Nelson City Council
Te Kaunihera o Whakatū

Notice of the Ordinary meeting of

Nelson City Council

Te Kaunihera o Whakatū

Date:	Thursday 7 March 2024
Time:	9.00a.m.
Location:	Council Chamber Floor 2A, Civic House 110 Trafalgar Street, Nelson

Supplementary Agenda

Rārangi take

Chairperson	His Worship the Mayor Nick Smith
Deputy Mayor	Cr Rohan O'Neill-Stevens
Members	Cr Matty Anderson
	Cr Matthew Benge
	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.

Council

Nelson City Council
Te Kaunihera o Whakatū

7 March 2024

Report Title:	**Draft Car Share Operation Policy**
Report Author:	**David Measures - Manager Climate Change**
Report Authoriser:	**Nicky McDonald - Group Manager Strategy and Communications**
Report Number:	**R28382**

1. Purpose of Report

1.1 To adopt a Car Share Operation Policy to support the establishment of car share services in Nelson.

2. Summary

2.1 The Draft Car Share Operation Policy sets out the criteria and process for car share providers to be allocated parking spaces and other parking concessions. Such a policy will support the establishment of carsharing services and help reduce carbon emissions and effectively manage parking resources.

3. Recommendation

That the Council

1. ***Receives the report Draft Car Share Operation Policy (R28382) and its attachment (789843239-2767); and***

2. ***Adopts the Draft Car Share Operation Policy (789843239-2767); and***

3. ***Delegates to the Chief Executive the ability to negotiate with car share organisations to allow vehicles with internal combustion engines as part of their fleet during the first two years of the operation of the policy, noting that this is inconsistent with the Car Share Operation Policy but is a temporary measure with no intention to amend the policy; and***

4. ***Agrees His Workshop Mayor Hon Dr Smith and the Chief Executive be delegated authority to approve any minor***

amendments to the Car Share Operation Policy before it is made available to the public.

4. Background

4.1 The Climate Action Plan, adopted by the Council on 17 November 2021, outlines resources allocated for climate change projects over the 2021-31 Long Term Plan, including a car sharing scheme to reduce carbon emissions. As a result, staff have been progressing work on car share options.

4.2 The Nelson City Parking Strategy adopted on 25 August 2022, includes provisions for car share spaces as a medium priority. The Traffic and Parking Bylaw, adopted 17th August 2023, includes carpark designation for car sharing.

4.3 Two Council workshops (16 February 2023 and 22 February 2024) and a briefing for elected members (25 August 2023) have covered progress on the car sharing issue.

5. Discussion

Purpose of this Policy

5.1 The policy outlines the criteria and process for organisations applying to become approved car share providers, in alignment with the Traffic and Parking Bylaw 2023. This Bylaw requires Council approval for organisations, that wish to provide "car share vehicles".

5.2 The Traffic and Parking Bylaw defines “car share vehicle” as:

… a motor vehicle operated by an organisation approved by the Council to provide its members access to a fleet of shared motor vehicles which they may reserve for use on an hourly or daily basis, and does not include a wheeled recreational device.

5.3 Once approval is given to an organisation, Council can provide designated parking spaces and grant other parking concessions for car share vehicles. The policy guides Council in decisions regarding designated parking spaces and parking concessions under the Traffic and Parking Bylaw 2023.

Operations and Future Demand

5.4 Car share organisations will often choose to start with a limited fleet of vehicles as they evaluate the market and develop their business model. If demand increases, organisations expand their fleet and coverage accordingly.

5.5 In Nelson, car share organisations may well initially focus on the city centre, leveraging high exposure and demand. As membership grows, they can strategically expand to surrounding areas, adapting to and supporting wider community needs and transportation patterns.

Vehicle Type

5.6 The draft policy allows for low emission vehicles, classed as having a threshold of less than or equal to 105 g/kg of CO_2. These vehicles may be EVs or hybrids, as long as they meet the definition of low emission (as set out in the Land Transport Rule: Vehicle Efficiency and Emission Data).

5.7 The draft policy reflects elected member preference to exclude ICE (internal combustion engine) vehicles. However, such an exclusion will make it unlikely that a car share service will establish itself in Nelson, given the lack of EV charging infrastructure. For this reason, staff propose that for the first two years of the policy's operation that the Chief Executive is able to negotiate with car share organisations to allow ICE vehicles as part of the fleet on a case by case basis. Lower emission ICE vehicles will be preferenced in such negotiations. It is expected that the availability of EV charging infrastructure will increase in Nelson, and across the region, over the next two years and the situation can be re-evaluated in two years' time.

5.8 A decision to allow this flexibility for car share organisations in the first two years of the policy will be inconsistent with the Car Share Operation Policy. Section 80 of the Local Government Act 2002 requires that when Council is taking a decision that is significantly inconsistent with a policy the reasons for the inconsistency must be identified, along with any intention to amend the policy to accommodate the decision. In this case the inconsistency will improve the likelihood of car sharing schemes being able to start up in Nelson with the benefits and efficiencies they bring but there is no intention to amend the policy.

