



Nelson City Council
Te Kaunihera o **Whakatū**

Notice of the Ordinary meeting of

Nelson City Council

Te Kaunihera o Whakatū

Date:	Thursday 9 March 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 Common Ground - Regenerative Housing and Community Development

Zola Rose, Director, from Common Ground, will speak about Regenerative Housing and Community Development.

5. Confirmation of Minutes

5.1 9 February 2023 **12 - 26**

Document number M19976

Recommendation

That the Council

1. Confirms the minutes of the meeting of the Council, held on 9 February 2023, as a true and correct record.

5.2 Extraordinary Meeting - 23 February 2023 **27 - 30**

Document number M20014

Recommendation

That the Council

1. ***Confirms the minutes of the extraordinary meeting of the Council, held on 23 February 2023, as a true and correct record.***

6. Mayor's Report

31 - 36

Document number R27513

Recommendation

That the Council

1. ***Receives the report Mayor's Report (R27513); and***
2. ***Acknowledges the service of retiring Chair of the District Licensing Committee, Oke Blaikie; and***
3. ***Delegates authority to His Worship the Mayor Hon Dr Nick Smith to write to Prime Minister Rt Hon Chris Hipkins and Local Government Minister Hon Kieran McAnulty strongly objecting to the unforeseen effects of Government policy on the Council-owned Nelmac business; and***
4. ***Approves the development of a supplementary submission by the Chief Executive and His Worship the Mayor to present to the Finance and Expenditure Committee on the Water Services Legislation Bill seeking to have those provisions repealed in the previously passed legislation that enable the assets of Nelmac to be expropriated without compensation; and***
5. ***Requests that officers explore all legal options including potential court challenges to protect Nelmac's staff and assets from transfer by the Three Waters National Transition Unit; and***
6. ***Approves Council and Nelmac taking all lawful proactive measures to thwart the transfer of Nelmac staff and assets to Water Services Entity C; and***
7. ***Requests that Council officers urgently explore with the Nelson Regional Development Agency options for the extension of the temporary visitor information service in Civic House beyond Easter 2023 including whether a weekend service is possible; and***

8. ***Requests*** that Council officers develop options with the Nelson Regional Development Agency for the medium term (prior to the bus terminal development) and long term (when the new bus terminal is developed) for re-establishing an i-SITE including the use of electronic information panels.

7. Recommendation from Nelson Tasman Regional Transport Committee

37 - 53

Document number R27541

Recommendation

That the Council

1. ***Receives*** the report Recommendation from Nelson Tasman Regional Transport Committee (R27541) and its attachments (1974015928-493, 1982984479-5241 and 1862260321-21259); and
2. ***Nominates*** His Worship the Mayor Hon Dr Smith as Deputy Chair of the Nelson Tasman Regional Transport Committee; and
3. ***Approves*** subject to approval by the Tasman District Council the amended Terms of Reference for the Joint Committee of Tasman District and Nelson City Councils (Attachment 1 1974015928-493); and
4. ***Approves*** subject to approval by the Tasman District Council the amended Terms of Reference for the Joint Nelson Tasman Regional Transport Committee (Attachment 2 1982984479-5241); and
5. ***Notes*** that the updated terms of reference for the Joint Nelson Tasman Regional Transport Committee and as required, the Joint Committee of Tasman District and Nelson City Councils:
 - a. ***includes a non-voting Te Tau Ihu Iwi representative on the Joint Nelson Tasman Regional Transport Committee; and***
 - b. ***requires the Joint Nelson Tasman Regional Transport Committee to make its recommendations to the Joint Council Committee, rather than to each Council separately, for the:***
 - i. ***Joint Regional Transport Management Plan;***

- ii. **Joint Regional Public Transport Plan; and**
 - iii. **Joint Speed Management Plan; and**
 - c. **enables the Joint Nelson Tasman Regional Transport Committee to:**
 - i. **provide governance oversight of public transport planning and operations including the authority to make decisions and approve policies that support operations; and**
 - ii. **make recommendations for matters outside of its delegations for public transport to the Joint Council Committee, rather than to each Council separately, except for budget changes.**
6. **Approves, subject to approval by Tasman District Council, the Public Transport Fares and Pricing Policy (Attachment 3 1862260321-21259).**

8. Housing Reserve Fund

54 - 72

Document number R27442

Recommendation

That the Council

1. **Receives the report Housing Reserve Fund (R27442) and its attachment (336940202-5833); and**
2. **Approves the Housing Reserve Grants Programme 2023 attachment (336940202-5833) which sets out the objectives and guidelines; and**
3. **Delegates the approval and distribution of grants to the Community Housing Acceleration Taskforce in accordance with the Housing Reserve Grants Programme 2023 attachment (336940202-5833); and**
4. **Amends the Terms of Reference of the Community Housing Acceleration Taskforce (336940202-4193) to approve and distribute grants in accordance with the Housing Reserve Grants Programme 2023, and**
5. **Delegates confirmation of Housing Reserve Grant contracts to the Chief Executive.**

9. August 2022 Extreme Weather Event Recovery - Quarterly Update **73 - 83**

Document number R27440

Recommendation

That the Council

- 1. Receives the report August 2022 Extreme Weather Event Recovery - Quarterly Update (R27440) and its attachment (1590798627-320); and***
- 2. Approves retrospectively unbudgeted expenditure incurred between 30 September 2022 and 31 December 2022 as part of the August 2022 extreme weather event recovery of \$7.2M.***

10. Financial recognition for external taskforce members **84 - 87**

Document number R27494

Recommendation

That the Council

- 1. Receives the report Financial recognition for external taskforce members (R27494); and***
- 2. Agrees that any financial recompense made to an externally appointed taskforce member be through a contractual agreement.***

11. Approval of Terms of Reference - Sea Sports Facilities Taskforce **88 - 92**

Document number R27418

Recommendation

That the Council

- 1. Receives the report Approval of Terms of Reference - Sea Sports Facilities Taskforce (R27418) and its attachment (1974015928-914); and***

2. **Notes the change of name to the Sea Sports Facilities Taskforce; and**
3. **Approves the Sea Sports Facilities Taskforce Terms of Reference (1974015928-914).**

12. Approval of Terms of Reference - Sesquicentennial Taskforce 93 - 97

Document number R27497

Recommendation

That the Council

1. **Receives the report Approval of Terms of Reference - Sesquicentennial Taskforce (R27497) and its attachment (1974015928-1079); and**
2. **Approves the Sesquicentennial Taskforce Terms of Reference (1974015928-1079).**

13. Community Investment Fund - Funding Allocation Update 98 - 106

Document number R27464

Recommendation

That the Council

1. **Receives the report Community Investment Fund - Funding Allocation Update (R27464) and its attachments (636034393-8601 and 636034393-8600); and**
2. **Receives the minutes from the Community Investment Fund meeting held on 30 November 2022 (unconfirmed) and notes the funding decisions taken; and**
3. **Notes that Graeme Thomas and Rosalie Grant completed their term as Community Investment Fund panel members on 30 June 2022 and did not seek re-appointment to the panel.**

CONFIDENTIAL BUSINESS

14. 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 Rob Gunn, Jane Sheard, Lindsay Coll and Richard Lester of Nelmac remain after the public has been excluded, for a Confidential briefing for part of the Mayor's report, as they have knowledge relating to the Mayor's report 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 - 9 February 2023	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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			commercial and industrial negotiations) <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)(j) To prevent the disclosure or use of official information for improper gain or improper advantage
2	Extraordinary Council Meeting - Confidential Minutes - 23 February 2023	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)
3	Mayor's Report - Appointment to the Nelson Regional Sewerage Business Unit	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
4	Appointment - Chairperson of District Licensing 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

Karakia Whakamutanga

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

Held in the Council Chamber, Floor 2A, Civic House, 110 Trafalgar Street, Nelson on Thursday 9 February 2023, commencing at 9.02a.m.

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

In Attendance: Interim Chief Executive (L McKenzie), 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 Assistant
Governance Adviser (A Bryce-Neumann)

Apologies : Nil

Karakia and Mihi Timatanga

1. Apologies

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

There were no updates to the Interests Register.

Councillor Paki Paki declared a non-pecuniary interest in item 3 of the Confidential Agenda, Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre, noting he was a member of the Stoke Rugby Club.

Interim Chief Executive, Lindsay McKenzie declared an interest in the Mayor's Report item on Nelson Hospital Energy Centre Air Discharge Consent Application.

4. Public Forum

- 4.1. Emma Hunter from Aroha Kotahi spoke to a presentation on Aroha Kotahi's vision and their Kaupapa, and tabled an information sheet.

Attachments

- 1 1982984479-5521 PowerPoint Aroha Kotahi Emma Hunter
- 2 1982984479-5552 Emma Hunter - Aroha Kotahi tabled document

5. Confirmation of Minutes

- 5.1 15 December 2022

Document number M19941, agenda pages 12 - 28 refer.

Resolved CL/2023/001

That the Council

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

Courtney/Sanson

Carried

6. Mayor's Report

Document number R27449, agenda pages 29 - 34 refer.

His Worship the Mayor Hon Dr Nick Smith presented his report and proposed taking the discussion in parts.

In speaking to the recommendation to revoke the staff delegation to consider the consent application from Te Whatu Ora, Group Manager Environment, Dennis Bush-King, advised that Mayor Smith had identified that the consent application would be of public interest and proposed that the decision making be elevated.

Resolved CL/2023/002

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***

Resolved CL/2023/003

His Worship the Mayor/Brand

Carried

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***

Resolved CL/2023/004

Courtney/Skinner

Carried

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.***

Sanson/Stallard

Carried

The meeting adjourned from 10.10a.m. until 10.18a.m.

