gail Collingwood and a representative to be appointed by the Civic Trust, as members of the Sesquicentennial Taskforce; and***
5. ***Establishes the Right Tree Right Place Taskforce to consider the future of Council-owned plantation forestry; and***
6. ***Appoints Dr Morgan Williams (Independent Chairperson), Councillors Rachel Sanson and Matthew Benge as members of the Right Tree Right Place Taskforce; and***
7. ***Agrees that all recently commercially harvested blocks in Maitai and Marsden Valley not be replanted with *pinus radiata* pending the outcome of the Right Tree Right Place Taskforce; and***
8. ***Notes that the Terms of Reference for the Sesquicentennial Taskforce and the Right Tree Right Place Taskforce will be provided to a future Council meeting, including any additional membership.***

7. Annual Plan 2023/24 update

35 - 42

Document number R27434

Recommendation

That the Council

- 1. Receives the report Annual Plan 2023/24 update (R27434); and***
- 2. Agrees that a consultation process in accordance with sections 95A, 82 and 82A of the Local Government Act 2002 be undertaken on the Annual Plan 2023/24 due to the high level of significance of the proposed changes; and***
- 3. Agrees that Council is not required under the Local Government Act 2002 to undertake an amendment to the Long Term Plan 2021-2031 as the proposed changes do not alter significantly levels of service for any significant activity or transfer ownership or control of a strategic asset; and***
- 4. Notes that the effect of the decision is to alter Resolution CL/2022/248 of the Council meeting of 10 November 2022.***

8. Seafarers Memorial Jetty - further information

43 - 62

Document number R26528

Recommendation

That the Council

- 1. Receives the report Seafarers Memorial Jetty - further information (R26528) and its attachment (1982984479-4473); and***
- 2. Considers the comments from Te Ohu Taiao (Environment) on 17 August 2022; and***
- 3. Requires the Seafarers Memorial Trust to renew the resource consent for the Seafarers Memorial Jetty; and***
- 4. Approves to a maximum of \$10,000 of unbudgeted funds in the 2022/23 financial year as Council's 50% share towards the new resource consent for the Seafarers Memorial Jetty; and***

5. **Subject to the successful granting of a new resource consent for the jetty:**
 - a. **Agrees to the transfer of ownership for the Seafarers Memorial Jetty to become a Council asset; and**
 - b. **Notes that Council accepts no responsibility for the Seafarers Memorial Trust or funding of the 'Blessing of the Fleet'; and**
 - c. **Notes that the facility is transferring to the Council free of naming rights; and**
 - d. **Approves \$27,000 of unbudgeted funds for seat renewals, maintenance, and other renewals of the Seafarers Memorial Jetty in the 2022/23 financial year; and**
 - e. **Accepts responsibility for future maintenance and renewals of the Seafarers Memorial Jetty as required.**

9. Delegations Under the Resource Management Act 63 - 89

Document number R27396

Recommendation

That the Council

1. **Receives the report Delegations Under the Resource Management Act (R27396) and its attachment (1974015928-1072); and**
2. **Approves, under section 34A of the Resource Management Act, the delegations to staff as identified in Attachment 1 (1974015928-1072) to this report.**

10. Policy update - Appointment and Remuneration for External Appointees on Council Committees and Subcommittees 90 - 95

Document number R27441

Recommendation

That the Council

1. **Receives the report Policy update - Appointment and Remuneration for External Appointees on Council**

Committees and Subcommittees (R27441) and its attachment (839498445-13611); and

- 2. Approves the updated Policy "Appointment and Remuneration for External Appointees on Council Committees and Subcommittees".***

11. Approval of Terms of Reference - City Centre Business Forum 96 - 100

Document number R27458

Recommendation

That the Council

- 1. Receives the report Approval of Terms of References – City Centre Business Forum; and***
- 2. Approves the City Centre Business Forum Terms of Reference (1974015928-926).***

12. Three Waters Reform Update and Water Services Legislation and Economic Efficiency and Consumer Protection Bills Council submission 101 - 120

Document number R27429

Recommendation

That the Council

- 1. Receives the report Three Waters Reform Update and Water Services Legislation and Economic Efficiency and Consumer Protection Bills Council submission (R27429) and its attachment (1601344813-215); and***
- 2. Approves the draft Council submission on the Water Services Legislation and Economic Efficiency and Consumer Protection Bills to the Finance and Expenditure Select Committee; and***
- 3. Agrees that the Mayor and Chief Executive be delegated authority to approve minor editorial amendments to the Council submission.***

13. Review into the Future for Local Government: submission on draft report **121 - 134**

Document number R27387

Recommendation

That the Council

- 1. Receives the report *Review into the Future for Local Government: submission on draft report (R27387) and its Attachment (839498445-13597)*; and**
- 2. Approves the draft submission on the *Review into the Future for Local Government draft report, He mata whāriki, he matawhānui (839498445-13597)*; and**
- 3. Delegates authority to the Mayor and Group Manager, Strategy and Communications, to approve any minor editorial amendments.**

14. Te Kāhui Whiria, Māori Partnerships Update 2021/2022 **135 - 143**

Document number R27090

Recommendation

That the Council

- 1. Receives the report *Te Kāhui Whiria, Māori Partnerships Update 2021/2022 (R27090)*; and notes its contents.**

15. Post-local body election poll results - December 2022 **144 - 178**

Document number R27465

Recommendation

That the Council

- 1. Receives the report *Post-local body election poll results - December 2022 (R27465) and its attachment (579032177-724)*; and**
- 2. Notes the results outlined in Attachment 1(579032177-724).**

CONFIDENTIAL BUSINESS

16. Exclusion of the Public

Recommendation

That the Council

- 1. Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that Chris Little and Patrick Power from Stoke Rugby remain after the public has been excluded, for Item 3 of the Confidential agenda (Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre) as they have knowledge relating to the items that will assist the meeting.; and***
- 2. Confirms that in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, Lyndon Penketh from Tasman Rugby Union and Peter Fisher from City Club remain after the public has been excluded, for Item 4 of the Confidential agenda (Proposed Lease and Public Engagement - Trafalgar Park Lane), as they have knowledge relating to the items that will assist the meeting.***

Recommendation

That the Council

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Confidential Minutes - 15 December 2022	Section 48(1)(a) The public conduct of this matter would be likely to result in	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(a)

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		disclosure of information for which good reason exists under section 7.	<p>To protect the privacy of natural persons, including that of a deceased person</p> <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
2	<p>Recommendations from Committees</p> <p>Chief Executive Employment Committee - 21 December 2022</p> <p>Interim Chief Executive Officer Performance Agreement and Key Result Areas for 2023</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
3	<p>Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
4	<p>Proposed Lease and Public Engagement - Trafalgar Park Lane</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on,

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		good reason exists under section 7	without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
5	Appointment of independent chair - Audit Risk and Finance Committee	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
6	Timing of Council's Funding Contribution to Tasman Bays Heritage Trust's Archives, Records, Collections Development	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
7	Proposed changes to Council's fees and charges for 2023-24	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(j) To prevent the disclosure or use of official information for improper gain or improper advantage

Karakia Whakamutanga

**Minutes of a meeting of the
Nelson City Council
*Te Kaunihera o Whakatū***

**Held in the Council Chamber, Civic House, 110 Trafalgar Street,
Nelson on Thursday 15 December 2022, commencing at 9.01a.m.**

Present: His Worship the Mayor N Smith (Chairperson), Councillors M Anderson, M Benge, T Brand, M Courtney, J Hodgson, R O'Neill-Stevens (Deputy Mayor), K Paki Paki, P Rainey, C Rollo, R Sanson, T Skinner and A Stallard

In Attendance: Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (D Bush-King), Group Manager Community Services (A White), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald), Team Leader Governance (R Byrne) and Senior Governance Adviser (M Macfarlane)

Apologies : Councillor K Paki Paki for lateness

Karakia and Mihi Timatanga

His Worship the Mayor Hon Dr N Smith provided opening comments for the meeting and acknowledged the effort of members and staff in challenging times, in particular the outgoing Chief Executive, Pat Dougherty, at his last Council meeting.

1. Apologies

Resolved CL/2022/273

That the Council

- 1. Receives and accepts the apology from Councillor K Paki Paki for lateness.***

Courtney/Rollo

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

There were no updates to the Interests Register, Councillor Sanson declared a non-pecuniary interest and Councillor Rainey declared an interest relating to Agenda Item 17, Nelson Events Strategy implementation update.

4. Public Forum

4.1. Friends of the Maitai

Document number R27379

Jacquetta Bell and Steven Gray, Friends of the Maitai, provided a background of the group, their recent activities and their view of river health, in particular on the impacts of the recent weather event and forestry.

Mr Gray answered questions on trends in the river's health and the impact Council land management was having on the river.

His Worship the Mayor Smith indicated a Forestry Taskforce would be established in the new year.

Attachments

- 1 1982984479-5410 Council 15Dec2022 Public Forum Presentation - Friends of the Maitai

5. Confirmation of Minutes

5.1 10 November 2022

Document number M19907, agenda pages 14 - 33 refer.

Resolved CL/2022/274

That the Council

1. ***Confirms the minutes of the meeting of the Council, held on 10 November 2022, as a true and correct record.***

Sanson/Skinner

Carried

5.2 24 November 2022

Document number M19919, agenda pages 34 - 41 refer.

Resolved CL/2022/275

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 24 November 2022, as a true and correct record.***

Sanson/Skinner

Carried

6. Mayor's Report

Document number R27371, agenda pages 42 - 60 refer.

His Worship the Mayor Smith took the report as read and answered questions on the opportunity for members to review the Draft Local Government Reform submission and provide feedback, engagement with members on millage reimbursement and the use of electric vehicles from the Council fleet.

Group Manager Environmental Management, Dennis Bush-King, noted the closing date for the submissions to the Environment Select Committee had been extended to 5 February 2023.

An amendment was made to clause 4 to enable members to attend Local Government New Zealand events up to the pre-election period.

Resolved CL/2022/276

That the Council

- 1. Receives the report Mayor's Report (R27371) and its attachment (839498445-13400, 1118544611-6991 and 1118544611-6993); and***
- 2. Approves unbudgeted expenditure of \$50,000 in the 2022/23 financial year for a Council contribution to the Mayoral Relief Fund to provide financial assistance for impacted residents.***
- 3. Approves the updated Members' Reimbursement and Expenses Policy (Attachment 1 839498445-13400); and***
- 4. Notes that officers will provide the updated Members' Reimbursement and Expenses Policy to the Remuneration Authority for review against their guidance noting an amendment to 9.2 up to the pre election period excluding Local Government New Zealand events; and***

5. ***Notes the appointment of Gail Collingwood as Sister Cities Coordinator for a period of three years finishing in October 2025; and***
6. ***Delegates to the Local Government Reform Task Force power to authorise the His Worship the Mayor to sign a submission to the Environment Select Committee on the Natural and Built Environment and Spatial Planning Bills before the close off date of 30 January 2023.***

His Worship the Mayor/Sanson

Carried

7. **Brook Waimarama Sanctuary Trust Annual Update**

Document number R27327, agenda pages 61 - 62 refer.

Manager Parks and Facilities, Rosie Bartlett, introduced Brook Waimarama Sanctuary Trust Chief Executive, Ru Collins. Mr Collins spoke to a tabled presentation (1982984479-5393) and updated members on the activities at the Brook Waimarama Sanctuary.

Mr Collins answered questions on the importance of increasing visitor numbers and opening hours, the reintroduction of saddleback in the sanctuary, impacts of the recent weather event, the potential collaboration with the Nelson Regional Development Agency and what the biggest threats were to the sanctuary.

Councillor Paki Paki joined the meeting at 9.57a.m.

Resolved CL/2022/277

That the Council

1. ***Receives the report Brook Waimarama Sanctuary Trust Annual Update (R27327) and its attachment (606908324-46122).***

Benge/Rollo

Carried

Attachments

- | | | | | | |
|--|-----------------|---------|-----------|--------|----------|
| 1 | 1982984479-5393 | Council | 15Dec2022 | Tabled | Document |
| Presentation - Brook Waimarama Sanctuary | | | | | |

The meeting adjourned at 10.02a.m. and reconvened at 10.08a.m.

8. **Nelson Regional Development Agency Annual Report 2021-22**

Document number R27281, agenda pages 63 - 67 refer.

Nelson Regional Development Agency (NRDA) Chair, Meg Matthews, took the report as read noting the financial year 2022 was challenging for businesses.

NRDA Chief Executive, Fiona Wilson spoke to a tabled presentation (839498445-13618) reflecting on the past months and looking forward.

Ms Wilson answered questions on the briefing paper provided to ministers, investment priorities for the region, focus on delivering for whole of the region, NRDA's interaction with retailers in central business district redevelopment.

Resolved CL/2022/278

That the Council

- 1. Receives the report Nelson Regional Development Agency Annual Report 2021-22 (R27281) and the attachment (839498445-7425); and***
- 2. Approves the Nelson Regional Development Agency Annual Report as sufficient to provide Council with an overview of activities during the 2021-22 year; and***
- 3. Notes that a letter of expectation for the Nelson Regional Development Agency for 2022-23 is not required.***

Courtney/Brand

Carried

Attachments

- | | |
|---|---|
| 1 | 839498445-13618 Council 15Dec2022 Tabled Document - NRDA Annual Report 2021-22 and update |
|---|---|

9. Development Contributions Waiver Kaikaiāwaro Charitable Trust

Document number R27317, agenda pages 68 - 75 refer.

Strategic Housing Adviser, Lisa Gibellini, introduced the report noting Development Contributions were a mechanism used by Council to alleviate the housing crisis in Nelson.

General Manager of Te Rūnanga o Ngāti Kuia Trust, Dave Johnston, noted the Trust want to be part of the solution to the housing crisis, this was their first project of this kind and was part of their wider strategy.

Ms Gibellini and Mr Johnston answered questions on reviewing the waiver process and the intended use of the houses.