Car Share Parking Fees

5.9 As approved organisations expand their fleet and coverage, they may request additional designated parking and permits for authorised vehicles. These requests will be assessed and determined in accordance with the Traffic and Parking Bylaw 2023, and additional space requests will be assessed on a performance basis and approved by a hearing panel.

5.10 Car share organisations with allocated designated parking will be exempt from paying parking fees for the first two years, in order to support the growth and expansion of the sector. After this time, the fees incurred will be based on the greenhouse gas emissions profile of the vehicle, as shown in the following table.

Vehicle carbon emissions (grams per kilometre)	Reserved parking permit (annual fees)	Authorised vehicle permit (annual fees)
0 (zero emissions)	$0	$300
1 to 60	$1,760	$910
61 to 105	$2,200	$1,600

Financial Implications

5.11 Car parks yield revenue ranging from $520 to $1,700 per parking space, annually. The capital value of these parking spaces is estimated at between $10,804 (based on rateable value) and $11,100 (based on the annual revenue per space and an aim of a return on investment over a ten-year period).

5.12 The opportunity cost of dedicating spaces to car sharing for free involves potential revenue loss, ranging from $520 to $1,700 per space annually. However, this is offset by the benefits of supporting the uptake of a car share scheme and the subsequent reduction in emissions, aligning with long-term climate change objectives.

6. Options

6.1 Council can either adopt the policy or not.

6.2 Option 1 is the recommended option.

Option 1: Adopts the Draft Car Share Operation Policy that sets out the process for car share organisations to become approved providers.	
Advantages	• Encourages the establishment of car share services in Nelson, contributing to reduced vehicle ownership rates, decreased traffic congestion, and lower emissions. • Supports the Council's climate action goals by promoting the use of low-emission and electric vehicles within the city.
Risks and Disadvantages	• Requires the allocation of Council resources for policy implementation and ongoing management.

	• Potential resistance from existing parking space users due to the reallocation of parking spaces for car share vehicles.
Option 2: Status quo – do not adopt the Draft Car Share Operations Policy.	
Advantages	• No financial or administrative burden on the Council.
Risks and Disadvantages	• There is no mechanism to approve car share organisations, necessary for providing 'car share vehicles' under the Bylaw. • Car share organisations do not locate their business to Nelson. • Missed opportunity to provide community transport choices, access and equality, complementing public transport, walking and cycling. • May be seen to undermine Council's previously demonstrated commitment to climate action and sustainable transportation solutions

7. Conclusion

7.1 By establishing a framework for car share operations, including the approval of organisations and the allocation of designated parking spaces, the draft policy aims to enhance urban mobility, reduce carbon emissions, and align with the city's environmental goals. Officers recommend the policy be adopted.

Attachments

Attachment 1: 789843239-2767 - Draft Car Share Operation Policy ⇩

Important considerations for decision making

Fit with Purpose of Local Government

Adopting a car share operations policy supports the environmental, social and economic wellbeing of the community.

Consistency with Community Outcomes and Council Policy

The decisions in this report 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 Council provides leadership and fosters partnerships, a regional perspective and community engagement

Risk

Adoption of the policy is low risk as this approach has been successfully implemented in other cities in New Zealand and the risk of establishing the services is carried by private companies. There is a risk that some residents will object to car parks being allocated to car sharing, but this can be mitigated by clear messaging around the benefits.

Financial impact

Council will forgo revenue during the two year exemption for parking fees.

Degree of significance and level of engagement

This matter is of low significance given it is simply providing an opportunity for private companies to establish a service in Nelson and no engagement with the wider community is planned. Engagement with some potential car share service providers has informed the policy development.

Climate Impact

Adoption of a policy has the potential to reduce car ownership in Nelson and contribute to carbon emission reductions.

Inclusion of Māori in the decision making process

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

Legal context

Council has power to make this decision under its power of general competence (Local Government Act 2002 s12(2)). The general decision-making requirements of sections 76 to 82 of Part 6 of the Local Government Act 2002 apply to this decision of Council. The report demonstrates that these general requirements have been met by assessing significance and necessary consultation and identifying the reasonably practicable options and assessing their advantages and disadvantages.

Delegations

This decision is a matter for Council.

Draft Car Share Operation Policy

March 2024

Nelson City Council | Te Kaunihera o Whakatū

789843239-2767

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1. Overview

1.1 Introduction

Car share schemes provide members with convenient access to vehicles which are available to rent by the hour. These rental vehicles are available 24/7 to members, and are often parked on the street or in public car parks.

These schemes reduce the need for personal ownership of a car.

1.2 Purpose of the policy

This policy outlines the assessment criteria and process for organisations applying to Council to become approved car share providers. Approval of a car share organisation provides scope for Council to reserve designated car parking spaces, as well as grant other general parking concessions, for vehicles which are part of the applicable car share scheme.

This policy also provides guidance to Council in making decisions regarding the designated car parking spaces and other general parking concessions for car share vehicles under the Council's Traffic and Parking Bylaw 2023 (**Bylaw**).

This policy implements a commitment in the Parking Strategy 2022 to develop operational guidelines for car sharing in Nelson, and it is consistent with the Bylaw.

1.3 Objectives

- Access to car share schemes increases the use of shared vehicles and reduces the need for car ownership.
- Car share schemes make efficient use of public car parking spaces.
- Car share schemes complement other 'shared mobility' initiatives.

