



Nelson City Council
Te Kaunihera o **Whakatū**

Notice of the Ordinary meeting of

Nelson City Council

Te Kaunihera o Whakatū

Date:	Thursday 14 September 2023
Time:	9.00a.m.
Location:	Council Chamber Floor 2A, Civic House 110 Trafalgar Street, Nelson

Agenda

Rārangi take

Chairperson

Deputy Mayor

Members

His Worship the Mayor Nick Smith

Councillor Rohan O'Neill-Stevens

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 Councillor P Rainey

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 Tasman Pasifika Community Trust - Pasifika Communities in Whakatu

Robert Blake, GM from the Nelson Tasman Pasifika Community Trust, will speak about Pasifika Communities in Whakatu.

4.2 Make/Shift Spaces Inc - The Shared Communities Initiative

Anne Rush from Make/Shift Spaces Inc, will speak about the Shared Communities Initiative.

4.3 Giving Aroha - Rough Sleepers and Most Vulnerable in our Community

Jackie Galland from Giving Aroha will speak about the rough sleepers and most vulnerable in our community.

5. Confirmation of Minutes

5.1 10 August 2023

11 - 27

Document number M20242

Recommendation

That the Council

1. ***Confirms the minutes of the meeting of the Council, held on 10 August 2023, as a true and correct record.***

5.2 17 August 2023 28 - 33

Document number M20258

Recommendation

That the Council

1. ***Confirms the minutes of the meeting of the Council, held on 17 August 2023, as a true and correct record.***

6. **Recommendations from Joint Committees** 34 - 34

Document number R27922

6.1 Saxton Field Committee Meeting on 8 August 2023.

Proposed Saxton Field Committee Capital Works Programme

The recommendation refers to the Attachment on page 34

Recommendation

That the Council

1. ***Adopt, subject to the approval of the Tasman District Council the proposed capital works programme for Saxton Field contained in Attachment 1 to Report R27843 (196698121-50136) for incorporation into each Council's draft budgets as part of the Long Term Plan 2024-2034 processes, with the following amendments:***

- a. ***a capital budget line be included to provide for a regional skate facility at Saxton Field with \$20,000 included in 2024/25, and \$400,000 in each of years 2026/27 and 2027/28, together with an income line budgeting \$320,000 income in each of years 2026/27 and 2027/28.***

2. ***Delegate responsibility for agreeing to any amendments to the budget values resulting from further cost analysis to the Councils' Group Managers (Group Manager Community Services at Nelson City Council and Group Manager Community Infrastructure at Tasman District Council).***

7. Mayor's Report

35 - 49

Document number R27917

Recommendation

That the Council

- 1. Receives the report Mayor's Report (R27917) and its attachment (1118544611-7258); and**
- 2. Acknowledges with a minute's silence the death of Seddon Marshall, who served on Nelson City Council for 33 years; and**
- 3. Agrees in principle to a cost-sharing package with the Government to support the recovery work from the extreme weather event of August 2022, subject to an officer's report detailing the implications and future cost to Council; and**
- 4. Notes there will be additional costs to Council for up to 14 buyouts of properties where the cost to repair exceeds their value; and**
- 5. Instructs Council officers to prepare a report for the 19 October Council meeting on the next steps required to finalise the funding agreement with the Government; and**
- 6. Receives an update on Plan Change 29 including an extension to the submission timeframe.**
- 7. Agrees that Councillor Matty Anderson replace Deputy Mayor Rohan O'Neill-Stevens on the Community Housing Acceleration Taskforce, subject to Council approving the proposed revised Terms of Reference for the taskforce (R27788) on today's agenda.**

8. Draft Significance and Engagement Policy for consultation

50 - 67

Document number R27870

Recommendation

That the Council

1. **Receives the report Draft Significance and Engagement Policy for consultation (R27870) and its attachment (839498445-14234); and**
2. **Agrees that the proposed amendments to the existing Significance and Engagement Policy, outlined in paragraph 5.1 of this report (R27870), are sufficiently substantial to require public consultation; and**
3. **Adopts the Draft Significance and Engagement Policy in Attachment 1 (839498445-14234) for public consultation in accordance with sections 76AA, 82 and 82A of the Local Government Act 2002; and**
4. **Agrees that the consultation on the Draft Significance and Engagement Policy (839498445-14234) will occur at the same time as the Long Term Plan 2024-2034 consultation process; and**
5. **Agrees that His Worship Mayor Hon Dr Smith and the Chief Executive be delegated authority to approve any minor amendments required to the Draft Significance and Engagement Policy (839498445-14234) prior to it being made available for public consultation.**

9. Navigation Safety Policies and Harbour Safety Management System

68 - 160

Document number R27847

Recommendation

That the Council

1. **Receives the report Navigation Safety Policies and Harbour Safety Management System (R27847) and its attachments (1940938042-1672, 1940938042-1678, 1940938042-1651, 1940938042-1777, 1940938042-1956, 1940938042-1980); and**
2. **Approves the following:**
 - **Harbour Safety Policy (Attachment 1, 1940938042-1672);**
 - **Harbour Safety Management System Harbour Safety Plan (Attachment 2, 1940938042-1678);**
 - **Harbour Safety Management System Manual (Attachment 3, 1940938042-1651);**

- *Harbour Operational Policies (Attachment 4, 1940938042-1777);*
 - *Nelson Harbour Hot Work Policy (Attachment 5, 1940938042-1956); and*
3. *Receives the Port and Harbour Marine Safety Code external review report (Attachment 6, 1940938042-1980); and*
 4. *Agrees to make the Harbour Safety Policy and Harbour Safety Management System documents publicly available on the Nelson City Council website (Harbourmaster page) and referenced in other relevant documents such as the Long-Term Plan.*

10. Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater) 161 - 166

Document number R27840

Recommendation

That the Council

1. *Receives the report Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater) (R27840) and its attachments*
 - *Draft 2024-34 Water Supply Activity Management Plan (5082210-161);*
 - *Draft 2024-34 Wastewater Activity Management Plan(205082210-160);*
 - *Draft 2024-34 Stormwater Activity Management Plan(205082210-162); and*
2. *Approves the -*
 - *Draft 2024-34 Water Supply Activity Management Plan (5082210-161);*
 - *Draft 2024-34 Wastewater Activity Management Plan(205082210-160);*
 - *Draft 2024-34 Stormwater Activity Management Plan(205082210-162);*

as the versions to inform the development of the Long Term Plan 2024-2034; and

3. Notes that the-

- *Draft 2024-34 Water Supply Activity Management Plan (5082210-161);*
- *Draft 2024-34 Wastewater Activity Management Plan(205082210-160);*
- *Draft 2024-34 Stormwater Activity Management Plan(205082210-162); and*

will be updated, and the final Activity Management Plans approved by Council after the adoption of the Long Term Plan 2024-2034.

11. Draft Transport Activity Management Plan 2024 167 - 171

Document number R27886

Recommendation

That the Council

- 1. Receives the report Draft Transport Activity Management Plan 2024 (R27886) and its attachment (1862260321-21129); and**
- 2. Approves the Draft Transport Activity Management Plan 2024-34 (1862260321-21129) as the version to inform the development of the Long Term Plan 2024-2034; and**
- 3. Notes that the Draft Transport Activity Management Plan 2024-34 (1862260321-21129) will be updated, and the final Activity Management Plan approved by Council after the adoption of the Long Term Plan 2024-2034.**

12. Community Housing Acceleration Taskforce - Change of Terms of Reference 172 - 180

Document number R27788

Recommendation

That the Council

1. ***Receives the report Community Housing Acceleration Taskforce - Change of Terms of Reference (R27788) and its attachment (336940202-7576); and***
2. ***Approves the revised Terms of Reference for the Community Housing Acceleration Taskforce in Attachment 1 (336940202-7576).***

13. The City of Nelson Civic Trust - Council Controlled Organisation Exemption 181 - 185

Document number R27640

Recommendation

That the Council

1. ***Receives the report The City of Nelson Civic Trust - Council Controlled Organisation Exemption (R27640); and***
2. ***Approves an exemption to the City of Nelson Civic Trust for the purposes of Section 6(4)(i) of the Local Government Act 2002, in accordance with Sections 7(3) and 7(6) of the Act and after considering the matters in Section 7(5) of the Act.***

14. Members' Code of Conduct 186 - 220

Document number R27350

Recommendation

That the Council

1. ***Receives the report Members' Code of Conduct (R27350) and its attachment (839498445-17264); and***
2. ***Adopts the updated Members' Code of Conduct; and***
3. ***Notes that the updated Members' Code of Conduct will be made publicly available through Council's website.***

CONFIDENTIAL BUSINESS

15. Exclusion of the Public

Recommendation

That the Council

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Confidential Minutes - 10 August 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)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Recommendations from Committees 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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
3	Bishop Suter Trust - Trustee Rotation and Remuneration 2023/24	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(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)
4	Nelmac Limited - Director Reappointment	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
5	Nelmac Limited - Director Remuneration 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)(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 10 August 2023, commencing at 9.00a.m.

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

In Attendance: Acting Chief Executive and Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (M Bishop), Group Manager Community Services (A White), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald) Team Leader Governance (R Byrne) and Senior Governance Adviser (H Wagener)

Apologies : Nil

Karakia and Mihi Timatanga

1. Apologies

No apologies were received.

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

2. Confirmation of Order of Business

His Worship the Mayor Hon Dr Nick Smith advised that the order of business would be adjusted to progress the meeting efficiently.

3. Interests

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

4. Public Forum

4.1. Kathleen Mardon - The Nelson Foodbank and their work

Document number R27825

Kathleen Mardon spoke to a tabled presentation (1982984479-6448) and answered questions regarding the availability of ongoing funding, the impact of the cost-of-living crises vulnerable community members and Nelson Foodbank's collaboration with other organisations.

Attachments

- 1 1982984479-6448 Nelson Foodbank presentation

4.2. Mike Rodwell - Vaping

Document number R27880

Mike Rodwell spoke about vaping addiction and the number of vape stores opening in the community and answered questions about an increase in youth addiction.

5. Confirmation of Minutes

5.1 6 July 2023

Document number M20212, agenda pages 12 - 22 refer.

The minutes have been amended to reflect the full change to the wording of the Draft Significant Forecasting Assumptions on pages 113 and 116 of the Council Agenda of 6 July 2023.

Resolved CL/2023/154

That the Council

- 1. Confirms the amended minutes of the meeting of the Council, held on 6 July 2023, as a true and correct record.***

His Worship the Mayor/Courtney

Carried

6. Mayor's Report

Document number R27833, agenda pages 23 - 73 refer.

His Worship the Mayor Hon Dr Nick Smith presented his report and proposed taking the discussion in parts. He noted the successful introduction of the new bus service and increase in patronage and thanked the staff responsible for the 1 August roll-out and continued promotion of the new service.

Resolved CL/2023/155

That the Council

- 1. Receives the report Mayor's Report (R27833); and its attachment (1118544611-7197); and***
- 2. Receives the Local Government Members (2023/24) Determination 2023 from the Remuneration Authority (1118544611-7197);***

His Worship the Mayor/Rainey

Carried

The item was adjourned until 10.25 a.m. for attendance and morning tea in recognition of service for Laurie Christian.

7. Governance Structure Review

Document number R27853, agenda pages 74 - 87 refer.

Group Manager Strategy and Communications, Nicky McDonald and Manager Governance and Support, Devorah Nicuarta-Smith took the report as read and answered questions on the scope of the climate change taskforce, the remuneration of committee and taskforce chairs, public accessibility of taskforce information and meetings and how the taskforces fit in with iwi partnership.

His Worship the Mayor Hon Dr Smith advised that he had put forward the recommendations in the report on appointments to the two proposed taskforces.

His Worship the Mayor Hon Dr Smith moved the motion, seconded by Councillor Courtney.

Recommendation

That the Council

- 1. Receives the report Governance Structure Review (R27853) and its attachments (1974015928-1230, 1974015928-1231, 1373411589-804, 1522493403-1647 and 1982984479-6368); and***
- 2. Requests the Chief Executive to present a high-level six-monthly report to Council on progress in each of the following***

activity areas: environment and regulation, infrastructure, and community services; and

3. *Approves that the following two taskforces be established and confirms the proposed Terms of Reference for each that are attached to this report (R27853):*
 - *Climate Change Taskforce (1974015928-1231)*
 - *City Centre Playspace Taskforce (1974015928-1230); and*
4. *Confirms that the membership of the Climate Change Taskforce will be:*
 - *Councillor Aaron Stallard (Chair)*
 - *Councillor Matthew Benge*
 - *Councillor Mel Courtney*
 - *Councillor Rachel Sanson*
 - *Mayor Nick Smith; and*
5. *Confirms that the membership of the City Centre Playspace Taskforce will be:*
 - *Councillor James Hodgson (Chair)*
 - *Councillor Pete Rainey*
 - *Councillor Kahu Paki Paki*
 - *Councillor Campbell Rollo; and*
6. *Adopts the Taskforce Protocols (1373411589-804) as guidance for the members and external participants of taskforces; and*
7. *Agrees that external participants appointed to taskforces are not members appointed under the Local Government Act 2002 as outlined in the Taskforce Protocols.*
8. *Notes the guidance prepared on liaison councillor roles and information protocols (1522493403-1647, 1982984479-6368); and*
9. *Notes that the Delegations Register will be updated to reflect the confirmed changes from the Governance Structure Review (R27853)*

10. *Agrees that in May 2024, Council further considers its governance arrangements so as to allow them to evolve over this triennium.*

His Worship the Mayor/Courtney

Councillor Stallard broadly supported the items but supported additional standing committees and moved an amendment, seconded by Councillor Paki Paki. The motion proposed the establishment of standing committees including, but not limited to Infrastructure, Environment and Planning; and Community and Recreation committees.