7. Annual Plan 2023/24 update

Document number R27434, agenda pages 35 - 42 refer.

Group Manager Strategy and Communications, Nicky McDonald and Policy Adviser – Strategy, Louis Dalzell presented the report and it was taken as read.

Resolved CL/2023/005

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.***

O'Neill-Stevens/Courtney

Carried

8. Seafarers Memorial Jetty - further information

Document number R26528, agenda pages 43 - 62 refer.

Group Manager Community Services, Andrew White, and Principal Parks and Facilities Activity Planner, Andrew Petheram, presented the report and it was taken as read.

Resolved CL/2023/006

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.***

Skinner/Benge

Carried

9. Delegations Under the Resource Management Act

Document number R27396, agenda pages 63 - 90 refer.

Group Manager Environment, Dennis Bush-King, presented the report and it was taken as read.

Interim Chief Executive, Lindsay McKenzie, advised the current delegation was not strictly following the law of the Resource Management Act and that the recommendation was correcting this in that the delegation be made by Council.

Resolved CL/2023/007

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.***

Courtney/Sanson

Carried

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

Document number R27441, agenda pages 91 - 96 refer.

Manager Governance and Support Services, Devorah Nicuarta-Smith presented the report and it was taken as read.

Remuneration or external representatives to Taskforces was discussed and it was requested that a report be provided to address this.

The item was adjourned to provide time for officers to update the attachment to the report.

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

Document number R27458, agenda pages 97 - 101 refer.

Group Manager Community Services, Andrew White, presented the report and it was taken as read. He clarified that The City Centre Business Forum was a discussion forum where a range of different matters might be discussed and a range of expertise from Council might be required to assist the discussion.

Resolved CL/2023/008

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 (1974015928-1078).***

O'Neill-Stevens/Rollo

Carried

The meeting adjourned from 11.25am until 11.34a.m.

12. Policy update - Appointment and Remuneration for External Appointees on Council Committees and Subcommittees (Agenda Item 10 Reconvened)

Document number R27441, agenda pages 91 - 96 refer.

Ms Nicuarta-Smith tabled the updated draft policy with reviewed changes. She clarified, with regards to 4.2.1 of the Policy, that the outgoing chair would not be expected to be part of the interview panel for their position, however this would be at the discretion of the Mayor.

Resolved CL/2023/009

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 (839498445-13611).***

Skinner/Courtney

Carried

Attachments

- 1 839498445-13611 Appointment and Remuneration for External Appointees on Council Committees and Subcommittees

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

Document number R27429, agenda pages 102 - 121 refer.

Group Manager Infrastructure, Alec Louverdis and Policy Adviser – Strategy, Jane Borren, presented the report and it was taken as read.

Activity Engineer – Water Supply and Stormwater, Phil Ruffell, answered questions on the water supply testing regime, noting that Nelson had an exceptional water supply system and testing regime.

Attendance: Councillor O’Neill-Stevens left the meeting at 12.33p.m.

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.*

Skinner/Brand

Councillor Stallard tabled proposed changes to the submission to clarify that the majority of Councillors did not support the current direction of Three Waters, and moved an amendment to approve the *amended* draft Council submission, seconded by Councillor Sanson.

The amendment was put and carried. The amendment became the substantive motion and a division was called.

Resolved CL/2023/010

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 amended 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.***

The substantive motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Absent</u>
His Worship the Mayor Smith (Chairperson) Cr Anderson Cr Benge Cr Brand Cr Courtney	Nil	Cr O'Neill-Stevens (on Council business)

Cr Hodgson
Cr Paki Paki
Cr Rainey
Cr Rollo
Cr Sanson
Cr Skinner
Cr Stallard

The substantive motion was carried 12 - 0.

Stallard/Sanson

Carried

Attachments

1 1982984479-5553 Cr Stallard Three Waters Submission proposed edit Council 09Feb2023 Agenda p107

Councillor O'Neill-Stevens subsequently indicated that, if he had been present for the vote he would be in favour of the motion.

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

Document number R27387, agenda pages 122 - 135 refer.

Manager Strategy, Pip Jamieson and Policy Adviser – Strategy, Louis Dalzell, presented the report and it was taken as read.

Following discussion it was agreed that the submission include:

- it be noted Council supported Civics in schools,
- Council was unanimous in agreement that the term for local government and central government elections should be aligned, whether it was three or four years.
- any change in the length of term should be determined by a public referendum
- In the event the three year term was continued it would be an advantage to have local government elections following central government elections by one year rather than two, given the work involved with its annual and long term plans.
- 11 Elected Members supported STV and two Elected Members supported FPP
- 6 Elected Members supported the voting age of 16 and 7 Elected Members supported the voting age remain at 18

Attendance Councillor O'Neill-Stevens joined the meeting at 12.53p.m.

Resolved CL/2023/011

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 amended 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.***

Skinner/Sanson

Carried

15. Exclusion of the Public

Chris Little and Patrick Power from Stoke Rugby Club and Lyndon Bray from Tasman Rugby Union and Peter Fisher from City Club were in attendance for Items 3 and 4 of the Confidential agenda to present and answer questions and, accordingly, the following resolution is required to be passed:

Resolved CL/2023/012

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 Bray 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.***

Skinner/Brand

Carried

Resolved CL/2023/013

That the Council

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

Skinner/Brand

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Confidential Minutes - 15 December 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) • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
2	Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason	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,

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		exists under section 7	negotiations (including commercial and industrial negotiations)
3	Proposed Lease and Public Engagement - Trafalgar Park Lane	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	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
5	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
6	Proposed changes to Council's fees and charges for 2023-24 Public exclusion necessary to prevent disclosure of information that could be used for improper gain or advantage	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
	Recommendations from Committees		

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
7	Chief Executive Employment Committee - 21 December 2022 Interim Chief Executive Officer Performance Agreement and Key Result Areas for 2023	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
Recommendations from Committees			

The meeting went into confidential session at 1.10p.m. and resumed in public session at 5.53 p.m.

16. Te Kāhui Whiria, Māori Partnerships Update 2021/2022

Document number R27090, agenda pages 136 - 144 refer.

Kaihautu, Pania Lee, presented the report and it was taken as read, noting the key pieces of work the Māori Partnerships Team had led and that Kaumatua had been a critical part of the journey.

Resolved CL/2023/014

That the Council

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

Paki Paki/Sanson

Carried

17. Post-local body election poll results - December 2022

Document number R27465, agenda pages 145 - 179 refer.

Manager Strategy, Pip Jamieson and Group Manager Strategy and Communications, Nicky McDonald, presented the report and it was taken as read.

Resolved CL/2023/015

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).***

His Worship the Mayor/Rollo

Carried

Karakia Whakamutanga

18. Restatements

It was resolved while the public was excluded:

1 Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre

1. *Leaves the item Stoke Rugby - Request for new lease terms at the Pūtangitangi Greenmeadows Centre to lie on the table and not be further discussed at this meeting.*

2 Proposed Lease and Public Engagement - Trafalgar Park Lane

4. *Agrees that the report and the decision remain confidential at this time.*

3 Appointment of independent chair - Audit Risk and Finance Committee

4. *Agrees that only the decision be made publicly available, and only following acceptance of the role by the appointee; and*
5. *Agrees that Report (R27380) and its attachments remain confidential at this time.*

4 Timing of Council's Funding Contribution to Tasman Bays Heritage Trust's Archives, Records, Collections Development

4. *Agrees that the decision be made publicly available when the matter has been resolved.*

5 Proposed changes to Council's fees and charges for 2023-24

8. *Agrees that report (R27391), Attachments (1598046314-90) and (1598046314-83) and the decision be made publicly available following approval of the Annual Plan Consultation Document at the 23 March 2023 Council meeting.*

6 Recommendation from Committee:

Interim Chief Executive Officer Performance Agreement and Key Result Areas for 2023

That the Council

1. *Approves the amended Interim Chief Executive Officer Performance Agreement and Key Result Areas for 2023 (1982984479-5428); and*
2. *Agrees that the decision and Attachment (1982984479-5428) be released.*

There being no further business the meeting ended at 6.02p.m.

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

Resolved

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

Te Kaunihera o Whakatū

Held in the Council Chamber, Floor 2A, Civic House, 110 Trafalgar Street, Nelson on Thursday 23 February 2023, commencing at 1.01p.m.

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

In Attendance: Interim Chief Executive (L McKenzie) and Team Leader Governance (R Byrne)

Apologies : Nil

Karakia and Mihi Timatanga

1. Apologies

Resolved CL/2023/016

That the Council

- 1. Receives and accepts the apologies from iwi Representative Rachael Hāte for attendance.***

Paki Paki/Courtney

Carried

2. Confirmation of Order of Business

Her Worship the Mayor advised of one late item for the public part of the meeting, and that the following resolution needed to be passed for the item to be considered:

- 2.1 Mayor's Report - Submission to Thomas Cawthron Trust Amendment Bill

Resolved CL/2023/017

That the Council

- 1. Considers the item regarding Mayor's Report - Submission to Thomas Cawthron Trust Amendment Bill at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.***

Courtney/Rainey

Carried

3. Interests

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

4. Public Forum

There was no public forum.

5. Exclusion of the Public

Resolved CL/2023/018

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:***

O'Neill-Stevens/Rollo

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	Appointment of Nelson City Council Chief Executive	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)

The meeting went into confidential session at 1.04p.m. and resumed in public session at 2.10p.m.

6. Mayor's Report - Submission to Thomas Cawthron Trust Amendment Bill

Document number R27522, late items agenda pages 2 - 6 refer.

His Worship the Mayor Hon Dr Smith presented his report and outlined his submission.

