



# AGENDA

**Ordinary meeting of the**

**Nelson City Council**

**Thursday 3 September 2015**

**Commencing at 9.00am**

**Council Chamber**

**Civic House**

**110 Trafalgar Street, Nelson**

Membership: Her Worship the Mayor Rachel Reese (Chairperson), Councillors Luke Acland, Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton, Matt Lawrey, Paul Matheson (Deputy Mayor), Brian McGurk, Gaile Noonan, Pete Rainey, Tim Skinner and Mike Ward

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**Opening Prayer****1. Apologies**

- 1.1 An apology has been received from Councillor Kate Fulton

**2. Confirmation of Order of Business****3. Interests**

- 3.1 Updates to the Interests Register
- 3.2 Identify any conflicts of interest in the agenda

**4. Public Forum**

- 4.1 Lindsay Wood - Information Gap on Climate Change and Fossil Fuels

Lindsay Wood will speak about the information gap on climate change and fossil fuels.

**5. Confirmation of Minutes**

- 5.1 23 July 2015 **13 - 30**

Document number M1366

Recommendation

***THAT the minutes of the meeting of the Council, held on 23 July 2015, be confirmed as a true and correct record.***

- 6. Status Report - Council - 3 September 2015 31 - 40**

Document number R4762

Recommendation

***THAT the Status Report Council 3 September 2015 (R4762) and its attachment (A1168168) be received.***

**7. Mayor's Report 41 - 41**

Document number R4766

Recommendation

**THAT the Mayor's Report (R4766) be received.**

**8. Administrative Matters 42 - 63**

Document number R4509

Recommendation

**THAT the report Administrative Matters (R4509) and its attachments (A1409925, A1103850, A1401600, A1402955, A1363844 and A1294879) be received;**

**AND THAT the amendments to Standing Orders in terms of joint committees and live video-streaming of meetings, as detailed in Attachment 6 (A1294879), be approved;**

**AND THAT the leave of absence requested by Councillor Davy, from 23 January 2016 to 21 February 2016 inclusive, be granted;**

**AND THAT the Schedule of Documents Sealed (A1363844) be received and the approval of the fixing of the seal be confirmed in relation to those documents and the warrants of appointment detailed in that schedule.**

**9. Nelson School of Music (NSOM) Redevelopment - Project Governance 64 - 67**

Document number R4528

Recommendation

**THAT the report Nelson School of Music (NSOM) Redevelopment - Project Governance (R4528) be received;**

**AND THAT whilst the project is owned by the Nelson School of Music, a Project Governance Committee be established, to recognise Council's considerable investment;**

**AND THAT whilst the Project Governance Committee is a joint committee of Council and Nelson School of Music Board members, accountability is clearly understood to lie with the Nelson School of Music;**

**AND THAT the membership be Roger Taylor, Chair, and Mark Christensen on behalf of the Nelson School of Music Board, and the Group Manager Infrastructure (or his nominee) and the Group Manager Corporate Services (or her nominee);**

**AND THAT Council's contribution to the building is capped at 50%, to a maximum of \$3 million, noting that the initial kick-start of \$150,000 for project management is in addition to this.**

**10. Urban Environments Bylaw 2015 - Sandwich Boards Final Decision**

**68 - 80**

Document number R4562

Recommendation

**THAT the report Urban Environments Bylaw 2015 - Sandwich Boards Final Decision (R4562) and its attachments (A1403472 and A1410899) be received;**

**AND THAT the Sandwich Board provisions of the Urban Environments Bylaw 2015 be adopted to include the current wording contained in the June 2015 Urban Environments Bylaw (A1334602) (i.e. by the shop for street level businesses and the kerb for upstairs businesses).**

**11. Development and Financial Contributions Policy 2015 - Dissemination of Information to the Development Community**

**81 - 85**

Document number R4691

Recommendation

**THAT the report Development and Financial Contributions Policy 2015 - Dissemination of Information to the Development Community (R4691) and its attachment (A1410906) be received;**

***AND THAT it be noted that information about the Policy has been disseminated to the development community and, given the positive feedback received, that no amendments to the Policy are proposed.***

**12. Nelson Regional Sewerage Business Unit -  
Memorandum of Understanding**

**86 - 96**

Document number R4743

Recommendation

***THAT the report Nelson Regional Sewerage Business Unit - Memorandum of Understanding (R4743) and its attachment (A1408609) be received;***

***AND THAT Council enters into the agreement with Tasman District Council (A1408609) that is attached to this report for the purpose of appointing a joint committee;***

***AND THAT Council constitutes the joint committee to be known as the Nelson Regional Sewerage Business Unit joint committee with Tasman District Council;***

***AND THAT Council appoints Councillor Copeland and Mr Derek Shaw as its members;***

***AND THAT Council agrees to the non-voting representative members being M Hippolite (Iwi) and P Wilson (Industry Customers);***

***AND THAT Council authorises the Chief Executive to update the Council's Delegations Manual and Local Governance Statement to give effect to the agreement.***

**13. Trafalgar Centre Reopening**

**97 - 107**

Document number R4749

Recommendation

***THAT the report Trafalgar Centre Reopening (R4749) be received;***

**AND THAT Gibbons Construction Ltd be contracted to undertake the physical works associated with the reopening of the Trafalgar Centre and the development of Rutherford Park;**

**AND THAT the scope of work contained within the Trafalgar Centre Reopening Project and the Rutherford Park Development be grouped into five packages:**

**Compliance works and ground improvement;**

**Southern extension;**

**Main building, infrastructure/external works and maintenance items;**

**Northern building;**

**Rutherford Park;**

**AND THAT each package be subject to detailed design, scheduling and pricing with due diligence to determine a total out-turn cost for that package;**

**AND THAT the total budget for the refurbishment of the Trafalgar Centre be approved at \$12.956M in the 2015/16 year;**

**AND THAT the Chief Executive Officer be given delegated authority to approve the total out-turn cost for each package provided it is equal to or below the relevant July 2015 estimate for that package.**

## **REPORTS FROM COMMITTEES**

### **14. Joint Shareholders Committee - 24 July 2015 108 - 111**

Document number M1369

Recommendation

**THAT the unconfirmed minutes of an extraordinary meeting of the Joint Shareholders Committee, held on 24 July 2015, be received.**

**15. Works and Infrastructure Committee - 30 July 2015** **112 - 117**

Document number M1375

Recommendation

**THAT the unconfirmed minutes of a meeting of the Works and Infrastructure Committee, held on 30 July 2015, be received.**

**16. Planning and Regulatory Committee - 6 August 2015** **118 - 126**

Document number M1394

Recommendation

**THAT the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 6 August 2015, be received.**

Please note that as the only business transacted in public excluded was to confirm the minutes, this business has been recorded in the public minutes. In accordance with the Local Government Official Information Meetings Act, no reason for withholding this information from the public exists.

**16.1 Local Approved Products Policy (LAPP) Deliberations Report**

Recommendation to Council

**THAT the Local Approved Products Policy (A375469) be adopted.**

Note: A copy of the Local Approved Products Policy can be found on the Google Drive for Councillors or is available on request from an Administration Adviser.

**16.2 Nelson Plan Update August 2015**

Recommendation to Council

**THAT the review of the Nelson Resource Management Plan, Nelson Air Quality Plan and Regional Policy Statement hereafter be referred to as the draft Whakamahere Whakatu Nelson Plan.**

**17. Community Services Committee - 13 August 2015** **127 - 133**

Document number M1402

Recommendation

**THAT the unconfirmed minutes of a meeting of the Community Services Committee, held on 13 August 2015, be received.**

**18. Governance Committee - 20 August 2015** **134 - 139**

Document number M1409

Recommendation

**THAT the unconfirmed minutes of a meeting of the Governance Committee, held on 20 August 2015, be received.**

**18.1 Tourism Nelson Tasman Limited Statement of Intent 2015/16**

Recommendation to Council

**THAT the Tourism Nelson Tasman Limited Statement of Intent 2015/16 (A1389798) be approved for signing.**

**18.2 Update on charging interest on general debtors**  
*Item from Audit, Risk and Finance Subcommittee meeting - 30/07/2015*

Recommendation to Council

**THAT the Draft Debt Management Policy (A1353429) be approved.**

**18.3 Capital Projects 2014/15**  
*Item from Audit, Risk and Finance Subcommittee meeting - 30/07/2015*

Recommendation to Council

**THAT Council approves continuing work on 2014/15 capital projects within the 2014/15 approved budgets, noting a report on carry forwards will come to the Audit, Risk and Finance Subcommittee meeting on 10 September 2015.**

## PUBLIC EXCLUDED BUSINESS

### 19. Exclusion of the Public

Recommendation

***THAT the public be excluded from the following parts of the proceedings of this meeting.***

***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	<b>Council Meeting - Public Excluded Minutes- 23 July 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"><li>• Section 7(2)(g) To maintain legal professional privilege.</li><li>• 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.</li><li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li><li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li></ul>

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>2</b>	<b>Status Report - Council - 3 September 2015</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>3</b>	<b>Coastal View Lifestyle Village Road Stopping</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>4</b>	<p><b>Extraordinary Chief Executive Employment Committee Meeting - Public Excluded Minutes- 15 July 2015</b></p> <p>These minutes contain information regarding:</p> <p>The proposed performance agreement Chief Executive 2015/16</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li> </ul>
<b>5</b>	<b>Extraordinary Joint Shareholders</b>	Section 48(1)(a)	The withholding of the information is necessary:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<b>Committee Meeting - Public Excluded Minutes- 24 July 2015</b>	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	<ul style="list-style-type: none"> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li> </ul>
<b>6</b>	<b>Works and Infrastructure Committee Meeting - Public Excluded Minutes - 30 July 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>
<b>7</b>	<b>Community Services Committee Meeting - Public Excluded Minutes - 13 August 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>
<b>8</b>	<b>Governance Committee Meeting - Public Excluded Minutes- 20 August 2015</b>  These minutes contain information regarding:	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<p>Burrell Park Building Purchase</p> <p>Nelson Directors' Fees 2015</p> <p>Review of Economic Development Services – next steps</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</li> </ul>

## 20. Re-admittance of the public

Recommendation

**THAT the public be re-admitted to the meeting.**

### Note:

- This meeting is expected to continue beyond lunchtime.
- Lunch will be provided at 12.30pm.

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## Minutes of a meeting of the Nelson City Council

**Held in the Council Chamber, Civic House, 110 Trafalgar Street,  
Nelson**

**On Thursday 23 July 2015, commencing at 9.03am**

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**Present:** Her Worship the Mayor R Reese (Chairperson), Councillors I Barker, E Davy, K Fulton, M Lawrey, P Matheson (Deputy Mayor), B McGurk, G Noonan, P Rainey, T Skinner and M Ward

**In Attendance:** Chief Executive (C Hadley), Group Manager Strategy and Environment (C Barton), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Acting Group Manager Infrastructure (S Davies), Senior Strategic Adviser (N McDonald), Manager Communications (P Shattock), Manager Administration (P Langley) and Administration Adviser (S McLean)

**Apologies:** Councillors L Acland and R Copeland

### Opening Prayer

Councillor Davy gave the opening prayer.

#### 1. Apologies

Resolved CL/2015/011

***THAT apologies be received and accepted from  
Councillors Acland and Copeland.***

Her Worship the Mayor/Fulton

Carried

#### 2. Confirmation of Order of Business

Her Worship the Mayor advised that item 16 Community Services Committee Minutes 2 July, and subsequent recommendations to Council, would be considered after item 10 regarding the Trafalgar Centre.

Her Worship the Mayor advised councillors of an upcoming workshop on Community Housing. It was noted a date was yet to be arranged, due to a prior booking on 11 August.

### 3. Interests

In response to a question, the Chief Executive, Clare Hadley, reiterated that declaration of interests and updates to the Interests Register were the responsibility of individual councillors.

### 4. Public Forum

#### 4.1 Christopher St Johanser and Moira Bauer, Brook Valley Community Group - Forestry Harvest on Dun Mountain: Where to from here?

Mr St Johanser and Ms Bauer gave a presentation on behalf of the Brook Valley Community Group and tabled a document on Forestry Strategy and the Nelson Spirit (A1391275).

Mr St Johanser raised concerns about the Brook Valley Community Group not feeling supported by Council.

Ms Bauer raised concerns about the Brook Valley skid site being used as a dumping ground. She suggested the proposed route for log extraction included areas of unstable land.

Ms Bauer said there was scope for Council to apply its Investment Policy of minimising impact by delaying harvest. She emphasised the risks to the Dun Mountain Trail and its heritage significance. Ms Bauer asked Council to investigate an alternative log extraction route, and suggested the harvest be delayed until after summer.

#### Attachments

- 1 A1391275 - Tabled Document - Christopher St Johanser and Moira Bauer Brook Valley Community Group

#### 4.2 Stuart Walker - Access Road to the Trafalgar Centre

Mr Walker raised concerns about cost overruns for the Trafalgar Centre and tabled his speech (A1392986) and images of the Nelson Airport building (A1392985).

Attendance: Councillor Matheson left the meeting at 9.26am.

#### Attachments

- 1 A1392985 - Tabled Document - Stuart Walker Trafalgar Centre Access Road Handout 1
- 2 A1392986 - Tabled Document - Stuart Walker Trafalgar Centre Access Road Handout 2

### 5. Confirmation of Minutes

#### 5.1 Council Minutes 28 May, 4 June, and 9 June 2015

Document number A1371400, agenda pages 13 - 25 refer.

Resolved CL/2015/014

***THAT the minutes of the meeting of the Nelson City Council, held on 28 May, 4 June and 9 June 2015, be confirmed as a true and correct record.***

Her Worship the Mayor/Davy

Carried

Attendance: Councillor Matheson returned to the meeting at 9.27am.

5.2 Council Minutes 11 June 2015

Document number M1264, agenda pages 26 - 51 refer.

Resolved CL/2015/015

***THAT the minutes of the meeting of the Nelson City Council, held on 11 June 2015, be confirmed as a true and correct record.***

McGurk/Ward

Carried

5.3 23 June 2015

Document number M1331, agenda pages 52 - 70 refer.

Resolved CL/2015/016

***THAT the minutes of the meeting of the Council, held on 23 June 2015, be confirmed as a true and correct record.***

Barker/Fulton

Carried

5.4 16 July 2015 - Extraordinary Meeting

Document number M1354, agenda pages 71 - 74 refer.

Resolved CL/2015/017

***THAT the minutes of the extraordinary meeting of the Council, held on 16 July 2015, be confirmed as a true and correct record.***

Her Worship the Mayor/Matheson

Carried

**6. Status Report - Council - 23 July 2015**

Document number R4558, agenda pages 75 - 85 refer.

It was requested that resolutions from the Long Term Plan 2015-25 deliberations be transferred to committee status reports where relevant.

It was asked that the relevant wording from the Long Term Plan 2015-25 be included in the Nelson Gondola action item.

In response to a question, the Chief Executive, Clare Hadley, advised that an update on the Regional Landfill Implementation would be provided by the end of August 2015. She added that Deloitte had been commissioned to ensure landfill accounts were measured similarly between councils, and this work was a shared cost between councils.

In response to questions, Consulting Engineer, Richard Kirby, advised that a report on the Modellers' Pond would be prepared by mid September 2015. He said detailed design was required before the Nelson Society of Modellers could commence fundraising.

It was noted that a verbal update on the Rutherford Park Development would be given in the public excluded part of the meeting due to legal professional privilege.

In response to a question about the letter on water fluoridation, Her Worship the Mayor advised she had met with the Chair of the District Health Board and was waiting on relevant information from the Ministry of Health.

Resolved CL/2015/018

***THAT the Status Report Council 23 July 2015 (R4558) and its attachment (A1168168) be received.***

***AND THAT Long Term Plan related status report items be referred to relevant committees.***

Her Worship the Mayor/Davy

Carried

## 7. Mayor's Report

Document number R4525, agenda page 86 refers.

Resolved CL/2015/019

***THAT the Mayor's Report (R4525) be received.***

Her Worship the Mayor/Noonan

Carried

## 8. Developer Advisory Group

Document number R4450, agenda pages 87 - 95 refer.

Senior Planning Adviser, Lisa Gibellini, presented the report.

It was agreed that the bracketed sentence in the third bullet under item 2 of the terms of reference, (developers whose property is included in Table 4...), would be removed.

It was agreed that Councillor Ward would be appointed to the Developer Advisory Group as the member representing the Land Development Manual Steering Group.

Resolved CL/2015/020

**THAT the report Developer Advisory Group (R4450) and its attachment (A1374504) be received;**

**AND THAT Council nominate Mayor Rachel Reese and Deputy Mayor Paul Matheson to be Council representatives on the Developer Advisory Group;**

**AND THAT Council nominate Deputy Mayor Paul Matheson to be Chair of the Developer Advisory Group;**

**AND THAT the attached draft Terms of Reference (A1374504) as amended are adopted by Council for finalisation at the first Developer Advisory Group meeting after which they will be confirmed by the Mayor and the Chair of the Planning and Regulatory Committee.**

Noonan/Barker

Carried

## **9. Representation Review 2015**

Document number R4510, agenda pages 96 - 104 refer.

Resolved CL/2015/021

**THAT the report Representation Review 2015 (R4510) and its attachment (A1376423) be received;**

**AND THAT in accordance with Section 19H of the Local Electoral Act 2001:**

**1. The Council shall consist of 12 members, plus the Mayor;**

**2. The members of the Council shall be elected on an at large basis by the electors of the City as a whole;**

**AND THAT in accordance with Section 19J of the Local Electoral Act 2001, there shall be no communities or community boards established.**

Davy/Barker

Carried

**10. Trafalgar Centre - Geotechnical Assessments, Structural Implications and Costings**

Document number R4542, agenda pages 105 - 118 refer.

Consulting Engineer, Richard Kirby, presented the report and tabled corrections to the report (A1392707).

Councillors commented on the need to move forward with the Trafalgar Centre project.

Her Worship the Mayor thanked Mr Kirby and his team for their efforts in sourcing and presenting the Trafalgar Centre information.

**11. Chamber of Commerce Presentation**

Gillian Wratt and Dot Kettle of the Chamber of Commerce gave a presentation to the meeting and tabled information on the Chamber of Commerce (A1394563). They emphasised the desire to build a relationship between the Chamber Board and Council.

Attendance: The meeting adjourned for morning tea from 10.19am to 10.42am.

**Attachments**

1 A1394563 - Tabled Document - Chamber of Commerce Handout

**12. Trafalgar Centre - Geotechnical Assessments, Structural Implications and Costings (Cont'd)**

It was suggested that an opening celebration be arranged for the Trafalgar Centre.

Resolved CL/2015/023

**THAT the report Trafalgar Centre - Geotechnical Assessments, Structural Implications and Costings (R4542) be received;**

**AND THAT Council confirm the continuation of strengthening of the Southern Extension and Main Building of the Trafalgar Centre;**

**AND THAT the detailed design phase be**

***completed and the final priced schedule for the Southern Extension and Main Building be prepared and reported back to Council at its meeting 3 September 2015;***

***AND THAT Council confirm the demolition and new build of the northern building of the Trafalgar Centre including the Victory Room;***

***AND THAT options for the scope and design of the new build of the northern building be developed, work-shopped with Councillors and reported back to Council for final approval at its meeting on 15<sup>th</sup> October 2015.***

Matheson/Davy

Carried

**Attachments**

- 1 A1392707 - Tabled Document - Changes to Trafalgar Centre Report R4542, Council 23Jul2015

**13. Community Services Committee - 2 July 2015**

Document number M1318, agenda pages 161 - 172 refer.

Resolved CL/2015/024

***THAT the unconfirmed minutes of a meeting of the Community Services Committee, held on 2 July 2015, be received.***

Rainey/Noonan

Carried

**13.1 Reserve Management Plan: Sports Ground Reserves**

Resolved CL/2015/025

***THAT a Reserve Management Plan for the Sports Ground Reserves is developed under The Reserves Act 1977 for the provision of areas for recreation and sporting activities, and the physical welfare and enjoyment of the public.***

Rainey/Matheson

Carried

**13.2 Stoke Community and Sports Facility**

Councillor Rainey, seconded by Councillor Fulton, moved a motion:

***THAT the concept design to construct the new Stoke Community and Sports Facility at the Greenmeadows site as recommended for approval by Council, by the***

*Community Services Committee on the 2nd of July, not be approved, but be referred back to the Committee for consideration to be given to all issues including non-Council funding, site, urban design, provision of a cafe facility, facilities for youth, provision of bar facilities and overall scope in order to be reported back for consideration at the Community Services Committee meeting of 24 September 2015.*

Attendance: The meeting adjourned from 10.56am to 10.58am.

Group Manager Community Services, Chris Ward, said that clarity was required for officers to prepare the resource consent application. He tabled a report from the Urban Design Panel (A1391002), and tabled a suggested change to the officer recommendation (A1394559).

Attendance: The meeting adjourned from 11.02am to 11.08am.

In response to a question, Mr Ward said the Urban Design Panel would be informing the resource consent process. He confirmed the broader objectives of Council had been taken into consideration by the Panel.

In response to questions, Major Projects Engineer, Darryl Olverson, said that youth had been accommodated in the design of the facility but there were no plans for a playground. Mr Ward highlighted that there was a separate project in the Long Term Plan for a youth facility in Stoke.

In response to a question about match funding, Mr Ward said the facility was Council-driven and would be developed as a multi-use community facility.

Attendance: Councillor Skinner left the meeting at 11.20am.

In response to a question, Mr Olverson confirmed the tennis court land was owned by Council.

Attendance: Councillor Skinner returned to the meeting at 11.23am.

There was discussion on the Stoke Rugby Club. It was asked if the Club would have exclusive use of areas of the new facility and should therefore contribute to the build. Mr Ward reiterated that the new facility would be non-exclusive.

Attendance: Councillor Matheson left the meeting at 11.27am.

Concerns were raised that criticism could be received for the perceived lack of focus on youth for the new facility.

Attendance: Councillor Matheson returned to the meeting at 11.30am.

In response to questions, Mr Ward said there would not be a general alcohol license at the facility, but if a cafe was established it could apply for a license.

Concern was raised that the tennis courts and associated fencing was not being moved or removed to better accommodate the new facility and improve its surroundings.

Attendance: Councillor Davy left the meeting at 11.49am, Councillor Lawrey left the meeting at 11.53am. The meeting adjourned for lunch from 11.54am to 12.51pm.

Councillor Fulton advised her withdrawal as seconder of the motion proposed by Councillor Rainey. The motion was withdrawn.

Councillor McGurk, seconded by Councillor Fulton, moved the motion which had been tabled by Mr Ward (A1394559).

The Mayor and Deputy Mayor congratulated officers on the consultation and public response for the Stoke Community and Sports Facility design.

In response to a question, it was confirmed that a cafe would require a notified resource consent.