1.4 Principles

- The approval process for car share organisations is simple and transparent, and provides a 'level playing field' for car share schemes to establish in Nelson and to compete for members.
- Decisions on provision of car parking for approved car share organisations are consistent with Council's Parking Strategy 2022, and take into account the need for car parks to be available to support retail businesses and other activities.
- This policy supports financially responsible decision-making.

2. Car share models

This policy applies to two different car share models:

- Station-based – vehicles are assigned to specific car spaces, and users must return them to an appropriate designated car space at the end of their rental period.
- Free-floating – vehicles are parked within a operational zone' (such as the city centre) and at the end of the rental period users can park the vehicle wherever parking is legally allowed within the operational zone.

3. Parking for approved car share organisations

The Bylaw provides for Council to reserve parking for the exclusive use of particular classes of vehicles which, amongst other things, include "car share vehicles" (see section 32.1 Bylaw), and to issue authorised vehicle permits (see section 41.1 Bylaw). The Traffic and Parking Bylaw defines "car share vehicle" as:

… a motor vehicle operated by an organisation approved by the Council to provide its members access to a fleet of shared motor vehicles which they may reserve for use on an hourly or daily basis, and does not include a wheeled recreational device.

3.1 Approval application and assessment

All shared vehicle operators wishing to access the parking benefits available to approved shared vehicle operators ('approved organisations') can apply for an approval from Nelson City Council. Approved organisations will be eligible to be provided with permits in accordance with the Bylaw for each vehicle in their fleet (see Section 3.3). Approvals may be issued subject to a range of conditions including performance monitoring (see Section 7). This section outlines the process by which Nelson City Council will consider applications for approval, including the information that must be provided.

Permit holders must provide Council with the data listed in Section 7 to support performance monitoring.

At the end of each two-year permit period, Council will reassess the car share organisation, taking into account:

- the performance data
- feedback from the car share scheme's members
- the cumulative impact of the permit system on Council's parking policies and transport objectives.

All approvals will be for a maximum term of 2 years and will be subject to the approved organisation meeting certain performance standards as set by Nelson City Council (see Appendix 1). At the end of the 2-year period, a re-assessment of the approved organisation will take place, and any subsequent approvals would consider the circumstances at the time and reflect any changes to this policy.

Approved organisations may also request additional designated parking and permits for authorised vehicles. These requests will be assessed and determined in accordance with

the Bylaw 2023, and additional space request will be assessed on a performance assessment.

To apply for approval, organisations must send an expression of interest to enquiry@ncc.govt.nz. Approved organisations must provide enough information to Nelson City Council at the time of application to enable Nelson City Council to ensure all requirements of the policy will be met by the organisation if approved.

3.1 Parking options

Following approval, approved car share organisations will have access to request:

- Designated parking – in these reserved spaces there will be no parking fees or time limits; and/or
- Permits for authorised vehicles – permit holders will be exempt from paying parking fares and meeting time limits in general parking spaces. Users of authorised vehicles will still need to follow legislation prohibiting parking in certain locations (including bus stops, five minute parking areas and loading zones).

Both a digital permit and a display permit will be issued to each vehicle in an approved car share scheme. The permits will be linked to the vehicle licence plate.

3.2 Designated parking

Designated parking spaces are for the exclusive use of 'station-based' vehicles. Signage and road markings will identify that these car parks are reserved for shared vehicles (with one space available for each vehicle). Permits will be issued to allow parking in these spaces in accordance with the Bylaw.

Up to 2.5% of the total off-street paid parking and time-restricted spaces within key areas of the city will be allocated as designated parking spaces. (In the city centre this percentage is equivalent to 42 designated parking spaces.)

Council will regularly assess how the car share market is maturing, and consider any other factors affecting car parking in Nelson. This assessment process may lead to changes to the 2.5% allocation level in future.

Designated parking spaces will, as far as possible, be located in off-street public car parking areas, and will be allocated through negotiations between Council and the approved car share organisations. Approved car share organisations will be responsible for the installation, management and maintenance of electric vehicle (EV) charging infrastructure, if this is required.

Council will provide the following information to approved car share organisations:

- the locations/boundaries of the designated parking spaces
- any changes to current locations/boundaries of the designated parking spaces
- any upcoming loss of designated parking spaces due to special events or construction works to be undertaken by Council.

Council may, by resolution under the Bylaw, remove designated parking spaces from a car share organisation if the organisation:

- does not contribute to the objectives in section 1.3 of this policy; or
- does not meet the requirements in section 7 of this policy; or
- attracts customer complaints; or
- does not contribute to the objectives in section 4.1 of the Parking Strategy 2022.

Council may also remove designated parking spaces as part of transport projects, such as road space reallocation or construction works. This decision will follow the Bylaw process.

Council will incentivise vehicles with low greenhouse gas emissions when allocating designated parking areas.

Council will consider reallocating the designated parking spaces under the Bylaw if there is more than one approved car share organisation in Nelson. In this case, designated parking spaces may be reallocated to the highest performing car share schemes, based on the data to be collected and provided to Council, which is listed in section 7 of this policy.

