



AGENDA

Ordinary meeting of the

Nelson City Council

**Thursday 16 June 2016
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

Opening Prayer**1. Apologies**

- 1.1 An apology has been received from Councillor Luke Acland

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 Kerry Neal

Kerry will speak about the Code of Conduct and how this appears to be restricting Elected Members from expressing their views and the Role of External Appointees and how members of the public cannot contact them directly.

- 4.2 Matthew Bouterrey - Urban Oyster Bar and Eatery

Matthew, from the Urban Oyster Bar and Eatery, Sprig and Fern, and La Gourmandise, will speak about outdoor dining.

- 4.3 Iain Sheves, General Manager Property - Wakatu Incorporation

Iain Sheves, from Wakatu Incorporation, will speak about the Ocean Lodge Special Housing Area Amendment.

- 4.4 Mark Sherlaw

Mark Sherlaw will speak about a proposed comprehensive housing development at 42 Domett Street also with access from 365 Hardy Street.

5. Confirmation of Minutes

5.1 2 June 2016 18 - 41

Document number M1916

Recommendation

THAT the minutes of the meeting of the Council, held on 2 June 2016, be confirmed as a true and correct record.

5.2. 5 May 2016 42 - 59

Document number M1869

Recommendation

THAT the minutes of the meeting of the Council, held on 5 May 2016, be confirmed as a true and correct record.

6. Status Report - Council - 16 June 2016 60 - 72

Document number R6041

Recommendation

THAT the Status Report Council 16 June 2016 (R6041) and its attachment (A1168168) be received.

7. Mayor's Report 73 - 82

Document number R5975

Recommendation

THAT the Mayor's Report (R5975) and its attachments (A1561963 and A1561996) be received;

EITHER:

AND THAT in light of enquiries from Dr Catherine Strong, Council officers review the Elected Members Code of Conduct as adopted on 20 November 2016 to revise wording that has the potential to fetter free speech in a way that is unhelpful to local democracy, and bring a revised version to

the next ordinary meeting of Council for adoption;

OR:

AND THAT, having considered the points raised by Dr Catherine Strong, Council reconfirms the current Elected Members Code of Conduct as adopted on 20 November 2016;

AND THAT Council registers its interest in being a Foundation Council in the Local Government New Zealand Local Government Excellence Programme (subject to further details being acceptable to Council);

AND THAT Council does/does not proceed with a poll at the Local Body Elections;

AND THAT if Council resolves to proceed with a poll the poll question is [to be tabled at the meeting].

8. Notice of Motion - A Poll on Nelson's Traffic Issues 83 - 85

Document number R6074

Recommendation

THAT the Nelson City Council conduct a poll at the same time as the 2016 local body election on the following question:

Do you think a new road should be built down the Railway Reserve (The Southern Link)

A) Yes

B) No

9. Works and Infrastructure 31 March 2016 - Toi Toi Grove - Transport Connection 86 - 87

Document number R6069

Recommendation

THAT the report Works and Infrastructure 31 March 2016 - Toi Toi Grove - Transport Connection (R6069) be received;

AND THAT, recognising the connectivity and resilience benefits to the city, that Council propose via the Annual Plan consultation process in 2017/18 to include an amendment to the Long Term Plan 2015/25 (and consequently the Development Contributions Policy) to include the construction of the Princes Drive/Montreal Heights intersection for a cost of \$1 Million.

10. Special Housing Areas - Supplementary Recommendations

88 - 109

Document number R6066

Recommendation

THAT the report Special Housing Areas - Supplementary Recommendations (R6066) and its attachment (A1562166) be received;

AND THAT the following motion, moved and seconded at the Council meeting on 2 June 2016, be left to lie on the table until another meeting of Council:

THAT Council approve 19 & 21 Beach Road (A1548015) as a potential Special Housing Area;

AND THAT the following motion, left to lie on the table at the Council meeting on 2 June 2016, be left to lie on the table until another meeting of Council:

AND THAT Her Worship the Mayor recommend those potential areas (Tahunanui Drive and Beach Road) and the amendment to Ocean Lodge SHA to the Minister of Building and Housing for consideration as Special Housing Areas under the Housing Accord and Special Housing Areas Act 2013.

AND THAT Council approve the amendment to the qualifying development criteria for the number of storeys for the Ocean Lodge Special Housing Area (A1548018).

11. Crematorium Delivery Review - Supplementary Report

110 - 139

Document number R5737

Recommendation

THAT the report Crematorium Delivery Review - Supplementary Report (R5737) and its attachment (A1521528) be received;

AND THAT based on the feedback received with respect to pet/animal cremations that pet/animal cremations continue at the Nelson crematorium;

AND THAT it be confirmed, at this stage, not to proceed with a new pet/animal cremator and the \$150,000 provision set aside for this in the 2016/17 year be removed;

AND THAT the need for a new pet/animal cremator be re-assessed in two years' time allowing officers time to assess the demand for pet/animal cremations in the region;

AND THAT services for private cremations continue to be offered and that clear requirements be placed on Council's website;

AND THAT to offset any potential risk, that all cremation fees be increased by 5% from 1 July 2016.

12. Trafalgar Centre - Lift and Lighting Business Case Update

140 - 144

Document number R5935

Recommendation

THAT the report Trafalgar Centre - Lift and Lighting Business Case Update (R5935) and its attachments (A1550731 and A1550732) be received;

AND THAT Council request the business cases be considered separately, by members of the group with delegated authority who have no interest or conflict in the matter, to ensure sound decision making on the provision of a lift, and sport lighting at the Trafalgar Centre.

13. Revoking the Moratorium on New Outdoor Dining Spaces **145 - 160**

Document number R5921

Recommendation

THAT the report Revoking the Moratorium on New Outdoor Dining Spaces (R5921) and its attachments (A1526853 and A1553144) be received;

AND THAT the moratorium on using any additional public car parking spaces for outdoor dining be revoked;

AND THAT that the total number of public car parking spaces made available for outdoor dining be capped at thirty-three public car parking spaces until 30 June 2019;

AND THAT approval of new applications for outdoor dining on public car parking spaces be delegated to the Chief Executive.

14. Addition to delegations relating to activities under the Housing Accord and Special Housing Areas Act 2013 **161 - 165**

Document number R5799

Recommendation

THAT the report Addition to delegations relating to activities under the Housing Accord and Special Housing Areas Act 2013 (R5799) and its attachment (A1525766) be received;

AND THAT Council delegate powers to the Chief Executive under the Housing Accord and Special Housing Areas Act 2013 (section 23) to consider applications and issue consents.

15. Preparation for the 2016 Local Elections **166 - 168**

Document number R5383

Recommendation

THAT the report Preparation for the 2016 Local Elections (R5383) be received;

AND THAT in accordance with Regulation 31(2) of the Local Electoral Regulations 2001, the candidates' names on voting documents for the 2016 triennial local election be in computerised random order.

16. Administrative Matters

169 - 193

Document number R5836

Recommendation

THAT the report Administrative Matters (R5836) and its attachments (A1551006, A1103850, A1550897, A1551189, A1509979, A1181155) be received;

AND THAT Council approves/declines approximately \$924 of funding from the additional funding pool to enable Councillor Lawrey to attend the Local Government New Zealand Conference in 2016;

AND THAT Council approves/declines approximately \$309 of funding from the additional funding pool to enable Councillor Fulton to attend the Local Government New Zealand Conference in 2016;

AND THAT the Delegations Register be updated to reflect the appointments to the Regional Pest Management Committee, and the resignation of Councillor Acland from the Youth and Community Facilities Trust.

17. Local Government New Zealand Annual General Meeting

194 - 200

Document number R5965

Recommendation

THAT the report Local Government New Zealand Annual General Meeting (R5965) and its attachment (A1552098) be received;

AND THAT the following constitute Council representation at the 2016 Annual General Meeting:

Presiding Delegate: *Her Worship the Mayor*
Other Delegates: *Councillor _____*
Councillor _____ or Chief Executive

Or if Her Worship the Mayor is unavailable

Presiding Delegate: *Councillor _____*
Other Delegates: *Councillor _____*
Chief Executive

Observers: *Councillor _____*
Councillor _____

REPORTS FROM COMMITTEES

18. Hearings Panel - Other - 11 April 2016 201 - 205

Document number A1531240

Recommendation

THAT the minutes of a meeting of the Hearings Panel – Other, held on 11 April 2016, be received.

19. Hearings Panel - Other - 5 May 2016 206 - 207

Document number A1545372

Recommendation

THAT the minutes of a meeting of the Hearings Panel – Other, held on 5 May 2016, be received.

20. Works and Infrastructure Committee - 10 May 2016 208 - 215

Document number M1876

Recommendation

THAT the unconfirmed minutes of a meeting of the Works and Infrastructure Committee, held on 10 May 2016, be received.

Please note that as the only business transacted in public excluded was to confirm the minutes and receive the status report, 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.

20.1 Capital Project Budget Status Report

Recommendation to Council

THAT with respect to the Montcalm/Arrow/Washington Valley/Hastings stormwater upgrade project that \$116,000 be transferred from the current provision in 2016/17 to 2015/16 to maintain continuity of this multi-year project.

20.2 Future of Green Waste

Recommendation to Council

THAT following a review of green waste services at the request of Council:

THAT Nelson City Council partner with Tasman District Council to call for public tenders with respect to their green waste in June 2016;

AND THAT failing success with this approach with Tasman District Council, that officers be authorised to negotiate a contract with a commercial operator to accept Nelson City Council's green waste;

AND THAT in the interim, Council continues to take green waste at the Pascoe Street transfer station;

AND THAT the outcome of the tendering process, either in partnership with Tasman District Council, or with a commercial operator, be reported back to the Works and Infrastructure Committee for a decision.

21. Planning and Regulatory Committee - 19 May 2016

216 - 217

Document number M1892, Hearing of Submissions

Recommendation

THAT the minutes of a meeting of the Planning and Regulatory Committee, held on 19 May 2016, be received.

22. Planning and Regulatory Committee - 19 May 2016 218 - 221

Document number M1893

Recommendation

THAT the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 19 May 2016, be received.

23. Chief Executive Employment Committee - 23 May 2016 222 - 224

Document number M1899

Recommendation

THAT the unconfirmed minutes of a meeting of the Chief Executive Employment Committee, held on 23 May 2016, be received.

24. Community Services Committee - 26 May 2016 225 - 232

Document number M1907

Recommendation

THAT the unconfirmed minutes of a meeting of the Community Services Committee, held on 26 May 2016, be received.