Resolved CL/2022/279

That the Council

- 1. Receives the report Development Contributions Waiver Kaikaiāwaro Charitable Trust (R27317); and***
- 2. Approves the request from Kaikaiāwaro Charitable Trust to waiver development contributions of approximately \$85,000 for whānau housing on 104 Nayland Road and identifies the matters in relation to such a decision in accordance with section 80 of the Local Government Act, including:***
 - (a) The decision to waive the development contribution would be inconsistent with the NCC Development Contributions Policy 2021; and***
 - (b) Specific reasons that the development is being undertaken by a not-for-profit iwi trust and provides social housing for whānau of Ngāti Kuia are identified as to why the Council has decided to grant the waiver notwithstanding the inconsistency with the Policy; and***
 - (c) That there is no intention to amend the Policy to accommodate the decision at this time, however the Policy will be reviewed as part of the 2023 LTP process; and***
- 3. Directs officers to make amendments as part of the next review of the Development Contributions Policy in 2023 to include exemptions for social housing developments undertaken by Iwi Trusts in the draft development contributions policy.***

Sanson/Paki Paki

Carried

10. Terms of Reference for the Community Housing Acceleration Taskforce

Document number R27333, agenda pages 76 - 84 refer.

Strategic Housing Adviser, Lisa Gibellini, took the report as read, noting the role of the taskforce.

Resolved CL/2022/280

That the Council

- 1. Receives the report Terms of Reference for the Community Housing Acceleration Taskforce (R27333) and its attachment (336940202-4193); and***
- 2. Approves the Terms of Reference for the Community Housing Acceleration Taskforce (336940202-4193).***

Sanson/O'Neill-Stevens

Carried

11. Approval of Terms of References - Civic House and Sports Facilities taskforces

Document number R27374, agenda pages 85 - 93 refer.

Manager Property Services, Rebecca Van Orden, and Group Manager Community Services, Andrew White, took the report as read and answered questions on the exclusion of recreation facilities on non-Council owned land in the terms of reference for the Sports Facilities taskforce, and when the taskforce would be expected to dissolve.

The clause to adopt the Sports Facilities Taskforce Terms of Reference was deferred to allow further work to be undertaken on the terms of reference.

Resolved CL/2022/281

That the Council

- 1. Receives the report Approval of Terms of References - Civic House and Sports Facilities taskforces (R27374) and its attachments (1974015928-926 and 1974015928-914); and***
- 2. Approves the Civic House Taskforce Terms of Reference (1974015928-926).***

His Worship the Mayor/Rollo

Carried

The meeting adjourned at 11.28a.m. and reconvened at 11.38a.m.

12. Delegations Register 2022

Document number R27344, agenda pages 94 - 158 refer.

Team Leader Governance, Robyn Byrne, took the report as read and noted minor corrections to the Chief Executive delegations and that there are placeholders for terms of reference which will be updated following the meeting.

Group Manager Corporate Services, Nikki Harrison, and Group Manager Infrastructure, Alec Louverdis, answered questions on the financial thresholds in the delegation register, the implications of the proposed adjustment to the Chief Executive delegation and what the process is for future review of the Delegations Register.

Resolved CL/2022/282

That the Council

- 1. Receives the report Delegations Register 2022 (R27344) and its attachments (1974015928-915, 596364813-7363); and***
- 2. Re-establishes the Regional Pest Management Joint Committee; and***
- 3. Approves, subject to Tasman District Council approval, the Terms of Reference for the Regional Pest Management Joint Committee (596364813-7363); and***
- 4. Adopts the Delegations Register 2022 (1974015928-915).***

Rainey/Sanson

Carried

13. Local Governance Statement

Document number R27349, agenda pages 159 - 205 refer.

Manager Governance and Support Services, Devorah Nicuarta-Smith, took the report as read and noted the document would be treated as a living document going forward.

Resolved CL/2022/283

That the Council

- 1. Receives the report Local Governance Statement (R27349) and its attachment (1373411589-406); and***
- 2. Notes that the 2022-2025 Local Governance Statement has been prepared as required under section 40 Local Government Act 2002; and***
- 3. Notes that the updated Local Governance Statement will be made publicly available through Council's website; and***
- 4. Notes that the Local Governance Statement will be treated as a live document with updates being made and the document re-published as required.***

His Worship the Mayor/O'Neill-Stevens

Carried

14. Rates remission for landowners affected by the August 2022 rainfall event - further report

Document number R27378, agenda pages 206 - 228 refer.

Group Manager Corporate Services, Nikki Harrison, took the report as read noting there was an initial rate remission of fixed charges in September and officers now proposed a general rates remission for the properties that still could not be inhabited as at 30 November 2022.

Resolved CL/2022/284

That the Council

- 1. Receives the report Rates remission for landowners affected by the August 2022 rainfall event - further report (R27378) and its attachments (1982984479-5324 and 839498445-7760); and***
- 2. Agrees that the level of rates remission for the August 2022 rainfall event be increased for properties unable to be inhabited as at 30 November 2022 to include the Uniform Annual General charge (UAGC) and general rate; and***
- 3. Agrees that the additional rates remission includes the Uniform Annual General charge (UAGC) and general rate and the rates remission is backdated to the initial event date; and***
- 4. Delegates the Group Manager Corporate Services and the Group Manager Environmental Management to determine applications for rates remission.***

Skinner/Brand

Carried

15. Policy Review: Appointment of Directors or Trustees of Council-Controlled Organisations, Council-Controlled Trading Organisations and Council Organisations

Document number R26898, agenda pages 229 - 241 refer.

Group Manager Corporate Services, Nikki Harrison, took the report as read noting the policy was due for a regular update and amendments are noted.

Resolved CL/2022/285

That the Council

- 1. Receives the report Policy Review: Appointment of Directors or Trustees of Council-Controlled Organisations, Council-Controlled Trading Organisations and Council Organisations (R26898) and its attachment (200344844-202); and***
- 2. Adopts the amended Policy for Appointment of Directors or Trustees of Council Controlled Organisations, Council Controlled Trading Organisations and Council Organisations.***

Sanson/Stallard

Carried

16. Proposal to establish an Arts Development Agency

Document number R27342, agenda pages 242 - 247 refer.

Policy Adviser, Ailish Neyland, took the report as read.

Group Manager Strategy & Communications, Nicky McDonald, answered questions on what happens if the funding applications were unsuccessful, the make-up of the Arts Development Agency steering group and what funding the Agency was allocated.

Resolved CL/2022/286

That the Council

- 1. Receives the report Proposal to establish an Arts Development Agency (R27342); and***
- 2. Supports the Arts Council Nelson initiative to expand its role to provide the Development Agency for the Arts, as envisaged in He Tātai Whetū/the Whakatū Nelson Arts and Creativity Strategy; and***
- 3. Requests His Worship the Mayor write a letter on behalf of Council to support Arts Council Nelson's funding application to the Cultural Sector Regeneration Fund.***

O'Neill-Stevens/Skinner

Carried

17. Nelson Events Strategy implementation update - 2021-22

Document number R27353, agenda pages 248 - 255 refer.

Policy Adviser, Ailish Neyland, noted Council had invested in a number of events to contribute to Nelson's wellbeing, vibrancy and economic success and the annual update was on the implementation of the events strategy.

Councillor Rainey abstained from voting on the motion.

Resolved CL/2022/287

That the Council

- 1. Receives the report Nelson Events Strategy implementation update - 2021-22 (R27353); and***
- 2. Approves changing the return on investment target from 10:1 to 20:1 in the Nelson City Events Strategy.***

Courtney/Benge

Carried

18. Schedule of Meetings 2023

Document number R27345, agenda pages 256 - 272 refer.

Team Leader Governance, Robyn Byrne, took the report as read and noted updates to scheduled taskforce meetings, a date correction for the Joint Regional Transport Committee and that Joint Committee scheduling was still to be finalised.

The Chief Executive, Pat Dougherty, answered a question on how deliverable the current workplan was.

Resolved CL/2022/288

That the Council

- 1. Receives the report Schedule of Meetings 2023 (R27345) and its attachment (1982984479-5371); and***
- 2. Adopts the schedule of meetings for the 2023 calendar year as set out in Attachment 1 (1982984479-5371).***

Rainey/Paki Paki

Carried

19. Biosecurity Annual Report 2021/22 & Operational Plan 2022/23

Document number R27338, agenda pages 273 - 280 refer.

Environmental Programmes Adviser, Richard Frizzell, introduced Biosecurity Officer, Andrew Nevin. Mr Frizzell took the report as read and noted that Nelson City Council and Tasman District Council (TDC) the only two councils to have a joint plan and that TDC had recently approved the Operational Plan.

Mr Frizzell answered questions on the types of carp species found locally, locations of incursion and marine pest monitoring.

Group Manager Environmental Management, Dennis Bush-King, answered a question on feral cats, what plans were in place and whether it was appropriate to include feral cats in future biosecurity plans.

Resolved CL/2022/289

That the Council

- 1. Receives the report Biosecurity Annual Report 2021/22 & Operational Plan 2022/23 (R27338) and its attachments (596364813-7519, 596364813-7512, and 596364813-7513); and***
- 2. Approves the Operational Plan 2022/23 for the Tasman Nelson Regional Pest Management Plan (596364813-7513), specifically as it relates to Nelson City Council's area;***
- 3. Approves the amendment to Koi Carp species from *Cyprinus carpio*, to *Cyprinus rubrofasciatus* in the Tasman Nelson Regional Pest Management Plan 2019-2029.***

Sanson/Courtney

Carried

20. Resident's Survey 2021/22

Document number R27354, agenda pages 281 - 339 refer.

Senior Policy Adviser, Louis Dalzell, took the report as read, noting an increase in overall satisfaction with mixed results for Council's performance measures and general activity results.

Mr Dalzell answered questions on the technology used for the survey, opportunities to improve survey accessibility and the ability to apply demographic breakdowns to the survey results.

Resolved CL/2022/290

That the Council

1. ***Receives the report Resident's Survey 2021/22 (R27354) and its attachments (1224871364-247 & 1224871364-245); and***
2. ***Notes that the results of the Residents' Survey 2021/22 will be made available to the public on the Council website.***

Sanson/Rollo

Carried

21. Exclusion of the Public

Rob Gunn, Jane Shaerd and Lindsay Coll of Nelmac, will be in attendance for Item 4 of the Confidential agenda, Nelmac Limited – Statement of Expectations 2023/2024, and accordingly the following resolution is required to be passed:

Resolved CL/2022/291

That the Council

1. ***Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, Rob Gunn, Jane Shaerd and Lindsay Coll of Nelmac, remain after the public has been excluded, as they have knowledge relating to Item 4, Nelmac Limited – Statement of Expectations 2023/2024 of the Confidential Agenda.***
2. ***Excludes the public from the following parts of the proceedings of this meeting.***
3. ***The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:***

Skinner/Courtney

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1.1	Council Meeting - Confidential Minutes - 10 November 2022	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person Section 7(2)(g) To maintain legal professional privilege Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
1.2	Council Meeting - Confidential Minutes - 24 November 2022	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Reappointment of Independent Chair to the Saxton Field Committee	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
3	Bishop Suter Trust - Statement of Expectations 2023-24	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
4	Nelmac Limited - Statement of Expectation 2023/24	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
5	Appointment of Climate Change Advisory Group members	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
6	Section 17A service delivery review - regulatory services	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			the person who supplied or who is the subject of the information <ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into confidential session at 1.22p.m. and resumed in public session at 3.46p.m.

His Worship the Mayor Smith acknowledged outgoing Chief Executive, Pat Dougherty, noting the extraordinary service given by Mr Dougherty over his 36 years in local government and in particular his total 26 years at Nelson City Council, the last five as Chief Executive. He invited Mr Dougherty to provide some closing comments.

Mr Dougherty advised the infrastructure works undertaken by Council mitigated much of the recent weather events impacts and noted he felt confident the current council would work hard on achieving consensus. Mr Dougherty acknowledged the work His Worship the Mayor Smith had undertaken on progressing this.

Karakia Whakamutanga

22. Restatements

It was resolved while the public was excluded:

2 Reappointment of Independent Chair to the Saxton Field Committee

Agrees that the Report (R27336) and the decision be made publicly available once the role is accepted.

3 Bishop Suter Trust - Statement of Expectations 2023-24

Agrees that Report (R27249) and the decision be made publicly available once the completed Statement of Expectations when

published on the Nelson City Council website, approximately 30 days after it is received by the Trust.

4 Nelmac Limited - Statement of Expectation 2023/24

Agrees that Report (R27312), Attachment (1511110536-351) and the decision be made publicly available by the completed Nelmac Limited Statement of Expectation being available on the Nelson City Council website approximately 30 days after it is received by the Nelmac board.

5 Appointment of Climate Change Advisory Group members

Agrees that Report (R27323) and the decision only be made publicly available.

There being no further business the meeting ended at 3.55p.m.

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

Resolved

Mayor's Report

1. Purpose of Report

- 1.1 To revoke the staff delegation to consider the discharge consent application from Te Whatu Ora (for Nelson Hospital).
- 1.2 To establish the Sesquicentennial Taskforce to consider appropriate events to commemorate 150 years of Nelson City Council.
- 1.3 To establish the Right Tree Right Place Taskforce to consider the future of Nelson City Council-owned forestry.