Resolved CL/2023/019

That the Council

- 1. Receives the report Mayor's Report - Submission to Thomas Cawthron Trust Amendment Bill (R27522) and its attachment (1118544611-7004); and***
- 2. Endorses His Worship the Mayor Hon Dr Smith's submission to the Thomas Cawthron Trust Amendment Bill (1118544611-7004).***

Courtney/Rainey

Carried

7 Appreciation for the successful Opera in the Park 2023

Resolved CL/2023/020

That the Council

- 1. Express its congratulations and commendation for the efforts Pete Rainey and Council staff put into the success of Opera in the Park 2023, and***
- 2. Notes Mr Rainey's decades of commitment to the celebration of music and culture in Nelson.***

Paki Paki/Courtney

Carried

Councillor Rainey noted it was a total team effort and that the Nelson City Council event team were a fantastic team to work for.

8. Restatements

It was resolved while the public was excluded:

1 CONFIDENTIAL: Appointment of Nelson City Council Chief Executive

- 4. Authorises the Mayor to execute, on behalf of Council, the documents necessary to give effect to these resolutions, and when matters are finalised to make the appropriate announcements to staff and the public; and***
- 5. Agrees the Report and decision be made publicly available following completion of the employment process.***

There being no further business the meeting ended at 2.16pm.

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

Resolved

REPORT R27513

Mayor's Report

1. Purpose of Report

- 1.1 To update Council on the retirement of Oke Blaikie as Chair of the District Licensing Committee.
- 1.2 To update Council on a significant development in respect of the Government's three waters reform programme that seriously affects the viability and future of Nelson City Council's Nelmac business.
- 1.3 To update Council on Nelson visitor information services following the closure of the Nelson i-SITE facility at Millers Acre.

2. Recommendation

That the Council

1. ***Receives the report Mayor's Report (R27513); and***
2. ***Acknowledges the service of retiring Chair of the District Licensing Committee, Oke Blaikie; and***
3. ***Delegates authority to His Worship the Mayor Hon Dr Nick Smith to write to Prime Minister Rt Hon Chris Hipkins and Local Government Minister Hon Kieran McAnulty strongly objecting to the unforeseen effects of Government policy on the Council-owned Nelmac business; and***
4. ***Approves the development of a supplementary submission by the Chief Executive and His Worship the Mayor to present to the Finance and Expenditure Committee on the Water Services Legislation Bill seeking to have those provisions repealed in the previously passed legislation that enable the assets of Nelmac to be expropriated without compensation; and***
5. ***Requests that officers explore all legal options including potential court challenges to protect Nelmac's staff and***

assets from transfer by the Three Waters National Transition Unit; and

- 6. Approves Council and Nelmac taking all lawful proactive measures to thwart the transfer of Nelmac staff and assets to Water Services Entity C; and***
- 7. Requests that Council officers urgently explore with the Nelson Regional Development Agency options for the extension of the temporary visitor information service in Civic House beyond Easter 2023 including whether a weekend service is possible; and***
- 8. Requests that Council officers develop options with the Nelson Regional Development Agency for the medium term (prior to the bus terminal development) and long term (when the new bus terminal is developed) for re-establishing an i-SITE including the use of electronic information panels.***

3. Discussion

Chair of District Licensing Committee Retires

- 3.1 Oke Blaikie is retiring as the Chair of the District Licensing Committee. Oke came to the role as a retired district court judge and has given the DLC nearly 10 years of service having been appointed as Chair in 2013.
- 3.2 The Nelson community has benefitted greatly from his experience and knowledge during that time. Oke has also contributed to national forums to improve the practices around the operation and decision making of committees.
- 3.3 We would like to thank Oke for all the time and effort he has contributed, his strong guidance of the work of the committee and his caring approach to working with staff. The scones and muffins he brought in from time to time were also much appreciated! Oke is going to be spending more time with family and doing some travelling abroad, and we wish him every happiness.

Unforeseen Three Waters Reform Impact on Nelmac

- 3.4 I wish to update Council on a significant development in respect of the Government's three waters reform programme that seriously affects the viability and future of Nelson City Council's Nelmac business.
- 3.5 Nelson City Council previously understood that the three waters reform would see the in-house Council staff who oversee the planning and contracting of water services transfer to the new water services entity alongside any contracts for operation, maintenance and development. We expected the contracts with Nelmac to be novated over to the new water services entity but that Nelmac would not be directly affected.

Item 6: Mayor's Report

Council assumed Nelmac would contract to the new water services entity on the same terms.

- 3.6 Council was shocked and surprised to be advised recently by Heather Shotter, Executive Director of the Department of Internal Affairs' Three Waters National Transition Unit, that: "According to our information, Nelmac Ltd undertakes water services delivery functions that will transfer to the water services entity." She acknowledged this was a new development, saying: "To date, our discovery and engagement processes have not included Nelmac Ltd." This is their interpretation of the Water Services Entities Act, which became law in November. Council has subsequently sought further legal advice and consulted with other councils similarly affected by this important issue. The consequence is that the Government is proposing to strip from Nelmac its staff, equipment and business systems associated with water services.
- 3.7 The injustice of this approach to Nelson is highlighted by considering other councils, such as Tasman District Council, that have divested from these contracting companies some years ago. The provision does not apply to the assets and staff of Downer, which provides these same water service delivery contracts in Tasman District because, understandably, it would amount to confiscation of private property. Tasman District Council sold its contracting business and its ratepayers received a fair price for the equipment, systems and business. It is now clear the Government is intending to use its legislative power to take from Nelmac its staff, equipment and business systems associated with water services without any compensation to the business or Nelson City Council.
- 3.8 Nelson is being significantly disadvantaged as a consequence of retaining ownership of Nelmac. It is noteworthy that this asset and staff transfer from Nelmac would not occur if the water services entity was a "mixed shareholder" council controlled organisation ie if any shareholders were not a local government organisation. Nor does it apply to the staff and assets of Fulton Hogan, which is contracted to provide water services associated with the operation of the Maitai Dam and the Tantragee Water Treatment Plant.
- 3.9 The unprincipled way that the Government is seizing these water services assets and staff is exposed by the fact the same staff and assets owned by Downer and Fulton Hogan are not being taken. The Government is nationalising Nelson City Council assets not because they are needed for the three waters reform but just because they can take them for free by decree.
- 3.10 The seriousness of the impact on Nelmac cannot be understated. The business has a \$43 million annual turnover, assets of \$21 million and equity of \$12 million. The water services division of this business accounts for more than 50 of its 300 staff, a third of its turnover and approximately \$2 million of plant and assets. The staff, equipment and systems required to be transferred are those related to water services

Item 6: Mayor's Report

but this has a significant flow-on effect where these people and equipment are also important parts of Nelmac's parks, reserves, conservation, pest control, landscape and construction work. I have been advised by the directors of Nelmac that taking the water services components out of the company will seriously affect the commercial viability of Nelmac as a business and its ability to deliver its other services to Council and the community. They are also concerned that this significant disruption to the business will impact negatively on its retention and bidding for the millions of dollars of private-sector contract work.

- 3.11 Three practical effects on Nelson if this proceeds:
- 3.11.1 Nelmac will not be able to provide a dividend next year because of the costs and disruption to the business. This amounts to \$800,000 and would need to be offset by a further 1% rate increase in 2023-24.
 - 3.11.2 Nelmac will need to substantially restructure the business and make some staff redundant to try and make it viable. There is a question as to whether – with the loss of such a significant portion of its workforce, income and profit – it will be viable as a standalone enterprise into the future.
 - 3.11.3 There will be a significant impact on Nelmac's other services to the Nelson community that it provides in maintaining parks and reserves, landscaping, flood repairs and pest control. It is likely that some standards of service will drop and/or prices will need to increase due to the business being dissected.
- 3.12 I have spoken with the mayors of other similarly affected councils such as Christchurch and Westland, who are angry at this development in the implementation of three waters reform. I also raised the issue with Nelson MP Rachel Boyack at my regular meeting. She was unaware that the Government's legislation, passed last year, would enable any staff or assets of Nelmac to be taken.
- 3.13 The Nelmac Chair and Chief Executive last week briefed the Nelson City Council Chief Executive and myself on the implications of this legislation on the business. I have scheduled for the meeting today a briefing for the full Council that will need to be in the confidential session due to the commercial sensitivity of the information.
- 3.14 I am recommending that Council take every possible action to thwart the Government's intention to dismember Nelmac to protect ratepayers' investment in the business and the services it provides to Nelson.

Item 6: Mayor's Report

Nelson Visitor Information Services

3.15 On 19 May 2022, Council resolved:

CL/2022/079

2. *Accepts the Nelson Regional Development Agency recommendation to close the Nelson iSITE;*

- 3.16 I am concerned that decision to close the i-SITE visitor information centre is harming Nelson's reputation as a quality tourism destination and compromising the post-COVID recovery of Nelson's visitor industry.
- 3.17 The Nelson i-SITE at Millers Acre had suffered significant losses from lost ticket sales through the years of COVID disruptions. The model was already under pressure from declining ticket sales from the increased use of mobile devices for booking services. The closure was particularly ill-timed – just prior to the borders reopening and visitors returning.
- 3.18 The Nelson i-SITE closure has resulted in many complaints from visitors trying to get assistance. Some visitors have driven as far as Motueka's i-SITE to get information and, understandably, vented their frustration. I have also received many complaints from accommodation providers and tourism operators. The DOC information centre, bike hire companies, Council customer service centre and many other businesses have received numerous inquiries from domestic and international visitors seeking information and assistance. These staff have done their best to assist but are not equipped or trained for this role and there is frustration that they are being distracted from their jobs.
- 3.19 The visitor industry is one of the pillars of the Nelson economy alongside horticulture, fishing and forestry. Tourism earns the Nelson-Tasman economy more than \$230 million per year and employs 4300 people, of which 55% are in Nelson city. We have the third largest visitor sector after Queenstown and Rotorua as a proportion of GDP. The absence of an i-SITE in Nelson is incompatible with our region being a significant tourism destination.
- 3.20 I raised this issue with Council staff and the Nelson Regional Development Agency last year and commend the reopening of a temporary information service from 10am to 4pm weekdays in Civic House from 20 February. The service has been in high demand and assisted hundreds of visitors. I am particularly grateful that one of the former Nelson i-SITE staff has been able to be recruited to provide this service in the interim. This service is Monday to Friday only until Easter.
- 3.21 The i-SITE model for Nelson did need to be refreshed with the increasing use of mobile devices for information and bookings but closure was not the answer. There is an opportunity for a new integrated hub on the Millers Acre site with the development of the new bus terminal scheduled for 2024-25. There is also an opportunity for new electronic panels at key sites to reduce the labour costs and provide local visitor information.