24.1 Funding Reallocation for Youth Activities in 2016/17

Recommendation to Council

THAT the \$100,000 allocated to the Youth and Community Facilities Trust in the 2016/17 draft Annual Plan be reallocated to youth activities for 2016/17 only, in alignment with Community Investment Fund processes;

AND THAT the funding be allocated in line with the Youth section of Council's Social Wellbeing Policy 2011 and the Community Assistance Policy 2015 with consideration given to resulting gaps in the services provided by Youth and Community Facilities Trust;

AND THAT Council engages with stakeholders in the youth sector to develop a Youth Strategy to guide future Council support for youth development and activities.

25. Governance Committee - 26 May 2016

233 - 240

Document number M1911

Recommendation

THAT the unconfirmed minutes of an extraordinary meeting of the Governance Committee, held on 26 May 2016, be received.

25.1 Uniquely Nelson - Memorandum of Understanding

Recommendation to Council

THAT the Memorandum of Understanding (MoU) between Uniquely Nelson and Nelson City Council (A1380525) be approved as the MoU for the 2016/17 year.

25.2 Civic Assurance Directors' Remuneration and Reappointments

Recommendation to Council

THAT in the matter of reappointment of Directors Messrs MA Butcher and AJ Marryatt that Nelson City Council submit a proxy vote against.

25.3 Internal Audit Report to 31 March 2016

Item from Audit, Risk and Finance Subcommittee meeting - 10/05/2016

Recommendation to Council

THAT Council note the internal audit findings, recommendations and status of action plans up to 31 March 2016 (R5793).

- 25.4 Corporate Report to 31 March 2016
Item from Audit, Risk and Finance Subcommittee meeting - 10/05/2016

Recommendation to Council

THAT the transfer of legal budget from the Corporate activity to the Planning activity in 2015/16 in order to obtain economic and traffic evidence for the submission to Tasman District Council on the proposed Progressive Enterprises Ltd Private Plan Change be noted.

26. Planning and Regulatory Committee - 2 June 2016 241 - 243

Document number M1914

Recommendation

THAT the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 2 June 2016, be received.

- 26.1 Deliberations on Fees and Charges for Resource Consent, Food Act and Fencing of Swimming Pools Act activities commencing 1 July 2016

Recommendation to Council

THAT the amended table in Section 5 of this report (R5876) be used as the basis of providing responses to submitters on the matters raised in submissions;

AND THAT the amended draft Fees and Charges Resource Consents and Resource Management Act Planning Documents as detailed in Attachment 1 (A1546954) be adopted;

AND THAT the draft Food Act 2014 Fees and Charges as detailed in Attachment 2 (A1546317) be adopted;

AND THAT the draft Building Unit Fees and Charges Swimming Pools monitoring fee as detailed in Attachment 3 (A1547270) be adopted.

Note: The amended draft Fees and Charges Resource Consents and Resource Management Act Planning Documents and responses to submitters can be found on the Google Drive for Councillors or are available in hard copy on request to an Administration Adviser.

PUBLIC EXCLUDED BUSINESS

27. 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 | Council Meeting - Public Excluded Minutes - 2 June 2016 | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |

| Item | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Particular interests protected (where applicable) |
|-------------|--|--|---|
| 2 | Confirmation of Minutes - 5 May 2016 | <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"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) |
| 3 | Status Report - Council - 16 June 2016 | <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"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) |
| 4 | Winding up of Nelson Regional Economic Development Agency and Tourism Nelson Tasman Ltd | <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"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) |

| Item | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Particular interests protected (where applicable) |
|------|---|--|---|
| 5 | Akersten Street Hardstand and Travel Lift | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information |
| 6 | Chief Executive Employment Committee Meeting - Public Excluded Minutes - 23 May 2016 These minutes contain no recommendations to Council | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. |
| 7 | Community Services Committee Meeting - Public Excluded Minutes - 26 May 2016 These minutes contain recommendations to Council regarding <ul style="list-style-type: none"> Stoke Community and Sports Facility – User Agreements Community Lease – Get Moving, Saxton Field | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |

| Item | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Particular interests protected (where applicable) |
|----------|---|---|---|
| | <ul style="list-style-type: none"> Community Lease – Tahunanui Community Centre | | |
| 8 | <p>Extraordinary Governance Committee Meeting - Public Excluded Minutes - 26 May 2016</p> <p>These minutes contain no recommendations to Council</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> | |

28. 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.
- Youth Councillors Taylah Shuker and Ben Rumsey will be in attendance at this meeting.

Minutes of a meeting of the Nelson City Council

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

On Thursday 2 June 2016, commencing at 9.05am

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, R Copeland, 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 Infrastructure (A Louverdis), Group Manager Strategy and Environment (C Barton), Group Manager Corporate Services (N Harrison), Senior Strategic Adviser (N McDonald), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), Manager Administration (P Langley), Senior Accountant (T Hughes), Administration Adviser (E-J Ruthven), and Youth Councillors (H Goldthorpe and S Kuo)

Opening Prayer

Councillor Noonan gave the opening prayer.

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

Attendance: Councillor Fulton joined the meeting at 9.07am.

Her Worship the Mayor noted that there were seven additional public forum presentations to those listed in the agenda. She added that items 8 (Public Feedback on Proposal to Sell Bett Carpark) and 9 (Special Housing Areas) of the agenda would be taken immediately after the public forum presentations.

Her Worship the Mayor also noted that there were minor amendments to the officer recommendation relating to the Annual Plan 2016/17, and there was a correction to the recommendation to exclude the public, including section 7(2)(b)(ii), and removing section 7(2)(j) from the table included in the recommendation.

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 Belinda Fletcher

Ms Fletcher spoke about the proposal to sell Bett Carpark for a special housing development. She said that she did not support the sale of Bett Carpark, and preferred that it be retained for the benefit of the community, for example as a park.

She added that, if the site were to be sold for housing, she would support stricter planning and design requirements, including limiting the height of any new building to two storeys. She noted her concerns that the Special Housing Area process was weighted towards developers' interests.

In response to a question, Ms Fletcher explained that, while Church Hill was across the road, it was difficult for anyone with limited mobility to access.

4.2 Barbara Tanner

Ms Tanner spoke about the proposal to sell Bett Carpark for a special housing development, and tabled a document outlining the potential consequences of the proposed development on her neighbouring property (A1557595).

She said that she supported residential developments in the inner city, as long as the impact on residents already living there were taken into account. She noted that the proposed design control of a 2.4 metre set-back on the Bett Carpark site did not apply for the first 10 metres from the street frontage, and she explained the potential effects this could have on her property.

In response to a question, she said that public access to proposed plans would potentially alleviate concerns regarding the design for the site.

Attachments

- 1 A1557595 - Tabled Document - Public Forum - Barbara Tanner

4.3 Andrew Stanger on behalf of Natalia Harrington - Hybrid Homes and Living Ltd

Mr Stanger spoke on behalf of Natalia Harrington, of Hybrid Homes and Living Ltd, in relation to a proposed Special Housing Area in Dodson Valley. He tabled his presentation (A1558533), and documents detailing the proposed site plans (A1557081). He said that the number of proposed sections had been increased, in order to better align with the

aims of the Housing Accord, and he outlined infrastructure currently in place to support the development.

In response to questions, Mr Stanger confirmed that Hybrid Homes would be able to apply for resource consent prior to the September 2016 cut-off date, and that a range of house sizes would be possible, due to the range of proposed section sizes. He said that no consultation with neighbouring property owners had been undertaken to date.

Attachments

- 1 A1558533 - Public Forum Presentation - Andrew Stanger (on behalf of Hybrid Homes and Living Ltd)
- 2 A1557081 - Public Forum Tabled Document - Andrew Stanger (on behalf of Hybrid Homes and Living Ltd)

4.4 Christopher Vine and Christie Carlson (in place of Larry Rueter)

Christopher Vine and Christie Carlson, in place of Larry Rueter, spoke about the proposal to sell Bett Car Park for a special housing development, and Mr Vine tabled a copy of his presentation (A1559060).

Mr Vine spoke about the history of the historic house that had previously occupied the site, and noted the importance of good architectural design for any potential building for the site.

In response to questions, Mr Vine and Ms Carlson noted the importance of Nile Street to the character of Nelson City. They noted their support in principle to development of the site, subject to appropriate design and height controls.

Attachments

- 1 A1559060 - Public Forum - Tabled Document - Christopher Vine and Christie Carlson (in place of Larry Rueter)

4.5 Elizabeth Dooley – Nelson Meeting New Zealand Society of Friends

Ms Dooley spoke on behalf of Nelson Quakers about the proposal to sell Bett Carpark for a special housing development. She displayed a watercolour drawing of the area from 1869 (A1558528).

She said that development of the site had the potential to enhance the inner city, but noted the importance of good design, given the special character of Nile Street. She suggested that the height of any building should not exceed two storeys, and emphasised the importance of having a garden on site.

Attachments

- 1 A1558528 - Public Forum - Tabled Document - Elizabeth Dooley - Nelson Meeting New Zealand Society of Friends

4.6 Doug Craig – Heritage Nelson (previously Nelson Heritage Advisory Group)

Mr Craig spoke on behalf of Heritage Nelson (previously Nelson Heritage Advisory Group) about the proposal to sell Bett Carpark for a special housing development. He displayed a photo of the historic house that had previously occupied the site (A1558798).

Mr Craig said that Heritage Nelson agreed with intensified development within the central business district, subject to appropriate building and design controls. He spoke about the history of the site and its trees, including a heritage-listed rata. He suggested that any development of the site should proceed through the regular resource consent process, rather than the special housing area process.

In response to a question, he explained the likely height of the previous historic house on the site, and emphasised the importance of any proposed designs being sensitive to the heritage nature of the area.

Attachments

- 1 A1558798 - Public Forum Presentation - Doug Craig - Heritage Nelson (previously Nelson Heritage Advisory Group)

4.7 Jill Southon

Jill Southon spoke about the proposed Special Housing Area for Tahunanui Drive, and tabled a document (A1558150). She outlined concerns regarding the height and size of the proposed development, particularly in light of transport, parking pressures and stormwater issues in the area.

She outlined her concerns regarding the lack of consultation that had taken place regarding the proposal to classify the site as a Special Housing Area, and suggested that any development on the site should have fewer units and storeys than proposed.

Attendance: Councillor Copeland left the meeting at 10.16am.

In response to a question, she suggested that a development of equal height to 'The Sands' development would be excessive for the site, and suggested that a two storey development would be appropriate.

