



Notice of the Ordinary meeting of

Nelson City Council

Te Kaunihera o Whakatū

Date:	Thursday 5 September 2024
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

Cr Rohan O'Neill-Stevens

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.

Karakia and Mihi Timatanga

1. Apologies

Nil

2. Confirmation of Order of Business

3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

5. Confirmation of Minutes

5.1 1 August 2024

14 - 22

Document number M20677

Recommendation

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 1 August 2024, as a true and correct record.***

6. Recommendations from Committees

6.1 Nelson Regional Sewerage Business Unit - 2 August 2024

6.1.1 NRSBU General Manager Update Report August 2024

Nelson Regional Sewerage Business Unit Activity Management Plan can be found here: <https://www.nelson.govt.nz/council/plans-strategies-policies/2024-2034-activity-management-plans>

Recommendation to Council

That the Nelson City Council and Tasman District Council

- 1. Adopts the final Nelson Regional Sewerage Business Unit 2024 – 2034 Activity Management Plan (1080325921-753).***

6.2 Nelson Tasman Regional Landfill Business Unit - 16 August 2024

- 6.2.1 Nelson Tasman Regional Landfill Business Unit General Manager Update Report August 2024

Nelson Tasman Regional Landfill Business Unit Activity Management Plan can be found here: <https://www.nelson.govt.nz/council/plans-strategies-policies/2024-2034-activity-management-plans>

Recommendation to Council

That the Nelson City Council and Tasman District Council

- 1. Adopts the final Nelson Tasman Regional Landfill Business Unit 2024 – 2034 Activity Management Plan (1399367370-8789).***

- 6.2.2 Nelson Tasman Regional Landfill Business Unit Annual Report 2023 -2024

The NTRLBU Annual Report and Financial statements are attached under separate cover pages 3 - 44.

Recommendation to Council

That the Nelson City Council and Tasman District Council

- 1. Receives the Nelson Tasman Regional Landfill Business Unit Annual Report 2023 -2024 and its Attachments (1399367370-10513 and 749984575-1602).***

6.3 Consultation Panel - 15 August 2024

- 6.3.1 Activities in Public Places Deliberations Report

The Consultation Panel Agenda for the Activities in Public Places, including submissions can be found here: http://meetings.nelson.govt.nz/Open/2024/08/CP_20240815_AGN_6078_AT.PDF

The Commercial Occupation Policy (839498445-18767), the Licence Fee Schedule (839498445-18517) and the Amended Urban Environments Bylaw (839498445-18785) are attached under separate cover pages 45 - 83.

Recommendation to Council

That the Council

- 1. Adopts the amended Commercial Occupation Policy (839498445-18767) and the Licence Fee Schedule (839498445-18517); and***
- 2. Notes that:***
 - a. the recommended amendments to the Urban Environments Bylaw in Attachment 2 of report R28586 in relation to sandwich boards, the definition of "occupy" and clause 6.10, differ from the proposed amendments in the Statement of Proposal; and***
 - b. the recommended amendments to the Urban Environments Bylaw in Attachment 2 of report RR28586 respond to views presented on the proposed amendments in the Statement of Proposal; and***
- 3. Agrees that the recommended amendments to the Urban Environments Bylaw in Attachment 2 of report R28586 in relation to sandwich boards, the definition of "occupy" and clause 6.10:***
 - a. do not require additional consultation; and***
 - b. are within the scope of decisions that can be taken following consideration of views presented on the Statement of Proposal; and***
- 4. Determines, following consideration of submissions, that the amendments to the Urban Environments Bylaw as shown in Attachment 2 of report (R28745) are the most appropriate way of addressing the perceived problems; are the most appropriate form of amendments to the Bylaw and do not give rise to any implications under the New Zealand Bill of Rights Act 1990; and***
- 5. Adopts the amendments to the Urban Environments Bylaw (839498445-18785) ; and***
- 6. Determines that the amendments to the Urban Environments Bylaw will commence on 12 September 2024; and***

7. **Notes under section 80 of the Local Government Act, that clause 5.18 of the amended Urban Environments Bylaw (839498445-18785) which relates to the display of sandwich boards:**
 - a. ***is inconsistent with the Nelson Resource Management Plan Rule AP20r.2.1.i which sets the permitted activity conditions for the location of signs; and***
 - b. ***the reason for the inconsistency is that amending the Bylaw to align with the Nelson Resource Management Plan now, in the current economic climate, is likely to add to the financial pressures already being experienced by local Nelson businesses; and***
8. **That staff are considering whether the relevant section of the Nelson Resource Management Plan (Rule AP20r.2.1.i) needs to be amended to accommodate the decision in relation to the Urban Environments Bylaw and when any proposed amendment to the Nelson Resource Management Plan could be progressed.**

7. Mayor's Report

23 - 86

Document number R28772

Recommendation

That the Council

1. **Receives the report Mayor's Report (R28772) and its attachments (1118544611-7862, 1118544611-7861, 839498445-14252, 1118544611-7854, 118544611-7855, 1118544611-7853); and**
2. **Establishes the Forestry Transition Working Group to provide governance oversight on the implementation of Council's decisions in relation to its transition from commercial forests to amenity forests; and**
3. **Adopts the Forestry Transition Working Group Terms of Reference (1118544611-7862); and**
4. **Appoints to the Forestry Transition Working Group His Worship the Mayor Hon Dr Nick Smith (Chair), and Councillors Matthew Benge, Trudie Brand, James Hodgson, Kahu Paki Paki, Rachel Sanson and Aaron Stallard; and**
5. **Recommends that the Chief Executive bring forward the appointment of a Forest Systems Manager to lead the transition work; and**

6. ***Notes that the Forest Systems Manager role will be funded from the Forests Account and that the Forestry Transition Working Group will be consulted about the job description for the role; and***
7. ***Adopts the Terms of Reference for the Sister Cities and International Visitors Co-ordinating Group (1118544611-7861), which replaces the Sister City Coordinating Group Procedures and Protocol (839498445 – 14252); and***
8. ***Acknowledges and thanks Gail Collingwood for her dedicated voluntary service to the Sister City Coordinating Group since 2013 and her previous long service as a Councillor and Deputy Mayor, which included extensive work developing and supporting our sister cities; and***
9. ***Appoints Councillor Trudie Brand as the Chair of the Sister Cities and International Visitors Co-ordinating Group.***

8. Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward

87 - 97

Document number R28659

Recommendation

1. *That the Council*

1. ***Receives the report Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward (R28659); and***

EITHER

2. ***Resolves under the transitional provisions of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 to retain the Māori ward it established for electoral purposes since 2020;***

2a. Noting that a poll of electors must then be undertaken concurrent with the 2025 triennial local election on whether a Māori ward should be established in Nelson, and that the results of that poll will be binding and apply for the 2028 and 2031 elections

OR

3. ***Resolves under the transitional provisions of the Local Government (Electoral Legislation and Māori Wards and Māori***

Constituencies) Amendment Act 2024 to disestablish the Māori ward it established for electoral purposes since 2020;

3a. Noting that Council must therefore undertake to complete a representation review to set arrangements for the 2025 triennial local election.

9. Amendment to the Policy on Development Contributions 2024

98 - 103

Document number R28655

Recommendation

That the Council

- 1. Receives the report Amendment to the Policy on Development Contributions 2024 (R28655) and its attachment (336940202-11407); and***
- 2. Approves the amendment to the Policy on Development Contributions 2024 (336940202-11407) to the glossary definition of social housing, as outlined in section 5.9 of this report (R28655), to read "Housing developments undertaken by a Community Housing Provider that is registered with the Community Housing Regulatory Authority or developments that deliver a similar housing outcome. Social housing providers exempt from DCs are outlined in section 7.1 of this Policy".***

10. The Effectiveness of the Compliance Strategy 2020

104 - 107

Document number R28669

Recommendation

That the Council

- 1. Receives the report The Effectiveness of the Compliance Strategy 2020 (R28669) and its attachment (756385493-50372); and***
- 2. Notes the Long Term Plan performance measure requiring an annual review of the effectiveness of the Strategy has been removed from the 2024-2034 Long Term Plan and the Compliance Strategy will now be reviewed in 2025, then as required after that.***

11. Proposed Draft Cat Management Bylaw

108 - 130

Document number R28725

Recommendation

That the Council

1. ***Receives the report Proposed Draft Cat Management Bylaw (R28725) and its attachment (596364813-11766) which includes the Statement of Proposal and the Draft Cat Management Bylaw, reasons for the proposal and the determinations required by section 155 of the LGA02; and***
2. ***Determines that the Proposed Draft Cat Management Bylaw is the most appropriate way to address the perceived problems related to the keeping of cats; it is the most appropriate form of Bylaw and any limits on rights under the New Zealand Bill of Rights 1990 are reasonable and proportional, for the reasons set out in this report (R28725); and***
3. ***Approves the commencement of the special consultative procedure on the Proposed Draft Cat Management Bylaw in Attachment 1 (596364813-11766) to run from 9 September to 9 October 2024; and***
4. ***Adopts the 'Statement of Proposal for a Cat Management Bylaw' in Attachment 1 (596364813-11766)) for use in this special consultative procedure; and***
5. ***Agrees a summary of the Statement of Proposal information is not necessary to enable public understanding of the proposal; and***
6. ***Delegates the hearing and deliberations process in relation to submissions on this proposal to a Consultation Panel of elected members, who will make recommendations to the Council on those submissions; and***
7. ***Appoints a Consultation Panel to Hear and Deliberate on the Draft Cat Management Bylaw consisting of:***

Councillor _____ (Chair)

Councillor _____

Councillor _____

Councillor _____

Councillor _____

8. Approves the consultation approach set out in section 6.5 of Report R28725 and agrees:

- (a) *The approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
- (b) *The approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***

12. Nelson School of Music Trust: Memorandum of Understanding

131 - 140

Document number R28663

Recommendation

That the Council

- 1. Receives the report Nelson School of Music Trust: Memorandum of Understanding (R28663) and its attachment (1511110536-1100); and**
- 2. Approves the Memorandum of Understanding between Nelson School of Music Trust trading as Nelson Centre of Musical Arts (NCMA) and Nelson City Council, delegating His Worship the Mayor to sign on behalf of Council; and**
- 3. Delegates His Worship the Mayor and Chief Executive to make any necessary minor editorial amendments prior to signing.**

13. Gambling Venue Policy Review 2024

141 - 160

Document number R28718

Recommendation

That the Council

- 1. Receives the report Gambling Venue Policy Review 2024 (R28718) and its attachment (839498445-8131); and**
- 2. Notes that a review of Council's Gambling Venue Policy (839498445-8131), which is required under the Gambling Act 2003 and Racing Industry Act 2020, has been undertaken and is outlined in this report; and**
- 3. EITHER**

Option 1:

- a. **Agrees that the result of the review is that no change is needed to the current Gambling Venue Policy 2018 (839498445-8131); and**
- b. **Determines that no further consultation or engagement on the decision to retain the current Gambling Venue Policy 2018 with no changes is required.**

OR

Option 2:

- a. **Agrees to propose changes to the Gambling Venue Policy 2018 (839498445-8131), requiring a special consultative procedure to be undertaken; and**
- b. **Directs staff to develop a Statement of Proposal for Council approval.**

14. Update to Nelson City Council Standing Orders 161 - 170

Document number R28757

Recommendation

That the Council

- 1. Receives the report Update to Nelson City Council Standing Orders (R28757) and its attachment (1373411589-1729); and**
- 2. Updates Nelson City Council Standing Orders sections 11 and 13 outlined in clauses 4.6 – 4.7 of Report R28757 to allow for members joining a meeting remotely to be counted as quorum; and**
- 3. Adopts Nelson City Council Standing Orders, effective from 01 October 2024.**

15. Infrastructure Activity Management Plans 2024-2034

171 - 177

Document number R28428

Recommendation

That the Council

- 1. Receives the report Infrastructure Activity Management Plans 2024-2034 (R28428) and its attachments (1833911234-1363, 1833911234-1364, 1833911234-1365, 1833911234-1366, 1833911234-1367 and 1833911234-1385); and***
- 2. Adopts the revised Infrastructure Activity Management Plans***
 - a. Wastewater (1833911234-1391),***
 - b. Water Supply (1833911234-1392),***
 - c. Stormwater (1833911234-1390),***
 - d. Flood protection (1833911234-1389),***
 - e. Transport (1833911234-1388), and***
 - f. Solid Waste (1833911234-1394).***
- 3. Delegates authority to His Worship the Mayor and Chief Executive to approve any minor amendments required to the documents prior to the public release of the Infrastructure Activity Management Plans.***

CONFIDENTIAL BUSINESS

16. Exclusion of the Public

Recommendation

That the Council

- 1. Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that External Adviser, Melisa Kappely from Intepeople remain after the public has been excluded, for Item 3 of the Confidential agenda (Chief Executive Employment Committee Recommendation to Council - CE Remuneration Review), as she has knowledge relating to the Chief Executive's employment that will assist the meeting.***

Recommendation

That the Council

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Confidential Minutes - 1 August 2024	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: • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) • Section 7(2)(c)(ii) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest
2	Recommendations from Committees		
	Chief Executive Employment Committee - 7 August 2024 Chief Executive Performance Assessment Report 2024	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: • 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)
	Chief Executive Employment Committee - 7 August 2024 Draft 2024/2025 Chief Executive Performance Agreement	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: Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
3	Chief Executive Employment Committee Recommendation to Council - CE Remuneration Review	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: Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
4	Housing Reserve Grant Applications	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: Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
5	Board Remuneration - The Suter Art Gallery Te Aratoi o Whakatū Trust, Nelson Regional Development Agency, Nelmac Limited and Nelson Marina Management Limited	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: 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 1 August 2024, commencing at 9.01a.m.

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

In Attendance: Chief Executive (N Philpott), Deputy Chief Executive/Group
Manager Infrastructure (A Louverdis), Acting Group Manager
Environmental Management (M Joubert), Group Manager
Community Services (A White), Group Manager Corporate
Services (N Harrison), Group Manager Strategy and
Communications (N McDonald), Team Leader Governance
(Robyn Byrne) and Senior Governance Adviser (Arnold
Andrews)

Apology: An apology was received from Councillor K Paki Paki

Karakia and Mihi Timatanga

1. Apologies

Resolved CL/2024/156

That the Council

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

His Worship the Mayor/Courtney _____ Carried

2. Confirmation of Order of Business

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

2.1 Mayor's Report

Resolved CL/2024/157

That the Council

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

His Worship the Mayor/O'Neill-Stevens

Carried

3. Interests

Councillor Rainey noted an interest at the beginning of the confidential agenda Item: Venue Hire Fee Exception and stepped away from the table. He did not take part in the discussion and vote on the matter.

4. Public Forum

4.1. Kent Inglis - Council and Housing Developers Working Better Together

Document number R28687

Kent Inglis, gave a PowerPoint presentation (1982984479-8002) highlighted the ways in which Council and developers could work better together to deliver the housing our region needs and to shared his experience. He spoke about the process of consenting and responded to questions on correspondence with council officers and challenges with the current consenting process.

Attachments

- 1 1982984479-8002 - Council 01Aug2024 Kent Inglis PowerPoint

5. Confirmation of Minutes

5.1 4 July 2024

Document number M20644, agenda pages 7 - 14 refer.

Resolved CL/2024/158

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 4 July 2024, as a true and correct record.***

Skinner/Brand

Carried

6. Confirmation of Minutes - Council 27 June 2024

Document number R28703, agenda pages 15 - 0 refer.

Resolved CL/2024/159

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 27 June 2024, as a true and correct record.***

Courtney/Sanson

Carried

7. Mayor's Report

Document number R28717, late items agenda pages 3 - 7 refer.

His Worship the Mayor took the report as read and explained the purpose of the decision. He noted the importance of Nelson Marlborough Institute of Technology (NMIT) and international students for the region. He responded to questions on Review of Vocational Education (ROVE), lack of central government support, international students in Nelson, studies/literature that supports the decision, vulnerabilities of NMIT with changing governments, opportunities for gifted land to be used by local education providers and impact on local students due to globalisation of NMIT.

Resolved CL/2024/160

That the Council

- 1. Receives the report Mayor's Report (R28717) and its attachment (1118544611-7829); and***
- 2. Authorises His Worship the Mayor and the Chief Executive to make a submission to Government, after all Councillors are circulated a draft and given the opportunity to comment, on the future of Nelson Marlborough Institute of Technology broadly along the lines of the attached joint letter (1118544611-7829) from the Nelson, Marlborough and Tasman Mayors, the eight Te Taihū iwi and four business organizations advocating for a standalone and locally governed tertiary education institution.***

His Worship the Mayor/Skinner

Carried

The meeting was adjourned from 9.58a.m. until 10.06a.m.

8. Indicative Business Case - Community Hub, Library and Civic Centre

Document number R28651, agenda pages 26 - 167 refer.

Group Manager Corporate Services, Nikki Harrison, Manager Property Services, Rebecca Van Orden took the report as read and tabled (714127617-21836) a document. Director, Twenty-Two, Dean Croucher, and Branch Manager, Beca, Jon Marshall, joined the meeting to support council officers. They responded to question cultural wellbeing considerations, prioritisation of options, affordable housing, decision making timelines, sale of Civic House, opportunities to split the Civic House and Library development, urgency of remedial works, Long Term Plan budgetary constraints, opportunities arising from potential amalgamation of TDC and NCC.

The meeting was adjourned from 11.13a.m. until 11.21a.m.

Questions continued:

Other library upgrades, energy consumption, insurance costs, council paying rates on its buildings, traffic light system to assess options, governance reporting and flexibility within the lease option.

The meeting was adjourned from 12.17p.m. until 12.23p.m.

Resolved CL/2024/161

That the Council

- 1. Receives the report Indicative Business Case - Community Hub, Library and Civic Centre (R28651) and its attachments (714127617-21277, 714127617-21797 and 714127617-21798); and***
- 2. Accepts the recommendation of the Community Hub including Library (and Civic Office Facilities) Indicative Business Case (November 2023) (714127617-21277) for a single site solution for a central city Library, Community Hub and Civic Centre subject to the further work proposed confirming this is a cost effective and economically viable approach; and***
- 3. Agrees that the priority objective of the project is the provision of a good quality community hub inclusive of library services and the civic and administrative functions of Council that is cost effective and provides value for money for the ratepayer; and***

4. **Agrees that the other objectives are as follows:**
 - a) ***Stimulation for central city regeneration***
 - b) ***Consideration of climate change mitigation and resilience***
 - c) ***Supports social, cultural and economic wellbeing***
 - d) ***A facility that supports Council's goals in respect of accessibility and inclusivity.***
5. **Notes that the Civic House Redevelopment Option investigation (714127617-21797) was completed after the delivery of the Community Hub including Library (and Civic Office Facilities) Indicative Business Case (November 2023); and**
6. **Agrees to take forward three options for further investigation, being:**
 - a) ***A new build owned by Council (option 1)***
 - b) ***A new build leased by Council (option 2)***
 - c) ***A Civic House redevelopment (option 3)***
7. **Approves the proposed Nelson Library, Community Hub & Civic Centre: Detailed Business Case Workplan (714127617-21798).**

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Abstained/Interest</u>
Mayor Hon Dr Smith	Cr Skinner	
(Chairperson)		
Cr Anderson		
Cr Bengé		
Cr Brand		
Cr Courtney		
Cr Hodgson		
Cr O'Neill-Stevens		
Cr Rainey		
Cr Rollo		
Cr Sanson		
Cr Stallard		

The motion was carried 11 - 1.

Rainey/Sanson

Carried

Attachments

- 1 714127617-21836 - Updated Financial Comparison & Forecast Cost: July 2024

The meeting was adjourned from 1.10p.m. until 2.12p.m at which time Councillor Skinner left the meeting.

9. Appointment of Regional On-Scene Commanders

Document number R28631, agenda pages 168 - 173 refer.

Acting Group Manager Environmental Management, Michelle Joubert and Harbour Master, Stuart Whitehouse took the report as read. They answered questions on the regional response plan.

Resolved CL/2024/162

That the Council

- 1. Receives the report Appointment of Regional On-Scene Commanders (R28631) and its attachment (1940938042-2752); and***
- 2. Agrees to end the appointment of Brent Edwards as primary Regional On-Scene Commander effective 1 August 2024; and***
- 3. Approves Stuart Whitehouse to be the primary Regional On-Scene Commander for the Nelson region effective 1 August 2024, in accordance with s.318 of the Maritime Transport Act 1994; and***
- 4. Approves Kay Anderson to be an alternate Regional On-Scene Commander for the Nelson region effective 1 August 2024 in accordance with s.318 of the Maritime Transport Act 1994; and***
- 5. Approves Jake Oliver to be an alternate Regional On-Scene Commander for the Nelson region effective 1 August 2024 in accordance with s.318 of the Maritime Transport Act 1994.***

Courtney/Stallard

Carried

10. Community Investment Funding Update - Small Grants Round June 2024

Document number R28592, agenda pages 174 - 186 refer.

Group Manager Community Services, Andrew White and Manager Community Partnerships, Mark Preston Thomas took the report as read.

Resolved CL/2024/163

That the Council

- 1. Receives the report Community Investment Funding Update - Small Grants Round June 2024 (R28592) and its attachments (636034393-12457 and 636034393-12434); and***
- 2. Receives the minutes from the Community Investment Fund meeting held on 5 June 2024 (unconfirmed) and notes the funding decisions taken.***

His Worship the Mayor/Hodgson

Carried

11. Exclusion of the Public

Resolved CL/2024/164

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:***

His Worship the Mayor/Courtney

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Confidential Minutes - 4 July 2024	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: Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
2	Venue Hire Fee Exception	Section 48(1)(a) The public conduct of this matter would be likely to	The withholding of the information is necessary: Section 7(2)(i)

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		result in disclosure of information for which good reason exists under section 7	To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
3	Tāhunanui Back Beach Remediation - Programme Update	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: Section 7(2)(c)(ii) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest

The meeting went into confidential session at 2.17p.m. and resumed in public session at 3.01p.m.

Karakia Whakamutanga

12. Restatements

It was resolved while the public was excluded:

2 CONFIDENTIAL: Venue Hire Fee Exception

4. *Agrees that this decision and the Report R28689 remain confidential.*

3 CONFIDENTIAL: Tāhunanui Back Beach Remediation - Programme Update

6. *Agrees that the report R28660, its attachments (196698121-58599, 196698121-58587 and 196698121-58585) and decision remain confidential at this time.*

There being no further business the meeting ended at 3.01p.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 Authoriser:
Report Number: R28772

1. Purpose of Report

- 1.1 To provide an update on the Local Government New Zealand conference.
- 1.2 To establish the Forestry Transition Working Group to provide governance oversight of Council's transition from commercial forests to amenity forests and adopt its Terms of Reference (1118544611-7862).
- 1.3 To reformat the Sister City Coordinating Group as the Sister Cities and International Visitors Co-ordinating Group, adopt its Terms of Reference (1118544611-7861) and appoint a new Chair.

2. Recommendation

That the Council

- 1. Receives the report Mayor's Report (R28772) and its attachments (1118544611-7862, 1118544611-7861, 839498445-14252, 1118544611-7854, 118544611-7855, 1118544611-7853); and***
- 2. Establishes the Forestry Transition Working Group to provide governance oversight on the implementation of Council's decisions in relation to its transition from commercial forests to amenity forests; and***
- 3. Adopts the Forestry Transition Working Group Terms of Reference (1118544611-7862); and***
- 4. Appoints to the Forestry Transition Working Group His Worship the Mayor Hon Dr Nick Smith (Chair), and Councillors Matthew Benge, Trudie Brand, James Hodgson, Kahu Paki Paki, Rachel Sanson and Aaron Stallard; and***

5. ***Recommends that the Chief Executive bring forward the appointment of a Forest Systems Manager to lead the transition work; and***
6. ***Notes that the Forest Systems Manager role will be funded from the Forests Account and that the Forestry Transition Working Group will be consulted about the job description for the role; and***
7. ***Adopts the Terms of Reference for the Sister Cities and International Visitors Co-ordinating Group (1118544611-7861), which replaces the Sister City Coordinating Group Procedures and Protocol (839498445 – 14252); and***
8. ***Acknowledges and thanks Gail Collingwood for her dedicated voluntary service to the Sister City Coordinating Group since 2013 and her previous long service as a Councillor and Deputy Mayor, which included extensive work developing and supporting our sister cities; and***
9. ***Appoints Councillor Trudie Brand as the Chair of the Sister Cities and International Visitors Co-ordinating Group.***

3. Discussion

LGNZ 2024 SuperLocal conference

- 3.1 Nelson City Council was represented at the Local Government New Zealand (LGNZ) AGM and 2024 SuperLocal conference by Deputy Mayor Rohan O'Neill-Stevens, Councillors Trudie Brand and Campbell Rollo, Chief Executive Nigel Philpott and myself. The conference was significant and eventful as it was the first since the change of government. Speeches by the Prime Minister, Minister of Local Government, Minister of Finance, Minister of Climate Change and Minister for Regional Development were informative, providing a clear sense of the Government's direction. It was also good to hear the alternative perspective from the Leader of the Opposition.
- 3.2 The most significant announcement was around the Government's intention to amend the Local Government Act and remove reference to council's role in the "social, economic, environmental and cultural wellbeing of their communities". These were added to the Act in 2002 and played a significant role in the surge in rates over the following years. The problem is that they create an expectation of Councils meeting a very broad range of community needs when our revenue from rates amounts to only 2% of GDP. I, as Minister of Local Government, proposed the changes that in 2012 resulted in the Key Government removing these wellbeings, replacing them with a focus on local

Item 7: Mayor's Report

infrastructure, services and regulatory functions. The Ardern Government subsequently reintroduced the wellbeings in 2019. I support the more focused approach of Councils' role proposed by the new Coalition Government but will also be keenly interested in the legal drafting of what replaces these wellbeings. I appreciate that there will be a range of views around the Council table on this issue and expect when we submit on this bill we will need to acknowledge these different perspectives.

- 3.3 The second significant announcement at the conference was by Minister of Local Government Simeon Brown who outlined the framework for the Government's programme of work on system improvements for the sector. I draw Councillor's and senior management's attention to the attached table (Attachment 4 1118544611-7854), which outlines the 12 areas of reform.
- 3.4 Minister Brown also released the strategic framework for Regional Deals at the conference (Attachment 5 1118544611-7855). This model comes from the UK and Australia where it has been very successful in building long-term agreements between central and local government around investment in infrastructure and driving economic growth. The Chief Executive and I were very impressed with the presentation at the 2023 LGNZ Conference from Manchester on this concept and believe it has real potential for our region. I have had preliminary discussions with our neighbours in Marlborough and Tasman and I believe we are well positioned to work together on this opportunity. The initial intent is to be involved on a Te Taihū basis. The Government has indicated that the first tranche will involve five regions being invited to participate in 2025 with one deal planned to be completed next year. It will be highly competitive, and I think it unlikely we will be the first. I am not surprised the Government is taking its time negotiating these Regional Deals as they represent a major policy shift. The Government is signalling that all regions are likely to move to this new framework over time. I am also encouraged that the Opposition has signalled support for the policy. We should, regardless of whether we are in the first tranche or not, prepare with Tasman and Marlborough to take up the opportunity created by this new policy. I encourage colleagues to read the Regional Deals Strategic Framework.
- 3.5 I was involved in presenting as Chair of the LGNZ Electoral Reform Working Group, which includes a range of Council representatives from across the country. A copy of the presentation I gave at the conference is attached (Attachment 6 1118544611-7853). I was encouraged by the poll LGNZ commissioned that showed public support for councils moving to a four-year term. I believe the electoral system belongs to the electors, and not us as the elected, and believe change to lengthen the term would best be advanced by a public referendum. The Coalition Government is committed to introducing a bill this year to provide for a referendum on a four-year term for Parliament and I would like it to include a four-year term for Councils. I strongly believe there needs to be a clear separation between local and national elections, that the terms for both should be four years and that the elections should be synchronised, so they are two years apart.

Item 7: Mayor's Report

- 3.6 Deputy Mayor Rohan O'Neill-Stevens gave a good presentation on the main floor of the conference as co-chair of the Young Elected Members' network. Deputy Mayor O'Neill-Stevens is the Zone 5 representative (top half of the South Island) as well as co-chair of the LGNZ Committee.
- 3.7 The AGM considered eight remits. Remits 1 (Representation reviews), 2 (Community Services Card), 3 (Local government constituencies & wards should not be subject to referendum), 5 (Graduated driver licensing system), 6 (Proactive lever to mitigate the deterioration of unoccupied buildings), 7 (Appropriate funding models for central government initiatives) and 8 (Goods and services tax (GST) revenue sharing with local government) were passed. Remit 4 (Entrenchment of Māori ward seats for local government) was lost.
- 3.8 I also took the time while in Wellington to meet with Taumata Arowai Chief Executive Allan Prangwell to discuss local government water regulation, and the Ambassador of Japan HE Mr Makoto Osawa about our Sister City relationship with Miyazu in Japan.

Governance Oversight of Forestry Transition

- 3.9 Council made the significant decision through the Long Term Plan 2024-34 to transition out of its 600ha of commercial forests to amenity forests. The Long Term Plan (LTP) notes that this will be an intergenerational project and will require the development of an implementation plan. I am proposing a Forest Transition Working Group to assist Council officers in developing this plan.
- 3.10 The Right Tree Right Place Taskforce did not specify the exact mix of what replacement species would be planted where. It noted that passive regeneration should not be attempted without a thorough assessment of Emissions Trading Scheme (ETS) deforestation financial risks. It said that all forest stands should have a site-specific plan taking into account their soil, slope, aspect, weed profile, soil moisture and any cross-boundary impacts, and that all transitions should take into account realistic transition costs. Our LTP notes that the longer-term cost of transition could be from \$4.6 million to \$29.2 million depending on the detailed implementation choices.
- 3.11 The Taskforce Chair specifically requested the Chief Executive prioritise the replanting in 2024 of some harvested areas in the Maitai due to ETS deforestation liability risks. There is also an increasing risk of landslips for each year these areas are exposed. It is unfortunate that the tight timeframe between when the LTP was adopted on 27 June 2024 and the need to plant these areas this winter has meant these have had to occur prior to the transition plan being developed.
- 3.12 A key recommendation of the Right Tree Right Place Taskforce was that Council take a more holistic view of all its forested lands. The concern was that there was too much focus on the 600ha of commercial forests and too little on the 10,000ha of forested water, landscape, and conservation reserves. It recommended that Council create a senior-level

Item 7: Mayor's Report

forest systems leadership role and that it develop a long-term strategic plan for all Nelson City Council's forested lands. I am proposing that we recommend to the Chief Executive that he bring forward the appointment of this Forest Systems Manager to lead the forest transition work including maximising the revenue from existing cutting rights and the development of this overall forest strategic plan.

- 3.13 There are difficult trade-offs to be made as we progress with this forestry transition. There will be those in the community who will advocate for all the previous commercial *Pinus radiata* forests to be replanted in natives, but this would come at a very significant cost to ratepayers. We also need to be mindful that we can get significantly greater biodiversity benefits from investing in improved pest and weed control in our 10,000ha of indigenous forest estate. The overriding objectives in managing the transition and total forest estate should be to maximise the amenity, recreational and biodiversity benefits, minimise the erosion and landslip risks, maximise the income from the sale of existing cutting rights and other sources and to minimise the costs to Council.