2. Recommendation

That the Council

1. ***Receives the report Mayor's Report (R27449) and its attachments (1833911234-50, 1833911234-51, 1833911234-47, 1833911234-49 and 1833911234-62); and***
2. ***Revokes the delegation to staff to decide, under sections 95 and 104 of the Resource Management Act, the discharge consent application in the name of Te Whatu Ora (Nelson Hospital) as this application is of high public interest and will be considered directly by Council; and***
3. ***Establishes the Sesquicentennial Taskforce to consider appropriate events to commemorate 150 years of Nelson City Council; and***
4. ***Appoints Councillor Mel Courtney (Chairperson) and Councillor Kahu Paki Paki, Pat Dougherty, Gail Collingwood and a representative to be appointed by the Civic Trust, as members of the Sesquicentennial Taskforce; and***

5. ***Establishes the Right Tree Right Place Taskforce to consider the future of Council-owned plantation forestry; and***
6. ***Appoints Dr Morgan Williams (Independent Chairperson), Councillors Rachel Sanson and Matthew Benge as members of the Right Tree Right Place Taskforce; and***
7. ***Agrees that all recently commercially harvested blocks in Maitai and Marsden Valley not be replanted with pinus radiata pending the outcome of the Right Tree Right Place Taskforce; and***
8. ***Notes that the Terms of Reference for the Sesquicentennial Taskforce and the Right Tree Right Place Taskforce will be provided to a future Council meeting, including any additional membership.***

3. Discussion

Nelson Hospital Energy Centre Air Discharge Consent Application

- 3.1 Council has received a discharge consent application to allow the continued use of coal in the boilers at the Nelson Hospital Energy Centre for it to burn up to 4000 tonne of coal per year for the next seven years. Staff have been working with the District Health Board, and now Te Whatu Ora, on the application and there have been requests for further information, reviews of the modelling of particulate discharge, and there have been discussions on what a possible new consent might look like. However, there has been no final decision to grant the application or not, and nor has there been a decision made on how it will be processed, notified or not.
- 3.2 I believe Council should take over responsibility for deciding on granting the consent or otherwise under section 104 of the Resource Management Act (RMA) and determining its notification pathway under section 95 of the RMA. Staff will provide the appropriate advice including what is entitled the section 42A evaluation report. This is unusual but the principle of delegation is that the delegator always retains the right to make the substantive decision rather than the delegate. The reason for Council taking responsibility for the decision is its importance and the inconsistency with Council and government policy on climate change by continuing to burn large volumes of coal for so long.
- 3.3 There are significant and important implications of allowing thousands of tonnes of coal to be burnt in Nelson at a public facility for the next seven years. The emissions from the boilers include carbon dioxide, particulate pollution, nitrogen dioxide and sulphur dioxide.
- 3.4 The burning of coal is the single greatest cause of climate change, making up 40% of global greenhouse gas emissions. It is also the least

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efficient means from a climate change perspective of producing energy and heat.

- 3.5 This consent application has implications for Nelson and New Zealand's ability to meet its climate change emission reduction targets and the Government's stated goal of a carbon neutral public service by 2025.
- 3.6 It is appropriate, given the significance of this decision, for the consent application to be elevated up to full Council. In recommending this, I am mindful of the need not to pre-determine the matter. This is an important decision for our community. This resolution today is not about determining whether to grant the consent or not; it is about elevating the importance of the decision.

Establishing a Nelson City Council Sesquicentennial Taskforce

- 3.7 The first meeting of Nelson City Council was held in April 1874. It is appropriate that next year we commemorate 150 years of local government and what our City Council has achieved in that time.
- 3.8 The reason I wish to establish a taskforce early this year is that a key consideration will be commissioning a further history of the past 50 years of the Council. A 50-page paperback book "The Jubilee History of the Nelson City Council" was published by the Council for the period 1874 to 1924 and a further 150-page history called "Unfinished Business" was authored by former NCC staffer C.W. Bell for the period 1924 to 1974. It is appropriate that NCC commission a further modest book for the past 50 years, during which time there has been major infrastructure investment such as the Maitai Dam, Queen Elizabeth II Drive, Saxton Field and Whakatū Drive; the renaissance of Māori including the development of Whakatū Marae and the transformation and growth of iwi and Treaty settlements. There has also been huge cultural growth in our city with WOW, the Mask Parade and the upgrade of our key arts facilities alongside the development of the Saxton Field complex.
- 3.9 If a book is to be commissioned in time for Nelson City Council's sesquicentenary, it will need to be initiated with urgency. I worry that if this opportunity is not taken, we will risk losing some of this history as some key personalities of this era are becoming senior in years.
- 3.10 It will also be appropriate for the taskforce to consider appropriate events next year. The 150th is an opportunity for us to acknowledge long-serving staff and to use our history to build morale and a sense of purpose and ambition for the future. These events need long lead times to plan. The role of the taskforce will be to recommend appropriate staff and community events and to work on budgets, timing and logistics. The taskforce is intended to be time limited to the sesquicentennial year. The commemorations will need to be modest, given our tight budgetary constraints. The taskforce will be supported by staff assigned by the Chief Executive.
- 3.11 We are very fortunate to have Councillor Mel Courtney, who first served on Council in 1974, and he is an obvious experienced choice to chair the

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taskforce. I also believe it is important, particularly with iwi playing a much more significant role in Council affairs today, that Councillor Kahu Paki Paki be on the taskforce.

- 3.12 I wish to ensure the contributions of previous and present staff are properly recognised in the commemorations and so I am recommending former chief executive Pat Dougherty, who has agreed to contribute. I also think Gail Collingwood, who served as a councillor for 18 years and was a former Deputy Mayor, would complement the other members of the taskforce, helping to ensure the increasing role of women over this past half-century is recognised. She has agreed to the role and has a strong interest in NCC's history and our sister city relationships. My recommended fifth member would be a representative appointed by the Civic Trust, which is considering contributing financially to the publication. The Civic Trust turns 50 this year and it is an opportunity to help tell the story of its work with Council.

Establishment of the Right Tree Right Place Taskforce

- 3.13 The management and long-term future of Nelson City Council's commercial forestry has been a contentious issue that has contributed to some of the governance and management problems of the last term of Council.
- 3.14 The previous Forestry Subcommittee commissioned reports from forestry and ecological experts (attached) that helps inform a way forward, but some of the advice differs, reflecting different values and objectives. We need to find a constructive way forward that enables well-informed decisions to be considered and to provide clear direction on how we wish these areas to be managed.
- 3.15 The choices for this 598.74 hectares of Council land – between the existing rotational planting of *Pinus radiata*, alternative exotic species or permanently re-establishing in native forests – is complex, requiring good technical advice and consideration of differing priorities.
- 3.16 There is an issue highlighted during our last public forum by Friends of the Maitai about sediment impacts on our waterways, particularly during the few years following the harvest of *Pinus radiata* when there is a heightened risk of slips. Native forests also provide greater conservation benefits as we seek to improve Nelson's biodiversity. There is also a risk of spreading wilding pines from some areas of NCC's forests that are in Douglas fir.
- 3.17 Many residents also see a landscape and aesthetic benefit from a backdrop of permanent native forestry over commercial forests, particularly in the period following harvest when the land is bare. A further factor is the relative recreational benefits for walkers and mountain bikers of plantation vs native forests, noting that plantation forestry does require closure for some periods. Climate change also needs to be a consideration in weighing up the relative merits of different forestry options.

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- 3.18 We need to also consider the significant financial implications with the PF Olsen report indicating a net present value of \$30 million when managed as commercial forests vs a net cost of \$10 million if we wished to convert it all to natives. I note there is some debate around the realistic financial returns from forestry and the costs of re-establishing natives, an important issue for the taskforce to scrutinise but we can conclude that these choices come with significant financial implications for Council.
- 3.19 It is also important to recognise that Council's 600 hectares of plantation forest estate is a small portion of the Nelson-Tasman region's total of about 93,000 hectares. The biggest gains in addressing the sedimentation risks of plantation forestry will not come from changing Council's relatively small area of forestry but from the effective regulation and management of large private-sector forests. We also need to recognise the huge contribution to the Nelson-Tasman economy of our forestry and wood processing sector, which employs more than 2000 people and earns \$175 million a year.
- 3.20 The purpose of the Right Tree Right Place Taskforce is to robustly consider these competing interests and priorities, analyse the reports commissioned by Council, and recommend a way forward for Council. These may include more than one option. The taskforce will only have the powers to recommend. The taskforce will be supported by Council officers.
- 3.21 The intention is to have the report concluded later this year so any change in policy can be included in the Council's consultation on the Long Term Plan 2024-34. The time horizon for consideration by the taskforce is effectively the next forestry plantation cycle of approximately 25 years.
- 3.22 The Council has scheduled the replanting with *Pinus radiata* of about 39 hectares in areas of Marsden Valley and the Maitai. These areas have been planted temporarily in grass to minimise any short-term sedimentation risk. I am recommending that this replanting be paused for the 2023 season (generally June to September) so as not to pre-empt the considerations of the taskforce. This decision needs to be made by the end of February or Council will lose the \$9600 deposit on these 53,000 *Pinus radiata* seedlings.
- 3.23 I wish to acknowledge the constructive contributions of Councillor Rachel Sanson on developing this way forward on this issue and thank former Parliamentary Commissioner for the Environment Dr Morgan Williams for being prepared to be an independent chairperson of the taskforce, to help our Council and community find a way forward on this difficult issue.

I recommend Councillor Sanson and Councillor Matthew Benge as two elected members on the taskforce. The intention, in consultation with the chair and these two councillors, is to recommend other non-Council members with expertise in forestry management, freshwater management and the Emissions Trading Scheme/climate change. The terms of reference for the taskforce will be developed in consultation

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with the chair and Council members for finalisation at the Council meeting in March.

Author: **Hon Dr Nick Smith, Mayor**

Attachments

- Attachment 1: 1833911234-50 The Catalyst Group Nelson City Council's Production Forests - Where to next (January 2022) (*Circulated separately*) [⇒](#)
- Attachment 2: 1833911234-51 PF Olsen Alternative species options (May 2022) (*Circulated separately*) [⇒](#)
- Attachment 3: 1833911234-47 Dr Jacqui Aimers Nelson City Council Forestry Review Report (November 2022) A peer review of PF Olsen's report (*Circulated separately*) [⇒](#)
- Attachment 4: 1833911234-49 Dr Adam Forbes A review of native forestry options for Nelson City Council's forestry estate (March 2022) (*Circulated separately*) [⇒](#)
- Attachment 5: 1833911234-62 Wildlands Review of methods and costs for conversion of plantation pine forest indigenous forest in Nelson (July 2022) A peer review of Dr Adam Forbes' report (*Circulated separately*) [⇒](#)

Annual Plan 2023/24 update

1. Purpose of Report

- 1.1 To recommend the approach to consultation on the Annual Plan 2023/24.

2. Summary

- 2.1 Changes will be required to the capital works programme from what was included in the Long Term Plan 2021-2031 for the 2023/24 financial year. As the changes are significant, Council is required to consult with the public through an Annual Plan consultation process.
- 2.2 Council is required to adopt a final Annual Plan 2023/24 prior to 30 June 2023. Once the Annual Plan 2023/24 is adopted, Council is able to set rates for the 2023/24 financial year.

3. Recommendation

That the Council

- 1. Receives the report Annual Plan 2023/24 update (R27434); and***
- 2. Agrees that a consultation process in accordance with sections 95A, 82 and 82A of the Local Government Act 2002 be undertaken on the Annual Plan 2023/24 due to the high level of significance of the proposed changes; and***
- 3. Agrees that Council is not required under the Local Government Act 2002 to undertake an amendment to the Long Term Plan 2021-2031 as the proposed changes do not alter significantly levels of service for any significant activity or transfer ownership or control of a strategic asset; and***

4. *Notes that the effect of the decision is to alter Resolution CL/2022/248 of the Council meeting of 10 November 2022.*

4. Background

Legislative and policy context

- 4.1 Section 95 of the Local Government Act 2002 (LGA) states that a local authority must prepare and adopt an annual plan for each financial year and that it must consult in a manner that gives effect to the requirements of section 82 before adopting an annual plan. However, consultation is not required if the proposed annual plan does not include significant or material differences from the content of the Long Term Plan for the financial year to which the proposed annual plan relates.
- 4.2 Section 93 and 97 of the LGA also states that a local authority may amend a Long Term Plan at any time and outlines which decisions can only be made if explicitly provided for in a Long Term Plan and included in a consultation document. Those decisions are significant changes to levels of service for a significant activity (including, commencing or ceasing a significant activity) and transferring ownership or control of a strategic asset.
- 4.3 Council's Significance and Engagement Policy sets out the relationship between the degree of significance that a matter has, and the level and type of community engagement that is likely to take place. For matters that do not require undertaking the special consultative procedure, Council will determine the appropriate level of engagement on a case by case basis. Council will do this in way that engagement will be in proportion to the matter being considered and may choose to use the special consultative procedure if the matter is of high significance.

Changes are needed to year three of the Long Term Plan 2021-2031

- 4.4 Council is proposing changes to its capital works programme for the 2023/24 year as a result of various changes since the Long Term Plan was adopted in June 2021.
- 4.5 Key proposed changes identified include:
- 4.5.1 response to the August 2022 severe weather event and associated recovery
 - 4.5.2 changes required to support the Infrastructure Acceleration Fund agreement for city centre infrastructure works
 - 4.5.3 changes required to support utility and transport services to the proposed Maitahi Bayview residential development (Maitai Valley subdivision)

Item 7: Annual Plan 2023/24 update

4.5.4 consideration of the central library redevelopment project

4.5.5 potential new Tāhunanui surf lifesaving / sports / community facility.

4.6 Council workshops on 1 and 16 December 2022 and Annual Plan 2023-24 Taskforce meetings on 21 December 2022 and 27 January 2023 sought feedback from elected members to inform preparation of an Annual Plan consultation document. At the time of writing this report a further workshop was scheduled for 3 February 2023.

Discussion

4.7 Staff have undertaken an assessment of the significance of the four proposed changes and one possible change outlined at paragraph 4.5 against Council's Significance and Engagement Policy.