Attachments

- 1 A1558150 - Public Forum - Tabled Document - Jill Southon

Attendance: Councillor Ward left the meeting at 10.19am.

4.8 Steve Cross

Steve Cross spoke about the proposed Special Housing Area for Tahunanui Drive. He suggested that the proposed development would alter the character of the Tahunanui area, and that there was no clear demand for more apartment-style dwellings in the area.

Attendance: Councillor Copeland returned to the meeting at 10.21am.

Mr Cross suggested that the decision to recommend the site as a Special Housing Area would trigger Council's Significance and Engagement Policy, and that community feedback on this matter should have been sought. He added that any development of the site should proceed under the regular resource consent process.

Attendance: Councillor Ward returned to the meeting at 10.23am.

In response to a question, Mr Cross suggested that properties in the proposed development would be unlikely to be affordable for first-home buyers.

4.9 John Molyneaux

John Molyneaux spoke about the proposed Special Housing Area for Tahunanui Drive. He explained his concerns that Special Housing Areas were being used as a tool to push through development, that there was insufficient demand for the type of proposed development, and that no community consultation had been undertaken.

Mr Molyneaux also noted infrastructure issues associated with the proposed development, including concerns regarding stormwater from properties on the hillside above, parking and traffic pressures at the Tahunanui Drive/Bisley Avenue intersection.

4.10 Alastair Cotterill

Alastair Cotterill spoke about the proposed Special Housing Area for Tahunanui Drive. He outlined his concerns that the proposed development would have on drainage, stormwater and parking in the area.

Attendance: Councillor Copeland left the meeting from 10.37am to 10.41am.

Mr Cotterill said that the proposed development would change the character of the area. He suggested that a smaller scale development proceeding through the regular resource consent process would be appropriate, providing that sufficient community consultation were undertaken.

In response to questions, he explained his concerns that the proposed development would not contribute to affordable housing in Nelson.

4.11 Ken Beckett

Ken Beckett spoke about the proposal to sell Bett Carpark for a special housing development. He suggested that the matter should be deferred to the Council meeting on 16 June 2016, and that the proposed designs should be made public to enable an opportunity for community members to express their views. He added that delaying the decision until 16 June would still allow sufficient time for the potential purchaser to apply for a resource consent prior to 16 September 2016.

Attendance: The meeting adjourned for morning tea from 10.52am to 11.06am.

5. Public Feedback on Proposal to Sell Bett Carpark

Document number R5772, agenda pages 73 - 131 refer.

Group Manager Strategy and Environment, Clare Barton, and Development Projects Planner, Lisa Gibellini, presented the report. Ms Gibellini outlined the feedback process and issues raised, and tabled additional feedback received from residents living near to Bett Carpark since the deadline for feedback had closed (A1560111).

Resolved CL/2016/139

THAT the report Public Feedback on Proposal to Sell Bett Carpark (R5772) and its attachments (A1544721 and A1554221) be received.

Her Worship the Mayor/McGurk

Carried

In response to questions, Ms Gibellini outlined the opportunities for consultation with iwi through the resource consent process under the Housing Accords and Special Housing Areas Act 2013 (HASHA). She also clarified that the rationale for not having the 2.4 metre set-back for the first 10 metres from the road boundary was to ensure an active edge to the street, and to avoid multiple vehicle entrances.

Attendance: Councillor Lawrey left the meeting from 11.19am to 11.21am.

In response to further questions, Ms Barton and Ms Gibellini gave a power point presentation (A1560215) and tabled documents (A1560204) giving an example of a typical commercial building that would be allowed on the site under the current Nelson Resource Management Plan (NRMP), noting that any such development could be built up to the boundary of the site, with a permitted height of 12 metres.

There was a discussion regarding Council's Significance and Engagement Policy. In response to a question, the Chief Executive, Clare Hadley, explained that the decision to recommend Bett Carpark as a Special Housing Area had not triggered the requirements of Council's Significance and Engagement Policy. She added that the decision of whether to sell Bett Carpark was, however, of a degree of significance requiring Council to take into account the views of people likely to be affected by or have an interest in the matter.

In response to further questions, Ms Gibellini explained that the rata tree on site was protected by land covenant as well as being heritage-listed, but that there were no limits on removing other trees on site. She added that it would be possible to include additional conditions as part of a sale and purchase agreement if Council desired protection of other trees.

Resolved CL/2016/140

THAT Council use the public feedback received, including tabled documents (A1560111), in considering whether or not to sell Bett Carpark for a qualifying development under the Housing Accord and Special Housing Areas Act 2013.

Noonan/Davy

Carried

Attachments

- 1 A1560111 - Additional Feedback - Proposed sale of Bett Carpark
- 2 A1560215 - Power Point presentation
- 3 A1560204 - Tabled Document

6. Special Housing Areas

Document number R5858, agenda pages 132 - 148 refer.

Group Manager Strategy and Environment, Clare Barton, and Development Projects Planner, Lisa Gibellini, presented the report. They tabled a map of the proposed Special Housing Area at 19 & 21 Beach Road, to replace the map on page 138 of the agenda (A1560156).

Ms Gibellini advised that, since the concerns expressed in public forum, she had spoken with the applicants of the proposed Special Housing Areas for 1 & 5 Tahunanui Drive, and 19 & 21 Beach Road, both of whom had indicated they were happy to reduce the maximum height of the proposed developments to 15 metres. She added that Council had also received feedback from the New Zealand Transport Authority in relation to the proposed development at 1 & 5 Tahunanui Drive, and that no issues had been identified, other than a request that access be provided from Bisley Avenue.

It was agreed that the second clause of the officer recommendation be separated, to consider the proposal for 1 & 5 Tahunanui Drive separately to that from 19 & 21 Beach Road.

In response to questions, Ms Gibellini explained that the Special Housing Area process allowed Council to approve a building 'envelope', and that detailed site plans and resource consent applications would follow at a later point. She outlined the resource consent process under HASHA.

In response to further questions, Ms Barton confirmed that Council could not require particular types of accommodation through Special Housing Areas.

There was a further discussion regarding Council's Significance and Engagement Policy. In response to questions, Mrs Hadley explained that the decision on whether to recommend the areas discussed in the officer report as Special Housing Areas did not trigger Council's Significance and

Engagement Policy, and no community consultation on this decision was required.

In response to questions relating to the proposed development at 1 & 5 Tahunanui Drive, Ms Gibellini confirmed that a multi-storey building on the site would probably have a shading effect, but that daylight considerations would only be an issue for the boundary of the site adjoining the residential zone. She said this would be considered through the resource consent process. She confirmed the maximum development height currently allowed for the site under the NRMP was 10 metres.

In response to questions relating to the proposed Special Housing Area in Dodson Valley, Ms Gibellini explained the aims under Nelson's Housing Accord. She said despite rural zoning the site could be considered for a Special Housing Area, but that even with 24 lots, the proposed development did not have sufficient intensity to meet the aims of the Accord. She confirmed that if the site and amended qualifying development criteria were to be considered further, amendments would need to be brought back to the 16 June 2016 Council meeting for consideration.

Attendance: Councillor Ward left the meeting from 12.07pm to 12.09pm.

In response to questions in relation to the Ocean Lodge Special Housing Area, Ms Gibellini explained the developer's proposed changes and confirmed her understanding that the development of the balance of the site would still include commercial elements. She added that the developers had indicated that car parking was integral to the design.

Attendance: Councillor Copeland left the meeting from 12.13pm to 12.15pm, Councillor Lawrey left the meeting from 12.16pm to 12.17pm, and Councillor Fulton left the meeting from 12.16pm to 12.18pm.

Resolved CL/2016/141

THAT the report Special Housing Areas (R5858) and its attachments (A1548015, A1548048, A1551280, and A1548018) be received.

Her Worship the Mayor/Ward

Carried

Attachments

1 A1560156 - Tabled Document - replacement page 138 of agenda

6.1 1 & 5 Tahunanui Drive

There was discussion regarding stormwater issues. In response to a question, Ms Gibellini explained that the developer would be required to ensure adequate provision was made for stormwater as part of the design.

Attendance: The meeting adjourned from 12.38pm to 12.39pm, during which time Councillor Acland left the meeting and returned at 12.41pm.

In response to further questions, Ms Gibellini confirmed that a height limit of 15 metres should still meet the qualifying criteria of the Housing Accord, although no designs had been proposed to date. She said that Council could impose financial contributions relating to the effects of the development, but could not require that the developer otherwise widen the footpath in this area.

Councillor Fulton, seconded by her Worship the Mayor moved a motion

THAT Council approve 1 & 5 Tahunanui Drive (A1548048) as a potential Special Housing Area with the maximum number of storeys being three and the maximum height of 12 metres in qualifying criteria.

Councillors discussed the motion, and a variety of views for and against were expressed.

The motion was put and lost.

6.2 19 & 21 Beach Road

Councillor Davy, seconded by Councillor Matheson moved a motion

AND THAT Council approve 19 & 21 Beach Road (A1548015) as a potential Special Housing Area.

Councillor Fulton, seconded by Councillor Noonan, moved an amendment to add additional words to the motion

AND THAT Council approve 19 & 21 Beach Road (A1548015) as a potential Special Housing Area with the maximum number of storeys being three and the maximum height of 12 metres in qualifying criteria.

Councillors discussed the amendment and a variety of views for and against were expressed.

The amendment was put and lost, and the meeting returned to the original motion.

Her Worship the Mayor advised that the item would lie on the table, to be considered again later in the meeting.

Attendance: The meeting adjourned for lunch from 1.11pm to 1.41pm.

Her Worship the Mayor advised that the meeting would consider the public excluded item, and return to item 9, Special Housing Areas, later in the meeting.

7. Exclusion of the Public

Resolved CL/2016/142

THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Graeme McIndoe remain after the public has been excluded, for Item 3 of the Public Excluded agenda (Consideration of Bett Carpark Request for Proposals – Sale of Bett Carpark for Special Housing Area), 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 Graeme McIndoe possesses relates to urban design and the assessment of the Bett Carpark proposals.

Her Worship the Mayor/Matheson

Carried

Resolved CL/2016/143

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/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 | Consideration of Bett Carpark Request for Proposals - Sale of Bett Carpark for Special Housing Area | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to |

| Item | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Particular interests protected (where applicable) |
|------|---|---|---|
| | | under section 7 | <p>prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) |

The meeting went into public excluded session at 1.44pm and resumed in public session at 4.04pm.