Acting Chief Executive and Group Manager Infrastructure, Mr Louverdis advised that the amendment was substantially different to the recommendation and from that that was workshopped with elected members. Mr Louverdis noted that good local government decision-making required adequate time to consider the impact of the amendment specifically in relation to the implications of any new structure on existing meeting and the ability of staff to resource this. In relation to a question Mr Louverdis advised that should the amendment be successful a follow up report dealing with implications could be presented to Council in October 2023. The mover and seconder of the amended motion agreed to this change.

The item was adjourned at 10.25a.m. to consider the reconvened Mayor's Report.

8. Mayor's Report (Agenda Item 6 reconvened)

Document number R27833, agenda pages 23 - 73 refer.

Laurie Christian joined the meeting and His Worship the Mayor Hon Dr Nick Smith recognised his nearly 30 years of service to the Nelson Community Patrol.

Resolved CL/2023/156

That the Council

3. ***Acknowledges the retirement of Laurie Christian, from the Nelson Community Patrol, after close to 30 years of service.***

His Worship the Mayor/Courtney

Carried

The meeting adjourned from 10.30a.m until 10.52a.m.

9 Governance Structure Review (Agenda Item 7 reconvened)

Document number R27853, agenda pages 74 - 87 refer.

The benefits of establishing committees were discussed, including transparency of debate and decision making, making full use of the wide range of experience of elected members, upskilling of newly elected members, broad oversight of the activities of Council, distribution of responsibilities amongst elected members and avoidance of concentrated decision-making. The disadvantages noted were very structured processes and discussion format, undue pressure on staff time and resources brought about by reconsideration of committee decisions by Council and costs to Council.

Advantages of taskforces were also discussed including the improved quality of decision making by Council, the flexibility provided by reduced formality and that taskforces had to date been effective and efficient. It was also noted that taskforces were working well and no change in approach was required.

The amendment moved by Councillor Stallard, seconded by Councillor Paki Paki was put, and a division was called.

That the Council

1. *Receives the report Governance Structure Review (R27853) and its attachments (1974015928-1230, 1974015928-1231, 1373411589-804, 1522493403-1647 and 1982984479-6368); and*
2. *Requests the Chief Executive to present a high-level six-monthly report to Council on progress in each of the following activity areas: environment and regulation, infrastructure, and community services; and*
3. *Approves that the following two taskforces be established and confirms the proposed Terms of Reference for each that are attached to this report (R27853):*
 - *Climate Change Taskforce (1974015928-1231)*
 - *City Centre Playspace Taskforce (1974015928-1230); and*
4. *Confirms that the membership of the Climate Change Taskforce will be:*
 - *Councillor Aaron Stallard (Chair)*
 - *Councillor Matthew Benge*
 - *Councillor Mel Courtney*
 - *Councillor Rachel Sanson*
 - *Mayor Nick Smith; and*

5. Confirms that the membership of the City Centre Playspace Taskforce will be:
 - Councillor James Hodgson (Chair)
 - Councillor ~~Trudie Brand~~ Councillor Pete Rainey
 - Councillor Kahu Paki Paki
 - Councillor Campbell Rollo; and
6. Adopts the Taskforce Protocols (1373411589-804) as guidance for the members and external participants of taskforces; and
7. Agrees that external participants appointed to taskforces are not members appointed under the Local Government Act 2002 as outlined in the Taskforce Protocols.
8. Notes the guidance prepared on liaison councillor roles and information protocols (1522493403-1647, 1982984479-6368); and
9. Notes that the Delegations Register will be updated to reflect the confirmed changes to taskforces from the Governance Structure Review (R27853)
10. Agrees to the establishment of standing committees including, but not limited to:
 - a) Infrastructure;
 - b) Environment and Planning;
 - c) Community and Recreation; and
11. Agrees that changes to the delegations register to enable the establishment of these committees will be brought to the October Council meeting; and
12. Notes that the existing governance arrangements and taskforce protocols, particularly delegations and governance adviser support, will be reviewed in line with the establishment of standing committees and any required changes brought back to the October Council meeting; and
13. Agrees that in May 2024, Council further considers its governance arrangements so as to allow them to evolve over this triennium.

The amendment was put, and a division was called:

<u>For</u>	<u>Against</u>
Cr O'Neill-Stevens	His Worship the Mayor Smith
Cr Paki Paki	(Chairperson)
Cr Rainey	Cr Anderson
Cr Sanson	Cr Benge
Cr Stallard	Cr Brand
	Cr Courtney
	Cr Hodgson
	Cr Rollo
	Cr Skinner

The amendment was lost 5 - 8.

Stallard/Paki Paki

Lost

The original motion remained the substantive motion and was put and carried.

Resolved CL/2023/157

That the Council

- 1. Receives the report Governance Structure Review (R27853) and its attachments (1974015928-1230, 1974015928-1231, 1373411589-804, 1522493403-1647 and 1982984479-6368); and***
- 2. Requests the Chief Executive to present a high-level six-monthly report to Council on progress in each of the following activity areas: environment and regulation, infrastructure, and community services; and***
- 3. Approves that the following two taskforces be established and confirms the proposed Terms of Reference for each that are attached to this report (R27853):***
 - Climate Change Taskforce (1974015928-1231)***
 - City Centre Playspace Taskforce (1974015928-1230); and***
- 4. Confirms that the membership of the Climate Change Taskforce will be:***
 - Councillor Aaron Stallard (Chair)***
 - Councillor Matthew Benge***
 - Councillor Mel Courtney***

- **Councillor Rachel Sanson**
 - **Mayor Nick Smith; and**
5. **Confirms that the membership of the City Centre Playspace Taskforce will be:**
- **Councillor James Hodgson (Chair)**
 - **Councillor Pete Rainey**
 - **Councillor Kahu Paki Paki**
 - **Councillor Campbell Rollo; and**
6. **Adopts the Taskforce Protocols (1373411589-804) as guidance for the members and external participants of taskforces; and**
7. **Agrees that external participants appointed to taskforces are not members appointed under the Local Government Act 2002 as outlined in the Taskforce Protocols.**
8. **Notes the guidance prepared on liaison councillor roles and information protocols (1522493403-1647, 1982984479-6368); and**
9. **Notes that the Delegations Register will be updated to reflect the confirmed changes from the Governance Structure Review (R27853)**
10. **Agrees that in May 2024, Council further considers its governance arrangements so as to allow them to evolve over this triennium**

His Worship the Mayor/Courtney

Carried

The meeting was adjourned from 11.48a.m until 11.54a.m.

10. Notification of Plan Change 29

Document number R27805, agenda pages 88 - 117 refer.

Group Manager Environmental Management, Mandy Bishop and Acting Manager Environmental Planning, Dennis Bush-King took the report as read and answered questions on alignment of the e-Plan with regulatory requirements, use of plain English in the e-Plan, the minimum requirements of what would be acceptable as a submission, support for

submitters by the Friend of Submitters, influence and effect of submissions on the process, and the composition of the hearings panel.

Ms Bishop and Mr Bush-King answered questions on the importance of Plan Change 29 for Nelson, which had been guided by the Resource Management Act, National Standards and Nelson's own requirements and the consequences of densification in Nelson. They clarified papakāinga development provisions and the exclusion of mandatory parking requirements for property development.

Resolved CL/2023/158

That the Council

1. ***Receives the report Notification of Plan Change 29 (R27805) and its attachment (539570224-14803); and***
2. ***Agrees to proceed with Plan Change 29 subject to the correction of any minor errors that the Chief Executive considers necessary for the purpose of clarity and technical correctness; and***
3. ***Endorses the content of the Section 32 Evaluation Report (539570224-14803) for Plan Change 29 subject to the correction of any minor errors the Chief Executive considers necessary for the purpose of clarity and technical correctness; and***
4. ***Approves public notification of Proposed Plan Change 29 in accordance with Clause 5 of Schedule 1 to occur on 11 August 2023; and***
5. ***Notes that at its meeting on 4 May 2023 Council agreed that Plan Change 31 would be notified alongside Plan Change 29; and***
6. ***Agrees that the date for the close of submissions on Plan Change 29 and 31 is 27 working days after public notification which would be on 19 September 2023; and***
7. ***Agrees to establish a mixed, three-person Hearings Panel comprising an Independent Chair, Deputy Mayor O'Neill-Stevens and Councillor Brand to hear and recommend on submissions received in relation to Plan Changes 29 and 31.***

His Worship the Mayor/Sanson

Carried

The meeting was adjourned from 1:12p.m until 2.00p.m.

11. Standing Orders Review 2023

Document number R27576, agenda pages 118 - 211 refer.

Group Manager Strategy and Communications, Nicky McDonald and Team Leader Governance, Robyn Byrne, took the report as read and answered questions on the Chair's discretion to determine the time allowed for public forums at Council meetings.

The Nelson City Council Standing Orders were amended to correct minor editorial errors.

Resolved CL/2023/159

That the Council

1. ***Receives the report Standing Orders Review 2023 (R27576) and its attachments (1982984479-5561 and 1373411589-873); and***
2. ***Agrees to the inclusion of the provisions providing the ability for members to attend meetings via audio- or audio-visual link (Standing Order 13.7 – 13.14); and***
3. ***Declines to adopt the use of a casting vote for the Chair (Standing Order 19.3); and***
4. ***Selects Standing Order 22.2: Option A as the default for speaking and moving motions; and***
5. ***Approves electronic archiving of meeting papers (Standing Order 29.2) commencing for business papers from 10 October 2022; and***
6. ***Adopts, in accordance with Clause 27, Schedule 7 of the Local Government Act 2002, the amended Nelson City Council Standing Orders (1373411589-873); and***
7. ***Updates the Delegations Register to note that the following committees do not have a Public Forum:***
 - a. ***Chief Executive Employment Committee***
 - b. ***Audit Risk and Finance Committee***
 - c. ***District Licensing Committee***
 - d. ***Tenders Committee***

O'Neill-Stevens/Sanson

Carried

12. He Tātai Whetū implementation - approving changes to funding allocations

Document number R27816, agenda pages 212 - 218 refer.

Group Manager Strategy and Communications, Nicky McDonald and Policy Adviser, Ailish Neyland took the report as read and answered a question regarding the consent of the Department of Internal Affairs for changes to the allocated funding.

Resolved CL/2023/160

That the Council

- 1. Receives the report He Tātai Whetū implementation - approving changes to funding allocations (R27816); and***
- 2. Approves reallocating \$50,000 from the Arts Relief Package and \$100,000 from the Creative Tourism Initiative, to provide \$150,000 to Arts Council Nelson to support its transition to an Arts Development Agency; and***
- 3. Agrees that Arts Council Nelson/the Arts Development Agency is the appropriate agency to implement the Creative Tourism Initiative and Arts Relief Package; and***
- 4. Notes that the He Tātai Whetū/Arts and Creativity Strategy Taskforce is considering the best use of the Arts Relief Package funding and will recommend a refreshed approach to a future Council meeting; and***
- 5. Notes the incorporation of a mapping exercise of current and future arts and creativity assets, within the arts hub investigation approved as part of the Annual Plan 2023/24.***

O'Neill-Stevens/Rainey

Carried

13. Amendment to Terms of Reference for Regional Pest Management Joint Committee

Document number R27813, agenda pages 218 - 227 refer.

Group Manager Environmental Management, Mandy Bishop and Environmental Programmes Adviser, Richard Frizzell, took the report as read and answered questions on the process to change the Regional Pest Strategy to deal with feral cats at specific locations, and the possible making of a bylaw.

Resolved CL/2023/161

That the Council

- 1. Receives the report Amendment to Terms of Reference for Regional Pest Management Joint Committee (R27813) and its attachment (596364813-7363); and***
- 2. Notes that an amendment to the Terms of Reference for the Regional Pest Management Joint Committee (596364813-7363) was approved by Tasman District Council at its meeting on 20 July 2023, subject to agreement by Nelson City Council; and***
- 3. Approves an amendment to the Terms of Reference for the Regional Pest Management Joint Committee (596364813-7363) to include consideration of feral cats in the limited review of the Tasman Nelson Regional Pest Management Plan 2019-2029, by the addition of a fourth bullet point under 3. Areas of Responsibility, matters the review will be limited to considering, as follows:***
 - Identification of additional site led control areas for feral cat management including the use of Biosecurity Act Pest Agent Provisions.***

Sanson/Stallard

Carried

14. Nelson Festivals Trust End of Year Report - 2022/23

Document number R27748, agenda pages 228 - 290 refer.

