



Nelson City Council
Te Kaunihera o **Whakatū**

Notice of the Ordinary meeting of

Nelson City Council

Te Kaunihera o Whakatū

Date:	Thursday 13 April 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

Nigel Philpott
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

An apology has been received from Councillors M Benge and K Paki Paki, and an apology for lateness from Councillor M Anderson

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 Nelson RSA - RSA's policy and views on the future of Stoke's war memorials

Ian Barker (member) and Zoe Norquay (chairperson), from Nelson RSA, will speak about RSA's policy and views on the future of Stoke's war memorials.

5. Confirmation of Minutes

5.1 9 March 2023 **14 - 28**

Document number M20043

Recommendation

That the Council

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

5.2 23 March 2023 **29 - 33**

Document number M20066

Recommendation

That the Council

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

5.3 Emergency Meeting - 3 April 2023 **34 - 36**

Document number M20077

Recommendation

That the Council

- 1. Confirms the minutes of the emergency meeting of the Council, held on 3 April 2023, as a true and correct record.***

6. Bishop Suter Trust Strategic Presentation

7. Bishop Suter Trust Half Yearly Report and Draft Statement of Intent 2023/28 **37 - 100**

Document number R27609

Recommendation

That the Council

- 1. Receives the report Bishop Suter Trust Half Yearly Report and Draft Statement of Intent 2023/28 (R27609) and its attachments (1511110536-629, 1511110536-630 and 1511110536-628); and***
- 2. Notes the delivery of the Bishop Suter Trust Draft Statement of Intent 2023/2028 (1511110536-630) as required under the Local Government Act 2002; and***
- 3. Notes that the Bishop Suter Trust Draft Statement of Intent 2023/2028 meets Council's expectations, as set out in the Letter of Expectations dated 16 Dec 2022.***

8. Nelson Centre of Musical Arts Strategic Presentation

9. Nelson Centre of Musical Arts' Draft Statement of Intent 2023/2025 **101 - 137**

Document number R27405

Recommendation

That the Council

- 1. Receives the report Nelson Centre of Musical Arts' Draft Statement of Intent 2023/2025 (R27405) and its attachment (1511110536-654); and***
- 2. Notes the delivery of the Nelson Centre of Musical Arts Draft Statement of Intent 2023/2025 (1511110536-654); and***
- 3. Instructs staff to advise the Nelson Centre of Musical Arts board of the following comments on the Draft Statement of Intent 2023/2025:***
 - To be discussed at the meeting***

OR

- That the Nelson Centre of Musical Arts Draft Statement of Intent 2023/2025 meets Council's expectations, as set out in the Letter of Expectations dated 22 Sept 2022.***

- 10. Nelson Regional Development Agency - six-month report and draft updated Statement of Intent 2021-24** **138 - 221**

Document number R27572

Recommendation

That the Council

- 1. Receives the report Nelson Regional Development Agency - six-month report and draft updated Statement of Intent 2021-24 (R27572) and its attachments (839498445-14201), (839498445-14218) and (839498445-14168); and***
- 2. Notes the delivery of the Nelson Regional Development Agency's updated Statement of Intent 2023-24 (839498445-14201) as required under the Local Government Act 2002; and***
- 3. Notes that the Nelson Regional Development Agency's updated Statement of Intent meets Council's expectations, as set out in its Letter of Expectation to the Agency dated 8 April 2021; and***

4. ***Receives the Nelson Regional Development Agency's six-month report July – December 2022 (839498445-168).***

11. Nelson Tasman Business Trust Annual Report 2022

222 - 233

Document number R27439

Recommendation

That the Council

1. ***Receives the report Nelson Tasman Business Trust Annual Report 2022 (R27439) and its attachments (839498445-14186) and 839498445-14191).***

12. Recommendations from Committees

233 - 269

12.1 Nelson Regional Sewerage Business Unit - 10 March 2023

12.1.1 Nelson Regional Sewerage Business Unit - 2023/24 Business Plan

The Business Plan is attached on pages 253 - 269

Recommendation

That the Council

1. ***Receive the Nelson Regional Sewerage Business Unit Business Plan 2023/24 (1080325921-246).***

12.2 Nelson Regional Regional Landfill Business Unit - 17 March 2023

12.2.1 Nelson Tasman Regional Landfill Business Unit General Manager Update Report March 2023

Recommendation

That the Council

1. ***Approves, subject to the approval of the alternate Council, the sale of 50,000 NZ ETS units and delegates***

the timing of the sale to the General Manager of the Nelson Tasman Regional Landfill Business unit.

12.2.2 Nelson Tasman Regional Landfill Business Unit - 2023/24 Business Plan

The Business Plan is attached on pages 233 - 252.

Recommendation to Council

That the Council

- 1. Receives the Nelson Tasman Regional Landfill Business Unit Business Plan 2023/24 (1399367370-7915).***

13. Mayor's Report 270 - 275

Document number R27620

Recommendation

That the Council

- 1. Receives the report Mayor's Report (R27620) and its attachment (1118544611-7016); and***
- 2. Notes the value Local Government New Zealand offers to Nelson City Council and our continued engagement; and***
- 3. Agrees that the delegation to the 2023 Local Government New Zealand Conference and EXCELLENCE Awards should consist of four councillors, His Worship the Mayor and Deputy Mayor; and***
- 4. Delegates to His Worship the Mayor and the Deputy Mayor to write to Local Government New Zealand requesting a change in sector membership from the Provincial Sector Group to the Metropolitan Sector Group; and***
- 5. Notes the update on the August 2022 severe weather event.***

14. Proposal for new Traffic and Parking Bylaw 276 - 335

Document number R26194

Recommendation

That the Council

1. ***Receives the report Proposal for new Traffic and Parking Bylaw (R26194) and its attachments (1862260321-22085 and 1862260321-24203); and***
2. ***Notes that a bylaw is the most appropriate way to regulate, and manage traffic and parking control, and the draft Traffic and Parking Bylaw included in Attachment 2 (1862260321-24203) is the most appropriate form of bylaw and does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and***
3. ***Agrees to use the special consultative procedure because there is, or is likely to be, a significant impact on the public due to the proposed bylaw; and***
4. ***Adopts the Statement of Proposal and the proposed Traffic and Parking Bylaw (1862260321-24203) for consultation; and***
5. ***Agrees that a summary of the Statement of Proposal is not required; and***
6. ***Approves the consultation and engagement approach described in Attachment 1 (1862260321-22085 of Report R26194); and***
7. ***Agrees that this approach***
 - (a) ***includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
 - (b) ***will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation; and***
8. ***Commences a public consultation, using a Special Consultative Procedure (1862260321-24203 of Report 26194) as per sections 83,86 and 156 of the Local Government Act 2002, on the proposal to make the draft Traffic and Parking Bylaw; and***
9. ***Agrees that the His Worship the Mayor and Chief Executive may approve minor amendments to supporting information or the statement of Proposal prior to the start of the consultation process.***

CONFIDENTIAL BUSINESS

15. 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 Fiona Wilson and Meg Matthews from Nelson Regional Development Agency remain after the public has been excluded, for Item 7 of the Confidential agenda (Event funding - New Zealand Mountain Bike Rally), as they have knowledge relating to funding 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)
1.1	Council Meeting - Confidential Minutes - 9 March 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
1.2	Emergency Council Meeting - Confidential Minutes - 3 April 2023	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which	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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		good reason exists under section 7.	disadvantage, negotiations (including commercial and industrial negotiations)
2	Section 17A Review of Campgrounds	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)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information • Section 7(2)(f)(ii) To maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment
3	Campgrounds management model proposal - Brook Valley Holiday Park and Maitai Valley Motor Camp	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)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			<p>the person who supplied or who is the subject of the information</p> <ul style="list-style-type: none"> • Section 7(2)(f)(ii) To maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment • Section 7(2)(g) To maintain legal professional privilege
4	Strawbridge Square Development	<p>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</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
5	Future Options for Nelson Visitor Information Services	<p>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</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including

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)
6	Debt Remission for Nelson Centre of Musical Arts	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)
7	Event funding - New Zealand Mountain Bike Rally	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)
8	Establishment of a Taskforce for He Tātai Whetū	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
9	External Appointment to Chief Executive Employment 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 Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who

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

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 March 2023, commencing at 9.04a.m.

Present: His Worship the Mayor 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

His 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 Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce

Resolved CL/2023/023

That the Council

- 1. Considers the item regarding Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce 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.

Sanson/Benge

Carried

3. Interests

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

Attendance: Councillor Brand joined the meeting at 9.05a.m.

4. Public Forum

4.1. Common Ground - Regenerative Housing and Community Development

Document number R27543

Zola Rose, Director of Common Ground, spoke to a presentation on Regenerative Housing and Community Development (1982984479-5620 tabled) which enabled people to design and create new ways of living in harmony with living systems.

Attachments

1 1982984479-5620 Tabled Regenerative Housing Solutions PowerPoint

5. Confirmation of Minutes

5.1 9 February 2023

Document number M19976, agenda pages 12 - 26 refer.

Resolved CL/2023/024

That the Council

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

His Worship the Mayor/O'Neill-Stevens

Carried

5.2 23 February 2023 - Extraordinary Meeting

Document number M20014, agenda pages 27 - 30 refer.

Resolved CL/2023/025

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.***

Rainey/Rollo

Carried

6 Mayor's Report

Document number R27513, agenda pages 31 - 36 refer.

His Worship the Mayor Hon Dr Smith presented his report and it was taken as read.

His Worship the Mayor thanked Oke Blaikie for his chairmanship of the District Licencing Committee and invited him to the meeting table. Mr Blaike spoke about his time on the Committee and was presented with a token of Council's thanks by Manager Consents and Compliance, Mandy Bishop.

His Worship the Mayor spoke about his concern that under the 3 Waters transition government would transfer Nelmac Ltd water services delivery functions into Entity C, disrupting the company and creating a threat to Nelmac's viability.

He clarified section 3.11.1 of his report where he referred to a -\$800,000 impact on rates, comprising of a loss of a \$500,000 dividend and a \$300,000 capital injection that Nelmac believed they would need from Council to sustain the business in the event that the dismembering of the water services part of Nelmac proceeded on 1 July 2024. He answered questions on other councils facing the same issue, noting that councils who were not in this position had earlier sold their three waters services and received a fair price.

His Worship the Mayor spoke about reinstating an iSITE facility in central Nelson, noting that a report would be brought to the next Council meeting.

The motion was taken in parts and Mayor's Report recommendations 3-6 were considered following the confidential briefing from Nelmac Ltd.