Sister Cities and International Visitors Co-ordinating Group

- 3.14 Nelson has sister city relationships with Miyazu (Japan) established in 1976, Huangshi (China) established in 1995, Eureka (USA) established in 2004, and Yangjiang (China) established in 2014. These relationships have been supported by a dedicated group of volunteers. The Nelson Miyazu Sister City Association and the Nelson Branch of the New Zealand China Friendship Society have been supported by a small Council grant each year. The Eureka group fell into abeyance, but work has been underway to establish a North America-Nelson Friendship Society to rekindle the relationship with Eureka (California) and explore a relationship with Portsmouth (New Hampshire) following a public forum presentation to Council in December 2023.
- 3.15 There is a need to refresh these relationships in the wake of COVID-19 disruptions that severely limited international travel and exchanges that resulted in reduced activity over the past four years. There has been discussion at the Sister City Coordinating Group with Co-ordinator Gail Collingwood recommending a change in approach. Gail has given tremendous service to the Council and community as a Councillor, Deputy Mayor and, since 2013, as a volunteer Co-ordinator and Chair of the Group. I also want to acknowledge her contribution to Global Cities NZ. To support the reactivation of the relationships and to ensure a better connection with the elected Council and staff, she recommends that the role be filled by a sitting Councillor.
- 3.16 I have also been reflecting on the sister city relationships and the makeup of Coordinating Group. This is a small area of Council's work, but I want Nelson to be an outward-looking city that embraces other cultures and is well connected with the world. The economic recovery will depend on us rebuilding sectors such as tourism and international education and growing our export trade. In refreshing these sister city relationships, I think Council can do more to leverage the cultural and

Item 7: Mayor's Report

economic benefits for Nelson. I recommend that we invite a representative from Multicultural Nelson Tasman, the Nelson Tasman Chamber of Commerce and the Nelson Regional Development Agency to join the Group.

- 3.17 I also believe there is an opportunity to better co-ordinate and leverage international and diplomatic visits to Nelson. I host at least one international visitor a month and often feel we miss connecting these guests with Nelson's business and multicultural communities. I would like the group's title to be extended to the Sister Cities and International Visitors Co-ordinating Group with the intention to better maximise the opportunities for Nelson from this engagement.

Attachments

- Attachment 1: 1118544611-7862 Forestry Transition Working Group Terms of Reference [↓](#)
- Attachment 2: 1118544611-7861 Sister Cities and International Visitors Co-ordinating Group Terms of Reference [↓](#)
- Attachment 3: 839498445-14252 Sister City Coordinating Group Procedures and Protocol [↓](#)
- Attachment 4: 1118544611-7854 Overview of system improvements [↓](#)
- Attachment 5: 118544611-7855 Regional Deals Strategic Framework [↓](#)
- Attachment 6: 1118544611-7853 LGNZ Electoral Reform Working Group breakfast presentation [↓](#)

**Nelson City Council
Forestry Transition Working Group
Terms of Reference**

1. Purpose

The purpose of the Forestry Transition Working Group is to provide governance oversight and guidance to staff for the implementation of Long Term Plan 2024-34 decisions on Council's forestry approach and the transition from commercial forestry to amenity forests of a continuous canopy of mixed species, taking into account the Right Tree Right Place Taskforce report.

The Working Group was established, and its terms of reference and membership were adopted, by Council resolution at its meeting of 5 September 2024.

2. Role of the Working Group

The role of the Working Group is to

- work with Council staff, in particular the Forest Systems Manager, as they implement the forestry transition approach approved through the Long Term Plan 2024-34, taking into account the recommendations of the Right Tree Right Place Taskforce;
- provide oversight of the development of a strategic plan for all of Council's forestry land – being the 600ha of forestry in transition, and the 10,000ha forest conservation estate;
- work in a cost-effective and financially prudent way and, taking into account the recommendations from the Right Tree Right Place Taskforce report, ringfence, for the purpose of funding the transition, net income from the sale of cutting rights, emissions trading scheme credits received since the forests were reregistered in the ETS, any biodiversity credits available from Council forests and any other relevant funding mechanisms, opportunities and partnerships;
- through its work, look for opportunities to promote recreation in Council's forestry areas including approaches which allow a commercial return on recreation activity.

3. Membership

The Working Group will comprise the following members:

- Mayor Nick Smith (Chair)
- Councillor Matthew Bengie
- Councillor Trudie Brand
- Councillor James Hodgson
- Councillor Kahu Paki Paki
- Councillor Rachel Sanson
- Councillor Aaron Stallard

In the Chair's absence another member of the Working Group will be appointed to undertake the Chair's role.

The Working Group may invite council officers, external experts or community members to attend and/or present at its meetings as required.

4. Quorum

The quorum of the Working Group is five.

5. Powers to decide

None

NDOCS-1118544611-7862

6. Powers to recommend

The Working Group may make recommendations to Council.

7. Role of the Chair

The Chair will:

- review the agenda with staff prior to Working Group meetings;
- chair meetings according to the agreed agenda and to assist the Working Group to reach consensus on issues and options; and
- report Working Group final recommendations to Council.

8. Role of Staff

Staff will provide technical expertise and other support to the Working Group as required, including preparation of agendas and update reports.

9. Meetings

The Working Group will meet as required.

10. Conflicts of Interest

Any conflicts of interest should be declared at the start of Working Group meetings.

11. Reporting

Notes of the Working Group will be taken.

Reports to Council may be prepared by staff on behalf of the Working Group as required.

12. Local Government Official Information and Meetings Act 1987

For the avoidance of doubt, the meeting provisions of the Local Government Official Information and Meetings Act 1987 do not apply to the Working Group meetings, as no decisions are made at these meetings.

13. Amendments to these Terms of Reference

These Terms of Reference can be reviewed and amended by Council. This includes the replacement of any members no longer able to participate.

14. Dissolution of the Working Group

The Working Group will be dissolved when Council decides it is no longer needed.

Sister Cities and International Visitors Co-ordinating Group

Terms of Reference

1. Purpose

The purpose of the Sister Cities and International Visitors Co-ordinating Group is to:

- support and maintain relationships with Nelson's sister cities; and
- support and maintain relationships with the local community organisations that help maintain these sister city relationships; and
- support political, cultural, social and economic links between Nelson and its sister cities and other international relationships; and
- co-ordinate input to delegations and visits to and from sister cities; and
- assist in the co-ordination of and relationships with ambassadors, diplomats and other international delegations to Nelson City Council.

2. Role of the Chair of the Sister Cities and International Visitors Co-ordinating Group

The role of the Chair of the Sister Cities and International Visitors Co-ordinating Group will be undertaken by an elected member who will act as an interface between Council and the active sister city organisations. The Chair will assist in growing Nelson's global economic and cultural links through its sister cities and by maximizing the opportunities from international visitors.

3. Membership

Sister Cities and International Visitors Co-ordinating Group Chair, Mayor, Youth councillor (annual rotation), a representative from each active sister city organization, a representative from Multicultural Nelson Tasman, a representative from the Nelson Tasman Chamber of Commerce, and a representative from the Nelson Regional Development Agency

4. Stakeholders

The Chair may invite key stakeholders to attend a meeting for the purpose of providing advice and input relevant to the matters on the agenda.

5. Quorum

The quorum of the Sister Cities and International Visitors Co-ordinating Group is three.

6. Powers to decide

- 6.1 The Sister Cities and International Visitors Co-ordinating Group does not have decision-making powers.
- 6.2 The Group may make suggestions regarding sister city budgets, new sister city relationships and reviews of existing relationships, which will be reviewed by staff, the Chair and Mayor and reported to Council for any decision as appropriate. The Sister Cities and International Visitors Co-ordinating Group may also suggest invitations to sister cities for visits to Nelson and formal visits from Nelson to sister cities, with Council making the final decision on such suggestions.

7. Role of the Chair

The Chair will:

- Review the agenda prior to Sister Cities and International Visitors Co-ordinating Group meetings;
- Chair meetings according to the agreed agenda;
- Assist the Group to reach consensus on issues and options;
- Act as spokesperson for the Group;
- To review, no later than December each year, sister city organisations' three-year plans and updated budgets (provided by Council through its Long Term Plan) for sister city activities;
- To review, no later than 31 July of each year, sister city organisations' annual reports for the previous financial year, including spend against budget;
- To approve, budget allowing and in conjunction with the Mayor, attendance of delegates at the Global Cities New Zealand Conference and Annual General Meeting, using Council-provided budget to cover registration, travel and accommodation for one delegate from each sister city organisation and from Council elected members and staff.

8. Role of Staff

Staff will prepare and distribute agendas for the Sister Cities and International Visitors Co-ordinating Group formal meetings and take notes of formal meetings.

9. Meetings

The Sister Cities and International Visitors Co-ordinating Group will meet formally four times a year. The Chair may call informal meetings to discuss relevant matters or co-ordinate support for visits and other events.

10. Conflicts of Interest

Any conflicts of interest should be declared at the start of Sister Cities and International Visitors Co-ordinating Group meetings.

11. Local Government Official Information and Meetings Act 1987

For the avoidance of doubt, the meeting provisions of the Local Government Official Information and Meetings Act 1987 do not apply to the Sister Cities and International Visitors Co-ordinating Group meetings, as no decisions are made at these meetings.

12. Amendments to these Terms of Reference

These Terms of Reference can be reviewed and amended by Council. This includes the replacement of Sister Cities and International Visitors Co-ordinating Group members as necessary.

13. Dissolution of the Sister Cities and International Visitors Co-ordinating Group

The Sister Cities and International Visitors Co-ordinating Group will be dissolved when Council decides it is no longer required.

Sister City Coordinating Group Procedures and Protocol

Date approved: 5 July 2023 (by the Sister City Coordinating Group)

Purpose

This document provides guidance to the Sister City Coordinating Group members and Council staff on:

- Roles, responsibilities and managing relationships
- Planning and funding annual activities
- Protocols in relation to visits to and from cities Council has a formal relationship with

Context

Formal sister city relationships

Sister city relationships are formal relationships between Nelson and another international municipal or regional Council. To maintain such a relationship a community group will be delegated responsibility and there will be active interaction at a political level between the two areas, and opportunities for social, cultural and/or economic exchanges.

Nelson currently has four sister city relationships:

- Miyazu, Japan (established 1976)
- Huangshi, China (established 1995)
- Yangjiang, China (established 2014)
- Eureka, USA (established 2004)

[See Appendix one and two]

Sister City Coordinator

The Sister City Coordinator is a volunteer role formally appointed by Council and is reviewed each triennium. The Coordinator acts as an interface between Council and the community groups.

[See Appendix Three]

839498445-14252

Sister city organisations

Sister city organisations are organisations with responsibility to promote the benefits of their identified sister city relationship/s.

Each February, the organisations are responsible to submit an annual budget indicating the activity planned for the June-July financial year. The previous year's expenditure and activities are to be reported back to Council each July.

Sister City Coordinating Group

Role

The role of the Sister City Coordinating Group is to network and share information, report on sister city activities and plans that promote social, cultural or economic benefits to Nelson.

Membership

The Group comprises of: The Mayor and one elected member from Nelson City Council, the Sister City Coordinator, and up to two representatives from each sister city organisation and up to one community representative who may or may not be part of a sister city organisation. The Nelson Youth Council may appoint a representative to be a member of the Group.

Council appointments to the group will be made each triennium. Organisation members will be nominated by the relevant committee of their organisation. The community member will be appointed by the Group.

Administration

Advice, support and administration of the Sister City Coordinating Group will be provided by designated Council staff. That may include the Kaihautū, particularly in respect of visit organisation and this will include support for the Sister City Coordinator.

Meetings

The Group will meet quarterly as required. All reports for the agenda are to be submitted two weeks prior to the circulation of the draft agenda. The Sister City Coordinator, or their delegate, will chair each meeting.

Funding

Council's Long Term Plan will be the vehicle for funding allocations to the sister cities work.

Funding allocated to the three sister city organisations will be held separately from other funds for Council's activities.

Grant funding is provided in order for the groups to promote sister city relationships including cultural opportunities within Nelson.

Each year, no later than February, sister city organisations will provide the Sister City Coordinator and designated staff with an updated three year plan and detailed budgets for the financial year commencing 1 July.

No later than 31 July of each year, sister city organisations will report back on its activities for the previous year, including a comparison of actual expenditure and income against budget.

Global Cities New Zealand Conference and AGM

Nelson City Council is, and will continue to be, a member of Global Cities New Zealand. Council will make provision in its budget for delegates to attend the Global Cities Conference and Annual General Meetings, including covering costs of registration, travel and accommodation for the Sister City Coordinator and one delegate from each sister city organisation to attend.

Sister city park and gardens

Council will maintain the sister city gardens – Japan and China, and Eureka Park.

Each triennium Sister city organisations will meet with council staff to discuss the state of the gardens.

Council staff relevant to the park and gardens will be advised of formal sister city visits when they are planned.

Visits

Sister City organisations, the Sister City Coordinator, the Mayor and Councillors' Office, and staff will work in partnership to prepare for delegations and visits to ensure they are appropriately conducted and follow Council procedures. Council will liaise with relevant associations if it becomes aware of official visits associated with Nelson's sister city relationships.

Sister city organisations may choose to fund delegations and visits, and any Council funding will be agreed with Council in advance of being committed.

Reviews and requests for sister city relationships

Requests for new relationships, and reviews of current relationships, will be assessed against the following criteria:

- Level of economic, social, and cultural benefits likely to be brought to Nelson through the relationship
- Level of demonstrable community support for the relationship
- Level of fit with existing relationships
- Level of economic, social, and cultural benefits brought to the potential sister city from Nelson through the relationship
- Council and community capacity in respect of financial and human resources.

Assessments on requests for new, and for reviews of existing, relationships, will be made by staff who will seek guidance from the Mayor and the Sister City Coordinator. Input from Nelson-Miyazu Sister City Association, NZ China Friendship Society Nelson Branch and the Nelson Eureka Sister City Association will also contribute to reviews of existing relationships.

Recommendations will be presented to the Sister City Coordinating Group for information, and Council will make the final decisions to approve or decline and notify the city or region of origin.

Review date of procedures

These procedures will be reviewed as required.

839498445-14252

Appendix one –Types of relationship

Sister city – a formal relationship between Nelson and an overseas municipal or regional Council. To maintain a relationship there should be a delegated community organisation and active interaction at a political level between the two areas.

Friendly city – a less formal and lower profile relationship than a sister city relationship, which is likely to be a long-term relationship, where the level of community support and involvement is not sufficiently high to warrant a full sister city relationship.

International partner – a relationship is established for primarily economic reasons.

Emeritus sister city – the status conferred to previous sister cities where the relationship has weakened over time and there is potential for future activity.

Previous sister city – where there has been a previous relationship (of any of the above categories) which has formally ended.

Appendix Two - Current relationships [2023]

Sister City Relationships

Huangshi, China - Established 1995

Miyazu, Japan Established 1976

Yangjiang, China. Established 2014

Eureka, USA. Established 2004

Previous Sister City Relationships

Glenorchy, Tasmania. Established 1983, disestablished 1999

Friendly City relationships

None

International Partners

None

839498445-14252

Appendix Three – Sister City Coordinator Role

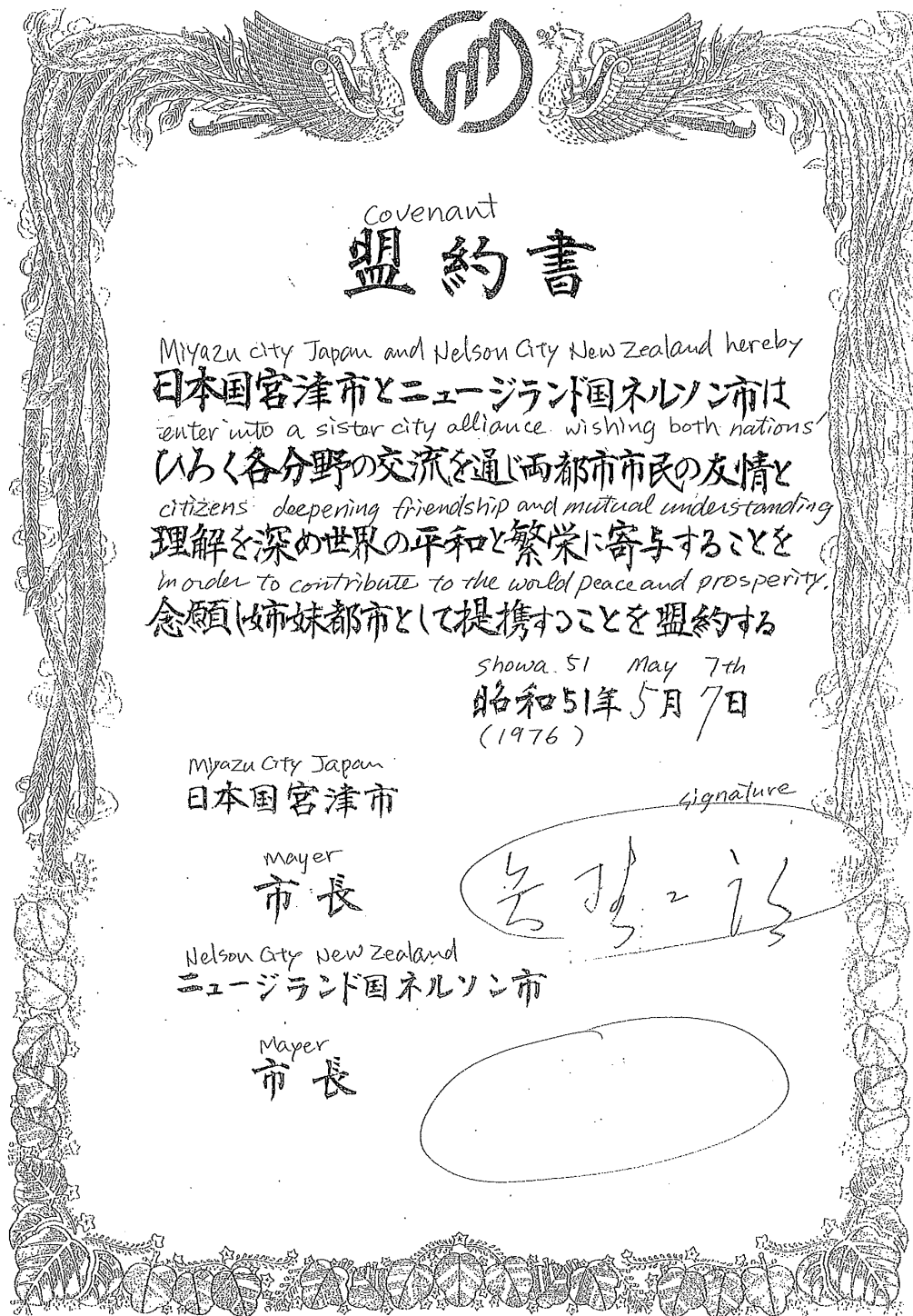
The purpose of the Sister City Coordinator is to coordinate, promote and strengthen Nelson City Council's sister city relationships.

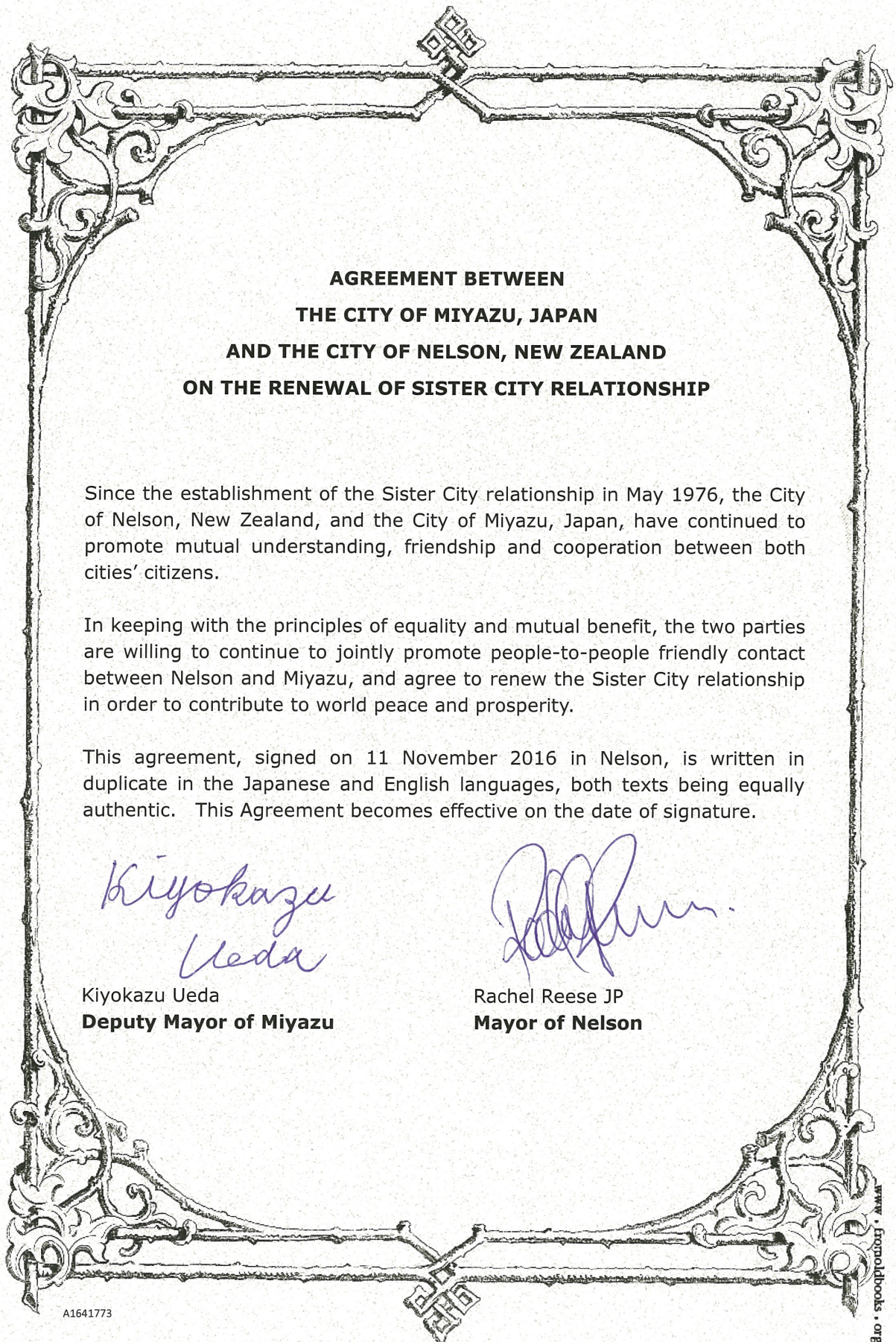
Particular duties of the position are:

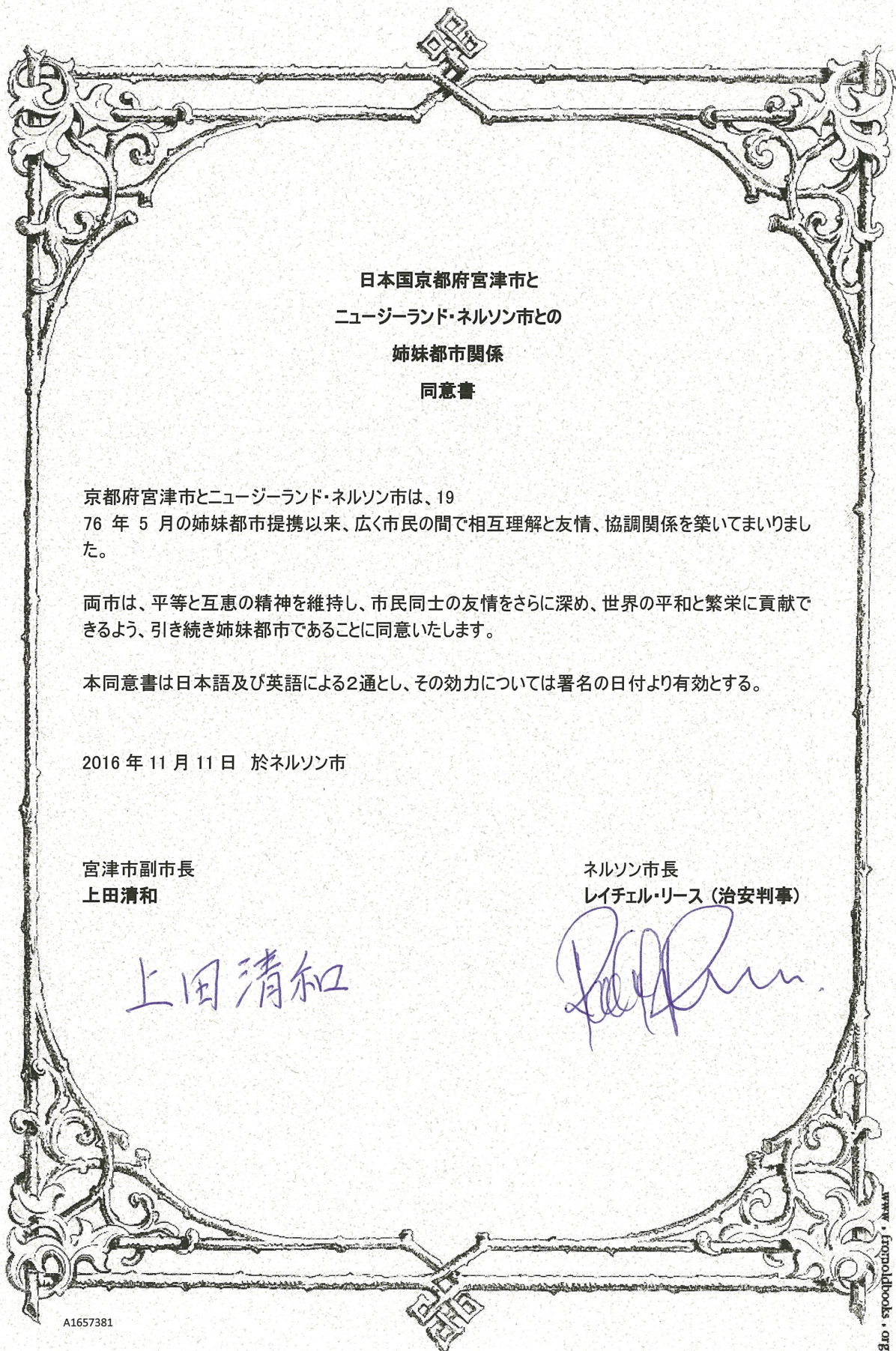
- To liaise with Nelson City Council's sister city organisations:
 - Miyazu - Nelson – Miyazu Sister City Association
 - Huangshi - NZ China Friendship Society, Nelson Branch
 - Yangjiang – NZ China Friendship Society, Nelson Branch
 - Eureka - Nelson – Eureka Sister City Association
- To work with sister city organisations if requested for any incoming and outgoing delegations or visits.
- As necessary, to accompany the Mayor and other delegates when making visits to sister cities.
- To chair the Sister City Coordinating Group meetings held quarterly.
- To attend the annual conference of Global Cities New Zealand and report back to the group.
- To assist visitors to Nelson from sister cities, including visiting students who may be studying in Nelson.

The coordinator is responsible to the officer identified in the delegations register or the officer identified at triennium appointment.

Sister City Agreements with Nelson







**Agreement on the Establishment of
A Friendly-City Relationship
Between the
City of Nelson, New Zealand
and
Huangshi City, Hubei, People's Republic of
China.**

In keeping with the principles of the Joint Communiqué on the Establishment of Diplomatic Relations between the People's Republic of China and New Zealand, and for the purpose of furthering and developing friendly and cooperative relations and advancing mutual understanding and friendship between the peoples of People's Republic of China and New Zealand through friendly discussions, the City of Nelson, New Zealand and Huangshi City, Hubei, People's Republic of China agree to establish a friendly-city relationship.

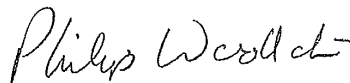
The above parties are willing to, in keeping with the principles of equality and mutual benefit, jointly promote friendly contacts between the peoples of our two cities, promote and encourage mutual economic and trade activities and to actively develop mutual exchanges and cooperation in science, technology, culture, sports, health, education and other fields.

This agreement is written in duplicate in both the English and Chinese languages. The two languages have a concurrent effect. This agreement becomes effective on the date of its signature.

The present agreement is signed on 10-11-1995 in Nelson.



Huangshi City
Hubei Province
People's Republic of China



Mayor
City of Nelson
New Zealand

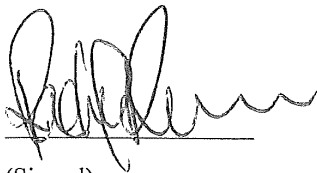
**AGREEMENT
TO ESTABLISH A
FRIENDLY CITY RELATIONSHIP
BETWEEN THE
NELSON CITY, NEW ZEALAND
AND THE
YANGJIANG CITY, PEOPLE'S REPUBLIC OF CHINA**

In accordance with the Joint Communiqué governing the establishment of diplomatic relations between the New Zealand and the People's Republic of China, the Nelson city and the Yangjiang City hereby agree, after friendly discussions, to establish a Friendly City Relationship in an effort to strengthen their friendly cooperation and to deepen the mutual understanding and friendship between New Zealand and China.

The two sides agree to make joint efforts to develop the friendly relationship between their people and to promote the bilateral exchanges and cooperation in various fields, including economy, trade, education, science and technology, public health, culture, fishery, sports and tourism on the basis of equality and mutual benefit.

Done in duplicate in Chinese and English languages, both texts being equally authentic, this agreement is effective upon the date of signature.

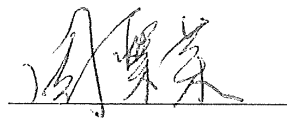
This Agreement will be valid for five years. Upon expiration, it may remain in force if neither side terminates it.



(Singed)

For the Nelson City

Date: Jul.25.2014



(Singed)

For the Yangjiaug City

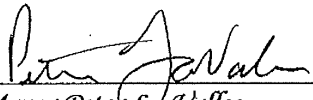
Date :Jul.25.2014



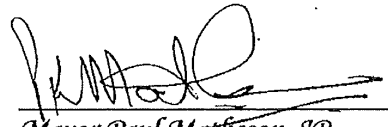
EUREKA, CA - NELSON, NZ SISTER CITY AGREEMENT

- Whereas,* in order to foster the goals of the people of Eureka, California, USA and Nelson, New Zealand in a gesture of friendship and goodwill, agree to collaborate for the mutual benefit of their communities by exploring education, economic and cultural opportunities; and
- Whereas,* we anticipate our relationship will grow through cultural development, eco-tourism, student exchanges, and other important activities that will be beneficial to the life of our two communities; and
- Whereas,* this partnership will provide a deeper understanding of each other's lives and traditions, while finding common elements that link our two communities; and
- Whereas,* Both Eureka and Nelson are ready for growth in many areas and can work to achieve our goals together;
- Therefore,* The Cities of Eureka and Nelson do hereby mutually agree to establish a sister-city alliance of international friendship.

