



Ref: [REDACTED]

Civic House, 110 Trafalgar Street
PO Box 645, Nelson 7040, New Zealand

28 June 2022

P (03) 546 0200
E LGOIMA@ncc.govt.nz
nelson.govt.nz

[REDACTED]
[REDACTED]

Dear [REDACTED]

OFFICIAL INFORMATION REQUEST FOR DECISIONS OF COUNCIL

I refer to your official information request dated 1 June 2022:

I am a long-time Nelson resident and active voter. In order to inform myself re the up-coming NCC election, I would like to have information on how each of the councillors voted on the following issues. I have checked the meetings section of the NCC website, but it is not a straight forward task to search out which meetings dealt with these specific issues. I would respectfully ask for your help.

- 1) Decision to establish Māori wards
- 2) 3 Waters
- 3) New Library
- 4) The sale of NCC owned social and pensioner housing
- 5) The decision not to review the Annual Plan
- 6) Reorganization of car parking in the CBD

And clarified 13 June 2022:

To clarify:

- 1) The time period I'm interested in is 2021-2022
- 2) I do realize that most of these issues are on-going and have had more than 1 vote. With regard to each issue, I'd like to see how the councillors voted at all the relevant NCC meetings.
- 3) Issue #6, parking in the CBD, refers to various discussions at NCC meetings about removing car parks in order to expand cycling/walking in the CBD. This would included permanently closing off portions of some streets to all motorized traffic, as well as eliminating car parks in favour of new or expanded cycle ways. I know that such discussions have taken place, but I'm not aware of any specific decisions made around this issue, for example to actually close off a street to motorized traffic or to remove car parks so that new cycle paths could be installed or existing ones widened. If any decisions have been made and votes taken, I'd like to know.

Internal Document ID: [REDACTED]

Most of the information you have requested is enclosed below (see Appendix One – Open resolutions and any associated voting records).

However, one decision in relation to the Library Project was taken in confidential at the Council meeting of 8 December 2021 under section 7(2)(i) of the Local Government Official Information and Meetings Act 1987. We are able to advise that the item was titled "Land Exchange Negotiating Brief", but the decision remains confidential at this time.

Further, despite multiple checks to confirm, our searches returned no formal decision in relation to the removal of carparks. Therefore, we must refuse this part of your request under section 17(e) of the Local Government Official Information and Meetings Act.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact LGOIMA@ncc.govt.nz.

Yours sincerely



Devorah Nícuarta-Smith

Manager Governance and Support Services

Encl: APPENDIX ONE - Open agenda resolutions and any associated voting records

APPENDIX ONE

1. Decision to establish Māori wards

Meeting: Council – 11 May 2021

12. Establishment of a Māori Ward for the 2022 Local Government Elections (agenda item 11)

Resolved CL/2021/050

That the Council

- 1. Receives the report Establishment of a Māori Ward for the 2022 Local Government Elections (R22653); and***
- 2. Rescinds clause 4 of resolution CL/2020/140 made on 22 September 2020:***
 - '4. Decides not to introduce a Māori Ward;' and***
- 3. Establishes a Māori Ward in Whakatū/Nelson for the 2022 local government election, and***
- 4. Notes that a Māori ward must exist within a wider ward-based system; and***
- 5. Requests analysis and options for the 2021 Representation Review include specific focus on communities of interest and options for ward boundaries.***