Resolved CL/2023/026

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.***

Anderson/Brand

Carried

Resolved CL/2023/027

3. **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**
4. **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.**

His Worship the Mayor/Hodgson

Carried

Attachments

- 1 340448201-4810 GIS - i-Sites in New Zealand - 3Mar2023

7. Recommendation from Nelson Tasman Regional Transport Committee

Document number R27541, agenda pages 37 - 54 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report and it was taken as read. He clarified that the Te tai Ihu iwi representative position was non voting because legislation did not allow for other voting representatives on the Committee.

Resolved CL/2023/028

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).**

Rainey/Rollo

Carried

The meeting adjourned from 10.39a.m. until 10.53a.m.

8 Housing Reserve Fund

Document number R27442, agenda pages 55 - 73 refer.

Group Manager Environment, Dennis Bush-King, and Strategic Housing Adviser, Lisa Gibellini presented the report and it was taken as read.

His Worship the Mayor Hon Dr Smith noted that feedback from Elected Members was that, on the recommendation of the Community Housing Acceleration Taskforce, Council would be best placed to make grant decisions. The recommendation was amended to clarify this with additional guidelines included noting that the Taskforce could also consider other innovative housing proposals.

Resolved CL/2023/029

That the Council

5. ***Receives the report Housing Reserve Fund (R27442) and its attachment (336940202-5833); and***
6. ***Confirms that grant decisions be made by Council on the recommendation of the taskforce; and***
7. ***Amends the Housing Reserve Grants Programme 2023 attachment (36940202-5833) to:***
 - a. ***Insert an additional clause under the guidelines:***

The Housing Reserve Taskforce may consider other innovative housing proposals for support from the Housing Reserve Fund outside of these guidelines where it believes it offers good use of public money to alleviate Nelson's housing problems.
 - b. ***Amends the objective of the Housing Reserve Grants Programme to specify the objective to support and enable not for profit community housing providers where they have a presence in Nelson.***
 - c. ***Clarifies that the Housing Reserve Fund Cap referred to in (g) of the Guidelines excludes grants provided under Phase 1 and 2; and***
8. ***Approves the amended Housing Reserve Grants Programme 2023 attachment (336940202-5833) which sets out the objectives and guidelines; and***
9. ***Delegates confirmation of Housing Reserve Grant contracts to the Chief Executive.***

Sanson/Hodgson

Carried

9 August 2022 Extreme Weather Event Recovery - Quarterly Update

Document number R27440, agenda pages 74 - 84 refer.

Group Manager Infrastructure, Alec Louverdis, presented his report and it was taken as read. He answered questions on flood protection and focus areas.

His Worship the Mayor Hon Dr Smith asked that Council's appreciation be passed to Navigators and the recovery team.

Resolved CL/2023/030

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.***

Anderson/Brand

Carried

10. Financial recognition for external taskforce members

Document number R27494, agenda pages 85 - 88 refer.

Manager Governance and Support Services, Devorah Nícuarta-Smith presented the report and it was taken as read. She answered questions on current remuneration of appointees to Committees, equity and timing of decisions on remuneration.

Interim Chief Executive, Lindsay McKenzie, proposed that the Cabinet circular 2022/02 (fees framework), which included guidance on equity matters and a high level framework for job sizing, could be used for setting remuneration on Taskforces. The recommendation was amended to reflect the remuneration approval sit with the Chief Executive and subsequently reported to Council.

Resolved CL/2023/031

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; and***
3. ***Agrees that external taskforce members remuneration be approved by the Chief Executive in consultation with the Chair of the relevant Taskforce and/or His Worship the Mayor; and***
4. ***Agrees that remuneration for external taskforce embers be reported to Council on appointment;***
5. ***Agrees that decision makers will take into account the Cabinet circular on fees framework for members appointed to bodies (CO 2022(2)).***

The meeting adjourned from 12.31p.m. until 1.05p.m.

11 Approval of Terms of Reference - Sea Sports Facilities Taskforce

Document number R27418, agenda pages 89 - 93 refer.

Manager Parks and Facilities, Rosie Bartlett and Manager Marina, Nigel Skeggs, presented the report and it was taken as read.

Following discussion it was agreed the name of the Taskforce be changed to Marina and Tāhunanui Sports Facilities Taskforce to better reflect its focus.

Resolved CL/2023/032

That the Council

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

Skinner/Rollo

Carried

12. Approval of Terms of Reference - Sesquicentennial Taskforce

Document number R27497, agenda pages 94 - 99 refer.

Group Manager Community Services, Andrew White, presented his report and it was taken as read. The recommendation was amended to reflect that the quorum be updated to note that one Elected Member must be present.

Resolved CL/2023/033

That the Council

1. ***Receives the report Approval of Terms of Reference - Sesquicentennial Taskforce (R27497) and its attachment (1974015928-1079); and***
2. ***Approves the amended Sesquicentennial Taskforce Terms of Reference (1974015928-1079) with item 5 requiring at least one of the quorum of two being an elected member.***

Courtney/O'Neill-Stevens

Carried

13. Community Investment Fund - Funding Allocation Update

Document number R27464, agenda pages 100 - 108 refer.

CoManager Community Partnerships, Mark Preston-Thomas and Team Leader Community Development Steve Stiles presented the report and it was taken as read.

His Worship the Mayor Hon Dr Smith advised that, with the retirement of two members, he would like Council to give consideration to having two Elected Members on the panel.

Resolved CL/2023/034

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 and that Council would like to thank them for their service.***

Skinner/Courtney

Carried

14. Exclusion of the Public

Nelmac Ltd Chairperson Rob Gunn, Chief Executive Jane Sheard, Chief Financial Officer Lindsay Coll and Divisional Leader – Water, Richard Lester were in attendance to provide a confidential briefing for the Mayor’s Report and to answer questions and, accordingly, the following resolution was required to be passed:

Resolved CL/2023/035

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 Ltd remain after the public has been excluded, for the Mayor’s Report in the Confidential meeting as they have knowledge relating to the item that will assist the meeting;***

Stallard/Brand

Carried

Resolved CL/2023/036

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:***

<u>Stallard/Brand</u>			<u>Carried</u>
Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	Mayor's Report – briefing from Nelmac Ltd	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
1	Council Meeting - Confidential Minutes - 9 February 2023	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person • 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 • Section 7(2)(j) To prevent the disclosure or use of official information for improper gain or improper advantage

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
2	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

The meeting went into confidential session at 1.22p.m. and resumed in public session at 3.44p.m.

The meeting adjourned from 3.44p.m. until 3.53p.m.

15 Mayor's Report - reconvened

His Worship the Mayor Hon Dr Smith confirmed he had sought a meeting with the Prime Minister and Minister for Local Government, and had asked the Interim Chief Executive and Chief Executive of Nelmac Ltd to attend.

The recommendation was amended to request any legal options be reported to Council before action was taken and to add an acknowledgement of the impacts on Nelson City Council and Nelmac staff.

Resolved CL/2023/037

That the Council

5. ***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***
6. ***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***
7. ***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 to be reported to Council before any action is taken; and***
8. ***Approves Council and Nelmac taking all lawful proactive measures to thwart the transfer of Nelmac staff and assets to Water Services Entity C; and***
9. ***Acknowledges the impacts of the uncertainty surrounding the 3 Waters reforms on the staff of Nelmac Ltd and Nelson City Council and notes our thanks for their outstanding work through the August 2022 storm event and the recovery despite this uncertainty.***

His Worship the Mayor/O'Neill-Stevens

Carried

16. Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce

Document number R27485, late items agenda pages 3 - 8 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report and it was taken as read.

Attendance: Councillor O'Neill-Stevens left the meeting from 4.11p.m. until 4.17p.m.

Mr Louverdis answered questions on the consultants appointed to the Taskforce, availability of additional expertise and meeting practices.

Resolved CL/2023/038

That the Council

1. ***Receives the report Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce (R27485) and its attachment (1833911234-34); and***
2. ***Approves the Right Tree Right Place Taskforce Terms of Reference; and***
3. ***Approves the appointment to the Right Tree Right Place Taskforce of the following external members:***
 - ***Andrew Fenemor;***
 - ***Stuart Orme;***
 - ***Joanne Clapcott; and***
 - ***Māori representative.***

Sanson/Benge

Carried

Karakia Whakamutanga

17. Restatements

It was resolved while the public was excluded:

1 Mayor's Report - Appointment to the Nelson Regional Sewerage Business Unit

5. ***Agrees that the decision only be made publicly available once the letter of acceptance has been received; and***
6. ***Agrees that Report (R27546) and Attachment (1522493403-1468) remain confidential at this time.***

2 Appointment - Chairperson of District Licensing Committee

3. *Agrees that the appointment be made publicly available on nelson.govt.nz, after the appointment has been confirmed; and*
4. *Agrees that report (R27428) remain confidential at this time.*

There being no further business the meeting ended at 4.21pm.

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

Resolved

**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 23 March 2023, commencing at 1.01p.m.

Present: His Worship the Mayor 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 Governance Adviser (K Libeau)

Apologies : Nil

Karakia and Mihi Timatanga

- 1. Apologies**
- 2. Confirmation of Order of Business**

His Worship the Mayor Hon Dr Smith advised that on reviewing the Confidential Item, Request for a Private Plan Change he proposed that the it be considered in the public session. He reminded members to constrain their comments to the process questions and not the merits of the issue.

Resolved CL/2023/044

That the Council

- 1. Confirms that the Confidential Item: Request for a Private Plan Change - Nelson Airport will be considered in public.***

His Worship the Mayor/Sanson

Carried

Attachments

1 1982984479-5743 Request for Private Plan Change - Nelson Airport

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. Adoption of the Annual Plan 2023/24 Consultation Document and Supporting Information

Document number R27501, agenda pages 7 - 76 refer.

Attendance: Councillor Paki Paki joined the meeting at 1.06pm

Interim Chief Executive, Lindsay McKenzie, introduced the Draft Annual Report noting that it complied by law in content and supporting documentation, including the order in which the decisions were to be taken. He advised that a significant part of Council's revenues were in relation to a tax and the obligations for this were significant, and that there was significant value in the proposition the consultation document contained for the community. He confirmed the consultation document reported on exceptions to Year 3 of the Long Term Plan.

Group Manager Strategy and Communication, Nicky McDonald, Group Manager Corporate Services, Nikki Harrison and Senior Policy Adviser, Louis Dalzell presented the report and it was taken as read. Ms McDonald outlined the process following the adoption of the consultation document.

Ms McDonald and Ms Harrison answered questions on unspent capital grant contributions noting this would be reported on in the Annual Report 2022/23, and on community group funding,

Members had provided officers with editorial clarification amendments to the Consultation document and these were reviewed and accepted. An addition was included on Page 25 – to include in the Action Plan *"..provides opportunities for consultative and representative collaboration with te tauihu iwi."*

The meeting adjourned from 2.10p.m. until 2.17p.m.