March 26, 2004



Mayor Peter LaValle
Eureka, California, United States of America



Mayor Paul Mathieson, JP
Nelson, New Zealand

Overview of system improvements



Decision Making	Systems and processes	Funding and financing	Transparency and accountability
<i>Refocussing the purpose of local government</i> To guide council decision-making, distinguish between the roles of central and local government and the private sector, and help manage community expectations	<i>Benchmarking</i> To establish effective performance reporting and drive council accountability for communities they serve	<i>Limiting rate increases for non-core expenditure</i> To protect ratepayers from excessive rate increases, and to limit council spending on non-core activities	<i>Making the role of elected member more accessible</i> Official council business should be conducted within specific parameters that align with a typical governance role (e.g meeting frequency, time, and length)
<i>Consultation and decision-making</i> To help councils adapt quickly to changing circumstances, and to save councils time and money while balancing democratic principles	<i>Bylaws and infringements</i> To ensure councils have appropriate, modern tools for making and enforcing local regulations effectively. This could also include considering greater delegation for councils to set infringement fee levels	<i>Amending legal constraints on cost recovery, where fees have been set in statute</i> To support councils in minimising pressure on rates by setting requirements on councils to demonstrate how they are recovering costs for certain activities	<i>Reviewing codes of conduct and conflicts of interest rules</i> To balance freedom of expression with orderly business conduct, and to allow councillors to effectively represent electors.
<i>Implementing discrete interventions</i> To provide regulatory relief to councils and update the law. This could include modernising public notice requirements	<i>Considering greater use of shared services between councils</i> To improve local government financial sustainability, balancing efficiency gains with local authority over service levels and costs	<i>Improving risk management practices, including the approach to insurance, to reduce costs to local government</i> To support a collective approach to insurance to further insulate increasing costs being passed onto the ratepayer	This could also include assessing the effectiveness of and compliance with notice requirements for rates assessments and ensuring access to information for elected members (e.g., written questions system)
		<i>Increasing borrowing limits for high-growth councils and improving the range of council funding tools beyond rates</i> To improve local government activity funding and help high-growth councils invest appropriately	



Te Kāwanatanga o Aotearoa
New Zealand Government

REGIONAL DEALS

Strategic Framework

NDOCS-1118544611-7855

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Foreword

I am excited to be introducing this new opportunity for how central government, local government and the private sector can be working together to deliver for communities.

We are facing significant economic challenges, including the affordability of housing and how we provide for critical infrastructure. These challenges affect all of us, whether we are living in urban, regional or rural areas. We have been elected as a Government to address these challenges and find practical solutions to fixing them.

Central and local government have powerful tools and mechanisms at their disposal to meet these challenges, unlock economic growth and boost productivity. Regional deals will be a practical and enduring way to ensure that these tools and mechanisms are used in a coordinated way to ensure we are doing everything we can to support New Zealanders

Regional deals will unlock growth in specific geographic areas by providing a regional-level approach. They will focus on funding and financing tools, regulatory relief mechanisms, efficient and innovative use of existing funding and planning mechanisms and improved central government coordination. The deals will align with local government's 10-year planning cycles, allowing for more effective delivery and shared objectives and outcomes. They will reset systems to enable local government, with central government support, to deliver for communities.

Regional deals provide an opportunity for central and local government to agree on joint priorities, and how they wish to accomplish common objectives. Deals are about doing things differently, making the best use of what we already have, and empowering local authorities to support growth for their communities.

This Strategic Framework is just the beginning of this exciting journey to implement an effective and enduring regional deals model for New Zealand. I'm excited about the potential of this new way of doing things and looking forward to working together with local government to deliver the infrastructure investment and economic growth our communities are asking for.



Hon Simeon Brown

Minister of Local Government

NDOCS-1118544611-7855

Contents

Executive Summary	4
Introduction and purpose	7
Context	7
What are Regional Deals?	8
Regional Deals in New Zealand	9
Regional deals: enabling, empowering, enduring and adaptable	10
Foundational components of Regional Deals	10
Objectives and outcomes	11
Guiding principles	12
Regional Deal partnerships	13
Central and local government	13
Private sector	13
Māori organisations and entities	13
Unlocking funding and financing tools, providing regulatory relief mechanisms and coordination	14
Leadership and Strategic Direction	15
Leadership and strategic direction	16
Oversight bodies	16
Implementation and delivery	16
Monitoring, evaluation, and accountability measures	17
Timeframes and Sequencing	18
Timeframes	19
Deal-making milestones	19
Sequencing	22
Region Selection	23
High level criteria	24
First wave or tranche	25
Subsequent waves or tranches	25
Sources	26

NDOCS-1118544611-7855

Executive Summary



NDOCS-1118544611-7855

New Zealand's economic growth and the prosperity it affords to communities goes hand in hand with the growth of our regions

To be a world-class, competitive actor in the 21st century, our regions need to be productive and efficient in the use of their resources and tools. Unlocking economic opportunities will require all levels of government to define shared priorities, actions, and timeframes, and consider all available levers at their disposal to support improved regional economic outcomes. It will also require developing optimal conditions for collaboration with the private sector.

The Speech from the Throne set out the Government's intention to partner with local government to create Regional Deals. Regional Deals provide a long-term approach to address some of the underlying issues impacting economic development and productivity by providing a focus on regions as integrated economic areas.

This strategic framework sets out the Government's expectations for Regional Deals and criteria for selecting regions for deals. Development of this framework includes consideration of local government objectives for Regional Deals as set out in Local Government New Zealand's *'What communities need from the framework for city/regional deals'*.¹

Regional Deals will be based on a 30-year vision, with negotiated 10-year strategic plans to deliver shared objectives and outcomes between central and local government. Deals will be long-term commitments, intended to endure, promoting economic growth and productivity, delivering connected and resilient infrastructure, and improving the supply of affordable, quality housing.

Regional Deals will be a vehicle for greater regional collaboration and coordination, improved local government decision-making and funding and financing, promoting innovative and collaborative ways of working between central and local government, and ensuring resilient cities and regions. They will provide a holistic approach to aligning and delivering agreed outcomes tailored to local conditions and national priorities. The regional deals timeframe includes reviews and evaluation of outcomes to ensure deals continue to reflect current needs.

Priority Objectives

Building economic growth

Delivering connected and resilient infrastructure

Improving the supply of affordable and quality housing

Secondary Objectives

- Greater regional and private sector collaboration
- Improved local government decision-making and funding
- Promoting innovative and collaborative ways of working between central and local government
- Ensuring resilient and sustainable cities and regions

Guiding Principles

To ensure a consistent approach across all Regional Deals, the following principles will apply:

- **partnership**
- **adaptability**
- **certainty of decision-making and funding and financing**
- **accountability and transparency**

Partnerships will involve central and local government, with opportunities for the private sector and iwi/Māori to participate.

Regional Deals will require sustainable funding and financing to develop and implement. Central and local government presently face fiscal constraints, but central government will unlock a range of funding and financing tools (existing and new), regulatory relief, and regional-central government coordination to support the deals.

Regional Deals will be led by Ministers as the main interface with local government leadership. Ministers will have delegated decision-making authority and will manage alignment across portfolios, ensuring that all necessary central government levers are available in support of the system.

Once a deal is finalised, central and local government partners from the region will establish an oversight body. The composition and membership of oversight bodies will be agreed by both parties and will have independent chairs, and senior partner representatives. Involvement of the private sector and iwi/Māori entities will be encouraged.

Regional Deals will be finalised in a staged 'waves' approach, with the first deal finalised in 2025.

Introduction and Purpose

This strategic framework for Regional Deals is the first step for giving effect to the National Party manifesto commitment and the National and ACT New Zealand coalition agreement commitment to institute long-term regional deals. This commitment is also reflected in the Speech from the Throne for New Zealand's 54th Parliament.²

The framework is a guide for discussions between central government and councils (territorial and regional authorities), and relevant private sector entities (including domestic and international investors), to deliver Regional Deals in support of shared objectives and outcomes.

Context

Current settings do not support local government to foster economic growth in their regions. Councils' existing funding and financing tools are an example of this, where councils are not rewarded for economic growth. Instead, increased tax revenue from local growth flows to central government, not local government. In practice, this means that councils and ratepayers are bearing the costs of growth. In many cases, local communities are either unable or unwilling to embrace growth and development, leading to local decisions that impede economic growth and contribute to New Zealand's significant infrastructure deficit and unaffordable housing market.

This misalignment is also reflected in central and local government's budget cycles: whereas central government operates on yearly budget cycles, local government makes most significant funding decisions through 10-year plans, produced every three years. This makes securing long-term public funding for infrastructure challenging, which in turn translates into reduced certainty for capturing private investment.

New Zealanders are facing significant affordability challenges. For example, New Zealand ranks amongst the least affordable housing markets in the OECD, with inflation-adjusted house prices rising by 256 percent between 2000 and 2021.³ Addressing housing affordability will require strong and aligned central and local government leadership to unlock more land for housing developments, to unlock funding and financing tools for councils, and to develop the right local incentives to encourage housing growth.

Affordability is also reflected in the infrastructure our communities need to thrive and prosper. New Zealand has a significant infrastructure deficit, driven by a combination of historic underinvestment and future challenges like servicing a growing population and decarbonising the economy.⁴ Building bridges, sewerage systems, roads and water supplies has also become increasingly expensive for councils.⁵

Addressing affordability and cost of living issues requires an all-of-New Zealand approach, where central and local government work together to identify and mobilise all available funding and financing and policy levers in a way that better incentivises and distributes the benefits of economic growth.

Regional Deals, will provide an opportunity to focus on getting the basics right by supporting regions to deliver the best for their communities, and the country as a whole.

What are Regional Deals?

Regional Deals will be based on a 30-year vision, with negotiated 10-year strategic plans to deliver shared objectives and outcomes between central and local government

Regional Deals will be based on a 30-year vision, with negotiated 10-year strategic plans to deliver shared objectives and outcomes between central and local government. Deals will be long-term commitments, intended to endure, to promote economic growth and productivity, delivering connected and resilient infrastructure, and improving the supply of affordable, quality housing. To better deliver shared objectives and outcomes between central and local government, the deals will align with local government 10-year planning cycles rather than central government's three-year planning cycles.

Regional Deals will be a vehicle for greater regional collaboration and coordination, enhanced private sector involvement, improved local government decision-making and funding and financing, promoting innovative and collaborative ways of working between central and local government, and ensuring resilient cities and regions. Deals will work to unlock economic and regional growth, remove regulatory bottlenecks, and support investment in infrastructure funding and provisions, in exchange for a commitment of planning liberalisation. This will provide better value for ratepayers and taxpayers who are one and the same.

By working together through a Regional Deal, central and local government will aim to provide a more strategic vision for how to enable and support economic growth in New Zealand, while generating greater certainty and long-term stability for public- and private-sector investments.

Implementing deals will create system change through:

- enabling competition for growth between regions;
- promoting the best use of planning processes for growth;
- ensuring the right incentives drive growth, including unlocking potential new revenues for local government; and
- certainty over future investment pipelines.

Regional Deals in New Zealand



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Regional Deals will be enabling, empowering, enduring and adaptable

Regional Deals will empower local government and enable them to achieve their objectives. While Regional Deals will include specific central governmental priorities and objectives, projects and investments within each deal will be identified regionally through available spatial planning instruments. Regional Deals will coordinate and align central government work programmes and levers, bringing together solutions.

Regional Deals will need to be both enduring and provide the certainty needed to attract and retain the necessary investments to deliver change, especially over several central and local government electoral cycles. They will also need to be adaptable and evolve to different circumstances. To balance these competing requirements, deals will need to be made in a high-trust environment between central and local government. They will need to have strong political commitments to create enabling policy, regulatory and funding and financing environments, followed by contractual arrangements with providers. They will also need to provide for prioritisation and sequencing of investments in a way that aligns with agreed-upon objectives and outcomes.

Foundational components of Regional Deals

Though each Regional Deal will cater for local priorities, they will share the following foundational components:

- A defined economic/geographic area;
- a 10-year strategic plan with clear outcomes sought and the actions required to achieve them;
- decision-making arrangements, delivery timeframes and accountabilities;
- the capital and operational investments required;
- performance metrics with monitoring and reporting requirements; and
- regulatory and institutional settings to support the deal.

'Regions' in the context of Regional Deals could be regional, sub-regional or another appropriate scale, so long as they are defined economic and geographic areas with functional local authorities.

Objectives and outcomes

This framework includes the following priority and secondary objectives for central government to pursue across Regional Deals in New Zealand. The objectives aim to focus both central and local governments to build economic growth.

Priority objectives	Outcomes
Build economic growth ⁷	- Increased jobs and skills - Improved standard of living - Increased productivity
Deliver connected and resilient infrastructure ⁸	- Better connected communities and businesses through infrastructure - Infrastructure built (and identified investment in support of it) is more resilient against the impacts of natural hazards and climate change - Infrastructure built enables development, including housing objectives
Improve the supply of affordable, quality housing	- Increased supply of build ready land (both greenfield and brownfield), including ensuring the necessary infrastructure is in place for development. - Improved housing affordability for rental and home ownership
Secondary objectives	Outcomes
Greater regional and private sector collaboration	Better connections across regions, between urban and rural communities to allow for economic growth, infrastructure delivery, and improvements in the supply and quality of our housing, and improved collaboration with the private sector.
Improve local government decision making and funding and financing	Local government can use an increased mix of funding tools to fund local infrastructure (water, transport, community infrastructure), housing and growth.
Promote innovative and collaborative ways of working between central and local government	- Levels of government work more effectively and efficiently because of innovative processes. - Central and local government have increased agility to respond to changing conditions.
Ensure regions are resilient and sustainable	Communities are better prepared for the future, including being able to plan and manage our natural and built environment.

Given the current constrained fiscal environment, Regional Deals will initially be focused on the priority objectives. Central and local government will need to agree on what projects will be best placed to support these objectives, which could involve trade-offs and priority setting as regional deals are negotiated.

Specific outcomes for Regional Deals will need to be agreed between deal partners, allowing for iteration of the deal over time. Identifying outcomes requires an in-depth understanding of the regional economic and social conditions, and the projects and activities that will unlock opportunities and growth.

Through a Regional Deal partners will agree an approach for monitoring progress against these objectives and outcomes. More detail is in the **monitoring, evaluation and accountability mechanisms** section.

Guiding Principles

Guiding principles ensure a consistent approach across all Regional Deals. This framework includes four principles to guide how the deals should be undertaken to achieve the desired objectives and outcomes

Partnership

Regional Deal partners will work in good faith on a no surprises basis to develop long-term, high-trust partnerships that clearly reflect shared long-term objectives and outcomes, and strong commitments to work together. Partnerships will involve central and local government, with opportunities for the private sector and iwi/Māori to participate.

Adaptability

Regional Deals will be adaptable to meet the pace, scale and nature of proposals. They will consider the capability and capacity and readiness of different partners to deliver.

Certainty of decision making and funding

Regional Deals will aim to improve clarity around decision making processes and funding and financing to ensure the integration of long-term strategy and planning. Certainty from Regional Deals will also aim to attract and retain private sector investments.

Accountability and transparency

Regular reporting, monitoring and evaluation mechanisms will hold partners to account, will ensure public awareness of outcomes, and will measure success and provide for lesson learned.

Regional Deal Partnerships

Regional Deals will primarily be between central and local government, with participation as appropriate from other partners, including the private sector and Māori/iwi organisations

Regional Deals will reflect the guiding principle of 'partnerships'. It will be critical for trust between partners to be built early so it enables agreement over joint priorities and ways of working, to ensure smooth project implementation.

Central and local government

Regional Deals will be a tool used to help unlock funding and financing tools, provide regulatory relief, and be supported by regional-central government coordination. Local government will provide its unique place-based knowledge and apply the necessary planning, funding and financing, and other regulatory processes to ensure successful delivery of projects.

Central and local government will agree on joint priorities and projects and identify how they will each mobilise their individual levers and tools to support Regional Deals. Partners will agree initially to a limited number of projects (five) to progress as part of a Regional Deal.

Both central and local government partners will be able to mobilise existing working relationships as foundations for their Regional Deals, especially when it involves complex, large-scale projects.

Private sector

The private sector's expertise and investment capability will be a key component of Regional Deals. Private sector entities involved in a deal will have the opportunity to access new central government levers, leading to cost savings and new growth opportunities.

Combined commitments from central and local government will be aimed at creating an enabling investment environment to attract private sector capital where appropriate, and engagement with the private sector at the earliest possible stages is recommended.

Māori organisations and entities

There is significant potential for Māori organisations and entities to be involved in Regional Deals. The framework encourages local government to engage early with Māori organisations and entities to identify opportunities to partner with Māori, to attract iwi investment, and to use Māori/iwi expertise in Regional Deals and projects under Regional Deals. Regional Deals will also need to honour pre-existing Treaty of Waitangi obligations.

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Unlocking funding and financing tools, providing regulatory relief mechanisms and coordination

This framework proposes that the Regional Deal system initially follow an approach that combines:

- unlocking funding and financing tools;
- regulatory relief mechanisms;
- efficient and innovative use of existing funding, financing and planning mechanisms; and
- improved central government coordination.

To support Regional Deals, central government and local government will work together to enable a range of options. Potential options could include:

1. a clear commitment to support agreed projects across agency investment pipelines and coordination of capital commitments to funding for transport, schools, hospitals and other aspects of growth relevant to the region;
2. enabling new user charges, value capture, targeted rates, tolling and congestion charging, an enhanced Infrastructure Funding and Financing Act;
3. proposals for the reallocation of existing government funding (e.g. from the International Visitor Conservation and Tourism Levy);
4. enhanced Going for Housing Growth payments which could include a share of GST for local government;
5. sector specific commitments, which could include sharing royalties generated by new and reestablished exploration of the mineral estate, or other forms of regional economic development; and
6. specific legislative changes to be advanced through legislation.

Regional Deals will need to align with local government planning and budgetary cycles including long-term plans and are not intended to supersede independent decisions made by government funding agencies. Regional Deal partners will still need to follow regular funding application and approval processes as set out by relevant agencies.

Leadership and Direction

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Strategic leadership and direction, oversight and delivery structures for Regional Deals

Leadership and strategic direction

Leadership and strategic direction over Regional Deals will be provided by both local and central governments. The Infrastructure and Investment Ministerial Group will provide this direction for central government. This Ministerial Group will have delegated decision-making authority and will manage alignment across portfolios, ensuring that all necessary central government levers are available in support of the system, as well as interfacing with local government leadership.

The Infrastructure and Investment Ministerial Group will be supported by the Department of Internal Affairs with support from relevant agencies as required.

Oversight bodies

Once a deal is finalised, central and local government partners from the region will establish an oversight body for the Regional Deal. The composition and membership of the oversight bodies will be agreed by both parties and will have independent chairs, and senior partner representatives.

Because Regional Deals could build on existing relationships between central and local government (such as those in support of urban growth), oversight for Regional Deals will need to consider and align with existing oversight arrangements. Initially, the oversight bodies might be extensions of existing structures.

Because private sector investment and expertise will be critical for the success of Regional Deals, these oversight bodies will be encouraged to consider involvement of the private sector.

Implementation and delivery

Decisions regarding the implementation, delivery and evaluation of Regional Deals is contingent on further policy development, discussions with local government and delivery bodies, and the New Zealand Infrastructure Commission's development of a National Infrastructure Plan.

This framework envisages that initially each deal will have the support provided by a central government delivery agency (or agencies) who will coordinate central government and receive input from local government delivery agencies. Delivery agencies will optimise and manage effective prioritisation/sequencing of project milestones, and support procurement and delivery models for delivering infrastructure.

Entities involved in implementation and delivery will also lead on monitoring and evaluation.

Monitoring, evaluation, and accountability measures

A framework for monitoring, evaluating and accountability mechanisms will be developed for all Regional Deals to allow for comparisons and consistency across deals. Bespoke performance indicators for each deal, including metrics and a baseline – against which progress can be assessed on a regular basis – will need to be negotiated between partners and included in the deal. Continuous evaluation and negotiation of new commitments will occur over the lifetime of the deal.

In considering these mechanisms, partners will need to consider:

Complexities in evaluating the impact of deals

For example, outcomes related to economic growth (usually measured by Gross Domestic Product or Gross Value Added for a region) can be affected by many policies and circumstances, which makes it difficult to isolate how much an individual policy has contributed to a particular outcome.

Evaluation timeframes may need to be considered over a longer time horizon

While assessment of whether deals are on time, budget and meeting specific targets is possible within a shorter timeframe (for example annually, or three-yearly), it may be more realistic to assess the wider, strategic achievements over a longer time horizon. Consideration of central and local government election cycles will be important.

Capacity in local authorities

The process of developing a Regional Deal is unique to each deal, a large amount of executive time and negotiation can be required over a significant period. The capacity and skill set within local authorities to deal with the additional demands for project assessment and monitoring that comes with a Regional Deal is likely to be variable. The potential resource burden on local government needs to be monitored over time.

Coherence with existing accountability mechanisms

Consideration needs to be given to how any Regional Deal reporting and monitoring framework would integrate and align with existing legislation and regulatory frameworks for central and local government planning and reporting, and which bodies are best placed to assess regional deal progress.

Adaptability to changing circumstances

Consideration also needs to be given to how any variations to a regional deal will occur and how these will integrate with existing processes operated across agencies who are already involved in delivering infrastructure projects with local government partners.

Examples could include macroeconomic targets and council performance metrics such as GDP, population spend metrics, financial accountability measures, joint governance effectiveness; tourism numbers, housing consents, compliance certificates issued.

Timeframes and Sequencing

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Regional deals will be based on a 30-year vision, with negotiated 10-year strategic plans to deliver shared objectives and outcomes, to provide optimal time for evaluation of outputs and delivery of projects with long-term outcomes

Timeframes

Regular reviews will be imbedded within the lifespan of deals (e.g. annually) to assess progress and project delivery using the measures discussed in the *monitoring, evaluation and accountability measures* section.

The lifespan will cover multiple parliamentary and local government electoral and planning cycles, which will ensure both a long-term approach to growth infrastructure, and capture and retain private sector investment. Regional Deals will need to consider other relevant central and local government planning and funding cycles.

Deal making milestones

Regional Deals will follow a staged approach with the following phases:

- **Milestone 1:** a letter from the Minister of Local Government inviting the regions to apply and laying out the government's expectations for proposals
- **Milestone 2:** consideration of proposals
- **Milestone 3:** a signed Memorandum of Understanding (MOU)
- **Milestone 4:** final stage negotiation of a deal

Milestone 1

Release a national regional deal framework

Decision makers: Cabinet

A high-level framework that sets out what the government wants to see in Regional Deals. A public version of this document will be used by councils to prepare proposals for Regional Deals.

The framework is not specific to local needs and does not make specific promises of regulatory relief or funding and financing.

Milestone 2

Consideration of proposals

Decision makers: Infrastructure and Investment Ministerial Group | selected councils.

Central government invites expressions of interest (up to five in the first wave). Selected councils provide a light-touch proposal with an outline of the following:

- drivers of economic growth in a region: regions to identify their own areas of growth and key economic drivers;
- what the region will do to unlock growth: regions to identify what actions they intend to take to unlock or enable growth; and
- what the region needs from central government to assist: regions to identify policy and legislative action they need from central government.

Regional Deal Criteria

Light touch proposals assessed against (but not limited to):

- alignment with the strategic framework
- growth potential
- commitment to a regional spatial plan
- capability, capacity, readiness to deliver
- commitment to fiscal prudence
- that councils meet all their regulatory standards (economic and water quality regulation).

Milestone 3

Signed Memorandum of Understanding

Decision makers: Infrastructure and Investment Ministerial Group | LG Partners

Central government will confirm initial intent to progress into an MOU with selected regions.

Central and selected local government partners both develop and agree an MOU setting out intended areas to work together. Central government will provide guidance to support the MOU process to minimise council expenditure during this phase.

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20

Milestone 4

Final Stage Negotiation for a Deal

4.1 Pre-deal Queue

Decision makers: Infrastructure and Investment Ministerial Group | Office of Regional Deals | LG Partners

Ahead of a deal, regions will undertake work that may be needed to support the deals (for example: zoning decisions, community agreement, establishment of any necessary committees, cross-council collaboration, including proposals to establish CCOs for cross-council service delivery).

Central and local government will agree monitoring and reporting metrics to measure overall regional performance (e.g. GDP, population, spend metrics, tourism numbers, housing consents, compliance certificates issued).

4.2 Funding and Financing

Decision makers: Infrastructure and Investment Ministerial Group | Office of Regional Deals | LG Partners

Central government will assess what is needed from local government for a deal. This could include a mix of the following:

Funding and Financing tools

- A pipeline of project funding as set out in the GPS Transport;
- commitment to support the agreed projects across agency investment pipelines and capital commitments;
- value capture/ support for a targeted rate;
- new user charges;
- enhanced Going for Housing Growth payments. For example: share of GST for local government and/or potential earn back mechanisms;
- legislation + other tools to better enable longer term funding and financing commitments, for example, enhanced IFF; or
- sector specific commitments – for example a greater sharing of royalties from an activity like mining.

Regulatory Relief

- Fast track consenting for projects

Coordination

- Coordination of decisions around planning and programming of schools, hospitals, for example, needed to support a growth region

Milestone 4

4.4 Finalised regional deal

Decision makers: Infrastructure and Investment Ministerial Group | Office of Regional Deals | LG Partners

Partners sign the Regional Deal. The first deal will be finalised in 2025.

A regional deal is likely to have the following characteristics:

- A defined economic/geographic area;
- 10-year strategic plan with clear objectives, outcomes and actions to meet shared objectives and outcomes;
- alignment with 30-year National Infrastructure Plan;
- clear leadership arrangements, delivery timeframes and accountabilities;
- identified capital and operational investments and operating costs;
- clear performance measurements and regular monitoring and reporting;
- clear operational roles and responsibilities defined and an operating model that balances flexibility and responsiveness with accountability; and
- regulatory and institutional settings to support the deal.

Sequencing

Given the time and resourcing required to negotiate, implement and monitor Regional Deals, this framework proposes that deals be finalised in a staged approach.

The Government intends to complete the first deal in 2025.

Region Selection



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Selection of regions for Regional Deals will be made by Ministers using a set of standardised criteria. Guidance will be issued to local government on what they will need to provide to be eligible for a Regional Deal

High level criteria

Local authorities will generally be selected for Regional Deals by the Infrastructure and Investment Ministerial Group (IIMG) based on assessments against standardised criteria:

- alignment with the strategic framework;
- growth potential;
- commitment to a regional spatial plan;
- capability, capacity and readiness to deliver;
- commitment to fiscal prudence; and
- commitment to broader government reform objectives such as Local Water Done Well and Going for Housing Growth.

First wave or tranche

Five regions will be invited to provide light-touch proposals for a first wave of Regional Deals. Selection of regions for the first wave will be led by Ministers, based on selection criteria, and agreed to through a Cabinet process. Selection will be supported by the high-level criteria with particular emphasis on:

- councils being in a growth area that has clear objectives around economic growth, productivity and infrastructure in alignment with the Regional Deal strategic framework;
- councils with an already identified functional economic area, such as through an existing urban partnership, and therefore have initial supporting structures, spatial plans and future development strategies in place, including where relevant, funding and financing proposals for infrastructure development and delivery; and
- councils being ready to deliver on a deal, including having the capability and capacity, a clear plan for the city/region, and a track record of having worked successfully with central government, other councils in the region, private sector and iwi/Māori.

It is noted that central and local government are part of several partnerships that may already satisfy the above criteria, including for example, Urban Growth Partnerships. These urban partnerships could be mobilised as foundations for Regional Deals.

Subsequent waves or tranches

Subsequent Regional Deals will build on the lessons learned from previous Regional Deals to ensure the system is refined as more deals are established. Regions or sub-regions for subsequent waves will be selected through an open expressions of interest process. Proposals received from the expressions of interest will be assessed against the high-level criteria set out in this strategic framework and consideration by the Office of Regional Deals.

Advice to the Infrastructure and Investment Ministerial Group will follow this assessment, and subject to their approval, will proceed to a Cabinet process for formal agreement.

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3. <https://www.hud.govt.nz/assets/Uploads/Documents/Cabinet-papers/Cabinet-Paper-Fixing-the-Housing-Crisis.pdf#:~:text=Unaffordable%20housing%20has%20far%20reaching,standards%20for%20all%20New%20Zealanders>
4. Report into New Zealand's Infrastructure Challenge, Sense Partners for the New Zealand Infrastructure Commission, Oct 2021, <https://media.umbraco.io/te-waihangā-30-year-strategy/lhbm5gou/new-zealands-infrastructure-challenge-quantifying-the-gap.pdf>.
5. A report commissioned by Local Government New Zealand demonstrates that in the last three years, building bridges, sewerage systems, roads and water supplies has become 38%, 30%, 27% and 27% more expensive to build respectively
https://d1pepq1a2249p5.cloudfront.net/media/documents/Analysing_increases_in_local_government_costs_LI2BVKU.pdf
6. LGNZ media release: <https://www.lgnz.co.nz/news/media-releases/drivers-behind-rates-rises-across-the-country-laid-bare/>
7. Economic growth is a broad concept that may involve many industries. Funding and financing and regulatory frameworks that underpin industry-specific projects will vary and will need to be considered when regional deals are formalised.
8. Infrastructure refers to “the fixed, long-lived structures that facilitate the production of goods and services, including transport, water, energy, social assets, and digital infrastructure such as our broadband and mobile networks” as defined by the Treasury
<https://www.treasury.govt.nz/information-and-services/nz-economy/infrastructure>
9. Including the Department of Internal Affairs (as initial lead), the Treasury, the Ministry for Housing and Urban Development, the Ministry of Business, Innovation and Employment, the Ministry of Transport, and the Ministry for the Environment. Involvement from the infrastructure Commission is also expected in support of the infrastructure portfolio.