During the public excluded session, a resolution was passed to extend the meeting beyond six hours, in accordance with Standing Order 3.3.7.

8. Re-admittance of the Public

Resolved CL/2016/144

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Matheson

Carried

Attendance: The meeting adjourned from 4.04pm to 4.10pm, during which time Councillor Fulton left the meeting.

Her Worship the Mayor advised that the meeting would consider item 7 (Adoption of the Annual Plan 2016/17) and item 10 (Elected Members' Reimbursement and Expenses Policy 2016-2019) prior to returning to item 9 (Special Housing Areas).

9. Adoption of the Annual Plan 2016/17

Document number R5584, agenda pages 49 - 72 refer.

Senior Strategic Adviser, Nicky McDonald, and Group Manager Corporate Services, Nikki Harrison, presented the report. Ms McDonald tabled an updated copy of page 91 of the Annual Plan 2016/17 (A1560174), and

an extract from the officer recommendation to strike the rates, showing minor amendments (A1560175).

Attendance: Councillor Copeland left the meeting at 4.14pm, and Councillor Fulton returned to the meeting at 4.15pm.

Her Worship the Mayor, seconded by Councillor Barker, moved the motion in the officer report, with the amendments as noted in the tabled document.

Councillors discussed the Annual Plan 2016/17 and expressed their views in relation to Council's debt levels.

Her Worship the Mayor advised that the item would lie on the table, so that the meeting could consider item 5 of the agenda (Confirmation of Minutes – 11 & 12 May 2016).

Attachments

- 1 A1560174 - Tabled Document - updated page 91 Annual Plan 2016/17
- 2 A1560175 - Tabled Document - amendments to officer recommendation to strike the rates

10. Confirmation of Minutes

10.1 11 & 12 May 2016

Document number M1879, agenda pages 17 - 47 refer.

Resolved CL/2016/145

THAT the minutes of the meeting of the Council, held on 11 and 12 May 2016, be confirmed as a true and correct record.

Barker/Fulton

Carried

11. Adoption of the Annual Plan 2016/17 (continued)

The meeting returned to consider the adoption of the Annual Plan 2016/17.

The motion was put and a division was called:

| | |
|---------------------|---------|
| Councillor Acland | Aye |
| Councillor Barker | Aye |
| Councillor Copeland | Apology |
| Councillor Davy | Aye |
| Councillor Fulton | Aye |
| Councillor Lawrey | Aye |

| | |
|-----------------------|-----|
| Councillor Matheson | Aye |
| Councillor McGurk | Aye |
| Councillor Noonan | Aye |
| Councillor Rainey | Aye |
| Councillor Skinner | No |
| Councillor Ward | Aye |
| Her Worship the Mayor | Aye |

The motion was passed 11-1, with one apology.

Resolved CL/2016/146

THAT the report Adoption of the Annual Plan 2016/17 (R5584) and its attachments (A1518261, A1551142 and A1551144) be received;

AND THAT the Annual Plan 2016/17 be adopted;

AND THAT the Mayor and Chief Executive be delegated to make any necessary minor editorial amendments prior to the Annual Plan 2016/17 being released to the public;

AND THAT the Nelson City Council sets the following rates under the Local Government (Rating) Act 2002, on rating units in the district for the financial year commencing on 1 July 2016 and ending on 30 June 2017.

The revenue approved below will be raised by the rates and charges that follow.

Revenue approved:

**General Rate
\$35,678,248**

**Uniform Annual General Charge
\$8,371,750**

**Stormwater and Flood Protection Charge
\$4,897,421**

**Waste Water Charge
\$6,864,245**

**Water Annual Charge
\$3,518,255**

Water Volumetric Charge
\$8,209,263

Clean Heat Warm Homes and Solar Saver
\$553,113

Rates and Charges (excluding GST)
\$68,092,295

Goods and Services Tax
(at the current rate)
\$10,213,844

Total Rates and Charges
\$78,306,139

The rates and charges below are GST inclusive.

(1) General Rate

A general rate set under section 13 of the Local Government (Rating) Act 2002, assessed on a differential land value basis as described below:

- a rate of 0.67343 cents in the dollar of land value on every rating unit in the "residential – single unit" category.**
- a rate of 0.67343 cents in the dollar of land value on every rating unit in the "residential empty section" category.**
- a rate of 0.74077 cents in the dollar of land value on every rating unit in the "single residential unit forming part of a parent valuation, the remainder of which is non-rateable" category. This represents a 10% differential on land value.**
- a rate of 0.74077 cents in the dollar of land value on every rating unit in the "multi residential" category. This represents a 10% differential on land value.**
- a rate of 1.67415 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 100% commercial and industrial (occupied and empty) category. This represents a 148.6% differential on land value.**
- a rate of 1.42431 cents in the dollar of land value on every rating unit in the "commercial –**

excluding inner city and Stoke commercial" subject to 25% residential and 75% commercial" category. This represents a 111.5% differential on land value.

- a rate of 1.17379 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 50% residential and 50% commercial" category. This represents a 74.3% differential on land value.**

- a rate of 0.92395 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 75% residential and 25% commercial" category. This represents a 37.2% differential on land value.**

- a rate of 2.41829 cents in the dollar of land value on every rating unit in the "commercial inner city" subject to 100% commercial and industrial (occupied and empty) category. This represents a 259.1% differential on land value.**

- a rate of 1.98191 cents in the dollar of land value on every rating unit in the "commercial inner city subject to 25% residential and 75% commercial" category. This represents a 194.3% differential on land value.**

- a rate of 1.54620 cents in the dollar of land value on every rating unit in the "commercial inner city subject to 50% residential and 50% commercial" category. This represents a 129.6% differential on land value.**

- a rate of 1.10981 cents in the dollar of land value on every rating unit in the "commercial inner city subject to 75% residential and 25% commercial" category. This represents a 64.8% differential on land value.**

- a rate of 2.30852 cents in the dollar of land value on every rating unit in the "Stoke commercial subject to 100% commercial and industrial (occupied and empty)" category. This represents a 242.8% differential on land value.**

- a rate of 1.89975 cents in the dollar of land value on every rating unit in the "Stoke commercial subject to 25% residential and 75%**

commercial" category. This represents a 182.1% differential on land value.

- **a rate of 1.49098 cents in the dollar of land value on every rating unit in the "Stoke commercial subject to 50% residential and 50% commercial" category. This represents a 121.4% differential on land value.**

- **a rate of 1.08220 cents in the dollar of land value on every rating unit in the "Stoke commercial subject to 75% residential and 25% commercial" category. This represents a 60.7% differential on land value.**

- **a rate of 0.43773 cents in the dollar of land value on every rating unit in the "rural" category. This represents a minus 35% differential on land value.**

- **a rate of 0.60609 cents in the dollar of land value on every rating unit in the "small holding" category. This represents a minus 10% differential on land value.**

(2) Uniform Annual General Charge

A uniform annual general charge under section 15 of the Local Government (Rating) Act 2002 of \$413.27 per separately used or inhabited part of a rating unit.

(3) Stormwater and Flood Protection Charge

A targeted rate under section 16 of the Local Government (Rating) Act 2002 of \$271.47 per rating unit, (excluding rural category, small holding category and residential properties east of Gentle Annie saddle, Saxton's Island and Nelson City Council's storm water network).

(4) Waste Water Charge

A targeted rate for waste water disposal under section 16 of the Local Government (Rating) Act 2002 of:

- **\$389.54 per separately used or inhabited part of a residential, multi residential, rural and small holding rating units, that is connected either directly or through a private drain to a public waste water drain.**

- *For commercial rating units, a waste water charge of \$97.39 per separately used or inhabited part of a rating unit that is connected either directly or through a private drain to a public waste water drain. Note: a "trade" waste charge will also be levied.*

(5) Water Annual Charge

A targeted rate for water supply under Section 16 of the Local Government (Rating) Act 2002, of:

Water charge (per connection) \$194.99

(6) Water Volumetric Rate

A targeted rate for water provided under Section 19 of the Local Government (Rating) Act 2002, of:

Price of water:

**Usage up to 10,000 cu.m/year
\$2.036 per m³**

**Usage from 10,001 to 100,000 cu.m/year
\$1.517 per m³**

**Usage over 100,000 cu.m/year
\$1.198 per m³**

**Summer irrigation usage over 10,000 cu.m/year
\$1.776 per m³**

(7) Clean Heat Warm Homes

A targeted rate per separately used or inhabited part of a rating unit that has been provided with home insulation and/or a heater to replace a non-complying solid fuel burner under Section 16 of the Local Government (Rating) Act 2002 in accordance with agreement of the original ratepayer, of:

- *For properties levied the Clean Heat Warm Homes as a result of agreements entered into after 1 July 2011, the targeted rate for each year for 10 years will be the total cost of the installed works excluding GST, divided by 10, plus GST.*
- *For properties levied the Clean Heat Warm Homes as a result of agreements entered into*

prior to 1 July 2011 the targeted rate of:

| Loan Assistance Range | Installation after 30 Sept 2010 | Completed prior to 30 Sept 2010 |
|------------------------------|--|--|
| \$1,400 to \$1,599 | \$140.00 | \$143.11 |
| \$1,600 to \$1,799 | \$160.00 | \$163.56 |
| \$1,800 to \$1,999 | \$180.00 | \$184.00 |
| \$2,000 to \$2,199 | \$200.00 | \$204.44 |
| \$2,200 to \$2,399 | \$220.00 | \$224.89 |
| \$2,400 to \$2,599 | \$240.00 | \$245.34 |
| \$2,600 to \$2,799 | \$260.00 | \$265.78 |
| \$2,800 to \$2,999 | \$280.00 | \$286.22 |
| \$3,000 to \$3,199 | \$300.00 | \$306.67 |
| \$3,200 to \$3,399 | \$320.00 | \$327.11 |
| \$3,400 to \$3,599 | \$340.00 | \$347.56 |
| \$3,600 to \$3,799 | \$360.00 | \$368.00 |
| \$3,800 to \$3,999 | \$380.00 | \$388.44 |
| \$4,000 to \$4,199 | \$400.00 | \$408.89 |
| \$4,200 to \$4,399 | \$420.00 | \$429.34 |
| \$4,400 to \$4,599 | \$440.00 | \$449.78 |
| \$4,600 to \$4,799 | \$460.00 | \$470.22 |
| \$4,800 to \$4,999 | \$480.00 | \$490.67 |

(8) Solar Hot Water Systems

A targeted rate for any separately used or inhabited parts of a rating unit that has been provided with financial assistance to install a solar hot water system under Section 16 of the Local Government (Rating) Act 2002 in accordance with agreement of the original ratepayer, of the following factors on the extent

of provision of service (net cost of the work including GST after deducting EECA grant, plus funding cost):

- **0.14964 (including GST) for agreements entered into prior to 1 July 2011, multiplied by the Net Cost of the Work adjusted for any increased GST.**
- **0.13847 (including GST) for agreements entered into after 1 July 2011 multiplied by the Net Cost of the Work.**

Other Rating Information:

Due Dates for Payment of Rates

The above rates (excluding water volumetric rates) are payable at the Nelson City Council office, 110 Trafalgar Street, Nelson and shall be payable in four instalments on the following dates:

| Instalment Number | Instalment Due Date | Last Date for Payment | Penalty Date |
|--------------------------|----------------------------|------------------------------|-------------------------|
| Instalment 1 | 1 August 2016 | 22 August 2016 | 26 August 2016 |
| Instalment 2 | 1 November 2016 | 21 November 2016 | 25 November 2016 |
| Instalment 3 | 1 February 2017 | 20 February 2017 | 24 February 2017 |
| Instalment 4 | 1 May 2017 | 22 May 2017 | 26 May 2017 |

Rates instalments not paid on or by the Last Date for payment above will incur penalties as detailed in the section "Penalty on Rates".