Nelson Festival Trust Executive and Artistic Director Lydia Zanetti and Trustee Sarah Yarrow spoke to their presentation and answered questions on the availability of ongoing committed long-term funding for the festival and the sustained growth of community-led events.

Resolved CL/2023/162

That the Council

- 1. Receives the report Nelson Festival Trust End of Year Report - 2022/23 (R27748) and its attachments (1511110536-760, 1511110536-761 and 1511110536-759)***

Sanson/Courtney

Carried

Attachments

1 1982984479-6461 Nelson Arts Festival Presentation

Video link [Nelson Arts Festival](#)

15. The Effectiveness of the Compliance Strategy 2020

Document number R27831, agenda pages 291 - 385 refer.

Group Manager Environmental Management, Mandy Bishop took the report as read and answered questions on the alignment of the Compliance Strategy 2020 with national and regional guidelines and on the use of drones for enforcement.

Resolved CL/2023/163

That the Council

- 1. Receives the report The Effectiveness of the Compliance Strategy 2020 (R27831) and its attachments (756385493-50372 and 756385493-52701); and***
- 2. Notes officers propose to remove the annual review of the effectiveness of the Compliance Strategy from the Long-Term Plan performance measures to review the Strategy by 2025, then as required after that.***

His Worship the Mayor/Brand

Carried

16. Tāhunanui Beach Unbudgeted Expenditure Request

Document number R27841, agenda pages 386 - 429 refer.

Group Manager Community Services, Andrew White, Manager Parks and Facilities, Hannah Curnow and Team Leader Parks, Sarah Clarke, took the report as read and answered questions on the availability of Government funding for remediation and provision of budget for remediation in the Long Term Plan, the likelihood that other sites were similarly contaminated with sawdust, the timing of testing for contaminants since the sawdust was first exposed, whether tests were done for the presence of pentachlorophenol (PCP) and if more testing was needed, contamination of dioxin leachate in the sand, the availability of suitable persons to test and remediate the contamination, compliance with regulatory requirements, and continued access to the carpark.

Resolved CL/2023/164

That the Council

- 1. Receives the report Tāhunanui Beach Unbudgeted Expenditure Request (R27841) and its attachments (310955630-8811 and 310955630-8812); and***

2. ***Allocates up to \$100,000 of unbudgeted expenditure to prepare a plan of short-term and long-term actions to mitigate the effects and risks arising from sawdust material placed at Tāhunanui Beach in the 1960s; and***
3. ***Allocates up to \$350,000 of unbudgeted expenditure towards short term actions to mitigate the effects and risks arising from sawdust material placed at Tāhunanui Beach in the 1960s; and***
4. ***Notes that the Mayor has written to the Minister and Chief Executive of Ministry for the Environment, providing a copy of this report and advising that Council will subsequently seek funding assistance from the Government's Contaminated Sites Remediation Fund.***

Rollo/Sanson

Carried

17. Exclusion of the Public

Jane Sheard and Lindsay Coll of Nelmac Limited were in attendance for Item 2 of the Confidential agenda to answer questions and, accordingly, the following resolution is required to be passed:

Resolved CL/2023/165

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 and Lindsay Coll of Nelmac Limited remain after the public has been excluded, for Item 2 of the Confidential agenda (Nelmac Limited final Statement of Intent 2023/24), as they have knowledge relating to Nelmac that will assist the meeting.***

Paki Paki/Stallard

Carried

Recommendation

That the Council

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

Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Confidential Minutes - 6 July 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)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Nelmac Limited final Statement of Intent 2023/24	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
3	August 2022 Extreme Weather Event Recovery - 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)(g) To maintain legal professional privilege • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into confidential session at 03.49p.m. at which time Councillor Sanson left, and resumed in public session at 4.22p.m.

Karakia Whakamutanga

18. Restatements

It was resolved while the public was excluded:

1 CONFIDENTIAL: Nelmac Limited final Statement of Intent 2023/24

4. Notes that the final Nelmac Limited Statement of Intent (1511110536-735) will be made publicly available on Council's website within one month as per legislation; and
5. Agrees that the decision on the final Nelmac Limited Statement of Intent (1511110536-735) be made publicly available; and
6. Notes that the Report (R27822) requires redacting, and once redacted, will be made publicly available.

2 CONFIDENTIAL: August 2022 Extreme Weather Event Recovery - Land purchase

10. Agrees that the Report (R27691) and its attachment 1590798627-642 remain confidential.

There being no further business the meeting ended at 4.23p.m.

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 17 August 2023, commencing at 9.01a.m.

- Present: His Worship the Mayor N Smith (Chairperson), Councillors M Anderson, M Benge, T Brand, M Courtney, J Hodgson, K Paki Paki, P Rainey, C Rollo, R Sanson, T Skinner and A Stallard
- In Attendance: Chief Executive (N Philpott), Group Manager Infrastructure (A Louverdis), Governance Adviser (K Libeau) and Assistant Governance Adviser (A Bryce)
- Apology: An apology has been received from Councillor R O'Neill-Stevens

Karakia and Mihi Timatanga

1. Apologies

Resolved CL/2023/169

That the Council

- 1. Receives and accepts an apology from Councillor R O'Neill-Stevens.***

Courtney/Paki Paki

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. **Confirmation of Minutes - 23 June 2023**

Document number R27887, late items agenda pages 2 - 4 refer.

Resolved CL/2023/170

That the Council

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

His Worship the Mayor/Courtney

Carried

6. **Draft Traffic and Parking Bylaw - Deliberations Report**

Document number R27450, agenda pages 4 - 76 refer.

Group Manager Infrastructure, Alec Louverdis, and Team Leader Transport Activity Management, Drew Bryant, took the report as read. They outlined that the majority of submissions received were in regards to the long term parking of motorhomes and the ability to park on berms. They confirmed the officers' recommendation included the removal of clause 39 to allow for long term parking of motorhomes.

During discussion about long term parking of motorhomes Mr Louverdis and Mr Bryant answered questions on the availability of alternate measures to manage motorhome parking in the Traffic and Parking Bylaw where there was a safety hazard, whether the provisions of the Land Transport Act had previously successfully been applied to move vehicles, whether the motorhomes to be regulated under the initial clause 39 were inhabited or uninhabited, whether a night light was required when parked on the road overnight, the efficacy of traffic and parking bylaws used around New Zealand and the bylaw review requirements.

In response to questions Mr Bryant advised that contrary to the current bylaw provisions, the proposed bylaw would prohibit parking on berms unless a specific area was exempted. He also clarified that certain wheeled recreational vehicles with a wheel diameter below the threshold could be used on footpaths, subject to bylaw restrictions. It was noted that this clause should only apply to urban areas and clause 37.1 was amended to reflect this.

The meeting adjourned from 10:25a.m. until 10:33a.m.

During discussion on clause 38 which would prohibit parking a vehicle for the purpose of advertising a good or service; promoting a candidate for election; or advertising, offering or displaying the vehicle for sale, the

difficulty for enforcement officers to differentiate between a situation where a vehicle was parked on the side of the road for the purpose of advertising or a situation where the vehicle was parked on the side of the road for another reason and due to having advertising on the vehicle would be caught by the bylaw. It was agreed that this clause be removed from the proposed bylaw.

His Worship the Mayor Hon Dr Smith moved the amended officer's motion, seconded by Councillor Rainey.

That the Council

1. *Receives the report Draft Traffic and Parking Bylaw - Deliberations Report (R27450) and its attachments (1862260321-57986 and 1862260321-57989); and*
2. *Approves amendments to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) including:

the addition of the words "in an urban area" to clause 37.1(a); and*
3. *Approves amendments to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) including:

removal of Clause 38; and*
4. *Delegates authority to make any minor changes to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) to the Chief Executive; and*
5. *Adopts the Traffic and Parking Bylaw 2023 (1862260321-57989) effective from 3 November 2023; and*
6. *Updates the Officer Delegations Register to reflect the provisions under Clause 28 (temporary discontinuance or restriction of parking spaces).*

The implications of including the powers Waka Kotahi had delegated to Council to manage a section of State Highway between Peace Grove Car Park and the Annesbrook roundabout were discussed and it was proposed to delete clauses 5.1(b) and 5.2 from the bylaw.

Councillor Rollo, seconded by Councillor Benge proposed an amendment to reflect removing the delegated Waka Kotahi powers. The amendment was put, and a division was called.

The meeting adjourned from 12:05p.m. until 12:20p.m.

Amendment

That the Council

1. Receives the report Draft Traffic and Parking Bylaw - Deliberations Report (R27450) and its attachments (1862260321-57986 and 1862260321-57989); and
2. Approves amendments to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) including:

the addition of the words "in an urban area" to clause 37.1(a); and
3. Approves amendments to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) including:

removal of Clause 38; and
4. Approves a further amendment to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) to remove clause 5.1(b) and 5.2; and
5. Delegates authority to make any minor changes to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) to the Chief Executive; and
6. Adopts the Traffic and Parking Bylaw 2023 (1862260321-57989) effective from 3 November 2023; and
7. Updates the Officer Delegations Register to reflect the provisions under Clause 28 (temporary discontinuance or restriction of parking spaces).

The amendment was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Abstained/Interest</u>
Cr Benge	Cr Smith	
Cr Brand	(Chairperson)	
Cr Courtney	Cr Anderson	
Cr Paki Paki	Cr Hodgson	
Cr Rollo	Cr Rainey	
Cr Skinner	Cr Sanson	
	Cr Stallard	

The amendment was equal 6 – 6, therefore the motion was lost.

Rollo/Benge

Lost

The original motion remained the substantive motion. The motion was put in parts and a division was called.

Resolved CL/2023/171

That the Council

- 1. Receives the report Draft Traffic and Parking Bylaw - Deliberations Report (R27450) and its attachments (1862260321-57986 and 1862260321-57989); and***
- 2. Approves amendments to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) including:

the addition of the words "in an urban area" to clause 37.1(a); and***

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Abstained/Interest</u>
Cr Smith (Chairperson)	Cr Bengé Cr Brand	
Cr Anderson	Cr Skinner	
Cr Courtney		
Cr Hodgson		
Cr Paki Paki		
Cr Rainey		
Cr Rollo		
Cr Sanson		
Cr Stallard		

The motion was carried 10-3.

- 3. Approves amendments to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) including:

removal of Clause 38; and***
- 4. Delegates authority to make any minor changes to the Draft Traffic and Parking Bylaw 2023 (1862260321-57989) to the Chief Executive; and***
- 5. Adopts the Traffic and Parking Bylaw 2023 (1862260321-57989) effective from 3 November 2023; and***
- 6. Updates the Officer Delegations Register to reflect the provisions under Clause 28 (temporary discontinuance or restriction of parking spaces).***

His Worship the Mayor/Rainey

Carried

Karakia Whakamutanga

There being no further business the meeting ended at 12:43p.m.
Confirmed as a correct record of proceedings by resolution on (date)

Resolved

Report Title: Mayor's Report
Report Author: Hon Dr Nick Smith - Mayor
Report Number: R27917

1. Purpose of Report

- 1.1 To acknowledge the death of former Nelson City Councillor Seddon Marshall, who served on Council for 33 years.
- 1.2 To agree in principle to a cost-sharing package with the Government to support recovery work from the August 2022 extreme weather event.
- 1.3 To consider a change in the membership of the Community Housing Acceleration Taskforce.

2. Recommendation

That the Council

- 1. Receives the report Mayor's Report (R27917) and its attachment/s (1118544611-7258); and***
- 2. Acknowledges with a minute's silence the death of Seddon Marshall, who served on Nelson City Council for 33 years; and***
- 3. Agrees in principle to a cost-sharing package with the Government to support the recovery work from the extreme weather event of August 2022, subject to an officer's report detailing the implications and future cost to Council; and***
- 4. Notes there will be additional costs to Council for up to 14 buyouts of properties where the cost to repair exceeds their value; and***
- 5. Instructs Council officers to prepare a report for the 19 October Council meeting on the next steps required to finalise the funding agreement with the Government; and***

6. ***Receives an update on Plan Change 29 including an extension to the submission timeframe.***
7. ***Agrees that Councillor Matty Anderson replace Deputy Mayor Rohan O'Neill-Stevens on the Community Housing Acceleration Taskforce, subject to Council approving the proposed revised Terms of Reference for the taskforce (R27788) on today's agenda.***

3. Discussion

Death of Seddon Marshall

- 3.1 Former Nelson City Councillor Seddon Marshall died on 26 August 2023, aged 86 years. First elected in 1968, Seddon went on to serve Nelson for 11 terms or 33 years under five mayors – Trevor Horne, Roy McLennan, Peter Malone, Philip Woollaston and Paul Matheson.
- 3.2 Seddon first stood for Council after getting into a public fight with then Mayor Doug Strawbridge over sewage being discharged into the river. The Mayor challenged Seddon, through the paper, to stand for Council if he thought he could do better. Seddon accepted the challenge, through the paper, stood and was elected as the youngest candidate at that time.
- 3.3 Seddon never forgot why he stood for Council and was a driving force behind many infrastructure projects including the water treatment plant and the Maitai Dam. Seddon also served for many years as the Council Representative on the Nelson Regional Airport Authority and as the Council Director on Nelmac.
- 3.4 Seddon was a lead advocate for a complex development project at Nelson Regional Airport, without whom it would not have been completed. The list of Council roles Seddon held during his 11 terms stretches over two and-a-half pages.
- 3.5 He was also Deputy Mayor under Peter Malone. A Council staff member recalled for me last week that after one particularly outrageous board meeting, Mayor Malone was taken aside and asked how anyone could possibly control Seddon. The Mayor smiled and said: "Seddon is like a horse that has bolted. I don't try to stop him; I don't stand in front of him. Rather, I just hang on for the ride and do my best to guide him roughly in the direction I want to go."
- 3.6 When Seddon first joined Council, Nelson was looking at building a new library, just as it is today. He played a key role in that project, which resulted in the Elma Turner Library being officially opened in February 1990. As part of this work, Seddon visited libraries across New Zealand – and in Australia while he was there on other business – to bring back lessons for Nelson.