NDOCS-1118544611-7855



1



2

OBJECTIVE AND SCOPE

Objective:

Strengthen local government's democratic mandate, with a particular focus on increasing participation in local body elections

Scope:

- *how best to implement a four-year term for local government*
- *the best mechanism for electors to cast their vote*
- *the best way to promote voter participation*
- *how local elections should be administered*

3

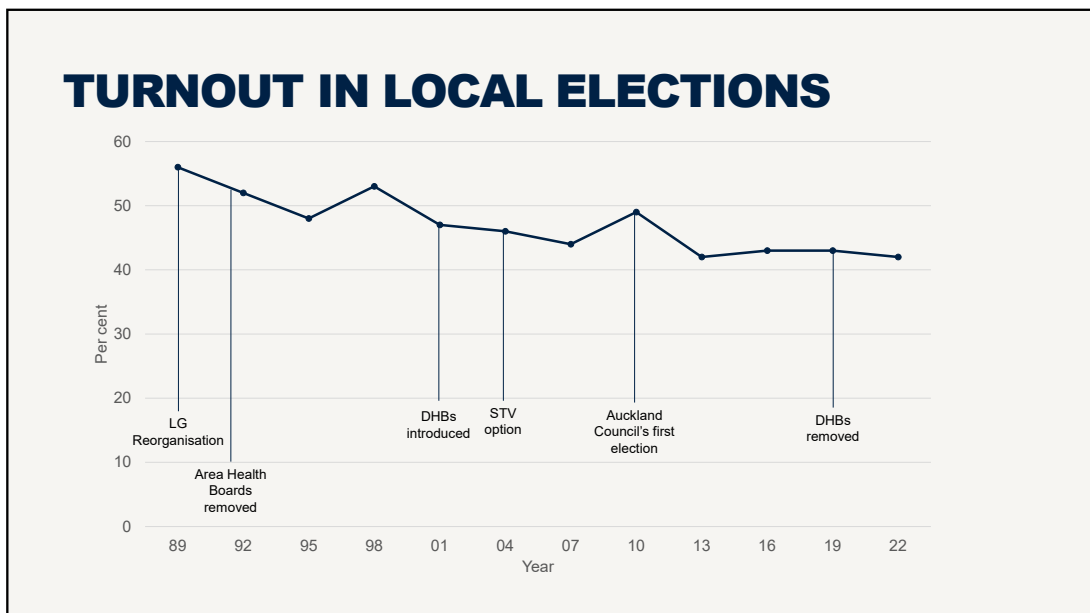
THE APPROACH



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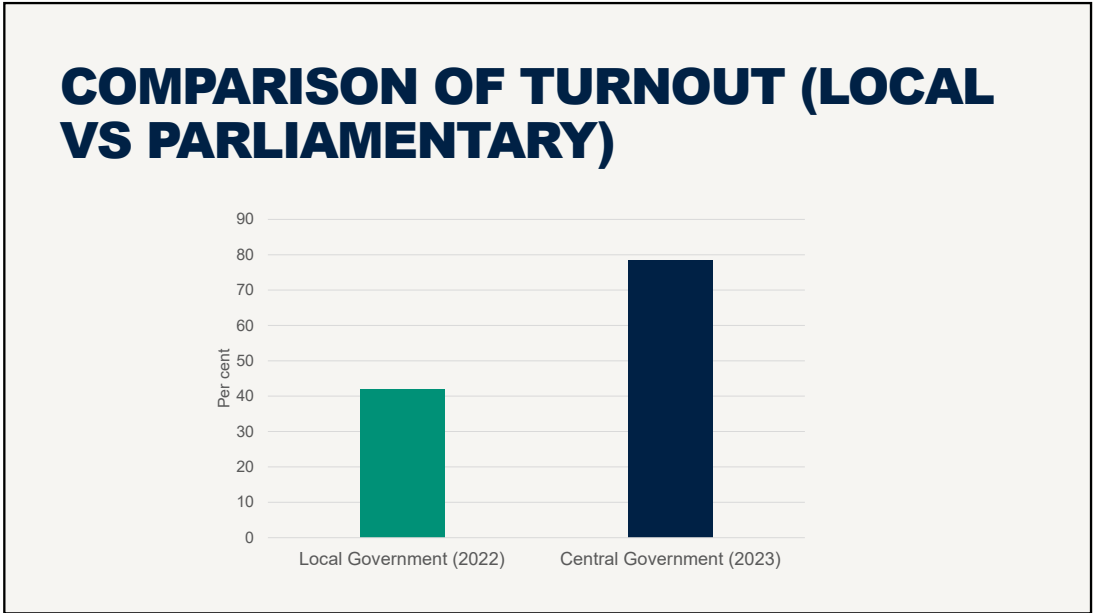
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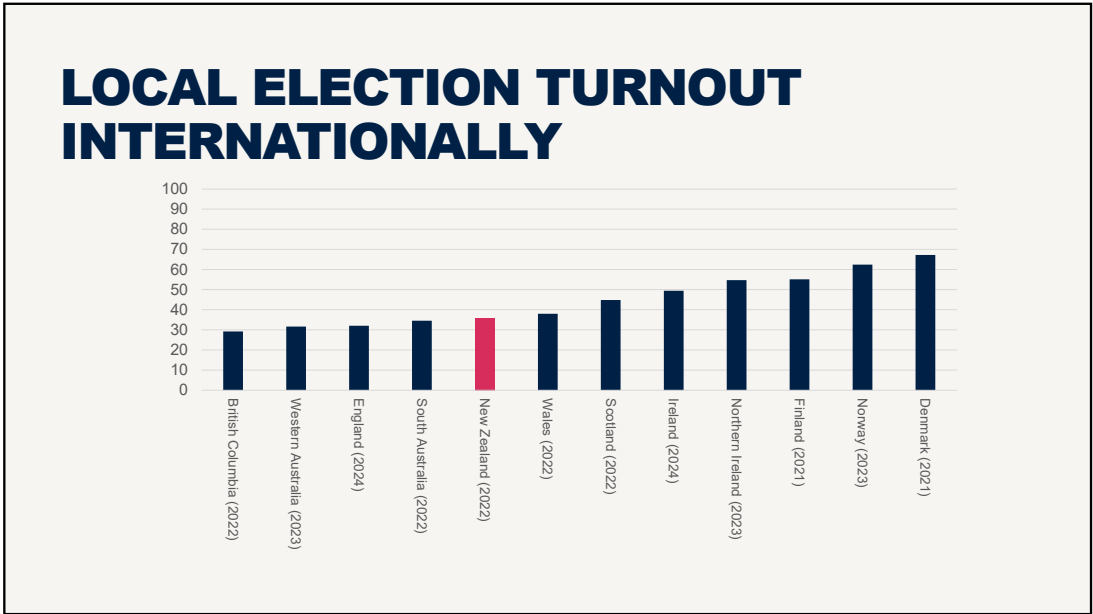
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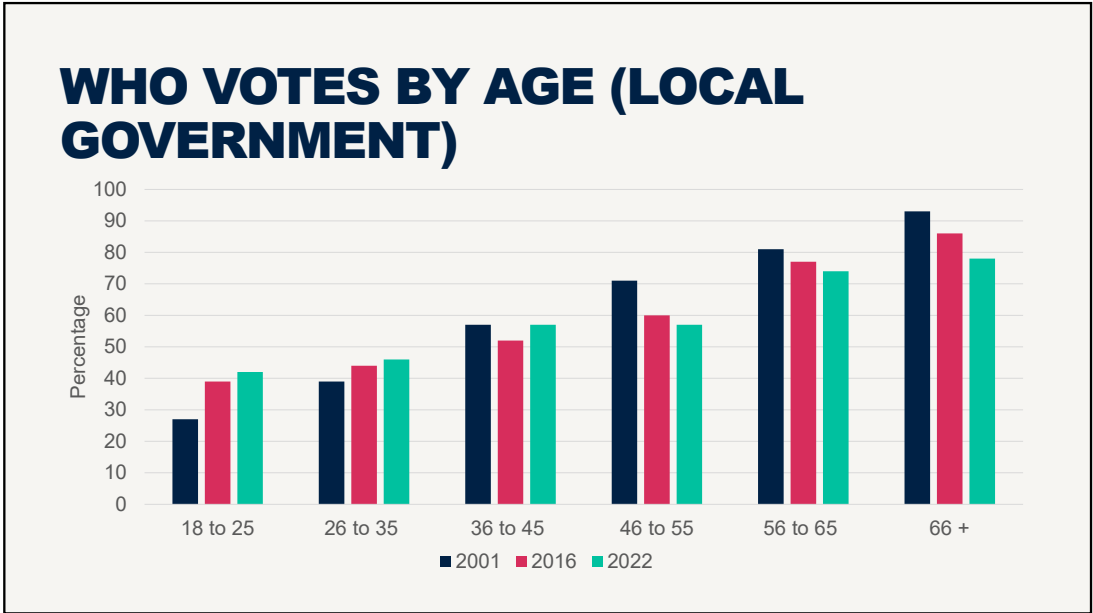
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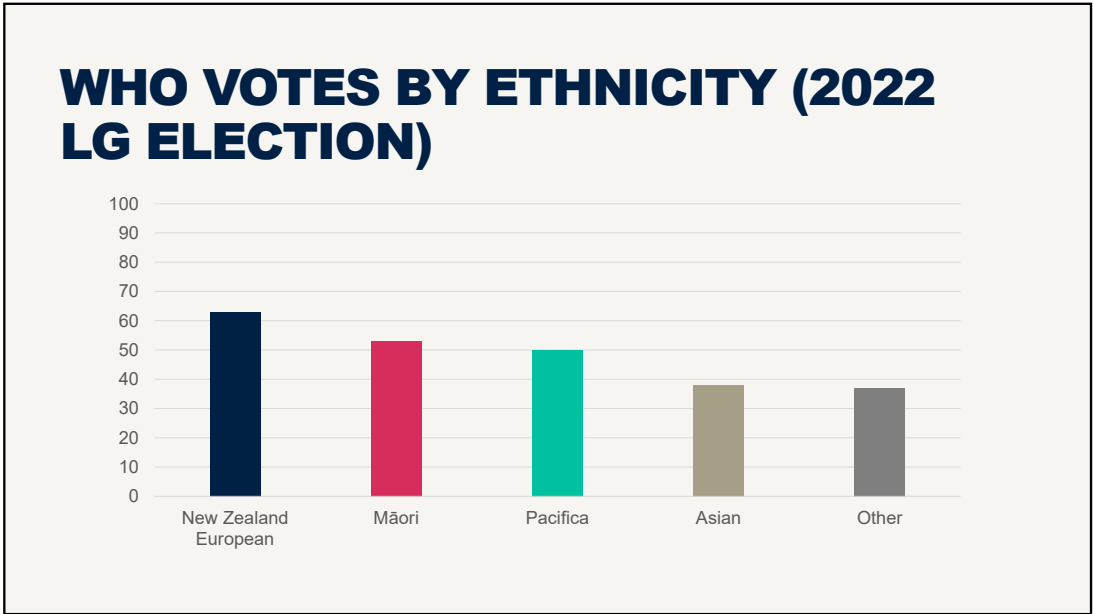
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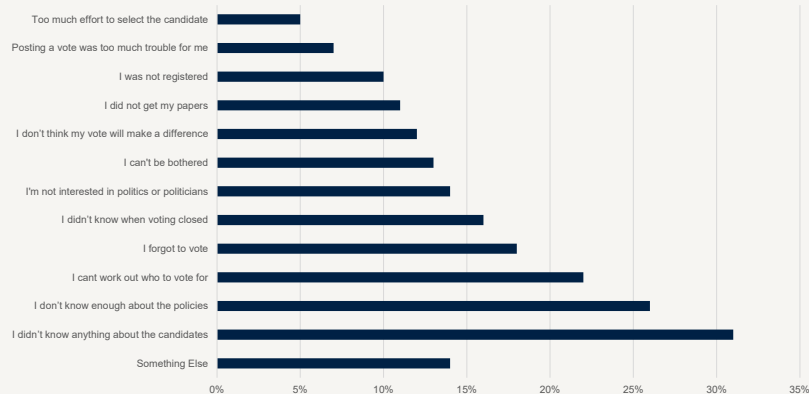
WHY PEOPLE DON'T VOTE

Justice select committee inquiry into 2022 elections

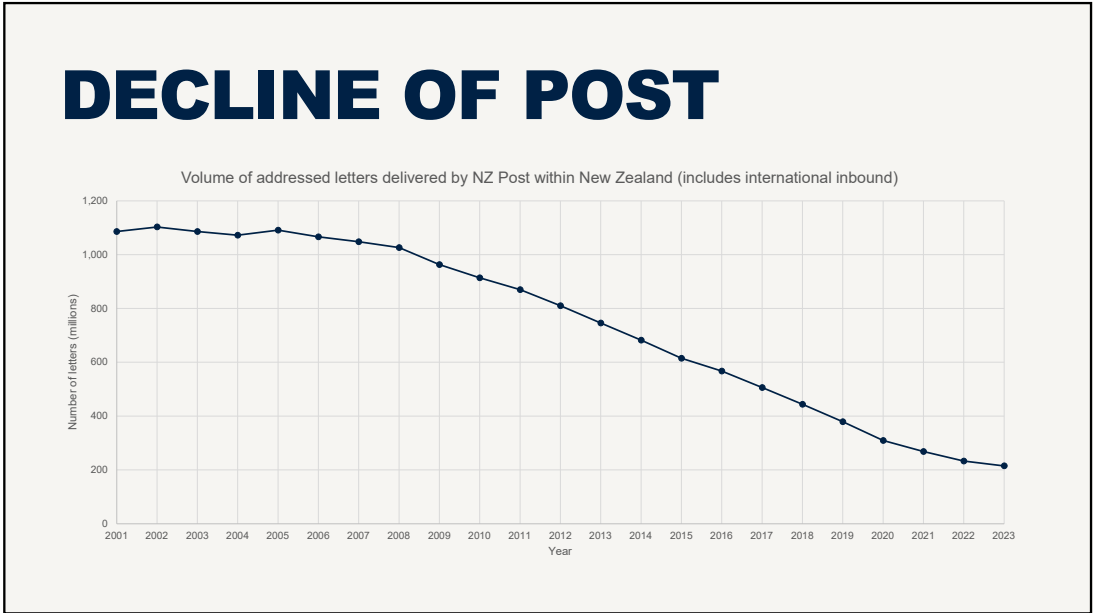
- Postal voting and inequitable access to voting
- Apathy, scepticism, or confusion by the public towards local elections
- Ratepayer-focused model of local elections
- Candidate representation and information

11

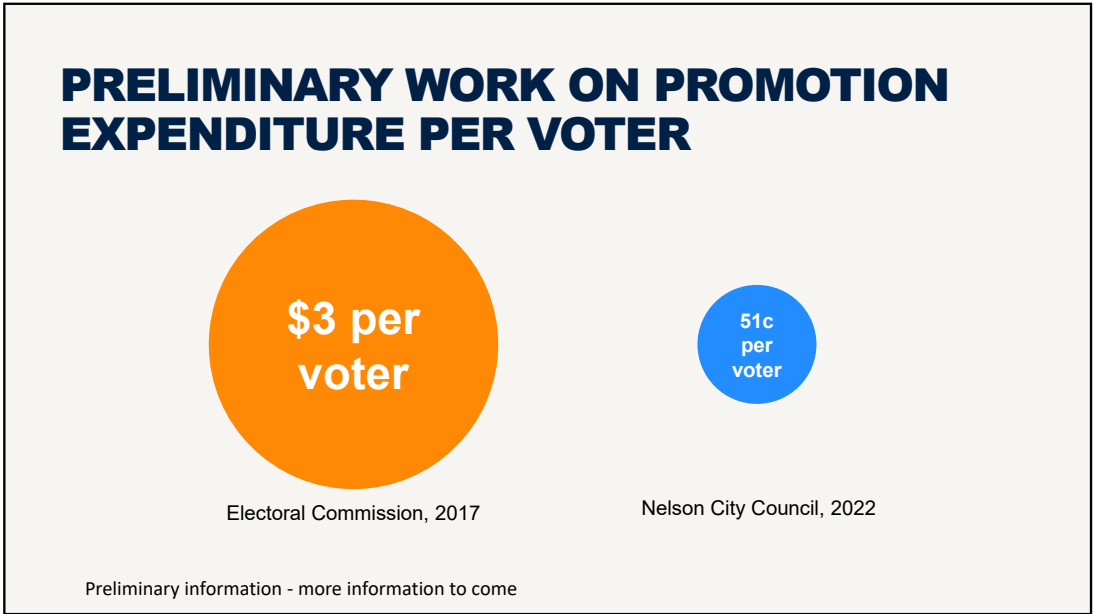
WHY PEOPLE DON'T VOTE 2022 NATIONWIDE HORIZONS RESEARCH SURVEY



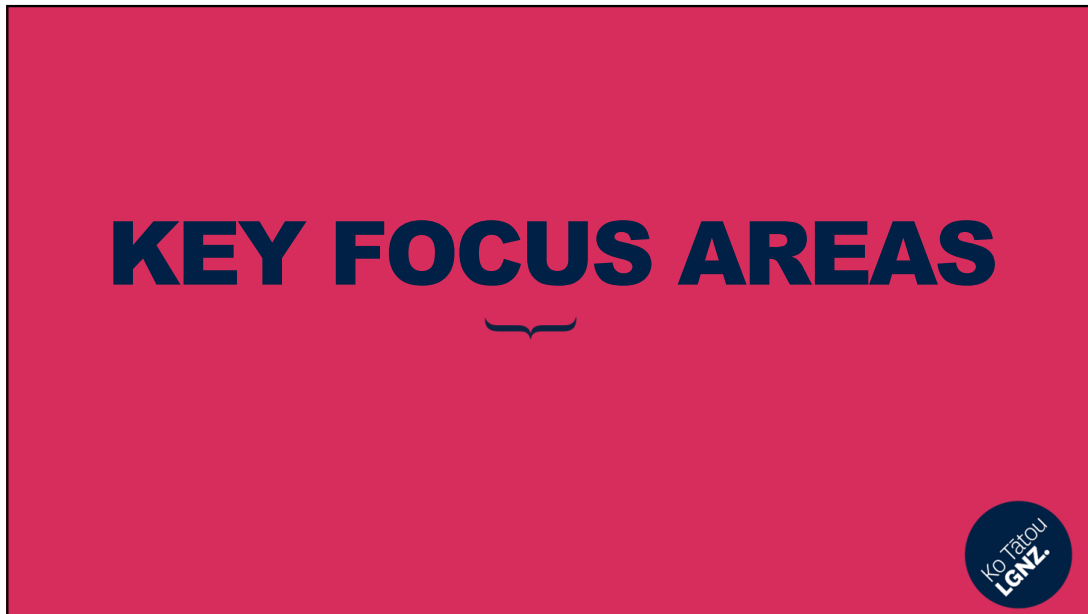
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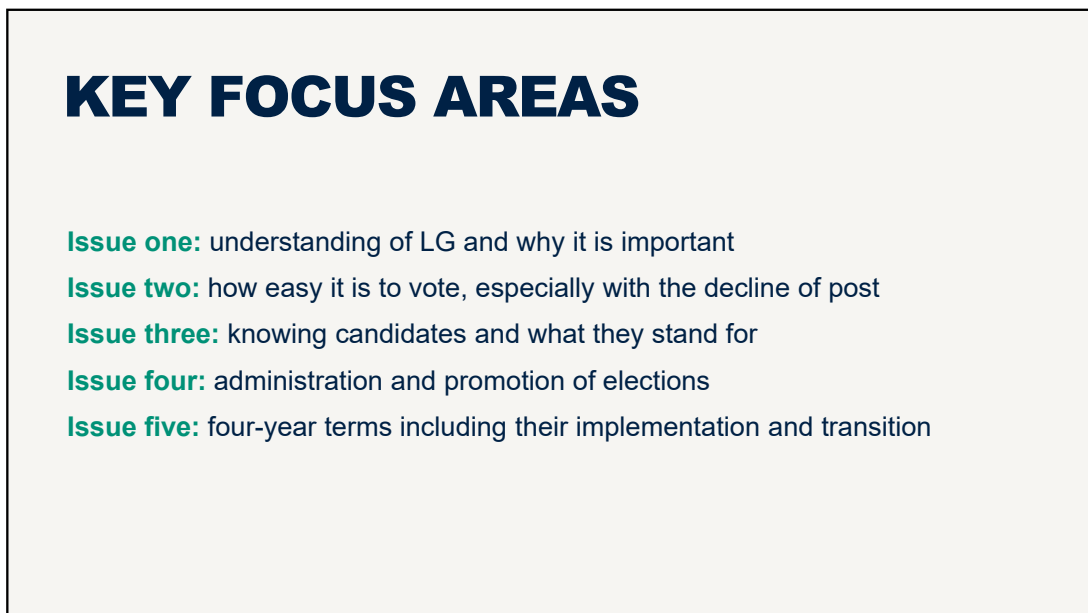
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16

ADMINISTRATION OF LOCAL ELECTIONS

Electoral Commission



Council run

Independent contractors



17

VOTING METHOD CHOICES



Polling booth



Mail



Online

18

POSITIONS ON A FOUR YEAR TERM

Central Government

Pass the Constitution (Enabling a 4-Year Term) Amendment Bill through first reading in the first 15 months of the term - ACT coalition agreement

Local Government Future by local government position

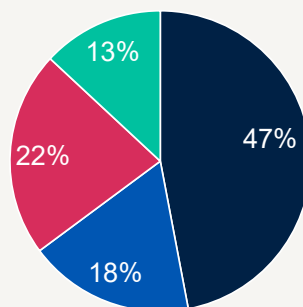
Amend the Local Electoral Act to set the local government term at four years from the 2025 elections

19

POLLING ON FOUR-YEAR TERMS

Are you in favour of a four-year term for council elections?

- Yes
- Yes, if central Govt also has a four-year term
- No
- Unsure



20

16/08/2024

QUESTIONS?

For further information contact:
electoralreform@lgz.co.nz



21

NDOCS-1118544611-7853

11

Report Title:	Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward
Report Author:	Devorah Nicuarta-Smith - Manager Governance and Support Services
Report Authoriser:	Nicky McDonald - Group Manager Strategy and Communications
Report Number:	R28659

1. Purpose of Report

- 1.1 As required by the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024, that Council decide whether to retain or revoke its existing Māori Ward for the 2025 election, noting that if it retains the Ward a binding community poll on the Māori Ward must be undertaken alongside the 2025 triennial local election.

2. Summary

- 2.1 The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 came into force on 31 July 2024.
- 2.2 Under the transitional provisions of the Act, Council is required to decide by 6 September 2024 whether to:
- (a) resolve to retain the Māori ward it established for electoral purposes since 2020; or
 - (b) resolve to disestablish the Māori ward it established for electoral purposes since 2020.
- 2.3 If Council maintains its Māori Ward for the 2025 election, it must run a binding community poll on the establishment of a Māori Ward for the 2028 and 2031 local elections concurrently with the 2025 local election.

If Council disestablishes its Māori Ward for the 2025 election, it must undertake a representation review with truncated timeframes to set its representation arrangements for the 2025 local election.

3. Recommendation

That the Council

1. ***Receives the report Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward (R28659); and***

EITHER

2. ***Resolves under the transitional provisions of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 to retain the Māori ward it established for electoral purposes since 2020;***

- 2a. ***Noting that a poll of electors must then be undertaken concurrent with the 2025 triennial local election on whether a Māori ward should be established in Nelson, and that the results of that poll will be binding and apply for the 2028 and 2031 elections***

OR

3. ***Resolves under the transitional provisions of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 to disestablish the Māori ward it established for electoral purposes since 2020;***

- 3a. ***Noting that Council must therefore undertake to complete a representation review to set arrangements for the 2025 triennial local election.***

4. Background

- 4.1 Prior to March 2021, the Local Electoral Act 2001 provided that a Council could establish a Māori ward or wards, with the proviso that a public notice must then be made of any such resolution and advising that the resolution would be countermanded should 5% or more of the electoral population disagree with it. This community poll on a Māori ward resolution was mandatory, and the results binding on Council.
- 4.2 Māori wards apply only to those on the Māori electoral roll. The number that may be established for an electoral area is contingent on a ratio of the Māori electoral population to general electoral population, the calculation for which is provided in Schedule 1a of the Local Electoral Act. Where they exist, those on the Māori electoral roll are able to vote for the Māori ward candidate/s and for candidates standing for any electoral

Item 8: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward

issues held at large (including the mayoralty which is always elected at large).

- 4.3 In 2011, the Nelson City Council resolved to establish a Māori ward. However, this resolution was countermanded by the community poll required at the time.
- 4.4 In early 2021, the then Labour Government removed the mandatory and binding nature of the polls, expressing the view that the polls had been an unintended barrier to this form of Māori participation on councils. It was also noted that binding polls were not a requirement for other representation arrangements, meaning there was a substantial inconsistency in process.
- 4.5 The transitional provisions of the 2021 Local Electoral Legislation Amendment Act allowed councils to reconsider their Māori ward decisions for the 2022 election should they wish to, as long as this was completed by 21 May 2021. The number of Māori wards across the country increased by over three times during the transitional period.
- 4.6 The iwi of Te Tau Ihu requested that Council re-consider establishing a Māori ward at that time. Council did choose to consider the matter at its meeting in mid-May 2021, which resulted in a resolution to establish a Māori ward for Nelson. Under the legislation this resolution applied for the 2022 and 2025 elections.
- 4.7 On 4 April 2024, the Minister of Local Government for the Coalition Government formally announced a Government policy position to reverse the previous Government's changes and reinstate mandatory binding community polls on Māori wards:
<https://www.beehive.govt.nz/release/coalition-government-require-referendums-m%C4%81ori-wards>
- 4.8 The ensuing Bill was introduced to the House on 20 May 2024 and included:
 - 4.8.1 changes to the timing of local elections (reflecting some of the contemporary challenges to completing a postal ballot),
 - 4.8.2 reinstatement of the Local Electoral Act clauses related to mandatory binding community polls on Māori ward establishment which had been repealed in 2021 (the reinstatement to come into effect after the 2025 triennial local election), and
 - 4.8.3 outlining transitional provisions for councils in relation to Māori wards established or proposed under the 2021 changes. These transitional provisions include two options which Council must choose between to apply for the 2025 election.
- 4.9 Nelson City Council established its Māori ward for the 2022 election and so is a "Group 1" Council under the Amendment Act. For simplicity, from

Item 8: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward

this point on in the report, the options outlined apply to Group 1 councils only.

- 4.10 The changes to the election timing included in the Amendment Act are operational and will be applied by the Electoral Officer and Deputy Electoral Officer as the 2025 election project is initiated. They are not covered in this report.
- 4.11 It should be noted that the electoral system used for an election is not impacted by these changes, and Nelson must use the Single Transferable Vote system for at least the 2025 election.

5. Discussion

- 5.1 Under the transitional provisions of the Amendment Act, Council is required to decide by 6 September 2024 whether to:

- 5.1.1 resolve to retain the Māori ward it established for electoral purposes since 2020; or
- 5.1.2 resolve to disestablish the Māori ward it established for electoral purposes since 2020.

- 5.2 More information on each option is provided below.

Resolution to disestablish Māori Ward for 2025 local election

- 5.3 Council may choose to disestablish its current Māori Ward for the 2025 local election.
- 5.4 This resolution would take effect for the 2025 and 2028 triennial general elections of the local authority, and for any associated election (such as a by-election), continuing until
- 5.4.1 a future resolution of Council on the establishment of a Māori ward takes effect (the earliest it could take effect being 2031); or
- 5.4.2 the results of a future binding poll of electors held under section 19ZF of the Local Electoral Act 2001 takes effect (the earliest it could take effect being 2031).
- 5.5 In this instance, it must then resolve to complete a shortened representation review within 2024, meeting the following time frames:

Initial Proposal resolution	No later than 13 Sept 2024
Public notice of Initial Proposal	Within 7 days of resolution and no later than 20 Sept 2024

Item 8: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward

Notice period for submissions	Not less than 3 weeks, ending no later than 11 Oct 2024
Hearing of submissions and Final Proposal resolution	Within 6 weeks of end of notice period (i.e. no later than 22 November)
Public notice of Final Proposal and appeals period <i>Those who submitted on Initial Proposal may appeal aspects of Final Proposal related to their first submission</i>	3 week appeal period ending no later than 13 December 2024
Appeals to Local Government Commission (LGC) <i>Any appeals received are immediately sent to LGC, Council does not consider these</i>	No later than 23 December 2024
LGC determination on representation arrangements	No later than 11 April 2025

- 5.6 A representation review must then also be undertaken in line with the normal timing for Council under the Local Electoral Act – for Nelson this means another full review must be undertaken in the 2025 term.
- 5.7 A representation review must consider communities of interest that exist within the electoral boundary, effective representation of those communities of interest and fair representation of electors. This requires:
- 5.7.1 Identifying communities of interest, including ensuring opportunities are provided for community views on communities of interest to be considered and the views of vulnerable or under-represented communities are taken into account
 - 5.7.2 Considering the basis of election that will best serve those communities (at large, wards or a mixed system of both)
 - 5.7.3 Considering whether community boards should be established
 - 5.7.4 Considering the appropriate number of councillors to ensure fair representation
- 5.8 Typically, a representation review is undertaken over an 18 month period, including pre-engagement to seek community input on communities of interest and what fair effective representation would look

Item 8: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward

like from their perspective. If Council decided to revoke its existing resolution the ensuing representation review would need to be completed over a significantly shorter timeframe.

- 5.9 Based on previous reviews it is estimated that the financial cost of a representation review within the truncated timeframes set by the Amendment Act would be \$10-15,000.

Resolution to retain Māori Ward for 2025 local election

- 5.10 Council may choose to retain its existing Māori Ward for the 2025 local election.
- 5.11 In this instance, a poll of electors must be undertaken alongside the 2025 triennial local election, asking whether the elector wishes for a Māori ward to be established in Nelson or not from 2028.
- 5.12 A poll is a statutory process undertaken by the Electoral Officer in line with the Local Electoral Act 2001. The Electoral Officer and Deputy Electoral Officer are fully neutral parties responsible under the legislation to ensure electoral processes including polls are compliant with the legislation and regulations relating to elections.
- 5.13 The required poll in this option must be run using the First Past the Post electoral system.
- 5.14 The results of a poll on Māori wards would be binding on Council and apply for at least the 2028 and 2031 elections. Council is due to complete a representation review in the 2025 term, and were Council to proceed with the poll option, the results would become a foundational factor to the representation considerations.
- 5.15 The forecast cost of a poll based on a 50% voter return rate is \$60,000. A higher participation rate would mean higher costs as some of the contributing costs to the total are fixed fees and some are processing fees charged per item.

Supplementary poll questions

- 5.16 Should Council choose to maintain its Māori Ward for 2025 and therefore be required to undertake a poll, there is nothing that would preclude other representation related questions being asked alongside the question on Māori wards. Section 9 of the Local Electoral Act 2001 allows for polls relating to the activities of Council to be undertaken at the same time as a local election.
- 5.17 While the results of the question on Māori wards would be binding on Council, the results of any supplementary questions would not be. They could however be considered during the representation review required in the 2025 term (noting that other pre-engagement would still be strongly encouraged for that process).

Item 8: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward

- 5.18 Information sheets providing neutral facts on the topics of any questions asked in a poll must be prepared by the Electoral Officer and included with the voting pack. This supports the ability of voters to make an informed decision about their preferences, without attempting to influence those preferences in a particular direction.
- 5.19 It is anticipated that the cost per supplementary question would be approximately \$25,000 (based on a 50% voter return rate – again, higher returns would lead to higher costs) on top of the cost of the mandatory poll on Māori wards. There is no budget currently provided for any extra questions and Council would need to provide for this through the 2025/26 Annual Plan process if deciding to proceed with supplementary questions.