Due Dates for Payment of Water Volumetric Rates

Residential water volumetric rates are payable at the Nelson City Council office, 110 Trafalgar Street, Nelson and shall be payable on the following dates:

| Billing Month | Last Date for Payment | Penalty Date |
|-----------------------|------------------------------|--------------------------|
| July 2016 | 15 September 2016 | 21 September 2016 |
| August 2016 | 15 September 2016 | 21 September 2016 |
| September 2016 | 17 October 2016 | 21 October 2016 |
| October 2016 | 15 December 2016 | 21 December 2016 |
| November 2016 | 15 December 2016 | 21 December 2016 |
| December 2016 | 16 January 2017 | 23 January 2017 |
| January 2017 | 15 March 2017 | 21 March 2017 |
| February 2017 | 15 March 2017 | 21 March 2017 |
| March 2017 | 17 April 2017 | 21 April 2017 |
| April 2017 | 15 June 2017 | 21 June 2017 |
| May 2017 | 15 June 2017 | 21 June 2017 |
| June 2017 | 17 July 2017 | 21 July 2017 |

Special (final) water volumetric rates will be payable 14 days from the invoice date of the special (final) water reading as shown on the water invoice.

Commercial water volumetric rates: last date for payment will be the 20th of the month following the invoice date as shown on the water volumetric rate invoice. The penalty date will be the fourth business day after the Last Date for Payment.

Penalty on Rates

Pursuant to Sections 57 and 58 of the Local Government (Rating) Act 2002, the Council authorises the following penalties on unpaid rates (excluding volumetric water rate accounts) and delegates authority to the Group Manager

Corporate Services to apply them:

- **a charge of 10% of the amount of each rate instalment remaining unpaid after the due date as shown above to be added on the penalty date as shown in the above table and also shown on each rate instalment notice.**
- **an additional charge of 10% will be added to any balance remaining outstanding from a previous rating year (including penalties previously charged) as at 31st December 2016 on 6 January 2017.**
- **a further additional charge of 10% will be added to any balance remaining outstanding from a previous rating year (including penalties previously charged) as at 30 June 2017 on 6 July 2017.**

Penalty on Water Volumetric Rates

Pursuant to Sections 57 and 58 of the Local Government (Rating) Act 2002, the Council authorises the following penalties on unpaid volumetric water rates and delegates authority to the Group Manager Corporate Services to apply them:

- **a charge of 10% of the amount of each volumetric water rate account remaining unpaid on the penalty date as shown in the above table and also shown on each volumetric water rate account.**

Penalty Remission

In accordance with Council's rate remission policy, the Council will approve the remission of the penalty added on instalment one due to late payment provided the total annual rates are paid in full by 21 November 2016. If full payment of the annual rates is not paid by 21 November 2016 the penalties relating to the first instalment outlined above will apply.

The above penalties will not be charged where Council has agreed to a programme for payment of outstanding rates.

The Group Manager Corporate Services is given discretion to remit rates penalties either in whole or part in accordance with Council's approved

rates remission policy, as may be amended from time to time.

Discount on Rates

Pursuant to Section 55 of the Local Government (Rating) Act 2002, the Council will allow a discount of 2.0 percent of the total rates (excluding volumetric water rates) where a ratepayer pays the year's rates in full on or before the due date for instalment one being 22 August 2016.

Payment of Rates

The rates shall be payable at the Council offices, Civic House, 110 Trafalgar Street, Nelson between the hours of 8.30am to 5.00pm Monday, Tuesday, Wednesday and Friday and 9.00am to 5.00pm Thursday.

Where any payment is made by a ratepayer that is less than the amount now payable, the Council will apply the payment firstly to any rates outstanding from previous rating years and then proportionately across all current year rates due.

Her Worship the Mayor/Barker

Carried

Resolved CL/2016/147

THAT the revised Nelson City Council Rates Postponement Policy (A1551144) and Rates Remissions Policy (A1551142) as attached be adopted.

Davy/Barker

Carried

12. Special Housing Areas (continued)

A question was raised regarding the effect that a 15 metre building could have on sunlight angles for neighbouring properties.

Resolved CL/2016/148

THAT pursuant to Standing Order 3.12.1 the remaining elements of item 9 (Special Housing Areas) be left to lie on the table, and not be further discussed at this meeting, but will be re-considered at the Council meeting scheduled to be held in the Council Chamber on 16 June 2016, commencing at 9.00am.

Her Worship the Mayor/Barker

Carried

13. Elected Members' Reimbursement and Expenses Policy 2016-2019

Document number R5479, agenda pages 149 - 179 refer.

Manager Administration, Penny Langley, presented the report. In response to a question, she explained that there was sufficient detail in the proposed policy to address private Plan Change situations in the future.

Attendance: Councillors Acland and Rainey left the meeting at 4.40pm.

Resolved CL/2016/149

THAT the report Elected Members' Reimbursement and Expenses Policy 2016-2019 (R5479) and its attachments (A355751, A1538389, A1547293 and A1546381) be received;

AND THAT Council adopts the Elected Members' Reimbursement and Expenses Policy (A1546381) as attached to report R5479, to be submitted to the Remuneration Authority for approval.

Davy/McGurk

Carried

14. Mayor's Report

Document number R5994

Her Worship the Mayor advised that this item would be considered at the Council meeting on 16 June 2016.

15. Administrative Matters

Document number R5993, agenda pages 180 - 182 refer.

Her Worship the Mayor advised that this item would be considered at the Council meeting on 16 June 2016.

16. Local Government New Zealand Annual General Meeting

Document number R5965, agenda pages 183 - 188 refer.

Her Worship the Mayor advised that this item would be considered at the Council meeting on 16 June 2016.

There being no further business the meeting ended at 4.45pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Nelson City Council

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

On Thursday 5 May 2016, commencing at 9.03am

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, R Copeland, 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 Infrastructure (A Louverdis), Group Manager Strategy and Environment (C Barton), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Senior Strategic Adviser (N McDonald), Manager Communications (P Shattock), Manager Administration (P Langley), Administration Adviser (S Burgess), and Nelson Youth Councillors (F Sawyer and A James)

Opening Prayer

Youth Councillor Fynn Sawyer gave the opening prayer.

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

Her Worship the Mayor advised of several changes to the order of business and to the public forum attendees.

3. Interests

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

Nelson City Council Minutes - 5 May 2016

4. Public Forum

- 4.1 Allan Kneale and Gavin Calder - Nelson District Council, NZ Automobile Association Incorporated

Mr Kneale presented results from Automobile Association (AA) members' survey carried out in April on the Nelson Southern Link Investigation. He said the majority of respondents felt the congestion on Rocks Road and Waimea Road was an important issue for the region, and supported the creation of a new arterial route. Mr Kneale added that the results were consistent with earlier surveys of AA members.

In response to a question, Mr Kneale advised the AA had received several hundred direct responses to the latest survey.

- 4.2 Helen Watson, Hugh Gully and John-Paul Pochin, Nelson Intermediate and Victory Primary School Boards

Ms Watson gave a PowerPoint presentation (A1544131) regarding the potential new arterial route and its impact on air quality in the Victory area. She highlighted that the annual concentration of PM_{2.5} in Airshed A was already higher than that allowed under national environment standards.

Mr Gully spoke about the large number of students making their way to school by walking, cycling, and other active means. He suggested Council needed to show leadership and Councillors needed to act as guardians of the City. Mr Gully emphasised that safety of students would be compromised with a new arterial route.

Mr Pochin pointed out that the Nelson Southern Link investigation was an opportunity to also consider how to reduce traffic and pollution levels.

Attendance: Councillor Rainey left the meeting from 9.31am to 9.33am.

In response to a question, Mr Gully advised that he would support a dedicated bus lane on Waimea Road.

- 4.3 Lindsay Wood

Mr Wood gave a PowerPoint presentation (A1545001) and urged Council to agree on a position regarding the Nelson Southern Link Investigation.

- 4.4 Peter Olorenshaw - Nelsust Inc

Mr Olorenshaw gave a PowerPoint presentation (A1544738) which covered traffic trends, options for reducing traffic and congestion on current arterial routes, and design of the Rocks Road cycling and walking path.

- 4.5 Kindra Douglas (on behalf of Dr John Moore) - Victory Community Centre

Ms Douglas spoke about the potential negative impacts on the Victory area if a new southern arterial was to be built, and read from a tabled document (A1543961).

4.6 Dot Kettle - Chamber of Commerce

Ms Kettle spoke about the need for sustainable planned economic and population growth. She highlighted the seasonality of Nelson, and the need for efficient routes to the central City. Ms Kettle spoke about employment growth, export growth, viable commuter transport options and the need for resilient infrastructure.

Ms Kettle advised the Chamber of Commerce had surveyed members and the majority of respondents felt that congestion on the two arterial routes was significant and supported a new arterial route.

Ms Kettle emphasised that Rocks Road needed to be released for tourism and recreation, and better access to the Port was needed for heavy traffic.

4.7 Barbara Bowen, Mike Thomas, and Ainslie Riddoch - Tahunanui Business Association

Ms Bowen encouraged Council to form a position about the Nelson Southern Link Investigation and tabled a document on behalf of Tahunanui School (A1544824). She provided detail on the challenges of heavy traffic along Tahunanui Drive, and supported an alternative purpose-built road for heavy traffic.