Concern was raised that precedent was being set with Council fully funding a community facility.

Mr Olverson advised there would be further public consultation on the design of the facility in September, followed by modelling and traffic design. He said there would be councillor workshops in October and November and a final report on the design would be with Council by December 2015.

Resolved CL/2015/026

**THAT the Concept design (A1380158) to construct the new Stoke Community and Sports Facility at the Greenmeadows site be approved to allow detailed design to commence and resource/building consents to be secured with the inclusion of:**

- ***Acoustic folding doors;***
- ***A maximum of \$50,000 from within the budget be allocated for enhancements to improve the energy efficiency and environmental sustainability of the building;***
- ***A space which could be used in the future as a commercial café;***

**AND THAT the budget to complete the Stoke Community and Sports Facility at Greenmeadows is increased to \$6.14 million (over two financial years).**

McGurk/Fulton

Carried

**Attachments**

- 1 A1391002 - Tabled Document - Urban Design Panel Report - 20Jul2015 - Stoke Greenmeadows
- 2 A1394559 - Tabled Document - Stoke Community and Sports Facility Alternative Recommendation

13.3 Community Assistance Policy Review

It was reiterated that Community Assistance was going through a transition phase.

Resolved CL/2015/027

**THAT the amended Community Assistance Policy (A1366133) be adopted;**

**AND THAT the Community Investment Funding Implementation Plan (A1367556) be adopted.**

Davy/Noonan

Carried

**REPORTS FROM COMMITTEES**

**14. Nelson Regional Sewerage Business Unit - 13 March 2015**

Document number M1268, agenda pages 139 - 142 refer.

Resolved CL/2015/028

**THAT the minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 13 March 2015, be received.**

Ward/Her Worship the Mayor

Carried

**15. Chief Executive Employment Committee - 15 June 2015**

Document number M1274, agenda pages 143 - 147 refer.

Resolved CL/2015/029

**THAT the unconfirmed minutes of a meeting of the Chief Executive Employment Committee, held on 15 June 2015, be received.**

Her Worship the Mayor/Matheson

Carried

## 16. Planning and Regulatory Committee - 25 June 2015

Document number M1302, agenda pages 148 - 160 refer.

Resolved CL/2015/030

***THAT the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 25 June 2015, be received.***

McGurk/Fulton

Carried

### 16.1 Election signs - current practice and issues

Resolved CL/2015/031

***THAT election sign rules in the Nelson Resource Management Plan be considered for change as part of the Nelson Plan review.***

McGurk/Fulton

Carried

### 16.2 Plan Change 18 Nelson South Operative Date

Resolved CL/2015/032

***THAT Council resolves to make Plan Change 18 – Nelson South operative on 17 August 2015, pursuant to Clause 20(1) of the First Schedule of the Resource Management Act 1991.***

McGurk/Fulton

Carried

## 17. Governance Committee - 9 July 2015

Document number M1338, agenda pages 173 - 181 refer.

Resolved CL/2015/033

***THAT the unconfirmed minutes of a meeting of the Governance Committee, held on 9 July 2015, be received.***

Barker/Noonan

Carried

17.1 Memorandum of Understanding for Uniquely Nelson 2015-16

Resolved CL/2015/034

***THAT the amended Memorandum of Understanding between Uniquely Nelson and Nelson City Council (A1380525) is approved for signing.***

Barker/Noonan

Carried

17.2 The Ridgeways Joint Venture Half Yearly Report and Draft Statement of Intent 2015/16

Resolved CL/2015/035

***THAT the Ridgeways Joint Venture Statement of Intent 2015/16 (A1377704) be approved for signing, subject to minor edits.***

Barker/Noonan

Carried

**18. Commercial Subcommittee - 9 July 2015**

Document number M1337, agenda pages 182 - 183 refer.

Resolved CL/2015/036

***THAT the unconfirmed minutes of an extraordinary meeting of the Commercial Subcommittee, held on 9 July 2015, be received.***

Noonan/Her Worship the Mayor

Carried

**19. Chief Executive Employment Committee - 15 July 2015**

Document number M1349, agenda pages 184 - 186 refer.

Resolved CL/2015/037

***THAT the unconfirmed minutes of an extraordinary meeting of the Chief Executive Employment Committee, held on 15 July 2015, be received.***

Matheson/Her Worship the Mayor

Carried

Attendance: The meeting adjourned from 1.31pm to 1.40pm.

## 20. Forestry Harvest on Dun Mountain Walkway

Document number R4573, agenda pages 119 - 138 refer.

Acting Manager Operations, Marg Parfitt, and Acting Group Manager Infrastructure, Shane Davies, presented the report.

Resolved CL/2015/038

***THAT the report Forestry Harvest on Dun Mountain Walkway (R4573) and its attachments (A1387171, A1389463, A1388793, A1385932, A1389460, A1387097, A1389281, A1388952 and A1384931) be received;***

Ward/McGurk

Carried

Ms Parfitt confirmed that an independent peer review had supported the harvesting of the trees in 2015. She added that the value of trimmed logs was forecast to rise. Ms Parfitt also advised that all earthworks would be assessed prior, during and post harvest.

Ms Parfitt showed an image of a draft harvest plan (A1394736) and a photo of the Dun Mountain Trail (A1394746). She confirmed that heavy machinery and log skidding would avoid the Dun Mountain Trail wherever practicable.

Ms Parfitt advised that harvesting costs would significantly increase if an alternative extraction route or method was used.

In response to questions, Ms Parfitt advised that no costs would be incurred under the emissions trading scheme for the retirement of this forestry block. She said the Dun Mountain Trail would be unavailable for the entire harvesting period, no matter which extraction route was used.

Attendance: Councillor Matheson left the meeting at 1.56pm.

A suggestion was made that while the Trail was closed there was an opportunity to carry out upgrades and remediation work. Ms Parfitt advised that consent and design timeframes would mean this work would likely not start in time.

In response to a question, Ms Parfitt advised that standard practice was to let the ground settle for one year post harvest. She emphasised that the upcoming review of forestry would determine the future use of the site.

Attendance: Councillor Matheson returned to the meeting at 1.59pm.

Mr Davies advised the harvest price from contractors included remediation work required if any part of the Dun Mountain Trail was damaged.

In response to a question, Group Manager Corporate Services, Nikki Harrison, confirmed the forestry account was a closed account and was not linked to rates. She advised any profit in the account would be used to pay down debt and highlighted that forestry was a long term investment.

Councillor Lawrey, seconded by Councillor Fulton, moved the second clause of the officer recommendation.

Attendance: The meeting adjourned from 2.23pm to 2.29pm.

In response to a question, Ms Parfitt confirmed that the Brook Waimarama Sanctuary Trust had approached Council and asked that the harvesting be brought forward six weeks as the Trust was ahead of its fence programme.

Councillor Matheson moved, seconded by Councillor Davy, a procedural motion.

Resolved CL/2015/039

***THAT pursuant to Standing Order 3.12.1, the motion under debate now be put.***

Matheson/Davy

Carried

Resolved CL/2015/040

***AND THAT the harvesting of the Dun Mountain Trail forest block proceeds forthwith.***

Lawrey/Fulton

Carried

#### **Attachments**

- 1 A1394736 - Draft Harvest Plan
- 2 A1394746 - Image of Dun Mountain Trail

Attendance: Councillors Davy and Matheson left the meeting at 2.34pm.

## **21. Sister City Trip to China Presentation**

Bill Findlater, Charles Eason and Tony Gray gave a PowerPoint presentation on the recent Sister City Trip to China (A1394833).

Mr Findlater emphasised that the position of Mayor was an esteemed role in China.

Mr Eason provided detail on overseas staff at the Cawthron Institute and spoke about an upcoming conference which would benefit the Nelson region.

Mr Gray spoke about the need to build relationships with other polytechnics and universities in China, and emphasised mayoral leadership in this area was crucial.

Mr Findlater provided further detail on the China economy. In response to a question, he confirmed that the Economic Development Agency was the link between local government and industry.

Mr Gray spoke about the capacity of the Nelson Marlborough Institute of Technology, and said there were often restrictions in areas such as accommodation.

#### Attachments

- 1 A1394833 - Presentation - Sister City Trip to China

Attendance: The meeting adjourned from 3.10 to 3.17pm.

## 22. Exclusion of the Public

Her Worship the Mayor tabled an updated Exclusion of the Public resolution (A1392692).

Resolved CL/2015/042

***THAT the public be excluded from the following parts of the proceedings of this meeting.***

***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:***

Her Worship the Mayor/Fulton

Carried

#### Attachments

- 1 A1392692 - Tabled Document - Amended Public Excluded Resolution

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	<b>Nelson City Council Public Excluded Minutes 9 June 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> </ul>

		good reason exists under section 7	
<b>2</b>	<b>Nelson City Council Public Excluded Minutes 11 June 2015</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>3</b>	<b>Status Report - Council - 23 July 2015</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>4</b>	<b>Appointment of additional District Licensing Committee members</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>

<b>5</b>	<b>Chief Executive Employment Committee Meeting Minutes - Public Excluded - 15 June 2015</b>  Chief Executive Performance / Remuneration Review Process and Timeline	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li> </ul>
<b>6</b>	<b>Planning and Regulatory Committee Meeting Minutes - Public Excluded - 25 June 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(g) To maintain legal professional privilege.</li> </ul>
<b>7</b>	<b>Community Services Committee Meeting Minutes - Public Excluded - 2 July 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>
<b>8</b>	<b>Governance Committee Meeting Minutes - Public Excluded - 9 July 2015</b>  Appointment of Directors to Tourism Nelson Tasman Ltd and the Nelson Regional Economic Development Agency 2015	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li> </ul>
<b>9</b>	<b>Extraordinary Chief Executive Employment Committee Meeting Minutes - Public Excluded -</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a</li> </ul>

	<b>15 July 2015</b> Proposed Performance Agreement Chief Executive Nelson City Council Plan Year 2015/2016	information for which good reason exists under section 7.	deceased person.
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The meeting went into public excluded session at 3.18pm and resumed in public session at 3.51pm.

## 24. Re-admittance of the Public

Resolved CL/2015/043

**THAT the public be re-admitted to the meeting.**

Ward/Noonan

Carried

There being no further business the meeting ended at 3.51pm.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date

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**Status Report - Council - 3 September 2015**

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**1. Purpose of Report**

- 1.1 To provide an update on the status of actions requested and pending.

**2. Recommendation**

***THAT the Status Report Council 3 September 2015 (R4762) and its attachment (A1168168) be received.***

Gayle Brown  
**Administration Adviser**

**Attachments**

Attachment 1: Status Report - Council - September 2015

Outstanding Actions

## Status Report – Nelson City Council - 3 September 2015

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
02 April 2013	Nelson Gondola and Adventure Park: Feasibility Study	<p>THAT the Nelson Cycle Lift Society Incorporated be granted \$15,000 towards a feasibility study for the establishment of a gondola and adventure park, subject to the Cycle Lift Society:</p> <ul style="list-style-type: none"> <li>• funding the remaining costs of the feasibility study;</li> <li>• undertaking to provide Council with the results of the feasibility study by 31 December 2013;</li> </ul> <p>AND THAT it be noted that Council has neither considered nor taken a position on, the proposal for a gondola and adventure park in either of its roles as landowner and/or regulator.</p>	Chris Ward	<p>In the Consultation Document for the Long Term Plan, Council stated that it supports, in principle, the development of the gondola lift and is open to the idea of leasing council owned land if this is identified as the preferred site. Council also indicated a preference for Vision 1 in the draft Brook Recreation Reserve Management Plan, which would allow for a tourism development on the reserve. Submissions have now closed on the draft RMP and hearings will take place on 2 September 2015.</p> <p><b>Ongoing</b></p>
11 December 2014	Solid Waste: Regional Landfill Implementation	<p>AND THAT the binding deed be brought back to Council before signing for ratification;</p> <p>AND THAT in line with the 20 November 2014 resolution, further work be undertaken in 2015 to determine whether the effectiveness and efficiency of solid waste management activities can be improved across the two districts, and if so to undertake a more fundamental review of the activities;</p>	Alec Louverdis	<p>Council Officers, the Mayor and Councillor Acland continue to work with TDC to progress toward signing the Regional Landfill deed. Deloitte have been commissioned to undertake further work which will be reported back to Council at a future meeting.</p> <p><b>Ongoing</b></p>
19 March 2015	Acquisition of Land for the Maitai/Mahitahi Walkway	THAT Council approve the issue of a Notice of Intention to take the freehold interest in 45m <sup>2</sup> of land comprised in Computer Freehold Register NL18/19 for a shared cycleway and pedestrian walkway, and requests the Governor General	Michael Homan	<p>No objections to the s23 Notice of Intention to Take. Documents being reviewed and once finalised will be signed.</p> <p><b>Ongoing</b></p>

## Status Report – Nelson City Council – 3 September 2015

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
		<p>execute a proclamation taking the land and vesting it in Council for such purpose, pursuant to the Public Works Act 1981;</p> <p>AND <u>THAT</u> Council, by resolution, declares the land to be a reserve within the meaning of the Reserves Act 1977 to be held for local purpose (esplanade) reserve following the completion of the compulsory acquisition process.</p>		
30 April 2015	Rutherford Park Upgrade - Roading and Carparking	<p>AND <u>THAT</u> approval be given to initiate detailed design and consenting work for the roading and carpark components of the Concept Plan April 2015, with the intention of completing the detailed design and the physical works concurrently with the Trafalgar Centre Project as part of the Early Contractor Involvement process;</p>	Andrew Petheram	<p>The detailed design of the roading and carparking aspects of the concept plan has commenced as part of the Early Contractor Involvement phase of the Trafalgar Centre. The feedback from the August and September Trafalgar Centre workshops will be considered in the final design.</p> <p><b>Ongoing</b></p>
30 April 2015	Analysis of Submissions on the draft Urban Environments Bylaw	<p>AND <u>THAT</u> sections 5.14-5.16 of the amended draft Urban Environments Bylaw relating to sandwich boards be referred back to the Planning and Regulatory Committee for further consideration.</p>	Matt Heale	<p>This matter is being reported to Council for final decision on 3 September 2015</p> <p><b>Ongoing</b></p>
20 May 2015	Cycling	<p><u>THAT</u> a Councillor workshop be held to discuss the cycling activity, both as a means of transport and for recreational activity, and its impacts on other users of shared paths and off road walking tracks;</p> <p>AND <u>THAT</u> following the workshop, officers engage with key stakeholders from organisations such as Bicycle Nelson Bays, Greypower, Positive Ageing</p>	Alec Louverdis	<p>A Councillor Workshop was held on 7 July 2015 to discuss cycling and its impact on other users. A second workshop was held with stakeholders/partners late July 2015. The feedback and principles developed at these workshops will be reported back to Council by October 2015. This will inform a programme of work to be reported to Council by November</p>

Status Report – Nelson City Council - 3 September 2015			
Outstanding Actions			
MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER
		<p>Forum, NZ Transport Agency, Tasman District Council, Nelson Marlborough District Health Board and others, such as Friends of the Maitai, for site specific issues, to investigate solutions to conflict between cyclists and pedestrians on Council's shared tracks and paths;</p> <p>AND <u>THAT</u> the principles agreed in any workshop and subsequent community engagement be developed into policy to be reported back to Council by September 2015;</p> <p>AND <u>THAT</u> a programme of work from that engagement be reported back to Council by November 2015;</p> <p>AND <u>THAT</u> after feedback from the workshop, off road cycling stakeholders be encouraged to identify a lead agency to gather information for an off road track strategy, which establishes priorities within allocated budgets for agreed areas, with a budget contribution of up to \$10,000 for contracted outcomes.</p>	<p>2015.</p> <p><b>Ongoing</b></p>
20 May 2015	Maitai Walkway	<p><u>THAT</u> funding of \$600,000 for upgrading the Maitai Walkway between Collingwood and Nile Streets be carried forward to 2015/16</p> <p>AND <u>THAT</u> Council review the project as part of its workshop on cycling, and gain feedback from stakeholders, before further consideration by Council in September 2015.</p>	<p>Funding allocated to this project has been requested to be carried forward from the 14/15 financial year into the current 15/16 financial year.</p> <p>The project will then be reviewed in relation to the principles developed at the stakeholder/partner workshops which will be reported back to Council in October 2015.</p> <p><b>Ongoing</b></p> <p>Alec Louverdis</p>

## Status Report – Nelson City Council – 3 September 2015

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
20 May 2015	HAIL Material	<p><u>THAT</u> further work be done on a discounted rate for contaminated material from sites classified as being on the Hazardous Activities and Industries List and requiring resource consent for excavation, to be considered at the Works and Infrastructure Committee.</p>	Johan Thlart	<p>A report is scheduled for the Work and Infrastructure Committee on 10 September 2015.</p> <p><b>Ongoing</b></p>
20 May 2015	Community Assistance	<p><u>THAT</u> an allocation of \$100,000 per annum of partnership funding for home insulation as part of the Warmer Healthier Homes Nelson Tasman project be confirmed for the next three years;</p> <p><u>AND THAT</u> Council recognise its role in community assistance is in setting the purpose, process and a financial contribution;</p> <p><u>AND THAT</u> officers meet with representatives of other funding and social agencies (including Nelson Marlborough District Health Board, Canterbury Community Trust, Ministry of Social Development, Department of Internal Affairs and Tasman District Council and others experienced in the field of social development) to understand strategic outcomes for community funding in Nelson and to agree the purposes for which the fund should be applied;</p> <p><u>AND THAT</u> an annual allocation of \$300,000 be approved in the Long Term Plan 2015-25 for Community Assistance, noting the need to meet existing commitments to ongoing agreements;</p> <p><u>AND THAT</u> of the \$300,000 allocation a maximum sum of \$50,000 be set aside as funding for small</p>	Shanine Hermesen	<p>Revised Community Assistance Policy adopted by Community Services Committee on 2 July 2015. Meeting with other funding and social agencies has been organised for 18 September. Discussions with organisations whose agreements expired 30 June 2015 are being held.</p> <p>The Community representatives that were selected by the Chair and Deputy Chair of the Community Services Committee and Group Manager Community Services are Graeme Thomas, Pat Webster, Susan Hawthorne and Katy Steele. The Community Investment Funding Panel will meet to discuss Community Investment Agreements in September and Community Investment Grants in October.</p> <p>Small grants round opens August 31 and closes 23 September.</p> <p><b>Ongoing</b></p>

Status Report – Nelson City Council - 3 September 2015			
Outstanding Actions			
MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER COMMENTS
		scale projects.	
20 May 2015	Nelson Arts Festival	THAT an independent governance structure be established for the Nelson Arts Festival with transfer of operations to occur in time for the new entity to be responsible for the 2017 Arts Festival.	Chris Ward Report being prepared for Community Services Committee meeting on 24 September with options for the structure of the new entity. <b>Ongoing</b>
20 May 2015	Light Nelson	THAT the funding for Light Nelson of \$150,000 over each two year period for base/partnership funding be confirmed to provide the opportunity for Light Nelson to lever additional funding, noting that this will be funded from the Events Fund budget;  AND THAT the Light Nelson organisers be asked to keep the Chief Executive informed of project performance.	Shanine Hermesen Funding agreement being drawn up. This will include reporting mechanism for project performance. <b>Ongoing</b>
20 May 2015	Rutherford Park Redevelopment	THAT in principle Council resolve to give effect to the Rutherford Park concept development plan;  AND THAT Community Art Works and Smallbore Rifle Club be advised of the need to vacate their buildings by the end of 2015;  AND THAT the Smallbore Rifle Club and Community Art Works buildings be demolished at Council's cost by the end of 2015/2016, and that \$50,000 for this be included in the Long Term Plan;  AND THAT Council officers be asked to provide limited assistance (if sought) to the tenants to find alternative accommodation outside of Rutherford	Alec Louverdis Negotiations with the existing tenants are ongoing and a report will be coming back to the Community Services Committee in November. <b>Ongoing</b>

## Status Report – Nelson City Council – 3 September 2015

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
		<p>Park;</p> <p>AND THAT officers report back to Council on 11 June 2015 on any legal issues, other effects, and any necessary revocation of previous Council resolutions, of the above clauses.</p>		
20 May 2015	Marina Strategy	<p>THAT \$50,000 funding be provided for developing and consulting on a Marina Strategy, with \$30,000 being charged to general rates and \$20,000 being charged to the Marina Account;</p> <p>AND THAT the Marina Strategy be delivered by February 2016.</p>	Alec Louverdis	<p>The Marina terms of reference have been approved by the Community Services Committee 13 August 2015 and the advert for professional services has been advertised.</p> <p><b>Ongoing</b></p>
20 May 2015	Surf Lifesaving Club	<p>THAT Council work with the Surf Lifesaving Club to develop new clubrooms on the dunes at Tahunanui Beach;</p> <p>AND THAT Council notes that in resolving to work with the Surf Lifesaving Club to develop new clubrooms at Tahunanui Beach, this decision is inconsistent with the Reserve Management Plan (Section 80, Local Government Act) in that the Reserve Management Plan does not allow for building on the dunes, and Council does not intend to amend its Reserve Management Plan;</p> <p>AND THAT any proposal for clubrooms for the Surf Lifesaving Club at Tahunanui would be subject to</p>	Andrew Petheram	<p>Council officers are awaiting progress from the Surf Lifesaving Club.</p> <p><b>Ongoing</b></p>

## Outstanding Actions

## Status Report – Nelson City Council - 3 September 2015

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
		all statutory resource and building consent processes.		
20 May 2015	Nelson Marlborough Institute of Technology	<u>THAT</u> Council officers engage with the Nelson Marlborough Institute of Technology and other education providers to develop a partnership strategy.	Chris Ward	Initial discussions took place with NMIT on 27 July 2015. NMIT resources stretched for further work at this stage. <b>Ongoing</b>
20 May 2015	Nelson Regional Economic Development Agency	<u>THAT</u> Council officers enter into discussions with the Nelson Regional Economic Development Agency as to ways of supporting the Education Nelson Tasman Initiative.	Chris Ward	Discussions held with EDA, NMIT and Education Nelson Tasman 27 August 2015. With NMIT support and Education NZ funding support, agreed to provide \$10,000 from Special Economic Projects. <b>Ongoing</b>
20 May 2015	Water Fluoridation	<u>THAT</u> the Council supports the Mayor in writing to the Minister of Health expressing the view that fluoridation of water is a public health issue best dealt with by central government.	Mandy Bishop	The Mayor is awaiting technical advice from Minister of Health's latest review, to finalise letter to be co-signed by Chair NMDHB and herself. Letter to be sent (with or without advice) by 14 September. <b>Complete</b>
11 June 2015	Deliberations on Submissions on the Draft Development and Financial Contribution Policy 2015 (Cont.)	<u>AND THAT</u> following final adoption of the Policy, Council requests officers disseminate information on the projects and calculations sitting behind the Development Contributions Policy to the development community, and provide feedback to Council on the responses from that, no later than 30 September 2015.	Nicky McDonald	Report on this agenda.
11 June 2015	Modellers' Pond - Detailed	<u>AND THAT</u> further information be sought based on questions raised at today's Council meeting 11 June	Alec Louverdis	Council officers have appointed a consultant to assess the detailed design of Option 3 'Modify Pond' and to investigate and advise on the

## Status Report – Nelson City Council – 3 September 2015

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
	Assessment of Options	<p>2015;</p> <p><u>AND THAT</u> the detailed design of Option 3 – Modify Pond be undertaken and (in report R4199) be consulted on;</p> <p><u>AND THAT</u> Council invite the Nelson Society of Modellers to confirm community support and funding for option 3;</p> <p><u>AND THAT</u> the option to return the pond to an estuarine environment be investigated;</p> <p><u>AND THAT</u> Council signals that whilst it has a \$1million provision for capital expenditure in its Long Term Plan 2015-25, this be capped at \$600,000, for option 3 (modify pond) and that operational expenditure be \$15,000 per annum.</p>		<p>option to return the pond to an estuarine environment.</p> <p>Once the detailed design is complete the Nelson Society of Modellers will be asked to confirm their support and level of funding.</p> <p>Once this information is collated, a report will be brought back to the Works and Infrastructure Committee.</p> <p><b>Ongoing</b></p>
23 July 2015	Trafalgar Centre - Geotechnical Assessments, Structural Implications and Costings	<p><u>THAT</u> the report Trafalgar Centre - Geotechnical Assessments, Structural Implications and Costings (R4542) be received;</p> <p><u>AND THAT</u> Council confirm the continuation of strengthening of the Southern Extension and Main Building of the Trafalgar Centre;</p> <p><u>AND THAT</u> the detailed design phase be completed and the final priced schedule for the Southern Extension and Main Building be prepared and reported back to Council at its meeting 3 September 2015;</p> <p><u>AND THAT</u> Council confirm the demolition and new</p>	Alec Louverdis	<p>Reports to 3 September and 15 October Council meetings on track.</p> <p>Workshop was held on 18 August with councillors to scope out concept plans for the northern building.</p> <p>The consultant will take these into account when preparing for the second workshop on 1 September 2015, for discussion.</p> <p><b>Ongoing</b></p>

Outstanding Actions

Status Report – Nelson City Council - 3 September 2015

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
		build of the northern building of the Trafalgar Centre including the Victory Room;  <u>AND THAT</u> options for the scope and design of the new build of the northern building be developed, work-shopped with Councillors and reported back to Council for final approval at its meeting on 15 <sup>th</sup> October 2015.		
23 July 2015	Reserve Management Plan: Sports Ground Reserves	<u>THAT</u> a Reserve Management Plan for the Sports Ground Reserves is developed under The Reserves Act 1977 for the provision of areas for recreation and sporting activities, and the physical welfare and enjoyment of the public.	Nicky McDonald	Pre-consultation for the Reserve Management Plan underway in accordance with Reserves Act 1997.  <b>Ongoing</b>

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## **Mayor's Report**

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### **1. Purpose of Report**

- 1.1 To update Council on a matter.