The motion was taken in parts.

Resolved CL/2023/045

That the Council

1. **Receives the report Adoption of the Annual Plan 2023/24 Consultation Document and Supporting Information(R27501) and its attachments (839498445-13646 and 839498445-14090); and**
2. **Adopts the Supporting Information for the Annual Plan 2023/24 Consultation Document (839498445-13958) that is relied on for the Annual Plan 2023/24 Consultation Document, as required by section 95A(4) of the Local Government Act 2002; and**

His Worship the Mayor/Courtney

Carried

Resolved CL/2023/046

3. **Agrees that the Annual Plan 2023/24 Consultation Document (839498445-13646) provides the basis for effective public consultation and clearly identifies and explains the significant or material differences between the proposed Annual Plan 2023/24 and year three of the Long Term Plan 2021–31; and**
4. **Notes under section 80 of the Local Government Act 2022, that the proposed work programme, rates increases and debt projections in the Annual Plan 2023/24 Consultation Document and supporting information:**
 - a. ***Are significantly inconsistent with the Long Term Plan 2021–31 and the Financial Strategy; and***
 - b. ***That the reasons for this inconsistency are principally the costs of recovery from the August 2022 severe weather event, inflationary pressures, rising interest costs, bringing forward funding for projects to take advantage of available Government financial support, and decisions to respond to the changing needs of the Nelson community; and***
 - c. ***That Council does not intend to amend the Long Term Plan 2021–31 or the Financial Strategy to accommodate the proposed decisions; and***
5. **Agrees to maintain the commercial differential to collect 22.6% of total rates (excluding water annual charge and water volumetric rate) for 2023/24 consistent with the level collected in 2022/23; and**
6. **Notes that, having had regard to the matters in section 100(2) of the Local Government Act 2002 and as approved in the Long Term Plan 2021-31, the setting of an unbalanced budget in the Annual Plan 2023/24**

remains prudent given the ongoing effects of the COVID-19 pandemic on the local economy and ratepayers and further notes that, more recently, Council budgets have been impacted by the unforeseen additional costs associated with the August 2022 severe weather event and the sharp rise in inflation and interest costs; and

- 7. Adopts the Annual Plan 2023/24 Consultation Document (839498445-13646) for public consultation, as required by section 95A of the Local Government Act 2002; and***
- 8. Agrees that His Worship Mayor and Chief Executive be delegated authority to approve any minor amendments required to the Annual Plan 2023/24 Consultation Document and the supporting information prior to them being published and made available for public consultation; and***
- 9. Approves the consultation approach (set out in paragraphs 5.12 to 5.14 of this report (R27501) and agrees that the approach:***
 - a. includes sufficient steps to ensure the Annual Plan 2023/24 Consultation Document and supporting information will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
 - b. will result in the Annual Plan 2023/24 Consultation Document and supporting information being as widely publicised as is reasonably practicable as a basis for consultation; and***
 - c. meets the requirements of section 82 of the Local Government Act 2002; and***
- 10. Notes that the statement of proposal for changes to Council's schedule of fees and charges for 2023/24 will be consulted on alongside consultation on the Annual Plan 2023/24 Consultation Document.***

His Worship the Mayor/Courtney

Carried

The meeting adjourned from 3.13p.m. until 3.20p.m.

6. Request for a Private Plan Change - Nelson Airport

Document number R27573

Group Manager Environment, Dennis Bush-King, presented the report and it was taken as read. He clarified that the options available were to adopt, accept or reject the private plan change.

Mr Bush-King answered questions on a panel of commissioners, costs, and consultation.

The motion was moved by Councillor Skinner, seconded by Councillor Rollo.

His Worship the Mayor Hon Dr Smith left the meeting at 3.52p.m. on local government business. Deputy Mayor O'Neill-Stevens assumed the chair.

Resolved CL/2023/047

That the Council

- 1. Receives the report Request for a Private Plan Change - Nelson Airport (R27573) and its attachment (539570224-14194); and***
- 2. Accepts the Request for the Private Plan Change for Nelson Airport as Private Plan Change 30; and***
- 3. Agrees independent accredited commissioners will be appointed to consider Private Plan Change 30 and to make recommendations to Council, noting the same Panel will also be engaged to make recommendations to Council in relation to an accompanying Notice of Requirement; and***
- 4. Agrees that the decision-making options are set out in clause 25 of the First Schedule of the Resource Management Act (RMA) and that this clause 25 decision is a process decision in Council's capacity as regulator, noting this decision will be significant for those affected landowners.***

Skinner/Rollo

Carried

Karakia Whakamutanga

There being no further business the meeting ended at 3.59p.m.

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

Resolved

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

Te Kaunihera o Whakatū

Held in the Council Chamber, Floor 2A, Civic House, 110 Trafalgar Street, Nelson on Monday 3 April 2023, commencing at 12.00p.m.

- Present: His Worship the Mayor N Smith (Chairperson), Councillors M Benge, T Brand, M Courtney, Deputy Mayor R O'Neill-Stevens, P Rainey, R Sanson, T Skinner and A Stallard
- In Attendance: Chief Executive (N Philpott), Adviser to Chief Executive (L McKenzie), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (A White), Group Manager Corporate Services (N Harrison), Governance Adviser (T Kruger) and Senior Governance Adviser (H Wagener)
- Apology: An apology had been received from Councillors C Rollo and K Paki Paki

Karakia and Mihi Timatanga

1. Apologies

Resolved CL/2023/047

That the Council

- 1. Receives and accepts an apology from Councillor C Rollo and K Paki Paki.***

His Worship the Mayor/Courtney

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

There was no public forum.

5. Exclusion of the Public

Resolved CL/2023/048

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:***

Rainey/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	Proposed inner city land purchase	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)

The meeting went into confidential session at 12.05p.m and resumed in public session at 1.05p.m.

6. Restatements

It was resolved while the public was excluded:

1 **CONFIDENTIAL: Proposed inner city land purchase**

4. *Agrees that the report R27592, the attachments (714127617-18001, 714127617-18008 and 714127617-18004) and the redacted decision be made publicly available once a sale and purchase is settled.*

There being no further business the meeting ended at 1.06p.m.

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

Resolved

REPORT R27609

Bishop Suter Trust Half Yearly Report and Draft Statement of Intent 2023/28

1. Purpose of Report

- 1.1 To receive the Bishop Suter Trust's half yearly report.

To seek the Council's comments on the Bishop Suter Trust's draft Statement of Intent 2023/2028.

2. Recommendation

That the Council

1. ***Receives*** the report Bishop Suter Trust Half Yearly Report and Draft Statement of Intent 2023/28 (R27609) and its attachments (1511110536-629, 1511110536-630 and 1511110536-628); and
2. ***Notes*** the delivery of the Bishop Suter Trust Draft Statement of Intent 2023/2028 (1511110536-630) as required under the Local Government Act 2002; and
3. ***Notes*** that the Bishop Suter Trust Draft Statement of Intent 2023/2028 meets Council's expectations, as set out in the Letter of Expectations dated 16 Dec 2022.

3. Background

- 3.1 Under the Local Government Act 2002, the Bishop Suter Trust (the Trust) is required to complete a draft Statement of Intent (SOI) on an annual basis no later than 1 March each year. This requirement has been met.

Item 7: Bishop Suter Trust Half Yearly Report and Draft Statement of Intent
2023/28

- 3.2 Section 66 of the Local Government Act requires the Trust to deliver a half yearly report on performance within two months of the end of that period. This requirement has been met (Attachment 1).
- 3.3 Council has an opportunity to provide comments on the draft SOI to the Trust within two months of this date. The Trust then has until 30 June to deliver the final SOI to Council.
- 3.4 Schedule 8 of the Local Government Act outlines the purpose of a SOI, what is to be included and how it is to be approved. The draft SOI, as supplied by the Trust, is compliant.
- 3.5 A Statement of Expectation (SOE) was sent to the Trust on 16 December 2022 to help guide it in the creation of the SOI. This is available on Council's website at <http://www.nelson.govt.nz/assets/Our-council/Downloads/Plans-strategies-policies/statement-of-expectations/2023/Statement-of-Expectations-Bishop-Suter-Trust-16Dec2022-1.pdf>.
- 3.6 Specific expectations in the SOE were:
- 1.18.1 **COVID-19 recovery:** *Asks that the Trust outlines how it will respond to the future recovery impacts of COVID-19 on arts organisations, including:*
 - *Any expected impacts on visitor numbers and budgets; and*
 - *How the Suter's activities contribute to and align with regional recovery efforts.*
 - 1.18.2 **Planning and reporting:** *Utilising performance reporting through the inclusion of quantifiable measures and SMART targets.*
 - 1.18.3 **Good employer obligations:** *Detail in the SOI how the Trust meets its good employer obligations under the LGA 2002, particularly in relation to fair pay and equal employment opportunities.*
 - 1.18.4 **Tasman District Council relationship:** *Detail in the SOI, development of the relationship with Tasman District Council with a view to increasing funding from that source. Describe work to be undertaken to strengthen the relationship and financial support provided by the Tasman District Council.*
 - 1.18.5 **Resilience:** *Include in the SOI a risk management plan which details risks/hazards, mitigation strategies, response and recovery plans including in relation to cyber-attacks, pandemics and natural hazards.*

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2023/28

- 1.18.6 **Governance:** *Include in the SOI reference to how the board will identify and develop greater diversity and representation of diverse communities in future succession planning.*
- 1.18.7 **Risk:** *Include in the SOI a specific section on risk. This needs to address risks arising from the current operating environment, including inflation, increasing insurance costs, revenue impacts, and other risks that may be identified by the Trust.*
- 1.18.8 **Assets and security:** *Include in the SOI, commentary on Suter assets and options for security for Council on their investment, including feedback from the Suter Audit and Risk Subcommittee.*
- 1.18.9 **Fundraising:** *Include in the SOI, commentary or data on how performance evaluation of fundraising would be reported.*
- 3.7 Included in the report is a letter (attachment 2) from Craig Potton the Trust Chair, which provides background to both the six-month review and Draft Statement of Intent.
- 3.8 The Trust has chosen to present a draft SOI for five years, 2023 to 2028. This aims to show the strategic direction for the Trust in the medium term, although the draft SOI will continue to be reviewed and updated annually.
- 3.9 Julie Catchpole (Director of The Suter) and Trustees will attend the meeting to present information and answer questions.

4. Discussion

Half Yearly Report, 1 July – 31 December 2022

- 4.1 text Visitor numbers to the Suter are tracking just behind the half-year target of 50,000 at 48,074, which was attributed to the closure of the centre after the August floods. However, there was a noticeable increase in tour groups, domestic tourists, and international travellers visiting the centre during the period.
- 4.2 The six-month financials to 31 December 2022 show a net loss of \$93,230, which is better than the budgeted loss of \$113,538.
- 4.3 All but one of the non-financial objectives for the first six months have been achieved or are on track. The one exception is visitation, which can be regarded as having been partly achieved due to the impact of the August 2022 floods.