Mr Thomas spoke about the increase in heavy traffic in Tahunanui and the need to protect the seaside community.

4.8 Craig Dennis and Gary Stocker - Progress Nelson Tasman

Mr Dennis said he supported a properly designed new southern arterial route.

Attendance: Councillor Copeland left the meeting from 10.27am to 10.29am.

Mr Dennis spoke about the increasing Nelson population and the forecasted increase in freight volumes. He supported the creation of a promenade around Rocks Road. Mr Dennis suggested that the situation in terms of pollution had changed since the 2004 Environment Court decision on the Nelson Southern Link. He raised concern that the vision for the Nelson region was not clear.

Attendance: Councillor Ward left the meeting from 10.39am to 10.42am.

4.9 Bob Hancock - Nelson Grey Power Inc

Mr Hancock gave a presentation on the Nelson Grey Power survey results on the Nelson Southern Link Investigation (A1543584).

Attendance: Councillor Skinner left the meeting from 10.45am to 10.46am.

Mr Hancock provided detail on the Nelson Grey Power membership and past congestion issues in Stoke. He urged Council not to procrastinate on matters relating to the Nelson Southern Link, and insisted that if a new road was required, it needed to be well-designed.

M1869

3

Attendance: Councillor Acland left the meeting from 10.47am to 10.52am.

Attachments

- 1 A1544131 - Helen Watson Hugh Gully John-Paul Pochin Nelson Intermediate and Victory Primary School Southern Link PowerPoint
- 2 A1545001 - Lindsay Wood Southern Link PowerPoint
- 3 A1544738 - Peter Olorenshaw Nelsust Inc Southern Link PowerPoint
- 4 A1543961 - Dr John Moore and Kindra Douglas Victory Community Centre Southern Link Handout
- 5 A1544824 - Barbara Bowen Mike Thomas and Ainslie Riddoch Tahunanui Business Association Southern Link Handout
- 6 A1543584 - Bob Hancock Grey Power PowerPoint

Attendance: The meeting adjourned for morning tea from 10.46am to 11.19am.

5. Nelson Southern Link Investigation - Feedback Submission

Document number R5805, agenda pages 68 - 72 refer.

Her Worship the Mayor advised the Nelson Southern Link Investigation - Feedback Submission item would be put on hold while staff sought advice on a proposed recommendation.

6. Elected Members' Remuneration 2016/17

Document number R5826, agenda pages 79 - 127 refer.

Manager Administration, Penny Langley, presented the report.

In response to a question, Ms Langley advised that at least two other councils in New Zealand remunerated deputy chair positions.

Questions were raised regarding the time required for District Plan Review work. The Chief Executive, Clare Hadley, advised this would be difficult to determine until a draft District Plan had been prepared and there was a greater understanding of any complex issues. She said she was confident the pool of money for District Plan Review work would be required in the next term of Council.

Some support was shown for Option 4 in the officer's report, although the majority of councillors supported the pool amount of \$18,299 for District Plan Review work as shown in Option 6.

Resolved CL/2016/081

THAT the report Elected Members' Remuneration 2016/17 (R5826) and its attachments (A1470764, A1522819 and A152257) be received;

AND THAT Council approves Option 6, as outlined in R5826, as the basis for the allocation of the additional remuneration for councillors to apply from 1 July 2016, to be submitted to the Remuneration Authority for approval.

Noonan/Davy

Carried

7. Confirmation of Minutes

7.1 24 March 2016

Document number M1789, agenda pages 14 - 37 refer.

Resolved CL/2016/082

THAT the minutes of the meeting of the Council, held on 24 March 2016, be confirmed as a true and correct record.

Davy/Copeland

Carried

7.2 14 April 2016 - Extraordinary Meeting

Document number M1829, agenda pages 38 - 46 refer.

Resolved CL/2016/083

THAT the minutes of the extraordinary meeting of the Council, held on 14 April 2016, be confirmed as a true and correct record.

Copeland/Her Worship the Mayor

Carried

8. Status Report - Council - 5 May 2016

Document number R5848, agenda pages 47 - 57 refer.

Resolved CL/2016/084

THAT the Status Report Council 5 May 2016 (R5848) and its attachment (A1168168) be received.

Davy/Copeland

Carried

9. Mayor's Report

Document number R5686, agenda pages 58 - 65 refer.

Her Worship the Mayor presented the Mayor's Report. Councillor Lawrey presented his proposed remit to Local Government New Zealand.

M1869

5

In response to a question, Her Worship the Mayor advised a councillor to replace Councillor Acland as Trustee on the Youth and Community Facilities Trust was not required.

Attendance: The meeting adjourned from 11.44am to 11.48am.

Resolved CL/2016/085

THAT the Mayor's Report (R5686) and its attachments (A1511415 and A1542057) be received;

AND THAT it be noted that Councillor Acland has resigned from his position as Trustee of the Youth and Community Facilities Trust;

AND THAT Council support the remit application as set out in Attachment 2 (A1542057) and the Mayor commence the process to obtain the support of at least four other councils for the remit application;

AND THAT upon obtaining support from at least four other councils the remit application is submitted to LGNZ by 13 June 2016.

Matheson/Noonan

Carried

10. Crematorium Delivery Review - Update

Document number R5815, agenda pages 66 - 67 refer.

Resolved CL/2016/086

THAT the report Crematorium Delivery Review - Update (R5815) be received.

Davy/Noonan

Carried

11. Regional Pest Management Plan

Document number R5715, agenda pages 128 - 136 refer.

Environmental Programmes Adviser, Richard Frizzell, presented the report and tabled an amended attachment (A1544493).

It was agreed that Councillor Copeland would be appointed as she had been involved in the previous Regional Pest Management Plan review, along with the Chair and Deputy Chair of the Planning and Regulatory Committee.

Resolved CL/2016/087

THAT the report Regional Pest Management Plan (R5715) and its attachments (A1535666 and A1535354) be received;

AND THAT the Council establishes, with Tasman District Council, a Regional Pest Management Committee;

AND THAT the Council appoints Councillors R Copeland, K Fulton, and B McGurk, to the Regional Pest Management Committee;

AND THAT the delegations for the Regional Pest Management Committee (A1535354) are adopted;

AND THAT the Regional Pest Management Committee continue beyond the 2016 local body elections.

Davy/Copeland

Carried

Attachments

- 1 A1544493 - Tabled document regarding Pest Management Strategy - tracked changes from Tasman District Council

12. Hearings Panel - Temporary Road Closure - 7 April 2016

Document number R5814, agenda pages 137 - 138 refer.

Resolved CL/2016/088

THAT the minutes of a meeting of the Hearing Panel - Other, held on 7 April 2016, be received.

McGurk/Davy

Carried

13. Joint Committee - 29 March 2016

Document number M1794, agenda pages 139 - 143 refer.

Resolved CL/2016/089

THAT the unconfirmed minutes of a meeting of the Joint Committee, held on 29 March 2016, be received.

Barker/Her Worship the Mayor

Carried

Nelson City Council Minutes - 5 May 2016

14. Works and Infrastructure Committee - 31 March 2016

Document number M1798, agenda pages 144 - 152 refer.

Resolved CL/2016/090

THAT the unconfirmed minutes of a meeting of the Works and Infrastructure Committee, held on 31 March 2016, be received.

Davy/Lawrey

Carried

15. Community Services Committee - 14 April 2016

Document number M1830, agenda pages 153 - 159 refer.

Resolved CL/2016/091

THAT the unconfirmed minutes of a meeting of the Community Services Committee, held on 14 April 2016, be received.

Rainey/Noonan

Carried

16. Joint Shareholders Committee - 15 April 2016

Document number M1835, agenda pages 160 - 164 refer.

Resolved CL/2016/092

THAT the unconfirmed minutes of a meeting of the Joint Shareholders Committee, held on 15 April 2016, be received.

Her Worship the Mayor/Davy

Carried

17. Civil Defence Emergency Management Group - 15 April 2016

Document number M1838, agenda pages 165 - 166 refer.

Resolved CL/2016/093

THAT the unconfirmed minutes of a meeting of the Civil Defence Emergency Management Group, held on 15 April 2016, be received.

Matheson/Noonan

Carried

18. Governance Committee - 21 April 2016

Document number M1845, agenda pages 167 - 178 refer.

Resolved CL/2016/094

THAT the unconfirmed minutes of a meeting of the Governance Committee, held on 21 April 2016, be received.

Barker/Acland

Carried

18.1 The Bishop Suter Trust draft Statement of Intent 2016/17 and Half Yearly Report

It was noted the grant of \$20,000 for free entry did not align with a financial year.

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

THAT the Bishop Suter Trust Statement of Intent 2016/17 (A1512571) meets Council's expectations and is approved as the final Statement of Intent for 2016/17;

AND THAT a one off grant of \$20,000 be allocated to the Suter to allow free entry for the 2016/17 year, noting that the Suter Art Gallery will open in October 2016;

AND THAT the Trust report back to Council as part of its preparation of the 2017/18 draft Statement of Intent on the positive and negative impacts of free entry.

Attendance: Councillor Lawrey left the meeting from 12.09pm to 12.10pm.

Councillor Fulton, seconded by Councillor Davy, moved an amendment to remove the reference to the Suter Art Gallery opening in October 2016.

The amendment was put and carried and became the substantive motion.

Resolved CL/2016/095

THAT the Bishop Suter Trust Statement of Intent 2016/17 (A1512571) meets Council's expectations and is approved as the final Statement of Intent for 2016/17;

AND THAT a one off grant of \$20,000 be allocated to the Suter to allow free entry for the 2016/17 year;

AND THAT the Trust report back to Council as part of its preparation of the 2017/18 draft Statement of Intent on the positive and negative impacts of free entry.

Barker/Rainey

Carried

Councillor Barker requested his vote against the motion to be recorded.

18.2 Draft Health and Safety Management System Strategic Plan

Resolved CL/2016/096

THAT the amended Draft Health and Safety Management System Strategic Plan (A1398549) be approved.

Barker/Acland

Carried

48.3 Corporate Report to 31 January 2016

Item from Audit, Risk and Finance Subcommittee meeting - 31/03/2016

Resolved CL/2016/097

THAT the unspent 2015/16 Community Investment Fund operational budget of \$21,300 be carried forward to the 2016/17 financial year, bringing the total budget for 2016/17 for the Community Investment Fund to \$327,000.