### **2. Recommendation**

***THAT the Mayor's Report (R4766) be received.***

### **3. Discussion**

#### **Saxton Field Working Party**

- 3.1 Following a request from Her Worship the Mayor to progress discussions with Tasman District Council about the structure and purpose of the Saxton Field Working Party, Deputy Mayor Matheson and Councillor Rainey met with Tasman District Councillors Judene Edgar and Brian Ensor on 5 August 2015. Nelson City and Tasman District Council officers involved in Saxton Field operations also attended.
- 3.2 As a result of the discussion, a report detailing a suggested structure and terms of reference for the working party will come to a future meeting of Council.

Rachel Reese  
**Mayor of Nelson**

#### **Attachments**

Nil

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## **Administrative Matters**

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### **1. Purpose of Report**

- 1.1 To report on a number of administrative matters in order to keep Council up to date.

### **2. Delegations**

- 2.1 This is a report for consideration by full Council.

### **3. Recommendation**

***THAT the report Administrative Matters (R4509) and its attachments (A1409925, A1103850, A1401600, A1402955, A1363844 and A1294879) be received;***

***AND THAT the amendments to Standing Orders in terms of joint committees and live video-streaming of meetings, as detailed in Attachment 6 (A1294879), be approved;***

***AND THAT the leave of absence requested by Councillor Davy, from 23 January 2016 to 21 February 2016 inclusive, be granted;***

***AND THAT the Schedule of Documents Sealed (A1363844) be received and the approval of the fixing of the seal be confirmed in relation to those documents and the warrants of appointment detailed in that schedule.***

### **4. Amendments to Standing Orders**

- 4.1 Council's Standing Orders require updating in response to amendments to the Local Government Act 2002 (LGA) and Council's recent decision to commence live video-streaming of meetings.
- 4.2 The Local Government Act 2002 Amendment Act 2004 contained changes to Schedule 7 of the LGA. The amendments relate to joint

committees and need to be reflected in Council's relevant standing orders.

- 4.3 The proposed changes to Standing Orders in terms of joint committees and live video-streaming can be found in Attachment 6.
- 4.4 This proposal to change Standing Orders is not an indication that recording will commence immediately. Officers are developing appropriate procedures around the live streaming of meetings and a start date will be determined once this is complete. Elected members will be notified of the start date in advance.
- 4.5 Council's Standing Orders can be amended by a vote of not less than 75% of the members present (Standing Order 2.1.2).

## **5. Council Status Report**

- 5.1 At the Council meeting on 23 July it was suggested that the Long Term Plan (LTP) items on the Council Status Report could be referred to relevant committees. After looking into the capability of our software to do this, we discovered that it would compromise the integrity of the resolutions database.
- 5.2 On the basis that the suggestion was made due to a short term issue associated with LTP decisions, no further action will be undertaken.

## **6. Elected Members Travel and Training Expenditure**

- 6.1 At the 12 November 2013 Council meeting it was resolved to take a whole of triennium based approach to budgeting for elected members travel and training.
- 6.2 It was agreed that expenditure would be reported back to every alternate Council meeting.
- 6.3 It was also agreed that following attendance at an event, elected members would provide a report back to the Chief Executive for sharing with fellow councillors via the Councillors Newsletter. Councillors are reminded to ensure a report back from any training is provided in a timely manner.
- 6.4 At the 24 March 2015 Council meeting, it was resolved that the costs of Resource Management Act (RMA) Making Good Decisions training be funded from the additional funding pool rather than the individual elected members training budgets for the current triennium.
- 6.5 All Making Good Decisions training costs originally funded from individual councillor training budgets in the current triennium have been reassigned to the additional training pool. These transfers were completed in May, and are reflected in the quarterly report included as Attachment 1.

- 6.6 Attachment 1 is a table showing expenditure to 31 July 2015. Attachment 2 is the agreed criteria for elected members' travel and training.

## **7. Meeting attendance**

- 7.1 Elected members' meeting attendance is recorded for purposes such as official information requests.
- 7.2 In order to improve transparency on this matter and in line with good practice it seems prudent to routinely report meeting attendance. Providing it this way also allows elected members an opportunity to ensure the record is correct.
- 7.3 Attachment 3 is a table showing meeting attendance from 1 June 2015 to 9 August 2015.

## **8. Interests Register**

- 8.1 At the start of the triennium all elected members were requested to declare their interests.
- 8.2 There is a standing item on each Council and committee meeting agenda asking for updates to the Interests Register and for elected members to identify any conflicts of interest in the agenda. The Interests Register is included as Attachment 4.
- 8.3 In order to improve transparency and in line with good practice it seems prudent to routinely report on elected members interests. This allows elected members an opportunity to ensure the Register is correct.

## **9. Leaves of Absence**

- 9.1 Councillor Copeland requested a leave of absence from 15 July 2015 to 16 August 2015 inclusive. As the request was outside of the timeframe of this report, the acceptance of Councillor Copeland's apologies for all meetings during this period is deemed to be a granting of leave of absence for those meetings, Standing Order 3.6.2 refers.
- 9.2 Similarly, Councillor Fulton has requested a leave of absence from 23 August 2015 to 6 September 2015 inclusive. The acceptance of Councillor Fulton's apologies for all meetings during this period is deemed to be a granting of leave of absence for those meetings, Standing Order 3.6.2 refers.
- 9.3 Councillor Davy has requested a leave of absence from 14 January to 15 February 2016 inclusive, Standing Order 3.6.1 refers.

## **10. Schedule of Documents Sealed**

- 10.1 Attachment 5 is the Schedule of Documents Sealed.

Linda Canton  
**Administration Adviser**

### **Attachments**

- Attachment 1: A1409925 - Elected Members Travel and Training 1 May 2015–31 July 2015
- Attachment 2: A1103850 - Elected Members' Travel and Training Criteria 2013-2016
- Attachment 3: A1401600 - Elected Members Meeting Attendance 1 June-9 August 2015
- Attachment 4: A1402955 - Elected Members Interests Register 2013-2016
- Attachment 5: A1363844 - Schedule of Documents Sealed 22 May 2015-7 August 2015
- Attachment 6: A1294879 - Nelson City Council Standing Orders - Proposed Amendments 2015

31Jul2015

Travel and training budget 1 November 2013 to 31 July 2015

Name	Date	Purpose	Total Triennial Budget	Spent to 09/10/2014	Triennial Budget remaining
Prev Triennium	1/7-31/10/13	Expenditure by previous Council	\$ 3,470.00	\$ 3,470.00	\$ -
Induction					
		Expenditure previous period 1 Nov 2013-30 Apr 2015	\$ 20,000.00	\$ 18,953.55	
		No expenditure this period		\$ -	
				\$ 18,953.55	\$ 1,046.45
Mayor: LGNZ					
		Expenditure previous period 1 Nov 2013-30 Apr 2015	\$ 22,200.00	\$ 4,071.32	
	22/05/2015	Flight to Wellington, Rules Reduction Taskforce, LGNZ National Council 29 May 15		\$ 420.00	
				\$ 4,491.32	\$ 17,708.68
Mayor: Non-LGNZ					
		Expenditure previous period 1 Nov 2013-30 Apr 2015	\$ 12,000.00	\$ 2,961.87	
		No expenditure this period		\$ -	
				\$ 2,961.87	\$ 9,038.13
Cr Acland					
		Expenditure previous period 1 Nov 2013-30 Apr 2015	\$ 5,000.00	\$ 2,336.13	
		No expenditure this period		\$ -	
				\$ 2,336.13	\$ 2,663.87

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Name	Date	Purpose	Total Triennial Budget	Spent to 09/10/2014	Triennial Budget remaining
Cr Barker			\$ 5,000.00		
		Expenditure previous period 1 Nov 2013-30 Apr 2015		\$ 3,644.01	
	21/05/2015	Tfer RMA certification costs to One-off Funding Pool per Council resolution 24 Mar 2014		\$ 185.22	
	21/05/2015	Tfer RMA certification costs to One-off Funding Pool per Council resolution 24 Mar 2014		\$ 259.13	
	21/05/2015	Tfer RMA certification costs to One-off Funding Pool per Council resolution 24 Mar 2014		\$ 225.22	
	21/05/2015	Tfer RMA certification costs to One-off Funding Pool per Council resolution 24 Mar 2014		\$ 309.18	
				\$ 2,665.26	\$ 2,334.74
Cr Copeland			\$ 5,000.00		
		Expenditure previous period 1 Nov 2013-30 Apr 2015		\$ 2,114.77	
	21/05/2015	Visa C Ward - 29/03/15 R Copeland 'Fit for Future'		\$ 169.57	
	21/05/2015	Tfer RMA certification costs to One-off Funding Pool per Council resolution 24 Mar 2014		\$ 1,500.00	
	19/05/2015	Taxis Auckland, Fit for the Future Conference, 19 May 2015		\$ 100.17	
				\$ 884.51	\$ 4,115.49
Cr Davy			\$ 5,000.00		
		Expenditure previous period 1 Nov 2013-30 Apr 2015		\$ 3,196.08	
	21/05/2015	Tfer RMA certification costs to One-off Funding Pool per Council resolution 24 Mar 2014		\$ 1,113.91	
	21/05/2015	Tfer RMA certification costs to One-off Funding Pool per Council resolution 24 Mar 2014		\$ 215.65	
				\$ 1,866.52	\$ 3,133.48
Cr Fulton			\$ 5,000.00		
		Expenditure previous period 1 Nov 2013-30 Apr 2015		\$ 2,695.71	
		No expenditure this period		\$ -	
				\$ 2,695.71	\$ 2,304.29
Cr Lawrey			\$ 5,000.00		
		Expenditure previous period 1 Nov 2013-30 Apr 2015		\$ 3,350.42	
		No expenditure this period		\$ -	
				\$ 3,350.42	\$ 1,649.58

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Name	Date	Purpose	Total Triennial Budget	Spent to 09/10/2014	Triennial Budget remaining
Cr McGurk	21/05/2015	Expenditure previous period 1 Nov 2013-30 Apr 2015 TfER RMA certification costs to One-off Funding Pool per Council resolution 24 Mar 2014	\$ 5,000.00	\$ 5,236.13 -\$ 1,500.00 \$ 3,736.13	\$ 1,263.87
Cr Matheson		Expenditure previous period 1 Nov 2013-30 Apr 2015 No expenditure this period	\$ 5,000.00	\$ 790.00 \$ - \$ 790.00	\$ 4,210.00
Cr Noonan		Expenditure previous period 1 Nov 2013-30 Apr 2015 No expenditure this period	\$ 5,000.00	\$ 1,914.39 \$ - \$ 1,914.39	\$ 3,085.61
Cr Rainey		Expenditure previous period 1 Nov 2013-30 Apr 2015 No expenditure this period	\$ 5,000.00	\$ 1,226.09 \$ - \$ 1,226.09	\$ 3,773.91
Cr Skinner	21/05/2015	Expenditure previous period 1 Nov 2013-30 Apr 2015 TfER RMA certification costs to One-off Funding Pool per Council resolution 24 Mar 2014	\$ 5,000.00	\$ 2,726.09 -\$ 1,500.00 \$ 1,226.09	\$ 3,773.91
Cr Ward		Expenditure previous period 1 Nov 2013-30 Apr 2015 No expenditure this period	\$ 5,000.00	\$ 1,191.30 \$ - \$ 1,191.30	\$ 3,808.70

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3

31 JUL 2015

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Name	Date	Purpose	Total Triennial Budget	Spent to 09/10/2014	Triennial Budget remaining
One-off Funding Pool					
	21/05/2015	Tfer from Cr Barker budget: panel recertification course 7-8 Apr	\$ 28,765.00	185.22	
	21/05/2015	Tfer from Cr Barker budget: panel recertification course 7-8 Apr		259.13	
	21/05/2015	Tfer from Cr Barker budget: panel recertification course 7-8 Apr		225.22	
	21/05/2015	Tfer from Cr Barker budget: reimbursement		309.18	
	21/05/2015	Tfer from Cr Copeland budget: RMA Making Good Decisions course fee		1500	
	21/05/2015	Tfer from Cr Davy budget: RMA Panel Recertification course fee		1113.91	
	21/05/2015	Tfer from Cr Davy budget: RMA Panel Recertification flight		215.65	
	21/05/2015	Tfer from Cr McGurk budget: RMA Making Good Decisions course fee		1500	
	21/05/2015	Tfer from Cr Skinner budget: RMA Making Good Decisions course fee		1500	
	25/05/2015	Cr Noonan Making Good Decisions Foundation Course fee 29-30 Jul 2015		1953.9	
	27/05/2015	Cr Noonan Flight to Wellington 28-30 Jul 2015		189.57	
	12/06/2015	Cr Acland - Flight Wellington 28 Jul-2 Aug 2015		224.35	
	31/07/2015	Clr Noonan accommodation, Wellington 28-30 Jul 2015		270.87	
	31/07/2015	Cr Noonan meals, Wellington 28-30 Jul 2015		46.09	
	31/07/2015	Cr Acland accommodation and meals, Wellington 28-30 Jul 2015		335.22	
			\$	9,828.31	\$ 18,936.69
TOTAL					
			\$ 146,435.00	\$ 63,587.60	\$ 82,847.40

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4

## **Elected Members' Travel and Training Criteria 2013-2016**

Set out below are the criteria agreed by Council for the expenditure of individual travel and training budgets allocated to elected members, and of the travel and training budget pool for one-off opportunities.

When selected training, meeting or event opportunities (events), individual members are responsible for ensuring and demonstrating that their selected options align with these criteria.

Councillors must be able to demonstrate that:

1. The event is held in New Zealand.
2. The event is relevant to local government.
3. The event is preferably, but not exclusively, supported by Local Government New Zealand or aligned organisations.
4. The event supports the member in contributing effectively and appropriately, in their governance role, to present and anticipated future needs of Nelson City Council.
5. The event is the most cost effective option to achieve the identified outcomes and if not, why it is preferred over more cost effective options.
6. The event is within the remaining available budget.
7. Their travel and training meets with the criteria outlined in 1-6, in response to any public or media enquiries about their travel and training, which will be directed to the individual member.

## Elected Members Meeting Attendance 1 June-6 August 2015

## LEGEND:

Yes: Attended as member, for more than 50% of meeting duration

Apols: Did not attend, apology entered

DNA: Did not attend, no apology entered

Other LG: Did not attend due to attendance at another Council commitment

Partly: Attended as member for 50% or less of the meeting (by duration)

Att: In attendance, as a non-member of the committee.

n/a: Not a member, did not attend

Meeting Name	Date of meeting	Meeting type: Council, Committee	Mayor Rachel Reese	Cr Luke Acland	Cr Ian Barker	Cr Ruth Copeland	Cr Eric Davy	Cr Kate Fulton	Cr Matt Lawrey	Cr Paul Matheson	Cr Brian McGurk	Cr Gail Noonan	Cr Pete Rainey	Cr Tim Skinner	Cr Mike Ward	External Appointee - Glenice Paine	External Appointee - John Murray	External Appointee - John Peters	External Appointee - Derek Shaw
Council meeting	11-Jun-15	Council	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	n/a	n/a	n/a	n/a
Chief Executive Employment Committee	15-Jun-15	Committee	Yes	Yes	n/a	n/a	n/a	n/a	n/a	Yes	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Audit, Risk and Finance Subcommittee	18-Jun-15	Subcommittee	Yes	n/a	Yes	n/a	n/a	n/a	n/a	Att	Yes	Att	n/a	n/a	n/a	n/a	Yes	Yes	n/a
Commercial Subcommittee	18-Jun-15	Subcommittee	Yes	Yes	Att	n/a	n/a	n/a	n/a	n/a	Att	Yes	n/a	n/a	n/a	n/a	Yes	Yes	n/a
Nelson Regional Sewerage Business Unit Board	19-Jun-15	Committee	n/a	n/a	n/a	Yes	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Yes
Council meeting - to adopt LTP	23-Jun-15	Council	Yes	Apols	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	n/a	n/a	n/a	n/a
Planning and Regulatory Committee	25&30-Jun-15	Committee	Yes	Att	Yes	Yes	Yes	Apols	Yes	Att	Yes	Att	Att	Att	Yes	Yes	n/a	n/a	n/a
Community Services Committee	2-Jul-15	Committee	Yes	n/a	Att	Partly	n/a	n/a	Yes	Yes	n/a	Yes	Yes	Yes	Yes	n/a	n/a	n/a	n/a
Governance Committee	9-Jul-15	Committee	Yes	Yes	Yes	n/a	Apols	DNA	n/a	Yes	Yes	Yes	Apols	Att	n/a	n/a	Yes	Yes	n/a
Commercial Subcommittee - Extraordinary	9-Jul-15	Subcommittee	Yes	Yes	Att	n/a	n/a	n/a	n/a	Att	Att	Yes	n/a	Att	n/a	n/a	Yes	Yes	n/a
Chief Executive Employment Committee - Extraordinary	15-Jul-15	Committee	Yes	Yes	n/a	n/a	n/a	n/a	n/a	Yes	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Council meeting - Extraordinary	16-Jul-15	Council	Yes	Yes	Yes	Apols	Apols	Apols	Yes	Apols	Yes	Yes	Apols	Yes	Yes	n/a	n/a	n/a	n/a
Council meeting	23-Jul-15	Council	Yes	Apols	Yes	Apols	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	n/a	n/a	n/a	n/a
Joint Shareholders Committee - Extraordinary	24-Jul-15	Committee	Yes	n/a	Apols	n/a	Partly	n/a	n/a	Yes	Yes	n/a	Yes	n/a	n/a	n/a	n/a	n/a	n/a
Works and Infrastructure Committee	30-Jul-15	Committee	Apols	Apols	Yes	Apols	Yes	n/a	Yes	Att	n/a	Apols	n/a	Yes	Att	n/a	n/a	n/a	n/a
Audit, Risk and Finance Subcommittee	30-Jul-15	Subcommittee	Apols	n/a	Yes	n/a	n/a	n/a	n/a	n/a	Yes	n/a	n/a	n/a	n/a	n/a	Yes	Yes	n/a
Planning and Regulatory Committee	6-Aug-15	Committee	Apols	n/a	Yes	Apols	Yes	Yes	Yes	Att	Yes	n/a	n/a	n/a	Yes	Yes	n/a	n/a	n/a

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**Members' Interest Register – 2013-2016**  
**at 3 September 2015**

**Elected Members:**

<b>Member</b>	<b>Last notified by Elected Member</b>	<b>Elected Member Declared Business Interest and value</b>	<b>Spouse/Partner Declared Interest</b>
Her Worship the Mayor Rachel Reese	27 August 2015	Property co-owner 4A Allan Street Shareholder/Director - Rachel Reese Consulting Ltd Shareholder - Wharehunga Forestry 2004 Ltd Beneficiary - Tujaes Trust Minor Shareholder - AMP Ltp Minor Shareholder - Manus Resources Ltd Local government representative - Environmental Legal Assistance Advisory Panel Member - Rules Reduction Taskforce  <u>Council-related appointments</u> Patron - Civic Trust Trustee - Nelson Municipal Band Trustee - Cawthron Trust Board Trustee - Hilda and Auty Harley Trust Trustee - Whakatu Marae Komiti	Property co-owner 4A Allan Street Director/Shareholder - RH Investments Ltd
Councillor Luke Acland	5 June 2014 ( <i>Interests Register received at Council meeting</i> )	Property owner 15 Cambria Street	No declared interests
Councillor Ian Barker	5 June 2014 ( <i>Interests Register</i> )	Member – Age Concern Board member – Tahuna Beach Holiday	No declared interests