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2023/28

- 4.4 The August 2022 Nelson floods caused the Suter to close for 8.5 days as a consequence of flooding in the basement areas and the Pastorius Waller Theatre. As well as affecting visitor numbers to The Suter, it meant some of the public programmes and events had to be cancelled, including the NZ International Film Festival. The theatre was out of commission until October 17.
- 4.5 COVID-19 continued to impact, most noticeably affecting education classes.

Draft Statement of Intent 2023/2028

- 4.6 The Trust’s aspiration is to be a visual arts destination of the highest quality and a ‘must do’ attraction for visitors to the region.
- 4.7 Council should note that in the financial section of the draft SOI, the Trust has assumed a zero-percentage increase in funding from Council in the FY 2023/24.
- 4.8 Council should also note that Trust has assumed that Council will restart funding 50% of their depreciation in the Long Term Plan 2024-34.
- 4.9 Council Officers met with the Chair of the Audit, Risk, and Finance Committee, Catherine Taylor, to review the draft SOI. Catherine commented on the tough operating environment for the Trust, with high inflation and funding pressures having an impact on cash flow and closing cash position.
- 4.10 The draft SOI has been checked for compliance with the statutory requirements and there are no matters to bring to the attention of the Council.
- 4.11 An index of responses to the SOE is supplied (Attachment 3, Appendix V, pages 37-38). This shows that all general and specific expectations identified in the SOE have been responded to or will be addressed through the forward work programme.

5. Options

- 5.1 There is no decision to be made in respect of the half-yearly report.
- 5.2 Council may decide to:

Option 1: Note the Bishop Suter Trust’s Draft SOI 2023/2028 meets Council’s expectations (recommended)	
Advantages	<ul style="list-style-type: none">• Gives clarity to the Bishop Suter Trust and Council on the direction for the period 2023-2028.

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2023/28

Risks and Disadvantages	<ul style="list-style-type: none"> • None identified.
Option 2: Provide comments to the Bishop Suter Trust on its Draft SOI 2023/2028	
Advantages	<ul style="list-style-type: none"> • The Trust will have an opportunity to make changes to the draft SOI to reflect Council’s feedback.
Risks and Disadvantages	<ul style="list-style-type: none"> • If the Trust does not address the comments provided by Council, the SOI will not meet Council’s expectations.

6. Conclusion

- 6.1 The Trust has submitted the draft Statement of Intent 2023/2028 as required by the Local Government Act.
- 6.2 Council has an opportunity to provide comments to the Trust for consideration in drafting the final SOI

7. Next Steps

- 7.1 Once the Trust has adopted the SOI, it will be published on the Council website.

Author: Martin Croft, Strategic Adviser Community Services

Attachments

- Attachment 1: 1511110536-629 Bishop Suter Trust - Half Year Performance Report to 31 December 2022 [↓](#)
- Attachment 2: 1511110536-628 Bishop Suter Trust - Statement of Intent 2023-2028 Covering Letter - Craig Potton - 28Feb2023 [↓](#)
- Attachment 3: 1511110536-630 Bishop Suter Trust - Draft Statement of Intent 2023-2028 - 28Feb2023 [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government The preparation of a draft SOI and delivery of the half yearly report is a requirement of Schedule 8 of the Local Government Act.
Consistency with Community Outcomes and Council Policy The Suter contributes to the outcome 'Our communities have opportunities to celebrate and explore their heritage, identity and creativity' and 'Our communities have access to a range of social, educational and recreational facilities and activities'.
Risk There is a medium risk that due to financial pressure in the year ahead, operations at the Suter Gallery will need to be adjusted accordingly. An example of one such measure could be to not open on certain public holidays, as these are high wage cost days.
Financial impact The operation of the Suter Gallery is a budgeted activity for Council.
Degree of significance and level of engagement This matter is of low significance and no further consultation is proposed.
Climate Impact Climate impact is addressed through the strategic objective of sustainable performance.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report. The Trust Board includes an iwi representative appointed through Ko Te Pouāranga, which represents the six recognised mana whenua Iwi organisations of Whakatū, Motueka and Mohua.
Delegations This is a matter for Council.



Council

13 April 2023

REPORT R27405

Nelson Centre of Musical Arts' Draft Statement of Intent 2023/2025

1. Purpose of Report

- 1.1 To seek the Council's comments on the Nelson Centre of Musical Arts draft Statement of Intent 2023/2025.

2. Recommendation

That the Council

- 1. Receives the report Nelson Centre of Musical Arts' Draft Statement of Intent 2023/2025 (R27405) and its attachment (1511110536-654); and***
- 2. Notes the delivery of the Nelson Centre of Musical Arts Draft Statement of Intent 2023/2025 (1511110536-654); and***
- 3. Instructs staff to advise the Nelson Centre of Musical Arts board of the following comments on the Draft Statement of Intent 2023/2025:***

- To be discussed at the meeting***

OR

- That the Nelson Centre of Musical Arts Draft Statement of Intent 2023/2025 meets Council's expectations, as set out in the Letter of Expectations dated 22 Sept 2022.***

3. Background

- 3.1 It is not a statutory requirement for the Nelson Centre of Musical Arts (NCMA) to provide a Statement of Intent (SOI), as it is not a Council Controlled Organisation (CCO).

Item 9: Nelson Centre of Musical Arts' Draft Statement of Intent 2023/2025

- 3.2 At the Community and Recreation Committee meeting on 30 June 2022, it was requested that:

Nelson Centre of Musical Arts provides a Statement of Intent to be received by Council's delegated committee every three years to inform six-monthly reporting, in conjunction with an operational grant agreement; and

Nelson Centre of Musical Arts provides annually to Council's delegated committee any updates to its Statement of Intent.

- 3.3 The Statement of Expectations (SOE) were sent to the Chair of the NCMA Board, Jan Trayes, on 22 September 2022 to help guide the NCMA in the creation of the SOI <http://www.nelson.govt.nz/assets/Our-council/Downloads/Plans-strategies-policies/statement-of-expectations/2022/Statement-of-Expectations-Nelson-Centre-of-Musical-Arts-22Sep2022.pdf>.

- 3.4 Specific Expectations in the SOE were:

3.4.1 *COVID-19 Impacts: Asks that the Trust outlines how it will respond to the continuing effects of COVID-19 including:*

- *Impacts on visitor numbers and budgets; and*
- *How the NCMA's activities contribute to and align with regional recovery efforts.*

3.4.2 *Planning and reporting: Utilising performance reporting through the inclusion of quantifiable measures and SMART targets.*

3.4.3 *Good employer obligations: Detail in the SOI how the NCMA meets its good employer obligations under the LGA 2002. Particular in relation to fair pay and equal opportunities.*

3.4.4 *Funding relationships: Development of funding relationships, with a view to increasing funding from diverse sources. Describe work to be undertaken to strengthen the relationships and financial support provided by funders.*

3.4.5 *Asset management planning: Provide information in the SOI regarding how assets are being managed, projected future renewals and allocation of depreciation.*

3.4.6 *Community based activity and partnerships: Include in the SOI how NCMA are delivering services in the community, with the community and for the community, including by developing delivery partnerships.*

3.4.7 *Resilience: Include in the SOI a risk management plan, which details risks/hazards, mitigation strategies, response and recovery plans including in relation to cyber-attacks, pandemics and natural hazards.*

Item 9: Nelson Centre of Musical Arts' Draft Statement of Intent 2023/2025

- 3.4.8 *Governance: Include in the SOI a governance succession plan, which details how the board will identify and mentor a future Chair of the Trust, and develop a succession plan for Board members.*
- 3.4.9 *Inclusion of diverse communities: Include in the SOI how NCMA is growing relationships, reach, provision and partnerships with diverse communities, including, for example, newcomers and multicultural communities, socially disadvantaged groups, diverse ages, genders, abilities.*
- 3.4.10 *Inclusion of Tangata Whenua: Include in the SOI how NCMA is growing relationships, reach, provision and partnerships with iwi, hapū, and other Māori organisations.*

3.5 The NCMA has submitted a draft SOI for the 2023/25 financial year (Attachment 1). This is the first draft SOI prepared by the NCMA.

3.6 James Donaldson, Jan Traves and Alex Davidson will be in attendance at the meeting to present information and answer questions.

4. Discussion

Draft Statement of Intent 2023/25

- 4.1 The NCMA's vision is to be New Zealand's most vibrant, innovative and accessible music community, and it has a mission which reads 'Inspired by our iconic venue, and within a secure financial environment, we strive to create a community around a shared love of musical experiences both on the stage and in the studio.'
- 4.2 An external review commissioned by Council and delivered by Bruce Robertson and Associates in 2019 recommended that whilst the NCMA wasn't a CCO, some of the tools and principles of CCO relationship management would help build the relationship between Council and the NCMA. The SOI was one of the tools recommended.
- 4.3 The SOI provides a means for transparency and accountability, setting out what is expected for the funding provided by Council, whilst also being cognisant to the Trust's independence and other sources of income.
- 4.4 Council Officers met with the Chair of the Audit, Risk and Finance Committee, Catherine Taylor, to review the draft SOI. Catherine commented on the tough operating environment for the NCMA, with high inflation and pressure to secure funding having an impact on cash flow and closing cash position.
- 4.5 Council should note that in the financial section of the draft SOI, the NCMA has assumed a 5% increase in Grant funding from Council in each year from 2023 to 2025.

Item 9: Nelson Centre of Musical Arts' Draft Statement of Intent 2023/2025

- 4.6 Council should also note that the KPIs presented in the draft SOI are for 2023 only.
- 4.7 Council has the opportunity to provide comments to the NCMA on its draft SOI, and for the NCMA to make changes based on that feedback.
- 4.8 The NCMA will provide a report every six months to Council on progress against the SOI.
- 4.9 An index of responses to the SOE is supplied (Attachment 1, appendix IV, page 32).

5. Options

- 5.1 Council may decide to:

Option 1: Note the NCMA's Draft SOI 2023-2025 meets Council's expectations.	
Advantages	<ul style="list-style-type: none">• Gives clarity to the NCMA and Council on the direction for the period 2023-2025
Risks and Disadvantages	<ul style="list-style-type: none">• None Identified
Option 2: Provides comments to the NCMA on its Draft SOI 2023-2025, including a comment to adjust Council funding to match what is confirmed in the annual plan. (Recommended)	
Advantages	<ul style="list-style-type: none">• The NCMA will have an opportunity to make changes to the draft SOI to reflect the Council's feedback.
Risks and Disadvantages	<ul style="list-style-type: none">• If the NCMA does not address the comments provided by Council, the SOI will not meet Council's expectations.