Table 1 Summary of changes and overall significance assessment

Proposal	Description	Overall assessment
Response to the August 2022 severe weather event and associated recovery	<p>This proposal enables Council to progress the recovery from the August 2022 severe weather event.</p> <p>It will include physical recovery work to repair damage to Council's roading and piped utility infrastructure (e.g. water, sewerage, stormwater).</p> <p>It will also enable future planning to help addresses known levels of risk and to make our community more resilient in the future.</p>	Overall assessment of significance is High.
Changes required to support the Infrastructure Acceleration Fund agreement for city centre infrastructure works	<p>This proposal enables Council to accelerate substantial water infrastructure upgrades and the Bridge Street Linear Active Transport Corridor through funding received from the Infrastructure Acceleration Fund and Council funding.</p> <p>The project aims to build capacity for approximately</p>	Overall assessment of significance is: Moderate for 2023/24 and High for future years.

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Proposal	Description	Overall assessment
	1000 extra residential units in Nelson's city centre with a package of extensive water, wastewater and stormwater infrastructure and transport upgrades.	
Changes required to support utility and transport services to the proposed Maitahi Bayview residential development (Maitai Valley subdivision)	This proposal enables Council to upgrade piped utility and transport services to the proposed Maitahi Bayview Development subdivision and the integration of these services with Council's wider utility and transportation networks.	Overall assessment of significance is High.
Consideration of the central library redevelopment project	<p>This proposal enables Council to investigate a Central City Community Hub.</p> <p>Council was planning to build a new library on the corner of Halifax Street and Trafalgar Street, involving a land exchange with Wakatū Incorporation for that site and the current library site.</p> <p>However, Council is now proposing to defer the new library project and to reassess options for the location of the new library.</p>	Overall assessment of significance is High.
Possible change	Description	Overall assessment
Potential new Tāhunanui surf lifesaving / sports / community facility	Council is considering the provision of a new building or buildings for sports and surf lifesaving at Tāhunanui Beach.	Overall assessment of significance is Moderate.

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- 4.8 The assessment is that the proposed changes do not require an amendment to the Long Term Plan because none of the proposed changes significantly alters the levels of service of any significant activity contained in Council's Long Term Plan. Council is also not proposing to commence or cease any significant activity or transfer the ownership or control of any strategic assets. However, the proposed changes do meet the threshold of being considered significant and, therefore, Council is required to consult on the changes through an Annual Plan consultation process.
- 4.9 Staff also reviewed Council's obligations under the Infrastructure Acceleration Fund and whether an amendment to the Long Term Plan was required to meet the terms of the contract. Staff consider that Council does not need to amend the Long Term Plan under the contract. Staff have written to Kāinga Ora, which manages the fund, to advise it of that view.
- 4.10 The recommended consultation process would involve preparation of a consultation document and supporting information, a period of a minimum of one month for the public to submit, hearings to enable submitters to present their submissions to Council, deliberations and decisions on the matters raised in submissions, prior to adoption of a final Annual Plan. This consultation process is in accordance with sections 95A, 82 and 82A of the Local Government Act 2002.
- 4.11 Staff recommend the consultation document includes information indicating likely future changes to the Long Term Plan related to the four proposed and one possible areas of significant change. The changes relating to future years will be consulted on during the Long Term Plan 2024-34 consultation process. The consultation document will also include other proposed variations between year 3 of the Long Term Plan and the Annual Plan 2023/24.

5. Options

- 5.1 Staff recommend option 1 outlined in the following table.

Option 1: Consult on the proposed changes to the capital works programme in the Annual Plan using a process consistent with section 95A, 82 and 82A of the Local Government Act 2002 (as per the process outlined at paragraph 4.10) - recommended option	
Advantages	<ul style="list-style-type: none">• This option and option 2 equally provide the wider public with good opportunity to have input into Council's decision making process.• Recommended to include longer term implications of the four proposed changes and one possible change so the community would be able to see these alongside other activities and projects currently in the Long Term Plan.

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	<ul style="list-style-type: none"> • No additional audit costs would be required. • Council has mitigated risks relating to the Infrastructure Acceleration Fund agreement by proposing Annual Plan consultation and advising Kāinga Ora of the recommended approach. • Timeframes will support the adoption of the Annual Plan by 30 June 2023. • Complies with legislative requirements.
Risks and Disadvantages	<ul style="list-style-type: none"> • Preparation of a consultation document and supporting information requires substantial Council resource and also community resource in making submissions.
<p>Option 2: Consult on the proposed changes to the capital works programme via an Annual Plan process and an amendment to the Long Term Plan using the special consultative procedure.</p>	
Advantages	<ul style="list-style-type: none"> • This option and option 1 equally provide the wider public with good opportunity to have input into Council's decision making process. • The community would be able to submit on the longer term implications of the four proposed changes and one possible change, and Council could amend future years of the Long Term Plan.
Risks and Disadvantages	<ul style="list-style-type: none"> • An audit is required for amending a Long Term Plan and this makes the timeframe very tight. • An audit is likely to cost in the order of \$80,000. • Extensive work by elected members and staff would go into preparing the Long Term Plan amendment, supporting information and budgets for the remaining eight years of the Long Term Plan, which will need to be reworked through the upcoming Long Term Plan review. • There are additional finance costs in the order of \$25,000 for the preparation of the Long Term Plan amendment. • The public may be confused as to why Council is consulting on a Long Term Plan amendment now and again on a new Long Term Plan next year. • Providing information about future years may encourage the public to submit on activities and projects in the Long Term Plan, which are not currently being proposed to be changed.

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Option 3: Do not consult on the proposed changes to the capital works programme	
Advantages	<ul style="list-style-type: none">• Reduced resource required from staff and elected members as well as the community.
Risks and Disadvantages	<ul style="list-style-type: none">• Fails to comply with the requirements of the Local Government Act 2002.• Fails to give the community an opportunity to provide feedback on significant variations from what was planned for year 3 of the Long Term Plan.

6. Conclusion

6.1 Due to the high significance of the proposed and possible changes to the capital works programme for 2023/24, staff recommend that Council undertakes an Annual Plan consultation process as outlined in 4.10 and 4.11 above. This consultation process will meet legislative requirements and provide the opportunity for the community to submit on the four proposed changes and one possible change prior to final decisions being made.

7. Next Steps

7.1 Subject to Council’s decision, staff will progress the Annual Plan 2023/24 approach and present a draft consultation document for adoption by Council.

Author: Louis Dalzell, Senior Policy Adviser

Attachments

Nil

Important considerations for decision making
Fit with Purpose of Local Government The decision aligns with Council’s responsibilities under the Local Government Act 2002 for consultation on and production of annual plans.
Consistency with Community Outcomes and Council Policy The recommendations align with Council’s Significance and Engagement Policy and the following community outcome: Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.
Risk Staff do not consider there is an increased level of legal risk in undertaking an Annual Plan consultation process compared to the other options, including an amendment to the Long Term Plan.
Financial impact There will be financial costs associated with undertaking consultation on the Annual Plan relating to public communications, the design, printing and distribution of a consultation document, processing of submissions, and the running of hearings. These costs will need to be covered within existing budgets. However, there would be considerable financial savings compared to undertaking an amendment to the Long Term Plan.
Degree of significance and level of engagement The proposed changes have been assessed as of high significance under Council’s Significance and Engagement Policy and community consultation is recommended.
Climate Impact The decisions in this report will have no impact on the ability of Council to proactively respond to the impacts of climate change now or in the future.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
Delegations This is a matter for Council.

REPORT R26528

Seafarers Memorial Jetty - further information

1. Purpose of Report

- 1.1 To provide further information to Report 24835 'Seafarers Memorial Jetty – Transfer of Asset to Council', as requested by the Community and Recreation Committee on 16 September 2021 to enable a decision to be made on the future of the Jetty.

2. Summary

- 2.1 The previous report R24835 (Attachment 1) was left to lie on the table and further information was requested. This report provides that information, reconsiders the previous recommendations and recommends a way forward.
- 2.2 A report on this subject was presented to Te Ohu Taiao on 17 August 2022 seeking feedback on the proposed consent. Comments from that meeting are included in this report, R26258.

3. Recommendation

That the Council

- 1. Receives the report Seafarers Memorial Jetty - further information (R26528) and its attachment (1982984479-4473); and***
- 2. Considers the comments from Te Ohu Taiao (Environment) on 17 August 2022; and***
- 3. Requires the Seafarers Memorial Trust to renew the resource consent for the Seafarers Memorial Jetty; and***
- 4. Approves to a maximum of \$10,000 of unbudgeted funds in the 2022/23 financial year as Council's 50% share towards the new resource consent for the Seafarers Memorial Jetty; and***

Item 8: Seafarers Memorial Jetty - further information

5. ***Subject to the successful granting of a new resource consent for the jetty:***
- a. ***Agrees to the transfer of ownership for the Seafarers Memorial Jetty to become a Council asset; and***
 - b. ***Notes that Council accepts no responsibility for the Seafarers Memorial Trust or funding of the 'Blessing of the Fleet'; and***
 - c. ***Notes that the facility is transferring to the Council free of naming rights; and***
 - d. ***Approves \$27,000 of unbudgeted funds for seat renewals, maintenance, and other renewals of the Seafarers Memorial Jetty in the 2022/23 financial year; and***
 - e. ***Accepts responsibility for future maintenance and renewals of the Seafarers Memorial Jetty as required.***

4. **Background**



The Seafarers Memorial Jetty

Item 8: Seafarers Memorial Jetty - further information

- 4.1 The Community and Recreation Committee on 16 September 2021 discussed Report R24835 including the following recommendation:

Recommendation

That the Community and Recreation Committee

Receives the report Seafarers Memorial Jetty - further information (R26291); and

Recommendation to Council

That the Council

1. *Requires the Seafarers Memorial Trust to renew the resource consent for the Seafarers Memorial Jetty; and*
2. *Notes the Seafarers Memorial Trust will carry the cost of the resource consent renewal for the Seafarers Memorial Jetty in full; and*

OR

2. *Approves to a maximum of \$20,000 of unbudgeted funds in the 2021/22 financial year as Council's 50% share towards the resource consent renewal for the Seafarers Memorial Jetty; and*
3. *Subject to the successful renewal of the resource consent for the jetty,*
 - a. *Agrees to the transfer of ownership for the Seafarers Memorial Jetty to become a Council asset; and*
 - b. *Notes that Council accepts no responsibility for the Seafarers Memorial Trust or funding of the 'Blessing of the Fleet'; and*
 - c. *Approves \$27,000 of unbudgeted funds for seat renewals, maintenance, and other renewals of the Seafarers Memorial Jetty in the 2021/22 financial year; and*
 - d. *Accepts responsibility for future maintenance and renewals of the Seafarers Memorial Jetty as required.*

- 4.2 Following debate on the report the resolution from the Committee was:

CAR/2021/062

That the Community and Recreation Committee

1. *Leaves the item Seafarers Memorial Jetty - Transfer of Asset to Council to lie on the table and not be further discussed at this meeting; and*

Item 8: Seafarers Memorial Jetty - further information

2. *Requests officers to provide additional information including (but not limited to) the following to be considered at a future meeting*
 - a. *Iwi engagement through the Iwi Partnership forum*
 - b. *Full life cycle costs Council will incur, including internal accounting practices, by picking up this asset*
 - c. *Implications associated with the entity we are dealing with*
 - d. *Nelson Future Access study implications and opportunities*
 - e. *Naming rights for future ownership*
 - f. *Exploration of alternative funding opportunities*

5. Discussion

5.1 Further information on the following matters was requested:

Previous iwi engagement

- 5.2 The future of the Jetty, including the transfer of ownership and renewal of the resource consent, was raised at the Iwi-Council Partnership Group Hui on 29 September 2021. The question of naming rights was considered and whether the Jetty should have a Māori name, detached from sponsorship. No firm position was reached, and the Group asked that further information come back to the Group for comment prior to being presented to the Community and Recreation Committee. At the following meeting held on 30 March 2022, the meeting decided that this was an operational matter and should be addressed through Te Ohu Taiao.
- 5.3 At the original consent hearing in 2000, prior to construction of the Jetty, Jim Elkington spoke of the role that Ngāti Koata had played as a contributor to the project and of the goodwill that existed between the applicant and Ngāti Koata as to its worthiness. Mr Elkington indicated to the hearing that if Ngāti Koata obtained ownership or stewardship or some other form of control over this section of foreshore Ngāti Koata would irrevocably commit to the continuation of the occupation of the Jetty and the sculpture. Ngāti Koata further offered to bless the area prior to construction.
- 5.4 Ngāti Koata submitted to the resource consent hearing, successfully requesting that the term of consent not exceed 10 years, rather than the 35 requested by the applicant. Ngāti Koata submitted that the land at issue remains Māori customary land and continues to be held in accordance with Tikanga Māori.

Item 8: Seafarers Memorial Jetty - further information

- 5.5 The Council's adjoining projects along the Wakefield Quay foreshore were extensively consulted with the community, including with iwi. The Council was not involved with promoting or consulting on the Seafarers Jetty. This was undertaken by the Trust.

Recent iwi engagement - Te Ohu Taiao (Environment)

- 5.6 Background information was presented to Te Ohu Taiao on 17 August 2022 for comment. Te Ohu Taiao was supportive of the structure as a continuing community facility. They asked that the resource consent application draft be pre-circulated to each iwi prior to lodgement.

Full life cycle costs

- 5.7 A condition assessment was undertaken for the Council by Stantec in May 2021 to determine future renewals costs. These, together with contingencies, are included in the estimated costs below.

- 5.8 Maintenance and renewals costs over and above regular cleaning and inspection of \$4,000 per annum are estimated to be:

5.8.1 Year 1 (2022/23) - \$27,000 for seat and general maintenance and renewals. (The cost of a new consent is estimated to be approximately \$40,000. If the Council shares the cost of the new consent this could approximately be a further \$20,000)

5.8.2 Year 2 - \$26,000 for spalling repairs (the oxidation of steel reinforcing material)

5.8.3 Year 5 - \$5,000 for general maintenance

5.8.4 Year 10 - \$65,000 for deck maintenance or \$250,000 for total deck replacement. A further analysis to determine the preferred option would be undertaken closer to the time.