Item 6: Mayor's Report

I am recommending we get work under way ASAP on both temporary and permanent provision of information services for our visitor industry.

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

Attachments

Nil

Recommendation from Nelson Tasman Regional Transport Committee

1. Purpose of Report

- 1.1 To approve the amended Terms of Reference (ToR) for the Joint Committee of Tasman District Council (TDC) and Nelson City Council (NCC) on matters relating to the Nelson Tasman Regional Transport Committee (Joint RTC).
- 1.2 To approve amendments to the Joint RTC ToR.
- 1.3 To approve the Public Transport Fares and Pricing Policy.
- 1.4 To approve the Deputy Chair to the Joint RTC.

2. Summary

- 2.1 The Joint RTC has considered and resolved several matters at their 10 February 2023 meeting that require approval by both NCC and TDC.
- 2.2 These matters have been considered and approved by the TDC at their 16 February 2023 Council meeting.
- 2.3 This report seeks NCC approval on these matters as well as approval of the Deputy Chair of the Joint RTC.

3. Recommendation

That the Council

- 1. Receives the report Recommendation from Nelson Tasman Regional Transport Committee (R27541) and its attachments (1974015928-493, 1982984479-5241 and 1862260321-21259); and***
- 2. Nominates His Worship the Mayor Hon Dr Smith as Deputy Chair of the Nelson Tasman Regional Transport Committee; and***

3. ***Approves subject to approval by the Tasman District Council the amended Terms of Reference for the Joint Committee of Tasman District and Nelson City Councils (Attachment 1 1974015928-493); and***
4. ***Approves subject to approval by the Tasman District Council the amended Terms of Reference for the Joint Nelson Tasman Regional Transport Committee (Attachment 2 1982984479-5241); and***
5. ***Notes that the updated terms of reference for the Joint Nelson Tasman Regional Transport Committee and as required, the Joint Committee of Tasman District and Nelson City Councils:***
 - a. ***includes a non-voting Te Tau Ihu Iwi representative on the Joint Nelson Tasman Regional Transport Committee; and***
 - b. ***requires the Joint Nelson Tasman Regional Transport Committee to make its recommendations to the Joint Council Committee, rather than to each Council separately, for the:***
 - i. ***Joint Regional Transport Management Plan;***
 - ii. ***Joint Regional Public Transport Plan; and***
 - iii. ***Joint Speed Management Plan; and***
 - c. ***enables the Joint Nelson Tasman Regional Transport Committee to:***
 - i. ***provide governance oversight of public transport planning and operations including the authority to make decisions and approve policies that support operations; and***
 - ii. ***make recommendations for matters outside of its delegations for public transport to the Joint Council Committee, rather than to each Council separately, except for budget changes.***
6. ***Approves, subject to approval by Tasman District Council, the Public Transport Fares and Pricing Policy (Attachment 3 1862260321-21259).***

4. Background

- 4.1 The Joint RTC at their 10 February 2023 meeting considered several matters that require approval by both Council's. These matters include:

Item 7: Recommendation from Nelson Tasman Regional Transport Committee

- 4.2 Changes to the Joint RTC ToR as detailed below:
- 4.2.1 include a non-voting Te Tau Ihu Iwi representative within the Committee; and
 - 4.2.2 have the Joint RTC make its recommendations to the Joint Council Committee rather than to each council separately for the Joint Regional Transport Management Plan, Joint Regional Public Transport Plan, and Joint Speed Management Plan; and
 - 4.2.3 have the Joint RTC:
 - provide governance oversight of public transport planning and operations including operational policy decision making power; and
 - make recommendations for matters outside of its delegations for public transport to the Joint Council Committee, rather than to each council separately, except where budget changes are required.
- 4.3 Changes to the ToR of the Joint Council Committee to include items 4.2.2 and 4.2.3 above.
- 4.4 Approval of the Public Transport Fares and Pricing Policy.
- 4.5 All of these three matters were approved at the TDC at their 16 February 2023 Council meeting.
- 4.6 The matter of the Deputy Chair of the Joint RTC is for this Council to consider and approve. The TDC Deputy Mayor has been approved as the Chair of the Joint RTC and a Deputy Chair is required. It is recommended that His Worship the Mayor Hon Dr Smith be appointed as the Deputy Chair of the Joint RTC.

Author: Alec Louverdis, Group Manager Infrastructure

Attachments

- Attachment 1: 1974015928-493 Draft Terms of Reference - Joint Committee of Tasman District and Nelson City Councils - Amended [↓](#)
- Attachment 2: 1982984479-5241 Proposed Draft Terms of Reference - Joint Nelson Tasman Regional Transport Committee - Amended [↓](#)
- Attachment 3: 1862260321-21259 Public Transport Fares Policy from 1 July 2023 [↓](#)

Terms of Reference Joint Committee of Tasman District and Nelson City Councils

This is a joint Committee of Tasman District Council and Nelson City Council and as such must be established under of the Local Government Act 2002, Schedule 7, Clause 30(A):

30A Joint committees

- (1) A local authority may not appoint a joint committee under [clause 30\(1\)\(b\)](#) unless it has first reached agreement with every other local authority or public body that is to appoint members of the committee.
- (2) An agreement under subclause (1) must specify—
 - (a) the number of members each local authority or public body may appoint to the committee; and
 - (b) how the chairperson and deputy chairperson of the committee are to be appointed; and
 - (c) the terms of reference of the committee; and
 - (d) what responsibilities (if any) are to be delegated to the committee by each local authority or public body; and
 - (e) how the agreement may be varied.

1. Membership:

The Mayor, Deputy Mayor and 12 Councillors of Tasman District Council and the Mayor, Deputy Mayor and 11 Councillors of Nelson City Council (Total of 27 Members)

2. Quorum:

- a. The quorum at a meeting of the Joint Committee is set at 14, being a majority of members as the membership is an odd number.
- b. Of that quorum of 14 members, at least five must be from each local authority.

3. Areas of Responsibility:

- a. Matters relating to Statements of Expectation for all jointly owned Council Controlled Organisations and Council Controlled Trading Organisations.
- b. Receipt of six monthly presentations from Infrastructure Holdings Ltd, Port Nelson Limited, Nelson Airport Limited and Tasman Bays Heritage Trust.

Housing Reserve Fund

1. Purpose of Report

- 1.1 To consider the objectives and guidelines for the allocation of the Housing Reserve Fund as proposed by the Community Housing Acceleration Taskforce.
- 1.2 To delegate the consideration and approval of grants from the Housing Reserve to the Community Housing Acceleration Taskforce in accordance with the approved guidelines.

2. Recommendation

That the Council

1. ***Receives the report Housing Reserve Fund (R27442) and its attachment (336940202-5833); and***
2. ***Approves the Housing Reserve Grants Programme 2023 attachment (336940202-5833) which sets out the objectives and guidelines; and***
3. ***Delegates the approval and distribution of grants to the Community Housing Acceleration Taskforce in accordance with the Housing Reserve Grants Programme 2023 attachment (336940202-5833); and***
4. ***Amends the Terms of Reference of the Community Housing Acceleration Taskforce (336940202-4193) to approve and distribute grants in accordance with the Housing Reserve Grants Programme 2023, and***
5. ***Delegates confirmation of Housing Reserve Grant contracts to the Chief Executive.***

Item 8: Housing Reserve Fund

3. Background

- 3.1 The Community Housing Acceleration Taskforce was established by the Mayor on 10 December 2022. The Terms of Reference for the taskforce were approved by Council on 15 December 2022. The role of the Taskforce is to:
- 3.1.1 Advise on how the Council can grow, as quickly as possible, the stock of community housing using the Housing Reserve with the goal to double the number of community housing houses from 50 to 100 by 2026; and
 - 3.1.2 Consider options, and make recommendations to Council, for how the Housing Reserve can be used to leverage an increase in community housing in Whakatū to achieve the above goal; and
 - 3.1.3 Consider criteria and process, and make recommendations to Council, which ensure the Housing Reserve is used in a fair and equitable manner and meets the requirements of section 101 of the Local Government Act 2002 for prudent financial management that promotes the current and future interests of the community; and
 - 3.1.4 Provide recommendations to Council, as appropriate, on expenditure and applications for grants from the Housing Reserve.
 - 3.1.5 Provide governance oversight and direction on strategic housing opportunities, including providing recommendations to Council on how to progress specific projects; and
 - 3.1.6 Recommend a reporting framework to Council for monitoring progress in meeting the community housing goal.
- 3.2 The Community Housing Acceleration Taskforce met on the 17 November 2022, 25 November 2022 and 13 December 2022 to develop the process and guidelines for distribution of the Housing Reserve in accordance with 3.1.1 to 3.1.6 above.
- 3.3 During the development of the process and guidelines the Taskforce met with Community Housing Providers (Nelson Tasman Housing Trust, Abbeyfield and Habitat for Humanity (Nelson)) and iwi trusts. The purpose of those meetings was to test that the guidelines being developed enabled acceleration of housing outcomes for those parties.