Her Worship the Mayor/Edgar

Carried

2. 3 Waters

Meeting: Council – 23 September 2021

1. Three Waters Reform Update (Agenda Item 13)

Resolved CL/2021/051

That the Council

- 1. Receives the report Three Waters Reform Update (R26075) and its attachments (A2734504, A2734513, A2734630, A2736353, A2734616, A2745775, A2745300, A2748814, and A2748820); and***
- 2. Notes the Government's 30 June and 15 July 2021 Three Waters Reform announcements; and***
- 3. Notes Morrison Low's advice on the accuracy of the information provided to Council in June and July 2021 as a result of the Request for Information and Water Industry Commission for Scotland modelling processes; and***
- 4. Notes the analysis of three water service delivery options available to Council at this time; and***
- 5. Notes that a decision to definitively support or not support the Government's preferred three waters delivery option is not required at this time, and would be premature and contrary to the Council's decision-making obligations in relation to significant decisions; and***
- 6. Notes that Council cannot make a formal decision on a regional option for three waters service delivery without doing a Long Term Plan amendment and ensuring it meets section 130 of the Local Government Act 2002; and***
- 7. Notes that Council intends to make further decisions about the three waters service delivery model after 30 September 2021; and***
- 8. Notes that Council would need to gain an understanding of the community's views once Council has further information from the Government on the next steps in the reform process; and***

9. **Approves the draft letter (A2745300) to the Government outlining where Council seeks guidance and gives feedback on the proposed Three Waters Reform programme; and**
10. **Agrees that the Mayor, Infrastructure Committee Chair and Chief Executive be delegated authority to approve minor editorial amendments to the Government response letter (A2754300); and**
11. **Notes that the Chief Executive will report back once staff have received further information and guidance from Government, Local Government New Zealand and Taituarā on what the next steps look like and how these should be managed; and**
12. **Notes that Council has considered the decision-making requirements of Part 6 of the Local Government Act 2002 and determined that they have been adequately complied with for the purposes of this report, taking into account that a) no decisions are being made at this stage to agree to the Government's proposal and b) the low to medium significance under the Significance and Engagement Policy of the decision to request the Chief Executive to seek further information from and give feedback to the Government on the reform proposal.**

The substantive motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Absent</u>
Cr Bowater	Cr Brand	Cr Fulton
Cr Edgar	Cr Courtney	
Cr Lawrey	Cr Skinner	
Cr O'Neill-Stevens		
Cr McGurk		
Cr Noonan		
Cr Rainey		
Cr Sanson		
Her Worship the Mayor Reese (Chairperson)		

The substantive motion was carried 9 - 3.

Attachments

- 1 A2745300 - letter re NCC's response to the Government's Three Waters proposal

Edgar/McGurk

Carried

Meeting: Council – 8 December 2021

5. Three Waters Reform Update and submission on Three Waters Economic Regulator discussion document (Agenda Item 15)

Resolved CL/2021/052

That the Council

1. ***Receives the report Three Waters Reform Update and submission on Three Waters Economic Regulator discussion document (R26389) and its attachments (A2788174, A2786106, A2786027).***

McGurk/Her Worship the Mayor

Carried

Resolved CL/2021/053

That the Council

2. ***Approves the draft Council submission (A2786027) to the Ministry of Business, Innovation and Employment on the Economic Regulation and Consumer Protection for Three Waters Services in New Zealand; and***
3. ***Agrees that the Mayor, Infrastructure Committee Chair and Chief Executive be delegated authority to approve minor editorial amendments to the Council submission (A2786027); and***
4. ***Notes the Government will introduce legislation to Parliament where Council and the public will have the opportunity to submit on the Water Services Entities Bill and subsequently the Water Services Entities (Implementation Bill).***

McGurk/Her Worship the Mayor

Carried

Resolved CL/2021/054

That the Council

- 5. Agrees to community engagement to be undertaken prior to Council submitting on the draft legislation as detailed in Report R26389; and***
- 6. Notes a submission on the Water Services Entities Bill will be prepared once the Bill is introduced to Parliament and will be brought back to Council for approval including community feedback; and***
- 7. Notes that the Chief Executive will report back once staff have received further information and guidance from the Government on the next steps and how these should be managed.***