Engagement on Amendment Act options

- 5.20 The length of the transitional period provided in the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 was just over five weeks, making it challenging for Council to undertake any extensive engagement on the two legally available options.
- 5.21 However, the nature of the legally available options to Council has been conveyed to iwi and feedback sought on any preference between the two.
- 5.22 At the time of writing all feedback received from iwi was that the Māori Ward should be retained for the 2025 to 2028 term.

6. Options

- 6.1 Council has two options under the transitional provisions of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024. The Amendment Act does not allow for Council to do nothing, or for another option than the two.
- 6.2 Due to the nature of the decision, both options carry the potential to surface deeply held views and emotions amongst the community. Historically conversations on Māori wards and mandatory binding community polls on their establishment have generated high public interest and can lead to community division when positions are expressed with low sensitivity and lack of respect.

Option 1: Resolve to disestablish Māori Ward for 2025 local election and complete a shortened representation review in 2024	
Advantages	• Lower cost than undertaking a poll
Risks and Disadvantages	• Reputational risk to Council in overturning the 2021 decision which embedded a Māori ward for at least two elections

Item 8: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward

	• Challenging to complete a meaningful representation review within the timeframes set by the Amendment Act • Staff resourcing would need to be reallocated from other priority work to complete the representation review
Option 2: Resolve to retain Māori Ward for 2025 local election and undertake a concurrent poll of electors	
Advantages	• Allows the existing Māori ward to continue for at least the period committed to through the 2021 decision and legislated embedding period • Better aligns with Nelson's current legislated timing for reviewing all its representation arrangements • The poll becomes included as part of the election project with lower operational impact than Option 1 - staff resourcing for election processes and the existing legislated representation review requirements is already allowed for within the broader work programme
Risks and Disadvantages	• Higher cost than Option 1

7. Next Steps

- 7.1 Staff will prepare for the operational implications of whichever option Council pursues.

Attachments

Nil

Important considerations for decision making

Fit with Purpose of Local Government

This decision is required of Council by the transitional provisions of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024.

The Act amends the Local Electoral Act 2001 which along with the Local Electoral Regulations 2001 provides the legislative requirements and regulations as to how local governors will be elected democratically.

Consistency with Community Outcomes and Council Policy

This decision most closely aligns with the following Community Outcome:

Our Council provides leadership and fosters partnerships, including with iwi, fosters a regional perspective, and encourages community engagement

Risk

Historically conversations on Māori wards and mandatory binding community polls on their establishment have generated high public interest and can lead to community division when positions are expressed with low sensitivity and lack of respect.

The nature of the decision before Council creates the risk that progress made in developing strong relationships between mana whenua and Council will be undermined. It is also considered likely that there will be a negative impact on participation in local body elections by iwi and Māori. Council will wish to consider which legally available option is more likely to meet its obligations under the Local Government Act 2002 with regards to Māori participation in decision making.

Financial impact

A particularly conservative approach was taken to preparing the election services budget for the recently adopted Long Term Plan based on known and anticipated increases in costs for all suppliers – this has placed Council in a reasonably secure position to fund either option from the existing agreed budget, based on the indicative costs for an extra representation review or a poll with a 50% return rate.

If retaining the Māori Ward for 2025 (and therefore undertaking a poll) were to be the preferred option of Council, there would be opportunity to update budget requirements through the 2025/26 Annual Plan process to create more flexibility for funding a higher rate of returns.

There is currently no provision in the budget to provide for supplementary poll questions. Were Council of a mind to retain its existing Māori Ward for

Item 8: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward

2025 therefore undertaking a poll, and to add further questions to that poll, providing funding for the extra questions would need to be considered through the Annual Plan process.

Degree of significance and level of engagement

This matter impacts on the whole Nelson community, as the option Council chooses will have implications for the representation arrangements in place for the 2025 triennial local election and beyond. As the matter directly relates to who makes decisions on the establishment of a Māori ward and how, there is a stronger impact on Māori as a whole, and those on the Māori electoral roll most specifically.

Māori wards and mandatory binding community polls on their establishment consistently generate wide public interest and the expression of deeply held views which historically have not always been expressed as respectfully as they could be, leading to community divisions.

The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 specifies that a Special Consultative Procedure does not need to be undertaken prior to this decision. However, typically engagement of a similar nature to an SCP would be undertaken on matters with this level of sensitivity and impact across the community.

It should be noted that the approximately five week period allowed for decision making on the two options under the transitional provisions of the Amendment Act has precluded engagement being undertaken to the extent that would usually be considered desirable for decisions of this nature.

Climate Impact

There is no direct climate impact from this decision.

Inclusion of Māori in the decision making process

Feedback was sought from iwi as to any preference held between the two legally available options to Council. At the time of writing all feedback received was that the Māori Ward should be retained for the 2025 to 2028 term.

Item 8: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 - decision on Māori Ward

Legal context

This decision is required of Council by the transitional provisions of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024.

The Amendment Act specifies that a Special Consultative Procedure does not need to be undertaken prior to making this decision.

Delegations

This decision is required of Council by the transitional provisions of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024.

Report Title:	Amendment to the Policy on Development Contributions 2024
Report Author:	Martin Kozinsky - Senior City Development Adviser
Report Authoriser:	Mandy Bishop - Group Manager Environmental Management
Report Number:	R28655

1. Purpose of Report

- 1.1 To make a minor amendment to the Policy on Development Contributions 2024 (the Policy).

2. Summary

- 2.1 The Policy was approved in conjunction with the Long Term Plan 2024-2034. However, there is ambiguity with the glossary definition of social housing in how it relates to developments undertaken by Iwi Trusts.
- 2.2 Officers recommend the definition be amended to "Housing developments undertaken by a Community Housing Provider that is registered with the Community Housing Regulatory Authority or developments that deliver a similar housing outcome. Social housing providers exempt from DCs are outlined in section 7.1 of this Policy". This minor change would better reflect Council's policy intentions. This change is shown in attachment one.

3. Recommendation

That the Council

- 1. Receives the report Amendment to the Policy on Development Contributions 2024 (R28655) and its attachment (336940202-11407); and***
- 2. Approves the amendment to the Policy on Development Contributions 2024 (336940202-11407) to the glossary definition of social housing, as outlined in section 5.9 of this report (R28655), to read "Housing developments undertaken by a Community Housing Provider that is registered with the Community Housing Regulatory***

Authority or developments that deliver a similar housing outcome. Social housing providers exempt from DCs are outlined in section 7.1 of this Policy”.

4. Background

- 4.1 Developments are assessed for development contributions (DCs) when an application for resource consent, building consent, or service connection is received. Section 7 of the Policy defines which applications are exempt from DCs.
- 4.2 The current Policy was reviewed and adopted on 27 June 2024, at which time the exemption for social housing developments (section 7.1) was expanded to include those undertaken by Iwi Trusts. The Policy reads:

Section 7.1 Social Housing Developments

Council will not require DCs to be paid in respect of social housing developments undertaken by, or for:

- *a Community Housing Provider that is registered with the Community Housing Regulatory Authority, or*
- *Iwi Trusts, or*
- *any other partnership where Council has entered into an agreement to provide social housing.*

- 4.3 The definition of social housing in the Policy glossary was not updated as part of the review. It reads:

Social Housing: *Housing developments undertaken by a Community Housing Provider that is registered with the Community Housing Regulatory Authority.*

- 4.4 No Iwi Trusts based in Nelson are Community Housing Providers (CHPs), so they do not fit the current definition for social housing in the Policy glossary.

5. Discussion

- 5.1 To become a CHP, an organisation must register with the Community Housing Regulatory Authority (CHRA) and meet the following criteria:
- 5.1.1 They are a housing provider with the objective of providing community rental housing and/or affordable rental housing or have detailed plans to establish such a provider.
 - 5.1.2 They have a governing body that supports their application to become a CHP.
 - 5.1.3 The CHRA is satisfied that they have the capacity to meet and maintain compliance with their Performance Standards.

Item 9: Amendment to the Policy on Development Contributions 2024

- 5.2 The process to become a CHP is intensive, requires substantial organisational capacity, and usually takes over a year to complete.
- 5.3 Iwi Trusts in Te Taihū do not naturally fit within the CHP structure; however, their housing aspirations do fit within the spirit of community housing.
- 5.4 Officers could then consider housing developments undertaken by Iwi Trusts under the amended definition of social housing by using the CHRA Performance Standards and Guidelines as a guideline.
- 5.5 That would mean when assessing an application for social housing by an Iwi Trust, officers would evaluate:
 - 5.5.1 if the applicant is a charitable organisation or acting on behalf of a charitable organisation, or
 - 5.5.2 if the applicant can demonstrate an intention to provide enduring community rental housing or affordable rental housing, or
 - 5.5.3 if the applicant is partnering with a CHP for management or tenancy services.
- 5.6 The other criteria within the CHRA Performance Standards and Guidelines are not applicable to Iwi Trusts, however the above three provide sufficient guidance to ensure any development fits within the definition of social housing.
- 5.7 Applications that generally meet these criteria will be assessed by officers for a DC exemption under section 7.1 of the Policy, in line with existing arrangements for exemptions.
- 5.8 Applications that don't meet these criteria, or are marginal, may still seek an exemption under section 7.9 of the Policy on the basis of exceptional circumstances. This would require approval by the Group Manager Environmental Management and a report to Council for a final decision.

Options

- 5.9 The proposed amendment to the glossary definition of social housing reads:

“Housing developments undertaken by a Community Housing Provider that is registered with the Community Housing Regulatory Authority or developments that deliver a similar housing outcome. Social housing providers exempt from DCs are outlined in section 7.1 of this Policy”.
- 5.10 The Council has two options to consider, to either amend the Policy so exemptions for social housing apply to Iwi Trusts as intended, or not.
- 5.11 A decision not to amend the glossary definition for social housing will mean the intended exemption for Iwi Trusts will not take effect and any

Item 9: Amendment to the Policy on Development Contributions 2024

future proposed exemption for an iwi trust would require an assessment of exceptional circumstances under section 7.9 of the Policy and a report to Council for final approval.

Option 1: amend the glossary definition type brief heading	
Advantages	• Clarify the intended exemption for Iwi Trusts undertaking social housing • Enable DC exemptions for Iwi Trusts to be processed by officers
Risks and Disadvantages	• None
Option 2: do not amend the glossary definition type brief heading	
Advantages	• None
Risks and Disadvantages	• The exemption within section 7.1 of the Policy will not function as intended and any applications by iwi trusts would only qualify on the basis of exceptional circumstance and subject to final decision of full Council.

6. Next Steps

6.1 The amended Policy will be made available on Council's website.

Attachments

Attachment 1: 336940202-11407 - Amendment to the Policy on Development Contributions 2024 [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government The adoption of a Development Contributions Policy is required under the Local Government Act 2002 s102.
Consistency with Community Outcomes and Council Policy The Policy aligns with the Community Outcome <i>"Our infrastructure is efficient, cost effective and meets current and future needs."</i>
Risk This matter will clarify the Policy and make it easier for officers to provide exemptions to Iwi Trusts undertaking social housing. If Council does not approve this recommendation, then Iwi Trusts will not be exempt under this policy. This may lead to reputational risk with Iwi Trusts and may require greater officer workload to write an exemptions report to Council on a case-by-case basis.
Financial impact This recommendation is not anticipated to have any additional financial impact as it is clarifying the Policy to function as intended.
Degree of significance and level of engagement This matter is of low significance because it is simply clarifying the intention of exempting Iwi Trusts and won't impact anyone as Iwi Trusts are already expecting to be exempt under this policy. Therefore, no engagement is required.
Climate Impact The Policy supports the provision of intensification within the existing urban built environment in response to the community's concerns regarding the effects of greenfield development on climate change.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report. One written submission by Ngāti Rārua was received as part of the LTP 2024 consultation.
Legal context Under Section 102(2)(d) of the Local Government Act 2002 (LGA), every local authority must adopt a policy on development contributions.
Delegations This is a matter for Council.

Household Unit of Demand (HUD)	One Residential Unit (see definition below)
ISA	Impermeable surface area
Land Development Manual	The Nelson Tasman Land Development Manual 2018(or subsequent revision) that forms the basis for design and construction of all Nelson City's roads, drains, water supply and reserve areas.
LGA	The Local Government Act 2002
Methodology	The method by which development contributions are calculated.
NRMP	The Nelson Resource Management Plan
Network Infrastructure	The same meaning as the Local Government Act 2002 section 197(2): The provision of roads and other transport, water supply, wastewater, and stormwater collection and management.
Non-Residential Development	Any development that is not for a residential activity.
Residential Unit	Means a building or part of a building that is a single self-contained household unit, used principally for residential activities, whether by one or more persons, including accessory buildings. Where more than one kitchen facility is provided on the site, there shall be deemed to be more than one residential unit. For the purposes of the policy, retirement villages are covered by this definition.
RMA	The Resource Management Act 1991.
Service Connection	The same meaning as the Local Government Act 2002 section 197(2): A physical connection to a service provided by, or on behalf of, Council.
Social Housing	Housing developments undertaken by a Community Housing Provider that is registered with the Community Housing Regulatory Authority <u>or developments that deliver a similar housing outcome. Social housing providers exempt from DCs are outlined in section 7.1 of this Policy.</u>
Subdivision (of land)	The same meaning as in the Resource Management Act 1991 section 218: The division of an allotment by: a) an application to the Registrar-General of Land for the issue of a separate record of title for any part of the allotment; or b) the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or c) a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or d) the grant of a company lease or cross lease in respect of any part of the allotment; or e) the deposit of a unit plan, or an application to a Registrar General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; f) or an application to Registrar-General of Land for the issue of a separate record of title in circumstances where the issue of that record of title is prohibited by section 226 (of the Resource Management Act 1991).

Report Title: The Effectiveness of the Compliance Strategy 2020
Report Author: Chris Miles - Manager Consents and Compliance
Report Authoriser: Mandy Bishop - Group Manager Environmental Management
Report Number: R28669

1. Purpose of Report

- 1.1 To review the effectiveness of the Compliance Strategy 2020 (the Strategy) in accordance with the Long Term Plan performance measure.

2. Recommendation

That the Council

- 1. Receives the report The Effectiveness of the Compliance Strategy 2020 (R28669) and its attachment/s (756385493-50372); and***
- 2. Notes the Long Term Plan performance measure requiring an annual review of the effectiveness of the Strategy has been removed from the 2024-2034 Long Term Plan and the Compliance Strategy will now be reviewed in 2025, then as required after that.***

3. Background

- 3.1 The Strategy was first approved by Council on 14 December 2017 (R8673) with the following resolution:

Resolution CL/2017/577

That the Council

Approves the Compliance Strategy 2017 to guide staff and contractors in the exercise of enforcement obligations on behalf of the Council.

- 3.2 A strategic approach to monitoring and enforcement is considered best practice to ensure Council resources are focussed to achieve the best

Item 10: The Effectiveness of the Compliance Strategy 2020

possible outcome for our community. In 2017 the Strategy was developed to be consistent with the Regional Sector Strategic Compliance Framework 2016-2018. This framework was designed (with support from regional council chief executives) to give councils a comprehensive set of principles and guidelines to assist in the development of individual council monitoring and enforcement strategies.

- 3.3 The Ministry for the Environment (MfE) published "Best practice guidelines for compliance, monitoring and enforcement under the Resource Management Act" in July 2018. The Regional Sector Strategic Compliance Framework was updated in 2019 to be consistent with MfE's guidelines. Accordingly, Council's Compliance Strategy was updated in 2020 to be more consistent with these documents (see Attachment 1). On 22 October 2020 the Environment Committee resolved the following:

Resolved EC/2020/037

That the Environment Committee

1. Receives the report Compliance Strategy 2020 (R19200) and its attachment (A2275547); and

2. Adopts the Compliance Strategy 2020 (A2275547) effective from 1 November 2020.

- 3.4 A Long Term Plan performance measure introduced for 2021/22 requires the Strategy be reviewed for effectiveness and reported to Council annually. This report is the last management styled review as the performance measure has been removed from the 2024-2034 Long Term Plan. Instead, the content of the Strategy will be workshopped when the whole Strategy is reviewed (in 2025) then as required after that.

4. The Effectiveness of the Strategy

- 4.1 To understand how effective the Compliance Strategy has been for the 2023/24 year, there are two aspects to consider:

- Is there improvement in outcomes compared to previous years for Nelson?
- Is the Nelson City Council enforcement statistics in alignment with other councils' results?

- 4.2 Decreasing numbers of reactive incidents while continuing and enhancing proactive monitoring would indicate people are increasingly deterred from offending. Less serious enforcement action indicates less impact on the environment and the community. From the information below the level of response is generally comparable to last year, with exceptions of a 58.8% increase in resource consent monitoring and a 30.4% decrease in noise nuisance incidents. The resource consent monitoring increase is largely attributed to refining practice for how records are kept (i.e. each

Item 10: The Effectiveness of the Compliance Strategy 2020

notification registered as a single incident), noting also that some resource consent monitoring responses are preventative and are not incidents.

4.3 Level of responses:

Activity	2019/20	2020/21	2021/22	2022/23	2023/24
Parking	1427	1544	1063	1182	1290
Dog Control	1693	1613	1500	1678	1939
Resource consent monitoring	2496	1436	1318	1013	1609
Noise nuisance	1360	1453	1533	1428	994
Bylaw / Building / Planning	560	544	444	484	509
Pollution	256	317	307	245	259
Stock	78	84	82	68	87

4.4 Level of enforcement:

Activity	2019/20	2020/21	2021/22	2022/23	2023/24
Parking – total	12659	13781	22465	18305	12494
- safety	1259	2289	1919	1344	1585
Dog – impounding	270	248	164	157	163
- infringements	274	264	198	245	240
- menacing	89	93	74	79	9
- dangerous	8	9	8	5	4
- prosecutions	0	2	0	0	0
RMA – abatements	24	17	36	21	29
- infringements	14	13	28	14	17
- enforcement order	0	1	0	0	1
- prosecutions	0	0	0	0	1
Noise – directions	148	103	55	121	28
- seizures	8	3	4	0	1
Freedom Camping Bylaw	244	118	3	146	1

4.5 Comparison of most activities with other Councils is difficult as the bylaws are different and parking, dog and noise activities vary depending on how urbanised an area is. However Regional and Unitary Councils resource management compliance, monitoring and enforcement activities are compared and reported annually. The comparison of 2022/2023 data shows Nelson:

Item 10: The Effectiveness of the Compliance Strategy 2020

- Is one of six Councils that monitor all resource consents requiring monitoring (national average is 84%)
- Has a low percentage of consents in moderate or significant non-compliance (6%)
- Has not needed to prosecute in the last five years of Metrics reporting, with one case currently in progress.

See Attachment 2 for the full analysis of the 2022/2023 Metrics report.

Attachments

Attachment 1: 756385493-50372 Compliance Strategy 2020 (*Circulated separately*) [⇒](#)

Attachment 2: 756385493-55269 CME Metrics report 2022-23 (*Circulated separately*) [⇒](#)

Report Title:	Proposed Draft Cat Management Bylaw
Report Author:	Richard Frizzell - Environmental Programmes Officer
Report Authoriser:	Mandy Bishop - Group Manager Environmental Management
Report Number:	R28725

1. Purpose of Report

- 1.1 To approve the commencement of a special consultative procedure in relation to making a Cat Management Bylaw and to adopt a Statement of Proposal (Attachment 1 - 596364813-11766), which includes a Proposed Draft Cat Management Bylaw (Draft Bylaw), the reasons for the proposal and a report on the determinations required by section 155 of the Local Government Act 2002 (LGA02)).

2. Summary

- 2.1 The Draft Cat Management Bylaw (in Attachment 1) requires microchipping, microchip registration and desexing of domestic cats.
- 2.2 To be able to make a new bylaw, section 155 of the LGA02 requires that Council must determine what the perceived problem is and whether a bylaw is the most appropriate way of addressing that problem, before commencing the process of making a bylaw. If Council determines a bylaw is the most appropriate way of addressing the perceived problem, it must then determine whether the proposed bylaw is the most appropriate form of the bylaw, and whether it contravenes the New Zealand Bill of Rights Act 1990 (NZBORA), before making the bylaw. If the bylaw does contravene the NZBORA it will not be permissible.
- 2.3 The Council is required under LGA02 to consult with the public on the Draft Bylaw before it can be finalised and considered for adoption. Officers are recommending this is done by way of special consultative procedure as this will allow anyone who may be affected by, or has an interest in, the Draft Bylaw requirements to provide feedback on the proposal.

3. Recommendation

That the Council

1. ***Receives the report Proposed Draft Cat Management Bylaw (R28725) and its attachment (596364813-11766) which includes the Statement of Proposal and the Draft Cat Management Bylaw, reasons for the proposal and the determinations required by section 155 of the LGA02; and***
2. ***Determines that the Proposed Draft Cat Management Bylaw is the most appropriate way to address the perceived problems related to the keeping of cats; it is the most appropriate form of Bylaw and any limits on rights under the New Zealand Bill of Rights 1990 are reasonable and proportional, for the reasons set out in this report (R28725); and***
3. ***Approves the commencement of the special consultative procedure on the Proposed Draft Cat Management Bylaw in Attachment 1 (596364813-11766) to run from 9 September to 9 October 2024; and***
4. ***Adopts the 'Statement of Proposal for a Cat Management Bylaw' in Attachment 1 (596364813-11766)) for use in this special consultative procedure; and***
5. ***Agrees a summary of the Statement of Proposal information is not necessary to enable public understanding of the proposal; and***
6. ***Delegates the hearing and deliberations process in relation to submissions on this proposal to a Consultation Panel of elected members, who will make recommendations to the Council on those submissions; and***
7. ***Appoints a Consultation Panel to Hear and Deliberate on the Draft Cat Management Bylaw consisting of:***

Councillor _____ (Chair)

Councillor _____

Councillor _____

Councillor _____

Councillor _____

8. *Approves the consultation approach set out in section 6.5 of Report R28725 and agrees:*

- (a) *The approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
- (b) *The approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***

4. Background

- 4.1 On 4 April 2024 Council considered a report about establishing a cat management bylaw and passed a resolution to “commence establishing a Cat Management Bylaw which considers desexing and microchipping”.
- 4.2 Council invited feedback on domestic cat management issues and options via Shape Nelson from 30 May to 23 June 2024 and received 1,100 responses. In summary, 88% supported mandatory microchipping, 84% supported mandatory registration and 91% supported mandatory desexing.
- 4.3 As a result of the feedback received, and considered at a workshop on 12 July 2024, Council is proposing to address cat management issues identified through a new bylaw. Officers have drafted a Statement of Proposal and Proposed Draft Cat Management Bylaw for consideration by the Council.
- 4.4 Tasman District Council has undertaken a very similar process and submissions closed its Draft Bylaw with the same provisions on 30 August 2024, with a planned adoption date of 28 November 2024.

5. Discussion

- 5.1 Before a bylaw can be made by the Council, there must be a relevant statutory empowering provision that authorises such a bylaw to be made.
- 5.2 Council has specific bylaw-making powers under section 146(1) of the LGA:

Without limiting section 145, a territorial authority may make bylaws for its district for the purposes—

(a) of regulating 1 or more of the following:

(v) keeping of animals, bees, and poultry:

- 5.3 Accordingly, the Council does have the power to place constraints on the keeping of cats through a bylaw. In making a bylaw, Council is required to follow the process set out in the LGA02.

Section 155 of the Local Government Act 2002

5.4 Before making a new bylaw, Council needs to consider the following questions under section 155 of the LGA02 (and the Council's determinations on these issues need to be included in the Statement of Proposal):

- What is the perceived problem?
- Is a bylaw the most appropriate way of addressing the problem?
- Is the form of the draft bylaw (the content) the most appropriate form?
- Will the draft bylaw give rise to any New Zealand Bill of Rights Act (NZBORA) implications?

Problems to be addressed the Draft Bylaw

5.5 Public submissions on the Long-Term Plan, presentations to the Council, especially from the SPCA and NZ Veterinary Association, and feedback from a survey carried out from 30 May to 23 June 2024, have highlighted the following cat management problems in Nelson.

5.6 **Problem 1:** Many cats roam beyond their owner's property, which creates a risk of them becoming injured, lost or a nuisance to neighbours. There is also a risk of domestic cats entering high value conservation reserves, where feral and stray cats may be managed for pest control reasons, under the Tasman-Nelson Regional Pest Management Plan. Unless a cat is microchipped it is difficult to identify it as a domestic cat and be returned to their owners, rather than treated as a stray or feral cat. Figures from the NZ Companion Animals Register indicate that only 57% of domestic cats may be microchipped in Nelson.

5.7 **Problem 2:** Female cats can have up to four litters per year, with an average of four to six kittens per litter. This results in large numbers of unwanted kittens being taken to the SPCA for rehoming (an average of 155 cats and 152 kittens each year in Nelson) as well as kittens being left in public areas to become strays (and to continue to breed with stray and feral cats, further increasing the population). Nearly half the kittens taken to Nelson SPCA Centre are due to owner surrender, which is often due to a person not able to keep kittens their domestic cat had. These are considered unwanted kittens and are often from unplanned breeding. Nearly a third of the cats that come to the Nelson SPCA Centre are reclaimed.

5.8 More microchipping and microchip registration will help to address the first problem and enable lost or injured cats, or those caught in trapping programmes, to be returned to their owner. More desexing of cats will help to address the second problem.

5.9 A full analysis of the Draft Bylaw is provided on pages 3–9 of the Statement of Proposal in Attachment 1.

Item 11: Proposed Draft Cat Management Bylaw

Most appropriate way to address the identified problems

- 5.10 The Draft Bylaw is the most appropriate way to address the perceived problems outlined in paragraphs 5.6 and 5.7 of this report because:
- 5.10.1 It will help ensure Nelson's domestic cats are easy to identify and return to their owners, and to reduce unwanted litters of kittens which end up at the SPCA or abandoned; and
- 5.10.2 The Council has considered various alternatives to creating a bylaw, such as education campaigns and financial support through 'snip'n'chip' campaigns. An assessment of the options available to the Council are provided on pages 6 to 8 of Attachment 1. The Draft Bylaw provides a clear framework that addresses the issues that cats who are not microchipped, have unregistered microchips, or are not desexed cause. The presence of a bylaw will support vets in their good ownership conversations and will align with the practice of other councils, including Tasman District Council.
- 5.10.3 These matters are most effectively addressed through bylaw provisions because they give Council the ability to reduce the occurrence of domestic cats impacting unreasonably on others.

Most appropriate form of bylaw

- 5.11 The Draft Bylaw is the most appropriate form of bylaw because it is:
- 5.11.1 Authorised by statutory authority (section 146(1)(a)(v) of the LGA02);
- 5.11.2 Not considered to be in conflict with, or incompatible with, the general laws of New Zealand;
- 5.11.3 Certain, and provides clear direction;
- 5.11.4 Reasonable, and not overly restrictive, not unduly onerous on any person, and not impractical.

New Zealand Bill of Rights Act implications

- 5.12 The Draft Bylaw gives rise to some implications under the NZBORA (discussed below) but officers consider that the restrictions imposed by the Draft Bylaw are reasonable limitations on any rights in the NZBORA and are demonstrably justified.
- 5.13 Some of the proposed provisions of the Draft Bylaw potentially infringe on members of the public's rights to freedom of thought and belief (protected under section 13 of the NZBORA) and freedom from discrimination (protected under section 19 of the NZBORA).
- 5.14 For example, if someone is strongly opposed to microchipping and registering their cats due to their beliefs about microchips (and how they could be used), they may consider they are being discriminated against,

Item 11: Proposed Draft Cat Management Bylaw

as it would mean their current or future ownership of a cat would be an offence under the Draft Bylaw.

- 5.15 Similarly, if a cat owner is not able to afford to have their cat microchipped and desexed, it would mean their current or future ownership of a cat would be an offence under this bylaw. They may consider that they are being discriminated against, due to their inability to pay, and fear losing the right to own a cat.
- 5.16 Officers do not consider that the restrictions imposed by the Draft Bylaw unreasonably infringe on these freedoms as Council intends to take an 'education first' approach to compliance with the Draft Bylaw, which reflects the Compliance Strategy 2020. This means Council will be focused on resolving any issues related to non-compliance. While in principle, seizure and impoundment of property is another enforcement option under the LGA02, this has some complexity and risk as well as resource implications so is not a viable option.
- 5.17 For these reasons, the restrictions in the Draft Bylaw are considered proportional and reasonable limits for the purposes of managing the impacts of Nelson's domestic cat population on the social and environmental wellbeing of the wider community.

6. Consultation

Use of the special consultative procedure

- 6.1 Section 156 of the LGA02 requires the Council to use the special consultative procedure before making a bylaw, if the bylaw concerns a matter identified as being of significant interest to the public in Council's Significance and Engagement Policy, or Council considers there is likely to be a significant impact on the public due to the Draft Bylaw.
- 6.2 It is considered appropriate to use the special consultative procedure because the Draft Bylaw directly affects the large proportion of the population who have cats, and this proposal will also be of interest to Nelson residents who are concerned about the impacts of cats on the wider community.
- 6.3 The Statement of Proposal for a Draft Bylaw is in Attachment 1 of this report. It complies with section 83 and 86 of the LGA02. Section 86 sets out the specific matters to be included in a Statement of Proposal related to a bylaw (in addition to what is required by section 83 of the LGA02). These are: the Draft Bylaw, the reasons for the proposal, and a report on the relevant determinations of the matters listed in section 155 of the LGA02.
- 6.4 Under section 83(1)(a) of the LGA02 the Council also needs to determine if a summary of the Statement of Proposal information is necessary to enable public understanding of the proposal. It is considered that a summary is not required because the Statement of Proposal is not overly long or complex.

Item 11: Proposed Draft Cat Management Bylaw

Consultation approach

- 6.5 The communication plan for the special consultative procedure includes the following actions:
- 6.5.1 Inform stakeholders, including the SPCA, local vets and people who have previously made submissions to the Council on this topic about the Statement of Proposal and invite submissions on it.
 - 6.5.2 Inform iwi of the proposal and invite submissions on it.
 - 6.5.3 Build on local media interest and discussion in the Draft Bylaw with local media to discuss this proposal.
 - 6.5.4 Publicise the Statement of Proposal, the consultation process (including the ability to be heard) and submissions timeframe through Council's public communication channels and make the Statement of Proposal available on Council's website and in public libraries.
 - 6.5.5 Schedule the hearing on 1 November 2024.
 - 6.5.6 Promote the fact that people can advise they wish to speak at the hearing even if they don't make a written submission, as provided for by section 82(d) of the LGA02.

Consultation Panel

- 6.6 It is intended that a Consultation Panel of elected members will consider written and oral submissions on the Draft Bylaw and make recommendations on those to full Council. The membership of this Panel will be determined by elected members at the Council meeting.

7. Options

- 7.1 If the Council accepts that the Draft Bylaw is the most appropriate way forward, it has two options to consider.

Option 1: Commence consultation on the Draft Bylaw (the preferred option)	
Advantages	• The microchipping and microchip registration provision will make it easier to identify and return domestic cats to their owners. • The desexing provision will reduce the burden of unwanted kittens on the SPCA and the wider community.