If a reallocation of designated parking spaces is proposed, Council will advise the operator of the lower performing car share scheme, and they will have 90 days to increase the use of their vehicles before a final decision is made.

3.3 Parking permits for authorised vehicles

Parking permits for authorised vehicles are available for both 'station-based' and 'free-floating' car share schemes. These permits exempt vehicle users from certain parking restrictions that would otherwise apply.

These parking permits are not to be used by the car share organisation for staff parking.

Council will issue authorised vehicle permits for car share vehicles conditional upon them only being valid for areas where signs indicate the car park is 'time restricted" or "payment parking zones" where the maximum time limit is greater or equal to 120 minutes.

Permits may be transferred from one vehicle to another, with fees being adjusted in accordance with the subsequent vehicle's carbon emission profile, provided that:

- the details of the vehicle are provided to Council
- the approved car share organisation hires out the vehicle with the permit as part of its car share fleet
- the vehicle to which the permit is transferred is a replacement for a vehicle removed from the car share fleet.

Council may, by resolution under the Bylaw, remove authorised vehicle permits from a car share organisation if the organisation:

- does not contribute to the objectives in section 1.3 of this policy; or
- does not meet the requirements in section 7 of this policy; or
- attracts customer complaints; or
- does not contribute to the objectives in section 4.1 of the Parking Strategy 2022.

4. Fees

Car share organisations with allocated designated parking will be exempt from paying parking fees for the first two years. This discount will be passed to the final user (community) and it will be reflected in the rental fees.

After this time, approved providers linked to specific permits issued under the Bylaw will incur annual fees based on the greenhouse gas emissions profile of the vehicle, as shown in the following table. The CO_2 emissions of the vehicle will be calculated in accordance with the most updated Land Transport Rule: Vehicle Efficiency and Emissions Data. These fees will be set under the same process by which fees are imposed for reserved parking permits and authorised vehicle permits under the Bylaw.

Vehicle carbon emissions (grams per kilometre)	Reserved parking permit (annual fees)	Authorised vehicle permit (annual fees)
0 (zero emissions)	$0	$300
1 to 60	$1,760	$910
61 to 105	$2,200	$1,600

5. Approved organisation responsibilities

Approved car share organisations must:

- Provide quarterly reports to Council.
- Provide details about any operational performance issues that do not align with Council's conditions and expectations.
- Fully co-operate with Council to resolve issues relating to the operation of the scheme, including but not limited to:
    - identifying operational zone boundaries (for the free-floating model) and the procedure to adjust boundaries;
    - strategies to overcome bunching of shared vehicles in certain areas (including where the cumulative effect of vehicles from multiple organisations is creating bunching); and
    - resolving any issues with automatic payment systems used for paying parking charges (when these are required).
- Ensure that their organisation, vehicles and users comply with all legal requirements.

- Ensure reasonable customer access to vehicles at all times.
- Provide Council with the performance data listed in section 7 of this policy.
- Accept liability for any infringement costs accumulated by customers while using the vehicle (as the registered vehicle owner).

6. Council responsibilities

- Council will inform applicants of any concerns about their application so that issues can be discussed and resolved as part of the application process.
- Council will fully fund the line-marking and signage of car share spaces for the first two years of the car share scheme, and then review this approach.
- Council will provide ongoing marketing and promotion of car share schemes through the Council's communication channels as appropriate.
- Council may exercise some discretion regarding conditions for approval, as it recognises the operations and business models of car share organisations may vary.
- Council may decline any application on reasonable grounds. If an application is declined, operators can still choose to provide a car share scheme in Nelson, but they will not gain the parking benefits provided to approved organisations.
- When Council considers an approved car share organisation is in breach of the conditions of the approval, or the parking permit for authorised vehicles, it will endeavour to resolve the issue with the organisation directly. If the issue cannot be resolved to Council's satisfaction, it may consider cancellation of the approval and permits.

7. Performance monitoring

7.1 Assessment methods

The performance of a shared vehicle scheme will be assessed using:

- the data provided to Council by the approved car share organisation
- survey results from car share scheme members
- data from other sources, including parking officers.

7.2 Membership surveys

Council and the approved car share organisation will conduct an annual membership survey – with questions agreed and approved by both parties, and distributed by the approved organisation.

The results will be shared with Council in an anonymised, standardised format that enables Council to extract the information (which Council will treat as confidential).

7.3 Data requirements

The data requirements are:

- Trips per user per vehicle
- Vehicle dwell time (time not hired) per vehicle and location
- Number of discrete members and their location (residential or business suburb)
- Unique users per vehicle
- Confirmed bookings per vehicle
- Booking length per vehicle
- Trip distance per trip per vehicle
- Percentage of one-way trips (if applicable)
- Spatial representation of trips (origin street and destination street) per trip per vehicle
- Number of approved organisation app downloads
- Details of the number of car relocations needed (outlining where they were and where they were moved to)
- Number of registered and active customers.

The minimum utilisation target (time in use over 24 hours each day) is 10%.

8. Review of this policy

Council will review this policy whenever necessary. Any changes to the conditions outlined in this policy will be reflected in future approval processes for car share organisations, and in reviews of designated parking and parking permit allocations.