McGurk/Her Worship the Mayor

Carried

3. New Library

Meeting: Council – 18 February 2021

10. Elma Turner Library Redevelopment Options (Item 9, cont)

Resolved CL/2021/055

That the Council

- 1. Receives the report Elma Turner Library Redevelopment Options (R21341) and its attachments (A2411462, A2478433, A2572096 and A2479330); and***
- 2. Confirms that Council's preferred option is to build a new library building on the corner of Halifax Street and Trafalgar Street, within the Riverside Precinct, subject to agreement with Wakatū Incorporation on a land exchange involving that site and the current library site; and***
- 3. Directs officers to enter into preliminary negotiations with Wakatū Incorporation to develop a land exchange proposal and report back; and***
- 4. Notes that a business case will be brought to Council for final approval of the project; and***
- 5. Notes that any agreements negotiated with Wakatū Incorporation will be subject to approval of the business case and confirmation of the location and the budget for the Elma Turner Library through the Long Term Plan 2021-2031.***

Fulton/McGurk

Carried

A division was called:

<u>For</u>	<u>Against</u>	<u>Abstained/Interest</u>
Her Worship the Mayor (Chairperson)	Cr Rainey	
Cr Bowater	Cr Sanson	
Cr Brand		
Cr Courtney		
Cr Edgar		

Cr Fulton

Cr Lawrey

Cr O'Neill-Stevens

Cr McGurk

Cr Noonan

Cr Skinner

The motion was carried 11 - 2.

Meeting: Council – 23 September 2021

2. Nelson Central Library – Decision-making Timeline (Agenda Item 11)

Resolved CL/2021/056

That the Council

- 1. Receives the report Nelson Central Library – Decision-making Timeline (R26167); and***
- 2. Amends clause 4 of resolution CL/2021/090 made during the 18-20 May 2021 Council meeting, to:***

Confirms that:

- Council will approve the community engagement process (including a communication strategy and engagement plan), project management and governance approach, procurement process, financial management, and reporting and approvals processes for the proposed new library building and landscaping, noting that this work will run in parallel with land exchange negotiations; and***

The substantive motion was put and a division was called:

For

Against

Absent

Cr Bowater

Cr Sanson

Cr Fulton

Cr Brand

Cr Rainey

Cr Courtney

Cr Edgar

Cr Lawrey

Cr O'Neill-Stevens

Cr McGurk

Cr Noonan

Cr Skinner

Her Worship the Mayor Reese
(Chairperson)

The substantive motion was carried 10 - 1.

Her Worship the Mayor/Bowater

Carried

Meeting: Council – 28 October 2021

3. Nelson Central Library - Project Management and Governance Structure

Resolved CL/2021/057

That the Council

- 1. Receives the report Nelson Central Library - Project Management and Governance Structure (R26049) and its attachments (A2758524, A2762028 and A2760701); and***
- 2. Approves the project management and governance structure as set out in Report R26049 and its attachments (A2758524, A2762028 and A2760701); and***
- 3. Agrees to establish a Nelson Central Library Governance Reference Group with Terms of Reference as set out in (A2760701); and***
- 4. Appoints the Mayor, Deputy Mayor, Councillor O'Neill-Stevens and Councillor McGurk to the Nelson Central Library Governance Reference Group; and***

5. ***Notes that the approval of the project management and governance structure does not constrain Council in relation to any final decision on library location, design, or construction procurement.***

Rainey/Lawrey

Carried

Meeting: Council – 23 March 2022

4. Central Library Development - Community Engagement Strategy (Agenda Item 6)

Resolved CL/2022/058

That the Council

1. ***Receives the report Central Library Development - Community Engagement Strategy (R26717) and its attachment (A2853918); and***
2. ***Approves the Central Library Development Community Engagement Strategy as set out in report (R26717) and its attachment (A2853918); and***
3. ***Delegates any minor amendments to the Chair, Her Worship the Mayor, and Group Manager Community Services.***