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- 3.7 In another parallel with today, Council's funds were stretched early in Seddon's tenure by the flood of 1970. He recalled that the flood repairs cost \$1 million, which he said was also the total rate take at that time.
- 3.8 Seddon Marshall, by his length of service, seniority of roles and force of personality, had more influence on this city than any other Councillor in the past 50 years.
- 3.9 I ask for everyone to observe a minute's silence in remembrance of Seddon's extraordinary service to Nelson.

Storm recovery cost-sharing package offer

- 3.10 Storm recovery work continues to dominate my work and I wish to acknowledge the huge number of recovery projects Council staff are advancing. The largest part of my role has been trying to secure additional Government support to help affected residents and to offset the cost to ratepayers. This work has involved extensive lobbying through letters, phone calls and meetings in Wellington and Nelson with Parliamentarians, Ministers and Government officials.
- 3.11 I have been particularly frustrated by the extensive support offered to North Island communities affected by Cyclone Gabrielle and the Auckland rainfall events when the equivalent support was not being offered in Nelson.
- 3.12 My key issues were:
- 3.12.1 Rental relief for families whose alternative housing insurance had expired and were facing a large increase in mortgage costs for their damaged home as well as high rents in a tight market for their alternative accommodation. An accommodation allowance was being made available to North Island families in this situation but not those in Nelson, even though our event was six months earlier.
 - 3.12.2 Finding a solution for homeowners whose properties are so damaged or at risk of damage that the cost of repair exceeds the value of the property. These families are in limbo with few options on a way forward. The Government had offered 50% support to North Island Councils in this situation, to buy out those property owners but had previously declined to engage on this same matter here.
 - 3.12.3 Council has responsibly proposed remediating 18 landslides on our own land by not just restoring the land but building back better. I sought in May and was declined in June Government support for 50% of the cost of the betterment portion, equal to \$6 million.
 - 3.12.4 The Tāhunanui Slump is a unique and particularly difficult, ongoing challenge for Nelson, affecting 120 properties. EQC did a good job in installing and monitoring piezometers and

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inclinometers but withdrew support for ongoing monitoring. This needs to occur to help us manage the risk in future events.

- 3.12.5 We have major infrastructure projects in areas badly affected by the August 2022 storm and to improve resilience, we – like other areas – need support for these projects. The Government's announced \$6 billion National Resilience Plan for Cyclone Gabrielle and the Auckland floods, excluded support for Nelson.
- 3.12.6 I have also been lobbying for support for a rain radar for the region. The lack of this technology means we are less able to manage these increasingly frequent and unpredictable events. The curvature of the earth means the Wellington rain radar is only able to provide limited information. Tens of millions are being spent on studies and consultants on climate change adaptation when this technology is one of the important practical adaptation tools we need.
- 3.12.7 The one-year anniversary of our August 2022 storm event provided a platform to highlight the inconsistencies in the Government's support for North Island communities compared with Nelson. This triggered a re-engagement by Government Ministers and officials. I want to acknowledge the work of our Council recovery team and Department of the Prime Minister and Cabinet staff in working through the detail of our issues.
- 3.13 The Government subsequently committed up to \$12.3 million to support Nelson's recovery from the August 2022 extreme weather event (see a letter from Hon Grant Robertson, dated 31 August 2023: Attachment 1 1118544611-7258). This commitment includes:
- 3.13.1 Up to \$6 million as a 50% contribution to support the buyout of up to 14 properties that have been severely affected as a result of the August 2022 weather event, where the landslide risk is too high for those property owners to return to their homes and the cost to mitigate is prohibitive. These properties are akin to properties affected by the North Island Weather Events in January and February 2023 that are described as Category 3.
- 3.13.2 Investment of up to \$6 million for the betterment of slips on Council-owned land that are affecting residential properties.
- 3.13.3 A lump sum of \$300,000 to monitor the Tāhunanui Slump, which will cover a period of 10 years at \$30,000 per annum.
- 3.13.4 A commitment that an accommodation allowance will be available to families experiencing acute financial hardship because they are paying a mortgage on a home they cannot live in and their insurance-funded support to cover the cost of a rental property has run out.
- 3.14 I am relieved that Government has come on board with this package, which offers Nelson the equivalent level of support offered to

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communities in the North Island affected by Cyclone Gabrielle and the Auckland floods.

- 3.15 For the Nelson families still in limbo after the August 2022 storm, this package offers a way forward including an accommodation allowance in the short term and a possible buyout of their uninhabitable property.
- 3.16 The \$6 million for the betterment of Council slips reduces the forecast cost to ratepayers as we had made the decision to proceed with this work regardless of any Government support. However, this cost saving will be offset by the extra cost of the potential buyouts of up to 14 properties affected by slips on private land.
- 3.17 Council officers are concerned about the precedent and risks of these buyouts. There will be additional costs for removing buildings and making these properties safe as well as ongoing liability. We will also need to have strict criteria around who is eligible, to ensure these costs are manageable for ratepayers. Council officers are right to highlight these risks but I cannot find any alternative solution for these property owners. It is difficult for our Council to refuse this support when other Councils in a similar predicament are doing so.
- 3.18 Council needs to determine the risk and purchase methodologies for the potential buyout of the 14 properties and finalise a draft funding agreement with the Crown. I propose asking Council officers to prepare a report on these matters for the 19 October Council meeting including the likely cost to Council of accepting this offer and any liabilities that could accompany a buyout of these properties.
- 3.19 I propose that, subject to the Staff report and the terms of the funding agreement being acceptable, we agree in principle to accept this package from the Government.

Plan Change 29

- 3.20 On 10 August 2023, Council received and approved the notification of Proposed Plan Change 29, agreeing the date for the close of submissions would be 19 September 2023.

Resolved CL/2023/158

That the Council

1. Receives the report Notification of Plan Change 29 (R27805) and its attachment (539570224-14803); and

2. Agrees to proceed with Plan Change 29 subject to the correction of any minor errors that the Chief Executive considers necessary for the purpose of clarity and technical correctness; and

3. Endorses the content of the Section 32 Evaluation Report (539570224-14803) for Plan Change 29 subject to the correction of any

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minor errors the Chief Executive considers necessary for the purpose of clarity and technical correctness; and

4. Approves public notification of Proposed Plan Change 29 in accordance with Clause 5 of Schedule 1 to occur on 11 August 2023; and

5. Notes that at its meeting on 4 May 2023 Council agreed that Plan Change 31 would be notified alongside Plan Change 29; and

6. Agrees that the date for the close of submissions on Plan Change 29 and 31 is 27 working days after public notification which would be on 19 September 2023; and

7. Agrees to establish a mixed, three-person Hearings Panel comprising an Independent Chair, Deputy Mayor O'Neill-Stevens and Councillor Brand to hear and recommend on submissions received in relation to Plan Changes 29 and 31.

- 3.21 The public has expressed significant concern about Plan Change 29, the effect on their neighbourhoods, the complexity of the documentation and the timeframe for submissions.
- 3.22 Elected Members heard many concerns and questions at the Nelson Market on 2 September and, as a consequence, a decision was made to hold a public meeting on Thursday 7 September at the Trafalgar Centre.
- 3.23 The public meeting was attended by more than 350 people with broad opposition to Plan Change 29. The most common concern was the multi-storey developments of up to six storeys being able to be built in residential areas close to boundaries with no public notification. Other concerns were around the complexity of the information, the provision of infrastructure, the heritage changes and the additional hazard provisions.
- 3.24 There was a lack of knowledge among the public about the extent of intensification detailed in the Nelson Tasman Future Development Strategy (FDS) approved by the previous Council in September 2022, largely replicated in Plan Change 29. This disconnect between the Council and community over Plan Change 29 has occurred, in my view, because of three factors:
- 3.24.1 The FDS discussion tended to be high level and strategic, with a focus on the balance of greenfield vs intensification rather than the public being engaged on the detailed effect of intensification on specific neighbourhoods.
- 3.24.2 The controversy over the proposed Maitahi Bayview development meant less attention was given to the detail of intensification effects in the FDS. It was easy to present intensification as a strategic alternate to the Maitahi proposal without realising the scale of implications for Nelson's inner suburbs.
- 3.24.3 The Council has also, following the FDS, taken quite a cautious view of the risks of climate change and sea level rise, opting not

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to allow more intensification of housing in those areas and therefore increasing the need to intensify in other areas.

- 3.25 The decision to extend the submission timeframe and the support of the Friend of Submitters to 31 October was well received by the public at the meeting. The decision was made by the Chief Executive in consultation with His Worship the Mayor and Councillors, under specific powers of the Resource Management Act allowing extensions.
- 3.26 There has not been time since last Thursday's meeting to confirm the details of the extra neighbourhood engagement that is needed to respond to the concerns raised by the public. I intend to table a supplementary report on how we use the extra time between now and 31 October for an enhanced process of neighbourhood engagement on Plan Change 29.

Community Housing Acceleration Taskforce Membership

- 3.27 The Community Housing Acceleration taskforce and its membership was established on 10 December 2022. The current Terms of Reference were approved by Council on 15 December 2022, identifying the role and powers of this elected member group.
- 3.28 A Council staff report proposing revised Terms of Reference (R27788) is due to be considered at the meeting today. These revised terms include engagement with other stakeholders concerned with housing vulnerability to assess and provide recommendations to Council regarding opportunities to support existing and potential community services.
- 3.29 Councillor Matty Anderson has a particular interest in and experience with people experiencing housing vulnerability including homelessness. Deputy Mayor Rohan O'Neill-Stevens has picked up additional responsibilities with Local Government New Zealand and other Council roles that have increased his workload. I propose Councillor Anderson replace Deputy Mayor O'Neill-Stevens on the Community Housing Acceleration Taskforce if the proposed revised Terms of Reference are approved. This proposal has come about in consultation with both Elected Members.

4. Options on the Storm recovery cost-sharing package

- 4.1 Council has the option of agreeing in principle to the August 2022 extreme weather event cost-sharing package with the Government or not agreeing. Option 1 (agree in principle) is recommended.

Option 1: Agree in principle to cost-sharing package	
Advantages	<ul style="list-style-type: none">• Sends a strong signal to the affected families that Council and Government are working together to help them find a way forward.

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	<ul style="list-style-type: none"> Enables staff to work on a draft funding agreement with the Government to unlock the \$12.3 million offered.
Risks and Disadvantages	<ul style="list-style-type: none"> Will require additional unbudgeted expenditure to meet Council's share of the buyout costs and other related expenses, a total yet to be determined.
Option 2: Do not agree in principle to the cost-sharing package	
Advantages	<ul style="list-style-type: none"> No additional unbudgeted expenditure required at this time.
Risks and Disadvantages	<ul style="list-style-type: none"> Affected families remain in limbo. Loss of offered Government funding.

5. Conclusion

- 5.1 The Government has responded positively to requests for funding support to help Nelson recover from the August 2022 extreme weather event. This Government offer has come in the form of a cost-sharing package worth \$12.3 million. This funding will offset the cost to ratepayers of remediating slips on Council-own land to a better standard than required to provide more resilience, enable a continuation of monitoring of the Tāhunanui Slump and help Council potentially buy out residential properties from owners who cannot return to their homes due to landslide risk for which the cost to mitigate is prohibitive.

6. Next Steps

- 6.1 If the recommendation to agree in principle passes, staff will work on a report for the 19 October Council meeting including the likely cost to Council of accepting this offer, any liabilities that could accompany a buyout of these properties and the practical methodologies for the potential buyout of up to 14 properties.