Barker/Acland

Carried

48.4 Extension of loan facility to the Melrose Society

Item from Audit, Risk and Finance Subcommittee meeting - 31/03/2016

Resolved CL/2016/098

THAT the \$15,000 funding allocated towards asbestos remediation in Melrose House in 2016/17 be brought forward to 2015/16 and be used to grant fund the Melrose Society for the purpose of toilet refurbishment;

AND THAT an additional unbudgeted grant of up to \$42,000 is provided to the Melrose Society for the purpose of toilet renovations in the 2015/16 financial year;

AND THAT the Melrose Society be informed that no further grants will be made by Council to the Melrose Society for the toilet refurbishment and chiller installation project.

Barker/Acland

Carried

Attendance: The meeting adjourned from 12.18pm to 12.31pm.

59. Nelson Southern Link Investigation - Feedback Submission Cont'd.

Group Manager Community Services, Chris Ward, and Group Manager Infrastructure, Alec Louverdis presented the report and tabled a new recommendation (A1544813).

Councillor Fulton moved, seconded by Councillor Davy, the tabled recommendation.

Councillors supported the tabled recommendation, although disappointment was expressed that Council was unable to give feedback on the options described in the New Zealand Transport Agency consultation.

In response to a question, the Chief Executive, Clare Hadley, advised that legal advice had been sought regarding officer advice on the Nelson Southern Link Investigation at the Council meeting on 14 April 2016, which remained correct from a legal perspective.

In response to a question, Mrs Hadley advised that if Council wished to revisit its position on the Nelson Southern Link, it would need to direct that work be undertaken to review the matter in order to inform Council decision making for a future Long Term Plan and Regional Land Transport Plan.

Attendance: Councillor Ward left the meeting from 12.40pm to 12.42pm.

Mrs Hadley agreed with a statement that the motion did not contain any information that was not already within current Council documents.

There was a suggestion that Council should still focus on incentivising other modes of transport and shared transport options.

Attendance: Councillor Copeland left the meeting at 12.52pm. Councillor Acland left the meeting from 1.05pm to 1.06pm. Councillor Copeland returned to the meeting at 1.08pm.

The motion was put and a division was called, the motion was passed unanimously.

| | |
|---------------------|-----|
| Councillor Acland | Aye |
| Councillor Barker | Aye |
| Councillor Copeland | Aye |
| Councillor Davy | Aye |
| Councillor Fulton | Aye |
| Councillor Lawrey | Aye |
| Councillor Matheson | Aye |

| | |
|-----------------------|-----|
| Councillor McGurk | Aye |
| Councillor Noonan | Aye |
| Councillor Rainey | Aye |
| Councillor Skinner | Aye |
| Councillor Ward | Aye |
| Her Worship the Mayor | Aye |

Resolved CL/2016/099

THAT the report Nelson Southern Link Investigation – Feedback Submission (R5805) be received;

AND THAT Council acknowledges there is public interest in Council providing feedback to New Zealand Transport Agency (NZTA) to further develop their Programme Business Case (PBC) addressing the two issues NZTA has identified: congestion and cycle and pedestrian accessibility on Rocks Road;

AND THAT Council's feedback is:

- **Council appreciates the opportunity to provide feedback on NZTS's Programme Business Case. Council supports the Rocks Road Walking and Cycling Project as set out in Council's Long Term Plan 2015-2025 and Regional Land Transport Plan 2015-2021.**
- **Council notes funding to complete this project has been included in the Long Term Plan 2015-2025 and Regional Land Transport Plan 2015-2021. Council wants the Rocks Road Walking and Cycling Project advanced in accordance with the funding timelines set out in Council's Long Term Plan 2015-2025 and Regional Land Transport Plan 2015-2021.**
- **Council also notes that community feedback arising out of the engagement undertaken in 2014 on the Rocks Road Walking and Cycling project was split between a preference for Concept 1 (upgrade on-road cycle lanes and wider 2.4 footpath) and Concept 2 (4m wide shared use path). That feedback also stated that there was a community desire to retain parking on Rocks Road. Following consideration of that community feedback the Council resolved on 30 October 2014:**

THAT the Steering Group's interim advice for a 2.9m shared path with on road cycle facilities for a total cost of \$16.8 million is included as a placeholder in the Draft Regional Land Transport Plan

- ***Council requests NZTA to convene a meeting of the Rocks Road Steering Group as soon as practicable in order to progress the project in accordance with the funding timelines set out in Council's Long Term Plan 2015-2025 and Regional Land Transport Plan 2015-2021 and for there to be a report back to the Council following such meeting.***

Fulton/Davy

Carried

Attachments

- 1 A1544813 - Proposed Recommendation for Council - Nelson Southern Link Investigation - Feedback Submission

Attendance: The meeting adjourned for lunch from 1.11pm to 1.42pm, during which time Councillors Acland, Davy, and Skinner left the meeting.

20. Public Excluded Business

John Palmer, Chair of the Nelson Regional Development Agency Board, was to be in attendance for Item 5 of the Public Excluded agenda to answer questions and, accordingly, the following resolution was required to be passed:

Resolved CL/2016/100

THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, John Palmer remain after the public has been excluded, for Item 5 of the Public Excluded agenda (Nelson Regional Development Agency – Appointment of Board), 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 John Palmer possesses relates to the Nelson Regional Development Agency and the recruitment of its board members.

Her Worship the Mayor/Matheson

Carried

Nelson City Council Minutes - 5 May 2016

Resolved CL/2016/101

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/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) |
|------|---|---|--|
| 3 | Nelson Regional Development Agency - Appointment of Board | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person |

The meeting went into public excluded session at 1.43pm and resumed in public session at 2.19pm, during which time Councillors Acland and Skinner returned to the meeting.

21. Re-admittance of the Public

Resolved CL/2016/102

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Matheson

Carried

22. Planning and Regulatory Committee - 21 April 2016

Document number M1843, agenda pages 179 - 185 refer.

Resolved CL/2016/103

THAT the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 21 April 2016, be received.

McGurk/Fulton

Carried

14

M1869

225.1 Parking and Vehicle Control Bylaw (2011), No 207 Amendment to Bylaw

Resolved CL/2016/104

THAT the addition of Clause 22.2 of Bylaw 207 Parking and Vehicle Control to enable the recovery of costs for moving or removing an unauthorised vehicle parked in the licensed area for the operation of the Market between 3.00am and 2.30pm on Saturdays and Sundays be approved;

AND THAT the alteration to Schedules 5 and 9 of Bylaw 207 Parking and Vehicle Control to prohibit public parking in Montgomery Square for the operation of the Market be approved.

McGurk/Fulton

Carried

23. Insurance renewal 2016/17 - infrastructure assets

Document number R5804, agenda pages 73 - 78 refer.

Group Manager Corporate Services, Nikki Harrison presented the report, advising that high level executive summary information had been received from brokers but work was still required to assess this.

Resolved CL/2016/105

THAT the report Insurance renewal 2016/17 - infrastructure assets (R5804) and its attachments (R5649) be received;

AND THAT the Chief Executive, Her Worship the Mayor and the Chairperson of the Governance Committee be delegated authority to decide by 18 May 2016 whether Nelson City Council should exit from the Local Authority Protection Program for Council's infrastructure insurance and the appropriate level of insurance cover, and take any action required to give effect to the decision.

McGurk/Barker

Carried

24. Exclusion of the Public

Resolved CL/2016/106

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

Nelson City Council Minutes - 5 May 2016

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/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 | Council Meeting - Public Excluded Minutes - 24 March 2016 | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |
| 2 | Public Excluded Status Report - Council - 5 May | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) |
| 4 | Joint Committee Meeting - Public Excluded Minutes - 29 March 2016 These minutes contain no | 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"> • Section 7(2)(b)(ii) To protect information where the making available of the information would be |

| Item | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Particular interests protected (where applicable) |
|----------|--|--|--|
| | recommendations to Council. | good reason exists under section 7. | likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. |
| 5 | Works and Infrastructure Committee Meeting - Public Excluded Minutes - 31 March 2016 These minutes contain a recommendation to Council regarding Toi Toi Grove Transport Connection. | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(l) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |
| 6 | Community Services Committee Meeting - Public Excluded Minutes - 14 April 2016 These minutes contain no recommendations to Council. | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. |
| 7 | Joint Shareholders Committee Meeting - Public Excluded Minutes - 15 April 2016 These minutes contain no recommendations to Council. | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities. Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |

| Item | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Particular interests protected (where applicable) |
|------|---|---|--|
| 8 | <p>Governance Committee Meeting - Public Excluded Minutes - 21 April 2016</p> <p>These minutes contain recommendations to Council regarding</p> <ul style="list-style-type: none"> Nelmac Ltd half report and draft Statement of Intent Forestry | <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"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |

The meeting went into public excluded session at 2.25pm and resumed in public session at 2.56pm.

25. Re-admittance of the Public

Resolved CL/2016/107

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Noonan

Carried

There being no further business the meeting ended at 2.57pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

REPORT R6041

Status Report - Council - 16 June 2016

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 16 June 2016 (R6041) and its attachment (A1168168) be received.