5.8.5 **Total of approximately \$152,000 - \$337,000 over 10 years**

Depreciation

- 5.9 If the structure had been owned by Council since 2000 with an estimated life span of 40 years, then based on the original value of \$500,000 depreciation would have been provided for at \$12,500 per annum. It is proposed to apply depreciation at this rate until 2040.

Implications on the Seafarers Memorial Trust

- 5.10 The Trust funded the design, consent and construction of the jetty and sculpture in 2000 at an approximate cost of \$500,000. The current value is expected to be in the order of \$1,000,000. The Trust's vision was to create a memorial to seafarers lost at sea by way of a community facility available to all to enjoy. The memorial was intended to reflect not just Nelson seafarers but wider, on a national basis. Many events have been

Item 8: Seafarers Memorial Jetty - further information

held on the site over the last 20 years including the popular Blessing of the Fleet.

- 5.11 The Trust has continued to maintain the Jetty but feels that as the Trustees grow older, they are no longer able to fund and manage it.
- 5.12 If the Council declines to accept ownership the Trust could continue to arrange funding for maintenance and renewals, or it could choose to close and remove the facility. After providing a service for more than twenty years officers believe this would be an unreasonable result for the Trust.
- 5.13 The solicitor to the Trust, Tony Stallard, advises that the Trust has a trust deed, and that it is GST registered but is not a registered charitable trust. He further advises that gifting the Jetty to the Council would not breach that deed.

Nelson Future Access Study

- 5.14 It is premature to accurately assess the impact of the Nelson Future Access Study on the seawall along Wakefield Quay. This would depend on the extent of landscaping associated with the project. Given the location of the Jetty it is unlikely that it would impede a future walkway/cycleway.
- 5.15 The seawall between Guyton's and Sea Rescue is in poor condition, and it would make sense to strengthen or replace it at the time that the seawall further south is addressed for a proposed walkway/cycleway. The Jetty structure is independent of the Council owned seawall and could remain while works are undertaken.

Naming rights

- 5.16 At the Community and Recreation Committee Meeting on 16 September 2021, a concern was expressed regarding naming rights being allocated by the Trust prior to ownership being transferred to the Council and whether the funds arising would be to the benefit of the community and the Jetty.
- 5.17 The Trust has agreed not to pursue naming rights prior to reaching an agreement with the Council. This shall be a condition of acceptance of the Jetty by the Council and has been relayed to the Trust. If the Council chooses to pursue naming rights in future any decisions would be in accordance with Council's Naming Rights Policy.

Exploration of alternative funding options

- 5.18 The Jetty was built in 2000 as a memorial to seafarers lost at sea, all seafarers, not just those based in Nelson. Funding opportunities to assist with ongoing maintenance and renewals have been investigated on a national basis but appear unlikely given that the Jetty is an existing facility.

Item 8: Seafarers Memorial Jetty - further information

Resource consent costs

5.19 The Trust has advised that it will be applying for a new consent and has asked that the Council fund half of the planning and legal costs. The upper limit is expected to be \$20,000.

6. Options

6.1 Seventeen months have passed since the earlier report was tabled to the Committee in September 2021. That report recommended two options for the Committee to consider:

6.1.1 'Accept ownership of the Seafarers Memorial Jetty and sculpture following the granting of a new consent applied for by the Trust and funded jointly by the Trust and the Council'; and

6.1.2 'Accept ownership of the Seafarers Memorial Jetty and sculpture following the granting of a new consent applied for and funded entirely by the Trust'.

6.2 During that time Officers have reflected on feedback from the community and have concluded that given the original contribution by the Trust it would be unreasonable for the Council to not contribute financially to the new resource consent for a popular and well used community facility.

6.3 A further option, Option 5, is provided for consideration against the previous four. Option 1 is the preferred option.

Option 1: Accept ownership of the Seafarers Memorial Jetty and sculpture following the granting of a new consent applied for by the Trust and funded jointly by the Trust and the Council (this is the preferred option)

Advantages

- The Jetty will continue to be provided for the future benefit of the community
- Council will not be entirely responsible for funding a new consent
- The consent will be co-ordinated by the Trust
- The Council would not own the Jetty if the consent is unsuccessful and therefore not be vulnerable to an abatement notice for non-compliance
- The Council would not be responsible for removing the Jetty if a new consent is not issued
- The Council would be seen to be supporting the donors of a successful long time community asset

Item 8: Seafarers Memorial Jetty - further information

Risks and Disadvantages	<ul style="list-style-type: none"> • Ratepayers will be responsible for partially funding a new consent • Ratepayers will be responsible for funding ongoing maintenance and renewals – unbudgeted expenditure
Option 2: Accept ownership of the Seafarers Memorial Jetty and sculpture following the granting of a new consent applied for and funded entirely by the Trust	
Advantages	<ul style="list-style-type: none"> • The Jetty will continue to be provided for the future benefit of the community • Council will not be responsible for entirely funding a new consent • The consent will be co-ordinated by the Trust • The Council would not be vulnerable to an abatement notice for non-compliance • The Council would not be responsible for removing the Jetty if a new consent is not issued • The Council would be seen to be supporting the donors of a successful long time community asset
Risks and Disadvantages	<ul style="list-style-type: none"> • Ratepayers will be responsible for funding ongoing maintenance and renewals – unbudgeted expenditure • The Council could be criticised for requiring the Trust to entirely fund a consent for a popular asset gifted by the Trust to the community • The Trust may not be able to afford consenting costs and no progress is made
Option 3: Accept ownership of the Seafarers Memorial Jetty and sculpture without a consent	
Advantages	<ul style="list-style-type: none"> • The Jetty will continue to be provided for the future benefit of the community if a new consent is issued • Reputational damage will be avoided
Risks and Disadvantages	<ul style="list-style-type: none"> • Council will be responsible for funding a new consent – unbudgeted expenditure • The Council could be the recipient of an abatement notice for non-compliance • The Council would be responsible for removing the Jetty if a new consent is not issued

Item 8: Seafarers Memorial Jetty - further information

	<ul style="list-style-type: none"> Ratepayers will be responsible for funding ongoing maintenance and renewals – unbudgeted expenditure
Option 4: Decline future ownership of the Seafarers Memorial Jetty and sculpture	
Advantages	<ul style="list-style-type: none"> Ratepayers will not be responsible for the consent, ongoing maintenance, and renewals The Council would not be vulnerable to an abatement notice for non-compliance
Risks and Disadvantages	<ul style="list-style-type: none"> The future of the Jetty may be uncertain and may not be available to the community in the longer term The Council may be criticized for not accepting a popular asset gifted by the Trust
Option 5: Accept ownership of the Seafarers Memorial Jetty and sculpture after a new consent applied for and funded entirely by the Council has been granted	
Advantages	<ul style="list-style-type: none"> The Jetty will continue to be provided for the future benefit of the community The Council would not be responsible for removing the Jetty if a new consent is not issued The Trust would be recognised for their contribution to the community The Council would be seen to be supporting the donors of a successful long time community asset
Risks and Disadvantages	<ul style="list-style-type: none"> Ratepayers will be responsible for entirely funding the consent, and if successful the ongoing maintenance and renewals – unbudgeted expenditure If the consent application is unsuccessful the Council could be blamed for submitting an inadequate consent application. Removal of the structure could be contentious.

7. Conclusion

- 7.1 The further information requested has been provided together with a further option, Option 5. Option 5 has been considered but is not the preferred option.

Item 8: Seafarers Memorial Jetty - further information

- 7.2 Option 1, 'Accept ownership of the Seafarers Memorial Jetty and sculpture following the granting of a new consent applied for by the Trust and funded jointly by the Trust and the Council' is the preferred option.

Author: Andrew Petheram, Principal Parks and Facilities Activity Planner

Attachments

Attachment 1: 1982984479-4473 Previous Report R24835 - Seafarers Memorial Jetty - Transfer of Asset to Council [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government Accepting the jetty supports the actions of the community in providing the original gift.
Consistency with Community Outcomes and Council Policy The recommendation supports the Community Outcomes of: <i>'Our unique natural environment is healthy and protected'</i> <i>'Our communities have opportunities to celebrate and explore their heritage, identity and creativity'</i> <i>'Our communities have access to a range of social, educational and recreational facilities and activities'</i>
Risk Adopting the jetty with the proposed budget is a low risk. Ongoing maintenance and renewals beyond ten years have not been assessed. Not accepting the jetty could be seen by the community as the Council not accepting its responsibility towards a popular community asset provided as a gift.
Financial impact The proposed expenditure of \$27,000 in the current financial year for repairs and maintenance is unbudgeted. Should Option 1 be chosen a further unbudgeted figure of up to \$20,000 could be required towards the total \$40,000 costs estimated for the resource consent. Options 3 & 5 could require a further \$40,000 for the total amount. Ongoing expenditure of \$195,000 - \$280,000 over the following nine years will be considered through the 2023/24 and 2024/25 Annual Plans and following Long Term Plans. Depreciation of \$12,500 per annum will be provided for.
Degree of significance and level of engagement This matter is of low significance because it is an existing facility owned by an outside party. Should the Council decline to accept ownership this will be of community interest but not be significant.

Item 8: Seafarers Memorial Jetty - further information

Climate Impact

This report relates to an existing facility with little impact on existing climate change. Renewals to furniture will be of timber construction and when the deck is due for renewal timber options will be considered. Over time climate change may impact access to the site.

Inclusion of Māori in the decision-making process

This matter was raised with iwi at the Iwi-Council Partnership Group Meeting on 29 September 2021 and referred to To Ohu Taiao (Environment) on 17 August 2022. Their comments are included in this report.

Renewal of the resource consent for this facility will involve all iwi, in particular Ngāti Koata, who had an involvement in the original consent process.

Delegations

This is a matter for Council.

Delegations Under the Resource Management Act

1. Purpose of Report

- 1.1 To approve delegations to staff under the Resource Management Act.

2. Summary

- 2.1 The Council, at its meeting on 15 December 2022, approved a number of delegations to the Chief Executive. The Resource Management Act (RMA) does not explicitly permit the Chief Executive to further delegate powers to other staff. While it may be permissible to rely on the general LGA delegation powers, this report seeks to cover this procedural matter by getting the Council's specific agreement to delegate powers to staff under the RMA as detailed in Attachment 1 to this report.
- 2.2 The opportunity has been taken to update the delegations register to recognize law and staff position changes and to remove some redundancies. The structure has been carried over from the Operating Delegation Manual used for staff delegations.

3. Recommendation

That the Council

1. ***Receives the report Delegations Under the Resource Management Act (R27396) and its attachment (1974015928-1072); and***
2. ***Approves, under section 34A of the Resource Management Act, the delegations to staff as identified in Attachment 1 (1974015928-1072) to this report.***

4. Background

- 4.1 Delegation involves the appointment of a person or group of people to make a decision on behalf of, and instead of, the person or body responsible for the delegation. The delegator can limit the exercise of any delegation within defined parameters. Under the RMA there are

Item 9: Delegations Under the Resource Management Act

many powers and functions assigned to the local authority or consent authority (which is also the Council) which are traditionally undertaken by staff under delegated authority.

- 4.2 At its meeting on 15 December 2022, the Council approved a number of delegations to the Chief Executive. Under clause 32B of Schedule 7 to the LGA there is a general ability for the Chief Executive to further delegate powers to other staff. This is the general basis for the delegations from the Chief Executive to staff as set out in the Officer Delegations Manual. The RMA however is silent on officer to officer delegations and caselaw indicates that sub-delegation in this context may be precluded. While it may be permissible to rely on the LGA delegation powers, this report seeks to cover this procedural matter by getting the Council's specific agreement to delegate powers to staff under the RMA as detailed in Attachment 1.

5. Discussion

Principles

- 5.1 Good management and effective administrative practice have it that decisions should be made at the lowest competent level. This provides for more expeditious administration and reflects the reality that many decisions required in local government cannot realistically be made, in a collective sense, by all elected members serving on the local authority.
- 5.2 The delegate must exercise any delegation responsibly in the knowledge he/she/they will be held accountable within the terms of the delegation. Delegates should be aware of the authority and responsibility they have. They should also have the confidence that their decisions, if made within the terms of the delegation, will not provoke a review of the delegation.
- 5.3 The effect of any delegation does not affect the ability of the delegator to exercise the same powers and functions concurrently. However, it would not be expected that the delegator and delegate would deal with the same matter, unless the delegation only extends to making recommendations.
- 5.4 An important consequence of delegation, particularly in relation to delegations to staff, is that appropriate checks and balances should be in place for monitoring purposes. It is implicit that any delegation may be revoked at any time by the delegator.
- 5.5 Delegates should willingly accept authority and responsibility for decision-making in the certain knowledge that their decisions, if made in a full, fair, and objective manner, will not be interfered with. The act of delegating involves mutual trust and respect without which the efficiency and effectiveness of the Council will be at risk. As a matter of convention, staff will not exercise delegated authority in cases of uncertain risk or where it would be desirable that political direction be given.

Item 9: Delegations Under the Resource Management Act

What is being delegated

- 5.6 The powers and functions capable of delegation are essentially of three kinds:
- a) Administration Powers - these include such matters as decisions on whom to serve notices, signing documents, powers to fix meetings, release decisions.
 - b) Processing Responsibilities – these involve making decisions in accordance with Council policies and plans and the law, and actions that may lead up to this point, or subsequent actions.
 - c) Legal Interventions – these involve instigating enforcement actions, appointments, making minor changes to statutory instruments, creating easements, giving statutory notice in particular situations.
- 5.7 There are a number of powers that cannot be delegated to staff by law, including the approval of a policy statement or plan or change thereto, the making of any recommendation on a requirement for a designation or a heritage order, and the power of delegation. There are also other decisions such as transfer of powers, agreement to enter into a Mana Whakahono a Rohe Agreement, that are not delegated to staff and remain with the Council.
- 5.8 As is prudent practice, delegations are to nominated staff position titles rather than individual staff members. This avoids the problem of having to make constant changes when staff changes occur. Staff without the necessary competency level do not exercise the delegated powers except under supervision.