Attachments

- Attachment 1: 1118544611-7258 August 2022 storm recovery funding support letter from Hon Grant Robertson [↓](#)

<p>Important considerations for decision making</p>
<p>Fit with Purpose of Local Government</p> <p>This decision has a direct effect on our role as the local authority responsible for representing the interests of Nelson property owners who are potentially eligible for support for through the storm recovery cost-sharing package offered by the Government. Council has already committed to the additional expenditure required to repair the slips on Council-owned land to a standard higher than required, and will ensure the continued monitoring the Tāhunanui Slump, both issues that are included in the cost-sharing package.</p>
<p>Consistency with Community Outcomes and Council Policy</p> <p>The August 2022 extreme weather event has been a major focus of Council, and this decision is directly related to progressing a resolution for those families most severely affected by this major event who have been left in limbo.</p>
<p>Risk</p> <p>Risks associated with this decision include the prospect that there are potentially more properties involved than Council is currently aware of. In addition, Council's contribution to the cost-sharing package requires a commitment from Council that may be subject to public engagement, the outcome of which cannot be predicted. The risk and purchase methodologies in the draft-funding agreement are still to be determined.</p>
<p>Financial impact</p> <p>Council's contribution to this cost-sharing package, should it be agreed, is unbudgeted and yet to be determined.</p>
<p>Degree of significance and level of engagement</p> <p>The Government has signalled its willingness to contribute to a cost-sharing package that now requires Council to decide whether it will contribute its proposed share. Due to the likely financial impact, this is potentially of high significance and Council may choose to undertake a Special Consultative Procedure to seek feedback from the Nelson community on whether Council should contribute its half share of this proposed cost-sharing agreement.</p>
<p>Climate Impact</p> <p>There is no effect on climate change from deciding whether to agree in principle to the cost-sharing package.</p>
<p>Inclusion of Māori in the decision making process</p>

Item 7: Mayor's Report

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

Legal context

In relation to recommendations 3, 4 and 5 the legal context and implications will be covered in the officer's report.

Delegations

This is a matter for Council to consider.

Draft Significance and Engagement Policy for consultation

1. Purpose of Report

- 1.1 To adopt a Draft Significance and Engagement Policy for consultation in at the same time as the Long Term Plan 2024-2034 consultation process in March/April 2024.

2. Summary

- 2.1 Council is required to prepare and adopt a Significance and Engagement Policy and a summary of the Policy must be included in the Long Term Plan.
- 2.2 Staff are recommending several amendments to the existing Policy. A Draft Policy, including proposed amendments, is contained in Attachment 1 (839498445-14234) to this report for Council's consideration. Staff consider the amendments are substantial enough to warrant consultation and recommend that the consultation is undertaken in parallel with the Long Term Plan 2024-2034 consultation process.

3. Recommendation

That the Council

1. ***Receives the report Draft Significance and Engagement Policy for consultation (R27870) and its attachment (839498445-14234); and***
2. ***Agrees that the proposed amendments to the existing Significance and Engagement Policy, outlined in paragraph 5.1 of this report (R27870), are sufficiently substantial to require public consultation; and***
3. ***Adopts the Draft Significance and Engagement Policy in Attachment 1 (839498445-14234) for public consultation in accordance with sections 76AA, 82 and 82A of the Local Government Act 2002; and***

4. ***Agrees that the consultation on the Draft Significance and Engagement Policy (839498445-14234) will occur at the same time as the Long Term Plan 2024-2034 consultation process; and***
5. ***Agrees that His Worship Mayor Hon Dr Smith and the Chief Executive be delegated authority to approve any minor amendments required to the Draft Significance and Engagement Policy (839498445-14234) prior to it being made available for public consultation.***

4. Background

- 4.1 The Local Government Act 2002 (LGA 2002) requires that Council has a Significance and Engagement Policy, and a summary of it must be included in the Council's Long Term Plan.
- 4.2 Many decisions Council makes affect our community on a daily basis. The higher the level of significance of the decision, the more important it generally is for Council to engage with the community to understand the community's views and preferences prior to making these decisions.
- 4.3 The Significance and Engagement Policy has four key functions. It lets Council and the community know:
 - 4.3.1 How Council determines the degree of significance of matters – to assist in deciding the level of engagement needed with the community
 - 4.3.2 When the community can expect to be engaged in decision making processes
 - 4.3.3 How engagement is likely to occur – for minor decisions the community may be informed of the decision, whereas for more significant decisions, Council's would normally undertake more in-depth engagement
 - 4.3.4 What Council's strategic assets are – these are the critical assets Council needs to retain to deliver on its outcomes.
- 4.4 Staff have undertaken an assessment of the existing Significance & Engagement Policy to see if it meets current best practice. Several amendments are recommended to the Policy. These were outlined to Council at a workshop on 23 June 2023, where elected members provided feedback to staff, which has been incorporated into the Draft Policy contained in Attachment 1.

Item 8: Draft Significance and Engagement Policy for consultation

5. Discussion

Proposed amendments

- 5.1 Staff are recommending the following key amendments to the existing Significance and Engagement Policy:
- 5.1.1 General improvements to the wording of the Policy to make it easier to read and more user friendly
 - 5.1.2 Amendments to the Introduction paragraph to better explain the purpose of the Policy
 - 5.1.3 Amendments to the criteria for assessing significance
 - 5.1.4 Amendments to the sections on determining significance, community engagement, and on the relationship between engagement and significance (including the associated diagram)
 - 5.1.5 Amendments to the section on engagement with Māori and local iwi to better reflect the legislative requirements
 - 5.1.6 Adding a further reason in the Community Engagement section that Council will not consult the public when making a decision to reflect situations where Council is required by central government or legislation to do something (please note this matter has been added since the workshop)
 - 5.1.7 Adding a definition of "significant" from the legislation
 - 5.1.8 Amendments to Schedule 1 to reflect the changes in criteria for assessing significance
 - 5.1.9 Amendments to Schedule 2 to reflect changes to strategic assets due to the Affordable Waters reform and the formation of Infrastructure Holdings Ltd and the transfer of Council's shareholdings in Port Nelson and Nelson Airport to the new company.

Consultation Process

- 5.2 When adopting or amending a Significance and Engagement Policy, Council must generally consult. The exception is when Council considers, on reasonable grounds, it has sufficient information about community interests and preferences to enable the purpose of the Policy to be achieved. Staff recommend that Council consults on the Draft Policy given the substantive amendments proposed and that this be undertaken at the same time as the Long Term Plan 2024-2034 consultation process next year. The consultation process for the Draft Policy will be decided when the Long Term Plan consultation approach is adopted.

6. Options

Option 1: Adopt the Draft Significance and Engagement Policy for consultation at the same time as the Long Term Plan 2024-2034 consultation process (Recommended option)	
Advantages	<ul style="list-style-type: none"> • Provides the Council with the opportunity to make minor amendments at the meeting. • Undertaking the consultation at the same time as the Long Term Plan process provides efficiencies for Council processes and for potential submitters. • Meets the requirements of the LGA 2002. • Provides the community with the opportunity to provide feedback to Council on the proposed amendments. • Allows Council to consider feedback and make changes at the same time as adopting the final Policy and including a summary of it in the Long Term Plan 2024-2034.
Risks and Disadvantages	<ul style="list-style-type: none"> • Council would not have an opportunity to make major amendments to the documents, if it considers they are needed prior to public consultation.
Option 2: Amend the Draft Significance and Engagement Policy prior to consultation	
Advantages	<ul style="list-style-type: none"> • If Council considers that the Draft Policy does not meet its needs or the needs of the community, Council can request staff to make further amendments before releasing it for public consultation.
Risks and Disadvantages	<ul style="list-style-type: none"> • Use of further staff time to undertake the amendments and report back to Council.
Option 3: Adopt the Draft Significance and Engagement Policy for consultation occurring in October/November 2023	
Advantages	<ul style="list-style-type: none"> • Provides the Council with the opportunity to make minor amendments. • Meets the requirements of the LGA 2002. • Provides the community with the opportunity to provide feedback to Council on the proposed amendments. • Allows Council to consider feedback and make changes before adopting the final Policy and including it in the Long Term Plan 2024-2034.

Item 8: Draft Significance and Engagement Policy for consultation

Disadvantages	<ul style="list-style-type: none">• Undertaking the consultation separate from the Long Term Plan process is less efficient for Council processes and potentially for submitters who may wish to present to Council on both processes.• Risks consultation fatigue by the public.• Council would not have an opportunity to make major amendments to the documents, if it considers they are needed prior to public consultation.
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7. Conclusion

7.1 The Draft Significance and Engagement Policy incorporates amendments to improve the existing Policy. It provides a good basis for public consultation. Staff recommend that the Draft Policy is adopted and approved for public consultation.

8. Next Steps

8.1 Council will undertake the consultation process at the same time as the Long Term Plan 2024-2034 consultation process. Staff will then prepare the final Policy for adoption in late June 2024.

Author: Susan Edwards, Principal Adviser - Annual and Long Term Planning

Authoriser: Nicky McDonald, Group Manager Strategy and Communications

Attachments

Attachment 1: 839498445-14234 Draft Significance and Engagement Policy [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government Adopting a Draft Significance and Engagement Policy for consultation enables public input into Council’s democratic decision-making processes. The Significance and Engagement Policy is a key document for staff use to help enable Council to consult appropriately with the public on various matters.
Consistency with Community Outcomes and Council Policy A summary of the final Significance and Engagement Policy will be incorporated into the Long Term Plan 2024-2034 before adoption in June 2024. Consulting on the Draft Policy is consistent with the community outcome “Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement”.
Risk Adopting the Draft Policy is considered low risk, as Council will consider the views of the public before making its final decisions. The proposed process is in line with the requirements of the LGA 2002. There is a risk that some members of the public might object to the final decisions that Council makes or challenge the process. Ensuring a robust consultation process and explaining the reasons for decisions will help mitigate this risk.
Financial impact There is limited financial impact from the decision to consult on the Draft Policy. The consultation costs will be covered in the existing Strategy and Administration Team budgets.
Degree of significance and level of engagement The decisions sought in this report have been assessed as having a low to moderate level of significance, as the community will have an opportunity to provide feedback before a final policy is adopted.
Climate Impact The decisions in this report will have no impact on the ability of Council to proactively respond to the impacts of climate change now or in the future.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.

Delegations

This is a matter for Council.

Navigation Safety Policies and Harbour Safety Management System

1. Purpose of Report

1.1 To adopt:

- a) The Harbour Safety Policy in alignment with the Port and Harbour Marine Safety Code (Attachment 1, 1940938042-1672)
- b) The Harbour Safety Management System and associated policies (Harbour Safety Plan - Attachment 2, 1940938042-1678, Harbour Safety Management System Manual - Attachment 3, 1940938042-1651, Harbour Operational Policies - Attachment 4, 1940938042-1777, and Nelson Harbour Hot Work Policy - Attachment 5, 1940938042-1956).

1.2 To note the findings of the 2023 Port and Harbour Marine Safety Code external review (Attachment 6, 1940938042-1980).

2. Summary

2.1 Following the 2021 Port and Harbour Marine Safety Code review finding, the provision of Harbourmaster services has been returned to Nelson City Council from Port Nelson Limited. A Harbourmaster and Deputy Harbourmaster were appointed in July 2022.

2.2 The Harbourmasters office has developed a Safety Management System that has been found compliant with the Port and Harbour Marine Safety Code by an external review. The review panel recommended that the Safety Management System be adopted by Council to recognise the Council's responsibility for navigational safety.

2.3 The reason for this is that the Council is exposed to a high level of risk if there were to be a maritime incident with Nelson's harbour waters. A Safety Management System, and all the procedures and systems that this entails, is a means to ensure such risks are appropriately and proportionately managed.

3. Recommendation

That the Council

1. ***Receives the report Navigation Safety Policies and Harbour Safety Management System (R27847) and its attachments (1940938042-1672, 1940938042-1678, 1940938042-1651, 1940938042-1777, 1940938042-1956, 1940938042-1980); and***
2. ***Approves the following:***
 - ***Harbour Safety Policy (Attachment 1, 1940938042-1672);***
 - ***Harbour Safety Management System Harbour Safety Plan (Attachment 2, 1940938042-1678);***
 - ***Harbour Safety Management System Manual (Attachment 3, 1940938042-1651);***
 - ***Harbour Operational Policies (Attachment 4, 1940938042-1777);***
 - ***Nelson Harbour Hot Work Policy (Attachment 5, 1940938042-1956); and***
3. ***Receives the Port and Harbour Marine Safety Code external review report (Attachment 6, 1940938042-1980); and***
4. ***Agrees to make the Harbour Safety Policy and Harbour Safety Management System documents publicly available on the Nelson City Council website (Harbourmaster page) and referenced in other relevant documents such as the Long-Term Plan.***

4. Background

- 4.1 Under the Maritime Transport Act, regional councils have the responsibility for navigational safety within their regional waters. Councils are also empowered to appoint a Harbourmaster to ensure international, national, and regional rules are complied with.
- 4.2 The Maritime Transport Act 1994 (Section 33X) enables the regional councils to delegate the harbourmaster function to a port company. This practice was historically commonplace in New Zealand; however, the commercial priorities of a Port may not always align with the navigational safety responsibilities of regional councils. As of 2021, Nelson was amongst the last regions to maintain an agreement under Section 33X with Port Nelson Limited (PNL).