4. Discussion

- 4.1 The Community Housing Acceleration Taskforce has developed the Housing Reserve Grants Programme 2023 (refer Attachment 1) to grow as quickly as possible, the stock of community housing with the goal to double the number of community houses from 50 to 100 by 2026.

Item 8: Housing Reserve Fund

Guidelines for distribution of grants

- 4.2 After considering the views, capacity and future development proposals of the community housing providers and iwi trust participants, the Community Housing Acceleration Taskforce propose that the housing reserve is best allocated in accordance with the following guidelines:
- 4.2.1 Amount of grant per housing unit type:
- \$150,000 contribution per housing unit for social and affordable rental
 - \$50,000 contribution per housing unit for progressive home ownership
 - \$15,000 contribution per social and/or affordable temporary housing unit (i.e tiny home, transitional cabin units)
- 4.2.2 The grant can be used for the purchase of land and/or housing construction costs.
- 4.2.3 The housing development must have not benefitted from previous grants of the Housing Reserve.
- 4.2.4 The housing development must result in a net increase in unit numbers.
- 4.2.5 The housing development must be located within the territorial authority boundaries of Nelson City Council.
- 4.2.6 The grant must result in housing that is completed and occupied within 3 years of the grant being allocated.
- 4.2.7 A single community housing provider or iwi trust may apply for no more than \$3million in funding from the Housing Reserve.
- 4.2.8 Grants will not be allocated until a security mechanism to ensure the outcomes are achieved within the specified time is agreed upon. Any grants not used to achieve the outcomes as proposed and within the timeline shall be returned to Council.

Approval of applications

- 4.3 To ensure acceleration of housing outcomes sought the Taskforce proposes that:
- 4.3.1 Applications will be received on a continuing basis (until the \$3million dollar per entity cap is reached and/or the fund is fully allocated).
- 4.3.2 Officers will evaluate applications as they are received in accordance with the guidelines and evaluation process outlined in Attachment 1.

Item 8: Housing Reserve Fund

4.3.3 Officers' evaluation will be reported to the Community Housing Acceleration Taskforce for their consideration and decision.

Reporting and review process

- 4.4 Recipient of grants from the Housing Reserve will be required to provide quarterly reports for the consideration of the Community Housing Acceleration Taskforce. Reporting requirements will be included in any approved grant contract.
- 4.5 The Community Housing Acceleration taskforce will review progress and the guidelines in 12 months (February 2024) and report to Council.

Risks

- 4.6 The Council is required to show that the Housing Reserve is used in a fair and equitable manner and meets the requirements of section 101 of the Local Government Act 2002 for prudent financial management that promotes the current and future interests of the community.
- 4.7 The mechanism proposed by the Community Housing Acceleration Taskforce to ensure that prudent financial management occurs, in relation to the housing reserve grants, is that of imposing security to ensure funds can be recalled should the housing outcomes not be forthcoming within the agreed timeframe.
- 4.8 There are a range of security mechanisms that can be used, each with its own risks and enforcement challenges. Different proposals and housing development entities are also likely to have a different level of appetite for the type of security mechanism to be imposed. The options listed from lowest to highest level of security for Council are outlined below:

Security mechanism	Advantages	Risks, Disadvantages
Grant contract only with condition requiring repayment if outcome not met	Does not impact on entity's certificate of title or ability to raise funds with other funders who may wish to take security.	Council would be an unsecured creditor, with no rights in relation to specific assets. It would rank after all secured funders. Requires Council to go to Court to seek orders, apply to liquidate.
Guarantee from parent (national) agency	National entity may have greater capacity to refund grant if outcomes not met	Not available for all providers, Council would still need to enforce by taking entity to court if they do not pay out the guaranteed amounts, funds are not secured, Council

Item 8: Housing Reserve Fund

		would be an unsecured creditor (as above). Guarantee obligations can also be secured by the guarantor providing (as an example) a mortgage in favour of Council.
Caveat on title	Caveats are used to indicate a financial interest, a caveat is an instrument lodged against a property's title with the purpose of serving as a notice that the person lodging the caveat (or "caveator") claims an interest in the property, even if they are not a registered owner.	The caveat would be required to be removed before a property can be sold or mortgaged. May not be acceptable to all providers. A caveat does not give a secured interest.
Second mortgage	Council has a secured interest over the title to the property that can be enforced to obtain payment (ultimately through a sale of the property) if required.	May affect the ability of the entity to obtain additional funding (although priority levels can be agreed with subsequent funders).

- 4.9 It is likely that different approaches will be used for different grants, and to different grant recipients, at the discretion of the Community Housing Acceleration Taskforce. For instance, a lower level of, or no, security may be appropriate for lower levels of grant amounts and different development proposals (i.e a grant for the purchase of land versus a grant towards construction costs of a shovel ready development proposal). It may also be that grant recipients may have other assets that they could suggest as security.
- 4.10 As with all grants that Council distributes, there is a risk that the funds are not spent to obtain the outcomes, and that recouping the funds is administratively and legally challenging. This is somewhat mitigated through the restriction of grant recipients to Community Housing Providers registered with the Community Housing Regulatory Authority and iwi Trusts who are less likely to not deliver than private companies, notwithstanding that both are still subject to the open market construction supply chain challenges currently facing the country.

Item 8: Housing Reserve Fund

5. Options

5.1 The Council has the following three options to consider:

Option 1: Approve the Housing Reserve Grant Guidelines and delegate decision making to the Community Housing Acceleration Taskforce	
Advantages	<ul style="list-style-type: none"> • Enables the Housing Reserve to be used as quickly as possible to grow the number of community houses. • Applications will only be approved that meet the guidelines as approved by Council. • Frees up Council meeting time for other matters.
Risks and Disadvantages	<ul style="list-style-type: none"> • Decisions are made to allocate grants outside of a public Council meeting. There may be a risk that the community perceives this as not being effective, open and transparent process as required by Council's obligations under the Local Government Act. This risk is somewhat mitigated by Council approving the guidelines under which grants can be allocated and the provisions of LGOIMA.
Option 2: Approve the Housing Reserve Grant Guidelines but retain approval of grants by Council	
Advantages	<ul style="list-style-type: none"> • Retains decision making on grant allocations to a public council meeting
Risks and Disadvantages	<ul style="list-style-type: none"> • Will slow the distribution of the Housing Reserve Fund which may mean the goal of doubling the number of community housing units by 2026 is not achieved. • Council meeting time will be required to be allocated to consider every application, despite the guidelines for approval already being set by Council. • Limits the function and efficiency of the Community Housing Acceleration Taskforce.
Option 3: Do not approve the Housing Reserve Grant Guidelines and delegation proposal of the Community Housing Acceleration taskforce	
Advantages	<ul style="list-style-type: none"> • None
Risks and Disadvantages	<ul style="list-style-type: none"> • The Housing Reserve Fund is currently open for applications under the 2022 criteria (Phase

Item 8: Housing Reserve Fund

	1 and 2). Those criteria limit applications for grants to the construction costs of shovel ready community housing or iwi trust proposals. Feedback from community housing providers and iwi Trusts is that the Housing Reserve would be more useful if grants were available for land purchase, this being the single biggest barrier to the construction of additional social and affordable homes. Not approving the proposed guidelines will likely slow the distribution of the Housing Reserve Fund which may mean the goal of doubling the number of community housing units by 2026 is not achieved
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6. Conclusion

- 6.1 This report seeks Council approval of the Housing Reserve Grant Guidelines 2023 as developed by the Community Housing Acceleration Taskforce, and the delegation of approval of applications to the Taskforce.

7. Next Steps

- 7.1 If the recommendation is approved the next steps will be:
- 7.1.1 Advise Community Housing providers and iwi Trusts of the new guidelines and the ability to make applications.
 - 7.1.2 Consider applications as they are made, with the Community Housing Acceleration Taskforce making decisions following evaluation.
 - 7.1.3 Negotiate grant contracts and appropriate security mechanisms.
 - 7.1.4 Report back to Council in February 2024 on the progress of the Taskforce and the Housing Reserve Fund.

Author: Lisa Gibellini, Strategic Housing Adviser

Attachments

Attachment 1: 336940202-5833 Housing Reserve Grants Programme 2023 [↓](#)

Important considerations for decision making

Fit with Purpose of Local Government

The intent of the Housing Reserve is to support the wellbeing of the community by working with and supporting others to provide adequate social-affordable housing in Whakatū Nelson.

Consistency with Community Outcomes and Council Policy

During divestment of its community housing portfolio, Council has consulted with the community on the use of divestment proceeds and the establishment of what is now known as the Housing Reserve through the Annual Plan 2019-20, Annual Plan 2020-21, and Long Term Plan 2021-31, where housing intensification affordability was also identified as a priority.

The recommendations in this report are also consistent with Council's affordable housing objectives and the previous consultation undertaken on the Housing Reserve.

Risk

There is a risk that the Housing Reserve Fund is depleted under this next round of applications, and that housing outcomes sought are not delivered as desired, particularly given the 3 year completion of construction requirement. This risk is in part mitigated through the provision of security within the grant contracts, but is a similar risk facing all Council projects and those of market housing given the current construction supply chain issues. Risks are discussed in more detail in section 6.1 of the report and the options table.