<b>Member</b>	<b>Last notified by Elected Member</b> <i>received at Council meeting)</i>	<b>Elected Member Declared Business Interest and value</b>	<b>Spouse/Partner Declared Interest</b>
	<i>received at Council meeting)</i>	Park Chairman – Guardian of Nightingale Library Trustee – Network Tasman Trust	
Councillor Ruth Copeland	5 June 2014 <i>(Interests Register received at Council meeting)</i>	No declared interests	Event Manager - Nelson Arts Festival (2013) \$4,500 per annum Nelson Arts Festival Hireages (2013) \$2,500 Event Manager - Isel in Bloom (October 2013) and Broadgreen Rose Day (November 2013) \$3,000 Event Manager - New Years Eve Event (December 2013) CEL Trafalgar Centre - event preparation and packdown (\$7,500)
Councillor Eric Davy	5 June 2014 <i>(Interests Register received at Council meeting)</i>	No declared interests	No declared interests
Councillor Kate Fulton	5 June 2014 <i>(Interests Register received at Council meeting)</i>	No declared interests	No declared interests
Councillor Matt Lawrey	27 July 2015	Properties (owner): 13/15, 23, 31 and 33 Orsman Cres Contributor - 2013 Nelson Arts Festival 2013 Race Unity Day (MC) 2013 Little Day Out (MC) Contributor – 2014 Nelson Arts Festival	No declared interests

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<b>Member</b>	<b>Last notified by Elected Member</b>	<b>Elected Member Declared Business Interest and value</b>	<b>Spouse/Partner Declared Interest</b>
		2014 Race Unity Day (MC) Organiser of 'First Responders Parade 2014' - this event received \$575 of NCC Heritage Week Funding.	
Councillor Paul Matheson	27 November 2014	NZ Community Trust Nelson Cancer Society NZ Fisheries Museum and Marine Education Centre Trust	No declared interests
Councillor Brian McGurk	18 August 2014	Trustee and beneficiary of BJ and DA McGurk Family Trust	No declared interests
Councillor Gaile Noonan	10 October 2014	Deputy Chair - Big Brothers Big Sisters Nelson Foodbank Volunteer	No declared interests
Councillor Pete Rainey	11 June 2015	Director of Rockquest Promotions Ltd providing events partially funded by proceeds of gaming trusts, as well as having technical production contracts with NCC potentially in excess of \$25,000.00. Approved by the Office of the Auditor General, advised by Cllr Rainey on 11/6/2015.  Artistic Director Opera in the park Trustee - Youth and Community Facilities Trust Trustee - Tawhiri Trust	Sales manager at Media Works Nelson

<b>Member</b>	<b>Last notified by Elected Member</b>	<b>Elected Member Declared Business Interest and value</b>	<b>Spouse/Partner Declared Interest</b>
Councillor Tim Skinner	5 June 2014 (Interests Register received at Council meeting)	No declared interests	No declared interests
Councillor Mike Ward	5 June 2014 (Interests Register received at Council meeting)	Business: Studio (244 Hardy Street), and jewellery sales through Suter Gallery shop Property owner 10 Russell Street	No declared interests

#### Externally Appointed Committee Members:

<b>Governance Committee Members</b>	<b>Last notified by Member</b>	<b>Member Declared Business Interest and value</b>	<b>Spouse/Partner Declared Interest</b>
John Murray	12 August 2014	<p>Personal interest in two properties in Nelson City through my family trust. One at 41 Marybank Rd and the other at 72 Trafalgar Street.</p> <p>Various commercial and residential interests in property in the Nelson City boundary. This arises because of various trusteeships held directly and indirectly on behalf of clients of Crowe Horwath.</p> <p>Principal of Crowe Horwath in Nelson. Various relationships with business and property owners which operate in the Nelson City.</p> <p>Trustee of the Saxton Velodrome Trust.</p> <p>Secretary and financial adviser to Te Atiawa O Te Waka a Maui Trust.</p>	

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		Director of Te Atiawa Asset Holding Company Limited.	
John Peters	July 2014	Secretary and financial adviser to Ngati Rarua Atiawa Iwi Trust.	
		Co-owner of property at 37 Tresillian Avenue Chairman of the Nelson Tasman Region Hospice Trust	

<b>Planning and Regulatory Committee Members</b>	<b>Last Update</b>	<b>Member Declared Business Interest and value</b>	<b>Spouse/Partner Declared Interest</b>
Glenice Paine	12 May 2015	Chairperson – Te Atiawa O Te Waka a Maui Trust	No declared interests

#### Members of Joint Committees administered by Nelson City Council:

<b>NRSBU Members</b>	<b>Last Update</b>	<b>Member Declared Business Interest and value</b>	<b>Spouse/Partner Declared Interest</b>
Councillor Michael Higgins (TDC Councillor)	20 June 2014	No declared interests	No declared interests
Councillor Barry Dowler (TDC Councillor)	20 June 2014	No declared interests	No declared interests
Councillor Ruth Copeland (NCC Councillor)	5 June 2014 (Interests Register received at Council)	No declared	Event Manager - Nelson Arts Festival (2013) \$4,500 per annum Nelson Arts Festival Hireages (2013) \$2,500 Event Manager - Isel in Bloom (October

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NRSBU Members	Last Update <i>(meeting)</i>	Member Declared Business Interest and value	Spouse/Partner Declared Interest
			2013) and Broadgreen Rose Day (November 2013) \$3,000 Event Manager - New Years Eve Event (December 2013) CEL Trafalgar Centre - event preparation and packdown (\$7,500)
Derek Shaw (NCC appointee)	29 August 2014	Nikau Press – sole trader Brook Waimarama Sanctuary Trust – Trustee Nelson Environment Centre – Board Chairperson Tasman Regional Sports Event Trust – Trustee Saxton Velodrome Trust – Trustee NZ Masters Athletics Association – Executive member District Licensing Committee – panel member	
Matthew Hippolite (Iwi representative)	16 June 2014	NCC Kotahitanga (Ngati Koata Rep) NCC Compliance and Monitoring Group (Waste Water Overflow RMA Consent compliance) Solid Waste Joint Working Party (NCC & TDC combined Management Strategy) Nelson Biodiversity Forum (Ngati Koata Rep) Waimea Plains Freshwater (Quality) and Land Management Group (Iwi Rep) Tiakina Te Taiao Ltd Board of Directors (Koata Alternate Director) Marlborough District Council Iwi Working Group (Ngati Koata Rep) Ngati Koata Trust – Projects Manager (Employer)	No declared interests
Phillip Wilson (Industry Representative)	20 June 2014	No declared interests	No declared interests

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**Schedule of Documents Sealed: 22 May to 21 August 2015**

<b>DATE</b>	<b>LEGAL DESCRIPTION</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>
26/05/2015	Lot 1 DP 19371	Deed relating to Discharge of Bond between Dominic Pricolo and Maria Rosaria Pricolo, and Nelson City Council (Bond number 382860.1)	CT NL 126/827, 118 Grove Street
03/06/2015	Certificate of Title NL9C/1025	Amendments to Deed of Covenant (for Encumbrance) dated 19 November 2014 between Nathan Richard Carmody and Samantha Maria Hart and Nelson City Council	277 Annesbrook Drive
10/06/2015	NL43/66 and NL5D/970	Deed recording Rent Review, Renewal and Variation of Lease (Maitai Camping Ground) between Nelson City Council and Kevrol Limited	Maitai Camping Ground
11/06/2015	2B/1147	Deed recording Review of Rent between Nelson City Council and Megaslide Nelson Limited and Julie Lynn Demilliac and Michael McGregor Turnbull	Hounsell Circle, Tahuna Beach Reserve
19/06/2015		Renewal of Warrants of Appointment - 3 Enforcement Officers (EIL)	
19/06/2015		Warrants of Appointment - 3 Enforcement Officers (First Security)	
26/06/2015		Urban Environments Bylaw	
29/06/2015	CFR NL 10C/987 & 619451	Bond given pursuant to Section 222 of Resource Management Act 1991 for completion of works under	KB Quarries - Princes Drive/Istana Place

<b>DATE</b>	<b>LEGAL DESCRIPTION</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>
	LT 417875	Consent RM005141X1	
06/07/2015	NL72/236	Deed of Lease between Nelson City Council and Arts Council Incorporated for The Refinery building	3 Halifax Street
07/07/2015		Renewal of Warrant of Appointment – Enforcement Officer (EIL)	
23/07/2015	DP 1186, Lots 2-3 and Lot 5 DP 3125 and Part Section II District of Suburban South, NL88/194	Deed of Lease between Nelson City Council and Tahunanui Tennis Club Incorporated	Tosswill Reserve
29/07/2015		Warrant of Appointment – Enforcement Officer (First Security)	
17/08/2015		Warrant of Appointment – Enforcement Officer (EIL - Parking Warden)	

## Nelson City Council Standing Orders – Proposed Amendments

### Joint Committees

Standing Order	Current Standing Order	Proposed Standing Order (changes in bold)
<b>Definition of Committee</b>	1.3.6 (c)  (c) A joint committee appointed under clauses 30 of Schedule 7 of the Local Government Act 2002; and	1.3.6 (c)  (c) A joint committee appointed under clauses 30 <b>and 30A</b> of Schedule 7 of the Local Government Act 2002; and
<b>Definition of quorum for Local Authority or joint committee meetings</b>	2.4.3 and 3.4.3  "The quorum at a meeting of:  (a) a local authority or joint committee consists of:  (i) half of the members if the number of members (including vacancies) is even; or  (ii) a majority of members if the number of members (including vacancies) is odd."  [cl. 23(3), cl. 30(9), Schedule 7, LGA]	2.4.3 and 3.4.3  "The quorum at a meeting of:  (a) a local authority or joint committee consists of:  (i) half of the members if the number of members (including vacancies) is even; or  (ii) a majority of members if the number of members (including vacancies) is odd."  [cl. 23(3), cl. <b>30A(6)</b> , Schedule 7, LGA]
<b>Appointment of joint committees</b>	2.8.1:  "A local authority may appoint a joint committee with another local authority or other public body."  [cl. 30(1), Schedule 7, LGA]	2.8.1  "A local authority may appoint a joint committee with another local authority or other public body <b>in accordance with clause 30A.</b> "  [cl. 30(1), Schedule 7, LGA]

Standing Order	Current Standing Order	Proposed Standing Order (changes in bold)
<b>Status of joint committees</b>	<p>2.8.2</p> <p>"A joint committee is deemed to be both a committee of the local authority and a committee of the other local authority or public body."</p> <p>[cl. 30(8), Schedule 7, LGA]</p>	<p>2.8.2</p> <p>"A joint committee <b>appointed under clause 30(1)(b)</b> is deemed to be both a committee of the <b>appointing</b> local authority and a committee of <b>each</b> other local authority or public body <b>that has appointed members to the committee.</b>"</p> <p>[cl. <b>30A(5)</b>, Schedule 7, LGA]</p>
<b>Powers and responsibilities of joint committee</b>	<p>2.8.3 (c)</p> <p>Part 1 of Schedule 7 of the Local Government Act applies to a joint committee except that:</p> <p>(c) The committee may appoint and remove its own chairperson or deputy chairperson.</p> <p>[cl. 30(9), Schedule 7, LGA]</p>	<p>2.8.3 (c)</p> <p>Part 1 of Schedule 7 of the Local Government Act applies to a joint committee except that:</p> <p><b>(c) The following matters may be varied by an agreement:</b></p> <ul style="list-style-type: none"> <li><b>the procedure by which the chairperson and deputy chairperson are to be appointed</b></li> <li><b>the procedure by which the chairperson or deputy chairperson may be removed from that office</b></li> <li><b>whether a quorum must include 1 or more members appointed by each party, or any party</b></li> <li><b>the extent to which the standing orders of any local authority or public body apply to meetings of the joint committee.</b></li> </ul> <p>[cl. <b>30A(6)</b>, Schedule 7, LGA]</p>

Standing Order	Current Standing Order	Proposed Standing Order (changes in bold)
<b>Application to a public body that is not a local authority</b>	<p>2.8.4</p> <p>For the purposes of a public body that is not a Local Authority, Standing Orders 2.8.2 and 2.8.3 apply to the extent that they are not inconsistent with the law applicable to committees of the public body.</p> <p>[cl. 30(10), Schedule 7, LGA]</p>	<p>Cl. 30(10), Schedule 7, of the LGA was repealed so this Standing Order will be removed.</p>
<p><b>*New*</b></p> <p><b>Application to joint committees under other Acts</b></p>		<p>2.8.4</p> <p><b>Nothing in Standing Orders 2.8.1, 2.8.2, or 2.8.3 applies to a joint committee constituted or continued by, or required to be constituted or continued by, an enactment other than the Local Government Act.</b></p> <p><b>[cl. 30A(7), Schedule 7, LGA]</b></p>

## Live Video-Streaming of Meetings

Standing Order	Current Standing Order	Proposed Standing Order (changes in bold)
<b>Reporting of Meetings</b>	<p>3.3.8 (b) &amp; (c)</p> <p>(b) Any recording of meetings must be carried out in an unobtrusive manner, and must not be distracting to members.</p> <p>(c) Any recording of meetings must be notified to the Chairperson at the commencement of the meeting.</p>	<p>3.3.8 (b), (c) &amp; (d)</p> <p>(b) Any recording of meetings must be carried out in an unobtrusive manner, and must not be distracting to members.</p> <p>(c) Any recording of meetings <b>not due to be recorded by Council</b> must be notified to the Chairperson at the commencement of the meeting.</p> <p><b>(d) If a meeting is to be recorded by the local authority for live video-streaming/webcasting, this should be notified to those present at the commencement of a meeting, and a sign to this effect should be placed at the entrance to the meeting room.</b></p>

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## **Nelson School of Music (NSOM) Redevelopment - Project Governance**

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### **1. Purpose of Report**

- 1.1 To approve the governance for the Nelson School of Music's (NSOM) redevelopment project.

### **2. Delegations**

- 2.1 All matters relating to the Nelson School of Music (NSOM) have been considered by Council.

### **3. Recommendation**

**THAT the report Nelson School of Music (NSOM) Redevelopment - Project Governance (R4528) be received;**

**AND THAT whilst the project is owned by the Nelson School of Music, a Project Governance Committee be established, to recognise Council's considerable investment;**

**AND THAT whilst the Project Governance Committee is a joint committee of Council and Nelson School of Music Board members, accountability is clearly understood to lie with the Nelson School of Music;**

**AND THAT the membership be Roger Taylor, Chair, and Mark Christensen on behalf of the Nelson School of Music Board, and the Group Manager Infrastructure (or his nominee) and the Group Manager Corporate Services (or her nominee);**

**AND THAT Council's contribution to the building is capped at 50%, to a maximum of \$3 million, noting that the initial kick-start of \$150,000 for project management is in addition to this.**

## 4. Background

- 4.1 The NSOM is undertaking a significant redevelopment project which will address earthquake strengthening of the auditorium, replacement of Rainey House and improvements to the foyer area. Whilst the NSOM is driving the project, there has been a partnership approach taken, with Council officers providing considerable assistance to the project team.
- 4.2 Council provided funding of \$150,000 as a contribution to project management in 2014/15. This funding 'kick started' the project management, and was made available as part of seeking cost efficiencies in tendering two projects at once (NSOM and the Trafalgar Centre). This funding is in addition to the \$3 million below.
- 4.3 Council has also provided 50% funding (\$235,000) for the detailed design and preparation of tender documents (estimated total of \$470,000). This comes from Council's total capital budget of \$3 million, as a capped contribution of up to 50% of the total project costs.
- 4.4 The project to date has largely been managed by a group comprising NSOM board members, Opus (as project manager), ISJ architects and a Council officer. As the project moves to the detailed design and construction phase, it seems appropriate to establish a clear governance model.

## 5. Discussion

- 5.1 A comparison to the Suter redevelopment project has been made, although in this case, the NSOM own the property (Bishop Suter Trust is a council controlled organisation). On this basis, NSOM should drive the project (and it would be the legal entity signing the construction contract), and Council could be involved to ensure value for its 50% funding.
- 5.2 The Suter redevelopment project has a project governance group of two trustees, two Council officers and the Chief Executive is an observer. That has been very successful. The NSOM Board is comfortable with taking the same approach, and has proposed the Chairperson, Roger Taylor, and Mark Christensen. Council officers could be the Group Managers Infrastructure and Corporate Services, or their nominees. The Project Manager would report to this group.
- 5.3 Terms of reference for the project governance committee would need to be developed; this could be done by the committee, based upon the model for the Suter's project governance committee. This would be the document in which to record that NSOM has accountability for project delivery.
- 5.4 Council has also played the role of Engineer to the contract for the Suter project. It could play that role in this contract, if NSOM agreed.

## **6. Options**

- 6.1 The options are the creation of a project governance group or not. If there is no group, there is no framework for Council officers to contribute to the project management, and there may be a lack of clarity in decision making on variations.
- 6.2 The project governance group provides the opportunity for experience with other Council capital projects to be part of the mix; and will ensure there is clarity around decision making on variations, of which there will potentially be quite a number, given the size of the contract. Clarity, and timely decision making is essential in a construction project of this size.

## **7. Alignment with relevant Council policy**

- 7.1 The redevelopment of the NSOM is provided for in Council's Long Term Plan.

## **8. Assessment of Significance against the Council's Significance and Engagement Policy**

- 8.1 The decision to institute a project governance group is not significant in terms of Council's Significance and Engagement Policy.

## **9. Consultation**

- 9.1 There has been no consultation, other than with NSOM trustees, on the proposal to establish a governance group.

## **10. Inclusion of Māori in the decision making process**

- 10.1 Maori have not been consulted on the proposal to create a project governance group.

## **11. Conclusion**

- 11.1 Council provided \$150,000 to support the project management of the NSOM redevelopment in the 2014/15 year. This was provided as a 'kick start' for the project.
- 11.2 In addition, Council is contributing 50%, or up to \$3million in redeveloping the Nelson School of Music. Council officers have been supporting the NSOM Board in project management, and it is proposed to continue this.
- 11.3 It is appropriate for Council to have representation in the project oversight as it moves from its initial stages through to construction. It is proposed to replicate the successful structure used for the Suter redevelopment project, and to establish a project governance committee.

- 11.4 The project governance committee would comprise the Chair of NSOM, Roger Taylor, and Mark Christensen, Board member, and the Group Managers of Corporate Services and Infrastructure (or their nominees).
- 11.5 The terms of reference for the project governance committee will establish that NSOM has accountability for delivery of the project.

Clare Hadley  
**Chief Executive**

**Attachments**

Nil

## **Urban Environments Bylaw 2015 - Sandwich Boards Final Decision**

### **1. Purpose of Report**

- 1.1 To provide information to support the recommendation from the Planning and Regulatory Committee to retain the status quo so that the Council can make a final decision on the Sandwich Board provisions of the Urban Environments Bylaw 2015.

### **2. Delegations**

- 2.1 The Planning and Regulatory Committee was delegated authority to hear, consider, and make recommendations on the Urban Environments Bylaw. Council has final decision making authority on Bylaws.

### **3. Recommendation**

***THAT the report Urban Environments Bylaw 2015 - Sandwich Boards Final Decision (R4562) and its attachments (A1403472 and A1410899) be received;***

***AND THAT the Sandwich Board provisions of the Urban Environments Bylaw 2015 be adopted to include the current wording contained in the June 2015 Urban Environments Bylaw (A1334602) (i.e. by the shop for street level businesses and the kerb for upstairs businesses).***

### **4. Background**

- 4.1 There are a number of key decision points relating to the sandwich board provisions of the Urban Environments Bylaw. These decisions are summarised as follows:
- The Statement of Proposal (SOP) for the Bylaw adopted by Council on 11 December 2014. The status quo was described as per Trading and Public Places Bylaw 2007 with sandwich boards located by the shop for street level businesses and by the kerb for upstairs businesses. The proposed

approach in the SOP included controls on flashing and illuminated sandwich boards and location of sandwich boards by the kerb.

- The recommendations to Council from the Planning and Regulatory Committee on 2 April 2015. Recommendation that there be controls on flashing and illuminated sandwich boards and location of sandwich boards by the kerb.
- Council's decision on 30 April 2015 adopting the Urban Environments Bylaw excluding the sandwich board provisions which were referred back to the Planning and Regulatory Committee for further consideration.
- Live Nelson article and letters to submitters in mid May 2015 confirming that Urban Environments Bylaw approved with the exception of sandwich board provisions which had been referred back to Planning and Regulatory Committee for further consideration. It was noted that the status quo will prevail in the meantime (refer attachment 1).
- The Planning and Regulatory Committee decision on 25 June 2015 resulting in the status quo approach as vote tied.

4.2 The 'status quo' approach is the wording from the Trading and Public Places Bylaw 2007 which is consistent with the status quo option identified in the December 2014 Urban Environments Bylaw SOP and reflected in the Urban Environments Bylaw June 2015. This is attached at Attachment 2. Essentially the 'status quo' is sandwich boards located by the shop for street level businesses and by the kerb for upstairs businesses. The status quo does not provide for flashing and illuminated signs.

4.3 The wording of the proposed approach reflected in the December 2014 SOP and the recommendation of the Planning and Regulatory Committee of 2 April 2015 is attached at Attachment 2.

## 5. Discussion

5.1 A report (R4332) assessing the options for sandwich board provisions was presented to the P&R committee on 25 June 2015. This report included the consultation undertaken on this matter and the background to the decisions to that point. The Committee was advised that:

*"Following legal advice, the provisions of the existing Trading in Public Places Bylaw have been included in the adopted Urban Environments Bylaw, which took effect on 2 June 2015. This means that the previous provisions of the Trading in Public Places Bylaw 2007 will continue to apply unless Council decides to make changes to the Bylaw."*

5.2 An options analysis was also included. The following motion was put:

*THAT the report Sandwich Boards (R4332) and its attachments (A1372336, A1372341, and A1369029) be received;*

*AND THAT the Committee review its recommended bylaw provisions regarding sandwich boards in Nelson.*

#### Recommendation to Council

*THAT the Bylaw provisions for Sandwich Boards, as detailed in report R4332, include Option B – Status quo plus controls on flashing, illuminated signs;*

*AND THAT this approach to sandwich boards be adopted by Council.*

- 5.3 The motion was lost as four votes were in favour of the motion and four were against. In the situation of an equality of votes, as outlined in Standing Order 3.14.2(b), the status quo is preserved. Standing Order 3.9.20 states that no member may continue to speak once the chair person has put the motion, meaning no further debate could be had on this matter.
- 5.4 As indicated earlier, the status quo to be preserved here is the provision regarding sandwich boards from the Trading in Public Places Bylaw 2007.
- 5.5 Council now needs to make a final decision about which sandwich board provisions are included in the Urban Environments Bylaw.
- 5.6 The 25 June Planning and Regulatory Committee Meeting considered four options being:
  - (a) Status quo.
  - (b) Status quo plus controls on flashing and illuminated signs.
  - (c) All sandwich boards on the kerb plus controls on flashing, illuminated signs.
  - (d) All sandwich boards against shop frontages plus controls on flashing, illuminated signs.
- 5.7 Based on the decision path taken to date, there are three key options open to Council. These are discussed in section 6 below.