6. Conclusion

- 6.1 The NCMA has submitted their draft SOI 2023/2025.
- 6.2 Council has an opportunity to provide comments to the NCMA on the draft SOI for consideration in drafting the final SOI 2023/2025.

7. Next Steps

- 7.1 The NCMA will either adopt the SOI as final or update the SOI based on comments provided by Council, then adopt the SOI as final.

Item 9: Nelson Centre of Musical Arts' Draft Statement of Intent 2023/2025

Author: Martin Croft, Strategic Adviser Community Services

Attachments

Attachment 1: 1511110536-654 - Nelson Centre of Musical Arts Draft Statement of Intent 2023/25 [↓](#)

Important considerations for decision making

Fit with Purpose of Local Government

This report discusses matters which seek to promote the social, economic and cultural well-being of the community in the present and in the future.

Consistency with Community Outcomes and Council Policy

The decisions in this report support our Community Outcomes as follows:

“Our communities have opportunities to celebrate and explore their heritage, identity and creativity”; and

“Our communities have access to a range of social, educational and recreational facilities and activities”.

NCMA has a mission that reads - ‘Inspired by our iconic venue, and within a secure financial environment, we strive to create a community around a shared love of musical experiences both on the stage and in the studio.

Risk

There is a risk that due to a decrease in funding secured and financial pressure on NCMA, changes to the SOI may be required.

Financial impact

The operation of the Nelson Centre of Musical Arts is a budgeted activity for Council.

Degree of significance and level of engagement

This matter is of low significance. Engagement will occur with the Board but is not required with the wider community.

Climate Impact

Climate impact is addressed through the strategic objective of sustainability performance.

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 R27572

Nelson Regional Development Agency - six-month report and draft updated Statement of Intent 2021-24

1. Purpose of Report

- 1.1 To consider and provide comment on the updated Nelson Regional Development Agency's (NRDA) Statement of Intent (SOI) in attachment one (839498445-14201).
- 1.2 To receive the NRDA's six-month report for the period from 1 July to 31 December 2022, in attachment three (839498445-14168).

2. Summary

- 2.1 The NRDA has provided an updated SOI for 2021-24. The proposed updates relate to current operational and financial realities, but no changes in the strategic direction, which aligns with what was outlined by Council in its Letter of Expectation to the NRDA in 2021.
- 2.2 The NRDA has also provided its six-month report for the period from 1 July to 31 December 2022. The report outlines the NRDA's involvement in the response to the August 2022 severe weather event, as well as other activities to support businesses.

3. Recommendation

That the Council

1. ***Receives the report Nelson Regional Development Agency - six-month report and draft updated Statement of Intent 2021-24 (R27572) and its attachments (839498445-14201), (839498445-14218) and (839498445-14168); and***
2. ***Notes the delivery of the Nelson Regional Development Agency's updated Statement of Intent 2023-24 (839498445-14201) as required under the Local Government Act 2002; and***

Item 10: Nelson Regional Development Agency - six-month report and draft updated Statement of Intent 2021-24

3. *Notes that the Nelson Regional Development Agency's updated Statement of Intent meets Council's expectations, as set out in its Letter of Expectation to the Agency dated 8 April 2021; and*

4. *Receives the Nelson Regional Development Agency's six-month report July – December 2022 (839498445-168).*

4. Background

- 4.1 The NRDA, along with other Council Controlled Organisations, must submit a draft SOI indicating its proposed activities for the upcoming financial year. Schedule 8 of the Local Government Act 2002 (LGA) outlines the purpose and information that needs to be included, along with the process for approval.
- 4.2 For this period (2021-24) the NRDA trialled, for the first time, preparing a three-year SOI to allow more certainty for the NRDA's long term planning. During this period, the SOI must be updated annually. However, Council does not need to provide an annual Letter of Expectation unless it wishes to change the strategic direction substantially. The updated SOI is compliant with section 64 and Schedule 8 of the LGA.
- 4.3 The NRDA is also required to provide Council with a six-month report outlining progress against the objectives and key performance indicators outlined in its SOI.
- 4.4 The NRDA Chair Meg Matthews, Chief Executive Fiona Wilson will attend the meeting to answer any questions about the updates to the SOI and the six-month report.

5. Discussion

SOI 2021-24

- 5.1 The NRDA's SOI focuses on long term outcomes to achieve a regenerative, productive, inclusive, resilient, and creative economy. The strategic priorities include integrating climate change, wellbeing, and economic resilience across the work programmes. The Nelson Tasman Regeneration Plan 2021-2031 (Project Kōkiri 2.0) remains a key focus. Support for sector transitions, Māori economic development and economic insights and analysis continue.
- 5.2 The SOI 2021-24 includes four strategic priority areas:
- 5.2.1 Economic Strategy and Insights
 - 5.2.2 Regional Profile and Promotion

Item 10: Nelson Regional Development Agency - six-month report and draft updated Statement of Intent 2021-24

5.2.3 Business and Workforce Development

5.2.4 Our Enabling Priorities Supporting Transition

Proposed updates

5.3 The NRDA advises that the proposed changes are technical and there are no substantial shifts in the NRDA's strategic direction. The updates reflect funding availability, project progress and changes to the work programme for 2023-24. A summary of proposed changes is outlined below, and full details of the changes are included in attachment two.

5.3.1 **Statistics and Insights** have been updated to reflect the February 2023 revision of the NRDA's Regional Economic Briefing to ministers. This Briefing provides insights from the economic consultancy firm *Infometrics*' January 2023 update of the Nelson Tasman Regional Economic Profile (2022 GDP). Statistics of particular interest are:

5.3.1.1 New information about Māori businesses, including that 939 Māori are self-employed and there are at least 288 Māori-owned businesses

5.3.1.2 Productivity: the GDP gap has reduced slightly from \$1.67 to \$1.63 billion

5.3.1.3 Average wages are now the lowest in the country

5.3.1.4 Home affordability is now the third worst behind Auckland and Otago, compared with it being fourth worst at the time of NRDA's 2022 SOI update.

5.3.2 The **Financial Performance and Governance** sections (6 and 7) have been updated to reflect funding priorities and constraints for 2023-24.

5.3.3 The **funding situation** continues to be highlighted as key to programme delivery:

5.3.3.1 Core funding (shareholder) proposed to be held at 2022-23 levels

5.3.3.2 I-SITE model still to be resolved with Council (at the time of update)

5.3.3.3 Education to Employment funding unconfirmed post July 2023

5.3.3.4 Tourism Conservation skills project unconfirmed post 2023

5.3.3.5 Visitor sector funding pressures.

Item 10: Nelson Regional Development Agency - six-month report and draft updated Statement of Intent 2021-24

- 5.3.4 The **risk table** has been updated. The Moananui Cluster has been added as a new risk area to acknowledge that the NRDA contract responsibility for delivery is reliant on partners and third parties.
- 5.3.5 The notable new activity for 2023-24 is **emergency response and support**. The NRDA leads the Economic Pou as part of the Regional Civil Defence and Emergency Management Committee. This responsibility is to be reactive during emergencies, such as the August 2022 severe weather event. The activity has been added to reflect the repeated and increasingly likely incidence of extreme events that require intensive and extended participation of the NRDA.
- 5.3.6 Two changes are proposed to the 2023/24 **key reporting indicators and measures** to ensure the measures provide a better picture of the NRDA's effectiveness. A table of the changes is outlined in attachment two (839498445-14218).

Council's proposed 2023-24 funding to the NRDA

- 5.4 The NRDA has signalled that based on its assumption of a zero percent inflation increase from Council for 2023-24, there will likely be a reduction in activity across 11 areas of the NRDA's 2023-24 work plan. The 11 areas are outlined in attachment two (page 2).
- 5.5 Work areas that would be reduced and/or be dependent on partnership funding include the business innovation series and paid content/campaigns for destination promotion/management. Work areas that would be deferred, removed or reactive only include investment attraction profiling, film promotion/development, new regional brand roll out and promotion, international education support, curated journeys development, sponsorship of the Young Enterprise Scheme and development of the food and fibre sector support strategy and cluster potential.

Six-month report ending 31 December 2022

- 5.6 As noted in 5.3.7, a key focus for the NRDA during the July to December 2022 reporting period, was supporting businesses following the August severe weather event. Other key activities and milestones are summarised below.

Strategy and investment attraction

- 5.7 The NRDA has been leading the oversight, delivery, and reporting of the Nelson Tasman Regeneration Plan 2021-2031 (Project Kōkiri 2.0). In August 2022, Tasman District Council and Nelson City Council endorsed an update to the plan.
- 5.8 The NRDA has maintained regional economic monitoring through an extended quarterly insights report which includes Infometrics data,

Item 10: Nelson Regional Development Agency - six-month report and draft updated Statement of Intent 2021-24

Nelson Tasman Business survey findings, and business profiles. Māori economy data is now also available, including standard economic data per Māori population.

- 5.9 The business plan for Moananui (blue economy) was completed and a funding application was submitted to the Ministry for Primary Industries for two years of government support as an industry partnership programme.

Visitor Sector Regeneration

- 5.10 Visitor spend bounced back more strongly than industry projections had anticipated, achieving results close to pre COVID-19 levels for 2022.
- 5.11 Funding for a Workforce Coordinator role, focusing on tourism conservation, was secured and an appointment made for the role.
- 5.12 The NRDA supported the code-sharing initiative 'Better Bus', which launched in November 2022 with eleven Abel Tasman operators. This initiative will help reduce the number of visitor transport journeys and vehicles travelling to the Abel Tasman National Park, which will help reduce carbon emissions and ensure efficiencies given the current workforce shortages.

Business Workforce Development

- 5.13 Ninety-five businesses were actively engaged and a further 40 business were supported on an ad-hoc basis through the Regional Business Partner Programme.
- 5.14 Engagement with schools continued through the Education to Employment programme which informs students about vocational pathways in the region. However, funding for this programme is not secured beyond June 2023, which is putting pressure on this workstream.

Performance against Key Performance Measures

- 5.15 Of the thirty-five performance measures in the NRDA's Statement of Intent, thirty-three are reported as "on track" against their targets. Two targets are at risk of not being met:

5.3.7 *80 events held at the Mahitahi Colab with 2500 total attendees.*
This measure is at risk as event attendee numbers have not returned to pre-COVID patterns, noting that the target number of events is high.

5.3.8 *Regional identity updated project complete and endorsed by Kōkiri Forum.*
This measure is at risk as a contract cancellation has delayed the project delivery.