Scope of Delegations

- 5.9 Attachment 1 is structured to identify the powers delegated and to which positions, and are hopefully self-explanatory. They are largely carried over from the Officer Delegations Manual used for staff delegations. The opportunity has been taken to update the delegations to recognize law and staff position changes, and to remove some redundancies. Some delegations have included a wider range of staff to improve coverage consistent with the principles discussed above.
- 5.10 Some delegations were previously delegated to a Council committee but in this report are proposed to be delegated to the Group Manager, Environmental Management. In the absence of a committee structure, this will be done in consultation with the Mayor – see delegations RMA18, RMA28, RMA49, RMA62, RMA68, RMA112. These provisions have never been used and may never be, but for quickness of turnaround which would be needed, the delegation is considered appropriate.

Item 9: Delegations Under the Resource Management Act

- 5.11 Note that delegations are different from warranted powers. Once staff and other personnel are appointed as enforcement officers under the RMA, which is a delegated power, the holder of that position has powers which are prescribed in the law (e.g. an enforcement officer has the power to serve an abatement notice).

6. Options

- 6.1 The options are to agree to the proposed delegations as proposed or subject to any amendments. Technically the Council can decide not to agree to the delegations, but business would slow down and either the Council or the Chief Executive, will be even busier.

Option 1: Agree to Delegations (with or without amendments) Preferred option	
Advantages	<ul style="list-style-type: none">• Maintain efficient business processes• Proportionate response to workload demands
Risks and Disadvantages	<ul style="list-style-type: none">• Provided staff exercise delegations as intended, litigation risk should be minimised
Option 2: Decline the Proposed Delegations	
Advantages	<ul style="list-style-type: none">• Nothing obvious
Risks and Disadvantages	<ul style="list-style-type: none">• Sending all RMA decisions to Council [or the Chief Executive] including a lot of administrative steps would be inefficient and burdensome

7. Next Steps

- 7.1 The Officer Delegations Manual will be updated in line with Council's decision.

Author: Dennis Bush-King, Group Manager Environmental Management

Attachments

Attachment 1: 1974015928-1072 - Staff Delegations Under the Resource Management Act [↓](#)

Item 9: Delegations Under the Resource Management Act

Important considerations for decision making
Fit with Purpose of Local Government Adoption of the proposed delegations assists Council in enabling democratic decision-making as efficiently and effectively as possible.
Consistency with Community Outcomes and Council Policy Adoption of the proposed delegations assists Council to achieve its policy goals, by providing clear direction regarding how the decision and activities of Council are implemented and managed. This supports the Community Outcome: Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.
Risk There is no change to the risk level from the previous Delegations Register.
Financial impact There are no direct budgetary consequences related to the decision to approve the proposed delegations that are not already covered under the Annual Plan.
Degree of significance and level of engagement This matter is of low significance. It relates to the adoption of structures and processes necessary for good governance and are largely administrative in character. Therefore, no public engagement is required.
Climate Impact This decision will have no impact on the ability of the Council to proactively respond to the impacts of climate change, now or in the future.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report and it was not considered necessary to do so.
Delegations As explained in the report, the Council has the legal right to delegate the powers as provided for in Attachment 1.

REPORT R27441

Policy update - Appointment and Remuneration for External Appointees on Council Committees and Subcommittees

1. Purpose of Report

- 1.1 To present the updated *Appointment and Remuneration Policy for External Appointees on Council Committees and Subcommittees* for approval by Council.

2. Recommendation

That the Council

1. ***Receives*** the report *Policy update - Appointment and Remuneration for External Appointees on Council Committees and Subcommittees (R27441)* and its attachment (839498445-13611); and
2. ***Approves*** the updated Policy "*Appointment and Remuneration for External Appointees on Council Committees and Subcommittees*".

3. Background

- 3.1 Following the 2022 local authority elections and ensuing governance structure reset, the *Appointment and Remuneration Policy for External Appointees on Council Committees and Subcommittees* has been reviewed to ensure it provides clear guidance for any recruitment and remuneration of appointed members over the Council term.

4. Discussion

- 4.1 As well as a general update, two particular gaps in the current policy have been addressed through this review process, as follows:

Item 10: Policy update - Appointment and Remuneration for External Appointees on Council Committees and Subcommittees

- 4.1.1 Clause 4.2.1 of the policy has been added to provide clarity on the interview panel when the appointment relates to the chair of a committee or subcommittee.
- 4.1.2 Clause 5.4 has been updated to distinguish between the honorarium that would be provided to an external committee chair as opposed to a member. While this distinction already existed in the policy for subcommittee appointments it required clarification in relation to committee appointments. It is expected that the requirements placed on a committee chair would be higher than those placed on a committee member and as such, remuneration should reflect that.

Options

Option 1: To adopt the updated policy as drafted (recommended)	
Advantages	<ul style="list-style-type: none"> • Provides the ability to more appropriately recompense any external committee chairs • Provides greater clarity on processes relating to the recruitment of external chairs • Has been updated to better reflect the current environment
Risks and Disadvantages	<ul style="list-style-type: none"> • None
Option 2: To maintain the current policy	
Advantages	<ul style="list-style-type: none"> • None
Risks and Disadvantages	<ul style="list-style-type: none"> • An inability to more appropriately recompense any external committee chairs may impact on the quality of candidates applying for roles • Less clarity on processes relating to the recruitment of external chairs • Contains information that is no longer pertinent to Council operations (such as old filing references)

5. Next Steps

- 5.1 Following adoption by Council, the policy will be updated in the appropriate files and applied to any appointment processes undertaken.

Author: Devorah Nicuarta-Smith, Manager Governance and Support Services

Attachments

Attachment 1: 839498445-13611 DRAFT 2022 Appointment and Remuneration Policy for Appointees on Council Committees and Subcommittees [↓](#)

Item 10: Policy update - Appointment and Remuneration for External Appointees on Council Committees and Subcommittees

Important considerations for decision making
Fit with Purpose of Local Government External appointments can be one way to increase community participation and perspectives in decision-making, thereby supporting democratic local decision making.
Consistency with Community Outcomes and Council Policy This matter best aligns with the following Community Outcome: Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.
Risk This policy guides the appointment and remuneration of external members. There is a risk that if the honoraria for external committee chairs is not addressed that it may impact on the quality of candidates applying for any roles that become available.
Financial impact Provision has been made within existing budgets for some appointed members, including reflecting the proposed change to the honoraria for an external committee chair.
Degree of significance and level of engagement This matter is of low significance. Committee and subcommittee appointments are a procedural matter of Council and guided by this internal policy.
Climate Impact There is no direct climate impact from the matters in this report.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
Delegations Council is responsible for adopting this policy which relates to external appointments to its committees and subcommittees.



Approval of Terms of Reference - City Centre Business Forum

1. Purpose of Report

- 1.1 To confirm the Terms of Reference for the City Centre Business Forum.

2. Recommendation

That the Council

- 1. Receives the report Approval of Terms of References – City Centre Business Forum; and**
- 2. Approves the City Centre Business Forum Terms of Reference (1974015928-926).**

3. Background

- 3.1 On 10 November 2022 the Council established the City Centre Business Forum. A draft Terms of Reference for the Forum is included in Attachment 1.

4. Discussion

- 4.1 The purpose of the City Centre Business Forum is to facilitate communication between Council and City Centre stakeholders, and to support engagement on Council plans, projects and strategies that occur within the City Centre. The role of the City Centre Business Forum is to:
- 4.1.1 To request, receive and consider any information relevant to the purpose of the Forum.
 - 4.1.2 To be an interface between community and sector groups so that interested members of the public can provide feedback.

Item 11: Approval of Terms of Reference - City Centre Business Forum

5. Options

- 5.1 Council can establish the City Centre Business Forum to allow more in-depth discussion of key issues and facilitate communication between Council and the City Centre Business community. It could choose instead to amend or not approve the Terms of Reference.

Author: Andrew White, Group Manager Community Services

Attachments

Attachment 1: 1974015928-926 - City Centre Business Forum Draft Terms of Reference [↓](#)

REPORT R27429

Three Waters Reform Update and Water Services Legislation and Economic Efficiency and Consumer Protection Bills Council submission

1. Purpose of Report

- 1.1 To provide an update on the Government Three Waters reforms.
- 1.2 To approve the Nelson City Council submission on the Water Services Legislation and Economic Efficiency and Consumer Protection Bills to the Finance and Expenditure Select Committee.

2. Summary

- 2.1 The Government Three Waters reform has progressed with the Water Services Entities Bill passed into Act on 14 December 2022. Two additional pieces of legislation, the Water Services Legislation Bill and Economic Efficiency and Consumer Protection Bill, had first readings in Parliament on 13 December 2022 and are currently before the Finance and Expenditure Select Committee. Submissions are due by 17 February 2023 (for Local Authorities) and 12 February 2023 (for Public).
- 2.2 Council has shared both of these Bills summary resources and the direct link for public submissions on the Shape Nelson website. This report deals with Council's submissions on the two Bills.

3. Recommendation

That the Council

- 1. ***Receives the report Three Waters Reform Update and Water Services Legislation and Economic Efficiency and Consumer Protection Bills Council submission (R27429) and its attachment (1601344813-215); and***
- 2. ***Approves the draft Council submission on the Water Services Legislation and Economic Efficiency and***

Item 12: Three Waters Reform Update and Water Services Legislation and Economic Efficiency and Consumer Protection Bills Council submission

Consumer Protection Bills to the Finance and Expenditure Select Committee; and

3. Agrees that the Mayor and Chief Executive be delegated authority to approve minor editorial amendments to the Council submission.

4. Background

The Three Waters Reform Timeline

- 4.1 Over the past six years Central and Local Government have been considering issues and opportunities facing the system for regulating and managing Three Waters (drinking water, wastewater, and stormwater).
- 4.2 In July 2021, the Government stated that the Three Waters Reforms would be mandated.
- 4.3 On 27 October 2021 Central Government announced the next steps for the Three Waters Reform program, including the structure of four water service entities to manage New Zealand's drinking water, wastewater, and stormwater networks, and mandating the "all in approach".
- 4.4 On 10 November 2021, the Government announced the establishment of a Working Group made up of representatives from local government and iwi/Māori to consider how representation, governance and accountability for the new water services entities could be strengthened.
- 4.5 The recommendations from the Working Group were provided to the Government in March 2022. In April, Central Government announced it would adopt the majority of recommendations provided to it by the Working Group.
- 4.6 To date, Council has made four submissions (written and oral) to select committees between April 2020 and August 2022.
- 4.7 On 13 December 2022 two additional pieces of Water Services Reform legislation (the Bills relating to this submission) had their first parliamentary reading and referred to select committee.

5. Discussion

- 5.1 Officers have drafted a response submission (Attachment 1), which has been informed by the views from Local Government New Zealand and Taituara.
- 5.2 The draft submission focuses on the following key areas:
 - 5.2.1 LEGISLATION BILL: legislative functions, responsibilities, and powers for the four new water services entities to be fully operational from 1 July 2024.

Item 12: Three Waters Reform Update and Water Services Legislation and Economic Efficiency and Consumer Protection Bills Council submission

5.2.2 ECONOMIC EFFICIENCY AND CONSUMER PROTECTION BILL: economic regulation and consumer protection framework for water services.

6. Options

6.1 Two options are presented to Council for consideration. Approve or not approve the draft submission to the Finance and Expenditure Select Committee on the Water Services Legislation and Economic Efficiency and Consumer Protection Bills.

6.2 Staff recommend Option 1 – approve the draft Council submission.

Option 1: Approve the draft Council submission. Recommended option	
Advantages	<ul style="list-style-type: none">• Provides feedback to Central Government on Council's perspective of how Water Services are best delivered.• Enables Central Government to make changes to improve the draft legislation on how Water Services will be delivered.
Risks and Disadvantages	<ul style="list-style-type: none">• Submission may not fully accord with views of all of the community.
Option 2: Not approve the draft Council submission.	
Advantages	<ul style="list-style-type: none">• Council not committed by submission content.
Risks and Disadvantages	<ul style="list-style-type: none">• Feedback not raised with Central Government.• Potential improvements to the draft legislation not incorporated.

7. Conclusion

7.1 The Government has mandated the Three Waters Reform program, with Nelson City Council in Water Services Entity C. The Water Services Entities are to be operational on 1 July 2024.

7.2 Council has considered the draft submissions from Local Government New Zealand and Taituara on the Water Services Legislation and Economic Efficiency and Consumer Protection Bills and included these in the preparation of this draft submission to the Finance and Expenditure Select Committee.

8. Next Steps

8.1 Following a decision from Council, officers will submit the submission to the Finance and Expenditure Select Committee.

Item 12: Three Waters Reform Update and Water Services Legislation and Economic Efficiency and Consumer Protection Bills Council submission

Author: **Alec Louverdis, Group Manager Infrastructure**

Attachments

Attachment 1: 1601344813-215 Draft cover letter, Water Services Legislation Bill - Draft Submission and Economic Efficiency and Consumer Protection Bill - Draft Submission [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government Central Government objectives of these Bills to improve the provision of water services supports the social, economic, environmental and cultural wellbeing of the community.
Consistency with Community Outcomes and Council Policy This draft submission supports the following community outcomes: <ul style="list-style-type: none">• Our infrastructure is efficient, cost effective and meets current and future needs• Council provides leadership and fosters partnerships, regional perspective and community engagement
Risk There are organisational risks to Council in transitioning to a new Water Services Entity. However, the Government has mandated the reforms program. The Chief Executive will continue to keep Council informed on the legislation and progress of the transitional arrangements as more information is known.
Financial impact There are significant long-term financial impacts relating to the transfer of three water assets and management to a new Water Services Entity, but these are not in relation to this submission process.
Degree of significance and level of engagement The matter of Three Waters Reform generally is of significance because there is a wide range of interest from community members and groups. This report however is limited to seeking a decision on lodging a submission on the Bill as part of the Select Committee process. As such the significance of the report, as assessed against Councils' Significance and Engagement Policy, is low to medium.
Climate Impact Climate mitigation and adaption, resilience and environmental impacts are drivers of the reform process. There are no specific impacts arising from this submission.