## 6. Options

- 6.1 The Statement of Proposal notes that the reason Council manages sandwich boards on footpaths is to maintain public health and safety. Managing the location of sandwich boards ensures that footpaths can be safely navigated by pedestrians. The reason given for controlling sandwich boards that have flashing illumination is to avoid potential nuisance.
- 6.2 Options for managing sandwich boards have been presented to the Council and Planning and Regulatory Committee in the past. There are three principal options outlined below.
- 6.3 Option A – Status quo. Retain the same approach as in the Trading in Public Places Bylaw 2007. Downstairs shops have sandwich boards

against the shop frontage, upstairs shops have sandwich boards on the kerb.

- 6.4 Option B – Require all sandwich boards to be on the kerbside and add a provision controlling flashing, illuminated signs.
- 6.5 Option C - Adopt the status quo with controls on flashing and illuminated signs.
- 6.6 The costs, risks and benefits of these options are summarised in the following table.

Options	Costs and Risks	Benefits
Option A: Status quo.	Potential for lack of consistency and orderliness, due to the mix of sandwich boards at the kerb and on shop frontages. Potential safety issues, as raised by submitters. No controls on flashing, illuminated signs, potentially causing a nuisance.	No change required to the Bylaw. No costs to publicise a change in approach.
Option B: All sandwich boards on the kerb plus controls on flashing, illuminated signs.	Potential safety issues, as raised by submitters. Risk of increased damage to vehicles from sandwich boards. Cost of change: \$3000 for brochure plus officer time to visit businesses.	All sandwich boards in one place. Clearer pathway. Easier to enforce than a mix of shop-side and kerbside signs. Opportunity to reintroduce provision related to flashing, illuminated sandwich boards, avoiding potential nuisance.
Option C: Adopt the status quo with controls on flashing and illuminated signs	Potential for lack of consistency and orderliness, due to the mix of sandwich boards at the kerb and on shop frontages. Potential safety issues, as raised by some submitters. Minor change required to bylaw with minor costs to publicise and	Controls flashing, illuminated sandwich boards, avoiding potential nuisance.

Options	Costs and Risks	Benefits
	enforce this change in approach.	

6.7 The least expensive option for households and businesses is Option A, and it involves the least disruption for businesses. However, it does not address all concerns raised by the submitters.

6.8 Sandwich boards are a matter for control by local government and the sandwich board bylaw provisions only apply in the Nelson area.

6.9 The recommendation of the Planning and Regulatory Committee on 25 June 2015 was to retain the status quo. Council must now make a decision regarding the Bylaw provisions for sandwich boards.

## **7. Alignment with relevant Council policy**

7.1 The Nelson Resource Management Plan specifically excludes sandwich boards from its signs provisions, enabling them to be addressed through a bylaw instead. A bylaw avoids the costs associated with resource consents, recognising that sandwich boards are portable, with minor environmental effects.

## **8. Assessment of Significance against the Council's Significance and Engagement Policy**

8.1 The following matters are relevant when determining whether this is a significant decision:

*whether the decision is reversible and the likely impact on future generations;*

*the impact on the community, how many people are affected and by how much.*

8.2 The decision is reversible. Businesses which currently use sandwich boards to attract customers, as well as people who have sight or access issues are the most affected by this decision. Placement of sandwich boards has a small, mainly aesthetic impact on the remainder of the community.

8.3 The decision of whether to place sandwich boards beside shop frontages or on the kerb is of low to moderate significance

## **9. Consultation**

9.1 The Council has considered a broad range of views on the sandwich board issue, received during pre-consultation discussions and as part of formal consultation. In summary, businesses and Commerce Nelson have not expressed significant concerns about the placement of sandwich

boards. The People's Panel responses were 81% in support for the existing provisions, and the Blind Foundation New Zealand (who did not make a submission) states that obstacles should be avoided where possible, but (if they are permitted) recommends placing sandwich boards on the kerb.

- 9.2 The Nelson Branch of Blind Citizens New Zealand (represented by Brian Say and Amanda Stevens) who spoke at the hearing to their submission requested the Council to work towards removal of all sandwich boards, and suggested not changing the existing provisions in the interim. Other parties that lodged submissions included:
- (a) The Youth Council who requested that all sandwich boards be placed on the kerb, for safety and aesthetic reasons.
  - (b) Alison Moore who requested all sandwich boards be placed against shop frontages, to make better use of pavement space, improve safety and avoid damage to cars.
  - (c) Steve Cotter who requested that sandwich boards be placed within 100mm of the kerb (rather than the proposed 600mm) and be spaced to avoid car doors.
- 9.3 Changes that are within the scope of the options included in the Urban Environments Bylaw Statement of Proposal can be made without further consultation.
- 9.4 Any decisions which were not included in the Statement of Proposal (such as prohibition of all sandwich boards) would require further consultation. A special consultative procedure would be required, as this would be a significant change to the current Bylaw provisions.

## **10. Inclusion of Māori in the decision making process**

- 10.1 Iwi were invited to provide feedback during the pre-consultation stage of the bylaw development, and all Maori had the opportunity to make a submission on the draft Urban Environments Bylaw.

## **11. Conclusion**

- 11.1 Council now needs to make a final decision in relation to the sandwich board provisions of the Urban Environments Bylaw. A summary of the decisions considered during the Urban Environments Bylaw development process and an assessment of the costs and benefits of the two principal options has been provided to assist the Council to make a final decision.

Matt Heale

## **Manager Planning**

### **Attachments**

Attachment 1: A1410899 - Letter to submitter and Live Nelson Article

Attachment 2: A1403472 - Sandwich board provisions

20 May 2015

Brian Say  
Blind Citizens (NZ) Nelson Branch  
1 Rosa Cristina Way  
Nelson 7010

Dear Brian

**URBAN ENVIRONMENTS BYLAW ADOPTED**

Thank you for your submission on the draft Urban Environments Bylaw. The Council received 18 submissions on this draft bylaw.

The Planning and Regulatory Committee heard from submitters at a meeting on 12 March 2015 before deliberating on all of the submissions on 2 April 2015 and making recommendations to Council on changes as a result of submissions received.

Council met on 30 April 2015 and approved the Urban Environments Bylaw, except for the rules on sandwich boards. This topic will go back to the Planning and Regulatory Committee to further consider the implications of its recommendation to move all the boards to the kerb.

The decisions relating to your submission are outlined on the following page.

The Urban Environments Bylaw has legal effect from 2 June 2015.

To see a copy of the Urban Environments Bylaw, please go to [www.nelson.govt.nz](http://www.nelson.govt.nz) (search phrase = urban environments bylaw)

If you would like a copy of the Bylaw posted to you, please contact Jane Loughnan at [jane.loughnan@ncc.govt.nz](mailto:jane.loughnan@ncc.govt.nz) or phone 03 546 0257 to arrange this.

Yours sincerely

**Matt Heale**

Manager Planning

A1341565

**Submitter 15 – Brian Say, Blind Citizens Nelson Branch**

**Decision requested (1):** Establish a small working group to resolve issues related to sandwich boards, and in the meantime require sandwich boards to be beside shop frontages. Blind Citizens would like the Council to not allow any sandwich boards on footpaths.

**Decision:** The decision about sandwich boards has been referred back to the Planning and Regulatory Committee for further consideration of the implications of moving all sandwich boards to the kerb on 25 June 2015. In the meantime the provisions in the existing Bylaw will prevail.

**Live Nelson Article (A1388388)**

## Live Nelson



**NELSON CITY COUNCIL**  
Making Nelson a better place

Issue 401  
13 May 2015

### Council deliberates 10 Year Plan

The Mayor and Councillors have now heard submissions and are deliberating on the priorities it has set in its Long Term Plan 2015-2025. Council will approve the final document in June, and it will come into effect in July 2015. Over 500 submissions were received and Council would like to thank you for your input.

## More inside...

**Local firm to lead first  
stage of Trafalgar Centre  
Reopening Project**  
page 2

**Mobile app launched to  
get us out of our cars**  
page 3

**Revamped playground  
for Victory**  
page 5

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**Railway Reserve gets  
new mural**



**Upgrading your footpaths**



**Broadgreen House  
temporary closure**

# Enhancing our 'urban environment'



Photo: Phillip Bello

Seven of Nelson's existing bylaws have been combined in a new Urban Environments Bylaw, adopted earlier this month by Nelson City Council. It covers: keeping of animals, urban amenity, trading in public places, control of alcohol in public places, reserves, and burial and cremations.

Part of the bylaw on sandwich boards was put back to the Planning and Regulatory Committee to further consider the implications of its recommendation to move the boards to the kerb.

Under the existing bylaw, sandwich boards are required to be beside shop frontages for businesses at ground floor level and beside the kerb for businesses at second floor level. A 2.0m pedestrian access way is also required.

### Key features of the bylaw are:

- The inner city alcohol ban area has been extended to include the area bounded by Riverside Drive, Collingwood Street, Hardy Street and Tasman Street from 9pm to 7am every day.
- People can now apply for a permit to hold a low risk event involving alcohol in areas where alcohol is normally banned, for example a celebratory drink after a wedding in Queens Gardens.
- Alcohol bans apply at all times in Victory Reserve and by the Victory shops, and Wigzell Park.
- No specific limits on numbers of cats, beehives or rabbits, however Council encourages responsible ownership of all animals. Poultry houses must now be set back five metres from neighbours' houses.
- Offering to wash vehicles in public places where this is a traffic hazard is not permitted (such as window washing at intersections).
- A one hour time limit for buskers, up from half an hour, but they must still seek permission from the

owner or manager of the adjacent shop, and provide their name and contact details to Council.

Planning and Regulatory Committee Chair Brian McGurk says the aim of combining various topics into one bylaw makes it easier to keep track of the rules that apply in Nelson's urban areas.

"There are valid reasons for each rule in the bylaw. For instance, the bylaw provision relating to trading in public places is designed to ensure the streets are accessible to all, people feel safe, and that all businesses are treated fairly. The Council wants Nelson's inner city streets to be lively places, where street performers take their craft seriously and pedestrians enjoy the buzz on the streets.

"The part of the bylaw on urban amenity aims to maintain and enhance the attractiveness of, and safety in Nelson's urban environments. The idea is to encourage consideration of residents and visitors to our city, including numbering of buildings to make places easier to find.

"Ultimately this bylaw supports the community's well-being and aims to make Nelson a great place to live, work, play and visit."

The bylaw (with the exception of sandwich boards) takes effect on 2 June 2015 to allow people time to become familiar with the new rules.

Copies of the bylaw will be available at the Customer Service Centre and via the Council's website:

[nelson.govt.nz](http://nelson.govt.nz) Search = urban environments bylaw

## **Sandwich Board Provisions**

### **Status Quo: Trading in Public Places Bylaw 2007 and Urban Environments Bylaw 2015 (A1334602)**

5.14 No person shall display or cause to be displayed on the footpath adjacent to any retail or other business premises any sandwich board which does not relate directly to the business or promote or display the products or services specific to the business carried on within such premises;

5.14.1 AND no person in respect of any business premise within a Designated Commercial Area shall display or cause to be displayed more than one such sandwich board;

5.14.2 Provided that where any such business has frontage to more than one street or public place one sandwich board may be displayed at each frontage;

5.14.3 AND no person shall display or continue to display on any footpath any sandwich board which due to its design or location on the footpath constitutes a hazard for pedestrians or which reduces the width of the footpath available to pedestrians to less than two metres;

5.15 Any sandwich board displayed shall be located immediately adjacent to the business to which it relates and shall be sited so as to extend no further onto the footpath than 600mm from the frontage of the said business.

5.15.1 Provided that where the business is situated on other than the ground floor, or is situated within a lane or Mall in such a way that the frontage to the footpath consists of no more than an entrance or doorway, the sandwich board may be sited adjacent to the kerb, directly in front of the said entrance, and extending no more than 600mm onto the footpath from the kerb.

5.16 For the avoidance of doubt the term "sandwich board" does not include any advertising board or flyer or poster holder which is fastened to or otherwise set against and displayed parallel to, the front wall of the business concerned.

**Urban Environments Bylaw December 2014 Statement of Proposal  
(A1281105)**

5.14 No person shall display or cause to be displayed on the footpath adjacent to any retail or other business premises any sandwich board which does not relate directly to the business or promote or display the products or services specific to the business carried on within such premises;

5.14.1 AND no person in respect of any business premise within a Designated Commercial Area shall display or cause to be displayed more than one such sandwich board;

5.14.2 Provided that where any such business has frontage to more than one street or public place one sandwich board may be displayed at each frontage;

5.14.3 AND no person shall display or continue to display on any footpath any sandwich board which due to its design or location on the footpath constitutes a hazard for pedestrians or which reduces the width of the footpath available to pedestrians to less than two metres;

5.14.4 AND no person shall display or continue to display on any footpath any sandwich board which has flashing illumination.

5.15 Any sandwich board displayed shall be located immediately adjacent to the business to which it relates and shall be sited so as to extend no further onto the footpath than 600mm from the kerb outside of the business to which it relates.

5.16 Sandwich boards must be placed in a way which ensures they do not obstruct car doors, and must be of sufficient weight to remain in position in light winds.

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## **Development and Financial Contributions Policy 2015 - Dissemination of Information to the Development Community**

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### **1. Purpose of Report**

- 1.1 To report back to Council on the meeting to disseminate information to the development community on the projects and calculations informing the Development and Financial Contributions Policy 2015.

### **2. Delegations**

- 2.1 The Governance Committee has delegated authority to consider matters in relation to development contributions. On 3 March 2015 the Governance Committee delegated the approval of the Draft Development Contributions Policy to Council. This report relates to a resolution of Council during deliberations requiring a further report from officers.

### **3. Recommendation**

***THAT the report Development and Financial Contributions Policy 2015 - Dissemination of Information to the Development Community (R4691) and its attachment (A1410906) be received;***

***AND THAT it be noted that information about the Policy has been disseminated to the development community and, given the positive feedback received, that no amendments to the Policy are proposed.***

### **4. Background**

During deliberations on the Draft Development and Financial Contributions Policy on 11 June 2015 Council resolved:

***AND THAT following final adoption of the Policy, Council requests officers disseminate information on the projects and calculations sitting behind the Development Contributions Policy to the***

*development community, and provide feedback to Council on the responses from that, no later than 30 September 2015.*

## **5. Discussion**

- 5.1 An open afternoon was arranged on 19 August 2015 for developers and other stakeholders (see Consultation section below) to disseminate information on the Development and Financial Contributions Policy. A number of people responded expressing interest in attending although some said they found the policy straightforward to understand and did not need further information. Submitters through the Long Term Plan process had all received customised responses explaining decisions in relation to their issues.
- 5.2 Relevant officers and a representative from Rationale Ltd, the consultancy firm that assisted Council in developing the policy, were present to answer questions.
- 5.3 Four people attended over the course of the afternoon. One couple had a site specific issue regarding the lack of provision of stormwater infrastructure to their land and discussed next steps with officers. A surveyor attended to get an update on the changes. He was very positive about the content of the Policy and was interested in further incentives for intensification that might come in future reviews. The final person was a submitter to the draft policy who explained that his objection to the waiver in the Inner City Zone was motivated by a belief that users of the infrastructure services should pay and not be subsidised by ratepayers. He also had a site specific question for land zoned rural residential which was addressed to his satisfaction.
- 5.4 One developer who could not attend has requested a meeting about a specific roading issue related to his project and a time has been arranged with officers to discuss the way forward on this.

## **6. Alignment with relevant Council policy**

- 6.1 The dissemination of information to developers arose from the adoption of the Development and Financial Contributions Policy.

## **7. Assessment of Significance against the Council's Significance and Engagement Policy**

- 7.1 Receiving this information is not significant in terms of Council's Significance and Engagement Policy.

## **8. Consultation**

- 8.1 Invitations were sent to forty six people in the development community, including property professionals such as surveyors, valuers and lawyers as well as developers and landowners of development sites. The list of invitees included all those that submitted on the draft policy. The draft

invitation list was circulated to elected members and additional invitations added based on feedback from Councillors.

## **9. Inclusion of Māori in the decision making process**

- 9.1 Maori/iwi submitters on the Development and Financial Contributions Policy were included in the invitation list.

## **10. Conclusion**

- 10.1 As directed by Council, officers have provided an opportunity for the development sector to receive further information on the Policy. Positive feedback was received in relation to both the opportunity to meet and the Policy itself.

Sarah Holman  
**Policy Coordinator**

### **Attachments**

Attachment 1: A1410906 Invitees to Development Community Meeting

## Invitees to Development Community meeting 19 August 2015

Graham Thomas*	Graham Thomas Resource Management Consultants Ltd
Philip Woolf	ITM
Gerard Praat*	Knapps Lawyers
Paul Newton*	Newton Survey
Graeme Dick*	Project & Ventures Ltd
Neil Allen	Pitt & Moore
Tony Lindbom, Dave Ward, Tony Alley and Pauline Hadfield*	David Ogilvie & Partner
Chris Walker*	Land Dimensions Ltd
Steve Odinot*	Staig & Smith
Jane Hilson	Planscapes
Iain Sheeves	Wakatu Inc
Barry Rowe	Duke & Cooke
Kathryn Marshall	Bayview
Nigel McFadden	McFadden, McFeekin, Phillips
Mark Lile	Landmark Lile
Camilla Owen	
Dot Kettle	Chamber of Commerce
John McLaughlin	Marsden Park
Stuart Calder	Stoke Valley Holdings
Terry McCashin	Solitaire
Sharon Higgins	Enner Glynn
Kevin Blair	Tasman Heights
Gary Adcock	Adcock Properties Ltd
Andrew Spittal	Ching Consulting
Steffan Eden	Land Dimensions Ltd
John Gourdie	
Scott Gibbons	Gibbons Property Ltd
Roger Gibbons	Gibbons Property Ltd
Peter Olorenshaw	Peter Olorenshaw Architect

Trish Casey	Nelson Tasman Kindergartens
Frank Hippolite	Tiakina Te Taiao
Andrew Stephens	Ngati Tama
James Purves	
Stuart Walker	
Jackie McNae	Staig & Smith
Kim Ngawhika	Whakatu Marae
Kent Inglis	
Patrick Lynch	Association of Proprietors of Integrated Schools
Ben Pearson	
Mike Murphy	First National
David Orange	Orange Residential Homes
Julian Raine	
Sue Harris	Harris Hill
Bayview Subdivisions Ltd	

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## **Nelson Regional Sewerage Business Unit - Memorandum of Understanding**

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### **1. Purpose of Report**

- 1.1 To constitute the Nelson Regional Sewerage Business Unit (NRSBU) Joint Committee and appoint members to it.
- 1.2 To adopt a Memorandum of Understanding between Nelson City Council and the Tasman District Council for the NRSBU Joint Committee.

### **2. Delegations**

- 2.1 Council has authority to constitute a Joint Committee in accordance with Section 30A of the Local Government Act 2002.
- 2.2 Council is empowered to make decisions to appoint committees including joint committees without community consultation. The decision here is to adopt an agreement covering the functions and delegations of a joint committee that has existed for a long time.

### **3. Recommendation**

**THAT the report Nelson Regional Sewerage Business Unit - Memorandum of Understanding (R4743) and its attachment (A1408609) be received;**

**AND THAT Council enters into the agreement with Tasman District Council (A1408609) that is attached to this report for the purpose of appointing a joint committee;**

**AND THAT Council constitutes the joint committee to be known as the Nelson Regional Sewerage Business Unit joint committee with Tasman District Council;**

**AND THAT Council appoints Councillor Copeland and Mr Derek Shaw as its members;**

**AND THAT Council agrees to the non-voting representative members being M Hippolite (Iwi)**

**and P Wilson (Industry Customers);**

**AND THAT Council authorises the Chief Executive to update the Council's Delegations Manual and Local Governance Statement to give effect to the agreement.**

#### **4. Background**

- 4.1 The Nelson Regional Sewerage Business Unit (NRSBU) administers the regional wastewater scheme that was developed from the one created by a Deed of Agreement in 1981. The scheme now has assets of around \$56 Million and serves parts of Nelson City and Tasman District as far west as Mapua.
- 4.2 The NRSBU has been a joint committee of the Nelson City and Tasman District Councils. It was established in July 2000 replacing the Nelson Regional Sewerage Authority that was formed in the 1970's. The agreement between the two Councils, which was in the form of a Memorandum of Understanding (MOU), was signed in May 2000.
- 4.3 Whilst formally constituted as a joint committee, the 2000 MOU gave it powers akin to a council controlled organisation. For example the NRSBU reported to the Joint Shareholders Committee, it also had a high degree of autonomy ('sole authority') relating to capital, it also managed and administered its own affairs and entered into contracts without further authority from the Councils.
- 4.4 There was a change to the MOU in 2005 to allow an independent member to be appointed. The late Donna Hiser was appointed the independent member on the joint committee and was elected as Chair. The NRSBU functioned as an independent board with directors and a general manager.
- 4.5 There have been various reviews of the NRSBU structure over the years. The governance arrangements were reviewed by Audit NZ in 2003; a council controlled trading organisation was proposed by Morrison Low in a reported to Tasman District Council in 2010; and in 2014 Thomas Consulting considered the future governance arrangements in advice to the two Chief Executives.
- 4.6 The Thomas Consulting review highlighted the challenges in having the NRSBU operate with the degree of independence contemplated in the 2000 MOU. The challenges included the Local Government Act defining sewerage infrastructure as a core council serve; the need to align and integrate activity management plans and 30-year infrastructure strategies; and the need to align the investment intentions of the NRSBU and the two councils (there was a mismatch in the Long Term Plan 2012-2022).

- 4.7 The appointment of a General Manager in 2014 plus feedback from the NRSBU itself (including its Iwi and industry representatives) has indicated that the current joint committee is functioning effectively. It is therefore recommended that the NRSBU continue as a joint committee of the Nelson City and Tasman District Councils.
- 4.8 The current members of the NRSBU are Cr Higgins (Acting Chair) and Cr Dowler appointed by the Tasman District Council, and Cr Copeland and Mr D Shaw appointed by the Nelson City Council.
- 4.9 The non-voting representative from Tangata Whenua is Mr M Hippolite and from the Industry Customers Mr P Wilson.