6. Options

Option 1: Note the NRDA's updated SOI meets Council's expectations (recommended)	
Advantages	<ul style="list-style-type: none"> • Gives clarity to the NRDA and Council on the direction for 2023-24.
Risks and Disadvantages	<ul style="list-style-type: none"> • None obvious.
Option 2: Instruct staff to provide comments to the NRDA on its updated SOI	
Advantages	<ul style="list-style-type: none"> • The NRDA will have the opportunity to make changes to the draft SOI to reflect Council's feedback.
Risks and Disadvantages	<ul style="list-style-type: none"> • None obvious.

7. Conclusion

- 7.1 The proposed changes to the NRDA's SOI include more up-to-date data and reflect the current funding situation and operational realities. There are no proposed changes to the strategic direction included in the SOI 2021-24. Staff recommend approving the proposed changes to the SOI for 2023-24 meet Council's expectations.

8. Next Steps

- 8.1 The updated SOI for 2023-24 will be finalised and adopted by the NRDA and published on Council's website.

Author: Ailish Neyland, Policy Adviser

Attachments

- Attachment 1: 839498445-14201 - Draft Nelson Regional Development Agency Statement of Intent - update for 2023/24 [↓](#)
- Attachment 2: 839498445-14218 - Letter summarising changes to the Nelson Regional Development Agency's Statement of Intent for 2023-24 [↓](#)
- Attachment 3: 839498445-14168 - Nelson Regional Development Agency six monthly report for 1 July to 31 December 2022 [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government Section 64 of the Local Government Act requires the adoption of a Statement of Intent for every Council Controlled Organisation.
Consistency with Community Outcomes and Council Policy The recommendation supports the following community outcomes: <ul style="list-style-type: none">• Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement• Our region is supported by an innovative and sustainable economy.
Risk The recommendation is low risk, as the NRDA's proposed updates are not changing the strategic priority areas or delivery on the ground, except where delivery has been adjusted to reflect funding availability.
Financial impact Funding for the three-year Statement of Intent period Council has with the NRDA has been budgeted in the Long-Term Plan 2021-2031. The NRDA state it is currently on track to deliver a balanced or positive budget for the 2022-23 year.
Degree of significance and level of engagement This matter is of low significance because Council has already agreed the Statement of Intent 2021-2024 meets its expectations and there are no proposed updates to the strategic direction or delivery on the ground, except for adjusting delivery to reflect funding availability. Therefore no engagement with the public will be undertaken.
Climate Impact The recommendation in this report will have no impact on the ability of Council to proactively respond to the impacts of climate change now or in the future.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
Delegations This is a matter for Council.

Nelson Tasman Business Trust Annual Report 2022

1. Purpose of Report

- 1.1 To present the Nelson Tasman Business Trust's Annual Report 2022.
- 1.2 Robert Panzer (Chairperson) and Gael Gordon (Trust Manager) from the Trust, will speak to the report.

2. Recommendation

That the Council

1. ***Receives the report Nelson Tasman Business Trust Annual Report 2022 (R27439) and its attachments (839498445-14186) and 839498445-14191).***

3. Background

- 3.1 The Nelson Tasman Business Trust (now trading and known as Business Assist) is a non-profit organisation supporting businesses across the Nelson Tasman region. The Trust's vision is to improve regional wellbeing by enabling existing businesses and community organisations to be successful. It provides a hub for business information and networks, connections to business advice and mentor services.
- 3.2 Business Assist has a contract with the Nelson City Council, which requires it to provide an annual report to Council on its activities, including a summary of performance against the outputs included in the contract.
- 3.3 Business Assist has provided its report for the year ended 30 June 2022. Attachment One includes an overview of performance and Attachment Two provides the financial report for the 2021-22 year.

Item 11: Nelson Tasman Business Trust Annual Report 2022

Author: **Ailish Neyland, Policy Adviser**

Attachments

Attachment 1: 839498445-14186 - Annual Report - performance summary
2021-22 [↓](#)

Attachment 2: 839498445-14191 - Financial Report for the year ended 30 June
2022 [↓](#) Provided under separate cover

REPORT R27620

Mayor's Report

1. Purpose of Report

- 1.1 To agree to send on the delegation to attend the 2023 LGNZ Conference and EXCELLENCE Awards.
- 1.2 To delegate the Mayor and Deputy Mayor to write to LGNZ requesting a change in sector membership from the Provincial Sector Group to the Metropolitan Sector Group.
- 1.3 To provide Council an update on the August 2022 severe weather event recovery.

2. Recommendation

That the Council

1. ***Receives the report Mayor's Report (R27620) and its attachment (NDOCS-1118544611-7016); and***
2. ***Notes the value Local Government New Zealand offers to Nelson City Council and our continued engagement; and***
3. ***Agrees that the delegation to the 2023 Local Government New Zealand Conference and EXCELLENCE Awards should consist of four councillors, His Worship the Mayor and Deputy Mayor; and***
4. ***Delegates to His Worship the Mayor and the Deputy Mayor to write to Local Government New Zealand requesting a change in sector membership from the Provincial Sector Group to the Metropolitan Sector Group; and***
5. ***Notes the update on the August 2022 severe weather event.***

3. Background

- 3.1 Local Government New Zealand (LGNZ) is a membership organisation made up of councils nationwide and serves as the local government association of New Zealand. Nelson City Council has long had a high degree of engagement with LGNZ, with previous Mayor Rachel Reese serving on its National Council. That relationship has continued this triennium, with Deputy Mayor Rohan O'Neill-Stevens leading our engagement.
- 3.2 LGNZ provides the local government sector with a unified voice of advocacy and engagement with central government and industry in areas where there is a high degree of agreement across the sector. It also supports elected members and provides opportunities for professional development.
- 3.3 Since the start of the triennium, the Council's engagement has included attendance at meetings of the Regional sector, Rural and Provincial sectors, Te Maruata (the Māori Network of LGNZ), and the Young Elected Members Network, as well as the regular leaders' zoom calls for Mayors and Chief Executives. This engagement has included a several meetings with the Minister of Local Government, other relevant Ministers, and representatives from other political parties.

4. Discussion

Value of LGNZ to Nelson City Council

- 4.1 With the recent news of Auckland Council's decision to leave LGNZ, we feel it is appropriate to note the value offered to Nelson City Council, and our continued engagement with the wider sector. Council's membership subscription for 2022 was \$53,813.

2023 LGNZ Conference and EXCELLENCE Awards

- 4.2 Every year, LGNZ hosts its annual conference, which in 2023 is scheduled to be held in Ōtautahi Christchurch from 26 to 28 July. The conference provides staff and elected members the opportunity to meet with others in the local government sector, key players from the private sector, central government, and NGOs, alongside LGNZ's AGM at which the President and Vice President are elected and voting is held on remits about major strategic issues.
- 4.3 We hope to provide the opportunity for every councillor to attend an LGNZ conference, by sending four councillors in 2023, four in 2024, and three in 2025, alongside the Mayor and Deputy Mayor. For the 2023 conference, we suggest that councillors interested in attending, email an expression of interest to the Mayor and Deputy Mayor over the next week, so that a delegation can be confirmed, and travel and accommodation arrangements made.

Item 13: Mayor's Report

LGNZ Sector Membership

- 4.4 As part of LGNZ's structure, councils form sector groups around shared characteristics and challenges. Currently Nelson City Council is a member of the regional sector, made up of regional and unitary councils, and the provincial sector, of provincial councils.
- 4.5 Nelson, as a primarily urban council and facing similar challenges to those in the metropolitan sector, has previously had a close relationship with that sector, and it is proposed we now seek a change in our sector membership from provincial to metro. This will enable us to have a closer relationship with the metropolitan councils and better align our engagement on the issues that face our region, through knowledge sharing and direct interaction with central government on those challenges.
- 4.6 Sector membership changes require approval by the LGNZ National Council, and so it is recommended that the Mayor and Deputy Mayor be delegated approval to write to the National Council requesting such a change, with the proposed letter attached (Attachment

August 2022 severe weather event recovery update

Prime Minister's visit

- 4.7 On Wednesday 22 March, Prime Minister Chris Hipkins visited Nelson to see the progress of our recovery from the August 2022 weather event. During the visit, the Prime Minister met with our Navigators so he could learn more about their work as a single point of contact for residents who need help through the recovery process.
- 4.8 Prime Minister Hipkins spoke about the need for realistic expectations, as there aren't any quick fixes to the challenges faced by those affected by the floods and landslides, and expressed his commitment to working with the insurance sector and EQC to expedite the process, while acknowledging that some factors, such as relevant assessments and geotechnical work, take time.
- 4.9 The Prime Minister recognised the progress made so far and remarked on the positive community spirit in Nelson. He also talked about how the visit was an opportunity to reflect on lessons learned so they could be applied to recovery efforts elsewhere.
- 4.10 When asked about the rebuild cost and Government support, the Prime Minister said there were ongoing discussions about how Government could best support the Nelson community through the rebuild.

Affected residents

- 4.11 All property owners who were eligible for rates remissions have now applied. There are currently 15 red and 73 yellow placards on houses. Yellow placards includes properties separated into Y1 and Y2. Y1 owners can occupy the house but there are restrictions in place depending on the damage. For example, a Y1 home may be fine to stay in but access to the

Item 13: Mayor's Report

deck or the backyard is restricted at certain times, e.g., when it is raining. Y2 homeowners are unable to stay in the property overnight. As of today, there are 58 Y1 and 15 Y2.

Geotech assessments

- 4.12 Council has now provided geotechnical assessments to all residents who had slips originating from Council land caused by the August 2022 severe weather event, and there are about 13 locations with short-term remedial works either already under way or completed. This milestone marks a significant step forward in the recovery process for those affected by the event.
- 4.13 Officers have now made a recommendation to the Storm Recovery Taskforce about possible remedial options. These options are expected to be presented to full Council very soon (late April/May). Affected residents will be met in advance of these options being presented to full Council.

River works

- 4.14 Work continues with the removal of gravel from our city's rivers and about 30,000m³ of gravel has been removed to date. Stabilisation work also continues along the banks of the Maitai River, repairing some of the significant damage and aiming to minimise the impact of future weather events.

Moana Avenue

- 4.15 Work to protect the Moana Avenue area is due to get under way on 18 April 2023 with the installation of a protective "catch" fence. To install the fencing safely and efficiently, Moana Avenue will be closed between Stansell Avenue and Princes Drive for six to eight weeks from 18 April. Residents who live within the closure will have access, but the road will be closed to all other users for the duration of the works. The completion of this work will allow this important connector road to safely reopen to two lanes.

Navigators

- 4.16 Council's Navigator service remains open to anyone affected by the weather event and operates from a hub beside Civic House weekdays between 9.30am and 5pm. The Navigator team are also happy to visit people at home by arrangement. This team has been working closely with residents to provide information, guidance and assistance throughout the recovery process.