Financial impact

The Housing Reserve was established on the sale of the community housing portfolio to Kāinga Ora with an initial balance of \$12m. The funds were set aside from an accounting perspective but used to repay overall Council debt. Since that time \$1.85m has been drawn down for Phase 1 with a further \$2m committed to Phase 2 projects. Any further drawdown of the housing reserve will increase Council's overall debt. Budgeted drawdowns for 2022/23 and 2023/24 are \$3.450m including the commitments for Phase 2 and \$450,000 from Phase 1 paid in 2022/23. If the remaining Housing Reserve funds were drawn down by 30 June 2024 then Council debt would be higher than currently projected by \$7.150m (if an interest rate is assumed to be 4% then the additional interest cost to Council is \$286,000).

Item 8: Housing Reserve Fund

Degree of significance and level of engagement

While there is a high degree of community interest in housing affordability in the region generally, this proposal has been assessed against Council's Significance and Engagement Policy as being of low significance overall. No new funding is required, it does not involve any transfer of strategic assets and will have no impact on debt levels or Council's financial capability.

Additionally, Council has already undertaken considerable consultation on the establishment of the Reserve with the local community, and its possible use with experts and stakeholders. Establishing the Reserve was viewed favourably by the community. For that reason, officers therefore consider Council is already adequately informed of community views in relation to this proposal.

Climate Impact

Council has opportunities to demonstrate leadership arising from this decision by setting guidelines that acknowledge and support the development of housing proposals that are responsive to the challenges of climate change.

Inclusion of Māori in the decision-making process

Engagement with iwi and the Community Housing Acceleration Taskforce was undertaken in late 2022 in the preparation of the guidelines for the Housing Reserve Fund.

Delegations

The Council has delegations in relation to the Housing Reserve Fund.



Council

9 March 2023

REPORT R27440

August 2022 Extreme Weather Event Recovery - Quarterly Update

1. Purpose of Report

- 1.1 To provide Council with the extreme weather recovery quarterly update following the August 2022 event.

2. Summary

- 2.1 The Project Recovery Team comprising staff from all around Council has been in place since 26 October 2022 when Nelson ended the transitional period from response to recovery.
- 2.2 The Storm Recovery Taskforce Terms of Reference were approved by Council on the 10 November 2022, and the Taskforce has met twice - 13 December 2022 and 16 February 2023.
- 2.3 The Navigator team is well established, operating from State Advances and working with impacted residents to assist them to progress their recovery.
- 2.4 The focus now is on developing the recovery work programmes that will set the scope and programme for the next six years. This includes undertaking geotechnical assessments to evaluate the current status of slips on council land and identify and assess possible ongoing hazards that might impact on Council property, neighbouring property and people in the area. These assessments include remediation options (based on a scaled future risk mitigation model) to support future council decision making on the recovery work programme.

3. Recommendation

That the Council

- 1. Receives the report August 2022 Extreme Weather Event Recovery - Quarterly Update (R27440) and its attachment (1590798627-320); and***

2. *Approves retrospectively unbudgeted expenditure incurred between 30 September 2022 and 31 December 2022 as part of the August 2022 extreme weather event recovery of \$7.2M.*

4. Background

- 4.1 The region experienced an extreme weather event in August 2022 that caused substantial damage to the region. Clean up is complete and the focus is now firmly on recovery and assisting our residents.
- 4.2 A Project Recovery Team is in place working full time on the recovery, continues to meet weekly and is well advanced in understanding the extent and complexities of the recovery. A separate recovery delivery team has been set up in the Infrastructure Group that will focus on the delivery of recovery projects.
- 4.3 Council approved rates remissions for impacted properties on 22 September 2022 and approved a further rates remission for those red and yellow stickered properties that are unable to return to their properties on 15 December 2022.
- 4.4 Recovery is programmed over the next six years with the recovery works programme well underway and taking shape.
- 4.5 As at time of writing, there are currently 16 red and 71 yellow stickered properties.

5. Discussion

- 5.1 A reporting dashboard is appended as Attachment 1 detailing progress on various key matters.

Costs update

- 5.2 Further to Council approving unbudgeted expenses of \$6.1M to the end of 30 September 2022, an additional \$7.2M has been spent on the recovery since that date. Council resolved in November 2022 as below and in line with that resolution, this report seeks approval for the additional spend up to the end of December 2022.

Approves that expenses incurred to the end of June 2023 be brought to the Council via Quarterly reports for retrospective approval.

Funding application

- 5.3 An application to the Department of Internal Affairs for a Lottery Minister's Discretionary Fund grant for approximately \$450,000 was lodged in December last year. The application is to fund the Navigators, the Navigator Hub and additional consultant support brought in specifically to aid the recovery. The application included salaries, office

Item 9: August 2022 Extreme Weather Event Recovery - Quarterly Update

rental, set up and other ongoing costs. Council received confirmation of a grant for \$150,000 on 31 January.

Mayor Relief Fund (MRF)

- 5.4 The MRF and Rural Support Trust fund closed on 30 November 2022 with the final meeting taking place on 14 December 2022. The MRF received \$834,000 in donations comprising \$300,000 from central government for all residents and an additional \$90,000 for those impacted by the SH6 closure, \$394,000 from community donations and \$50,000 from this Council (approved December 2022). All funds received to December have been distributed.

Insurances

- 5.5 The anticipated cost of the repairs from the August event is estimated at \$57.1M. The breakdown per activity is shown below.

Activity	Amount
Transport	\$18.7M
Wastewater	\$2.5M
Stormwater	\$6.4M
Flood Protection	\$19.9M
Water	\$3.7M
Parks	\$4.9M
Geotechnical – Response	\$1M

- 5.6 The anticipated amount to be recovered from insurances and other sources is estimated at \$23M. The breakdown per activity is shown below.

Activity	Amount
Transport	\$13.1M
Wastewater	\$1.5M
Stormwater	\$4.2M
Flood Protection	\$1.2M
Water	\$2.4M
Parks	\$0.36M
Geotechnical – Response	\$0.15M

Item 9: August 2022 Extreme Weather Event Recovery - Quarterly Update

5.7 The income sources and scale of recovery is shown in the table below.

Activity	Amount	Comments
Waka Kotahi	\$13.1M	Existing FAR rate increased from 51% to 71% for response.
NEMA	\$6M	For wastewater, stormwater, flood protection and water (No parks & transport)
Council insurance	\$3.5M	For parks, wastewater, stormwater and water (No flood protection & transport)
DiA Lottery Grant	\$150k	Refer 5.3 above

5.8 As officers work through the claims the extent of the recovery will become clearer. Council will lodge claims with both its private insurer and the National Emergency Management Agency (NEMA) with respect to damage to its assets and infrastructure.

5.9 To date, Civil Defence has lodged the welfare claim with NEMA for \$164,000 and \$2M has been received from Waka Kotahi (based on 51% FAR).

5.10 Officers are working closely with its loss adjustors and once the claim to Council's insurer has been lodged, it is expected that it could take a year to process. A reminder that most of the damage to land is not covered by insurance.

6. Navigators

6.1 Four Navigators are now in place. Their primary function is to assist residents develop a plan for their recovery and they are working closely with various external agencies such as insurance/EQC, Ministry of Social Development (MSD), Residential Advisory Services (RAS), Temporary Accommodations Service (TAS), Rural Support Trust (RST) and the Nelson Regional Development Agency (NRDA).

6.2 Their services include phone calls, drop-ins and home visits and their level of involvement is expected to increase over the coming months with imminent insurance settlements. Psychosocial needs are of primary concern at present as residents feel lost and frustrated at the length of time insurance assessments are taking and uncertainty about their future regarding their homes.

Item 9: August 2022 Extreme Weather Event Recovery - Quarterly Update

6.3 Council has managed several public meetings and drop-in sessions with residents with insurance companies, EQC, Council staff, geotechnical engineers, RAS, TAS and Navigators in attendance.

6.4 EQC have held two community meetings in February 2023. These coincided with the EQC reports and settlement process.

7. Slips

7.1 Geotechnical assessments of all Council landslips that may be affecting private property have now been completed and have been shared with affected property owners as agreed with them.

7.2 The purpose of the geotechnical assessments is to evaluate the current status of the affected land and identify and assess possible future hazards that might impact the Council property, neighbouring property and people in the area.

7.3 Officers are working through each geotechnical assessment with a view to making a recommendation to the Recovery Taskforce about possible remedial options (this could include minor remediation such as recontouring of land, possible retaining structures or property purchase). These recommendations will be presented to a future Council meeting for approval and additional funding.

7.4 Following any decisions by Council on remedial works (should Council deem this to be the appropriate action), a detailed design package and all necessary consents (potentially both resource and building) will need to be secured which is expected to take up to three months. This stage may see the need for a multi-party collaborative approach to the scope of remedial works, particularly if there is additional private liability coverage for damage to private land.

7.5 Council will then engage contractors to undertake and complete any required works. Depending on the specialist nature of the works this may take several months. While the recovery team will prioritise works in accordance with ongoing risk of harm, resources available and nature of works required, officers expect at the earliest remedial work could start around August 2023. The length of works will of course depend on the nature of any remedial works.

7.6 Officers remain committed to resolve these outstanding issues as a priority.

8. General

8.1 Key highlights six months on from the weather event includes:

- Reinstatement of the Maitai raw water pipeline;
- Removal of around 20,000m³ of gravel from streams/rivers;
- Clearing of gravel and debris from stormwater and sewer pipes;

Item 9: August 2022 Extreme Weather Event Recovery - Quarterly Update

- Mapping of all Council urban streams and rivers where 509 individual locations needing remedial works have been identified (rural mapping underway);
- Temporary bridge replacement in Maitai golf course;
- Opening of 95% of all tracks;
- Clearing of Tamaki Street steps and opening up access;
- Removal of Miyazu stockpile; and
- Repair of numerous slips affecting roads (50+) and reserves (200).