## 5. Discussion

- 5.1 In August 2014 the Local Government Act was amended to alter the provisions relating to joint committees. A transitional provision in the Local Government Amendment Act 2014 requires that the local authorities that appointed members to a joint committee previously now needed enter into a new agreement with each other covering membership, delegations and the like. If an agreement was not entered into before 7 August 2015 the joint committee would be deemed to be discharged by the local authority.
- 5.2 The transitional provision effectively terminating the previous agreement (MOU) escaped the attention of both Councils. Because a new agreement was not entered into within 12 months of the date of assent of that Act (7 August 2014) both Councils need to reconstitute the NRSBU Joint Committee, enter into an agreement regarding its terms of reference and delegations and reappoint its member representatives on the joint committee.
- 5.3 The agreement between the two councils should reflect the changes to the Local Government Act that have occurred since the NRSBU was formed. The aim should be to embed the NRSBU within the business of the councils with accountability to the two Councils directly rather than the Joint Shareholders. The intended messaging is that the NRSBU is an infrastructure utility service provider rather than an investment asset.
- 5.4 The need for councils in the region to collaborate on the delivery of sewerage infrastructure services including treatment was established nearly 50 years ago. That need still exists and has been reinforced by the provisions in S17 and S17A of the Local Government Act and by government policy. Both councils have identified alliances of one sort or another with each other as key issues in their Long Term Plans.
- 5.5 There is a risk that if the NRSBU is not formally reconstituted as a joint committee of the two councils as soon as possible it may be acting without a mandate.
- 5.6 It is proposed that the current members representing Nelson City Council be reappointed. These are currently Cr Copeland and Mr D Shaw.

- 5.7 It is also proposed that the current non-voting representative from Tangata Whenua (Mr M Hippolite) and from the Industry Customer (Mr P Wilson) be reappointed.

## **6. Options**

- 6.1 There is no practical short term option other than to make the NRSBU a compliant and properly mandated joint committee of the two councils.
- 6.2 In the medium to long term other options could be considered such as extending the joint committee's brief to other joint service arrangements such as water supply and solid waste management. The reports and recommendations relating to council controlled organisations including trading organisations could also be revisited. That is not recommended at this stage.
- 6.3 It is necessary to comply with the transitional provisions in the Local Government Amendment Act 2014 relating to this joint committee.
- 6.4 The agreement (referred to as an MOU in this report) must specify –
- the number of members each local authority may appoint
  - how the chairperson and deputy are to be appointed
  - the term of reference of the committee
  - what responsibilities are delegated
  - how the agreement may be varied.
- 6.5 The agreement can specify other matters but must not be inconsistent with any other enactment that applies to the councils.
- 6.6 A copy of the agreement (Memorandum of Understanding) is attached to this report.

## **7. Alignment with relevant Council policy**

- 7.1 The NRSBU joint committee aligns with Councils strategy to deliver cost-effective and sustainable services to its community.
- 7.2 The costs associated with the NRSBU joint committee and the wastewater services it provides are allowed for within Council's Long Term and Annual Plans.

## **8. Assessment of Significance against the Council's Significance and Engagement Policy**

- 8.1 This is not a significant decision in terms of Council's Significant and Engagement policy. A decision to change the joint committee arrangement to a council controlled organisation would be more significant and likely to require community engagement.

## 9. Consultation

- 9.1 This report is re-constituting a current joint committee and therefore specific consultation is not considered necessary.
- 9.2 This report is recommending that the agreement provide an ongoing role for an Iwi and an industry representative on the NRSBU. Both entities seek that. It could be contentious if the councils decided to drop those roles.

## 10. Inclusion of Māori in the decision making process

- 10.1 Iwi are already involved as they have a non-voting representative on the joint committee.

## 11. Conclusion

- 11.1 The NRSBU Joint Committee has served the Nelson and Tasman communities well in its role of managing the operations and assets in the regional sewerage scheme that the councils own.
- 11.2 Until the need or the opportunities arise to expand or change the role and function of the NRSBU, its joint committee status should be confirmed.

Clare Hadley  
**Chief Executive**

### Attachments

Attachment 1: A1408609 - Nelson Regional Sewerage Business Unit -  
 Memorandum of Understanding

# ***Nelson Regional Sewerage Business Unit***

## ***Memorandum of Understanding***

### **1. Parties**

The Tasman District Council and the Nelson City Council (the Councils).

### **2. Term**

- 2.1. This memorandum of understanding shall commence on 1 July 2015 and shall terminate on 30 June 2025 unless terminated earlier by resolution of both Councils.

### **3. Preamble**

- 3.1. The Nelson Regional Sewerage Business Unit (NRSBU) was established in July 2000, to replace the former Nelson Regional Sewerage Authority established in the 1970s.
- 3.2. This Memorandum of Understanding replaces the Memorandum of Understanding which established the NRSBU on 1 July 2000 and the subsequent amendment established 9 March 2010.
- 3.3. This Memorandum of Understanding shall constitute the 'terms of reference' as required under Section 30A (2) (c) of the Local Government Act 2002.
- 3.4. The purpose of the NRSBU is to manage and operate the wastewater treatment facilities at Bells Island and the associated reticulation network efficiently and in accordance with resource consent conditions to meet the needs of its customers. The NRSBU shall plan for the future needs of the community in a cost efficient and environmentally sustainable manner rather than entirely focusing making a financial return. The NRSBU has designated itself as a public benefit entity for the purposes of New Zealand Equivalents to International Financial Reporting Standards (NZIFRS).
- 3.5. The Bells Island treatment plant and associated reticulation network, and any additions or improvements to these assets are owned in equal parts by the Councils and are strategic assets of the Councils.
- 3.6. The NRSBU is intended to be a self-funding body which provides a service to its customers, which include the Councils, under a contractual relationship independent of its ownership.
- ### **4. Structure of NRSBU**
- 4.1. The Nelson Regional Sewerage Business Unit is hereby constituted a Joint Committee of the Nelson City Council and the Tasman District Council pursuant to the provisions of the 7<sup>th</sup> Schedule to the Local Government Act 2002.

4.2. The NRSBU Board (the Board) shall comprise either six or seven members appointed as follows:

- i) Two members appointed by the Tasman District Council (at least one of whom will be an elected member of the Council);
- ii) Two members appointed by the Nelson City Council (at least one of whom will be an elected member of the Council);
- iii) May include one member independent of either Council and not involved in any business related to the NRSBU activities. This member is discretionary and would only be appointed if mutually agreed to by both the Councils. This independent member could be remunerated in accordance with the joint Council policy for the appointment of directors;
- iv) One non-voting member representing, and appointed by, the NRSBU Major Industrial Customers.
- v) One non-voting member representing, and appointed by, local iwi and remunerated in accordance with the Nelson City Council protocol on meeting fees.

4.3. In appointing members to the Board, the Councils will consult with the Board on the skills and experience required so that an appropriate mix of skills is maintained.

4.4. The Board will elect a chair from its voting members at its first meeting of the triennium.

## 5. Meetings

5.1. For the avoidance of doubt the Board shall comply with the provisions of the Local Government Official Information and Meetings Act 1987 and the standing orders of the administering Council in respect of its meetings.

5.2. The Quorum for a meeting of the Board shall be half of the members if the number of members (including vacancies) are an even number, or a majority if the number of members (including vacancies) are an uneven number. There shall also be at least one member from each Council represented in the quorum.

5.3. The Board shall meet at least 3 times per year (currently 4 times) at intervals decided by the Board in order to meet its obligations under this Memorandum of Understanding.

## 6. Management and Support Services

Management and support services are provided as follows,

- i) The administering Council shall be the Nelson City Council.
- ii) The General Manager is appointed by the Councils and employed or contracted by the administering Council and may or may not be on the recommendation of the Board. The Councils may choose to appoint an independent General Manager instead of appointing an independent member (as outlined in 4.2 (iii)).

- iii) The administering Council shall provide the following services as appropriate to enable the Board to fulfil its obligations under this Memorandum of Understanding;
  - Engineering services;
  - Accounting and Administration Services;
  - Treasury Services.

## 7. Powers and Responsibilities Delegated to the NRSBU

7.1. The Councils are agreed that the responsibility for all management and administrative matters associated with the NRSBU operation shall be with the Board, and in particular the Board shall without the need to seek any further authority from the Councils:

- i) Operate a bank account for the Business Unit.
- ii) Comply with the Procurement Policy of the administering Council.
- iii) Enter into all contracts necessary for the operation and management of the Business Unit in accordance with the approved budgets and intent of the Business Plan.
- iv) Authorise all payments necessary for the operation and management of the Business Unit within the approved budgets and intent of the Business Plan.
- v) Do all other things, other than those things explicitly prohibited by this Memorandum of Understanding or relevant statutes, that are necessary to achieve the objectives as stated in the Strategic Plan, Asset Management Plan or Business Plan approved by the Councils.
- vi) Comply with the Health and Safety Policy and requirements of the administering Council.

7.2. Contribute to the sanitary services assessment process of the Councils.

7.3. Contribute to and comply with the waste management plans of the Councils.

7.4. Contribute to the development of the Councils' Development and Financial Contribution policies.

7.5. Contribute to the Councils' Regional Policy Statement and Regional Plan Reviews.

7.6. Develop and keep under review an appropriate contract for the delivery of waste collection and disposal services with each of its customers.

7.7. Follow generally accepted accounting practices.

7.8. Follow good employment practices.

## 8. Limitations

The NRSBU may not borrow money or purchase or dispose of significant assets other than with the approval of the Councils.

## 9. Operational Funding

- 9.1. The Board shall budget to repay loans for new capital expenditure over 30 years from Net Surplus Income. Any Net Surplus Income before extraordinary items over budget shall be returned to the Councils on an equal share basis.
- 9.2. It is agreed that where any contribution is required to be made by the Councils to the ongoing operational costs of the NRSBU, apart from the charges the Councils agree to pay as customers of the scheme, each Council shall pay an equal share of any contribution required.

## 10. Capital expenditure.

- 10.1. The NRSBU shall ensure that all capital assets are appropriately depreciated to enable a fund to be established for the replacement of such assets.
- 10.2. The NRSBU shall have the sole authority to determine what expenditure is made from the depreciation fund so accumulated.
- 10.3. Any capital expenditure that is required which exceeds the amount held in any depreciation fund or account and is in the way of expansion or major upgrade shall require approval of the Councils.

## 11. Planning and reporting

The NRSBU shall produce the following plans in respect of its operations.

### 11.1. Strategic Plan

The Strategic Plan shall describe the long term objectives of the Board in relation to its operations. This will include consideration of new technologies, environmental sustainability, climate change, changes in legislation/policy and any other issues which the NRSBU might face in providing services for its customers.

The Board shall prepare its Strategic Plan prior to the drafting of the Asset Management Plan.

The Board shall review its Strategic Plan on an annual basis.

### 11.2. Asset Management Plan

The Asset Management Plan shall provide an analysis of the assets controlled by the NRSBU in relation to the current levels of service required by the customers and their likely future demands. It will also provide a financial analysis of the NRSBU operations and indicate how the assets should be managed to ensure the most cost effective and efficient service. It will also outline the manner in which the NRSBU will provide for appropriate risk management.

The Asset Management Plan shall be reviewed annually and revised at least every three years at which time it will be submitted to the Councils for approval.

### 11.3. Business Plan

The business plan should state the activities and intentions of the Business Unit. It should outline how those activities relate to the objectives of the Business Unit as documented in the current strategic plan, the financial forecasts for the following three years, the performance targets for the coming year and any variations to charges proposed for that financial year.

A draft of the business plan for the coming year shall be presented to the Councils annually by 31 December.

After the Councils have had an opportunity to discuss and comment on the draft Plan the Board shall finalise the business plan, incorporating any changes agreed between the Councils and the Board and present the final business plan to the Councils by 20 March.

#### 11.4. Annual Report and Audited Accounts

The Board shall prepare an Annual Report at the end of each financial year which shall include reporting against the performance targets and financial forecasts in the approved Business Plan.

The annual accounts and financial statements, included in the Annual Report, shall be in a manner and form approved by the Business Unit's auditor, fairly showing the operating and financial position of the NRSBU for the financial year, including a statement of financial performance, a statement of financial position, a statement of cash flows, and all information necessary to enable an informed assessment of the operation of the Business Unit. The audited financial statements must be prepared in accordance with generally accepted accounting practice.

The Annual Report and Audited Accounts will be presented to Councils by 30 September in each year.

- 11.5. Agendas for all meetings of the Board will be forwarded to the Chief Executive of the administering Council, and/or such staff as they might nominate to represent the owners of the scheme, at the same time as they are forwarded to Board Members.
- 11.6. Minutes of all meetings of the Board will be forwarded to the Chief Executives of the Councils and to all Board members as draft minutes once they have been reviewed for accuracy by the General Manager and/or the Chairperson.

### 12. Customer Group

- 12.1. A Customer Group shall be maintained to provide a forum for consultation and liaison with major users of the scheme. The Board shall determine who shall be members of the group.
- 12.2. The Customer Group shall be chaired by the General Manager of the NRSBU.

### 13. Termination

- 13.1. The members of the Board will be discharged on the coming into office of the members of the Councils elected at the triennial local body elections. The new Board members shall be appointed by resolution of the Councils at the earliest opportunity post the said election.

13.2. The Councils may at any time replace their appointed members or by mutual agreement remove/replace the independent member of the Board. No action to replace any member will be taken without the Councils first consulting with the Board.

## 14. Variations and Disputes

14.1. Notwithstanding the above, this Memorandum of Understanding may be amended pursuant to a resolution adopted by the Councils at any time during its term.

14.2. In the event of any dispute arising between the parties to this Memorandum of Understanding the parties shall, without prejudice to any other right, immediately explore in good faith whether the dispute can be resolved by agreement between them using informal dispute resolution techniques such as negotiation, mediation, independent expert appraisal, or any other alternative dispute resolution technique.

14.3. In the event the dispute is not resolved by such agreement within 21 days of written notice by one party to the other of the dispute (or such further period agreed in writing between the parties) either party may refer the dispute to arbitration by a single arbitrator pursuant to the Arbitration Act 1996.

14.4. The arbitrator shall be agreed between the parties within 10 days of written notice of the referral by the referring party to the other, or failing agreement appointed by the President of the Nelson District Law Society.

14.5. In either case the arbitrator shall not be a person who has participated in an informal dispute resolution procedure in respect of the dispute.

14.6. The arbitrator so appointed shall be obliged to proceed with maximum expedition to deliver a decision within two months of the appointment.

The parties agree to co-operate fully in every respect with the arbitration and further agree that any decision made by the arbitrator shall be final and binding and hereby waive any right to appeal against the decision or seek judicial review of it in any court.

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Mayor  
Nelson City Council

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Mayor  
Tasman District Council

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Chief Executive  
Nelson City Council

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Chief Executive  
Tasman District Council

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## **Trafalgar Centre Reopening**

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### **1. Purpose of Report**

- 1.1 To consider the progress and outcomes of the Early Contractor Involvement process and to consider engaging a contractor to undertake the physical works related to the reopening of the Trafalgar Centre.

### **2. Delegations**

- 2.1 Council resolved in June 2014 for updates to be reported to full Council.

### **3. Recommendation**

**THAT the report Trafalgar Centre Reopening (R4749) be received;**

**AND THAT Gibbons Construction Ltd be contracted to undertake the physical works associated with the reopening of the Trafalgar Centre and the development of Rutherford Park;**

**AND THAT the scope of work contained within the Trafalgar Centre Reopening Project and the Rutherford Park Development be grouped into five packages:**

***Compliance works and ground improvement;***

***Southern extension;***

***Main building, infrastructure/external works and maintenance items;***

***Northern building;***

***Rutherford Park;***

**AND THAT each package be subject to detailed design, scheduling and pricing with due diligence to determine a total out-turn cost for that package;**

**AND THAT the total budget for the refurbishment of the Trafalgar Centre be approved at \$12.956M in the 2015/16 year;**

**AND THAT the Chief Executive Officer be given delegated authority to approve the total out-turn cost for each package provided it is equal to or below the relevant July 2015 estimate for that package.**

#### **4. Background**

- 4.1 In December 2013 Council resolved to close the Trafalgar Centre after it was declared an earthquake prone building under the Building Act 2004 (s124 notice issued). The seismic capacity of the building was below 34% New Building Standard (NBS). It is important to note that Council received legal advice that just strengthening the building to 34% NBS (as required under the Building Act) would be insufficient to meet all statutory obligations. As a facility for up to 4000 people, Council had obligations under health and safety legislation that required it to take all reasonable and practicable steps to provide a safe facility.
- 4.2 Council established an objective for the re-opening project of “producing a completed building that meets the necessary statutory criteria and is appropriately appointed for future use by the community”.
- 4.3 In December 2014, Council considered a progress report on the development of the concept plans and resolved that to allow for full examination of choices, concept plans and cost estimates, a further report should be made in February 2015.
- 4.4 At its meeting 26 February 2015 Council passed the following resolution;

*THAT the report Trafalgar Centre – Evaluation of Options to Date and Approval of Early Contractor Involvement (A1317937) and its attachments (A1314722, A1319283, A1319301, A1319308, A1319163, and A345448) be received;*

*AND THAT Council implement its health and safety obligations by focusing the structural strengthening on minimising collapse of the building structure and thereby essentially taking all reasonably practical steps to ensure that no harm should befall persons at, or in the vicinity of the Trafalgar Centre during the event of an earthquake;*

*AND THAT Council progress with the detailed design and construction phases utilising an Early Contractor Involvement procurement option to engage a contractor to provide practical and innovative input;*

*AND THAT Council receive a further update report and approve the selection of the preferred contractor at its meeting on 30 April 2015.*

- 4.5 The ground assessments undertaken by Council prior to February 2015 followed the code-based earthquake loadings. These type of assessments were considered standard practice for normal buildings at sites around New Zealand to determine the appropriate earthquake loading for the given site location. However the outcome of these assessments meant significant ground improvements would be required.
- 4.6 In order to assess the robustness of these outcomes, Council decided to undertake further ground assessment utilising a seismic hazard analysis specifically for this site. This seismic hazard analysis built on the code-based loading assessments that were undertaken previously. It should be noted that the information collated and investment made by Council on previous geotechnical assessments was relevant and informed this more recent site-specific assessment.
- 4.7 At its meeting 30 April 2015, Council considered the outcomes of the Early Contractor Involvement (ECI) tendering process. Subsequently the Gibbons Construction/Downer consortium was engaged to provide input into the ECI process.
- 4.8 At a meeting on 16 July 2015 Council received a tabled report on the geotechnical assessments, the structural implications and costings for the project. The report was presented for information only and therefore no decisions were made at this meeting.
- 4.9 At its meeting 23 July 2016 Council received the report tabled on 16<sup>th</sup> July 2015. It passed the following resolution;

*THAT the report Trafalgar Centre Reopening (R4749) be received;*

*AND THAT Council confirm the continuation of strengthening of the Southern Extension and Main Building of the Trafalgar Centre;*

*AND THAT the detailed design phase be completed and the final priced schedule for the Southern Extension and Main Building be prepared and reported back to Council at its meeting 3 September 2015;*

*AND THAT Council confirm the demolition and new build of the northern building of the Trafalgar Centre including the Victory Room;*

*AND THAT options for the scope and design of the new build of the northern building be developed, work-shopped with Councillors and reported back to Council for final approval at its meeting on 15th October 2015.*

- 4.10 This report is the proposed report to Council 3 September 2015.

## **5. Detailed Design Phase**

- 5.1 The detailed design phase has progressed with the involvement of Gibbons/Downer consortium as intended. This has been very beneficial in that practical solutions are being suggested and discussed before being committed to final design. It has also given the Gibbons/Downer team a full understanding around intent and scope. This aspect is important as the final schedule is priced to determine the Total Out-turn Costs and the Guaranteed Maximum Price.
- 5.2 The detailed design phase has involved several iterations aligning the expected ground movement with the foundation and structural strengthening. This has been the bulk of the focus and has demanded time and effort. As these iterations have progressed the extent of the work has been optimised and cost-effective solutions identified. These iterations have resulted in a reduction in the scope of work in some areas and an increase in scope in others.
- 5.3 The work associated with meeting statutory compliance such as fire rating, fire alarming, stair upgrades and emergency lighting has been scoped and finalised. Some of the fire rating works are in areas where strengthening work is located so these will be undertaken to coincide with the strengthening work. A consent application for this work has been granted by Council so this work could commence.
- 5.4 It is likely that the ground improvement work will reduce in scope from what was estimated in July. Although not confirmed yet, it is likely that the length of the 6.0 metre wide deep soil mixing zone could be only 50 metres compared to the 65 metres originally estimated. This still has to be confirmed.
- 5.5 The number of screw piles under the southern extension that need strengthening has reduced. In July it was estimated that 12 screw piles would need jet-grouting, however the latest calculations have reduced this to 4 screw piles.
- 5.6 The detailed design for the main building is almost complete. The main structural components have been designed and now need to be confirmed in the detailed design drawings.
- 5.7 The foundations under the main building have changed in scope. The number of the additional foundation beams has increased compared to what was estimated in July. However although the estimate is likely to rise for this aspect of the work it is still expected to be well within the estimates and risks allowed for in the July estimates.
- 5.8 The increased iterations within the detailed design phase have delayed the completion of the detailed design drawings. Consequently the scheduling, pricing and the calculation of a Guaranteed Maximum Price has not been completed yet. The Southern Extension should have

detailed design completed, scheduled and priced within the next three weeks and the main building within the next five weeks.

## **6. Northern Building**

- 6.1 Councillors met on Tuesday 18<sup>th</sup> August to begin scoping options on the design and layout of the proposed rebuild of the northern building. The development of a preferred concept plan is progressing and a further workshop with councillors will be held on Tuesday 1<sup>st</sup> September.
- 6.2 The programme for the northern building remains as stated in the July report. The concept design be developed and finalised by the end of September 2015. The final concept plan will then be reported back to Council for approval in at its meeting 15 October 2015. Once approved a detailed design will be completed along with a priced schedule and Total Out-Turn Cost. This will be reported to Council in November 2015 for final approval and construction can start thereafter.

## **7. Early Contractor Involvement Process**

- 7.1 The ECI process began after the Gibbons/Downer consortium was engaged in May 2015. The Gibbons/Downer consortium was only engaged at the time to be involved in the ECI process.
- 7.2 The Gibbons/Downer consortium has provided significant input into the detailed design and in providing practical options to deliver the desired design outcomes.
- 7.3 Given the change in the scope of work, particularly the reduction in the ground improvement works, Downer has agreed that if Council engages the Gibbons/Downer Consortium that Gibbons Construction Ltd would be the main contractor and Downers become a subcontractor to Gibbons Construction Ltd. For Council this is a more effective outcome, should a contract be approved with Gibbons Construction Ltd.

## **8. Construction Contract**

- 8.1 When the Gibbons/Downer Consortium was engaged in April it was only for the ECI phase. The intention being that at the end of the ECI process that Council negotiate the priced schedule with the Gibbons/Downer Consortium, undertake a due diligence exercise to ensure value for money for the various scheduled items and for the project as a whole.
- 8.2 As stated earlier the detailed design phase for key packages of work has not been completed yet. It is clear that with the current scope of works the overall project cost will still be within the overall project estimate of \$12,956,000 given in July 2015.
- 8.3 Some of the scope of works has been priced and accepted by Gibbons Construction as being a realistic reflection of the scope. These figures have also been confirmed by Council's Quantity Surveyor as reflecting value for money for these aspects of work.