Annual Plan

- 4.17 Significant recovery costs from the severe weather event in August 2022 are one of the key changes in the Annual Plan 2023/24 Consultation Document. The total estimated cost of recovery for Council is \$57.1 million, and an estimated 40% is likely to be covered by insurance and

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central government contributions. The estimated cost of recovery work in 2023/24 is \$11.5 million.

- 4.18 The recovery will take significant funding and effort from Council. It is expected to be completed over six years, and it is proposed paid for over a 10-year period. The work could be done more quickly, but that would be more costly and have greater risk of not being done to the desired high standard.

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

Attachments

Attachment 1: NDOCS-1118544611-7016 - Draft Letter to LGNZ [↓](#)

Proposal for new Traffic and Parking Bylaw

1. Purpose of Report

- 1.1 To consider the proposed Traffic and Parking Bylaw (2023) and to approve consultation on the proposed bylaw.

2. Summary

- 2.1 The current Parking and Vehicle Control Bylaw 2011 (Bylaw 207) regulates parking and vehicle control in Nelson. It dates from December 2004 and has been amended a number of times since. It will expire 3 November 2023.
- 2.2 To ensure the Council continues to have an ability to regulate traffic and parking matters, a new Traffic and Parking Bylaw must be made before 3 November 2023.
- 2.3 As well as updating and modernising the current bylaw, the new bylaw includes several new provisions. These new provisions are designed to address current gaps in the bylaw and to make our roads safer for all users. The structure and drafting of the proposed bylaw aim to cover current and foreseeable demands on the road and parking resources, and to allow timely response by Council to new challenges and new technology.
- 2.4 The proposed Traffic and Parking Bylaw, (the proposed new bylaw) is set out as part of the draft Statement of Proposal in the Attachment 2 (1862260321-24203).
- 2.5 Officers consider that the special consultative procedure is required under section 156 of the Local Government Act 2002 (**LGA 2002**) because it has been assessed under Council's Significance and Engagement Policy as having potentially significant impacts.

3. Recommendation

That the Council

1. ***Receives the report Proposal for new Traffic and Parking Bylaw (R26194) and its attachments (1862260321-22085 and 1862260321-24203); and***
2. ***Notes that a bylaw is the most appropriate way to regulate, and manage traffic and parking control, and the draft Traffic and Parking Bylaw included in Attachment 2 (1862260321-24203) is the most appropriate form of bylaw and does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and***
3. ***Agrees to use the special consultative procedure because there is, or is likely to be, a significant impact on the public due to the proposed bylaw; and***
4. ***Adopts the Statement of Proposal and the proposed Traffic and Parking Bylaw (1862260321-24203) for consultation; and***
5. ***Agrees that a summary of the Statement of Proposal is not required; and***
6. ***Approves the consultation and engagement approach described in Attachment 1 (1862260321-22085 of Report R26194); and***
7. ***Agrees that this approach***
 - (a) ***includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
 - (b) ***will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation; and***
8. ***Commences a public consultation, using a Special Consultative Procedure (1862260321-24203 of Report 26194) as per sections 83,86 and 156 of the Local Government Act 2002, on the proposal to make the draft Traffic and Parking Bylaw; and***
9. ***Agrees that the His Worship the Mayor and Chief Executive may approve minor amendments to supporting information or the statement of Proposal prior to the start of the consultation process.***

Item 14: Proposal for new Traffic and Parking Bylaw

4. Background

- 4.1 Council's current Parking and Vehicle Control Bylaw dates from 2004, with amendments having been made over years – most recently in 2019 to enable a change in parking payment technology and the movement to pay by plate.
- 4.2 It is recommended that Council take the opportunity to update and modernise the bylaw and also include several new provisions to address issues that are not regulated by the current bylaw. The major changes in the proposed new bylaw better accommodate new and potential demands such as bus lanes or priority lanes, and to fill gaps in the existing bylaw that made enforcement challenging. The major changes recognise that there are multiple users of our roads and we need to balance their demands to ensure safe and fair access to parking and road use.
- 4.3 Vehicle and road use restrictions or permissions will be set by Council resolution under the proposed bylaw and will be enforced by the Police. Parking Wardens will enforce stationary vehicle offences and parking rules.

5. Key changes in the Proposed Traffic and Parking Control Bylaw

- 5.1 Regulating parking on State highway (clause 5): The proposed bylaw includes provision for the Council to manage parking and stationary vehicle offences on State highway 6 between Peace Grove (north of Trafalgar Street) and the Annesbrook roundabout. This is contingent on Waka Kotahi delegating powers to Council and fees collected will offset the costs of managing enforcement. No parking restrictions on the State Highway are due to be changed as a result of the new delegation, but it will allow a consistent citywide approach to parking enforcement for the public.
- 5.2 Parking on the Berms (clause 37): The proposed bylaw proposes to ban parking on berms and areas in roads not designed for parking, unless specifically authorised by Council. Banning parking where the road is not specifically designed for vehicles reduces the risk of damage to the berm and to any underlying services (e.g. pipes buried in the berm), but it also significantly alters the way many people are currently using some property frontages. This is a notable change from the current bylaw, which prohibits parking only where signage has been erected.
- 5.3 Definitions (clause 7): Amendments are proposed to the definitions to align (as much as possible) with the LTA 1998 and the Land Transport (Road User) Rule 2004.
- 5.4 Restricting skateboards and other wheeled recreational devices on footpaths (clause 22): The current bylaw specifically allows bans of skateboards and other wheeled recreational devices (like scooters) on particular footpaths. The power to make such bans has been included in

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the proposed bylaw, but as new forms of active transport become more popular and feasible, the Council is interested in the community's views on whether this provision should remain.

- 5.5 Reserved parking (clauses 30, 31 and 32): Special parking areas are included in the current bylaw. The new bylaw allows the Council to define the location, time and fee payment restrictions to the special parking areas where these might be different to the zone rules. This could include special parking areas that are for residents only. Clause 30 Residents Parking aligns the bylaw with the Parking Strategy and aims to manage future parking demand with new developments in the urban area.
- 5.6 Zones for time restricted parking and payment parking (clauses 33 and 34): The proposed bylaw allows the Council to establish time restricted parking zones, where time limits will apply to most parking spaces, and payment parking zones, where fees will apply to most parking spaces. The proposed bylaw itself does not create any new time limited or payment zones but Council has added some extra provisions to clarify that if someone re-parks in the same car park or the same parking zone within a 30-minute period, then they are deemed to have remained parked in the zone throughout that time. If someone leaves a parking zone for more than 30 minutes and then returns, all time restrictions and fees will start fresh when they re-park, but they can't reclaim the 1 hour free.
- 5.7 Vehicle Crossings (clause 25): The proposed bylaw would allow vehicles to pass over footpaths only by means of an authorised vehicle crossing. Adjacent landowners can apply to the Council to install, alter or remove a vehicle crossing. This process has not changed. The Land Development Manual 2020 gives the standards for the construction of vehicle crossings. This process has not changed however the proposed bylaw reinforces that a vehicle crossing is for the adjacent landowners benefit so the costs of maintaining this should not fall to the ratepayers. The bylaw would give the Council the power to require a landowner to upgrade their vehicle crossing if it is in a poor state of repair and poses a risk to other road users, or if it needs upgrading due to a change in its use. The proposed bylaw also allows the Council to remove vehicle crossings where they have been abandoned by the owner or are no longer used (eg if the owner has built a fence over the driveway access), although the Council will need to consult with the owner first.
- 5.8 Cruising and Engine Braking, (clauses 23 and 24): The proposed bylaw would allow the Council to prohibit or restrict cruising or engine braking on specified roads to reduce noise pollution. These types of powers are used elsewhere in New Zealand, especially large metropolitan areas. There is little known about the demand for these restrictions in Nelson currently, but inclusion would allow prohibitions to be enacted in the future if required.
- 5.9 Consultation on resolutions made under the bylaw (clause 10): The proposed bylaw provides for the Council to make resolutions to impose

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the various restrictions and requirements applied under the bylaw. The proposed bylaw includes a standard consultation process for such resolutions. The Council must make its proposed resolutions available on its website at least 3 weeks before the Council is due to consider them, and members of the public will have at least 2 weeks in which to make submissions. This ensures transparency and certainty for this process.

- 5.10 Resolutions under the proposed bylaw come into effect once signage and markings are in place, (clause 11). This ensures road users are aware of the restrictions and prohibitions as they come into effect.
- 5.11 Vehicle and Road Use (clauses 14 to 21 and 26). The proposed bylaw provides for rules for:
- One-way roads,
 - turning restrictions,
 - pedestrian crossings,
 - special vehicle lanes,
 - heavy vehicle restrictions,
 - shared paths and cycle paths,
 - shared zones, and
 - unformed legal road.

Most of these provisions are included in the current bylaw. The proposed bylaw is clearer that they are applied to a specific location by resolution.

- 5.12 Left or right turns and U-turns are not included in the current bylaw. Turn restrictions are primarily used at signalised intersections to manage traffic flows but can be used elsewhere when there is a safety concern that is most appropriately addressed by banning a turning movement.
- 5.13 Unformed legal roads, has been added to the proposed bylaw to allow Council to control vehicle use of unformed legal roads to protect the environment, utility assets, or safety.
- 5.14 Parking restrictions (clauses 27, 29): The proposed bylaw enables the Council to regulate parking on both roads and public places. Public places includes areas that are not streets, such as parking buildings, or parking areas that are available in parks and reserves or at the Marina. Not all of these public places are regulated under the current bylaw, but the Council may like to extend regulation to these areas in the future. For example, parking restrictions could be imposed at the Marina and at the planned City Bus Interchange as a transport station in the future. This approach would allow greater consistency in parking requirements for all areas, especially where we expect to see greater demand for parking in the future.