Item 11: Proposed Draft Cat Management Bylaw

	• It will enhance the effectiveness of responsible cat ownership education and potential 'snip 'n' chip' campaigns. • The Draft Bylaw responds to community concerns raised with Council. • Commencing consultation in early September will enable Council to decide whether to adopt a new bylaw by late 2024/early 2025.
Risks and Disadvantages	• Costs for consultation and decision making, and compliance related to the Draft Bylaw. • Mandatory costs for cat owners for microchipping (\$60) microchip registration (\$15) and desexing (\$252 for female cats and \$145 for male cats). A three year transition period is proposed to enable time for existing cat owners to comply with the Bylaw.
Option 2: Do not commence consultation on the Draft Bylaw and rely on non-regulatory measures to manage the impacts of Nelson's domestic cat population	
Advantages	• No costs or time required for consultation and decision-making, or ongoing compliance costs if a Bylaw is adopted. • No mandatory costs for cat owners for microchipping (\$60) microchip registration (\$15) and desexing (\$252 for female cats and \$145 for male cats).
Risks and Disadvantages	• A lost opportunity to manage the impacts of Nelson's domestic cat population including: - Limited ability to identify the owners of lost and injured cats. - No reduction in the numbers of unwanted kittens for the SPCA to rehome. - No reduction in the numbers of unwanted litters of domestic cats contributing to stray and feral cat populations in Nelson. • Lack of alignment with Tasman District Council's proposed approach to cat management.

8. Conclusion

- 8.1 Consulting on the Draft Bylaw is recommended. This will provide Council with the power to require microchipping, microchip registration and desexing of domestic cats to promote responsible cat ownership and reduce the negative impacts of cats on the social and environmental wellbeing of the community.
- 8.2 The results of early engagement with the community indicate there is strong support for adopting the Draft Bylaw. Commencing formal consultation of the Draft Bylaw using the special consultative procedure will meet the requirements of sections 83, 86 and 156 of the LGA02 and give the community another opportunity to provide feedback on the issues.

9. Next Steps

- 9.1 Invite submissions on the Draft Bylaw from 9 September to 9 October 2024.
- 9.2 The Consultation Panel hears submissions on 1 November 2024.
- 9.3 The Consultation Panel deliberates on 15 November 2024.
- 9.4 Council meeting to decide whether or not to adopt the Consultation Panel's recommendations on 5 December 2024.

Attachments

- Attachment 1: 596364813-11766 Statement of Proposal for a Draft Cat Management Bylaw [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government The Draft Bylaw supports the social and environmental wellbeing of the Nelson community by reducing impacts associated with the keeping of cats.
Consistency with Community Outcomes and Council Policy The Draft Bylaw supports the following community outcomes: • Our unique natural environment is healthy and protected • Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.
Risk Introducing a bylaw that is not realistically enforceable by the Council carries a level of risk which could lower trust in local governance or lead to legal ambiguity and potential challenges. Several other Councils have introduced cat management bylaws without legal challenge. Officers consider this a low risk. There is also a reputational risk if the Council decides not to proceed with the proposed draft Bylaw after receiving significant public feedback in support of what is proposed. Not progressing the Draft Bylaw would place more of a burden on the SPCA and vets to persuade owners to invest in microchipping, microchip registration and desexing of their cats, more time will be spent trying to identify and return domestic cats to their owners and it would result in a higher number of unwanted kittens. It would also limit the effectiveness of education related to responsible cat ownership and 'snip 'n' chip' campaigns.
Financial impact There are no immediate funding implications over and above the current costs for development and adoption of a bylaw, and compliance costs. SPCA and local vets have indicated willingness to assist with compliance.
Degree of significance and level of engagement These matters are of high significance because of the degree of public interest. The Draft Bylaw potentially affects the proportion of the population who have cats which aren't already microchipped and desexed and is also of

Item 11: Proposed Draft Cat Management Bylaw

significant interest to Nelson residents who are concerned about the impacts of cats on the wider community.
Climate Impact Climate change has been considered in relation to the Draft Bylaw. However, the scope of its provisions do not have the capacity to assist with (or to affect) climate change mitigation or adaptation.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report. However, officers will directly contact iwi to inform them of the proposal and invite feedback as part of the special consultative procedure.
Legal context • • Council has the power to make this decision under the LGA02. • Council's decision must be made in accordance with Parts 6 and 8 of the LGA02. In relation to this decision, this requires specific consideration of consultation requirements when making, amending or revoking bylaws made under section 156 of this Act.
Delegations Council is responsible for final adoption of a bylaw but can delegate the following matters: • Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate • Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes other than final approval.

Attachment 1



**Statement of Proposal
for a Draft Cat Management Bylaw**

xx xxxx 2024

Introduction

Council is consulting on a Draft Cat Management Bylaw (Draft Bylaw) which requires microchipping, microchip registration and desexing of all cats over the age of six months.

We want your feedback on the Draft Bylaw, to ensure it meets the needs of the community.

Considerations under the Local Government Act 2002

This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 (LGA02) and as required by section 86 of the LGA02. It includes a draft of the proposed Bylaw, the reasons for the proposal and a report on the relevant determinations by Council under section 155 of the LGA02.

Submissions

Anyone can make a submission about any aspect of the Draft Cat Management Bylaw. Written submissions must be received no later than **5pm on 9 October 2024**.

A submission form is available to download at shape.nelson.govt.nz/ or can be requested from the Customer Service Centre at Nelson City Council. Submissions can be made:

- online at shape.nelson.govt.nz/
- by post to Draft Cat Management Bylaw, Nelson City Council, PO Box 645, Nelson 7010
- by email to submissions@ncc.govt.nz
- by delivering your submission to Civic House, 110 Trafalgar Street, Nelson.

Please state in your submission whether or not you wish to speak in support of your submission at the hearing (to be held 1 November 2024). The hearing will be held in public, and anyone can attend. It will also be recorded and able to be viewed online.

Another option is to speak at the hearing without making a written submission. Please let us know by 5pm on 9 October 2024 if you wish to do this, by sending an email to submissions@ncc.govt.nz or calling us on 546-0200.

All written submissions, including the name and contact details of the submitters, will be made available to the public and media on Council's website, unless a submitter specifically requests that their contact details be kept private, and explains why it is necessary to protect their privacy. Council will not accept any anonymous submissions.

Draft Cat Management Bylaw

1. The Proposal

- 1.1 Council has developed a Draft Cat Management Bylaw to require microchipping, microchip registration and desexing of cats within the Nelson District.
- 1.2 Council is proposing to make this bylaw under the LGA02 and is relying on its power to regulate the keeping of animals under section 146(1)(a)(v) of LGA02.
- 1.3 A Draft Cat Management Bylaw is included in this Statement of Proposal.

2. Reasons for the Proposal

- 2.1 Microchipping and microchip registration supports the community's ability to identify and return domestic cats to their owners. This reduces the time period cats are being separated from their owners. It also supports long term implementation of the Tasman-Nelson Regional Pest Management Plan (e.g. being able to differentiate between domestic cats and stray/feral cats found in high value ecological areas).
- 2.2 Mandatory desexing should reduce the number of unwanted litters of kittens, reducing contributions to stray and feral cat populations – and therefore reducing impacts on Nelson's community and biodiversity.
- 2.3 A recent engagement process with 1,100 respondents has identified strong support for mandatory microchipping (88%) and microchip registration (84%) and for desexing of cats (91%).

3. Summary and analysis of the Proposal

The main features of the Draft Bylaw are discussed below.

Clause 6.1a of the Draft Bylaw: Require microchipping and microchip registration for cats over the age of six months.

- 3.1 Problems to be addressed: Many cats roam beyond their owner's property, which creates a risk of them becoming injured, lost, or a nuisance to neighbours. There is also a risk of domestic cats entering high value conservation reserves, where feral and stray cats may be managed for pest control reasons, under the Tasman-Nelson Regional Pest Management Plan. Unless a cat is microchipped it is difficult to identify it as a domestic cat and be returned to their owners, rather than treated as a stray or feral cat. Figures from the NZ Companion Animals Register indicate that only 57% of domestic cats may be microchipped in Nelson.
- 3.2 Clause 6.1a of the Draft Bylaw addresses these problems by establishing a way for the SPCA, vets and the Council to easily identify domestic cats and to contact their owners.
- 3.3 Having a Cat Management Bylaw in place will enable any responsible cat ownership education and 'snip 'n' chip' campaigns supported by Council to be more effective, as they will be closely tied to the Bylaw requirements.

- 3.4 As shown in section 5 of this proposal (the options assessment), Council considered a number of options to address this problem, including: maintaining the status quo of not having a bylaw, using education, and investing in snipping and chipping campaigns, and requiring microchipping and microchip registration through a bylaw.
- 3.5 A recent survey found there was a high level of community support for this approach, and both the SPCA and local vets have asked Council to develop this bylaw.
- 3.6 Based on the survey results, the key obstacle to complying with the Proposed Bylaw is cost. Council considers the one-off costs of \$60 for microchipping and \$15 for registration are a reasonable level of investment for cat owners to be able to be easily reunited with their lost or injured cats.

Clause 6.1b: Require domestic cats over the age of six months to be desexed, unless they are kept for breeding purposes, or the operation poses a high risk for a cat.

- 3.7 Problems to be addressed: Female cats can have up to four litters per year, with an average of four to six kittens per litter. This results in large numbers of unwanted kittens being taken to the SPCA for rehoming (an average of 155 cats and 152 kittens each year in Nelson) as well as kittens being left in public areas to become strays (and to continue to breed with stray and feral cats, further increasing the population). Nearly half the kittens taken to Nelson SPCA Centre are due to owner surrender, which is often due to a person not able to keep kittens their domestic cat had. These are considered unwanted kittens and are often from unplanned breeding. Nearly a third of the cats that come to the Nelson SPCA Centre are reclaimed.
- 3.8 Clause 6.1b of the Draft Bylaw addresses these problems by requiring cat owners to desex any cats aged six months and older, unless they are being kept by registered breeders or if a desexing operation would be a high risk for a cat. If a vet considers that a procedure would be detrimental to a cat's health or wellbeing they can provide a certificate for exemption from this bylaw.
- 3.9 As shown in the section 5 of this proposal (the options assessment), Council considered a number of options to address this problem, including: maintaining the status quo of not having a bylaw, using education, and investing in snipping and chipping campaigns, and requiring desexing through a bylaw.
- 3.10 Investing in more education to promote desexing of cats is unlikely to be effective as a standalone option.
- 3.11 Council also considered paying for cats to be desexed instead of requiring cat owners to pay this cost, for people on lower incomes. However, the one-off desexing cost of \$252 for female cats and \$145 for male cats is considered a reasonable level of investment for cat owners. This approach also recognises that dog owners pay annual dog registration fees as well as all costs associated with desexing. Owners of existing cats would have until 1 June 2027 to comply with the terms of the bylaw.
- 3.12 Any future education about responsible cat ownership education will be more effective if these actions are supported by the Draft Cat Management Bylaw.

4. Scope of Council decisions following consultation

- 4.1 Once the Council has considered all submissions made in response to the proposal, it will make a decision. The options available to Council are:
- a. to adopt all of the provisions in the Draft Bylaw; or
 - b. to adopt some aspects of the Draft Bylaw but with modifications, based on community feedback; or
 - c. to not adopt the Draft Bylaw.

5. Section 155 of the Local Government Act 2002

- 5.1 Before making a new bylaw, Council is required under section 155 of the LGA02 to determine that:
- a. What the perceived problem is;
 - b. Whether a bylaw is the most appropriate way of addressing the perceived problem;
 - c. Whether the Draft Bylaw is the most appropriate form of bylaw; and
 - d. Whether the Draft Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The perceived problem

- 5.2 The key problems, as identified in paragraphs 3.1 and 3.7 of this proposal, are that a lack of cat management is cats becoming injured or lost when they roam beyond their owner's property, and uncontrolled breeding leading to too many unwanted kittens ending up as stray cats or being given to the SPCA to try to rehome. These cats often suffer from poor health due to lack of proper care, exposure to diseases, and inadequate nutrition.
- 5.3 For these reasons, actions which result in more microchipping and registration of cats, and more desexing of cats, are appropriate ways to address the perceived problem.
- 5.4 Council has the power to make a bylaw to regulate the keeping of animals (under section 146(1)(a)(v) of the Local Government Act) – and the keeping of cats can include regulations which make it easier for cats to be returned to their owners (through microchipping and microchip registration requirements) and being able to reduce the number of unwanted litters of kittens (through desexing requirements).

A Bylaw is the most appropriate way to address the perceived problem

- 5.5 In 2023 the SPCA made a presentation to Council asking for a bylaw to require microchipping and desexing. Both the SPCA and local vets are committing to helping the Council to implement the provisions to increase the numbers of cats being microchipped and desexed.
- 5.6 Options, and their relative advantages and disadvantages are outlined in the table below. As noted, the Council is also considering non-bylaw options to support the implementation of the Proposed Bylaw.

	Advantages	Disadvantages
Option 1 – Do nothing	No cost to Council or cat owners. No increase in expectation that Council will respond to residents' complaints about cats and/or enforce the bylaw requirements.	Does not respond to SPCA and vets' request for Council to require cat owners to microchip, register the microchip and desex their cats, to support vets' encouragement of cat owners to microchip and desex their cats. No potential change to the proportion of cats which are currently microchipped (and their microchips registered), and desexed. Does not respond to community feedback (i.e. via LTP, Regional Pest Management Plan and survey and survey) requesting action be taken to address cat-related issues in Nelson. Less potential to improve ability to differentiate between domestic cats and stray/feral cats in high value ecological areas (identified in the Tasman-Nelson Regional Pest Management Plan).
Option 2 – Invest in education about responsible cat ownership; and the benefits of microchipping, registration and desexing cats.	This is a low-cost option, which could be delivered within Council's existing resources. No increase in expectation that Council will respond to residents' complaints about cats and/or enforce the bylaw requirements. Can be initiated for community benefit, biodiversity and cat welfare reasons.	Education about the benefits of microchipping, microchip registration and desexing cats is already being carried out by the SPCA and vets, and additional education by Council may not have a significant additional effect. Would require reprioritising existing budgets, e.g. within biodiversity programme.
Option 3 – Invest in targeted 'Snip'N'Chip' campaigns to remove barriers to microchipping, registration and desexing cats.	Allows Council to offer targeted support to cat owners for whom the cost of microchipping and desexing is a significant barrier. Measurable results, i.e. able to determine exactly how many cats are microchipped and desexed as a result. Could be implemented through the SPCA and/or vets. Can be initiated for community benefit, biodiversity and cat welfare reasons.	If Council subsidised chipping and snipping, the costs for cat owners benefiting from this subsidy are estimated to be \$60 for chipping, \$15 for registering, and \$157 (females)/\$65 (males) for snipping. This approach may be seen as unfairly favouring cat owners compared to dog owners (who pay their own vet bills and also pay an annual registration fee to Council) and does not support the message that cat owners are responsible for their cats.

Option 4 – Adopt bylaw provisions requiring microchipping of cats and microchip registration.	Council can make a bylaw to regulate the keeping of animals under section 146(1)(a)(v) of the Local Government Act 2002 (LGA), and other councils have relied on this power to make bylaws requiring microchipping of cats and microchip registration. Bylaw requirements would give more weight to the SPCA's and vets' recommendations on microchipping and microchip registration. Microchipping and microchip registration enables identification and return of cats to their owners. This supports long term implementation of the Tasman-Nelson Regional Pest Management Plan (eg it would assist in being able to differentiate between domestic cats and stray/feral cats found in high value ecological areas). It addresses submitter concerns (to the Council's LTP and Tasman-Nelson Regional Pest Management Plan). This aligns with Tasman District Council's proposed approach (in part).	Costs of bylaw development is estimated to be approximately \$30,000. Compliance and enforcement costs. Formal enforcement options for this bylaw would be limited. Infringement notices would not be an available option, so if cat owners refuse to comply with bylaw requirements the formal enforcement options are limited to court proceedings (either prosecution or injunction). In principle, seizure and impoundment of property involved in the commission of a bylaw is another enforcement option under the LGA. This has some complexity and risk, as well as resource implications (eg storage of the impounded property until returned or disposal). May create expectations that Council will respond to complaints about cat management that the bylaw does not regulate. Cost of microchipping (\$60) and registering (\$15) for cat owners.
Option 5 – Adopt bylaw provisions requiring cats over the age of 6 months to be desexed, unless cats are registered with a breeder, or the operation is considered to be unsafe for that cat.	Council can make a bylaw to regulate the keeping of animals under section 146(1)(a)(v) of the Local Government Act 2002, and other councils have relied on this power to make bylaws requiring the desexing of cats. Bylaw requirements would give more weight to the SPCA's and vets' recommendations on desexing. Over time, mandatory desexing should result in a reduction in cat nuisance issues such as spraying and marking, roaming, and fighting by cats competing for territory. Over time, mandatory desexing should reduce the number of	Although other councils have made bylaws, problems related to pest control, wildlife protection and animal welfare are not part of Council's bylaw-making powers under the Local Government Act 2002, and therefore cannot be listed as reasons for developing a bylaw. Costs of bylaw development is estimated to be approximately \$30,000. Compliance and enforcement costs. Formal enforcement options for this bylaw would be limited. Infringement notices would not be an available option, so if cat owners refuse to comply with bylaw requirements the formal enforcement options are

	unwanted litters of kittens, reducing contributions to stray and feral cat populations – and therefore reducing impacts on Nelson’s biodiversity. Over time, the SPCA should have fewer unwanted kittens to look after and rehome. This approach addresses submitter concerns (to the LTP and Tasman-Nelson Regional Pest Management Plan). This aligns with Tasman District Council’s approach (in part).	limited to court proceedings (either prosecution or injunction). In principle, seizure and impoundment of property involved in the commission of a bylaw is another enforcement option under the LGA. This has some complexity and risk, as well as resource implications (eg storage of the impounded property until returned or disposal). May create expectations that Council will respond to complaints about cat management that the bylaw does not regulate. Cost to owners for desexing their cats (\$145 for male cats; \$252 for female)
Option 6 – Adopt bylaw provisions requiring microchipping of cats and microchip registration; and requiring cats over the age of 6 months to be desexed, unless cats are registered with a breeder, or the operation is considered to be unsafe for that cat.	Combined advantages of Options 4 & 5 above. Feedback indicates strong community support for these combined measures. More completely aligns with Tasman District Council’ approach.	Combined disadvantages of options 4 & 5 above.

The form of the Bylaw (the content) is appropriate

- 5.7 The proposed Cat Management Bylaw is the most appropriate form of bylaw because it is:
- authorised by statutory authority under section 146(1)(a) of the Local Government Act 2002
 - not considered to be in conflict with, or incompatible with, the general laws of New Zealand
 - certain, and provides clear direction
 - reasonable, and not overly restrictive, unduly onerous on any person, or impractical.

Implications of the New Zealand Bill of Rights Act (NZBORA)

- 5.8 The Proposed Cat Management Bylaw gives rise to some implications under the New Zealand Bill of Rights Act 1990, but these implications are not inconsistent with that Act.
- 5.9 Some of the proposed amendments to the bylaw potentially infringe on members of the public's rights to freedom of thought or belief (protected under section 13 of the New Zealand Bill of Rights Act 1990), and freedom from discrimination (protected under section 19 of the New Zealand Bill of Rights Act 1990).
- 5.10 For example, if someone is strongly opposed to microchipping and registering their cat due to their beliefs about microchips, and what they could be used for, they may consider that they are being discriminated against, as it would mean their current or future ownership of a cat is an offence under this bylaw.
- 5.11 Similarly, if a cat owner is not able to afford to have their cat microchipped and desexed, it would mean their current or future ownership of a cat would be an offence under this bylaw. They may consider that they are being discriminated against, due to their inability to pay, and fear losing the right to own a cat.
- 5.12 Concerns about microchipping can be addressed through education. Cost issues can be managed through the proposed transition period for existing cat owners to comply with Bylaw, which extends until June 1, 2027; and through 'snip and chip' campaigns.
- 5.13 In addition, Council intends to take an 'education first' approach to compliance with the Bylaw, which reflects its Compliance Strategy 2020. This means Council will be focused on resolving any issues related to non-compliance and not on removing cats from their owners.



Nelson City Council

Draft Cat Management Bylaw

Made by resolution of Council

on

XX XXX 2024

1. Title

- 1.1 The title of this Bylaw is the Cat Management Bylaw.

2. Commencement

- 2.1 This Bylaw comes into force on XX XXX 2024.

3. Purpose and Application

- 3.1 The purpose of this Bylaw is to regulate the keeping of cats within Nelson City.
- 3.2 This Bylaw shall apply to all cats within Nelson City.

4. Definitions and Interpretation

- 4.1 In this bylaw, unless the context otherwise requires:

Cat means a domestic animal of the species *Felis catus*, including both male and female cats, regardless of breed, kept as a pet, companion, or for other purposes.

De-sexed means the surgical sterilization of an animal, which involves the removal of reproductive organs to prevent breeding. In male cats, this is known as neutering, and in female cats, it is known as spaying.

Microchipped mean a registered vet has implanted a small electronic device (microchip) under the skin of an animal, typically between the shoulder blades, that contains a unique identification number which can be read by a scanner. This number is linked to a registry containing information about the animal and its owner.

Nationally Recognised Cat Breeders Body means an organisation that is officially acknowledged at the national level for its role in promoting, regulating, and supporting the breeding of cats according to established standards. This body maintains records of registered breeders and ensures adherence to ethical breeding practices.

Nelson City means the territory contained within the City of Nelson as defined in Schedule 2 to the Local Government Act 2002.

5. Cat Management Provisions

- 5.1 Any cat over six months of age must be:

- a. Microchipped and the cat's microchip registered with New Zealand Companion Animal Register; and
- b. De-sexed, unless:
 - i. the cat is kept for breeding purposes; and registered with a nationally recognised cat breeders body, or
 - ii. the owner provides a certificate from a registered veterinarian stating that the de sexing of the cat will adversely affect its health and/or welfare.

Existing cat owners shall be granted a transition period from the commencement of this bylaw, during which they are required to desex, microchip and register any cats they already own. This transition period shall extend until June 1, 2027.

6. Council Resolution

This Bylaw was made by Nelson City Council at a meeting of the Council on [XXX].

The common seal of the Nelson City Council is attached in the presence of:

_____ Mayor

Council



5 September 2024

Report Title:	Nelson School of Music Trust: Memorandum of Understanding
Report Author:	Martin Croft - Strategic Adviser Community Services
Report Authoriser:	Andrew White - Group Manager Community Services
Report Number:	R28663

1. Purpose of Report

- 1.1 To approve a Memorandum of Understanding (MOU) with the Nelson School of Music Trust (The Trust).

2. Summary

- 2.1 A MOU will establish how Council and the Trust intend to work together to deliver shared outcomes and goals, which include those outlined in He Tātai Whetū – Whakatū Nelson Arts and Creativity Strategy.

3. Recommendation

That the Council

- 1. Receives the report Nelson School of Music Trust: Memorandum of Understanding (R28663) and its attachment (1511110536-1100); and***
- 2. Approves the Memorandum of Understanding between Nelson School of Music Trust trading as Nelson Centre of Musical Arts (NCMA) and Nelson City Council, delegating the Mayor to sign on behalf of Council; and***
- 3. Delegates His Worship the Mayor and Chief Executive to make any necessary minor editorial amendments prior to signing.***

4. Background

- 4.1 The Trust is a not-for-profit charitable Trust trading as the Nelson Centre of Musical Arts (NCMA). It is one of two Council Organisations (CO), the other being the Nelson Festivals Trust.

Item 12: Nelson School of Music Trust: Memorandum of Understanding

- 4.2 A CO is an organisation for which a local authority controls any proportion of the voting rights, or rights to appoint directors or trustees. Council appoints two trustees to the Trust.
- 4.3 Council provides an annual grant to the NCMA, which is used for operational purposes.
- 4.4 Following a review in 2021 to look at the NCMA's business relationship with Council and financial performance and sustainability, Council's Community and Recreation Committee resolved that a MOU would be established, and a Statement of Intent (SOI) would be received by Council every three years, with an update on the SOI provided annually.
- 4.5 Council received the NCMA's first SOI in 2023.

5. Discussion

- 5.1 Council's Memorandum of Understanding Policy states that a MOU:
 - 5.1.1 defines the terms under which the partners will co-operate by establishing a framework for effective cooperation, recognising that the relationship between the parties is long term.
 - 5.1.2 can be established with organisations with which Council might also have a formal contract.
 - 5.1.3 can express a range of expectations that both parties have of each other, wider than just funding.
- 5.2 It also states: Council will consider undertaking the development of a MOU with another organisation or group in the following circumstances:
 - 5.2.1 Where there is an ongoing and closely involved relationship with the other party or parties, with significant overlap in mandate, services or projects and frequent collaboration, and/or
 - 5.2.2 Where there is a transfer of the provision of services from Council to another entity;
 - 5.2.3 Where there is a long-term funding agreement with an organisation; or
 - 5.2.4 Where there have been problems in an ongoing relationship with another party or parties that are likely to be resolved through the increased clarity of expectations, and
 - 5.2.5 It is clearly in the interest of the Council and community to enter into such an agreement, and it is consistent with achieving some or all the community outcomes.
- 5.3 An MOU with the Trust fits well with the criteria as outlined in points 5.1 and 5.2.

Item 12: Nelson School of Music Trust: Memorandum of Understanding

- 5.4 Although not a statutory requirement, the Trust's inaugural three-year SOI was received by Council in April 2023. The intent of the SOI was to help build the relationship with Council by providing transparency and accountability, setting out what is expected for the funding provided by Council. The SOI had been recommended in the 2021 review of the business relationship, along with an MOU.
- 5.5 Rather than setting out what is expected from Council's funding, the objective of the MOU is to continue to build and grow the positive relationship that has been developed between the Trust and Council since the 2021 review. Although not legally binding, it sets out how both parties intend to work together to achieve shared outcomes and goals.
- 5.6 The NCMA play a key role in the Arts in Nelson and is an important partner in the delivery of the objectives and goals outlined in He Tātai Whetū, Nelson's Arts and Creative Strategy. A key outcome of the MOU is to affirm NCMA's commitment to the delivery of the Strategy.
- 5.7 The proposed MOU has been circulated and approved by the Trust, and it has been reviewed by Council staff. The Trust is now waiting for Council to sign it.

6. Options

- 6.1 Council has the option of approving the attached MOU, with amendments as necessary, or not approving it. It is recommended that the MOU be approved.

Option 1: Approve the MOU	
Advantages	The MOU provides clarity around roles and responsibilities of the parties and sets out common objectives.
Risks and Disadvantages	Commits Council to a high level of cooperation and collaboration with the Trust
Option 2: Do not approve the MOU	
Advantages	No obvious advantages
Risks and Disadvantages	Would be a disappointment to the Trust and could damage the relationship.

7. Next Steps

- 7.1 The Trust will be informed of the decision.

Attachments

Attachment 1: 1511110536 - 1100 MOU - NCC and NCMA [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government Collaboration with the NCMA supports the social, economic and cultural well-being of the community in the present and in the future.
Consistency with Community Outcomes and Council Policy The decisions in this report support our Community Outcomes as follows: “Our communities have opportunities to celebrate and explore their heritage, identity and creativity”; and “Our communities have access to a range of social, educational and recreational facilities and activities”. NCMA has a mission that reads - ‘Inspired by our iconic venue, and within a secure financial environment, we strive to create a community around a shared love of musical experiences both on the stage and in the studio.
Risk There is a risk the relationship with the NCMA will be damaged if the MOU isn’t supported and their commitment to the supporting the delivery of He Tātai Whetū is lessened.
Financial impact There is no impact financially on the decision.
Degree of significance and level of engagement The matter is of low significance because it only aims to clarify the relationship between Council and the NCMA and is not legally binding on either party. Therefore, no community consultation is planned.
Climate Impact Climate impact is addressed in the NCMA Statement of Intent.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
Legal context There is a small risk that the MOU could be viewed as legally binding.
Delegations This is a matter for Council.

Nelson School of Music Trust
trading as Nelson Centre of Musical Arts (NCMA)

AND

Nelson City Council

MEMORANDUM OF UNDERSTANDING

MOU: NCMA / NCC 2022 Page 1 of 6

MEMORANDUM OF UNDERSTANDING – dated: To be determined.

Parties to this Memorandum of Understanding (MOU):

1. Nelson City Council (NCC)

Contact details:

Postal: PO Box 645, Nelson, 7040

Email: enquiry@ncc.govt.nz

Phone: 03 546 0200

2. Nelson School of Music Trust, a non-profit charitable Trust established 1894 and trading as Nelson Centre of Musical Arts (NCMA)

Contact details:

Postal: 48 Nile Street, Nelson 7010

Email: music@ncma.nz

Phone: 03 548 9477

Glossary of terms and abbreviations used in this agreement:

MOU is an abbreviation of **memorandum of understanding** and here refers to this agreement.

The NCMA Facility refers to land and buildings owned by NCMA at 48 Nile Street, Nelson.

CCO is an abbreviation of **Council controlled organisation** and refers to organisations for which NCC controls 50% or more of the voting rights, or rights to appoint 50% or more of the directors/trustees. CCOs are set up to deliver public benefit for the city in a financially prudent manner. For the avoidance of doubt NCMA is not in any way considered to be a CCO.

CO is an abbreviation of **Council Organisation** and refers to organisations for which local authority controls any proportion of the voting rights, or rights to appoint directors/trustees. NCMA is a CO where Council appoints two trustees to the board.

Review Cycle is defined as a period of 3 years initiated with a statement of expectation (SOE) issued by NCC, and concluded with a review of NCMA's performance against that expectation.

SOE is an abbreviation of **Statement of Expectation** and is a term borrowed from statutory provisions defining the relationship between NCC and their CCOs. Within this agreement SOE refers to a document expressing NCC's expectations of and performance targets for NCMA together with the level and arrangements for funding NCC expects to make available to NCMA through the review cycle.

SOI is an abbreviation of **Statement of Intent** and is a term borrowed from statutory provisions defining the relationship between NCC and their CCOs. Within this agreement SOI refers to a document expressing the detail of how NCMA intends to meet NCC's expectation and performance targets, including forecast financial information, through the review cycle.

Operational funding grant refers to funds NCC agrees to make available to NCMA to facilitate NCMA's delivery against expectation, as well as the management and maintenance of the

NCMA Facility. The level of operational grant funding was set at \$225,000 in 2019 with an annual adjustment intended to align the grant with the Consumer Price Index as provided for in NCC's Long Term Plan 2021/31.

Performance measures and associated **targets** provide an agreed framework for the assessment of outcomes against expectations.

Arts strategy and policy refers to any written document intended by NCC to provide strategic direction, policy and direction for the arts in the Nelson region.

Non-binding: This Memorandum of Understanding does not create a binding legal agreement between the parties.