8.2 Work in the next few months will focus on:

- Attending to the identified 83 priority urban river/stream locations;
- Continue removing gravel from streams and rivers;
- Installing a catch fence along Moana Avenue that will restore two way traffic;
- Landscaping of the Glen reserve following use as a stockpile area;
- Re-alignment of approximately 130m section of sewer main near Riverside swimming pool to build resilience in the network;
- Re-opening the remaining tracks - around 10 in total;
- Re-opening roads that are currently restricted to one-way (Cable Bay, Brook Street and Maitai Valley Road);
- Prioritisation of slips on reserves; and
- Installing a permanent bridge at the golf course.

8.3 Planning for work next financial year includes:

- Reconstruction of Devenish Place;
- Stormwater intake upgrades to Devenish Place and Cleveland Terrace; and
- Attending to other stream repairs.

9. Options

9.1 In the matter of additional costs incurred to date, these are as a direct result of attending to the recovery of the weather event, and having already been spent, require retrospective Council approval.

10. Conclusion

10.1 Recovery continues to remain a priority and is well underway.

Author: Alec Louverdis, Group Manager Infrastructure

Attachments

Attachment 1: 1590798627-320 August 2022 Weather Event Reporting Dashboards 16.02.2023 [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government The response and recovery works following the August 2022 extreme weather event fits the purpose of local Government by supporting the social, economic and environmental well-being of residents impacted by the event.
Consistency with Community Outcomes and Council Policy The works in this report cover all the following Community Outcomes - "Our infrastructure is efficient, cost effective and meets current and future needs"; and "Our communities are healthy, safe, inclusive and resilient"; and "Our region is supported by an innovative and sustainable economy".
Risk The response and recovery effort following the August 2022 extreme weather event has reduced the risk to life and property but does pose ongoing reputational risk and risk of legal claim relating to complex issues involving Council property.
Financial impact This report deals with costs incurred in responding to the August 2022 extreme weather event. Retrospective approval is required for costs incurred since September 2022 and quarterly reports will deal with retrospective approval for ongoing costs incurred as the recovery continues.
Degree of significance and level of engagement The matters in this report are of medium significance as while the costs are significant there is an existing Council resolution approving the approach in this report. Engagement on future costs will be considered as part of the 2023/24 Annual Plan.
Climate Impact The recovery will consider the appropriateness of reinstating our assets to a standard to deal with future events expected as a result of climate change.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.

Delegations

Matters in this report are for Council to consider.

Financial recognition for external taskforce members

1. Purpose of Report

To recommend an approach to remuneration for taskforce external appointed members.

2. Recommendation

That the Council

1. ***Receives the report Financial recognition for external taskforce members (R27494); and***
2. ***Agrees that any financial recompense made to an externally appointed taskforce member be through a contractual agreement.***

3. Background

- 3.1 Taskforces have been a new addition to the governance structure of Council in the 2022 post-election reset. They are most similar to working groups in that they are established to progress a specific piece of work.
- 3.2 Taskforces typically do not have decision-making powers and may be established and dissolved throughout a triennium as the work they were tasked with is concluded. There may be occasions where it is desirable to appoint one or more external members to a taskforce where they hold specialist skills and knowledge on the matter the taskforce has been mandated to progress. Where this occurs it is appropriate to provide remuneration of the contribution that appointed member is bringing to Council.

4. Discussion

- 4.1 Council has had a number of working groups where external participants have been appointed and been remunerated for their work. Terms of engagement have generally been expressed in a short form contract, including a statement of work and anticipated hours required for the

Item 10: Financial recognition for external taskforce members

work (for example over a week or month). The funding comes from the related project budget, or the budget of the Council Business Unit most closely aligned with the business of the working group.

- 4.2 It is proposed that any remuneration and disbursements for external taskforce appointees proceed in similar vein. Taking this approach recognises the case-by-case nature of the taskforces themselves as well as inherently allowing for the varying skills and experience that an external member may bring.
- 4.3 An alternative approach to the remuneration of taskforce members would be to update the *Appointment and Remuneration Policy for External Appointees on Council Committees and Subcommittees* to include provision for the payment of taskforce members. This would require consideration of an appropriate annual rate for external members for taskforces which may then be pro-rated where a taskforce is dissolved within a shorter period of time. There are some complexities to this approach and it does not allow for different rates of remuneration depending on the expertise required.
- 4.4 Unless a specific exclusion was included in the Policy, there would also be implications for the recruitment of appointed members as a full recruitment process would be required. This may impact on the ability of the taskforce to progress its work as quickly as is the general intention for these governance bodies.
- 4.5 Due to the nature of taskforces and the complexities of including them with the existing policy, it is believed that a contract-based approach to financial recognition of external taskforce appointees would be more fit for purpose.
- 4.6 The contract rates for any external appointees on taskforces will be confidentially reported to the Audit Risk and Finance Committee to ensure appropriate transparency given the appointees are operating at governance level.
- 4.7 Regardless of the form of remuneration approach external appointed members will be subject to the Nelson City Council Members' Code of Conduct for the duration of their appointment and required to complete a declaration of interests.

Options

Option 1: Remuneration (and other terms of engagement) for an external appointed taskforce member be agreed by contract	
Advantages	<ul style="list-style-type: none">• Allows for varying rates to be considered based on the existing consultancy fees of appointees.• Provides flexibility to anticipate likely working hours while also managing costs through the option to set a maximum time allocation.

Item 10: Financial recognition for external taskforce members

	<ul style="list-style-type: none"> Provides a more flexible appointment process in keeping with the more flexible and ad hoc nature of taskforces.
Risks and Disadvantages	<ul style="list-style-type: none"> None obvious
<p>Option 2: Remuneration for an external appointed taskforce member be set through an update to the <i>Appointment and Remuneration Policy for External Appointees on Council Committees and Subcommittees</i></p>	
Advantages	<ul style="list-style-type: none"> None obvious
Risks and Disadvantages	<ul style="list-style-type: none"> A set rate may not be appropriate for the particular nature of taskforces and their contributors. Low ability to predict the length of time some taskforces may be required would impact on the accuracy of pro-rating calculations. There may be undesirable implications for the recruitment of taskforce appointees from inclusion within this policy.

5. Next Steps

- 5.1 Where an external appointment is made to a taskforce, the relevant Group Manager will negotiate the terms of engagement with the appointee, and liaise with the Manager Governance and Support Services to ensure that the relevant Code of Conduct and interests documents are provided.

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

Attachments

Nil

Important considerations for decision making
Fit with Purpose of Local Government Taskforces are a part of the governance structure established to support democratic decision-making. The ability to appropriately recompense external taskforce members will support Council’s ability to draw on the skills and experience of subject matter experts as work is progressed.
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 The ability to appropriately recompense external appointed taskforce members is expected to support the ability of Council to include a variety of perspectives and expertise as a taskforce prepares its guidance.
Financial impact Funding for any payments to external appointed taskforce members would come from the budgets of the activity group most associated with the mandated focus of the taskforce. There is no current specific allowance for taskforce members in any budget and adjustments within existing budget allocation would need to be made for this type of payment.
Degree of significance and level of engagement This matter is of low significance being a procedural matter associated with the governance structure of Council and no engagement has been undertaken.
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 decisions relating to its governance structure.

Approval of Terms of Reference - Sea Sports Facilities Taskforce

1. Purpose of Report

- 1.1 To confirm the Terms of Reference (TOR) for the Sea Sports Facilities Taskforce.

2. Recommendation

That the Council

1. ***Receives the report Approval of Terms of Reference - Sea Sports Facilities Taskforce (R27418) and its attachment (1974015928-914); and***
2. ***Notes the change of name to the Sea Sports Facilities Taskforce; and***
3. ***Approves the Sea Sports Facilities Taskforce Terms of Reference (1974015928-914).***

3. Background

- 3.1 On 10 November 2022 the Council established the Sports Facilities Taskforce.
- 3.2 A report on the approval of TOR for the Sports Facilities Taskforce went to the Council meeting on 15 December 2022. At that meeting it was agreed to defer the adoption of the TOR to allow further work to be undertaken on them.
- 3.3 At an informal meeting of this Taskforce on 17 February 2023, it was agreed to narrow the role of the Taskforce to focus on the Tahunanui surf lifesaving/ sports/ community facilities and the Marina Sea Sports facility and to change the name to Sea Sports Facilities Taskforce.
- 3.4 Draft TOR for the Taskforce are included in Attachment 1 (1974015928-914).

Item 11: Approval of Terms of Reference - Sea Sports Facilities Taskforce

4. Discussion

- 4.1 The purpose of the Sea Sports Facilities Taskforce is to consider items relevant to the development of sea sports and associated facilities at both the Nelson Marina and Tahunanui Reserve for this 2022-2025 term to feed into Council's annual and long-term planning process.
- 4.2 The role of the Taskforce is to provide governance direction and support to staff on the following initiatives:
- Tahunanui surf lifesaving/ sports/ community facilities
 - Marina sea sports facility

5. Options

- 5.1 The option is to either adopt the draft TOR for the Sea Sports Facilities Taskforce or to amend the draft TOR.

6. Next Steps

- 6.1 If the TOR are adopted, a taskforce meeting will be set to determine next steps and priorities for officers to progress with both potential projects.