Item 9: Navigation Safety Policies and Harbour Safety Management System

- 4.3 The Port and Harbour Marine Safety Code 2004 (the Code) is a tripartite arrangement between regional councils, port companies and Maritime New Zealand. The Code is intended to assist parties to work together to manage the safety of marine activities in New Zealand's ports and harbours. The Code for each region is externally reviewed on a three yearly cycle and is overseen by a Code Secretariat, executive, and working group.
- 4.4 Following Nelson's 2021 Code review, several measures were put in place including bringing the Office of Harbourmaster inside the Council. In May 2023, Nelson was reviewed by a Code Review Panel that found Nelson City Council and Port Nelson Limited to be compliant with the Code. Recommendations included the adoption of the Harbour Safety Policy, Safety Management System and associated policies by Council.

5. Discussion

- 5.1 It is the intention of the Harbourmaster office to continually strive for increased levels of navigational safety, keeping Council informed and up to date of associated risk and the effectiveness of the Harbour Safety Management System.
- 5.2 Where the Code relates to safe management of shipping activities, it is recognised that our waters are a shared space. Council has an obligation to ensure that activities are risk assessed and managed to ensure navigational safety. A key focus for the Harbourmaster office, on behalf of Council, is to ensure commercial and recreation activity occur safely through engagement, consultation, education and if required enforcement of relevant regulations.
- 5.3 The oversight of navigational safety includes holding commercial operators (including Port Nelson Limited) to account and working collaboratively to ensure operations are conducted as safely as reasonably practicable in the interests of all parties, including the Nelson public.
- 5.4 Shipping activity occurs across regional boundaries and the Nelson Harbourmaster proposes to manage Tasman Bay shipping activity outside of Port Nelson pilotage limits, as this historically has had little or no oversight. The Nelson Harbourmaster has worked with the Tasman Harbourmaster to identify and survey ship anchorage sites. There is a proposed memorandum of understanding (MOU), between Nelson City Council and Tasman District Council on the management of shipping and contingencies for emergency response.
- 5.5 The rationale for management by the Nelson Harbourmaster is based on existing relationships with Port Nelson Limited (who we would draw on for resources in the event of an emergency in Tasman Bay), existing communication with ships and ships agents and the existence of the Safety Management System presented here. Tasman District Council are undertaking a review of their harbourmaster services and will respond to the proposed MOU once the outcome of their review is known.

Item 9: Navigation Safety Policies and Harbour Safety Management System

- 5.6 The existence of a coherent Safety Management System enables Nelson to manage shipping and progress to a fees and charges structure to maintain the Safety Management System. Any income from fees and charges would be used to improve navigational aids for regional waters, utilising synthetic and virtual aids to navigation technologies (for example, synthetically marking anchorage locations on electronic charts and marking current hazards with 'virtual' beacons).

6. Options

- 6.1 Council can either adopt the policies and safety management system or not adopt and seek changes to the documents. Officers recommend adopting the navigation safety policies and safety management system for the following reasons:
- a) To demonstrate ownership of Council's responsibility for navigational safety.
 - b) For transparency on how navigational safety is managed.
 - c) To enable inclusion of all stakeholders in the SMS with a view to identifying and managing risk.
 - d) To demonstrate that navigational safety is considered and is appropriately resourced.
 - e) For accountability that all reasonable steps are being taken to ensure navigational safety.

7. Conclusion

- 7.1 Nelson City Council has taken significant steps over the last 18 months to increase the capacity to manage navigational safety for the region.
- 7.2 The Harbourmasters office has developed a Safety Management System and policies that have been found compliant with the Port and Harbour Marine Safety Code by an external review.
- 7.3 Work is ongoing to operationalise the Safety Management System and associated policies.
- 7.4 The Safety Management System will mature and benefit from further integration into Council systems, including recording of incidents and regular involvement from and reporting to Council.

8. Next Steps

- 8.1 Inclusion of Safety Management System documentation on the newly developed Nelson City Council Harbourmaster website page.
- 8.2 Review the Navigation Safety Bylaw (218) 2019 to ensure it is relevant and up to date, including the matters currently managed by Harbourmaster Directions.

Item 9: Navigation Safety Policies and Harbour Safety Management System

- 8.3 Continue the work with Tasman District Council on consistent management of shipping activities.
- 8.4 Plan and work towards all areas for improvement identified in the Code external review.

Author: Stuart Whitehouse, Harbourmaster

Authoriser: Mandy Bishop, Group Manager Environmental Management

Attachments

- Attachment 1: 1940938042-1672 - Harbour Safety Policy [↓](#)
- Attachment 2: 1940938042-1678 - Harbour Safety Plan [↓](#)
- Attachment 3: 1940938042-1651 Nelson Harbourmaster Safety Management System Manual [↓](#)
- Attachment 4: 1940938042-1777 - Nelson Harbour Operational Policies [↓](#)
- Attachment 5: 1940938042-1956 - Nelson Harbour Hot Work Policy [↓](#)

Important considerations for decision making

Fit with Purpose of Local Government

The management of maritime safety within Nelson regional waters is a statutory obligation under the Maritime Transport Act. The ownership of this responsibility is key to ensuring our waters are safe, clean and we can promote thriving commercial and recreational sectors.

Consistency with Community Outcomes and Council Policy

Council has made commitments in the Long Term Plan that navigational safety is delivered to meet all legislative requirements as well as to maintain a current and enforceable navigation safety bylaw. The recommendations in this report contribute towards Council meeting those obligations.

Risk

Shipping activities introduce high to very high levels of risk to a region. Nelson is a complex harbour, with a narrow entrance and a large tidal range. The consequence of shipping related incidents has potential to be in the major to extreme rating. An integrated Harbour Safety Management System with a well-resourced Harbourmaster office are key controls to monitor, educate, direct, and enforce regulations as required.

The Safety Management System presented for adoption is the first step to continual improvement in levels of navigational safety. Transparency and involvement of Council are the foundation of the Harbour Safety Management System.

Financial impact

There are no immediate financial implications with these recommendations.

The review of the Navigation Safety Bylaw (218) 2019, will propose a schedule of fees and charges for shipping related activities. This may provide a mechanism to recover costs for the development and maintenance of the Safety Management System. Primarily, the activities to be charged would be shipping anchorage, pilot exemption certification and hot work permitting.

The proposed MOU with Tasman District Council intends to establish fees and charges for navigation safety. This income would be utilised for maintenance of the Safety Management System and to enhance aids to navigation for the regions.

With increased levels of engagement and oversight of shipping activities (for example, hot work inspections), further resource may be sought in the next Long Term Plan. The summer months present a busier time for on the water engagement and presence. This is a critical role in mitigating boating and shipping conflicts through education, intervention and if required enforcement.

Maritime New Zealand Safer Boating funding for 22/23 and 23/24 has been received to employ two summer interns. This enables us to fulfil our minimum crewing requirements for the Harbourmaster vessel and maintain our 24/7 function with two fulltime employees. It is possible that Maritime New Zealand will not continue to fund the resourcing of our summer internship roles beyond 23/24.

Degree of significance and level of engagement

The adoption of the policies and safety management system is of low significance to the wider community as these documents demonstrate Council's expected compliance with the national Port and Harbour Marine Safety Code. There is ongoing engagement and consultation with industry on how the Harbour Safety Management System is operationalised.

Climate Impact

The increasing trend to extreme weather events (flooding) has a direct impact on shipping activities. The Harbour Safety Management System identifies areas of increased risk due to these events and ensures mitigating measures are adopted. For example, the increased sedimentation within the Maitai Channel (Approach to Dixon Basin-marina) presents challenges of more regular dredging and limited access for larger fishing vessels.

Inclusion of Māori in the decision making process

No engagement with Māori has been undertaken in preparing this report. The Harbourmaster office is working towards better engagement with Iwi for maritime safety matters and emergency response.

Delegations

This is a matter for Council.

REPORT R27840

Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater)

1. Purpose of Report

- 1.1 To approve the Draft Water Supply, Wastewater, Stormwater Asset Management Plans 2024-34 (AMPs), as the versions to inform the Long Term Plan 2024-2034 (LTP).

2. Recommendation

That the Council

1. Receives the report *Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater) (R27840) and its attachments*

- ***Draft 2024-34 Water Supply Activity Management Plan (5082210-161);***
- ***Draft 2024-34 Wastewater Activity Management Plan(205082210-160);***
- ***Draft 2024-34 Stormwater Activity Management Plan(205082210-162); and***

2. Approves the -

- ***Draft 2024-34 Water Supply Activity Management Plan (5082210-161);***
- ***Draft 2024-34 Wastewater Activity Management Plan(205082210-160);***
- ***Draft 2024-34 Stormwater Activity Management Plan(205082210-162);***

as the versions to inform the development of the Long Term Plan 2024-2034; and

Item 10: Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater)

3. Notes that the-

- ***Draft 2024-34 Water Supply Activity Management Plan (5082210-161);***
- ***Draft 2024-34 Wastewater Activity Management Plan(205082210-160);***
- ***Draft 2024-34 Stormwater Activity Management Plan(205082210-162); and***

will be updated, and the final Activity Management Plans approved by Council after the adoption of the Long Term Plan 2024-2034.

3. Background

- 3.1 Draft AMP's are prepared every three years for the approval of the Council to inform the development of LTP's. These Draft AMP's will inform the development of the 2024-2034 LTP.
- 3.2 Following consultation on, and adoption of the LTP, the AMP's will be updated to align with the adopted LTP. The final updated AMP's will be brought back to Council early in 2024/25 for adoption.
- 3.3 The Draft AMP's take account of previous Council resolutions and feedback at the workshop on key issues. Officers have also undertaken a high-level review of budgets across Council activities - however amendments may be required to these draft Plan's once all AMP's have been received by Council and the cumulative effect of the AMP's has been considered at the workshops in December 2023.

4. Discussion

- 4.1 The Draft AMP's set out the background to Council's Water Supply, Wastewater and Stormwater Activities and include details of the following:
- Key issues and areas of focus for the activity during 2024-34.
 - Levels of Service.
 - The activity budgets for operations & maintenance and capital expenditure (including renewals, growth and level of service upgrade projects).
- 4.2 A workshop was held with Council on 30 June 2023 to confirm priorities for 2024-2034 and seek direction from Council on any changes or additional priorities.
- 4.3 The following items are the key outcomes from these workshops:

Item 10: Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater)

Water Supply

- Water pipe renewals: Councillors were supportive of bringing forward pipe renewals to smooth the renewals profile and reduce the bow wave of renewals projected from the 2030's.

Wastewater

- Councillors expressed support in principle for:
 - Progressing the resource consent renewal for the Nelson WWTP faster than currently required/planned.
 - For continuing with the renewal of the Atawhai rising main; and
 - Bringing forward pipe renewals to smooth the renewals profile and reduce the bow wave of renewals projected from the 2030's.

Stormwater

- Stormwater pipe renewals: Councillors expressed support in principle for bringing forward pipe renewals to smooth the renewals profile and reduce the bow wave of renewals projected from the 2030's.

5. Options

5.1 The Council has two options - to either approve the Draft AMP's, or to not approve the Draft AMP's.

Option 1: Approve the Draft 2024-34 Water Supply, Wastewater and Stormwater AMP's. (Recommended).	
Advantages	<ul style="list-style-type: none"> • Meet the requirements of the Local Government Act 2002. • Reflects the input of elected members during the June 2023 workshop.
Risks and Disadvantages	<ul style="list-style-type: none"> • Nil
Option 2: Do not approve the Draft 2024-34 Water Supply, Wastewater and Stormwater AMP's	
Advantages	<ul style="list-style-type: none"> • Nil
Risks and Disadvantages	<ul style="list-style-type: none"> • Fail to meet requirements of Local Government Act 2002

Item 10: Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater)

6. Conclusion

- 6.1 The Draft AMP's have been prepared to inform the LTP and will support Council in meeting its obligations under Section 93 and Schedule 10 of the Local Government Act 2002.

Author: Phil Ruffell, Manager Utilities Activity Management

Authoriser: Alec Louverdis, Group Manager Infrastructure

Attachments

Attachment 1: 205082210-161 Draft 2024-34 Water Supply Activity Management Plan (*Circulated separately*)

Attachment 2: 205082210-160 Draft 2024-34 Wastewater Activity Management Plan (*Circulated separately*) [⇒](#)

Attachment 3: 205082210-162 Draft 2024-34 Stormwater Activity Management Plan (*Circulated separately*) [⇒](#)

Item 10: Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater)

Important considerations for decision making

Fit with Purpose of Local Government

The Draft AMP's support the social, economic and environmental wellbeing of the Nelson community by putting in place the planning for good quality local infrastructure that is efficient, effective, and appropriate to present and anticipated future circumstances as defined under the Local Government Act 2002.

Consistency with Community Outcomes and Council Policy

The Water Supply, Wastewater and Stormwater Activities support the following Community Outcomes:

- 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.
- Our region is supported by an innovative and sustainable economy.

Risk

Not adopting the Draft AMP's will leave Council without a document to support the goal of developing and adopting the LTP.

Financial impact

There are no direct funding implications from the recommendation. The AMP's guide the funding in the proposed LTP and will be subject to a consultation process with the community.