8.4 The scope of works already priced are outlined as follows;

Element	Total Out-turn Cost	Uplift and Risk	Current Estimate	July 2015 Estimate	Saving / Addition
Ground Improvements	\$1,089,000	\$326,700	<b>\$1,415,700</b>	\$1,585,000	(\$169,300)
<b><u>Southern Extension</u></b>					
Compliance Works	\$141,000	\$7,000	<b>\$148,000</b>	\$1,321,000	\$43,000
Bracing Upgrade	\$935,000	\$281,000	<b>\$1,216,000</b>		

**Table 8.4 Comparing Current Estimate with July 2015 Estimates.**

- 8.5 The scope of work on which these figures are based is very precise. Any change in scope which occurs during the project can then be measured and the prices adjusted accordingly. The premise of the contract is that if any scope changes occur that are beyond the control of the contractor, these will be covered by Council. This will be covered in the risk component of the estimates. The contractor retains the responsibility of working within the Total Out-turn Cost (TOC) agreed for the scope of work being delivered.
- 8.6 The differences in the Current Estimate compared to the July 2015 estimates are outlined in the right hand column. The total savings to date on these specific items are in the vicinity of \$127,000.
- 8.7 The ground improvement total cost is based on the 65 meters of ground improvement. As outlined in Clause 5.4 the detailed design for the ground improvements could reduce from a length of 65 metres to 50 metres. The pricing for the 50 meters would provide additional savings of around \$320,000 to the \$1,415,700 in the table. There could also be additional savings in the risk component.
- 8.8 As stated in paragraph 5.3, Council has already obtained consent for the compliance work that needs to be undertaken for the facility. This work has been specified and priced as outlined in the table so work could start immediately.
- 8.9 There are three packages of work related to the Trafalgar Centre Reopening project that are in various stages of scoping and design. In summary these are;
- Compliance work, Maintenance works, Ground improvements, Southern Extension, Main building and Infrastructure/External works;
  - Northern Building
  - Rutherford Park upgrade
- 8.10 Each of these work packages are being developed on different timelines but will eventually all contribute to the total Out-Turn Cost and the

Guaranteed Maximum Price agreed with the contractor. Waiting until all these packages are designed, scheduled and priced before engaging a contractor would seriously compromise the target date to reopen the facility.

8.11 The finalisation of the TOC for each of the items within the first package of work is outlined as follows;

- |                                 |                                 |
|---------------------------------|---------------------------------|
| • Compliance work               | completed                       |
| • Bracing on Southern Extension | completed                       |
| • Infrastructure/External Works | 11 <sup>th</sup> September 2015 |
| • Ground improvements           | 11 <sup>th</sup> September 2015 |
| • Southern Extension            | 18 <sup>th</sup> September 2015 |
| • Main building;                | 2 <sup>nd</sup> October 2015    |
| • Maintenance works             | 2 <sup>nd</sup> October 2015    |

8.12 Council could wait until the TOCs have been developed for these first package components before considering engaging Gibbons Construction Ltd. This was the original intention. Given the way the project has evolved, Council could consider formalising the engagement of Gibbons Construction Ltd. The packages of work would be subjected to due diligence processes already outlined. The TOCs for each package of work would be determined and approved before it is committed to construction.

8.13 The engagement of a contractor before the detailed design has been completed and before the TOCs and Guaranteed Maximum Price have been finalised is not new. This option is often adopted on projects that have tight deadlines and finite funds. The key aspect on all these type of projects is that the scoping, scheduling and the pricing are undertaken openly and transparently with the corresponding due diligence being undertaken. Some projects engage a probity auditor to monitor the due diligence aspects, however it is proposed the Council utilise its Quantity Surveyor (Rider Levett Bucknall) to fulfil this role. Some key staff within Gibbons Construction Ltd have had experience in working with these TOC and Guaranteed Maximum Price projects.

## 9. Developing the Total Out-turn Costs and Guaranteed Maximum Price

9.1 At its meeting 23 July 2015, Council was presented with the following estimates for this project;

• Main Building	\$ 4,112,000
• Southern Extension	\$ 1,491,000
• Northern Building	\$ 4,155,000
• Ground Improvement	\$ 1,789,000
• Infrastructure/External Works	\$ 831,000
• Maintenance	\$ 483,000
• DIL and Consent Fees	\$ 95,000
<b>Total</b>	<b>\$12,956,000</b>

- 9.2 In discussions between Council and Gibbons Construction Ltd it was agreed that whatever the final project scope both parties will work together to deliver the project within the \$12,956,000 estimated. Both parties believe that based on the current scope there is a very good chance that savings on this estimate will accrue.
- 9.3 It is proposed that as each of the items within the first package of work (Clause 8.11) are designed, scheduled, priced that the TOC be finalised and approved for construction.
- 9.4 It is proposed that the same process apply to the other two packages of work. Each is designed, scheduled and priced and that a TOC be finalised and approved for construction as soon as it is ready.
- 9.5 Once the TOCs for all the packages of work are finalised and approved they will form the basis of the Guaranteed Maximum Price for the whole project.
- 9.6 It should be noted that the Rutherford Park package of work has a separate budget in Council's Long Term Plan. Although it is not included in the \$12,956,000 estimate it will be included Guaranteed Maximum Price for the whole project.

## **10. Obtaining Approval for the Total Out-turn Costs**

- 10.1 As outlined above the process of developing the TOCs for each of the components will follow a rigorous process which involves due diligence to ensure value for money is attained.
- 10.2 Council could decide to have the TOC for each package of work submitted directly to Council for approval. This may require special Council meetings at appropriate times so that the project is not held up awaiting a scheduled Council meeting. The week delay in submitting the report on the agenda and approving the TOC would need to be considered in the overall delivery of the project.
- 10.3 The other option is to give conditional delegated authority to the Chief Executive Officer to approve the TOCs for each of the packages of work. The condition being that the TOC for each package of work must be equal to or less than the estimate utilised for that package of work in deriving the overall \$12,956,000 estimate.
- 10.4 Council may want to include the Mayor in this conditional delegation.
- 10.5 Another option is to give delegated authority to the Mayor and one or two Councillors to approve the total out-turn costs presented for approval. There are several delegation options that Council could opt for.
- 10.6 For reasons of Council's role vs officers, and with decision making timeframes being critical, it is recommended that the Chief Executive Officer alone be given delegated authority as outlined in clause 10.3.

- 10.7 It is proposed that the project be divided into five packages of work. These would be as follows;

- Compliance work and ground improvements;
- Southern Extension;
- Main Building, Infrastructure/External works and Maintenance works;
- Northern Building
- Rutherford Park upgrade

## **11. Programme**

- 11.1 Since the start of this project the aim was to have the Trafalgar Centre facility re-opened by the end of February 2016.
- 11.2 The delay in completing the detailed design is not likely to impact on the opening of the Main Building and Southern Extension by the end of March 2016. If Gibbons Construction Ltd was engaged as the main contractor now then there is a greater chance of this being achieved.
- 11.3 In July, Council decided to rebuild the northern building. The scoping of this rebuild, the detailed design and subsequent construction means that the northern building is not likely to be completed until the end of June 2016.
- 11.4 As stated in the July report, the main building and the southern extension could still be utilised while the northern building is being rebuilt. However there would be restrictions around crowd capacity largely due to fire compliance and egress requirements

## **12. Alignment with relevant Council policy**

- 12.1 This report is in line with Council's position of re-opening the Trafalgar Centre.
- 12.2 The Long Term Plan 2015-25 included \$9.5 million for the reopening of the Trafalgar Centre in 2015/16. However there was an overspend in 2014/15 of \$202,000, therefore reducing the current year budget to \$9.3 million. This is going to the 10 September 2015 Audit, Risk and Finance Committee meeting for approval as part of the Carry Forward report. This report requests approval for a total expenditure of \$12.956 million. The additional expenditure is unbudgeted capital expenditure which will have a consequent impact on Council's debt levels, interest and depreciation. This figure has been highlighted to Council in previous reports and will be included in ongoing budgets prepared for 2016/17 and beyond but is likely to be approximately \$240,000 per annum additional unbudgeted expenditure.
- 12.3 The project cost includes approximately \$3.6M unbudgeted capital expenditure (\$12.956m - \$9.3m) which in the context of Council's overall budget and capital expenditure, is not considered significant.

- 12.4 The total budget of \$12.956 million in 2015/16 is in addition to the \$667,000 spent in 2014/15 associated with the assessment and design of the strengthening to reopen the facility.

### **13. Assessment of Significance against the Council's Significance and Engagement Policy**

- 13.1 This decision is not a significant decision in terms of the Council's Significance and Engagement Policy, as it does not deviate from the project outlined in the Long-Term Plan 2015/25.

### **14. Consultation**

- 14.1 Council signalled its intention to re-open the Centre as part of its 2014/15 Annual Plan. Council has also included the project in its Long-Term Plan 2015-25.

### **15. Inclusion of Māori in the decision making process**

- 15.1 Consultation with Maori occurred through the Annual and Long Term Plan processes.

### **16. Conclusion**

- 16.1 The detailed design phase has progressed well. There have been several iterations aligning the ground improvement, foundation design and structural design for the Main Building and Southern Extension.
- 16.2 The work associated with meeting statutory compliance such as fire rating, fire alarming, stair upgrades and emergency lighting has been scoped and finalised.
- 16.3 It is likely that the ground improvement work will reduce in scope from what was estimated in July.
- 16.4 The number of screw piles under the southern extension that need strengthening has reduced from 12 plies to 4 piles.
- 16.5 The detailed design for the main building is almost complete. The foundations under the main building have changed in scope with the number of the additional foundation beams increasing compared to what was estimated in July.
- 16.6 The increased iterations within the detailed design phase have delayed the completion of the detailed design drawings. Consequently the scheduling, pricing and the calculation of the TOCS and guaranteed maximum price have not been completed yet.
- 16.7 Councillors are meeting to develop the concept plans for the Northern Building. It is intended that these be finalised and adopted by Council in October 2015, with the TOC developed, approved and physical works commissioned in November 2015.

- 16.8 The Gibbons/Downer consortium has provided significant input into the detailed design and in providing practical options to deliver the desired design outcomes.
- 16.9 When the Gibbons/Downer Consortium was engaged in April it was only for the early contractor involvement phase. However given the staging aspects of the project it is proposed that Gibbons Construction Ltd be engaged as the main contractor. It is also recommended that each of the packages of work within the project be subject to the due diligence process to determine the TOCs which can be then be approved and committed as the project evolves.
- 16.10 The proposed five packages of work are:
- Compliance work and ground improvements;
  - Southern Extension;
  - Main Building, Infrastructure/External works and Maintenance works;
  - Northern Building
  - Rutherford Park upgrade.
- 16.11 The process of developing the TOCs for each of the packages of work will follow a rigorous process which involves due diligence to ensure value for money is attained. It is proposed that the Chief Executive Officer be given delegated authority to approve the TOC for each of the five packages of work where each package of work is equal to or less than the equivalent estimate utilised in deriving the total estimate of \$12,956,000 for the project.

Richard Kirby  
**Consulting Engineer**

### **Attachments**

Nil

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## Minutes of an extraordinary meeting of the Joint Shareholders Committee

**Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson**

**On Friday 24 July 2015, commencing at 9.03am**

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**Present:** Her Worship the Mayor R Reese (Chairperson), Deputy Mayor of Nelson P Matheson, Councillors P Rainey, B McGurk, E Davy, His Worship the Mayor of Tasman R Kempthorne (Chairperson), T King (Deputy Chairperson), M Higgins, and S Bryant

**In Attendance:** Chief Executive Nelson City Council (NCC) (C Hadley), Chief Executive Tasman District Council (TDC) (L McKenzie), Group Manager Corporate Services NCC (N Harrison), Corporate Services Manager TDC (M Drummond), and Administration Adviser NCC (S McLean)

**Apologies:** Nelson City Councillors I Barker for attendance and E Davy for lateness, and Tasman District Councillor J Edgar for attendance

### 1. Apologies

Resolved JSC/2015/001

***THAT apologies be received and accepted from Nelson City Councillors I Barker for attendance and E Davy for lateness, and Tasman District Councillor J Edgar for attendance.***

Higgins/Matheson

Carried

Attendance: Councillor Rainey joined the meeting at 9.06am.

### 2. Confirmation of Order of Business

There was no change to the order of business.

### 3. Interests

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

### 4. Public Forum

There was no public forum.

### 5. Exclusion of the Public

Paul Steer and Rob Evans, of Nelson Airport Ltd, were in attendance for Item 3 of the Public Excluded agenda to answer questions and, accordingly, the following resolution was passed:

Resolved JSC/2015/002

***THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Paul Steere and Rob Evans remain after the public has been excluded, for Item 3 of the Public Excluded agenda (Nelson Airport Ltd – Statement of Intent 2015/16), as they have knowledge that will assist the Council;***

***AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Paul Steere and Rob Evans possess relates to the Nelson Airport Statement of Intent 2015/16.***

Her Worship the Mayor of Nelson/His Worship the Mayor of Tasman

Carried

Resolved JSC/2015/003

***THAT the public be excluded from the following parts of the proceedings of this meeting.***

***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:***

Her Worship the Mayor of Nelson/His Worship the Mayor of Tasman

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	<b>Nelson Airport Ltd - Statement of Intent 2015/16</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>

The meeting went into public excluded session at 9.07am and resumed in public session at 9.24am.

## 6. Re-admittance of the Public

Resolved JSC/2015/004

**THAT the public be re-admitted to the meeting.**

Her Worship the Mayor of Nelson/Matheson

Carried

## 7. Exclusion of the Public

Resolved JSC/2015/005

**THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Simon Orr remain after the public has been excluded, for Item 3 of the Public Excluded agenda (Nelson Airport Ltd – Statement of Intent 2015/16), as he has knowledge that will assist the Council;**

**AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Simon Orr possesses relates to the Nelson Airport Statement of Intent 2015/16.**

Her Worship the Mayor of Nelson/His Worship the Mayor of Tasman

Carried

Resolved JSC/2015/006

**THAT the public be excluded from the following**

***parts of the proceedings of this meeting.***

***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:***

Higgins/Matheson

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	<b>Director appointments for Port Nelson Limited and Nelson Airport Limited</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>

The meeting went into public excluded session at 9.25am and resumed in public session at 10.24am.

## **8. Re-admittance of the Public**

Resolved JSC/2015/007

**THAT the public be re-admitted to the meeting.**

Her Worship the Mayor of Nelson/Rainey

Carried

## **9. Meeting Date**

It was agreed that the Joint Shareholders Committee meeting set for 14 August would be delayed until September.

There being no further business the meeting ended at 10.26am.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date

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## Minutes of a meeting of the Works and Infrastructure Committee

**Held in the Council Chamber, Civic House, 110 Trafalgar Street,  
Nelson**

**On Thursday 30 July 2015, commencing at 9.02am**

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**Present:** Councillors E Davy (Chairperson), I Barker, M Lawrey (Deputy Chairperson) and T Skinner

**In Attendance:** Councillors P Matheson and M Ward, Group Manager Infrastructure (A Louverdis), Manager Administration (P Langley), and Administration Adviser (G Brown)

**Apologies:** Her Worship the Mayor R Reese, Councillors L Acland, R Copeland, and G Noonan

### **1. Apologies**

Resolved WI/2015/007

***THAT apologies be received and accepted from  
Her Worship the Mayor, Councillors Acland,  
Noonan, and Copeland.***

Lawrey/Barker

Carried

### **2. Confirmation of Order of Business**

There was no change to the order of business.

### **3. Interests**

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

### **4. Public Forum**

#### **4.1 Gordon Dicker - Reimbursement for Water Leaks**

Mr Dicker raised his concerns about the criteria for credit requests in relation to water leaks and spoke to a tabled document (A1395076).

In response to questions, Mr Dicker advised he lived on a hillside with good drainage so it was difficult to identify the water leaks. He added that the leaks arose when pressure built up on the pressure release valve on the hot water cylinder.

In response to a further question, Mr Dicker said the issues were resolved by replacing the pressure reducing valve.

#### **Attachments**

- 1 A1395076 - Tabled Document - Criteria for Credit Request for Water Leak from October the 1st 2011 - Gordon Dicker

## **5. Confirmation of Minutes**

5.1 5 May 2015

Document number M1200, agenda pages 7 - 14 refer.

Resolved WI/2015/009

***THAT the minutes of the meeting of the Works and Infrastructure Committee, held on 5 May 2015, be confirmed as a true and correct record.***

Davy/Lawrey

Carried

## **6. Status Report - Works and Infrastructure Committee - 30 July 2015**

Document number R4598, agenda pages 15 - 18 refer.

In response to a question, Group Manager Infrastructure, Alec Louverdis, advised the Beatson Road signage would be installed to coincide with the physical works, scheduled for completion by the end of August 2015.

Resolved WI/2015/010

***THAT the Status Report Works and Infrastructure Committee 30 July 2015 (R4598) and its attachment (A1150321) be received.***

Davy/Lawrey

Carried

## **7. Chairperson's Report**

There was no Chairperson's Report.

## **TRANSPORT AND ROADING**

## **8. Infrastructure Fees and Charges**

Document number R4248, agenda pages 19 - 23 refer.

Manager Operations, Peter Anderson, and Manager Capital Projects, Shane Davies, presented the report.

In response to a question, Group Manager Infrastructure, Alec Louverdis, advised the increase in transfer station fees was part of the closed account landfill activity and part of the Solid Waste Asset Management Plan.

In response to questions, Mr Davies advised the justification for the increase in roading fees was due to an internal review for road closures in 2014, along with more stringent legislative requirements which resulted in additional consultation, notification, assessing traffic management plans, providing assistance to organisations and detailed assessments for health and safety. He added that road closure fees for construction had not been increased since 2010.

In response to a further question, Mr Davies confirmed the charges reflected actual costs therefore Council was not making a profit.

There was some concern raised about the level of increase and that processes needed to be simpler.

It was noted that traffic management plans were the responsibility of the organiser of the event, and were required to be comprehensive as enforcement action could be taken by the Police.

Resolved WI/2015/011

**THAT the report *Infrastructure Fees and Charges (R4248)* and its attachment (A1360990) be received;**

**AND THAT the proposed charges be approved effective 31 August 2015.**

Davy/Lawrey

Carried

## **WATER, WASTEWATER, STORMWATER**

### **9. Outline Business Cases for Selected 2015/16 Projects**

Document number R4356, agenda pages 24 - 47 refer.

Manager Asset Management, Kevin Pattersson, and Senior Asset Engineer – Utilities, Phil Ruffell, presented the report.

In response to a question, Mr Ruffell advised the proposed detention pond at the Nelson College for Girls would need to be investigated and discussions would be held with Nelson College for Girls. He said there was an area available which would require an additional embankment. Mr Ruffell advised that it would be similar to the detention pond at Ngawhatu.

In response to a further question, Mr Ruffell advised there would be no change to the playing fields apart from manhole covers being replaced by grates.

The Chairperson clarified that the options highlighted in the business cases would be progressed.

Resolved WI/2015/012

**THAT the report Outline Business Cases for Selected 2015/16 Projects (R4356) and its attachments (A1306411, A1306409, A1328492, A1328494, A1328501, and A1378910) be received.**

Lawrey/Davy

Carried

## **BUILDINGS**

### **10. Earthquake Prone Buildings #5**

Document number R4128, agenda pages 48 - 60 refer.

Manager Capital Projects, Shane Davies, presented the report.

Resolved WI/2015/013

**THAT the report Earthquake Prone Buildings #5 (R4128) and its attachments (A1252682, A573853, A573921) be received;**

**AND THAT approval be granted to undertake detailed earthquake assessments on Montgomery Superloo, Nelson Haven Sports Complex and the Tahuna Campground – Function Centre, funded from provision provided in the 2015/16 budget, on the basis that these are of the next highest priority;**

**AND THAT approval be granted to undertake design and cost estimate for the remedial work to Isel House Chimneys funded from provision provided in the 2015/16 budget;**

**AND THAT further assessment considering economical and community factors be completed on the following buildings below 34%NBS to enable the Committee to make informed decision and that this is brought back to a future Works and Infrastructure Committee and/or Commercial Sub-Committee;**

- **Refinery building**
- **Plant and Food building**
- **Wood Turners Building**

Davy/Lawrey

Carried

## 11. Exclusion of the Public

Resolved WI/2015/014

***THAT the public be excluded from the following parts of the proceedings of this meeting.***

***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:***

Davy/Lawrey

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	<b>Works and Infrastructure Committee Meeting Minutes - Public Excluded - 5 May 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</li> </ul>
2	<b>Status Report - Works and Infrastructure Committee - 30 July 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>

The meeting went into public excluded session at 9.37am and resumed in public session at 9.47am.

## 12. Re-admittance of the Public

Resolved WI/2015/015

**THAT the public be re-admitted to the meeting.**

Davy/Lawrey

Carried

There being no further business the meeting ended at 9.47am.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date

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## Minutes of a meeting of the Planning and Regulatory Committee

**Held in the Council Chamber, Civic House, 110 Trafalgar Street,  
Nelson**

**On Thursday 6 August 2015, commencing at 9.02am**

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**Present:** Councillor B McGurk (Chairperson), Councillors I Barker, E Davy, K Fulton (Deputy Chairperson), M Lawrey, and M Ward, and Ms G Paine

**In Attendance:** Councillor P Matheson, Group Manager Strategy and Environment (C Barton), Senior Strategic Adviser (N McDonald), Manager Communications (P Shattock), Manager Administration (P Langley), Administration Adviser (G Brown), and Nelson Youth Councillors (D Leaper and F Sawyer)

**Apologies:** Her Worship the Mayor R Reese and Councillor R Copeland for attendance and Councillor Davy for lateness

### 1. **Apologies**

Resolved PR/2015/025

***THAT apologies be received and accepted from  
Her Worship the Mayor and Councillor Copeland  
for attendance, and Councillor Davy for lateness.***

McGurk/Fulton

Carried

### 2. **Confirmation of Order of Business**

The Chairperson advised that since the distribution of the agenda a public forum had been confirmed.

### 3. **Interests**

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

#### 4. Public Forum

- 4.1 Ken Robinson spoke about the noise from heat pumps.

Mr Robinson read from a tabled document (A1399774), and provided the Committee with a copy of the 'Good Practice Guide – Heat pump installation' from the Energy Efficiency and Conservation Authority (A1399449).

Attendance: Councillor Davy joined the meeting at 9.05am.

In response to a question, Mr Robinson said that he believed the average noise from heatpumps was approximately 64 decibels.