Part A

Background:

- A. The parties wish to work together to provide a home for the creation and appreciation of the performing arts, and in particular music, in the Nelson region.
- B. NCMA is a Council organisation, where Council appoints two trustees to the board. The Trustees that are appointed by Council shall be interested in and able to promote the objectives of the Trust.
- C. NCMA owns and operates an historic auditorium and music studio complex in the City of Nelson. The NCMA facility is a significant resource for the performing arts in the region, and its maintenance, availability and use in service to the public of Nelson is of interest to both parties.
- D. The parties intend to establish a foundation of understanding and trust on which a purposeful and functional relationship can be built.
- E. An external review commissioned by NCC and delivered by the independent party Bruce Robertson and Associates in 2019 reported that grant agreements used historically to provide for operational funding for NCMA were not fit for purpose, and have led to mistrust and the deterioration of relationship between the parties. The review proposed the negotiation of an MOU between the parties that provides for a regular review cycle borrowed from that used by NCC in relationship with CCOs, including an SOE and SOL.

Purpose:

Through this MOU the parties intend to:

- a. Establish the independent identities of both parties (who we are),
- b. Establish broad outcomes the parties intend (why we want to work together),
- c. Define the contributions to be made and the responsibilities undertaken by each individual party (how we will work together), and
- d. To protect the separate interests of each party.

Objectives:

For NCC the aims of this understanding are:

[Arts Strategy and Policy]

He Tātai Whetū, the Whakatū Nelson Arts and Creativity Strategy objectives:

1. Ensure the arts are truly for everyone.
2. Remove barriers to participation for all.
3. Improve communication about what's on offer.
4. Ensure Te Tauhutanga is reflected and visible throughout the city.
5. Celebrate and encourage diversity by ensuring every space is a safe space.
6. Champion and express our creative identity.
7. Provide affordable spaces for creativity and the arts.
8. Enhance our network of arts venues and facilities.
9. Develop our city centre as an arts precinct.
10. Eliminate barriers and constraints on creativity and place-making activity.
11. Ensure that art can be seen and experienced from every part of the city
12. Empower iwi to reflect Te Tauhutanga in the city.
13. Bring the creativity economy into focus for our economic recovery and regeneration.
14. Support sustainable career and business development in the creative sector.
15. Realise the full potential of the creative economy in Whakatū Nelson.

For NCMA the aims of this understanding are:

1. To provide procedures that establish ongoing dialogue between NCC and NCMA as we plan together to further regional strategy and policy for the arts,
2. To establish certainty and reliability in funding for NCMA operational activities,
3. To provide a pathway for cooperation between NCC and NCMA towards the ongoing management and maintenance of the Nile Street NCMA facility,
4. To establish meaningful procedures holding NCMA accountable for its application of funding provided by NCC, and its delivery of services to the community,
5. To establish the circumstances in which it is appropriate for NCC and NCMA to collaborate on projects of interest to the parties outside of operational funding defined in this MOU,
6. To promote transparency, clarity, understanding and reliability in our relationship with NCC.

Principles

1. Partnership is central:
 - The partnership is underpinned by strong, active engagement from each partner. Each partner's expertise is valued and utilised.
2. Trust is central: Trust is built through:
 - Demonstrating integrity and reliability;
 - Building credibility through deeds not words;
 - Communicating candidly, early and often; and
 - Operating with transparency.

Part B

Responsibilities

NCC:

- Plan and maintain an arts strategy and policy for the region that is developed in consultation with, and provides direction for NCMA,
- Initiate a cycle of dialogue with NCMA once every three years through the issue of an SOE setting out their expectation of NCMA in the delivery of their wider arts strategy and policy,
- Receive a report from NCMA every 6 months on progress against the detail in their SOI,
- Conclude the cycle of dialogue with an assessment of performance against expectation and feedback to NCMA,
- Provide a reliable operational funding grant to NCMA, to be reviewed annually, with the intention that the grant amount will be increased in line with the Consumer Price Index,
- Consult with NCMA on any changes likely to significantly affect the relationship between the parties or the operational funding grant,
- Give reasonable notice, preferably over six months, to NCMA where the terms or intentions discussed under this MOU are under review or are likely to be unachievable,
- To receive and consider applications from NCMA in good faith for project-based funding where such funding is available to other organisations in a defined, contestable application process.

NCMA:

- Engage in consultation with NCC in the planning of NCC's arts strategy and policy.
- Support the implementation and delivery of He Tātai Whetū, the Whakatū Nelson Arts and Creativity Strategy objectives.
- Engage in consultation with NCC as required over an appropriate level of, and arrangement for, the operational funding grant,
- Respond to NCC's SOE giving detail of how they intend to meet NCC's expectation in an SOI,
- Report to NCC on performance against NCMA's SOI and NCC's SOE,
- Receive and respond to assessment of performance and feedback from NCC,
- Maintain and manage NCMA's facility in accord with NCC's arts strategy and policy.

Part C

Confidentiality

Each party shall maintain the confidentiality of the information belonging to or relating to the other party, its finances and business affairs which is not in the public domain.

Duration and Termination

This MOU shall come into effect on the date it is signed by both parties and shall remain in full force until it is terminated by either party.

Either party shall be entitled to terminate this MOU for any reason by giving 6 months written notice to the other party.

Disputes

Where a conflict arises between the parties which is impacting on the collaboration of the parties the following steps will be followed:

1. The parties will resolve the conflict using informal mediation / negotiation and in good faith; and

2. Where the conflict cannot be resolved, an independent mediator agreeable to all parties shall be appointed to assist in resolving the conflict issue.

Privacy

The parties agree, in respect of any personal information held or collected in connection with this MOU;

- a. To comply with the Privacy Act 2020 and the Unsolicited Electronic Messages Act 2007 and any other applicable law regarding privacy.
- b. To use information only for the purposes of this agreement.

Liability

No party shall be liable to any other party for any costs, liability, damages, loss, claims or proceedings of whatsoever nature arising out of part C of this MOU and no party shall be liable to any other party for any loss of profit, loss of business or consequential loss of that party, howsoever caused.

Non-Binding

This Memorandum of Understanding does not create a binding legal agreement between the parties.

Signed:

Jan Trayes:
Board Chair,
Nelson School of Music Trust
jantrayes@ncma.nz

Signature: _____

Date: _____

Lissa Cowie:
Trustee,
Nelson School of Music Trust

Signature: _____

Date: _____

Hon Dr Nick Smith
Mayor of Nelson

Signature: _____

Date: _____

Report Title: Gambling Venue Policy Review 2024
Report Author: Ailish Neyland - Policy Adviser
Report Authoriser: Nicky McDonald - Group Manager Strategy and Communications
Report Number: R28718

1. Purpose of Report

- 1.1 To review Council's Gambling Venue Policy 2018, as required under the Gambling Act 2003 and Racing Industry Act 2020, to assess whether the Policy is still fit for purpose and put forward options in response to the review.

2. Summary

- 2.1 Council is legally required to review its Gambling Venue Policy within three years of each prior review. Staff have undertaken community pre-engagement as part of the review process as well as analysing available data and research on Class 4 gambling in Nelson and nationally. Staff have outlined two options, following the review, for Council to consider.

3. Recommendation

That the Council

- 1. Receives the report Gambling Venue Policy Review 2024 (R28718) and its attachment (839498445-8131); and***
- 2. Notes that a review of Council's Gambling Venue Policy (839498445-8131), which is required under the Gambling Act 2003 and Racing Industry Act 2020, has been undertaken and is outlined in this report; and***
- 3. Either***
Option 1:

- a. **Agrees that the result of the review is that no change is needed to the current Gambling Venue Policy 2018 (839498445-8131); and**
- b. **Determines that no further consultation or engagement on the decision to retain the current Gambling Venue Policy 2018 with no changes is required.**

OR

Option 2:

- a. **Agrees to propose changes to the Gambling Venue Policy 2018 (839498445-8131), requiring a special consultative procedure to be undertaken; and**
- b. **Directs staff to develop a Statement of Proposal for Council approval.**

4. Background

- 4.1 The Department of Internal Affairs is the primary regulator of gambling, undertaking licensing, compliance and enforcement functions to achieve the purpose as set out in the legislation. Under these Acts territorial authorities can grant consents for Class 4 and TAB venues and must adopt a policy setting out requirements for consent to establish and operate these venues in the district.
- 4.2 Gambling in New Zealand is scaled into four classes. Class 1 is the lowest risk, low-stakes gambling activities and Class 4 gambling is the highest-risk, highest turnover forms of gambling.¹
- 4.3 A council's Class 4 and TAB venue policy can regulate the number and location of Class 4 venues and electronic gaming machines (ie pokies), Class 4 venue mergers and relocations and the number and locations of TAB venues. A policy cannot regulate closing current venues or removing Class 4 machines, online or casino gambling or TAB offerings in pubs and clubs.
- 4.4 Council needs to review its Policy every three years and when adopting and reviewing these policies, it must have regard to the social impact of gambling within the district. As an outcome of a review, Council can either decide to retain the Policy with no changes, or to undertake a special consultative procedure to propose changes to the Policy and

¹ https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Services-Casino-and-Non-Casino-Gaming-Classes-of-Gambling#one

Item 13: Gambling Venue Policy Review 2024

subsequently adopt an amended or new Policy. Council needs to complete a review of its Policy by September 2024.

Previous Council decisions

- 4.5 Council's current Policy was adopted in December 2018 and was reviewed by Council in 2021 with a decision to retain the Policy with no changes. In 2018, a number of changes were made to the Policy, including limiting the overall machine numbers in Nelson to 162 (from 273) and changing maximum machine numbers for new venues from nine (the maximum allowed under the Gambling Act 2003) down to five machines.
- 4.6 Geographic and zoning restrictions on new venues, including the 100 metre minimum distance requirements from automatic teller machines (ATMs) and community, child and family focused facilities, were unchanged.
- 4.7 At both the 2018 and 2021 reviews, there was consideration by Council of whether to include a sinking lid policy, which means that when a gaming machine stops operating or has its licence suspended, it effectively drops the district cap for gaming machines. However, there was strong opposition from some in the community and no such changes were approved.

5. Discussion

Overview of gambling in Nelson

- 5.1 Nine venues operate in Nelson City, outlined in Table 1, with 131 Class 4 machines operating. There are 135 active licences, however, one venue is voluntarily operating fewer machines than its licence allows. This leaves 27 machines available to new venues as the current cap for the district is 162 machines.
- 5.2 Eight of Nelson's venues are in areas that have a medium to high deprivation rating (6-10) and one venue is in a medium to low deprivation area (1-5), also outlined in Table 1.
- 5.3 The number of venues has stayed consistent at nine between 2021 and 2024. Between 2018 and 2020 venue numbers dropped from 11 to nine. Nationally, there is a trend of decreasing venue numbers. From March 2015 to March 2024, venues have decreased nationally by 278 (-21.8%).
- 5.4 Nelson machine numbers dropped from 140 to 131 in 2022 and are currently still at 131. Nationally machine numbers are also showing a decline.
- 5.5 Standalone TAB venues are regulated through the Gambling Policy but there are currently none in Nelson. There are four venues which operate New Zealand Racing Board self-service terminals (outlet type kiosks) in pubs and clubs and one publican managed TAB, which fall outside the scope of the policy.

Item 13: Gambling Venue Policy Review 2024

Table 1: Summary of venues and gaming machines in Nelson			
Venue	Deprivation level² *	Machines currently operating	Society name
Hardys Bar (noting this is also a TAB venue)	Decile 9	18	Air Rescue Services Limited
Ocean Lodge	Decile 9	18	New Zealand Community Trust
O'Shedigans Irish Bar	Decile 6	18	The Lion Foundation 2008
Post Boy Hotel	Decile 9	14	The Lion Foundation 2008
Rattle & Hum	Decile 6	9	Pub Charity Limited
The Buxton	Decile 9	9	The Lion Foundation 2008
The New Street Steakhouse	Decile 6	9	The Lion Foundation 2008
The Sands Brewery Bar and Kitchen	Decile 3	18	The Lion Foundation 2008
Turf Hotel	Decile 9	18	Mainland Foundation Limited
Total		131	

**Decile 1 represents areas with the least deprived scores and Decile 10 represents areas with the most deprived scores.*

Gaming machine profits (GMP)

- 5.6 Class 4 GMP is the amount of expenditure or player loss on electronic gaming machines (this does not include TAB profits). A minimum of 40% of GMP has to be allocated for community grants, as specified under the Gambling (Class 4 Net Proceeds) Regulations 2004. It is not required that the funding be distributed back into the community where it came from.
- 5.7 TAB New Zealand states in its guidelines for distributing net proceeds under its 'Sports' Authorised purposes that it will mainly put the proceeds back into support for the New Zealand Racing Industry. However, it does also state that up to 20% of its total net proceeds will be distributed in the community to support amateur sport in New Zealand. We do not have clear information about how much is allocated to Nelson organisations.
- 5.8 There was a gradual upward trend in GMP in Nelson from 2015 to 2023, as shown in Table 2, noting 2020 was an outlier due to the COVID-19 lockdown. In 2021 and 2022 GMP remained relatively similar (\$10.8 million and \$10.9 million respectively), with a slight drop in 2023 to

² <https://www.ehinz.ac.nz/indicators/population-vulnerability/socioeconomic-deprivation-profile/#new-zealand-index-of-deprivation-nzdep>

Item 13: Gambling Venue Policy Review 2024

\$10.5 million. For 2023, the national GMP was estimated at \$1.06 billion.³ However, the latest information on GMP for Nelson for the year to March 2024 showed a 6.6% decrease over the previous year to March 2023. National GMP, which had been tracking upwards, showed a small decline of 1.6% from March 2023 to March 2024.

Year	GMP for Nelson	40% of Nelson's GMP (\$m)	Value of grants to organisations in the tagged to the Nelson district ^{4*}
2015	\$9.2m	\$3.7m	-
2016	\$9.0m	\$3.6m	-
2017	\$10.1m	\$4.2m	-
2018	\$10.5m	\$4.2m	-
2019	\$10.9m	\$4.4m	\$4.1m
2020	\$9.4m	\$3.8m	\$2.8m
2021	\$10.8m	\$4.3m	\$3.9m
2022	\$10.9m	\$4.3m	\$4.9m
2023	\$10.5m	\$4.2m	\$4.7m

** Please note, the figures in column three over-estimate the grant funding actually going back into Nelson City. This is because the figure includes some national organisations where we don't know where the funding is going, along with a small number of grants that are for organisations based in other districts such as Tasman and Canterbury.*

Grants provided to Nelson organisations

- 5.9 The *Granted* website, which provides data about how grants from GMP have been distributed across the country, shows the below split of funding by sector and organisation for the Nelson district in 2023.⁵

Sector	Amount
Sport	\$2,900,000
Community	\$631,549
Health/welfare/research services	\$471,495
Research and education	\$354,576
Arts and Culture	\$246,521
Environment and animals	\$25,133
Unspecified	\$4,500

³ <https://catalogue.data.govt.nz/dataset/gaming-machine-profits-gmp-dashboard/resource/60081bcd-f2ae-4b97-8a9f-fe449fa59969>

⁴ <https://granted.govt.nz/dashboard.html>

⁵ <https://granted.govt.nz/dashboard.html>

Table 4: Highest grant amounts received by organisation in 2023 (top 10)	
Organisation	Grant amount
Tasman Rugby Union	\$651,289
Nelson Suburbs Football Club	\$322,027
Nelson Cricket Association	\$229,125
Nelson Tasman Regional Hospice	\$206,661
Nelson Marlborough Helicopter Trust	\$154,664
Rotary Club of Whakatu Trust	\$142,730
Nelson Marlborough Helicopter Trust Board	\$95,073
Gymnastics Nelson Inc	\$89,525
Stoke Rugby Football Club Inc	\$78,695
Basketball Development Nelson Trust	\$74,900

Overview of Council's Gambling Venue Policy 2018

- 5.10 The key elements of Council's current Gambling Venue Policy 2018 (in attachment 1) are outlined in Table 5, noting that Council did consider including a sinking lid clause in both the 2018 and 2021 review, but this was not approved for inclusion in the Policy.

Table 5: Key elements of Council's Policy
Objective of the Policy To have regard to the social impact of gambling within the Nelson City Council District in determining applications for consent to Class 4 and standalone TAB venues
Class 4 and TAB venues may be established in the district subject to the following geographic restrictions: - Cannot be on land zoned Residential or Open Space and Recreation in the Nelson Resource Management Plan - Cannot be located in the meshblocks in Nelson South, Tāhunanui and Stoke (shown in a map attached to the Policy) - Cannot be located within 100m of any playground, kindergarten, early childhood centre, school, place of worship or ATM
Cap on machine numbers - Overall Cap for Nelson City is 162 gaming machines - New venues shall be allowed a maximum of five gaming machines
Club mergers permitted Clubs are allowed to merge. The number of machines permitted will be considered on a case by case basis and will not exceed a maximum 30 machines per venue
No relocations allowed There is no relocations policy included, meaning venues cannot relocate to another site and maintain their existing licence. It would be classed as a new licence with a limit of five machines.

Comparison of Council's Policy with other New Zealand councils

- 5.11 Staff compared a sample of Class 4 venues policies of 11 other councils across the country of a similar population size to Nelson City (within 15,000 of Nelson's population)⁶. The findings are summarised below.
- 5.11.1 Seven of the 11 councils have a sinking lid policy.
- 5.11.2 Three councils do not allow relocations, five do allow relocations, and three only allow relocations where the venue cannot continue to operate at that site for reasons outside of the operator's control, such as earthquake strengthening being required.
- 5.11.3 Five councils allow mergers, four do not and two councils do not mention anything specific about mergers in their policies.
- 5.11.4 Ten of the 11 councils have a specific policy objective on minimising the harm caused by gambling.
- 5.12 Based on this comparison, it could be said that Nelson's Class 4 venue policy is a restrictive policy, as although it doesn't have a sinking lid, the five machine limit for new venues, no relocations and the constraints imposed by proximity to an ATM, appear to severely constrain the ability for new venues and machines to become established in the district.

Pre-engagement feedback on how the current Policy is working

- 5.13 To inform the review, staff contacted approximately 70 stakeholders, including gaming societies, the hospitality sector, community and social organisations, healthcare providers, and individuals who have shown an interest in the Policy in the past.
- 5.14 Nineteen responses were received from those who staff contacted, with a mix of views that are consistent with submissions made by organisations and individuals during previous reviews.
- 5.15 Thirteen additional responses were received from those who heard about the pre-engagement by other means. All of these additional responses were from sports or community organisations emphasising the importance of grant funding to their organisation/cause and asking for no changes to be made to the Policy.
- 5.16 Table 6 shows the overarching view expressed by respondents.

⁶ <https://www.stats.govt.nz/information-releases/subnational-population-estimates-at-30-june-2023/>

Item 13: Gambling Venue Policy Review 2024

Table 6: Views from the pre-engagement			
View expressed	No in support	Sectors the respondents were from/represent	Examples of suggested changes
Retain current Policy	21	- Grant recipients – e.g. Sporting or community organisation (19) - Organisation representing the hospitality sector (1) - Class 4 venue operator (1) - Individual community member (1)	
Loosen Policy restrictions	4	- Representative of Gaming Machine Association of New Zealand (1) - Corporate society (2) - Venue operator (1)	- Add a relocation clause - Increase the machine cap for new venues from five to nine. - Reduce geographic restrictions (particularly requirements of 100 metres from an ATM)
Tighten Policy restrictions	7	- Individual community member (3) - Public Health (1) - Community and public health organisations with a focus on gambling harm (3)	- Add a sinking lid policy - Do not allow mergers - Include stronger harm minimisation objectives

Research and data to analyse current effectiveness of Council's Policy

The reduction in Class 4 venue and machine numbers

- 5.17 There is a clear trend in the reduction of Class 4 machines and venues nationally. Two studies concluded that policy interventions, such as per capita caps on machines and introducing sinking lid clauses, have been effective in reducing machine and venue numbers.^{7 8} However, despite

⁷ <https://www.nzae.org.nz/wp-content/uploads/2021/07/Turcu.pdf>

⁸ https://nzpri.aut.ac.nz/_data/assets/pdf_file/0009/551844/CAPPING-GAMBLING-IN-NZ1.pdf

Item 13: Gambling Venue Policy Review 2024

this downward trend, there has still been a generally upward trend in gambling expenditure and GMP in New Zealand over recent years.

Nelson machine numbers dropped to 154 in 2018, with some fluctuations but stabilised at 140 in 2020. It dropped again in September 2022 to 131 and has remained at this level since then. It is not possible to know if Council's policy has influenced this decline as machine numbers have been trending down nationally and it is also difficult to know how the growth in online gambling is factoring into trends.

The introduction of sinking lid clauses

- 5.18 One study found that, in comparison to a reference group, a sinking lid policy is one of the most effective policy interventions at reducing GMP. However, it also noted a limitation in not being able to identify what proportion of the drop in GMP was from casual gamblers compared to problem gamblers.⁹
- 5.19 As at June 2024, 36 out of 65 (55%) New Zealand councils have adopted a sinking lid policy. Although Nelson does not have a sinking lid, the number of restrictions within the policy could be viewed as delivering a similar level of constraint.

Problem gambling and harm in New Zealand

- 5.20 Under the Gambling Act 2003, harm is defined as harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling and includes personal, social or economic harm suffered by the person, their partner, family, wider community, in the workplace or society at large.
- 5.21 The Ministry of Health (MoH) is responsible for services for problem gamblers and people affected by others' gambling. The MoH provides a number of reports, including its overarching gambling strategy, ongoing research into problem gambling and its effects, and data on the number of people receiving help.
- 5.22 A gambling harm needs assessment in 2021 found that most people gamble for leisure and recreation and estimated that in 2020 69.3% of the adult population in New Zealand had participated in some form of gambling in the last 12 months.
- 5.23 Te Whatu Ora undertakes a biennial Health and Lifestyles Survey. The 2020 survey indicated that 10.9% of adults (an estimated 448,000) played on gaming machines in a pub, club or one of the six casinos in the last 12 months and 0.9% (an estimated 36,000 adults) played gaming machines or pokies in a pub or club weekly or almost weekly in the last

⁹ https://nzpri.aut.ac.nz/_data/assets/pdf_file/0009/551844/CAPPING-GAMBLING-IN-NZ1.pdf

Item 13: Gambling Venue Policy Review 2024

12 months¹⁰. It estimated that approximately 65,000 people aged 16 or older were either at a moderate or high risk of harm from gambling.

- 5.24 The results of the 2018 Health and Lifestyles Survey found that gaming machine players were more than twice as likely to be at-risk of some level of gambling related harm compared to other gamblers and that about a third of people who played gaming machines at least monthly were at-risk gamblers (against the Problem Gambling Severity Index which assesses people's experiences of gambling related harm in the last 12 months).¹¹ The Problem Gambling Foundation notes that pokies are "addictive by design".
- 5.25 While a minority of those who gamble identify as problem gamblers or at risk of problem gambling, research has found that Māori and Pasifika communities, as well as some Asian communities disproportionately experience gambling harm, as well as young people. A clear association has also been found with problem gambling and living closer to a gambling venue. So, gambling harm is not spread evenly within a community and is likely to affect those living in areas with higher deprivation rates.¹²
- 5.26 MoH data shows how many people are engaging with intervention services for gambling. Table 7 outlines the new clients and total clients assisted in Nelson City for the last three years, which shows an upward trend in those engaging intervention services in the district. However, apart from this indicator, there is limited regional data to indicate the level of harm experienced from problem gambling in Nelson.¹³

Table 7: Clients assisted in Nelson city		
Financial year	New clients assisted	All clients assisted
2020-2021	73	123
2021-2022	82	131
2022-2023	118	166

6. Options

- 6.1 Council has two options in response to the review of its Gambling Venue Policy 2018, which are outlined below.
- 6.2 *Option 1: decide to retain the Gambling Venue Policy with no changes.* Given the pre-engagement that was undertaken in June-July 2024 as part of this review, and that the views were consistent with submissions

¹⁰ <https://kupe.healthpromotion.govt.nz/#!/gambling>

¹¹ <https://www.hpa.org.nz/research-library/research-publications/pokies-in-pubs-and-clubs-%E2%80%93-participation-results-from-the-2018-health-and-lifestyles-survey>

¹² <https://www.health.govt.nz/system/files/documents/publications/strategy-to-prevent-and-minimise-gambling-harm-jun22.pdf>

¹³ <https://www.health.govt.nz/our-work/mental-health-and-addiction/addiction/gambling-harm/service-user-data/gambling-harm-intervention-services-data#territorial>

Item 13: Gambling Venue Policy Review 2024

Council has received on the Policy in the past, staff do not see it as necessary to consult if Council decides to retain the current Policy with no changes.

- 6.3 *Option 2: to decide to propose changes which would require Council to consult the community using a special consultative procedure.* Staff would come back to a future Council meeting with a Statement of Proposal and consultation approach for approval. These changes could include one or more of the following:

6.3.1 Including a sinking lid policy

6.3.2 Including a relocations policy

6.3.3 Changing the current machine cap

6.3.4 Changing geographic or machine restrictions on new venues opening.

- 6.4 If Council decided to propose changes to the Policy, a workshop would be held with elected members to canvas potential changes for consultation. Following this, staff would draft a statement of proposal to be presented to a future Council meeting with a proposed approach and timeline for consultation.

Option 1: Decide to retain the Gambling Venue Policy 2018 with no changes as a result of the review	
Advantages	- Continues to restrict the number of machines and new venues in Nelson, through the existing elements of the policy. - No impact on grant funding availability for community and sporting groups. - Council and community resources saved through not having to undertake a special consultative procedure.
Risks and Disadvantages	Individuals and groups who were advocating for change (either a tightening or loosening of policy settings) will be disappointed in Council's decision.
Option 2: Decide to propose changes to the Gambling Venue Policy 2018 and that a special consultative procedure is required	
Advantages	If Council considers the Policy could be improved this provides an opportunity to hear community views through a more formal and widely advertised process.

Item 13: Gambling Venue Policy Review 2024

Risks and Disadvantages	• There is a resource requirement on the community and Council in undertaking a special consultative procedure. • Consulting could create tension between those advocating for a tightening or loosening of policy settings.
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7. Conclusion

- 7.1 Council is legislatively required to review its Gambling Venue Policy every three years. Following the review of the current Policy, staff have outlined two options for Council to consider and decide as to how to proceed.

8. Next Steps

- 8.1 If Council decides to retain the current Policy, no further action is required. If Council decides to propose changes to the Policy, staff will develop a statement of proposal to bring back to Council at a future meeting.

Attachments

Attachment 1: 839498445-8131 - Nelson City Council - Gambling Venue Policy 2018 [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government Under the Gambling Act 2003 and Racing Industry Act 2020, Council must review its Gambling Venue Policy every three years.
Consistency with Community Outcomes and Council Policy Maintaining a Policy that controls the number of gambling venues, machines and their locations contributes to the following community outcome: • Our communities are healthy, safe, inclusive and resilient.
Risk There is a risk with both options that sectors of the community with opposing views will not support Council's decision. This can be mitigated by clear messaging of the reasons for the decision.
Financial impact There are no costs associated with retaining the Policy with no changes. The costs of a consultation, if Council proposes changes, can be met within existing budgets.
Degree of significance and level of engagement This matter is of low significance to the wider community but will be of high interest to businesses, corporate societies, community organisations and public health agencies involved in gambling and dealing with gambling harm and to individuals and families directly affected. If Council decides to retain the Policy with no changes, staff do not see further consultation as necessary given pre-engagement was undertaken with approximately 70 interested stakeholders and parties as part of the process to review the Policy. If Council decides to propose changes to the Policy a special consultative procedure will be undertaken.
Climate Impact The recommendation in this report will have no impact on the ability of Council to proactively respond to the impacts of climate change now or into the future.
Inclusion of Māori in the decision making process It is a requirement of the Gambling Act 2003 to provide notice of any proposed draft policy changes to organisations representing Māori. Should Council decide to propose any changes to the Policy, this will happen as

Item 13: Gambling Venue Policy Review 2024

part of public consultation, with iwi in Nelson being notified directly by Council.

Legal context

Under the Gambling Act 2003 and Racing Industry Act 2020, Council must adopt a Gambling Venue Policy and review it every three years. If Council proposes to make changes to the Policy, it must undertake a special consultative procedure (as specified in Section 101 of the Gambling Act and Section 97 of the Racing Industry Act).

Delegations

This is a matter for Council.

Nelson City Council - Gambling Venue Policy 2018

INTRODUCTION

The Gambling Act 2003 and the Racing Act 2003 require territorial authorities to have Class 4 and Totalisator Agency Board (TAB) venue policies. Nelson City Council adopted its first policy, which combined both statutory policies, in early 2004.

Gambling Act

The purpose of the Gambling Act is to:

- *control the growth of gambling; and*
- *prevent and minimise the harm caused by gambling, including problem gambling; and*
- *authorise some gambling and prohibit the rest; and*
- *facilitate responsible gambling; and*
- *ensure the integrity and fairness of games; and*
- *limit opportunities for crime and dishonesty associated with gambling and the conduct of gambling; and*
- *ensure that money from gambling benefits the community; and*
- *facilitate community involvement in decisions about the provision of gambling.*

The Act requires territorial authorities to develop Class 4 and Totalisator Agency Board (TAB) venue policies in consultation with their communities. Class 4 gambling is the term used to describe non-casino gaming machines (pokies).

Under the Act, the Department of Internal Affairs is responsible for gaming licensing. Section 65(2)(b) provides that some applications to the Department for a Class 4 venue licence must be accompanied by territorial authority consent. The Council must consider an application for territorial authority consent in accordance with this policy (section 100).

The Act prescribes limits on the number of non-casino gaming machines in venues. The limits are:

- If the venue had a licence on 17 October 2001 a society can operate up to 18 gaming machines (section 92).
- If the venue had its licence granted between 17 October 2001 and the commencement of the Act it can operate up to 9 machines (section 93).
- Sections 92 and 93 can be overridden by Ministerial discretion of the territorial authority consents.
- If the venue is granted a licence after the commencement of the Act it can operate up to 9 machines (section 94).
- No society can operate more machines at a venue that were operated at the commencement of the Act unless the local authority consents to the increase.

The Gambling (Gambling Harm Reduction) Amendment Act 2013 introduced the requirement for territorial authorities to consider a 'relocation policy' at its next review. Relocation considers whether the territorial authority will grant consent for a venue within its district that requests to move to and operate from another site. The Council has considered the issue of relocation but opted not to include a relocation policy in the current Policy.

Racing Act

The purpose of the Racing Act 2003 is to:

- *provide effective governance arrangements for the racing industry; and*
- *facilitate betting on galloping, harness, and greyhound races, and other sporting events; and*
- *promote the long-term viability of New Zealand racing.*

A territorial authority consent is required if the TAB proposes to establish a new venue (section 65D). The Council must consider an application for territorial authority consent in accordance with this policy (section 65C).