Degree of significance and level of engagement

This matter is of high significance because the adoption of a LTP is a statutory requirement under the Local Government Act 2002. Therefore consultation with the community will occur with the public advertising of the draft LTP and calling for submissions.

Item 10: Draft Utilities Activity Management Plans 2024-34 (Water Supply, Wastewater, Stormwater)

Climate Impact

The Draft AMP's consider the potential impacts and risks that climate change presents to the city, particularly in relation to the future water supply, wastewater and stormwater activities. This has been incorporated into the Draft AMP's through identifying climate change as a key issue with a focus on developing various strategies to inform mitigation and adaptation options for the future. As the AMP's support the proposed LTP this emphasis will transfer into that document and be subject to public scrutiny and submissions.

Inclusion of Māori in the decision making process

Iwi feedback has been sought on the draft AMP's and any matters that require additional consideration will be covered at the December LTP workshop.

Delegations

The Council has the following delegation to consider and adopt Draft Activity Management Plans:

Council retains all responsibilities, powers, functions and duties in relation to governance matters unless delegated to a committee, subcommittee or subordinate decision-making body.

Draft Transport Activity Management Plan 2024

1. Purpose of Report

- 1.1 To approve the Draft Transport Asset Management Plan 2024-34 (AMP) as the version to inform the Long Term Plan 2024-34 (LTP).

2. Recommendation

That the Council

- 1. Receives the report Draft Transport Activity Management Plan 2024 (R27886) and its attachment (1862260321-21129); and***
- 2. Approves the Draft Transport Activity Management Plan 2024-34 (1862260321-21129) as the version to inform the development of the Long Term Plan 2024-2034; and***
- 3. Notes that the Draft Transport Activity Management Plan 2024-34 (1862260321-21129) will be updated, and the final Activity Management Plan approved by Council after the adoption of the Long Term Plan 2024-2034.***

3. Background

- 3.1 The Draft AMP is prepared for the approval of Council to inform both the development of the 2024-34 LTP and the Regional Land Transport Plan (RLTP). The RLTP will inform the National Land Transport Programme (NLTP).
- 3.2 Following consultation and adoption of the LTP, the AMP will be updated to align with the adopted LTP. The final updated AMP will be brought back to the Council early in 2023/24 for adoption.
- 3.3 The Draft AMP takes account of previous Council resolutions and feedback at workshops on key issues. Officers have also undertaken a high-level review of budgets across Council activities, however,

Item 11: Draft Transport Activity Management Plan 2024

amendments may be required once all activity area AMP's have been received by Council and the cumulative effect of the AMP's has been considered at the workshops in December 2023.

- 3.4 Waka Kotahi is a key funding partner for the transport activity and fund 51% of the relevant subsidised work categories in the AMP. As a result, adjustments to the programme in the AMP may be required once all funding bids are considered at a national level. These changes will be reflected in the final version of the AMP.

4. Discussion

- 4.1 The Draft AMP sets out the background to Council's Transport Activity and include details of the following:

4.1.1 Key issues and areas of focus for the activity during 2024-34.

4.1.2 Levels of Service.

4.1.3 The activity budgets for operations & maintenance and capital expenditure (including renewals, growth and level of service upgrade projects).

- 4.2 Workshops were held with Council on 14 April, 22 June and 25 August 2023 to confirm priorities for 2024-2034 and seek direction from Council on priorities.

- 4.3 The following items are the key outcomes from these workshops:

4.3.1 Budgets for maintenance and renewal works should be adjusted to ensure that the transport network is being sustainably managed and does not deteriorate; and

4.3.2 That the final programme of work reflect the following four key issues - "Environmental Impact/Climate Change", "Congestion/Economy", "Road safety" and "Network Resilience".

5. Options

- 5.1 The Council has two options - to either approve the Draft AMP, or to not approve the Draft AMP.

Option 1: Approve the Draft 2024-34 Transport AMP. Recommended option.	
Advantages	<ul style="list-style-type: none">• Meet the requirements of the Local Government Act 2002.• Reflects the input of elected members during the April, June and August 2023 workshops.
Risks and Disadvantages	<ul style="list-style-type: none">• Nil
Option 2: Do not approve the Draft 2024-34 Transport AMP	

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Advantages	<ul style="list-style-type: none">• Nil
Risks and Disadvantages	<ul style="list-style-type: none">• Fail to meet requirements of Local Government Act 2002

6. Conclusion

- 6.1 The Draft AMP has been prepared to reflect the feedback received during the Council workshops and the requirements of Waka Kotahi as a co-funding partner, and has been prepared to inform the LTP and will support Council in meeting its obligations under Section 93 and Schedule 10 of the Local Government Act 2002.
- 6.2 The Draft AMP will be updated, and the final AMP approved by Council after the adoption of the Long Term Plan 2024-2034.

Author: Chris Pawson, Senior Analyst Environmental Management

Authoriser: Alec Louverdis, Group Manager Infrastructure

Attachments

Attachment 1: 1862260321-21129 - Draft Transport Activity Management Plan 2024-34 (*Circulated separately*) [↔](#)

Important considerations for decision making
Fit with Purpose of Local Government The Draft AMP supports the social, economic and environmental wellbeing of the Nelson community by putting in place the planning for good quality local infrastructure that is efficient, effective, and appropriate to present and anticipated future circumstances as defined under the Local Government Act 2002.
Consistency with Community Outcomes and Council Policy The Transport Activity support the following Community Outcomes: <ul style="list-style-type: none">• Our urban and rural environments are people friendly, well planned and sustainably managed.• Our infrastructure is efficient, cost effective and meets current and future needs.• Our communities are healthy, safe, inclusive and resilient.• Our region is supported by an innovative and sustainable economy.
Risk Not adopting the Draft AMP will leave Council without a document to support the goal of developing and adopting the LTP.
Financial impact There are no direct funding implications from the recommendation. The AMP guides the funding in the proposed LTP and will be subject to a consultation process with the community.
Degree of significance and level of engagement This matter is of high significance because the adoption of a LTP is a statutory requirement under the Local Government Act 2002. Therefore consultation with the community will occur with the public advertising of the draft LTP and calling for submissions.
Climate Impact The Draft Transport AMP considers the potential impacts and risks that climate change presents to the city. This has been incorporated into the Draft AMP through identifying environmental impacts and climate change as a key issue with a focus on developing various strategies to inform mitigation and adaptation options for the future. As the AMP supports the proposed LTP this emphasis will transfer into that document and be subject to public scrutiny and submissions.

Inclusion of Māori in the decision making process

Iwi feedback is being sought on the draft AMP's and any matters that require additional consideration will be covered at the December LTP workshop.

Delegations

The Council has the following delegation to consider and adopt Draft Activity Management Plans:

Council retains all responsibilities, powers, functions and duties in relation to governance matters unless delegated to a committee, subcommittee or subordinate decision-making body.

REPORT R27788

Community Housing Acceleration Taskforce - Change of Terms of Reference

1. Purpose of Report

To consider a change of Terms of Reference for the Community Housing Acceleration Taskforce.

2. Recommendation

That the Council

1. ***Receives the report Community Housing Acceleration Taskforce - Change of Terms of Reference (R27788) and its attachment (336940202-7576); and***
2. ***Approves the revised Terms of Reference for the Community Housing Acceleration Taskforce in Attachment 1 (336940202-7576).***

3. Background

- 3.1 The Community Housing Acceleration taskforce and its membership was established by the Mayor on 10 December 2022.
- 3.2 The current Terms of Reference was approved by Council on 15 December 2022 and identifies the role and powers of this elected member group.
- 3.3 The purpose of the taskforce is to make recommendations to Council on policy, criteria and process for the distribution of the Housing Reserve.
- 3.4 The current role of the taskforce is to:
 - 3.4.1 Advise on how the Council can grow, as quickly as possible, the stock of community housing using the Housing Reserve with the goal to double the number of community housing houses from 50 to 100 by 2026; and

Item 12: Community Housing Acceleration Taskforce - Change of Terms of Reference

- 3.4.2 Consider options, and make recommendations to Council, for how the Housing Reserve can be used to leverage an increase in community housing in Whakatū to achieve the above goal; and
 - 3.4.3 Consider criteria and process, and make recommendations to Council, which ensure the Housing Reserve is used in a fair and equitable manner and meets the requirements of section 101 of the Local Government Act 2002 for prudent financial management that promotes the current and future interests of the community; and
 - 3.4.4 Provide recommendations to Council, as appropriate, on expenditure and applications for grants from the Housing Reserve; and
 - 3.4.5 Provide governance oversight and direction on strategic housing opportunities, including providing recommendations to Council on how to progress specific projects; and
 - 3.4.6 Recommend a reporting framework to Council for monitoring progress in meeting the community housing goal.
- 3.5 On the 9 March 2023 Council received and approved the objectives and guidelines for the allocation of the Housing Reserve Fund as proposed by the Community Housing Acceleration Taskforce.

Resolved CL/2023/029

That the Council

1. *Receives the report Housing Reserve Fund (R27442) and its attachment (336940202-5833); and*
2. *Confirms that grant decisions be made by Council on the recommendation of the taskforce; and*
3. *Amends the Housing Reserve Grants Programme 2023 attachment (36940202-5833) to:*

a) insert an additional clause under the guidelines:

The 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.

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c) *Clarifies that the Housing Reserve Fund Cap referred to in (g) of the Guidelines excludes grants provided under Phase 1 and 2; and*

4. *Approves the amended Housing Reserve Grants Programme 2023 attachment (336940202-5833) which sets out the objectives and guidelines; and*
5. *Delegates confirmation of Housing Reserve Grant contracts to the Chief Executive.*

3.6 On 4 May Council received and approved its first housing reserve grant under the taskforce and new guidelines.

Resolved CL/2023/090

That the Council

1. *Receives the report Community Housing Acceleration Taskforce - Change of Terms of Reference (R27788) and its attachment (336940202-6964); and*
2. *Approves grant funding of \$1,200,000 to Nelson Tasman Housing Trust for the development of 163 Kawai Street South and 116 Waimea Road into 8 affordable rentals, subject to officers completing financial evaluation and a grant contract condition specifying the grant is required to be paid back to the Housing Reserve, if the development is not completed by 30 June 2026; and*
3. *Delegates the confirmation of the financial evaluation and finalising the Grant Contract for Nelson Tasman Housing Trust to the Chief Executive; and*
4. *Agrees that Report (R27667), Attachment (336940202-6964) and the decision be made publicly available following completion of negotiations.*

3.7 No further applications to the Housing Reserve have been received, the balance of funds sits at \$6.95 million.

4. Discussion

4.1 The Community Housing Acceleration Taskforce met on 29 June 2023 and 24 August 2023 to discuss other areas of work that might benefit from taskforce oversight.

4.2 Three key areas were identified that would benefit from being included in the taskforce's terms of reference, these being:

- 4.2.1 Provide governance oversight and direction on strategic housing opportunities, including providing recommendations to Council on how to progress specific projects by working with central

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government agencies such as the Ministry of Housing and Urban Development (MHUD) and Kāinga Ora; and

4.2.2 Provide governance oversight and direction on divestment of Council property in order to leverage housing outcomes; and

4.2.3 Engage with other stakeholders concerned with housing vulnerability to assess and provide recommendations to Council regarding opportunities to support existing and potential community services.

4.3 The terms of reference have been amended accordingly and attached to this report for Council consideration.

5. Options

5.1 Council has the option of adopting or not, or amending the proposed changes to the Terms of Reference attached to guide the activities of the taskforce.

Author: Lisa Gibellini, Strategic Housing Adviser

Authoriser: Mandy Bishop, Group Manager Environmental Management

Attachments

Attachment 1: 336940202-7576 Revised Terms of Reference for the Community Housing Acceleration Taskforce [↓](#)

Item 12: Community Housing Acceleration Taskforce - Change of Terms of Reference

Important considerations for decision making
Fit with Purpose of Local Government Adopting the amended terms of reference for the Community Housing Acceleration Taskforce will support the economic, environmental, cultural and social wellbeing of the community by identifying the role and purpose of this elected member group in relation to housing.
Consistency with Community Outcomes and Council Policy The recommendations in this report support the community outcome: Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.
Risk The recommendation to adopt the amended Terms of Reference for the Community Housing Acceleration Taskforce is low risk as it will not have decision-making powers.
Financial impact Costs associated with operating the taskforce ad its amended terms of reference will be met within existing budgets.
Degree of significance and level of engagement This matter is of low significance because the terms of reference identifies that the Taskforce will not have decision-making powers. Therefore, no community engagement will be undertaken.
Climate Impact There is no impact on climate change of adopting the amended Terms of Reference.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
Delegations The Council has delegations in relation to approving changes to the terms of reference for the Housing Acceleration Taskforce.

The City of Nelson Civic Trust - Council Controlled Organisation Exemption

1. Purpose of Report

To recommend an exemption for the City of Nelson Civic Trust (the Trust) from the obligations that the Local Government Act 2002 imposes on Council Controlled Organisations (CCOs).