As noted in section 3.1, the maximum number of designated parking spaces (for station-based car share schemes) will be regularly reviewed in response to the maturing car share market and any other factors affecting car parking in Nelson.

In future, this policy will include minimum performance standards for shared vehicles to be eligible for designated parking spaces and/or parking permits for authorised vehicles.

Appendix 1 – Assessment criteria

In addition to submitting an expression of interest to Nelson City Council, car share organisations need to provide evidence that they meet each of the assessment criteria listed below and can provide necessary data for performance monitoring (See section 7).

As noted in section 6 of this policy, Council will exercise its discretion in assessing the application, as it recognises the operations and business models of car share organisations may vary.

- Shared vehicles must be within the highest ANCAP (Australasian New Car Assessment Program) rating, be fully maintained and comply with all relevant regulations.

- Shared vehicles must be EV's or Hybrids and meet the definition of low emissions (as set out in the Land Transport Rule: Vehicle Efficiency and Emission Data).

- The organisation must hold and maintain a valid rental service license under the Land Transport Rule: Operator Licensing 2017. This includes provisions to ensure users hold a valid license applicable to the vehicle type.

- Shared vehicle organisations must deliver an operational model that includes:
  - a scheme of sufficient scale, with widespread and convenient access to vehicles
  - use of the shared vehicles being open to the general public with only reasonable restrictions (such as a valid license applicable to the vehicle type, basic credit worthiness and adequate driver history)
  - shared vehicles being available 24 hours/7 days a week with reasonable exclusion for operational use.
  - transparent costs and rates to hire vehicles
  - an operational plan to respond to any parking or vehicle issues including, but not limited to, bunching of shared vehicles in areas affecting car park access for other users
  - a plan for growing long-term membership
  - encouragement of high turnover of bookings for each vehicle to facilitate wide utilisation.

- An ability to provide Council with a monthly data report in standardised format, through a suitable application programme interface (API).

- Processes to ensure vehicles that are incapacitated for any reason are removed within 24 hours.

- A rationale for proposed operational zone boundaries (for a free-floating scheme) and geographic boundaries.

Appendix 2 – Parking Strategy 2022 (extract)

Car share parking – guidelines for implementation

Car share parking	Designated parking spaces for vehicles registered to car share operators where membership is available to the general public • Car share parking within commercial areas should be provided in off-street car parks only as on-street parking is prioritised to provide higher turnover and access to local businesses. • In residential areas, on-street car share spaces should be provided on busy and well-lit streets to increase perceptions of personal safety. • Ideally, car share parking spaces should be located on or near key bus routes. A cycle parking loop or rack should also be provided adjacent to the space to encourage multi-modal journeys.

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Council

Nelson City Council
Te Kaunihera o Whakatū

7 March 2024

Report Title:	**Consent for Easements - Wastney Terrace and Railway Reserve**
Report Author:	**Susan Mathieson - Senior Property Officer**
Report Authoriser:	**Nikki Harrison - Group Manager Corporate Services**
Report Number:	**R28403**

1. Purpose of Report

1.1 To approve consents for easements over reserves at Part of Wastney Terrace Road Reserve and Railway Reserve via Browning Crescent Local Purpose Reserve (Esplanade).

2. Recommendation

That the Council

1. ***Receives the report Consent for Easements - Wastney Terrace and Railway Reserve (R28402) and its attachments (714127617-20601 and 714127617-20604); and***

2. ***Approves easements over Part of Wastney Terrace Road Reserve (Lot 9 Deposited Plan 15070) in favour of Part Section 12 District of Suburban North (NL1A/974) and consents to easements for right of way, retaining wall, right to drain sewage, right to drain water, right to convey water, right to convey electricity and telecommunications under section 48(1) of the Reserves Act 1977, acting pursuant to delegation from the Minister of Conservation.***

3. ***Approves easements at Railway Reserve via Browning Crescent Local Purpose Reserve (Esplanade) and consents to right to convey electricity and telecommunications under section 48(1) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.***

4. ***Notes that all costs associated with the easements are to be met by the applicants.***

3. Background

3.1 The Reserves Act 1977 (RA) sets out a two-step process to grant such easements. As the administering body of the reserve, Council makes the initial decision on whether to grant an easement. This role has been delegated to the Hearings Panel.

3.2 Final consent of the Minister of Conservation is then also required. The Minister has delegated that final consent role to Council, and it cannot be sub-delegated. Hence the requirement for the Hearings Panel to make an initial decision to grant the easement and then for the matter to be referred to Council for final consent.

3.3 The Hearing Panel of 9 February 2024 granted the proposed easements over Part of Wastney Terrace Road Reserve and Railway Reserve via Browning Crescent Local Purpose Reserves (Esplanade).