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- 5.15 Temporary parking restrictions (clause 28): The proposed bylaw permits an Authorised Officer (i.e. an individual authorised by the Council to carry out such duties) to make temporary parking permissions or restrictions. This is to enable short term changes for such purposes as events, adjacent building construction or renovations, road works and typically requires a Traffic Management Plan. If adopted this will require an update to the delegations register.
- 5.16 Requirements for parking (clause 36): Vehicles are generally required to park within the marked parking space being used. Oversized vehicles and vehicles with trailers can use more than 1 park but cannot overhang the footpath. Vehicles overhanging the footpath create a safety and access concern for pedestrians. This addresses a gap in the current bylaw.
- 5.17 Parking for Display or Sale (clause 38): The proposed bylaw prohibits the parking of vehicles and trailers for sale, advertising, or election campaigns, unless specifically permitted by the Council. This is to limit activities that cause driver distraction which is a known safety risk for road users. This would apply to state highways covered by the proposed bylaw.
- 5.18 Long Term Parking of Trailers, Motorhomes, Heavy Vehicles and Immobilised Vehicles (clause 39): Long term parking of trailers on roads is not permitted under the current bylaw. The proposed bylaw extends this to include Motorhomes, Heavy Vehicles and Immobilised Vehicles. They have been added as Council often receives complaints about these types of vehicles being parked for extended periods. Long term is defined as more than 7 days.
- 5.19 Other parking (clauses 40, 41 and 42) Repair work on vehicles is to be prohibited from being carried out on a road, unless the repairs are minor and the work does not cause any risk, or if the work is necessary to enable the vehicle to be moved. This is to reduce the safety hazard of people working in, under or around vehicles on the road. The proposed bylaw prohibits the storage of broken down or un-road worthy vehicles on the road. If vehicle is broken down or does not have motor power it must be removed from the road within 7 days. This is to reduce the risk or environmental degradation (eg oil, grease, glass, opportunities for vandalism) and make parking spaces available for users.
- 5.20 The proposed bylaw will permit placement of other items (eg skips, portaloos, freight containers, machinery and materials etc.) on the road with approval of the Council. This approval would be delegated to an officer authorised by the Council to carry out such duties alongside the process for approval for Road Corridor Bookings.
- 5.21 Offences and Defences (clause 44 and 45): The clauses for offences have been extended in the proposed bylaw to include acts that:
- Hinder emergency services in their business of responding to an incident

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- Drives or parks any vehicle on a road where it is in such a condition that an undue quantity of oil, grease or fuel drops from such vehicle
- Damage the road, including cycle paths and footpaths
- Makes a false application or supplies false details in an application or uses a permit on a vehicle for which it was not issued
- Damage or otherwise affect parking equipment
- Parks, places, or otherwise leaves a wheeled recreational device in or on any parking space unless it is designed or designated specifically for that type of wheeled recreational device.

The current bylaw includes clauses about penalties. These have not been included in the proposed bylaw. The proposed bylaw (refer clause 44.1) will instead rely on the provisions of the LTA 1998 and the regulations and rules made under that Act. The Land Transport (Offences and Penalties) Regulations 1999 set out the current statutory penalties.

- 5.22 Removal and Relocation of Vehicles (clauses 46 and 47): The Council needs to remove or relocate vehicles or items from time to time. The situations when this may be applied are given in clauses 46 and 47. Removal (clause 46) is similar to the current bylaw provisions, but have been extended to include other items (eg shipping containers, portaloos) as the road space is increasingly being used where properties cannot accommodate extra items. Relocation (clause 47) has been added to assist utility authorities and transport operations undertake emergency (eg water main break repair) and scheduled maintenance works (eg road resurfacing). This clause is required when the public outcome (water supply or all vehicles have made room for planned resurfacing except one) exceeds the rights of one vehicle owner.
- 5.23 The current bylaw uses schedules to list the resolutions made under the bylaw. These are available for public viewing but are based on measurements from intersection points and no easy to interrupt or understand. The data based on these measurements can become out of date when changes are made to curb lines at intersections. The proposed bylaw will map the resolutions. The maps will not form part of the proposed bylaw but are a supporting management tool for the resolutions. At this stage, it is anticipated that the new mapping system will not be available until sometime in 2024, after a new bylaw is adopted. In the meantime, the proposed bylaw will carry over all existing schedules and resolutions from the current bylaw (see clause 48.1). Once the mapping system is ready, the Council will make resolutions adopting all controls in the maps and revoke all the earlier schedules and resolutions.

6. Considerations under the Land Transport Act 1998 and the Local Government Act 2002

- 6.1 As a road controlling authority, Council may make a bylaw for any of the purposes listed in s22AB of the Land Transport Act 1998 (**LTA 1998**). Council does not have to make a bylaw, but if it does it needs to follow the requirements of the LTA 1998. The Bylaws Act 1910 also applies.
- 6.2 Although Council is not relying on its bylaw making powers under the LGA 2002, s 22AD of the LTA 1998 means that some of the LGA's process requirements explicitly apply in relation to making this proposed bylaw: sections 83, 86 and 156 LGA 2002.
- 6.3 Section 156 LGA 2002 requires Council to use the special consultative procedure when making a bylaw that will significantly impact on the public.
- 6.4 Although the proposed bylaw is largely similar in substance to Council's existing bylaw, it has been assessed under Council's Significance and Engagement Policy as significant because it impacts a large number of people in the community and because issues of parking, infringements and road use are likely to be of wide public interest.
- 6.5 Sections 83 and 86 LGA 2002 set out the requirements for the special consultative procedure when used for making a bylaw. These include that Council must prepare and adopt a statement of proposal, the content of the statement of proposal, information that must be made publicly available, and the consultation period (not less than one month).
- 6.6 Because this proposed bylaw will be made under the LTA 1998, Council is not required to make determinations under s 155 of the LGA 2002. Despite this, as a matter of good practice and as detailed in the statement of proposal (attachment 2) and in section 5.7 of this report, officers have considered matters relevant to s 155 LGA 2002: whether a bylaw is the most appropriate way of addressing the perceived problem, whether the proposed bylaw is the most appropriate form of bylaw, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.
- 6.7 Officers consider that a bylaw is the most appropriate way of addressing the perceived problem and that the proposed Traffic and Parking Bylaw:
- 6.7.1 is the most appropriate form of bylaw. In particular it is authorised by statutory authority (section 22AB of the LTA 1998); is not considered to be in conflict with, or incompatible with, the general laws of New Zealand; is certain, enforceable and provides clear direction; and is reasonable, and not overly restrictive, unduly onerous on any person, or impractical; and
 - 6.7.2 may give rise to some implications under the New Zealand Bill of Rights Act 1990 but is not inconsistent with that Act. While the proposed bylaw may infringe on members of the public's freedom

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of movement (protected under section 18 of the New Zealand Bill of Rights Act 1990), and will restrict, or may provide for the imposition of restrictions on, who may use certain roads or parking places, and how and when they may be used. Such limits on the freedom of movement permitted under the proposed bylaw can be demonstrably justified in a free and democratic society (in line with section 5 of the New Zealand Bill of Rights Act 1990). Some regulation of roads and parking is necessary in the wider public interest to ensure the roading network works safely and effectively for all road users.

6.8 Officers consider that the statement of proposal (attachment 2) and consultation and engagement plan (attachment 1) meet the statutory requirements. Officers do not consider that a summary of the Statement of Proposal is necessary to enable public understanding of the proposal.

6.9 In addition, in preparing the new proposed bylaw, officers have had regard to the following legislation:

- The Land Transport Act 1998;
- The Land Transport Rule Traffic Control Devices 2004;
- The Land Transport (Road User) rules 2004;
- Local Government Act 1974

7. Options

7.1 Officers consider that Council has two options to consider in relation to the proposed new bylaw:

7.1.1 Option 1: Commence consultation on the proposed bylaw as set out in Attachments 1 and 2;

7.1.2 Option 2: Do not commence consultation and instead rely on the existing Parking and Vehicle Control Bylaw until it expires (November 2023) with an ultimate net result that Council would not be able to regulate bylaw parking and traffic control matters in Nelson

Officers recommend Option 1.

Option 1: Commence consultation on the proposed bylaw	
Advantages	<ul style="list-style-type: none">• Ensures a new bylaw can be in place before the current bylaw expires.• The proposed new bylaw will provide a reasonable level of control over traffic and parking control• The proposed new bylaw is similar in substance to the existing bylaw, so

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	customers will not experience major change, but the improved drafting and formatting should make the proposed new bylaw more accessible to customers.
Risks and Disadvantages	<ul style="list-style-type: none"> No significant risks and disadvantages.
Option 2: Do not commence consultation and rely on the existing bylaw	
Advantages	<ul style="list-style-type: none"> Nil.
Risks and Disadvantages	<ul style="list-style-type: none"> The existing bylaw will be revoked in November 2023, after which there would be less control over traffic and parking control increasing the risk of infrastructure damage and safety issues.

8. Conclusion

- 8.1 It is appropriate to commence consultation on the proposed new bylaw. This will ensure that Council is able to make a new bylaw before the current bylaw expires. This will ensure that Council can continue to regulate, manage, and protect Council's roading network. Council should commence consultation on the proposed bylaw using the special consultative procedure in accordance with sections 83,86 and 156(1)(a) of the LGA 2002.

9. Next Steps

- 9.1 Subject to Council's approval a Special Consultative Procedure will commence using the Statement of Proposal to enable public feedback to be received on the proposed bylaw.
- 9.2 Feedback will be collated into a future deliberations report to Council. This will help inform decision making on any changes to the proposed Bylaw prior to adoption by Council.
- 9.3 Outcomes of this special consultative procedure could include:
- Council making a new bylaw by adopting the proposed new bylaw without amendment; or
 - Council making a new bylaw by adopting the proposed bylaw in part, or with further amendments based on community feedback; or
- 9.4 Council not making a new bylaw, which would mean that Council would not have a bylaw that regulates parking and traffic control in Nelson once the current bylaw expires on 3 November.

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Attachments

Attachment 1: 1862260321-22085 Traffic and Parking Bylaw Draft Consultation Plan [↓](#)

Attachment 2: 1862260321-24203 Traffic and Parking Draft Bylaw - Statement of Proposal [↓](#)

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Important considerations for decision making
Fit with Purpose of Local Government <p>The proposed bylaw supports the social, economic and environmental wellbeing of the Nelson community by putting in place the regulatory controls for traffic and parking control on the roading network.</p>
Consistency with Community Outcomes and Council Policy <p>The Traffic and Parking Control Bylaw supports the following community outcomes;</p> <ul style="list-style-type: none">• Our unique natural environment is healthy and protected.• Our urban and rural environments are people friendly, well planned and sustainably managed.• Our infrastructure is efficient, cost effective and meets current and future needs.• Our communities are healthy, safe, inclusive and resilient.
Risk <p>Not adopting the draft Bylaw would leave Council relying on its existing bylaw, which is due to expire in November 2023. If no new bylaw is made before then, Council would not have local enforceable controls over traffic control and parking on our network. This would likely create a risk to safety, and infrastructure.</p>
Financial impact <p>There are no immediate funding implications over and above current costs of administration and enforcement.</p>
Degree of significance and level of engagement <p>Although the proposed Bylaw carries over much of the substance of the existing bylaw, it is considered under Council's Significance and Engagement Policy to impact a wide range of residents and to be of interest due to its subject matter. Consultation with the community will occur through the special consultative procedure, in accordance with both sections 83,86 and 156 of the LGA.</p>
Climate Impact <p>Climate change has not been considered directly in the draft bylaw.</p>
Inclusion of Māori in the decision making process <p>The process underway to load the information onto the iwi engagement platform.</p>

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Delegations

This is a matter for Council.