2. Recommendation

That the Council

1. ***Receives the report The City of Nelson Civic Trust - Council Controlled Organisation Exemption (R27640); and***
2. ***Approves an exemption to the City of Nelson Civic Trust for the purposes of Section 6(4)(i) of the Local Government Act 2002, in accordance with Sections 7(3) and 7(6) of the Act and after considering the matters in Section 7(5) of the Act.***

3. Background

- 3.1 The City of Nelson Civic Trust is a Council Controlled Organisation. It was established in 1973 by the late S. I. Russell OBE, who served as Mayor of Nelson from 1956-1962. A copy of the Trust Deed is available on the Council's website <http://www.nelson.govt.nz/assets/Our-council/Downloads/governance/city-of-nelson-civic-trust/City-of-Nelson-Civic-Trust-Deed.pdf>.
- 3.2 The Trust's Board consists of nine trustees, including the Chief Executive of Nelson City Council, who is an ex-officio trustee. All appointed trustees are volunteers and receive no remuneration for their roles.
- 3.3 The current trustees are:

Item 13: The City of Nelson Civic Trust - Council Controlled Organisation Exemption

- Roger Nicholson (Chair): first appointed 6 November 2003, current term ends October 2024
- Rachel Dodd: first appointed 21 February 2012, current term ends November 2023
- Kay Hill: first appointed 22 September 2011, current term ends November 2023
- Karen Stade: first appointed 20 March 2018, current term ends November 2023
- Nick Mason: first appointed 15 October 2015, current term ends October 2024
- Jeremy Glasgow: first appointed 24 February 2011, current term ends October 2025
- Cathy Knight: first appointed 23 July 2009, current term ends October 2025
- Glenn Roberts: first appointed 1 July 2010, current term ends October 2025
- Nigel Philpott (ex officio)

3.4 His Worship the Mayor of Nelson City is Patron of the Trust, and Council provides accounting and secretarial support to the Trust.

3.5 The Trust currently administers a fund of approximately \$900,000 which has built up over the years through gifts and bequests. The Trust uses the interest on the fund to finance many projects around the City, in whole or in part.

3.6 Unless specifically exempted by Council resolution, a CCO is required to:

- Prepare a statement of intent in accordance with Schedule 8 of the Act;
- Prepare a half yearly report and an annual report;
- Comply with Parts I to VI of LGOIMA.

3.7 While these requirements are appropriate in relation to what could be termed Council businesses, they would place an unreasonable burden on the smaller, less commercially oriented organisations in which the Council has an interest, such as the Trust.

3.8 Sections 6(4)(i) and Section 7(3) of the Local Government Act 2002 ('the Act') provide that the Council may grant small organisations an exemption from the requirements of a CCO after considering:

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Exemption

- *the nature and scope of the activities provided by the organisation; and*
- *the costs and benefits, if an exemption is granted, to the local authority, the council-controlled organisation, and the community (Section 7(5)).*

3.9 Section 7(6) of the Act requires that:

A Local Authority must review an exemption it has granted-

- (a) within 3 years after it is granted; and*
- (b) after the first review, not more than 3 years following the last review under this section.*

3.10 In October 2020, the Council granted an exemption to the City of Nelson Civic Trust and the Council needs to decide if it wishes to grant an exemption to the Civic Trust.

4. Discussion

4.1 The City of Nelson Civic Trust can reasonably be considered a small organisation. The Trust qualifies for differential reporting exemptions as the operation is not publicly accountable, and the operation is not considered large when applying the test contained within the Framework for Differential Reporting (New Zealand Accounting Standards Framework).

4.2 The Trust is a charitable organisation that exists to provide amenities for the enhancement of the City and the benefit of the community as a whole. The Council appoints all the trustees and provides administrative support. An independent accountant provides the financial services.

4.3 The Civic Trust is reliant on the return from investments for its income, typically in the order of \$50,000 per annum. It has limited resources to direct towards the type of administrative and financial reporting work envisaged by the Act. Meeting the CCO requirements would create more work for the trustees and reduce the level of funding available for project works.

4.4 Whilst it holds a significant level of funds, given the administrative costs of compliance; the subsequent reduction in grants available to the community if it had to meet those compliance costs; and the straightforward nature of the Trust's activities, officers recommend that the Civic Trust continues to be recognised as a small organisation and to be exempted from the requirements of CCOs.

4.5 The Chair of the Civic Trust, Roger Nicholson, advises that the Trust Board supports the recommendation in this paper.

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Exemption

5. Options

- 5.1 Council can either grant an exemption to the City of Nelson Civic Trust or not. If it grants an exemption, it is signalling that it considers the Trust to be a small organisation which does not need to meet the reporting and monitoring requirements of a CCO.
- 5.2 If Council does not grant an exemption, then the Trust will have to comply with the relevant schedules in the Act. This will increase transparency in relation to the Trust's activities but will come at a financial cost to the Trust.

Option 1: Grant an exemption to the City of Nelson Civic Trust	
Advantages	<ul style="list-style-type: none"> Recognition that the Trust is a small organisation, resulting in removal of the burden and financial cost to the Trust of complying with the obligations imposed on CCOs by the Act.
Risks and Disadvantages	<ul style="list-style-type: none"> This will result in reduced transparency in relation to the Trust's activities, compared to other CCOs.
Option 2: Do not grant an exemption to the City of Nelson Civic Trust	
Advantages	<ul style="list-style-type: none"> No reduction in the transparency of the Trust's activities.
Risks and Disadvantages	<ul style="list-style-type: none"> The Trust will bear the burden of complying with the relevant schedules in the Act. This will come at a financial cost to the Trust.

6. Conclusion

- 6.1 It is recommended that the Council approves the continuation of the Civic Trust's exemption for another three years.

The Civic Trust controls a significant amount of funds, but it does not trade and merely distributes the proceeds of its investments for the benefit of the City. As such, the administrative overhead associated with withdrawal of the exemption would simply reduce the amount distributed within the community.

Author: Martin Croft, Strategic Adviser Community Services

Authoriser: Andrew White, Group Manager Community Services

Attachments

Nil

Item 13: The City of Nelson Civic Trust - Council Controlled Organisation
Exemption

Important considerations for decision making
Fit with Purpose of Local Government This is a statutory compliance matter. This decision would save the Trust, as a small community group, unnecessary compliance costs and contributes to social wellbeing of the community by maximising funding for grants.
Consistency with Community Outcomes and Council Policy The recommendation is not inconsistent with any Council policy or strategic document. It supports the Community Outcome: Our communities have access to a range of social, educational and recreational facilities and activities.
Risk This matter is of low risk as the recommendation is addressing a statutory compliance issue and can be reviewed again in three years. The Council has good information about the workings of the Trust because it provides administrative support and has a representative on the Board.
Financial impact If Council decides that the City of Nelson Civic Trust is not exempt, the financial costs of compliance will have to be borne by the Trust.
Degree of significance and level of engagement This matter is of low significance and therefore no community consultation has been undertaken.
Climate Impact The proposal 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.

Members' Code of Conduct

1. Purpose of Report

- 1.1 To present the updated Members' Code of Conduct for adoption by Council.

2. Recommendation

That the Council

- 1. Receives the report Members' Code of Conduct (R27350) and its attachment (839498445-17264); and***
- 2. Adopts the updated Members' Code of Conduct; and***
- 3. Notes that the updated Members' Code of Conduct will be made publicly available through Council's website.***

3. Background

- 3.1 Clause 15, Schedule 7 of the Local Government Act 2002 requires every local authority to adopt a Code of Conduct for members of the local authority.
- 3.2 The Code of Conduct sets out the understandings and expectations of elected members for members' behaviour towards one another, staff, and the public, and in relation to treatment of confidential information. It must also include a general explanation of law applicable to members. Members must then adhere to the standards set within the Code of Conduct of that council.
- 3.3 Codes of Conduct are an important part of building community confidence in council systems and processes, and can contribute to:
- good governance of the city,
 - effective decision-making and community engagement,

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- the credibility and accountability of the Council to its communities, and
 - a culture of mutual trust and respect between members of council and with management.
- 3.4 Codes of Conduct are designed to promote robust debate and the expression of all views by providing a framework to ensure that debate is conducted in a civil and respectful way, supporting good decision making.
- 3.5 As well as outlining the standards of behaviour members have set for themselves, it provides a means of resolving situations if there is a concern those standards are then breached.
- 3.6 A majority vote of 75% or more of elected members present is required to adopt an updated Code. In the event this majority is not reached, the current Code continues to apply.

4. Discussion

- 4.1 Every three years, Local Government New Zealand (LGNZ) provides a Code of Conduct model template for councils to draw on as they reflect on the behavioural agreements they wish to adopt. The template ensures that legislated requirements are met, and each update reflects the current environment and feedback received from councils over the previous three years.
- 4.2 In the previous triennium a substantive review of Codes of Conduct was undertaken by the Local Government Commission, resulting in a report to the Minister of Local Government and a number of recommendations for strengthening codes and associated practices in September 2021.

<https://www.lgc.govt.nz/other-commission-work/current-proposals/view/report-to-the-minister-of-local-government-september-2021/?step=main>

- 4.3 In response to the report, LGNZ has made a number of significant changes within its 2022 template. These include:
- an acknowledgement of the principles of good governance (the Nolan principles), drawn from the UK Government's Committee on Standards in Public Life and the findings of the 1994 Nolan Inquiry,
 - an explicit description of unacceptable behaviours, and a focus on managing specific types of behaviours (such as bullying or harassment) regardless of the place or platform on which the member is engaging, such as social media, in meetings, or interactions between members, and
 - an amended approach to alleged breaches, designed to ensure the process is focused on serious rather than minor or trivial

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complaints. This includes clearer considerations for the early assessment, and the inclusion of mediation as a likely first step for all complaints.

- 4.4 The 2022 LGNZ model template was taken as an initial basis for the updated draft Nelson City Council Members' Code of Conduct, which has then been extensively workshopped by members to reach the proposed outline of standards and process for addressing complaints attached (839498445-17264).

Costs and Support

- 4.5 A new addition to the 2022 model template is the inclusion of the potential for some costs for support or legal advice to members involved in a complaints process to be met by Council. In conversation with LGNZ it was noted that a driver for the new inclusion was improved ability to provide support or advice to a complainant where they are experiencing bullying or harassment from the respondent or parties associated with the respondent.
- 4.6 In conversation with LGNZ on the new provision they noted that were a Council to include provision for some such costs to be met, clear rules would need to be in place including the expectation that a reasonable case would be made by the member and approved prior to approaching any provider.

Panel of Investigators

- 4.7 The Chief Executive, in consultation with the Mayor, is responsible for confirming a panel of investigators which may be called on to look into a complaint. At the time of writing, two panel members have been confirmed for Nelson City Council:

4.7.1 Bruce Robertson

Bruce is a trusted advisor to elected members and senior managers across New Zealand, and an independent member of audit and risk committees. Previously he held senior leadership roles within the Office of the Auditor – General, Audit New Zealand and the Pacific Association of Supreme Audit Institutions (PASAI) with specific responsibility for local government, environment and energy, including their links into central government. He is now engaged in a range of management consulting work and has worked extensively in assurance and broad ranging enquiries.

4.7.2 Clair Hague ONZM

Claire has significant experience in governance, executive leadership and management consultancy including:

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- Governance roles in local government, the education and tertiary education sectors, and regional economic development.
- Executive leadership positions in education, including secondary and tertiary education, and as Regional Director for the Ministry of Education.
- Consultancy services across the public and private sectors.

She has particular skills in relationship management and risk assurance.

4.8 If required, Council may also arrange an investigator through LGNZ Equip.

5. Options

5.1 Council can adopt the updated draft Nelson City Council Members' Code of Conduct as proposed, or may make amendments to the draft as long as legislative requirements continue to be met and a majority of 75% or more agree to the resulting code.

6. Next Steps

6.1 The most up-to-date Members' Code of Conduct will be prepared for publication on Council's website.

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

Authoriser: Nicky McDonald, Group Manager Strategy and Communications

Attachments

Attachment 1: 839498445-17264 Draft Members' Code of Conduct [↓](#)

Item 14: Members' Code of Conduct

Important considerations for decision making
Fit with Purpose of Local Government Clause 15, Schedule 7 of the Local Government Act 2002 requires every local authority to adopt a code of conduct for members of the local authority.
Consistency with Community Outcomes and Council Policy The matters in this report best align with the following Community Outcome: Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.
Risk The updated draft Members' Code of Conduct was originally based on the 2022 LGNZ model template which reflects the results of the national review completed in 2021, the experiences and feedback of members across the country, and feedback and learnings specific to Nelson City Council. The current proposed draft is the result of extensive further workshopping by members. Increased clarity in behavioural standards and in the process that will be followed if a complaint is lodged may support ongoing commitment to the Code, thereby reducing the likelihood of complaints and the potential reputational risk to members and Council which can accompany them.
Financial impact Any funding for member support or legal advice related to a Code of Conduct complaint would need to be met from existing budgets.
Degree of significance and level of engagement This matter is of low significance as it is a procedural requirement under the Local Government Act 2002.
Climate Impact There is no direct climate impact from the matters in this report.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
Delegations

Item 14: Members' Code of Conduct

Council must adopt a code of conduct under the Local Government Act 2002.