3.4 It was resolved at the Hearing Panel meeting for the Wastney Terrace proposed easements:

Resolved HEA/2024/001

That the Hearing Panel

1. *Receives the report Proposed Easements over Part of Wastney Terrace Road Reserve (R28284) and its attachment (714127617-20601); and*

2. *Grants the easements for right of way, retaining wall, right to drain sewage, right to drain water, right to convey water, right to convey electricity and telecommunications, over Part of Wastney Terrace Road Reserve (Lot 9 Deposited Plan 15070) in favour of Part Section 12 District of Suburban North (NL1A/974) subject to public notice under section 48 (2) of the Reserves Act 1977 resulting in no objections or submissions and with all costs associated with the easements to be met by the applicant, subject to final consent of the Council (acting as the Minister of Conservation's delegate).*

3. *Notes that if any objections to the proposed easement are received, a further report will be brought to the Hearings Panel to enable consideration and decision on those objections.*

4. *Notes that if no objections or submissions to the proposed easements are received, a report will be taken to Council for consent to the easements pursuant to delegation from the Minister of Conservation under section 48(1) of the Reserves Act 1977.*

3.5 It was resolved at the Hearing Panel for the Proposed Easements over Railway Reserve via Browning Crescent Local Purpose Reserve (Esplanade):

Resolved HEA/2024/002

That the Hearing Panel

1. *Receives the report Proposed Easements over Railway Reserve via Browning Crescent Local Purpose Reserve (Esplanade) (R28287) and its attachment (714127617-20604); and*

2. *Grants an easement for right to convey electricity and telecommunications over Local Purpose Reserve (Esplanade) (Section 150 SO 12047 and Lot 1 DP 16994) in favour of Network Tasman with all costs associated with the easements to be met by the applicant, subject to final consent of the Council (acting as the Minister of Conservation's delegate).*

3. *Notes that under section 48 (1) Reserves Act 1977 that public notice is not required.*

4. Discussion

4.1 During 1-29 February 2024, public notification was undertaken for the proposed easements over Part of Wastney Terrace Road Reserve (Lot 9 Deposited Plan 15070) in favour of Part Section 12 District of Suburban North (NL1A/974) as required under section 48 (2) of the RA with no objections received.

4.2 As the proposed easement at Railway Reserve via Browning Crescent Local Purpose Reserve (Esplanade) would not materially alter or permanently damage the reserve there is no requirement to undertake public notification.

4.3 Delegation is with Council under the Reserves Act to consent to the easements.

5. Options

5.1 Council could decide to consent or not consent to the Wastney Terrace proposed easements. Consent to the easements is the recommended option.

Option 1: Consent to the easements under Section 48 (1) of the Reserves Act 1977 (recommended option).	
Advantages	• The land is road reserve, consistent with its land use • Provides services to adjoining section • Provides security of services for subdivision

	• Supports building and resource consent requirements for applicant • Ownership, access installation and maintenance of services are applicant's responsibility
Risks and Disadvantages	• None
Option 2: Do not consent to the easements under Section 48 (1) of the Reserves Act 1977.	
Advantages	• None
Risks and Disadvantages	• Development is compromised with lack of services to applicant's land. • Council not supportive of subdivision that has benefit for applicant and Wastney Terrace road network

5.2 The Council could decide to grant or not grant the proposed easements over Railway Reserve via Browning Crescent Local Purpose Reserve (Esplanade). Granting the easements is the recommended option.

Option 1: Consent to the easements under Section 48(1) of the Reserves Act 1977 (recommended option).	
Advantages	• Network Tasman's 800 affected customers and businesses have security of upgraded HV cables • Supports provision of power supply and telecommunications upgrade for the area • Services are underground • No visible impact on profile above ground
Risks and Disadvantages	• Initial disruption to Railway Reserve users while work is being undertaken
Option 2: Do not consent to the easements under Section 48 (1) of the Reserves Act 1977.	
Advantages	• None
Risks and Disadvantages	• 800 affected households including businesses in the Stoke semi-industrial area could have compromised power and telecommunications connections.

6. Conclusion

6.1 It is recommended that Council consents to the easements over reserves at Part of Wastney Terrace Road Reserve and Railway Reserve via Browning Crescent Local Purpose Reserve (Esplanade).

7. Next Steps

7.1 If the recommendations are approved by Council, the easement instruments will be produced, and once construction is complete the applicant will survey the area of easement over of the Reserves and register the easements.

Attachments

Attachment 1: 714127617-20601 R28284 Easements - Wastney Terrace Road Reserve - Proposed ROW ⇩

Attachment 2: 714127617-20604 R28287 Easements - Railway Reserve via Browning Crescent Cable Duct Rout to Poets Park ⇩

Important considerations for decision making

Fit with Purpose of Local Government

The recommendation in this report is aligned with the purpose of Local Government in enabling "*democratic decision-making and action by, and on behalf of, communities*" as it enabled the community the opportunity to consider and comment on the granting of a right of way over Council administrated Reserves.

Consistency with Community Outcomes and Council Policy

Supports community outcomes –

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

Risk

All costs are borne by the applicants.

Financial impact

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

Degree of significance and level of engagement

This matter is of low significance according to the Signficance and Engagement Policy because it is a standard Local Body transaction, following the process set out under Section 48(1) of the Reserves Act 1977.

Climate Impact

This decision will have no impact on the ability of the Council or District 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.