##### Attachments

- 1 A1399774 - Tabled Document - Mr Ken Robinson's Public Forum
- 2 A1399449 - Tabled Document - EECA Good Practice Guide - Heat Pump Installation

#### 5. Confirmation of Minutes

- 5.1 25 and 30 June 2015

Document number M1302, agenda pages 7 - 19 refer.

It was noted that Councillor Noonan was not in attendance at the reconvened Planning and Regulatory Committee meeting 30 June 2015.

Resolved PR/2015/027

***THAT the amended minutes of the meeting of the Planning and Regulatory Committee, held on 25 and 30 June 2015, be confirmed as a true and correct record.***

McGurk/Lawrey

Carried

#### 6. Status Report - Planning and Regulatory Committee - 6 August 2015

Document number R4626, agenda pages 20 - 22 refer.

Resolved PR/2015/028

***THAT the Status Report Planning and Regulatory Committee 6 August 2015 (R4626) and its attachment (A1155974) be received.***

McGurk/Paine

Carried

## 7. Chairperson's Report

Document number R4656, agenda pages 23 - 24 refer.

Resolved PR/2015/029

***THAT the Chairperson's Report (R4656) be received and the contents noted.***

McGurk/Fulton

Carried

## REGULATORY

### 8. Building Unit Fees and Charges 2015/2016

Document number R4380, agenda pages 25 - 33 refer.

Manager Building, Martin Brown, presented the report.

Mr Brown advised that the first line in attachment 1 – Proposed Fees and Charges 15/16 should read 01 October not 01 September.

In response to a further question, Mr Brown confirmed the proposed changes were in response to customer feedback.

In relation to section 5.2 of the report, it was suggested that next year's fees and charges should be presented with previous figures so a comparison could be made.

In response to a question, Mr Brown clarified the deposit for buildings up to and including \$50,000 was more expensive than other value bands as processing costs were generally charged up front. He clarified that more expensive builds had a more even balance of costs between processing and inspections.

In response to a further question, Mr Brown said the review did not consider the charging regime for deposits as these were working well.

Resolved PR/2015/030

***THAT the report Building Unit Fees and Charges 2015/2016 (R4380) and its attachment (A1360198) be received;***

***AND THAT the proposed changes to Building Unit Fees and Charges (A1360198) be adopted and applied from 1<sup>st</sup> October 2015.***

McGurk/Fulton

Carried

## 9. **Strategy and Environment Report for 1 April 2015 to 30 June 2015**

Document number R4398, agenda pages 34 - 56 refer.

Manager Consents and Compliance, Mandy Bishop, Manager Building, Martin Brown, Manager Planning, Matt Heale, Environmental Programmes Officer, Richard Frizzell, Senior Planning Adviser, Sharon Flood, and Manager Environmental Inspections Limited, Stephen Lawrence, presented the report.

In response to a question, Ms Bishop advised that one abatement notice had still to be resolved which related to a visibility breach and a mediation date had been set for 12 August 2015.

In relation to section 7.7 of the report, a councillor suggested that being successful in reducing air pollution should have some correlation with hospital admissions in relation to respiratory issues.

In response to a question, Ms Flood advised that regional reporting on air quality data would be launched on the Land, Air, Water, Aotearoa website early next year.

In response to a question, Mr Lawrence advised there had been unforeseen breakdowns with the air quality monitoring devices, however this only resulted in losing two to three days of data.

In response to a question, Mr Frizzell advised that there had only been one air quality breach in May in airshed A, and he reminded the Committee that the maximum PM10 allowed was 50 micrograms per cubic metre of air.

In relation to section 7.9 of the report it was requested that a permanent acknowledgement of the community groups' contribution should be considered for Project Maitai/Mahitahi.

In response to a question, Mr Brown advised that building consents were expected to be higher in July due to key projects and commercial activities.

Resolved PR/2015/031

***THAT the report Strategy and Environment Report for 1 April 2015 to 30 June 2015 (R4398) and its attachments (A1379923 and A1369994) be received.***

Barker/Ward

Carried

## 10. **Local Approved Products Policy (LAPP) Deliberations Report**

Document number R4489, agenda pages 57 - 70 refer.

Policy Adviser, Susan Moore-Lavo presented the report.

It was highlighted that section 5.7 of the report should read 27 November 2014 and not 2015.

Councillor Davy, seconded by external appointee Ms Paine, moved the recommendation in the officer's report.

In response to a question, Ms Moore-Lavo advised she believed there was still a market for psychoactive substances as there had been recent news of illegal trade in Tauranga.

In response to a further question, Ms Moore-Lavo said under the Psychoactive Substances Act, suppliers would need to illustrate that psychoactive substances were not harmful.

There was discussion in relation to submissions and a suggestion to restrict sales outlets to a 100 metre distance from NMIT.

Attendance: The meeting adjourned at 10.02am until 10.06am.

Councillor Fulton, seconded by Councillor Ward, moved an amendment:

Resolved PR/2015/032

**THAT the report Local Approved Products Policy (LAPP) Deliberations Report (R4489) and its attachments (A375469, A1111554, A1378409, A1277140, and A1389122) be received;**

**AND THAT the draft Local Approved Products Policy (A375469) be amended as follows to reflect the Committee's decisions on submissions**

- ***Include tertiary education institutions in the list of premises not allowed within the 100 metres of a premise where psychoactive substances could be sold.***

Davy/McGurk

Carried

Recommendation to Council PR/2015/033

**THAT the Local Approved Products Policy (A375469) be adopted.**

Davy/McGurk

Carried

## POLICY AND PLANNING

### 11. Nelson Plan Update August 2015

Document number R4497, agenda pages 71 - 81 refer.

Manager Planning, Matt Heale, and Planning Adviser, Reuben Peterson, presented the report.

In response to a question, Mr Heale advised that Nelson Plan updates would be provided through Committee reports.

Attendance: Councillor Fulton left at 10.17am and returned to the meeting at 10.19am.

In response to a question, Mr Peterson advised the Area Based Planning workshop listed on page 75 of the report would cover other areas in Nelson and the reason for Stoke having its own workshop was that there were specific issues in Stoke such as transport and the Greenmeadows development.

In response to a question, Mr Heale advised the purpose of a further community meeting on air quality was to report back on modelling work.

In response to a question, Mr Peterson said that iwi cultural activities included the use of commercial land.

It was suggested that the Nelson Plan was not the proper title for the document.

Attendance: The meeting adjourned for morning tea at 10.28am until 10.46am.

Resolved PR/2015/034

***THAT the report Nelson Plan Update August 2015 (R4497) and its attachment (A1378644) be received;***

***AND THAT a further update relating to the Nelson Plan is provided in December 2015.***

Davy/McGurk

Carried

Recommendation to Council PR/2015/035

***THAT the review of the Nelson Resource Management Plan, Nelson Air Quality Plan and Regional Policy Statement hereafter be referred to as the draft Whakamahere Whakatu Nelson Plan.***

Davy/McGurk

Carried

## 12. Submission on National Environmental Standard - Plantation Forestry

Document number R4600, agenda pages 82 - 95 refer.

Senior Planning Adviser, Sharon Flood, presented the report.

In response to a question, Ms Flood said that the erosion risk classifications were compiled from investigating the underlying geology of the area.

In response to a further question, Ms Flood said the current Nelson Resource Management Plan provisions were not adequate to manage forestry activities. She clarified that the Freshwater Management Plan would be reviewed as part of the Nelson Plan.

Resolved PR/2015/036

***THAT the report Submission on National Environmental Standard - Plantation Forestry (R4600) and its attachments (A1390532 and A1391485) be received;***

***AND THAT the submission (A1390532) is lodged with the Ministry of Primary Industries by 11 August 2015.***

Davy/Paine

Carried

## 13. Exclusion of the Public

Resolved PR/2015/037

***THAT the public be excluded from the following parts of the proceedings of this meeting.***

***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:***

Davy/McGurk

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	Planning and Regulatory	Section 48(1)(a)	The withholding of the information is necessary:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<b>Committee Meeting Minutes - Public Excluded - 25 June 2015</b>	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	<ul style="list-style-type: none"> <li>Section 7(2)(g) To maintain legal professional privilege.</li> </ul>

The meeting went into public excluded session at 11.06am and resumed in public session at 11.08am.

Please note that as the only business transacted in public excluded was to confirm the minutes, this business has been recorded in the public minutes. In accordance with the Local Government Official Information Meetings Act, no reason for withholding this information from the public exists.

#### 14. Confirmation of Minutes

##### 14.1 30 June 2015

Document number M1304, agenda pages 3 - 5 refer.

It was noted that Councillor Noonan was to be removed from the attendance section of the minutes.

Resolved PR/2015/032

***THAT the amended minutes of part of the meeting of the Planning and Regulatory Committee, held with the public excluded on 30 June 2015, be confirmed as a true and correct record.***

Davy/Barker

Carried

#### 15. Re-admittance of the Public

Resolved PR/2015/038

***THAT the public be re-admitted to the meeting.***

McGurk/Davy

Carried

There being no further business the meeting ended at 11.08am.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date

Unconfirmed

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## Minutes of a meeting of the Community Services Committee

**Held in the Council Chamber, Civic House, 110 Trafalgar Street,  
Nelson**

**On Thursday 13 August 2015, commencing at 9.02am**

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**Present:** Councillors P Rainey (Chairperson), M Lawrey, P Matheson, G Noonan (Deputy Chairperson), T Skinner and M Ward

**In Attendance:** Councillors L Acland, I Barker and B McGurk, Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (C Ward), Senior Strategic Adviser (N McDonald), Manager Communications (P Shattock), Administration Adviser (S McLean), and Nelson Youth Councillor (J Morgan)

**Apologies:** Her Worship the Mayor R Reese and Councillor R Copeland

### 1. **Apologies**

Resolved CS/2015/028

***THAT apologies be received and accepted from  
Her Worship the Mayor and Councillor Copeland.***

Ward/Matheson

Carried

### 2. **Confirmation of Order of Business**

There was no change to the order of business.

### 3. **Interests**

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

### 4. **Public Forum**

4.1 Steve Thomas – Marina Strategy

Mr Thomas congratulated Council on the move to put a Marina Strategy in place. He highlighted that the strategy development consultation should include marina businesses.

Mr Thomas said a marina business group could be established in the near future.

In response to a question, Mr Thomas summarised the issues he believed should be considered in the Marina Strategy, namely land use, adhoc development, industry on marina frontage, linking the city to the sea and focussing on cruising yachts.

## 5. Confirmation of Minutes

### 5.1 2 July 2015

Document number M1318, agenda pages 8 - 19 refer.

Resolved CS/2015/029

***THAT the minutes of the meeting of the Community Services Committee, held on 2 July 2015, be confirmed as a true and correct record.***

Rainey/Lawrey

Carried

## 6. Status Report - Community Services Committee - 13 August 2015

Document number R4678, agenda pages 20 - 23 refer.

In response to a question, Arts and Heritage Adviser, Debbie Daniell-Smith, advised that the proposed artworks to be commissioned from the Arts Fund would be presented to a committee comprising of iwi members and representatives from the Nelson Provincial Museum and Suter Art Gallery on 3 September 2015.

In response to further questions, Ms Daniell-Smith advised the artists were responsible for organising resource and building consents, and the artworks were due to be in place before June 2016.

Resolved CS/2015/030

***THAT the Status Report Community Services Committee 13 August 2015 (R4678) and its attachment (A1157454) be received.***

Rainey/Noonan

Carried

## 7. Chairperson's Report

There was no Chairperson's Report.

## 8. Outline Business Cases for Selected 2015/16 Projects

Document number R4357, agenda pages 24 - 32 refer.

Manager Asset Management, Kevin Patterson, presented the report.

Mr Patterson highlighted that, depending on the value of the tender, the final estimated project costs for the Rutherford Playground may be reported to either the Group Manager Infrastructure or the Committee.

In response to questions, Group Manager Community Services, Chris Ward, said the hardstand area would be assessed as part of the Marina Strategy.

In response to questions, Mr Louverdis confirmed that contract continuity and integration between projects at Rutherford Park and Trafalgar Park was a priority and officers would assess this to ensure a cost effective solution. Mr Patterson advised that the Rutherford Park costs listed in the business case did not show funding allocated for 2016/17 or 2018/19 due to resource consent timing.

Concern was raised about the inability to use certain grassed areas for wet-weather parking at Trafalgar Park.

There was discussion on the Rutherford Playground project and the target age range for users of the playground. In response to a suggestion, Mr Louverdis advised that holding a councillor workshop on the matter would cause delays in the project.

Resolved CS/2015/031

***THAT the report Outline Business Cases for Selected 2015/16 Projects (R4357) and its attachments (A1306172 and A1328462) be received and that the risks therein be noted.***

Rainey/Skinner

Carried

Attendance: The meeting adjourned for morning tea from 10.07am to 10.21am.

The Chairperson advised that a councillor workshop would be held on 27 August regarding crematorium services.

## CEMETERIES AND CREMATORIA

### 9. RSA WWI Commemoration - Marsden Valley Cemetery

Document number R4334, agenda pages 33 - 39 refer.

Group Manager Community Services, Chris Ward, presented the report.

Resolved CS/2015/032

**THAT the report RSA WWI Commemoration - Marsden Valley Cemetery (R4334) and its attachments (A1376891 and A1376895) be received;**

Rainey/Noonan

Carried

In response to a question, Mr Ward said he believed the Nelson Returned and Services' Association (RSA) was capable of raising the additional funding required. He highlighted that the RSA had modified its aspirations, resulting in a more achievable budget for the sculpture.

Concern was raised that a precedent may be set for Council providing funding for a project before the organisation had sourced any funding. Mr Ward emphasised that this project had been planned for a long time.

Resolved CS/2015/033

**AND THAT approval be given to the Nelson Returned and Services' Association to erect a sculpture of a World War I soldier in the RSA section of the Marsden Valley Cemetery;**

**AND THAT \$20,000 be granted to the Nelson Returned and Services' Association as a full and final contribution towards construction and installation of the sculpture;**

**AND THAT the sculpture remains the property of the Returned and Services' Association.**

Noonan/Matheson

Carried

## **10. Nelson Marina Strategy: Terms of Reference**

Document number R4641, agenda pages 40 - 46 refer.

The Chief Executive, Clare Hadley, presented the report. She tabled corrected Nelson Marina Strategy Terms of Reference (A1381707) and explained the changes that had been made.

Resolved CS/2015/034

**THAT the report Nelson Marina Strategy: Terms of Reference (R4641) and its attachment (A1381707) be received;**

Rainey/Ward

Carried

### **Attachments**

- 1 A1381707 - Tabled Document - Marina Strategy - Terms of

## Reference

In response to a question about wider strategy for the area, Mrs Hadley advised that strategic planning was underway in terms of three precincts; Haven Road, Marina-Akersten Street and the CBD.

It was noted that part 3.3 of the corrected Terms of Reference adequately covered marine-related business owners.

Attendance: Councillor Ward left the meeting at 10.39am.

In response to a question, Mrs Hadley advised the Marina Strategy would not undergo a full community-wide consultation, and would follow the consultation approach outlined in the Terms of Reference. She highlighted that proposals in the Strategy would be included in future planning documents.

Resolved CS/2015/035

***AND THAT the Nelson Marina Strategy: Terms of Reference (A1381707) be approved.***

Rainey/Noonan

Carried

Attendance: Councillor Ward returned to the meeting at 10.44am.

### **11. Nelson Youth Council Update**

Nelson Youth Councillor Jamie Morgan summarised activities the Nelson Youth Council had been working on. These included helping to organise the Arts Festival and Masked Parade, Heritage Week photography workshops, installing a second postcard mural in Tahunanui, attending a Youth Council Top of the South Forum, a trip for three youth councillors to Wellington to learn from the Wellington Youth Council, assisting with the upcoming Shakeout exercise, looking into youth employment, and looking into study space in the library.

Mr Morgan advised that recruitment for next years' youth councillors would begin on 14 September 2015.

Attendance: Councillor Noonan left the meeting at 10.50am.

### **12. Nelson Youth Council - 9 February 2015**

Document number M1388, agenda pages 47 - 51 refer.

Resolved CS/2015/036

***THAT the confirmed minutes of a meeting of the Nelson Youth Council, held on 9 February 2015, be received.***

Rainey/Ward

Carried

### 13. Nelson Youth Council - 10 March 2015

Document number M1387, agenda pages 52 - 56 refer.

Resolved CS/2015/037

***THAT the confirmed minutes of a meeting of the Nelson Youth Council, held on 10 March 2015, be received.***

Rainey/Ward

Carried

### 14. Nelson Youth Council - 23 April 2015

Document number M1211, agenda pages 57 - 61 refer.

Resolved CS/2015/038

***THAT the confirmed minutes of a meeting of the Nelson Youth Council, held on 23 April 2015, be received.***

Rainey/Ward

Carried

### 15. Nelson Youth Council - 4 June 2015

Document number M1247, agenda pages 62 - 68 refer.

Resolved CS/2015/039

***THAT the confirmed minutes of a meeting of the Nelson Youth Council, held on 4 June 2015, be received.***

Rainey/Ward

Carried

Attendance: Councillor Noonan returned to the meeting at 10.52am.

### 16. Exclusion of the Public

Resolved CS/2015/040

***THAT the public be excluded from the following parts of the proceedings of this meeting.***

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

Rainey/Lawrey

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	<b>Community Services Committee Meeting Minutes - Public Excluded - 2 July 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"><li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li></ul>
2	<b>Status Report - Community Services Committee - 13 August 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"><li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li></ul>

The meeting went into public excluded session at 10.53am and resumed in public session at 11.05am.

## 17. Re-admittance of the Public

Resolved CS/2015/041

**THAT the public be re-admitted to the meeting.**

Rainey/Ward

Carried

There being no further business the meeting ended at 11.05am.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date

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## Minutes of a meeting of the Governance Committee

**Held in the Council Chamber, Civic House, 110 Trafalgar Street,  
Nelson**

**On Thursday 20 August 2015, commencing at 9.01am**

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Present: Councillors I Barker (Chairperson), L Acland (Deputy Chairperson), E Davy, K Fulton, P Matheson, B McGurk, G Noonan, and P Rainey, Mr J Murray and Mr J Peters

In Attendance: Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Manager Communications (P Shattock), Administration Adviser (G Brown), and Youth Councillors (R Griffith and K Phipps)

Apology: Her Worship the Mayor R Reese

### 1. Apology

Resolved GOV/2015/024

***THAT an apology be received and accepted from  
Her Worship the Mayor.***

Barker/Acland

Carried

### 2. Confirmation of Order of Business

There was no change to the order of business.

### 3. Interests

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

### 4. Public Forum

#### 4.1 Raymond Siatkowski - Trans-Pacific Partnership Agreement (TPPA)

Mr Siatkowski spoke to a tabled document A1403250.

In response to a question, Mr Siatkowski advised there were TPPA free municipalities in America.

In response to a further question, Mr Siatkowski said local government should continue to correspond with central government with regards to objectives to be considered when negotiating terms of the TPPA.

#### **Attachments**

- 1 A1403181 - Tabled Document - Ken Siatkowski Trans - Pacific Partnership and Free Trade Agreements

## **5. Confirmation of Minutes**

### **5.1 9 July 2015**

Document number M1338, agenda pages 8 - 17 refer.

Resolved GOV/2015/026

***THAT the minutes of the meeting of the Governance Committee, held on 9 July 2015, be confirmed as a true and correct record.***

Acland/Noonan

Carried

## **6. Chairperson's Report**

The Chairperson provided a brief verbal report and advised the Committee of the Policy and Planning resolution in July 2013 with regards to the Trans-Pacific Partnership Agreement (TPPA).

He highlighted that the New Zealand Ministry of Foreign Affairs and Trade had the TPPA process set out on their website.

## **GOVERNANCE**

### **7. Tourism Nelson Tasman Limited Statement of Intent 2015/16**

Document number R4580, agenda pages 18 - 43 refer.

Tourism Nelson Tasman Limited, Chief Executive, Lynda Keene, and Director, Sharon McGuire, joined the meeting.

Group Manager Community Services, Chris Ward, presented the report.

In response to a question, Mr Ward advised the budgetary constraints referred to in the draft Statement of Intent 2015-2018 would mean that Tourism Nelson Tasman would need to prioritise its activities.

Ms McGuire added that the reduced funding would limit the ability of Tourism Nelson Tasman to market the region.

Resolved GOV/2015/027

***THAT the report Tourism Nelson Tasman Limited Statement of Intent 2015/16 (R4580) and its attachments (A1389793 and A1389798) be received.***

Acland/Davy

Carried

In response to a further question, Mr Ward advised that the activities identified in the Statement of Intent were not under negotiation with Tasman District Council.

Recommendation to Council GOV/2015/028

***THAT the Tourism Nelson Tasman Limited Statement of Intent 2015/16 (A1389798) be approved for signing.***

Acland/Davy

Carried

## REPORTS FROM COMMITTEES

### 8. Commercial Subcommittee - 9 July 2015

Document number M1337, agenda pages 44 - 45 refer.

Resolved GOV/2015/029

***THAT the unconfirmed minutes of an extraordinary meeting of the Commercial Subcommittee, held on 9 July 2015, be received.***

Acland/Murray

Carried

### 9. Audit, Risk and Finance Subcommittee - 30 July 2015

Document number M1385, agenda pages 46 - 53 refer.

Resolved GOV/2015/030

***THAT the unconfirmed minutes of a meeting of the Audit, Risk and Finance Subcommittee, held on 30 July 2015, be received.***

Peters/McGurk

Carried

## 9.1 Update on charging interest on general debtors

Recommendation to Council GOV/2015/031

**THAT the Draft Debt Management Policy (A1353429) be approved.**

Peters/McGurk

Carried

## 9.2 Capital Projects 2014/15

Recommendation to Council GOV/2015/032

**THAT Council approves continuing work on 2014/15 capital projects within the 2014/15 approved budgets, noting a report on carry forwards will come to the Audit, Risk and Finance Subcommittee meeting on 10 September 2015.**

Peters/McGurk

Carried

## 10. Exclusion of the Public

Resolved GOV/2015/033

**THAT the public be excluded from the following parts of the proceedings of this meeting.**

***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:***

Murray/Rainey

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	Governance Committee Meeting Minutes - Public Excluded - 9 July 2015	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li> </ul>

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>2</b>	<b>Status Report - Governance Committee - 20 August 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>3</b>	<b>Burrell Park Building Purchase</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>4</b>	<b>Nelmac Directors' Fees 2015</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>
<b>5</b>	<b>Review of Economic Development Services - next steps</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>6</b>	<b>Recycling contract</b>	Section 48(1)(a)	The withholding of the information is necessary:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	<ul style="list-style-type: none"> <li>Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>

The meeting went into public excluded session at 9.24am and resumed in public session at 11.45am.

## 11. Re-admittance of the Public

Resolved GOV/2015/034

***THAT the public be re-admitted to the meeting.***

Rainey/Davy

Carried

There being no further business the meeting ended at 11.45am.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date