Author: Rosie Bartlett, Manager Parks and Facilities

Attachments

Attachment 1: 1974015928-914 - Draft Terms of Reference - Sea Sports Facilities Taskforce [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government Adopting TOR for the Sea Sports Facilities Taskforce will allow the Taskforce to drive projects that will support the economic, environmental, cultural and social wellbeing of the community by identifying the role and purpose of the taskforce in relation to the provision of indoor and outdoor sport and active recreation facilities.
Consistency with Community Outcomes and Council Policy The recommendation in this report supports the community outcome; Our communities have access to a range of social, educational and recreational facilities and activities.
Risk The recommendation to establish a Sea Sports Facilities Taskforce and the TOR is low risk as the taskforce will not have decision-making powers.
Financial impact Costs associated with organising the Taskforce will be met within existing budgets.
Degree of significance and level of engagement This matter is of low significance because the taskforces will not have decision-making powers. Therefore, no community engagement will be undertaken.
Climate Impact Climate Change impacts were not considered in preparing this report. Climate Change impacts will be a focus of the projects as they progress.
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 R27497

Approval of Terms of Reference - Sesquicentennial Taskforce

1. Purpose of Report

- 1.1 To confirm the Terms of Reference (TOR) for the members of the Sesquicentennial Taskforce.

2. Recommendation

That the Council

- 1. Receives the report Approval of Terms of Reference - Sesquicentennial Taskforce (R27497) and its attachment (1974015928-1079); and***
- 2. Approves the Sesquicentennial Taskforce Terms of Reference (1974015928-1079).***

3. Background

- 3.1 On 9 February 2023, the Council established the Sesquicentennial Taskforce and confirmed the membership of the Taskforce as follows:

- Councillor Mel Courtney (Lead);
- Councillor Kahu Paki Paki;
- Pat Dougherty;
- Gail Collingwood, and
- A representative to be appointed by the Civic Trust.

- 3.2 Mayor Nick Smith will be invited to all taskforce meetings in his role as Mayor.

Item 12: Approval of Terms of Reference - Sesquicentennial Taskforce

- 3.3 Draft TOR for the Taskforce are included in Attachment 1 (1974015928-1079).

4. Discussion

- 4.1 The purpose of the Sesquicentennial Taskforce is to consider items relevant to the recognition of the 150-year anniversary of the Nelson City Council in 2024.
- 4.2 The Taskforce will report to Council and was established by Council resolution at its meeting of 9 February 2023.
- 4.3 The role of the Sesquicentennial Taskforce is to:
- 4.3.1 Work with staff and contracted author(s) to prepare a record of the history of Nelson City Council between the years of 1974 and 2024, as a book and, if appropriate, in digital format.
 - 4.3.2 Work with staff to plan and organise a suitable event(s) to celebrate the achievements of the Nelson City Council between the years 1974 and 2024.

Remuneration

- 4.4 Council is considering a report on remuneration for external taskforce members on the agenda of this meeting. Remuneration for the external members of the Sesquicentennial Taskforce will be consistent with Council's decision on this matter.

5. Options

- 5.1 Council can approve the draft Taskforce TOR to allow more in-depth discussion of key issues and provide recommendations to Council. It can alternatively choose to amend or not approve the TOR.

6. Next Steps

- 6.1 Terms of engagement will be negotiated with the external members of this Taskforce and the relevant Code of Conduct and declaration of interests documents will be provided.

Author: Sarina Barron, Manager Libraries

Attachments

Attachment 1: 1974015928-1079 - Draft Terms of Reference - Sesquicentennial Taskforce [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government Adopting TOR for the Sesquicentennial Taskforce will support the economic, environmental, cultural and social wellbeing of the community as it contributes to recording an important part of our communities' history for future research, reflection and learning.
Consistency with Community Outcomes and Council Policy The recommendation in this report supports the community outcome; Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.
Risk The recommendation to approve the Sesquicentennial Taskforce TOR is low risk as the taskforce will not have decision-making powers.
Financial impact Costs associated with organising the Sesquicentennial Taskforce will be met within existing budgets.
Degree of significance and level of engagement This matter is of low significance because the Sesquicentennial Taskforce will not have decision-making powers. Therefore, no community engagement will be undertaken.
Climate Impact There is no impact on climate change as a result of adopting the TOR.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
Delegations This decision is a matter for Council.

Community Investment Fund - Funding Allocation Update

1. Purpose of Report

- 1.1 To receive the minutes from the 30 November 2022 Community Investment Funding Panel meetings, in accordance with the Panel's Terms of Reference.
- 1.2 To provide Council with background information regarding the Community Investment Fund and its decision-making process.

2. Recommendation

That the Council

1. ***Receives the report Community Investment Fund - Funding Allocation Update (R27464) and its attachments (636034393-8601 and 636034393-8600); and***
2. ***Receives the minutes from the Community Investment Fund meeting held on 30 November 2022 (unconfirmed) and notes the funding decisions taken; and***
3. ***Notes that Graeme Thomas and Rosalie Grant completed their term as Community Investment Fund panel members on 30 June 2022 and did not seek re-appointment to the panel.***

3. Background

- 3.1 **Community Investment Fund (CIF) terms of reference:** On 4 March 2021 the Community and Recreation Committee approved the Community Investment Fund (CIF) priorities to *'improve the wellbeing in Nelson 'communities of greatest need' focusing on reducing social isolation, reducing housing vulnerability, improving access to work and learning opportunities, and reducing the impact of poverty'*; and approved amended membership, recruitment processes, funding

Item 13: Community Investment Fund - Funding Allocation Update

allocations and Terms of Reference for the Community Investment Funding Panel.

3.2 CIF Panel membership

- 3.2.1 The CIF Panel comprises the Group Manger, Community Services as chair, and between four and six community members appointed by the (then) Community and Recreation Committee. Four community members: Arawhita Wiringi, Bhoj Raj Subba, Elva Vivienne (Viv) Lock and Rachel Gordon, were appointed in 2021 for three year terms. Arawhita Wiringi's appointment was endorsed by Iwi managers to bring an Iwi Māori perspective to the panel.
- 3.2.2 Graeme Thomas and Rosalie Grant, who were appointed for a three-year term in 2019, completed their term in June 2022, and did not seek re-appointment.
- 3.2.3 The panel is currently operating within its terms of reference with four community members. The Panel has the authority to co-opt further community members without voting rights, to provide specialist support or perspectives.
- 3.2.4 Future options regarding the composition of the panel are being explored, and will be presented to Council via a future report for decision.

3.3 Budget and Allocation process 2022-2023

CIF Budget: The total budget for the Community Investment Fund in 2022/2023 is \$346,730.50. This comprises two elements:

Annual budget allocation (LTP2021-31):	\$345,400.00
Nelson Market income (5% of the profit):	<u>\$1,330.50</u>
Total CIF funding:	\$346,730.50
<i>Less Year 2 Strategic grants already allocated</i>	<u>\$235,000.00</u>
Funds available for Small Grants	\$111,730.50

Small grants are allocated over two funding rounds each year.

- 3.3.1 **Strategic grant allocation:** Up to 70% of the CIF budget may be allocated as strategic grants for up to three years. Three-year Strategic grants were approved in 2021, with the second year's instalment paid in July 2022.
- 3.3.2 **Small grant allocation:** The balance is allocated as small grants up to a maximum of \$10,000. Most grants are between \$2,000 and \$5,000, over two rounds annually: December 2022 (this round), and May/June 2023.

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3.4 **Funding Priorities for the Community Investment Fund**

3.4.1 The priorities and funding criteria are set out in the CIF Panel Terms of Reference:

Funding allocations will be guided by the priorities set out in the Community Partnerships Activity Management Plan 2021-2031, i.e.

To prioritise funding towards improving wellbeing in communities of greatest need, focusing on reducing social isolation, reducing housing vulnerability, improving access to work and learning opportunities and reducing the impact of poverty; and

To respond to changing and emerging needs in the community.

3.4.2 The Panel also followed the following principles when considering the applications:

- **Prioritising Communities of Greatest Need:** Priority should be given to organisations that will make a tangible difference to improving community wellbeing by reducing social isolation, reducing housing vulnerability, reducing the impact of poverty, and improving access to work and learning in Nelson.
- **Funding for success:** It is better to adequately fund a small number of projects and decline others, than underfund multiple projects that cannot succeed.
- **Small Grant Funding Levels:** This fund is promoted as providing small grants with a maximum of \$10,000 and an expectation that most grants will be between \$2,000 and \$5,000. Where a grant is requested as a contribution towards a larger project, the Panel should consider whether a grant will provide a meaningful contribution to the success of the project.
- **Alternative Funding Options:** This involves considering whether the organisation has access to alternative funding from other sources.

4. **December 2022 Funding round - Applications and decisions**

4.1 43 applications were received, requesting a total of \$195,241.58 (around four times oversubscribed compared to available funding). Staff advised the panel regarding their eligibility, alignment with the funding priorities, and potential alternative or complementary funding sources.

4.2 The panel considered each application on its merits, and either approved, partially funded or declined the application. Reasons for declining or partially funding applications were:

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- 4.2.1 Incomplete alignment with Council's strategic priorities and the grant funding criteria.
- 4.2.2 Does not achieve sufficient community benefit to Nelson residents when considered against alternative applications.
- 4.2.3 Does not sufficiently demonstrate the applicant's ability to deliver the project, service or activity when considered against other applications.
- 4.2.4 Insufficient funding available to fully fund all suitable applications.
- 4.2.5 Alternative funding has been identified for the application.

4.3 **Funding Allocation**

- 4.3.1 The Panel approved grants totalling \$50,300 to seventeen organisations.
- 4.3.2 Staff have contacted all applicants to inform them of the Panel's decision and develop grant agreements with the successful applicants.

5. **Next Steps**

- 5.1 Prepare for the second 2022/23 small grant allocation, with applications closing in April 2023.

Author: Steve Stiles, Acting Team Leader Community Partnerships

Attachments

Attachment 1: 636034393-8600 Community Investment Funding Panel 30Nov2022 Minutes [↓](#)

Attachment 2: 636034393-8601 CIF Small Grants Allocation November 2022 [↓](#)