Legal context

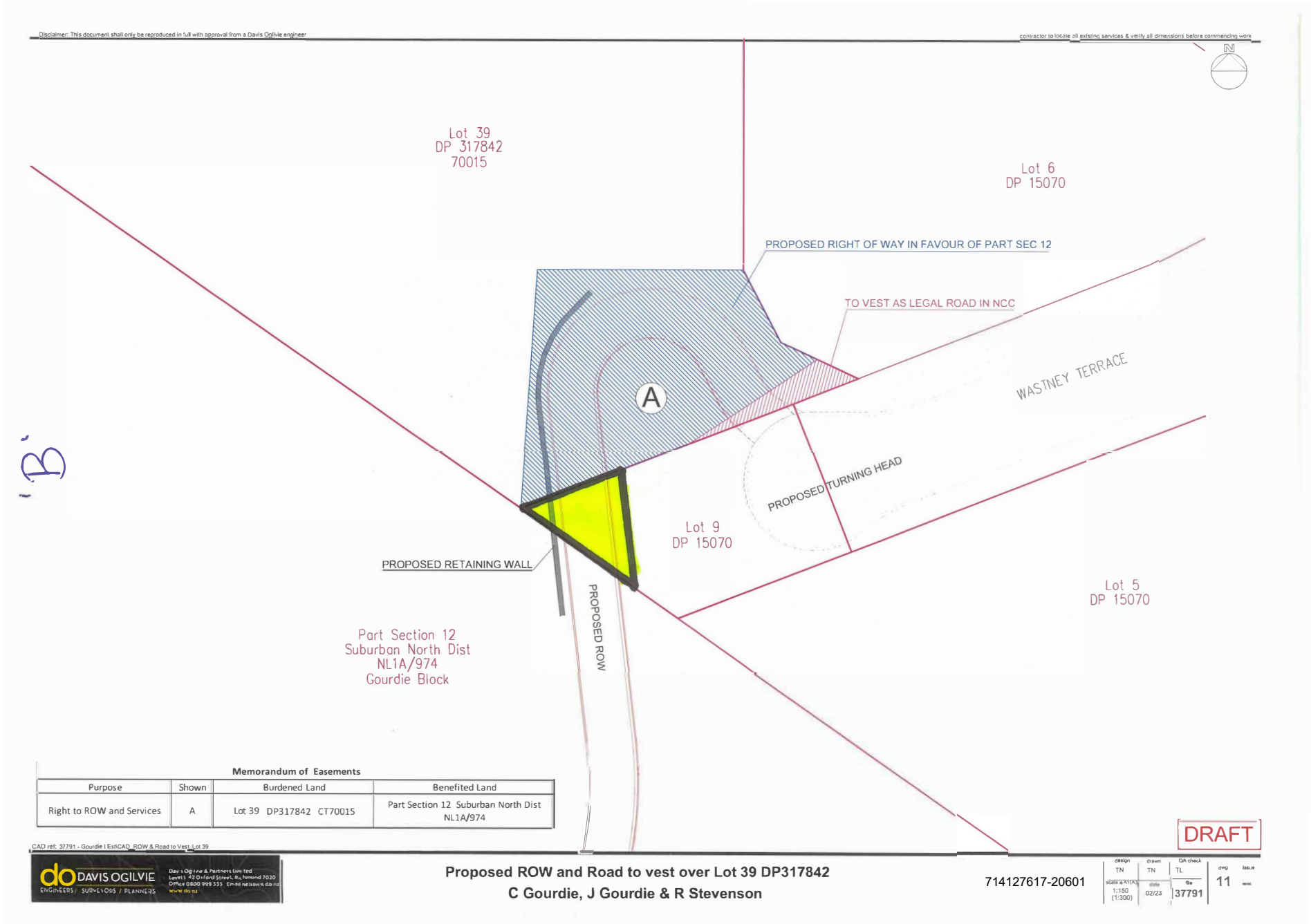
Council has power to make this decision under the Reserves Act 1977, Section 48 (1). The legal process that Council must follow to make this decision is via Hearings Panel to recommend to Council to consent to easements