Edgar/McGurk

Carried

4. The sale of NCC owned social and pensioner housing

Meeting: Council 26 August 2021

5. Community Engagement on the sale of 69 to 101 Achilles Avenue and 42 Rutherford Street to Kāinga Ora (Agenda Item 6)

Resolved CL/2021/059

That the Council

1. ***Receives the report Community Engagement on the sale of 69 to 101 Achilles Avenue and 42 Rutherford Street to Kāinga Ora (R26028) and its attachment (A2704161); and***
2. ***Agrees to seek public feedback on a proposal to divest Council property located at 69 to 101 Achilles Avenue and 42 Rutherford Street to Kāinga Ora for social and affordable housing developments; and***
3. ***Agrees that the public feedback document meets the requirements of the Local Government Act 2002 including the principles of consultation in section 82; and***
4. ***Approves the public feedback document (A2704161), amended as necessary; and***
5. ***Agrees that the Mayor, Deputy Mayor and Chief Executive be delegated to approve any minor amendments required to the supporting information or public feedback document prior to the start of the consultation process; and***
6. ***Approves the consultation approach (set out in paragraph 4.7 – 4.11 of this report (R26028)) and agrees the approach:***
 - (a) ***includes sufficient steps to ensure the public feedback document will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
 - (b) ***will result in the public feedback document being as widely publicised as reasonably practicable as a basis for consultation.***

Edgar/Her Worship the Mayor

Carried unanimously

Council 28 October 2021

6. Deliberations on sale of 69 to 101 Achilles Avenue and/or 42 Rutherford Street to Kāinga Ora for social and affordable housing

Resolved CL/2021/060

That the Council

- 1. Receives the report Deliberations on sale of 69 to 101 Achilles Avenue and/or 42 Rutherford Street to Kāinga Ora for social and affordable housing (R26213) and its attachments (A2763085 and A2767627); and***
- 2. Accepts the following late feedback (A2767627) on the proposal to sell 69 to 101 Achilles Avenue and/or 42 Rutherford Street to Kāinga ora for social and affordable housing:***
 - Rachel Boyack, MP for Nelson***
 - Ainslie Riddoch***
- 3. Approves the sale of 69 to 101 Achilles Avenue and 42 Rutherford Street to Kainga Ora subject to a negotiating brief that includes the following terms:***
 - (i) That the sites be sold for market value to be determined by agreement with Kāinga Ora having regard to independent valuations for the site obtained by Kāinga Ora and Nelson City Council.***
 - (ii) The design outcomes which were outlined to the community as part of the consultation document (A2704161) be adopted to inform the development design:***
 - (a) High quality, high amenity, interactive and accessible design to street and laneway edges.***
 - (b) Design compatibility with the adjacent public spaces and central city location.***
 - (c) The use of appropriately scaled and well-modulated/articulated architectural design elements and an appropriate provision of space, openings and materiality (i.e windows, balconies and cladding types).***

- (d) Integration of vehicle, public transport and pedestrian circulation with adjoining street frontages and Wakatu Square with minimal provision of on-site carparking.**
 - (e) Inclusion of quality, climate resilient, sustainable, design and building practices.**
 - (f) Less than 50% of household units will be for social housing, the remainder will be a mix of affordable housing types.**
 - (g) Demonstrates consistency with the six key moves of the Nelson City Council City Centre Programme Plan (August 2019).**
 - (h) Minimise, as far as practicable, shading effects that lead to safety hazards on public streets, areas and footpaths.**
 - (i) Provide appropriate cycle storage and servicing facilities.**
 - (j) Within these outcomes, maximise housing yield; and**
- (iii) That Kāinga Ora works in partnership with Council officers on the design of the building, including that officers are part of the Kāinga Ora Project Steering Group contributing to decision making and Project Team responsible for progressing the project and its design.**
- (iv) That Kāinga Ora will seek to commission a local architect to be part of the design team for the development to ensure the building is a good fit with the city centre and Council priorities (exemplar intensification and affordable housing, good urban design including appropriate scale and height, sustainability features, provides for active mode).**
- (v) That Kāinga Ora will, where reasonably possible, partner with local housing providers and developers and/or iwi to deliver the project to ensure that affordable rental and affordable apartment sales are enduring and well managed.**
- (vi) That Kāinga Ora will, where reasonably possible, utilise local construction companies and local materials to undertake the build, acknowledging that this**

may be affected by the current market shortage of both locally.

(vii) That Kāinga Ora uses its placement principles to allocate its social housing tenants to the housing typology of inner-city apartment living.

(viii) That communication with the community is undertaken by Kāinga Ora to ensure the community is well informed of progress, including during the progression of development design and housing partnership formations.