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Inclusion of Māori in the decision making process

The Crown is leading the engagement with iwi/Māori and mana whenua.

Delegations

This is a matter for Council.

Review into the Future for Local Government: submission on draft report

1. Purpose of Report

- 1.1 To approve a draft submission on the Review into the Future for Local Government draft report / He mata whāriki, he matawhānui.

2. Summary

- 2.1 The Review into the Future for Local Government is explained as “an opportunity to create a new system of local governance and democracy that will effectively respond to a changing New Zealand and create conditions for communities to thrive.”
- 2.2 The independent panel leading the Review is seeking feedback on its draft report, He mata whāriki, he matawhānui, to help shape its final report. The report is not a draft of the panel’s final report, but is framed as a “provocation” document that asks questions to prompt input that will help shape the final report.
- 2.3 Council’s draft submission focuses on select aspects of the five key shifts identified by the Review.
- 2.4 The submission period closes on 28 February 2023.

3. Recommendation

That the Council

1. ***Receives the report Review into the Future for Local Government: submission on draft report (R27387) and its attachment (839498445-13597); and***
2. ***Approves the draft submission on the Review into the Future for Local Government draft report, He mata whāriki, he matawhānui (839498445-13597); and***

3. *Delegates authority to the Mayor and Group Manager, Strategy and Communications, to approve any minor editorial amendments.*

4. Background

4.1 The Review into the Future for Local Government considers how local democracy and governance may need to be developed in order to maximise wellbeing and prosperity for all communities. The independent panel was appointed to lead the Review in April 2021 and engagement has taken place over three stages:

4.1.1 **Early soundings (2021 – complete)** - Initial scoping and early engagement with local government and other organisations and producing an interim report, Ārewa ake te Kaupapa.

Broader engagement (2021 – 2022 – complete) - Involved research, policy development and public engagement about the future of local governance and democracy. Work culminated in the draft report, He mata whāriki, he matawhānui (<https://www.futureforlocalgovernment.govt.nz/assets/Reports/Draft-report-final.pdf>).

4.1.2 **Formal consultation and final report (2022 – 2023 – current stage)** - Involves further engagement with submissions open until 28 February 2023. Delivery of the final report to the Minister of Local Government and Local Government New Zealand will be in June 2023.

4.2 A Council workshop was held on 25 November 2022 and the independent panel ran an event in Nelson on 9 December 2022 for Te Taihū councils. Council's Local Government Reform Taskforce also considered the draft report on 17 November 2022 and 27 January 2023.

4.3 The results of a demographically representative survey commissioned by Council in December 2022, seeking residents' views on the 2022 local body election, were also considered when drafting the submission.

5. Discussion

Council's draft submission focussed on the five key shifts

5.1 Council's draft submission (see attachment 1) signals general agreement with the opportunities identified in the draft report, to improve the local government system. However, the submission notes that in order to be successful in implementing these changes, significant commitment and a collective approach would be required from both local and central government.

5.2 The submission focusses on selected aspects of the five key shifts identified in the draft report, which are: strengthened local democracy,

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authentic relationship with hāpu/iwi and Māori, stronger focus on wellbeing, genuine partnership between local and central government, and more equitable funding.

5.3 The submission’s high level themes are outlined below.

5.3.1 Change is needed to **improve genuine engagement and community involvement** in local governance. New approaches are needed to increase civic participation and streamline processes. However, considerable investment and resourcing would be required to build capability and capacity to enact changes in representative and deliberative democracy processes.

5.3.2 **Building genuine relationships with iwi and Māori** requires significant work to strengthen partnerships and improve outcomes for Māori. This would require funding support to build capability and capacity to strengthen these partnerships.

5.3.3 The **relationship between local and central government** needs to improve, and to achieve this there needs to be greater clarity, coherence and coordination between these parties.

5.3.4 **Current funding arrangements for local government need to change**, noting the importance of central government commitment to making effective improvements to address these funding issues.

The public submission process is central government-led

5.4 The submission process is being run by the Department of Internal Affairs (DIA) and is open to the public to submit their views. Council has shared information about the submission opportunity on its social media and antenno platforms to encourage the public to attend one of a series of webinars the panel is holding in February 2023.

6. Options

6.1 Staff recommend Option 1, approving the draft submission.

Option 1: Approve the draft Council submission (recommended)	
Advantages	<ul style="list-style-type: none">• Council’s views will be considered by the panel before finalising recommendations to central government.
Risks and Disadvantages	<ul style="list-style-type: none">• Content of the submission may not be supported by some members in the community.

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Option 2: Request further development of the draft Council submission	
Advantages	<ul style="list-style-type: none"> • Allows Council to request further work on aspects of the draft submission. • Provides staff with more time to finalise submission content.
Risks and Disadvantages	<ul style="list-style-type: none"> • Council approval for a substantively revised submission may not be possible before submissions close and retrospective approval would need to be sought.
Option 3: Do not approve the draft Council submission	
Advantages	<ul style="list-style-type: none"> • None obvious.
Risks and Disadvantages	<ul style="list-style-type: none"> • No opportunity for Council's views to be considered by the panel.

7. Next Steps

- 7.1 Following a decision from Council, staff will submit Council's submission to the Review into the Future for Local Government.

Author: Louis Dalzell, Senior Policy Adviser

Attachments

Attachment 1: 839498445-13597 - Draft submission on the Review into the Future for Local Government draft report, He mata whāriki, he matawhānui [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government <p>This report supports Council’s ability to influence the panel’s recommendations that are directly relevant to the purpose of local government and the promotion of social, economic, environmental and cultural wellbeing of communities in the present and for the future.</p>
Consistency with Community Outcomes and Council Policy <p>This report supports the following community outcomes:</p> <ul style="list-style-type: none">• Our Council provides leadership and fosters partnerships, regional perspective and community engagement.
Risk <p>There is low risk in approving this submission as it does not require Council to commit to any particular action.</p>
Financial impact <p>The approval of this submission does not result in any direct financial impact.</p>
Degree of significance and level of engagement <p>The roles and functions of local government are generally of significance because of their potential implications on the community. However, this report is limited to seeking a decision on lodging a submission to the independent panel as part of its review process. As such the significance of the report, as assessed against Councils’ Significance and Engagement Policy, is low and no engagement with the community has been undertaken.</p>
Climate Impact <p>Preparing and adapting to the impacts of climate change is identified in the Review as one of the complex challenges that means change is necessary. The independent panel makes recommendations related to climate change. There are no specific impacts arising from this report.</p>
Inclusion of Māori in the decision making process <p>Iwi from Te Taihū were invited to attend the event run by the independent panel on 9 December 2022. The panel is leading engagement</p>

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and seeking feedback directly from Māori and hapū/iwi. No engagement with Māori has been undertaken in preparing this report.

Delegations

This is a matter for Council.

Te Kāhui Whiria, Māori Partnerships Update 2021/2022

1. Purpose of Report

- 1.1 To provide elected members with a summary update for 1 July 2021 to June 30 2022 from Te Kāhui Whiria, Māori Partnerships Team.

2. Recommendation

That the Council

- 1. *Receives the report Te Kāhui Whiria, Māori Partnerships Update 2021/2022 (R27090); and notes its contents.***

3. Background

- 3.1 The role of Te Kāhui Whiria, Māori Partnerships Team (TKW) is to assist, enable and influence Council to strengthen a bicultural partnership with local iwi and the wider Māori community. TKW supports opportunities to collaborate that are mutually beneficial and contribute to Council's aspiration of shaping an exceptional place to live, work and play.
- 3.2 We do this by providing:
- 3.2.1 A safe and supportive environment for Council officers and elected members to discuss (a) appropriate ways of engaging iwi/Māori; (b) opportunities to build your cultural knowledge of te reo Māori me ōnā tikanga; and (c) provide guidance on aspects of Te Ao Māori in relation to work or professional development.
 - 3.2.2 Support to Council kaumātua (Tāne / Ruāhine) and the Office of the Mayor with ceremonial events.
 - 3.2.3 Quality secretariat support to iwi partnership meetings and maintain professional communication between iwi and Council by ensuring efficient administration that is organised and structured.
 - 3.2.4 Opportunities to celebrate Te Ao Māori me ōna tikanga by supporting kaupapa Māori events and initiatives within Whakatū/Nelson.

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3.3 There are three full-time staff members and one part-time staff member in TKW:

3.3.1 **Kaihautū, Manager Māori Partnerships** (1 FTE) – senior advisor to Council providing strategic advice and guidance on iwi engagement and Māori cultural matters that arise.

3.3.2 **Kaitohu Matua, Senior Administrator** (0.75 FTE) Secretariat for Iwi-Council partnership hui and administrative support to TKW.

3.3.3 **Kaituitui, Coordinator Māori Partnerships** (1 FTE) Project coordinator for TKW events and activities including Waitangi, Matariki, Te Wiki o Te Reo Māori and Council civic events.

3.3.4 **Kaituitui Ahurea, Coordinator Māori Events** (0.5 FTE) Events coordinator for regional and national kapa haka events within Whakatū/Nelson and administrative support to Te Taihū Cultural Council.

4. Major Projects / Events 2021-2022

4.1 In 2021/2022 TKW led one major event Te Huihui o Matariki, Matariki Festival, and two major projects – Te Parikaranga, Iwi Engagement Platform and Taonga Tuku Iho, Heritage Strategy 2022-2032.

Te Huihui o Matariki, Matariki Festival

4.2 Matariki is a time to gather with friends and whānau to reflect on the past, share kai and aspirations for the future. In collaboration with Te Taihū o te Waka a Maui Māori Cultural Council and Toiere Te Taihū Māori Business Network, Nelson City Council hosted its fourth annual Te Huihui-o-Matariki event on 24 June 2022 to celebrate the Māori New Year and our first official Matariki public holiday for Aotearoa New Zealand. An estimated 7,000 Nelsonian's filled Rutherford Park and the Trafalgar Centre.

4.3 Te Huihui o Matariki was project coordinated by Kaituitui Māori and this year funded by various groups across Council and outside of Council, namely:

4.3.1 Te Kāhui Whiria Māori Partnerships Team

4.3.2 Arts and Heritage Team

4.3.3 Transport and Solid Waste Team

4.3.4 Events Team

4.3.5 City Development Team; and

4.3.6 Te Taihū o te Waka a Maui Māori Cultural Council.

4.4 Due to Covid-19 pandemic disruptions and restrictions the Matariki Festival had become one of the main events in Nelson for the past three years. It started in 2019 attracted 1500 people and in 2020 was held online with a fireworks display drawing out approximately 2500 Nelsonian's. Then in 2021 the festival had grown to 4500 people. This

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year the location had changed as the event had outgrown Founders Heritage Park.

- 4.5 \$3651.80 was raised in koha and donated to assist with humanitarian aid in the Ukraine. Recognising and supporting different cultural communities who live in Whakatū aligns with Matariki and the kaupapa of manaakitanga and aroha for others.

5. Te Parikaranga, Iwi Engagement Platform

- 5.1 Named a finalist at the LGNZ Kāinga Ora Homes and Communities Excellence Awards in 2022; and the ALGIM Awards 2022.
- 5.2 The idea for a tool “Te Parikaranga” to form the backbone of the iwi-Council engagement process began in 2020 in partnerships with staff from the eight iwi of Te Taihū and technology company Datacom.
- 5.3 Nelson City Council wanted to make iwi engagement business as usual for Council staff. However, increasing pressure on iwi to respond and react to the volume of requests from Council officers meant a new approach was needed to streamline the process and empower iwi to determine their engagement parameters.
- 5.4 It has taken two years of collaboration to develop Te Parikaranga, but it’s been well worth the investment. Iwi engagement has previously been fragmented and inefficient, causing problems for both sides. Te Parikaranga streamlines the engagement process by allowing staff to raise engagement requests early, centralise information and allow iwi to determine their engagement priorities saving time and money on projects, and ultimately strengthening true and practical partnerships. The joint up approach means that both Council and iwi get full oversight of engagement that is occurring, making the communications more accessible and efficient for both parties.
- 5.5 Te Parikaranga enhances social, environmental, cultural, and economic wellbeing outcomes for Whakatū-Nelson by ensuring iwi are engaged early and often in Council projects. This produces more sustainable and inclusive results, while supporting great connectivity between iwi and Council – giving Māori more of a voice in Council processes.
- 5.6 What began as an operational solution for iwi and Council engagement on environmental impacts for Environmental and Capital projects, has developed beyond this to include a diverse range of Council projects. Further afield Te Parikaranga has the potential for a greater impact on the region and greater Aotearoa. Te Parikaranga is a dramatic improvement on existing engagement systems and we are already fielding enquiries about the tool from our neighbouring Councils, government agencies and the private sector.

Taonga Tuku Iho, Heritage Strategy 2022-2032

- 5.7 It has been 16 years since Nelson City Council adopted the Whakatū Nelson Heritage Strategy in 2006. Over this time, we have seen a quantum shift in how our community understands heritage and how we see ourselves within it. Taonga Tuku Iho offers an holistic approach to understanding heritage located within a te ao Māori framework. This approach encompasses built heritage, as well as the importance of natural and metaphysical heritage, such as language, stories and the arts.
- 5.8 The purpose of Taonga Tuku Iho is to inspire a step change in the way we view and approach our heritage and collective identity, together as people of Whakatū Nelson. It will act as a blueprint and set the direction for the protection and delivery of taonga tuku iho outcomes for Whakatū through a partnership approach. By nurturing and honouring our diverse relationships, our aim is to enhance the cultural wellbeing and sense of identity and connection of our community.
- 5.9 Taonga Tuku Iho began in 2020 by the Arts and Heritage Team who engaged Business Lab to facilitate engagement with iwi, the heritage individuals, organisations and agencies community, and other interested parties. In 2021, TKW took a leadership role in the analysis and writing of Councils first bicultural strategy with the support of Making Everything Achievable. In 2022, O'Donnell & Co was engaged as a co-editor of the strategy. We hope this is a strategy our community are proud of, and was adopted by Council September 2022.
- 5.10 TKW and the Arts and Heritage Team continue to work towards establishing a community led Steering Group to manage the delivery of outcomes for Taonga Tuku Iho.