Delegations

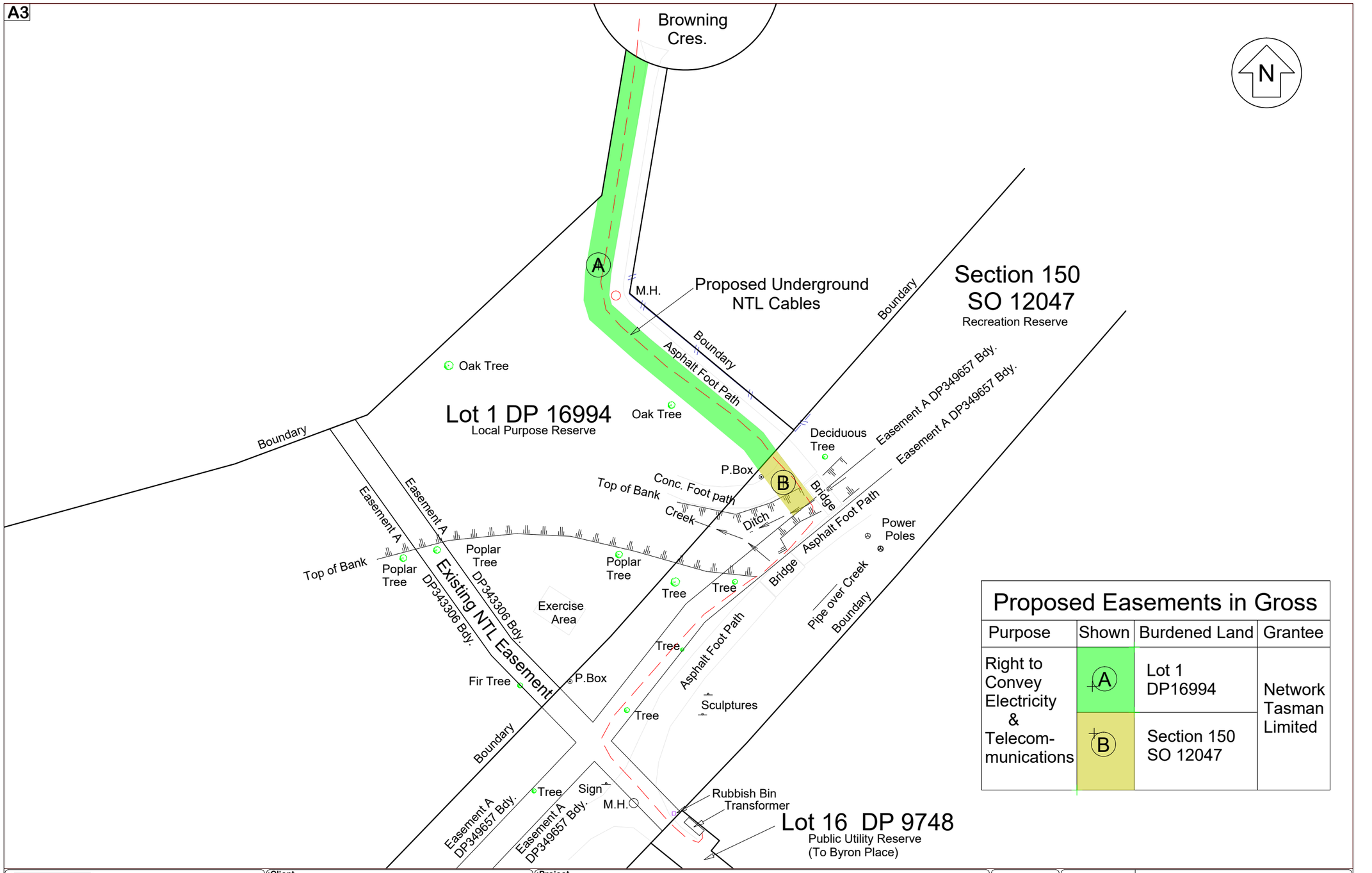
The Council has the delegated authority to grant easements under Section 48 (1) of the Reserves Act 1977.

The administering body functions have been delegated to the Hearing Panel.

The Ministers final consent role has been delegated to Council (and cannot be sub-delegated).


Disclaimer: This document shall only be reproduced in full with approval from a Davis Ogilvie engineer
contractor to locate all existing services & verify all dimensions before commencing work
N
Lot 39
DP 317842
70015
Lot 6
DP 15070
PROPOSED RIGHT OF WAY IN FAVOUR OF PART SEC 12
TO VEST AS LEGAL ROAD IN NCC
A
WASTNEY TERRACE
PROPOSED TURNING HEAD
Lot 9
DP 15070
PROPOSED RETAINING WALL
PROPOSED ROW
Lot 5
DP 15070
Part Section 12
Suburban North Dist
NL1A/974
Gourdie Block
B
Memorandum of Easements
Purpose | Shown | Burdened Land | Benefited Land
Right to ROW and Services | A | Lot 39 DP317842 CT70015 | Part Section 12 Suburban North Dist NL1A/974
CAD ref: 37791 - Gourdie I EstCAD_ROW & Road to Vest_Lot 39
DAVIS OGILVIE
ENGINEERS / SURVEYORS / PLANNERS
Davis Ogilvie & Partners Limited
Level 1 42 Oxford Street, Richmond 7020
Office 0800 999 333 Email nelson@do.nz
www.do.nz
Proposed ROW and Road to vest over Lot 39 DP317842
C Gourdie, J Gourdie & R Stevenson
714127617-20601
DRAFT
design TN
drawn TN
QA check TL
scale @ A1(A3) 1:150 (1:300)
date 02/23
file 37791
dwg 11
issue

A3



Proposed Easements in Gross			
Purpose	Shown	Burdened Land	Grantee
Right to Convey Electricity & Telecom-munications	A	Lot 1 DP16994	Network Tasman Limited
	B	Section 150 SO 12047	

TASMAN GOWLAND SURVEYORS
207a Queen Street, RICHMOND Phone 03 544 1126

:Client	Network Tasman Ltd.
:Project	Byron Place to Browning Crescent
Job No:	T29
Surveyed by:	John Batt
Drawn by:	John Batt
:Drawing Title	Proposed NTL Easements over NCC Reserves

Date:	Mon Jan 22 21:11:05 2024
Scale @ A3	1:400
Coord Datum:	Nelson 2000
Height Datum:	
Sheet No:	1 of 1

714127617-20604