(ix) That a condition is imposed to ensure that if development of at least one of the sites has not commenced construction within 3 years, both sites will be offered back to Council to purchase for the sale price, less any works that have reduced its value.

(x) That a condition is imposed on sale that a covenant will be registered on the title giving Council a right of first refusal to purchase, on terms acceptable to Council, should Kāinga Ora seek to sell all or any part of the sites at any time unless the sales relate to affordable unit title apartments developed by Kāinga Ora or in partnership with others (subject also to any applicable legal obligation on Kāinga Ora to first offer to iwi).

(xi) As appropriate, a Memorandum of Understanding may be signed with the purchaser to reflect shared objectives for the development that are not included in the sale and purchase agreement.

(xii) Any other reasonable terms of sale necessary for the divestment.

- 4. Delegates to the Mayor, Deputy Mayor/Chair of the Urban Development Subcommittee and Chief Executive the negotiation and approval of the sale and purchase agreement and Memorandum of Understanding (if appropriate) provided the terms are substantially consistent with the negotiating brief; and**
- 5. Notes that progress on negotiations and development design will be overseen by the Kāinga Ora Governance Reference Group in accordance with the Terms of Reference; and**
- 6. Notes that tenants of 69 to 101 Achilles Avenue and 42 Rutherford Street will be advised of Councils decision, and**

kept up to date on progress with negotiations, including advice in relation to the effect on their tenancies by officers; and

7. Confirms that the proceeds from any sale will be used to pay off debt; and

8. Approves the sale of 69 to 101 Achilles Avenue and 42 Rutherford Street and identifies the matters in relation to making such a decision in accordance with section 80 of the Local Government Act, including:

(a) While it is not clear, the decision to sell 69 to 101 Achilles Avenue and 42 Rutherford Street to Kāinga Ora rather than via public auction may be inconsistent with the NCC Asset Disposal Policy 2015; and

(b) Council has decided to approve the sale notwithstanding the apparent inconsistency with the Policy because of the broader strategic benefit of the proposal for the community (noting the above conditions) and the enhanced relationship with Kāinga Ora, together with the objective to sell the properties for market value; and

(c) That there is no intention to amend the Policy to accommodate the decision at this time.

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Absent</u>
Cr Brand	Cr Bowater	Cr Rainey
Cr Courtney	Cr Noonan	
Cr Edgar	Cr Skinner	
Cr Fulton		
Cr Lawrey		
Cr O'Neill-Stevens		
Cr McGurk		
Cr Sanson		

Her Worship the Mayor Reese
(Chairperson)

The motion was carried 9 - 3.

Edgar/Her Worship the Mayor

Carried

5. The decision not to review the Annual Plan

Meeting: Council – 10 March 2022

7. Options for the Annual Plan 2022/23

Resolved CL/2022/061

1. **Receives the report Options for the Annual Plan 2022/23 (R26534) and its attachments (A2830485 and A2837769); and**
2. **Agrees to reduce the Uniform Annual General Charge from 13% to 11% from 1 July 2022; and**
3. **Agrees that the content of the Annual Plan 2022/23 does not include significant or material differences to year two of the LTP and therefore consultation on the Annual Plan 2022/23 will not be undertaken; and**
4. **Notes that there will be messaging prepared for the community on the content of the proposed Annual Plan 2022/23 and Council's consultation decision, noting other matters Council is planning to engage the community on during the 2022 year; and**
5. **Notes that the final Annual Plan and rates resolutions for 2022/23 will be brought for adoption before the end of June 2022.**

The motion was put and a division was called:

For

Against

Cr Bowater

Cr Skinner

Cr Brand

Cr Courtney

Cr Edgar (alternate Chairperson)

Cr Fulton

Cr Lawrey

Cr O'Neill-Stevens

Cr McGurk

Cr Noonan

Cr Rainey

Cr Sanson

Her Worship the Mayor Reese (Chairperson)

The motion was carried 12 - 1.

Her Worship the Mayor/Edgar

Carried