Te Puāwaitanga Cultural Competency Framework

- 5.11 Te Puāwaitanga is a cultural competency framework to support a deliberate approach to building staff capability that comprises competency areas. Developed by Te Arawhiti, the Office for Māori Crown relations across crown agencies to support Crown to be a good Treaty partner.
- 5.12 Similar to Councils Wellbeing framework, it does not suggest anything new, rather it supports Council to be deliberate in current and future capability building so that we are not leaving gaps.
- 5.13 The purpose of the framework is to provide a more coordinated approach to capability building across the public service, that may result in effective engagement with iwi and Māori on a range of issues to build true and practical partnerships.
- 5.14 The competency areas Council have agreed on are (a) Te Tiriti o Waitangi / Treaty of Waitangi literacy (b) Te Reo Māori / Māori Language (c) Tikanga and Kawa/ Māori customary practice (d) Iwi/Māori engagement and (e) Racial equity and unconscious bias.

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5.15 Following workshops with staff across Council in December 2021 and January 2022, staff identified a strong preference to be at beginner or intermediate level of competency for Te Tiriti o Waitangi, Te Reo Māori and Tikanga and Kawa; and at an intermediate to advanced level of competency for Iwi/Māori engagement and Racial equity and unconscious bias. Currently Council support a number of opportunities for staff and elected members cultural competency development such in Table 1.

5.16 **Table 1:** Current opportunities to support staff cultural competency

<ul style="list-style-type: none"> • Cultural Toolkit • Cultural Clinic • He Waka Kuaka • Kuwaha, Online Te Reo Māori • Te Reo Māori activities during Te Wiki o Te Reo Māori • He kupu o te wiki • Fortnightly waiata • Annual pōwhiri • Te Parikaranga, Iwi Engagement Platform training 	<ul style="list-style-type: none"> • Iwi/Council meetings • Iwi newsletter • Treaty training • Unconscious bias training • Iwi bus tours • Quarterly Mātauranga Māori workshops • Māori appointments to Council • Mayor appointment to the Marae Committee
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6. Strengthening Iwi Partnership

6.1 TKW facilitated the Te Taihū Mayors and Iwi Chairs hui held on 27 May 2022 and in September 2022. Members agreed that regular hui would be held on the same day as the Te Taihū Iwi Chairs Forum.

6.2 Between 1 July 2021 and 30 June 2022, TKW hosted 14 partnership hui with iwi across governance, management and operational groups and supported staff with 87 papers tabled for discussion, feedback and input from iwi. A breakdown is provided below in Table 2.

Table 2: Iwi/Council Hui - 1 July 2021 to 30 June 2022

Iwi/Council Hui	Hui	Papers	Teams involved
Iwi-Council Partnership (Governance – Chair/Mayor)	3	20	TKW, Governance and Support Service, Community Partnership, Capital Projects, City Development, Parks and Facilities
Te Ohu Whakahaere (Management – CE/GM)	3	22	TKW, Capital Projects, Resource Consents, Strategic Policy, Transport and Solid Waste, City Development, Community Partnership

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Te Ohu Taiao (Environmental Practitioners)	4	22	TKW, Science and Environment, Parks and Reserve, Transport and Solid Waste, Climate Change
Te Ohu Toi Ahurea (Cultural Practitioners)	4	23	TKW, Arts & Heritage, Capital Projects, Strategic Policy

6.3 In collaboration with Governance and Support Services, following the establishment of a Māori ward for the 2022 local election - TKW facilitated iwi endorsed Māori representatives to Council committees, sub-committees, and business units:

6.3.1 Community and Recreation Committee – Tom Alesana

6.3.2 Infrastructure Committee – Naomi Aporo

6.3.3 Audit Risk and Finance Subcommittee - Shanell Kelly

6.3.4 Urban Development Subcommittee – Chanel Starkey

6.3.5 Nelson Tasman Regional Landfill Business Unit – Andrew Stephens.

6.4 Iwi Chairs have advised that no further appointments to Council will be considered until after the 2022 elections.

7. Kaumātua and Ceremonial Support for Council events

7.1 The Council kaumātua (Tāne and Ruahine) are recognised as taonga and are highly respected elders appointed by Iwi and supported by Council. The support of all parties is needed to reflect the mana of these positions. The Office of the Mayor and TKW provide support to the kaumātua.

7.2 The purpose of the kaumātua roles is to provide high level support to assist:

7.2.1 A sound relationship between iwi and Council

7.2.2 Strengthen Councils relationship with iwi and Māori

7.2.3 Support the Council and the Mayor (or delegate) at relevant civic events.

7.3 In 2021-2022 kaumātua have assisted Council in the events listed in Table 2. These events have predominantly been coordinated by TKW and supported by the relevant project team.

Table 3: Kaumātua supported Council requested events 2021-2022

Event / Project Lead	Date	Type of Event	Ceremony event lead
Saxton Culvert (Part 1) (Capital Projects)	July	Karakia	TKW/ Capital Projects
Te Huihui o Matariki (TKW)	July	Karakia	TKW
Stoke Youth Park (Parks and Reserves / Capital Projects)	Nov	Dawn Ceremony	TKW

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Te Pā Harakeke, Modellers Pond		Karakia	TKW / Capital Projects
Saxton Culvert (Part 2) (Capital Projects)	Jan 2022	Karakia	TKW / Capital Projects
Welcoming Communities (Community Partnerships)	Jan	Karakia	Community Partnerships
Matai Recreation Hub (Parks and Reserves)	May	Karakia	TKW
Māori appointments to Council (Governance and Support Services)	June	Whakatau	TKW
John Mitchell Memorial (Parks & Reserves)	June	Memorial event	TKW / Mitchell Whānau
Nelson Waste Recovery Mural (Arts and Heritage)	June	Karakia	Arts & Heritage
Te Huihui o Matariki (TKW)	June	Karakia	TKW

8. Staff and Elected member Service requests

- 8.1 The Kaihautū runs weekly Cultural Clinic's every Thursday 10-12pm for staff. These have been running for 2 years and are well attended by staff who often book in advance. It is an opportunity for staff to drop in with any questions or a general chat about appropriate ways of engaging iwi/Māori, information about iwi partnership hui and preparing for hui; information about Te Parikaranga Iwi Engagement Platform; or General questions about any aspect of Te Ao Māori related to work or professional development.
- 8.2 To raise the profile of TKW, the Kaitohu Māori held 20-minute presentations for staff across Council. 20 teams participated and 214 staff have attended. These have been well received by staff.
- 8.3 A record of staff service requests are kept by TKW. Data shows that 640 service requests (138 external / 502 internal) have been received by TKW between 1 January 2022 – 31 December 2022. A break down is provided of the types of enquiries are provided in Figures 1 & 2.

Figure 1. External Enquiries

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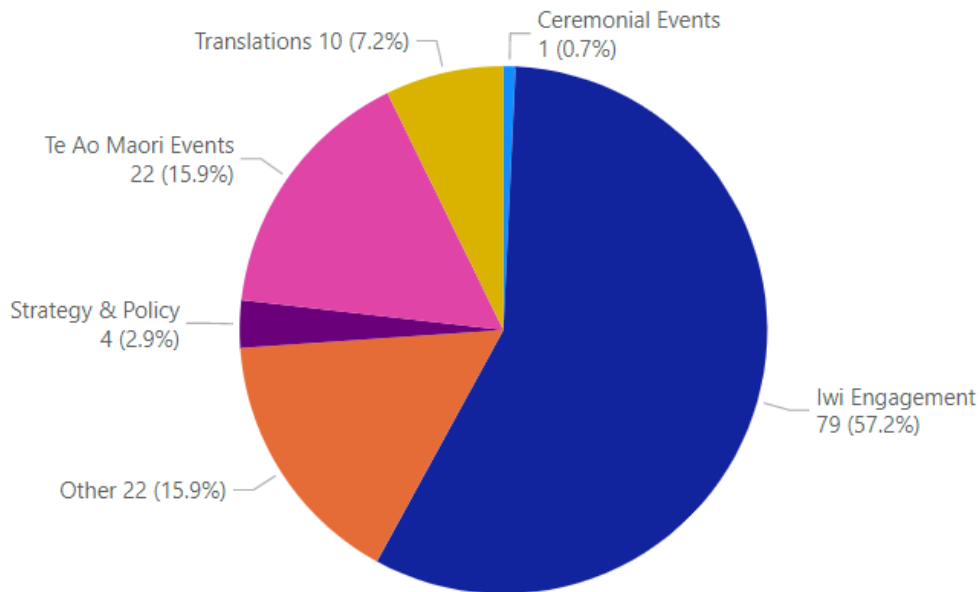
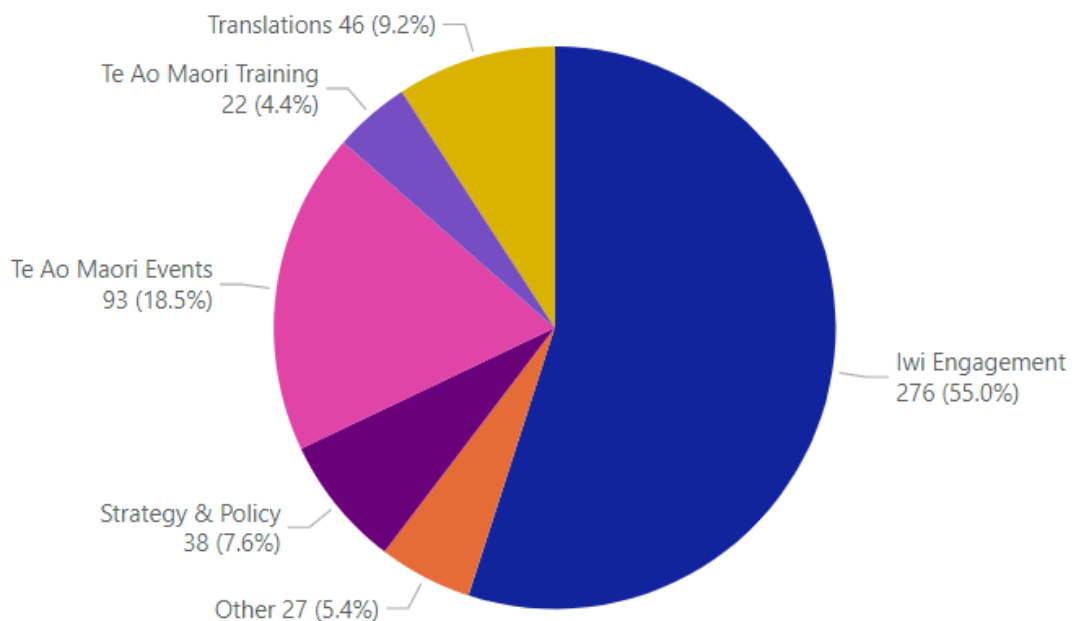


Figure 2. Internal Enquiries



9. Conclusion

9.1 In 2022/2023 Te Kāhui Whiria hope to launch Te Puāwaitanga Cultural Competency Framework.

9.2 Other major projects for TKW in 2022-2023 include:

9.2.1 Pilot test Te Parikaranga, Iwi Engagement Platform

9.2.2 Launch Te Puawaitanga Cultural Competency Framework

9.2.3 NCC Cultural Audit 2022, measured against Cultural Audit 2018

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- 9.2.4 Te Taihu Partnership Agreement (NCC/TDC/MDC)
- 9.2.5 Supporting Māori appointments to Council
- 9.2.6 Implementation of Taonga Tuku Iho, Action Plan 2022-2025
- 9.2.7 Agree a Toi Māori 5-year Arts workplan
- 9.2.8 Whakatū Nelson Gateway project.

Author: Pania Lee, Kaihautu

Attachments

Nil

Post-local body election poll results - December 2022

1. Purpose of Report

- 1.1 To provide the results of the post-local body election poll undertaken in December 2022.

2. Recommendation

That the Council

1. ***Receives the report Post-local body election poll results - December 2022 (R27465) and its attachment (579032177-724); and***
2. ***Notes the results outlined in Attachment 1 (579032177-724).***

3. Background

- 3.1 On 10 November 2022 Council approved the commissioning of a random poll of the community's views on aspects of the Nelson local body election in 2022:

Resolved CL/2022/254

That the Council

2. *Approves the commissioning of a professionally conducted random poll on the Nelson 2022 Local Body Elections.*
- 3.2 The purpose of the poll was to understand the community's views on participation in the Nelson local body elections in 2022.
- 3.3 Curia Market Research was commissioned to conduct the poll of Nelson residents using a random sample of 5,000 phone numbers and a random selection from an online panel. 525 respondents agreed to participate – 298 via landline phone, 197 via mobile phone, and 30 via the online panel. The poll was undertaken between 18 and 19 December 2022.

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- 3.4 The results are weighted to reflect the overall adult population in terms of gender, age, ward, and ethnicity. There is a higher level of voters in the sample with 85% of respondents having voted compared to the Nelson voter turnout of 51% in 2022.
- 3.5 There is an overall maximum sampling error of plus or minus 4.3% at a 95% confidence level.
- 3.6 The results report of the poll are provided for Council's information in Attachment 1.

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Attachments

Attachment 1: 579032177-725 Electoral Issues Poll December 2022 [↓](#)