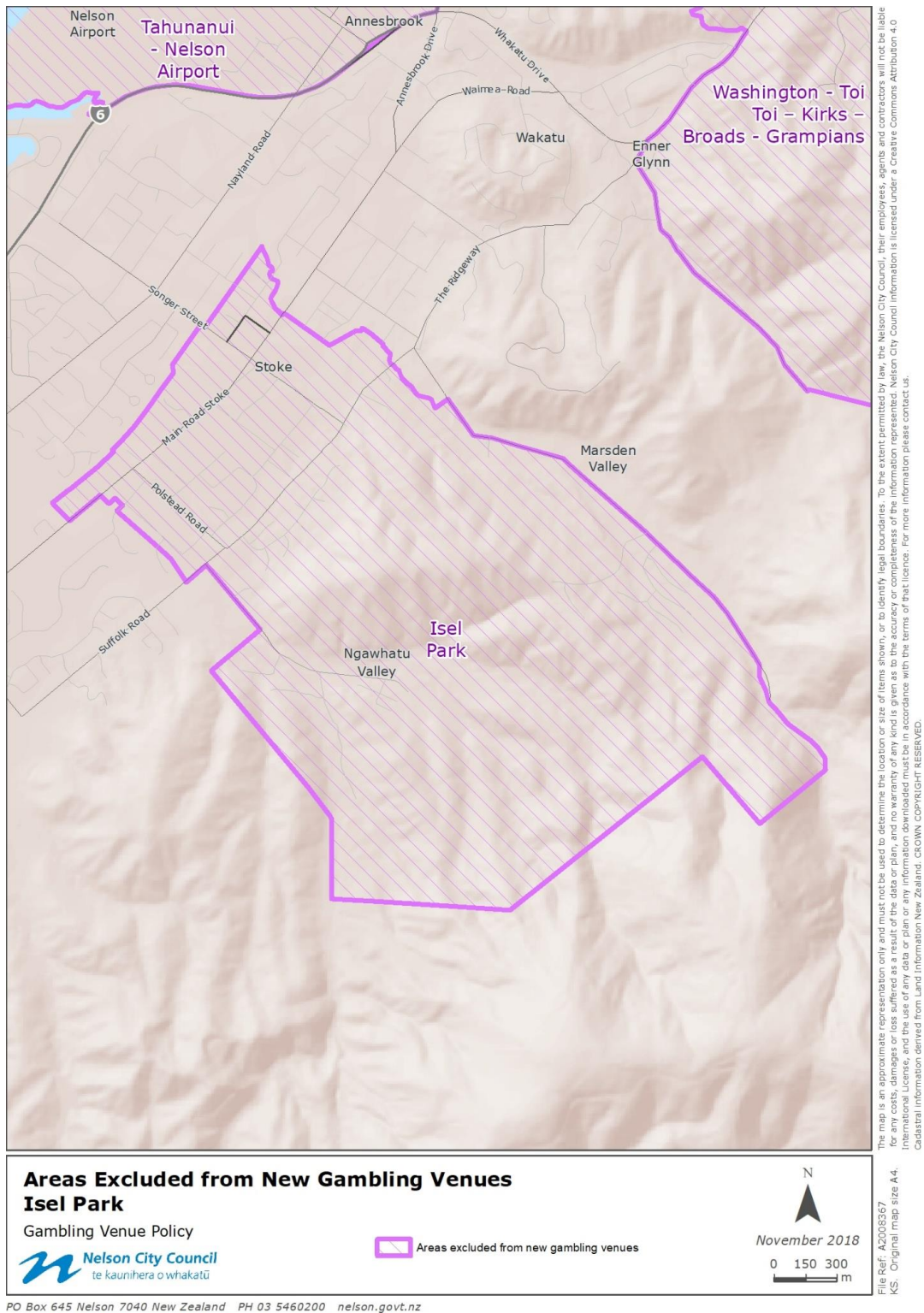
NELSON CITY COUNCIL GAMBLING VENUE POLICY

OBJECTIVE		
To have regard to the social impact of gambling within the Nelson City Council district in determining applications for consent relating to Class 4 and TAB venues		
Definitions	Class 4 Gambling Venues: Venues where non-casino gaming machines or 'pokies' are operated and whose net proceeds are applied to or distributed for authorised purposes 100 metre rule: To be measured as a 100 metre radius from any public entrance to the venue	
Rules		
1.1	Class 4 Gambling Venues may be established within the Nelson district subject to:	1.1.1 The applicant meeting the application and fee requirements 1.1.2 The number of gaming machines within the venue being able to be met within the overall Nelson City cap (currently 162) 1.1.3 The venue being sited in any land zone as included in the Nelson Resource Management Plan apart from land zoned Residential or Open Space and Recreation 1.1.4 The venue not being sited in areas as identified in the attached maps, broadly being the mesh block areas of: Tahunanui (including the area zoned suburban commercial at the Tahunanui Rocks Road corner), Broads, Nelson Airport, Isel, Kirks, Grampians, Toi Toi and Washington 1.1.5 The venue not being: - within 100 metres of any playground, kindergarten, early childhood centre, school, place of worship, or Automatic Teller machine - primarily associated with family or children's activities
1.2	The total number of gaming machines in	1.2.1 The number of gaming machines within the venue application shall be able to be

	operation in the Nelson district shall be capped at 162	met within the overall Nelson City cap. If the cap allows for consideration of a new venue application clauses 1.2.2 to 1.2.6 apply and need to be met 1.2.2 New venues shall be allowed a maximum of no more than five gaming machines 1.2.3 Existing venues with licences issued on or after 17 October 2001 shall be able to increase the number of machines operated in the venue to nine 1.2.4 Existing venues with licences issued before 17 October 2001 shall be able to increase the number of gaming machines operated in the venue to 18 1.2.5 Clubs licensed after 2001 shall be able to increase their machine numbers to a maximum of nine 1.2.6 Where clubs will merge, the number of machines permitted will be considered on a case by case basis and will not exceed a maximum 30 machines per venue
1.3	Totalisator Agency Board (TAB) venues may be established in the Nelson district subject to:	1.3.1 The applicant meeting the application and fee requirements 1.3.2 The venue being sited in any land zone included in the Nelson Resource Management Plan apart from land zoned Residential or Open Space and Recreation 1.3.3 The venue not being sited in areas as identified in the attached maps, broadly being the mesh block areas of: Tahunanui (including the area zoned suburban commercial at the Tahunanui Rocks Road corner), Broads, Nelson Airport, Isel, Kirks, Grampians, Toi Toi and Washington 1.3.4 The venue not being within a 100 metres of any playground, kindergarten, early childhood centre, school, place of worship, or Automatic Teller machine

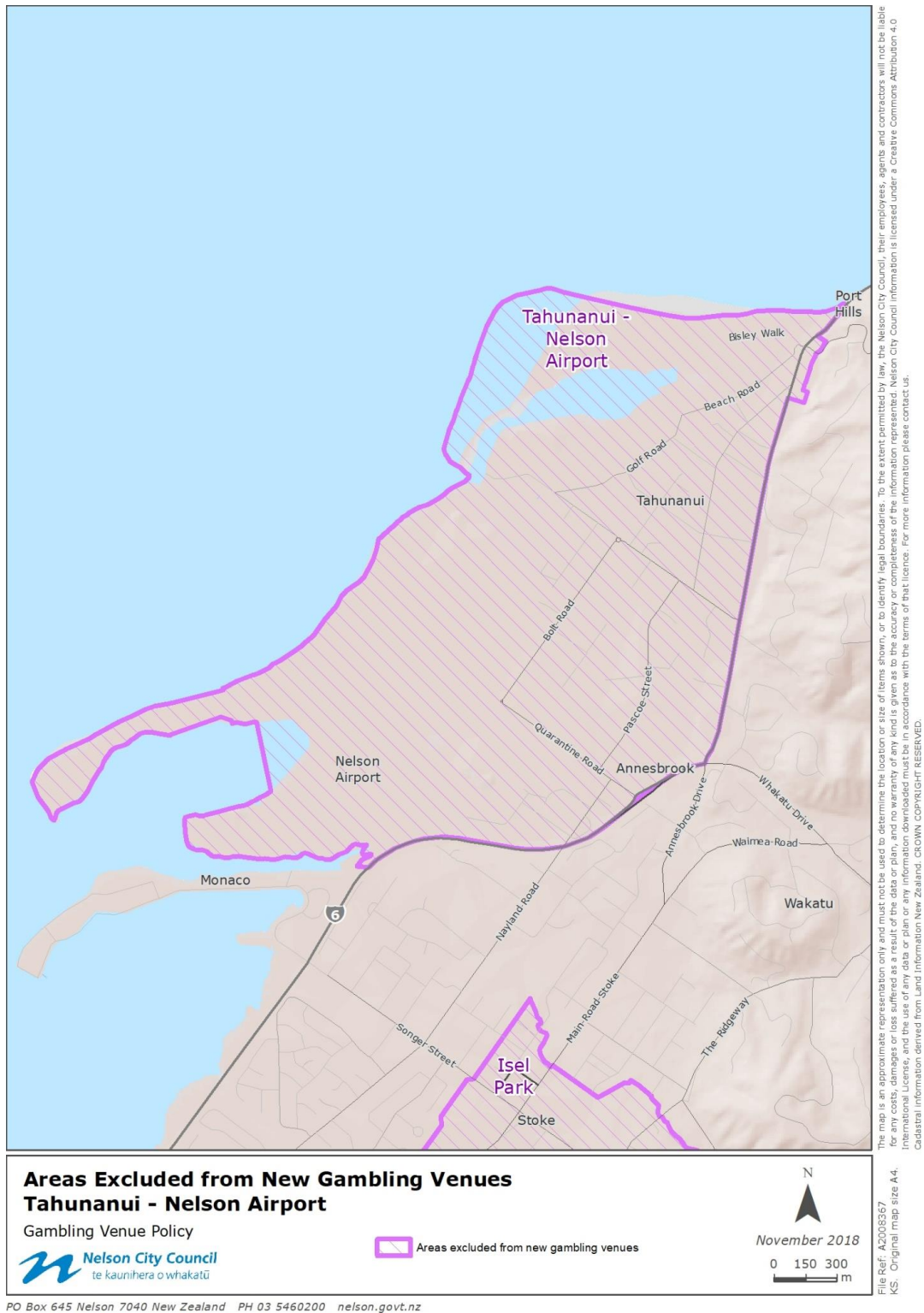
APPLICATION FEES

Application fees will be set by Council from time to time and shall include the cost of processing the new application. The Council will comply with section 150 of the Local Government Act 2002 in setting such fees.



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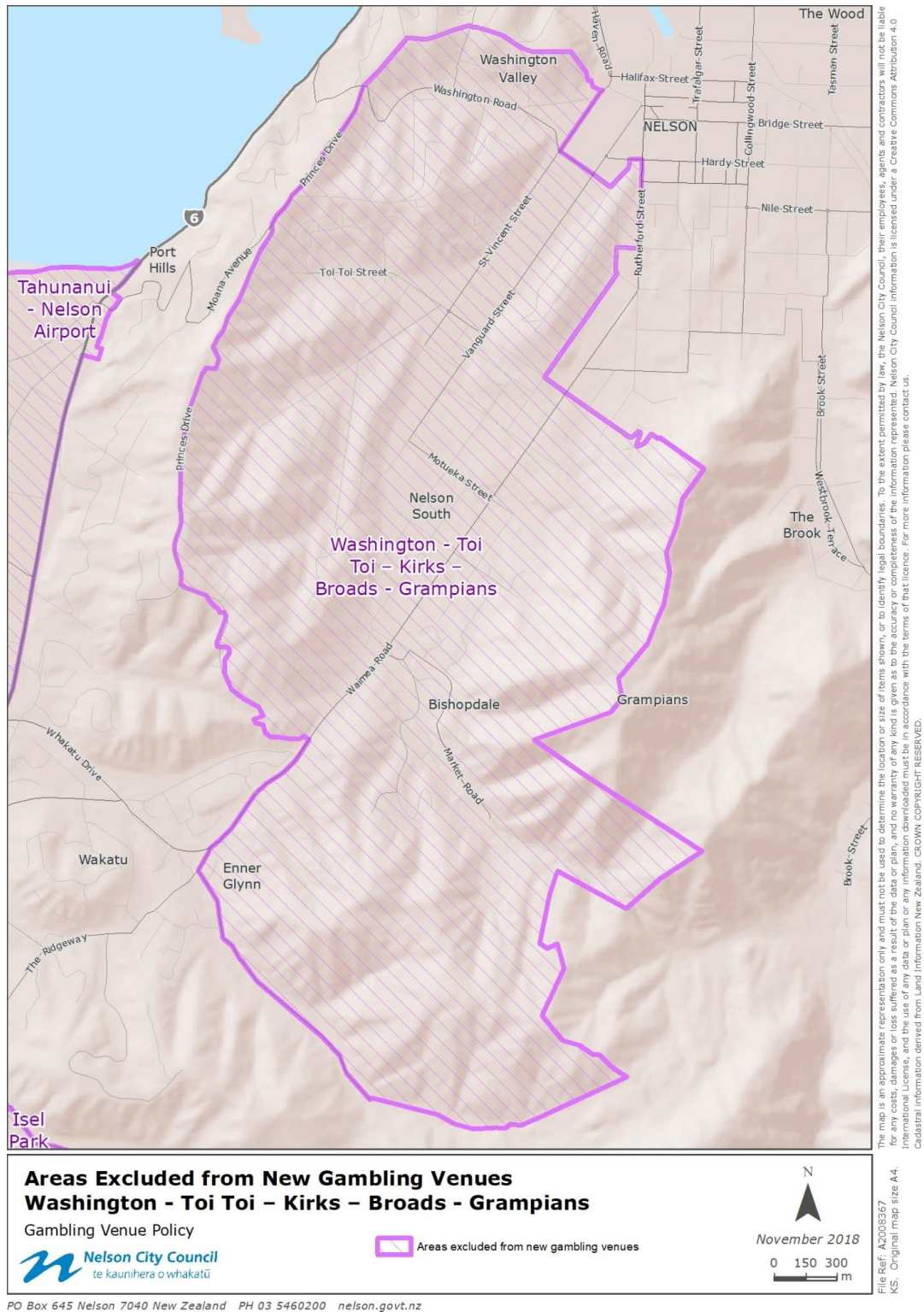
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Report Title: Update to Nelson City Council Standing Orders
Report Author: Robyn Byrne - Team Leader Governance
Report Authoriser: Nicky McDonald - Group Manager Strategy and Communications
Report Number: R28757

1. Purpose of Report

- 1.1 To update Standing Orders to continue to allow members joining remotely to be counted as part of quorum.

2. Recommendation

That the Council

- 1. Receives the report Update to Nelson City Council Standing Orders (R28757) and its attachment (1373411589-1729); and***
- 2. Updates Nelson City Council Standing Orders sections 11 and 13 outlined in clauses 4.6 – 4.7 of Report R28757 to allow for members joining a meeting remotely to be counted as quorum; and***
- 3. Adopts Nelson City Council Standing Orders, effective from 01 October 2024.***

3. Background

- 3.1 Council has used audiovisual technology for participating in meetings for many years and this has increased significantly in the past few years. However, members that have used this technology have not been able to be counted as quorum as, until recently, while the Local Government Act allowed for audiovisual presence it did not allow for quorum inclusion.
- 3.2 During the COVID-19 pandemic and more recently post Cyclone Gabrielle, government amended legislation to allow for members joining the meeting remotely to be counted as quorum. This allowed councils to continue to carry out their business.

4. Discussion

- 4.1 The Local Government Electoral Legislation Act 2023 amended Schedule 7 s25A(4) of the Local Government Act 2002 to allow for members joining the meeting remotely to be counted as quorum, so long as the provision is catered for within the Standing Orders of that territorial authority.
- 4.2 The amendment by the Severe Weather Emergency Legislation Act 2023 to allow for remote attendance to be counted as quorum (whether or not this was included in standing orders) is to be repealed on 1 October 2024.
- 4.3 It is prudent to add provision for this in Standing Orders, noting that conditions in clauses 13.11 (requiring the chair's approval) and 13.12 (covering reasonable warning and available technology) have to be met.
- 4.4 There are times when an online meeting might be needed, and this would provide an ability for that to continue beyond the repeal of the Severe Weather Emergency Legislation Act.
- 4.5 It should be noted that with any changes proposed for the Standing Orders, a majority of 75% must be achieved by members present and voting.

Proposed changes

- 4.6 The following changes to Standing Orders are recommended in order to allow remote participants to be counted as quorum and to clarify the process to request to attend by audio or audio visual link:
- 4.6.1 Clause 11.1 (a) and (b) remove 'physically'
- The quorum for a meeting of the council is:
- (a) Half of the members ~~physically~~ present, where the number of members (including vacancies) is even; and
 - (b) A majority of the members ~~physically~~ present, where the number of members (including vacancies) is odd.
- 4.6.2 Clause 13.8 noting that members attending by electronic link will be counted:
- Members who attend meetings by electronic link will ~~not~~ be counted as present for the purposes of a quorum
- 4.6.3 Clause 13.9 remove 'determined by the number physically present':
- Where a meeting has a quorum, ~~determined by the number physically present,~~ the members attending by electronic link can vote on any matters raised at the meeting.

Item 14: Update to Nelson City Council Standing Orders

4.6.4 Clause 13.12 clarify how to request to attend by audio or audio visual link

A member will submit a request in writing and where possible, ~~a member~~ will give the chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audiovisual link. Should, due to illness or emergency, that not be possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audiovisual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

The chairperson will not unreasonably withhold approval.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

4.7 Sections 11 and 13 of Standing Orders are attached (1373411589-1729) for completeness.

5. Options

Option 1: Adopt updated Standing Orders (recommended)	
Advantages	• Reflects the practice that has been happening since Covid lockdowns • Reflects current legislation
Risks and Disadvantages	• None identified as this reflects current practice
Option 2: Do not update Standing Orders	
Advantages	• None identified
Risks and Disadvantages	• Fully online meetings would not be able to continue after 1 October 2024 • There is more chance of losing quorum when holding mixed online/in person meetings

Attachments

Attachment 1: 1373411589-1729 NCC Standing Orders - amendment to quorum 05Sep2024 [↓](#)

Important considerations for decision making
Fit with Purpose of Local Government This decision enables democratic local decision making and action by allowing members to join remotely to be counted as quorum. This means that members can continue to represent the community despite the fact that they cannot be physically present at a meeting.
Consistency with Community Outcomes and Council Policy This decision supports the community outcome: Our Council provides leadership and fosters partnerships, including with iwi, fosters a regional perspective, and encourages community engagement.
Risk There are no risks associated with this decision.
Financial impact There is no financial impact.
Degree of significance and level of engagement This is a procedural item.
Climate Impact There is no impact on climate as this is a procedural item.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
Legal context • <i>Council has the power to make this decision under Local Government Act 2002, Schedule 7, Clause 25A(4)].</i> The Local Government Electoral Legislation Act 2023 amended schedule 7 of the Local Government Act 2002: In Schedule 7, replace clause 25A(4) with: (4) A member of the local authority or committee who attends a meeting by means of audio link or audiovisual link, in accordance with this clause, is to be counted as present for the purposes of clause 23.
Delegations This is a matter for Council.

Excerpts from section 11 and section 13 of Nelson City Council Standing Orders

11.Quorum

11.1 Council meetings

The quorum for a meeting of the council is:

- (a) Half of the members physically present, where the number of members (including vacancies) is even; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

LGA 2002, sch 7, cl 23(3)(a).

11.2 Committees and subcommittee meetings

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution, provided that it is not less than two members. (See also 7.4).

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

LGA 2002, sch 7, cl 23(3)(b).

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

LGA 2002, sch 7, cl 30A(6)(c).

[1373411589-1729](#)

11.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. To conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

LGA 2002, sch 7, cl 23(1) & (2).

11.5 Meeting lapses where no quorum

A meeting must lapse, and the chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost, the meeting will lapse if the quorum is not present within 15 minutes.

11.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the chairperson sets an earlier meeting, and this is notified by the chief executive.

13. Attendance

13.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

LGA 2002, sch 7, cl 19(2).

If a member of the local authority is not an appointed member of the meeting which they are attending, they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s48 of LGOIMA. Consequently, if the meeting

[1373411589-1729](#)

resolves to exclude the public then any members of the local authority who are present may remain, unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

13.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions, members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member made in accordance with the Procedure for Leave of Absence set out in Appendix 11. The council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy and the Council may approve an application from the Mayor. The Mayor will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

13.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chair must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

13.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

13.6 Absent without leave

Where a member is absent from four consecutive meetings of the council, local board or community board without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

[1373411589-1729](#)

LGA 2002, sch 7, cl 5(1)(d).

13.7 Right to attend by audio or audiovisual link

Provided the conditions in Standing Orders 13.11 and 13.12 are met, members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

LGA 2002, sch 7, cl 25A(4).

13.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

13.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audiovisual link, the chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these Standing Orders are met.

LGA 2002, sch 7, cl 25A(3).

If the chairperson is attending by audio or audio visual link, then chairing duties will be undertaken by the deputy chair, or a member who is physically present.

13.11 Conditions for attending by audio or audiovisual link

Noting Standing Order 13.7, the chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

[1373411589-1729](#)

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

13.12 Request to attend by audio or audiovisual link

Where possible, a member will give the chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audiovisual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audiovisual link. However, the council has no obligation to make the technology for an audio or audiovisual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

13.13 Chairperson may terminate link

The chairperson may direct that an electronic link should be terminated where:

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting;
- (d) The quality of the link is no longer suitable;
- (e) Information classified as confidential may be compromised (see also SO 13.16).

13.14 Giving or showing a document

A person attending a meeting by audio or audio visual link may give or show a document by:

- (a) Transmitting it electronically;
- (b) Using the audio visual link; or
- (c) Any other manner that the chairperson thinks fit.

LGA 2002, sch 7, cl 25(A)(6).

[1373411589-1729](#)

13.15 Link failure

Where an audio or audiovisual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

13.16 Confidentiality

A member who is attending a meeting by audio, or audio-visual link, must ensure that the meeting's proceedings remain confidential during any time that the public is excluded. At such a time, the chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the chairperson is not satisfied by the explanation, they may terminate the link.

[1373411589-1729](#)

Council



5 September 2024

Report Title:	Infrastructure Activity Management Plans 2024-2034
Report Author:	Phil Ruffell - Manager Utilities Activity Management Lyndon Hammond - Team Leader Transport Activity Management
Report Authoriser:	Alec Louverdis - Deputy Chief Executive / Group Manager Infrastructure
Report Number:	R28428

1. Purpose of Report

- 1.1 To adopt the Infrastructure Activity Management Plans (AMPs) 2024-2034 following Long Term Plan 2024-2034 (LTP) decisions.

2. Summary

- 2.1 This report seeks approval for all Infrastructure AMPs:

- 2.1.1 Flood Protection;
- 2.1.2 Water Supply;
- 2.1.3 Wastewater;
- 2.1.4 Stormwater;
- 2.1.5 Transport, and
- 2.1.6 Solid Waste.

3. Recommendation

That the Council

- 1. Receives the report Infrastructure Activity Management Plans 2024-2034 (R28428) and its attachments (1833911234-1363, 1833911234-1364, 1833911234-1365, 1833911234-1366, 1833911234-1367 and 1833911234-1385); and***

2. Adopts the revised Infrastructure Activity Management Plans

- a. Wastewater (1833911234-1391),**
- b. Water Supply (1833911234-1392),**
- c. Stormwater (1833911234-1390),**
- d. Flood protection (1833911234-1389),**
- e. Transport (1833911234-1388), and**
- f. Solid Waste (1833911234-1394).**

3. Delegates authority to His Worship the Mayor and Chief Executive to approve any minor amendments required to the documents prior to the public release of the Infrastructure Activity Management Plans.

4. Background

- 4.1 A series of workshops were held with elected members to consider the Draft AMPs to inform the development of the LTP, its Consultation Document and supporting information.
- 4.2 Council deliberated on the submissions on the LTP on 23 and 24 May 2024 and adopted the final Plan on 27 June 2024. The AMPs have been amended to reflect those decisions and are ready for Council approval.

5. Discussion

- 5.1 The Executive Summaries of the revised AMPs are appended as attachments to this report.
- 5.2 The revised AMPs will be updated on the Council's website, 2024-34 Activity Management Plans page
<https://www.nelson.govt.nz/council/plans-strategies-policies/2024-2034-activity-management-plans>.
- 5.3 The key changes made to each AMP to ensure consistency with the final LTP together with issues raised by Councillors in workshops are summarised in section 6 below.
- 5.4 Other minor updates and edits have also been made that generally update tables, graphs and work activities, record minor changes to legislation, update details of new construction and fix typographical errors.

6. Key changes made to AMPs

- 6.1 **All AMPs updated to match following LTP sections:**

Item 15: Infrastructure Activity Management Plans 2024-2034

- 6.1.1 Financial Budgets.
- 6.1.2 Council's Vision, Priorities and Outcomes.
- 6.1.3 Levels of Service.
- 6.1.4 Activity Negative Effects statements.
- 6.1.5 Accounting Significant Forecasting Assumptions.

6.2 **All Waters Utilities AMPs**

- 6.2.1 Asset valuation and associated asset summary.
- 6.2.2 Iwi engagement platform and iwi partnership agreement.
- 6.2.3 Activity High Risks.
- 6.2.4 Legislation section:
 - Resource Management Act reform
 - Water Services Act
 - Central Government Water Reforms
- 6.2.5 Actual expenditure added to renewal budget graphs.
- 6.2.6 August 2022 severe weather event.

6.3 **Flood protection AMP**

- 6.3.1 Reference to Nature based solutions/nature based infrastructure.
- 6.3.2 New Flood Protection property rating.

6.4 **Water Supply AMP**

- 6.4.1 Legislation section:
 - The Building (Dam Safety) Regulations
 - Drinking Water Standards
- 6.4.2 Align network upgrades with Future Development Strategy sites.
- 6.4.3 August 2022 storm event/forestry slash/natural hazards impacts on the raw water pipeline.
- 6.4.4 Clarification of references to revegetation in the water catchment.

Item 15: Infrastructure Activity Management Plans 2024-2034

6.5 **Wastewater AMP**

- 6.5.1 Nelson Waste Water Treatment Plant renewal application.
- 6.5.2 Nelson Regional Sewerage Business Unit budget forecasts.

6.6 **Stormwater AMP**

- 6.6.1 Allow for tide gates quick fixes.
- 6.6.2 Update text for separate Storm Water & Flood Protection property rates and rateable areas for stormwater.

6.7 **Transport AMP**

- 6.7.1 Text updated to reflect New Zealand Transport Agency review and requirements post the 2024 Government Policy Statement. Additional changes are expected as NZTA announce subsidised funding levels.
- 6.7.2 Programme risks have been added from the 2021 AMP, with updates.
- 6.7.3 Drainage section updated to link to the customer satisfaction survey results.
- 6.7.4 Drainage section cost - service - risk graphs updated to reflect new street sweeping contract.
- 6.7.5 Reference to the City Centre Street Palette and potential trial of footpath materials has been removed while the palette is under review through the city development programme. Will be re-instated in future AMP.

6.8 **Solid Waste AMP**

- 6.8.1 Text updated to reflect residential kerbside foodwaste collection no longer mandatory by 2030.
- 6.8.2 Text updated to reflect residential kerbside recycling service post 2025 Council ownership of commodities and elimination of commodity subsidies.
- 6.8.3 Text updated to reflect Construction and Deconstruction diversion started at the Nelson Waste Recovery Centre in April 2024.

7. **Options**

- 7.1 Two options are presented. Adopt the Infrastructure AMPs, or not adopt the Infrastructure AMPs. Officers recommend option 1.

Item 15: Infrastructure Activity Management Plans 2024-2034

Option 1: Adopt the AMPs	
Advantages	• Implements the decisions Council made following consultation and deliberations on the Long Term Plan. • Supports delivery of recently adopted Long Term Plan.
Risks and Disadvantages	• Council would not have an opportunity to make major changes to the document.
Option 2: Do not adopt the AMPs	
Advantages	• This option would be appropriate if Council considered that the AMPs do not adequately reflect the Council's decisions on the Long Term Plan.
Risks and Disadvantages	• This option would require further work by staff and reconsideration of the AMPs by Council.

8. Conclusion

- 8.1 The AMPs have been reviewed and amended to reflect all decisions made by the Council in the LTP 2024-34 process and now need to be adopted.

9. Next Steps

- 9.1 Following approval of the AMPs, the final AMPs will be uploaded to Council's website, <https://www.nelson.govt.nz/council/plans-strategies-policies/2024-2034-activity-management-plans>.

Attachments

- Attachment 1: 1833911234-1363 Flood Protection AMP Executive Summary
(Circulated separately) [⇒](#)
- Attachment 2: 1833911234-1364 Water Supply AMP Executive Summary
(Circulated separately) [⇒](#)
- Attachment 3: 1833911234-1365 Wastewater AMP Executive Summary
(Circulated separately) [⇒](#)
- Attachment 4: 1833911234-1366 Stormwater AMP Executive Summary
(Circulated separately) [⇒](#)
- Attachment 5: 1833911234-1367 Transport AMP Executive Summary
(Circulated separately) [⇒](#)
- Attachment 6: 1833911234-1385 Solid Waste AMP Executive Summary
(Circulated separately) [⇒](#)

Important considerations for decision making
Fit with Purpose of Local Government The LTP development and consultation process leading to these final AMPs enabled Council to democratically make decisions on behalf of its community, and to consider its services, work programme and budgets in terms of the social, economic, cultural and environmental wellbeing of its community. Adopting the AMPs fits with the purpose of local government as this/these documents set out the services Council intends to provide, how these services will be measured, and how each service will be funded.
Consistency with Community Outcomes and Council Policy Implementing the AMPs is a key method used by Council to support delivery of all Council's Community Outcomes.
Risk Adopting the AMPs is a low risk as it has been through a thorough development process and reflects the relevant Long Term Plan decisions. Adopting the AMPs helps Council mitigate risks by providing a clear plan to achieve levels of service, address relevant focus areas and sets activity budgets for operations, maintenance, renewals and capital expenditure. There are continued areas of uncertainty that present risks to the 10 year work programme, such as from legislative and regulatory change, climate change and natural disasters, and the economic environment (as outlined in the assumptions contained in the AMPs).
Financial impact The financial impacts of the content of the AMPs have been considered by Council during the preparation of the Long Term Plan and during deliberations on submissions.
Degree of significance and level of engagement The decisions on the content of the AMPs are of moderate significance to residents and ratepayers of Nelson because of the financial and services implications. The public consultation undertaken on the Long Term Plan, using a special consultative procedure, ensured that Council had a good understanding of the view of the public prior to deciding what services and projects would be included in the final Long Term Plan and the AMPs.
Climate Impact The decisions in this report will impact on Council's ability to proactively respond to the impacts of climate change now or in the future. The impact of climate change has been considered as part of development of the AMPs. Some work programmes in the AMPs contain expenditure to support Council to adapt to

Item 15: Infrastructure Activity Management Plans 2024-2034

climate impacts and reduce its emissions. The Long Term Plan consultation process has allowed the community to provide feedback on Council's climate response budgets and activities.
Inclusion of Māori in the decision making process Engagement has occurred with iwi during the draft AMPs preparation process and through an iwi summit on the Long Term Plan.
Legal context Council's decision must be made in accordance with Part 6 of LGA2002. Council has the power to make these decisions in accordance with sections 76 of the Local Government Act 2002.
Delegations The decisions contained in this report are within Council's area of responsibility.