Shailey Burgess
Administration Adviser

Attachments

Attachment 1: A1168168 - Status Report - Council

Outstanding Actions

Status Report – Council – 16 June 2016

| MEETING DATE | SUBJECT | MOTION | RESPONSIBLE OFFICER | COMMENTS |
|--------------|---|---|---------------------|---|
| 20 May 2015 | Cycling | <p>Resolved CL/2015/014</p> <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><u>AND THAT</u> following the workshop, officers engage with key stakeholders from organisations such as Bicycle Nelson Bays, Greypower, Positive Ageing 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><u>AND 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><u>AND THAT</u> a programme of work from that engagement be reported back to Council by November 2015;</p> <p><u>AND 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> | Alec Louverdis | <p>Clauses one - four: Complete</p> <p>Clause five: Consultation with the Mountain Bike Club, the Mountain Bike Trails Trust, walking, tramping and athletics clubs, and with the Brook Community Group, has commenced. A workshop with councillors is proposed before the strategy is presented to Council Ongoing</p> |
| 23 July 2015 | Reserve Management Plan: Sports Ground Reserves | <p>Resolved CL/2015/025</p> <p><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.</p> | Susan Moore-Lavo | <p>Report is being prepared for the Community Services Committee meeting on 7 July 2016. Ongoing</p> |

Outstanding Actions

Status Report – Council – 16 June 2016

| MEETING DATE | SUBJECT | MOTION | RESPONSIBLE OFFICER | COMMENTS |
|-----------------|--|---|---------------------|---|
| 15 October 2015 | Adoption of the Brook Recreation Reserve Management Plan | <p>Resolved CL/2015/082</p> <p><u>THAT</u> the report Adoption of the Brook Recreation Reserve Management Plan (R4142) and its attachments (A1436078 and A1438749) be received;</p> <p><u>AND THAT</u> the Brook Recreation Reserve Management Plan, as amended by the Hearing Panel following consideration of submissions, be adopted in principle;</p> <p><u>AND THAT</u> the vision be amended to 'The Brook Recreation Reserve serves as a centre for environmental education and conservation and as a destination for camping and outdoor recreation, including appropriately-scaled and complementary commercial recreation and tourism development';</p> <p><u>AND THAT</u> the Chief Executive be delegated authority to proceed to stop the following two sections of formed legal road as shown on plan (A1438749);</p> <p><u>AND THAT</u> the Chief Executive be delegated authority to Gazette the entire area covered by the Brook Recreation Reserve Management Plan, as shown on plan (A1438749), as a Local Purpose Reserve (Recreation); and the road reserve which extends into the Sanctuary lease area as Local Purpose Reserve (Wildlife Sanctuary), noting this will be subject to separate statutory processes under the Reserves Act 1977;</p> <p><u>AND THAT</u>, once the Gazettal process is complete, a report be brought back to Council to enable the Brook Recreation Reserve Management Plan to take effect;</p> <p><u>AND THAT</u> Officers prepare a Comprehensive Development Plan for the area covered by the Brook Recreation Reserve Management Plan.</p> | Alec Louverdis | <p>Clause one-three: Complete</p> <p>Clause four - seven: Process to implement statutory requirements underway. Expected completion September 2016. A report to set up a Hearing Panel to hear objections has been scheduled for 16 June Council meeting. Ongoing</p> |

| Outstanding Actions | | | |
|--|--|---|---|
| Status Report – Council – 16 June 2016 | | | |
| 03 March 2016 | Nelson City and Tasman District Regional Landfill - Joint Venture Proposal | <p>Resolved CL/2016/006</p> <p><u>THAT</u> the report Nelson City and Tasman District Regional Landfill - Joint Venture Proposal (R5512) and its attachments (A1504294 and A1504295) be received;</p> <p><u>AND THAT</u> Council approve a Joint Venture model as the preferred option for the management of Tasman District and Nelson City Councils' landfills;</p> <p><u>AND THAT</u> a 50:50 Joint Venture is preferred, with a one-off payment of \$4.2 million paid by Tasman District Council to Nelson City Council to compensate for the difference in midpoint landfill values between York Valley and Eves Valley be approved;</p> <p><u>AND THAT</u> for Eves Valley, operational control of all land used for the existing landfill and for Stage 3 landfill purposes will be transferred to the Joint Venture and that for York Valley operational control of all of the land currently used (but not the land designated for Stage 2) will be transferred to the Joint Venture (noting that, for formal decision-making purposes, maps and legal descriptions will be provided);</p> <p><u>AND THAT</u> both councils retain buffer land and designations, and that should any alternative use be proposed, the views and preferences of the joint venture will be taken into account in determining the future use of that land;</p> <p><u>AND THAT</u> the structure, governance, funding and ownership aspects of the landfill Joint Venture will be the subject of a future report to both Councils, noting the intention that this Joint Venture be similar to Nelson Regional Sewerage Business Unit;</p> <p><u>AND THAT</u> the Nelson City Council will undertake consultation on the proposal through its Annual Plan 2016/17 process and that, concurrently, Tasman District Council will engage with its community through its engagement on its Annual Plan 2016/17 whilst acknowledging that Tasman District Council may need to amend its Long-term Plan in July 2016 to enable this transaction (as the Eves Valley landfill is a strategic asset);</p> | <p>The joint ownership proposal was included in the 2016/17 Annual Plan for consideration and signed off by Council on the 2 June 2016.</p> <p>Complete</p> <p>Tasman District Council to commence a Special Consultative Procedure.</p> <p>Ongoing</p> |
| | | Richard Kirby | |
| A1168168 | | Page 3 of 12 | |

Outstanding Actions

Status Report – Council – 16 June 2016

AND THAT, subject to confirmation through the Annual Plan consultation processes, the Joint Venture formally commence 1 July 2017 with the one-off payment of \$4.2 million to be made from Tasman District Council to Nelson City Council on that date;

AND THAT from the date of 3 March 2016 (being the date both Councils consider the proposal) both Councils will continue to support the model in the way they manage their landfills in anticipation of it being the approved outcome;

AND THAT prior to commencement of the Joint Venture on 1 July 2017, that each Council continue with all necessary work to establish the Joint Venture in anticipation of approval of the proposal;

AND THAT all direct and external costs for establishment of the Joint Venture will continue to be shared 50:50 between both Councils;

AND THAT the Chief Executive be instructed to establish with Tasman District Council a Joint Venture project team and do all necessary work for the purpose of establishing the Joint Venture for landfill operations from 1 July 2017;

AND THAT all the statements in this recommendation be subject to the Tasman District Council passing equivalent resolutions on the joint landfill management.

Outstanding Actions

Status Report – Council – 16 June 2016

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|---------------|-----------------------|--|----------------|--|
| 03 March 2016 | Special Housing Areas | <p>Resolved CL/2016/008</p> <p><u>THAT</u> the report Special Housing Areas (R5354) and its attachment (A1503228) be received;</p> <p><u>AND THAT</u> Council approve the extension of Saxton Special Housing Area over part of the Richards property (Lot 4 DP 8212) as shown in the attachment (A1503228), subject to the Saxton master plan agreement specified in the Council resolution of 17 December 2015 being entered into;</p> <p><u>AND THAT</u> Council approve a new Beach Road Special Housing Area adjoining the Ocean Lodge Special Housing Area over the Elliot and Menzies (Lots 1 & 2 DP 530) properties as shown in the attachment (A1503228);</p> <p><u>AND THAT</u> Her Worship the Mayor recommend the Beach Road area to the Minister of Building and Housing for consideration as a Special Housing Area under the Housing Accord and Special Housing Areas Act 2013;</p> <p><u>AND THAT</u> Her Worship the Mayor recommend to the Minister of Building and Housing the extended Saxton Special Housing Area after the master plan conditions have been met.</p> | Lisa Gibellini | <p>The Mayor has not yet been able to recommend the Saxton SHA to the Minister as the landowners have not yet met the requirements of Council's resolution regarding the master plan agreement. Council officers have invited the landowners to a meeting on 15 June to try to gain agreement and resolution of issues to find a pathway forward.</p> <p>The Beach Road SHA was gazetted by Cabinet on 16th May 2016 bringing the total number of gazetted SHAs to 10.</p> <p>Ongoing</p> |
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| Outstanding Actions | | | |
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| Status Report – Council – 16 June 2016 | | | |
| 24 March 2016 | Modellers' Pond - Design Details and Estimates | <p>Resolved CL/2016/020</p> <p><u>THAT</u> the report Modellers' Pond - Design Details and Estimates (R5194) and its attachment (A1518929) be received;</p> <p><u>AND THAT</u> Council confirm the Modify Pond option as its preferred option subject to the Nelson Society of Modellers raising all additional funding;</p> <p><u>AND THAT</u> Council accepts that this decision underpins its commitment to provide the Nelson Society of Modellers certainty surrounding their future fund raising campaign;</p> <p><u>AND THAT</u> The Nelson Society of Modellers be afforded the opportunity to finalise and confirm additional funding for the balance over and above the \$600,000 committed by Council no later than the end of September 2016;</p> <p><u>AND THAT</u> if the funding is confirmed that the option to modify the pond be included in the 2017/18 Annual Plan;</p> <p><u>AND THAT</u> Council note and accept that this preferred option will require ongoing operational maintenance funding of \$45,000/year in subsequent years;</p> <p><u>AND THAT</u> Council confirm that should the additional funding not be raised by the Nelson Society of Modellers by the end of September 2016, that it be agreed that the option to convert the pond back to estuarine environment at an estimated cost of \$690,000 be its second option and included in the 2017/18 Annual Plan;</p> <p><u>AND THAT</u> in the interim and until such time as any decision is made to upgrade the Modellers Pond that it be noted that existing maintenance of the pond will continue.</p> | <p>Richard Kirby</p> <p>Officers will be working with the Modellers Society who have been tasked to fundraise for the funding shortfall. This will be reported back to Council.</p> <p>Ongoing</p> |

M1922

Outstanding Actions

Status Report – Council – 16 June 2016

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| 24 March 2016 | Days Track Resolution | Resolved CL/2016/041 <u>THAT</u> remediation of Days Track with a gravel track at an estimated cost of \$430,000 be approved, noting this will require additional funding of \$265,000 to be included in the Annual Plan 2016/17. | David Light | Detailed design commenced with construction to take place next financial year. Complete |
| 24 March 2016 | Item of business to lie on the table | Resolved CL/2016/051 <u>THAT</u> pursuant to Standing Order 3.12.1 the remaining four clauses of the item Crematorium Delivery Review be left to lie on the table, and not be further discussed at this meeting. | Alec Louverdis | A report on this matter is on the 16 June Council agenda. Complete |
| 24 March 2016 | Nelson Marina Strategy | Resolved CL/2016/053 <u>THAT</u> the draft Nelson Marina Strategy (A1498122) be received; <u>AND THAT</u> fees and charges at the Marina be increased as from 1 July 2016 as per the Consumer Price Index; <u>AND THAT</u> the Marina Development Levy be discontinued as from 1 July 2016; <u>AND THAT</u> an unbudgeted amount of \$30,000 be provided in the Marina Opex Account in 2015/16 to remedy existing health and safety risks; <u>AND THAT</u> the draft Nelson Marina Strategy (A1498122) be work shopped with the Marina users, other key stakeholders, and interested parties and reported back to a future Community Services Committee prior to adoption. | Andrew Petheram | A Public Meeting for Marina users and stakeholders will be held on 15 June 2015. Ongoing |

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| Outstanding Actions | | | |
| Status Report – Council – 16 June 2016 | | | |
| 14 April 2016 | Trafalgar Centre - Update on Request for Additional Items | <p>Resolved CL/2016/078</p> <p><u>THAT</u> the report Trafalgar Centre - Update on Request for Additional Items (R5761) be received;</p> <p><u>AND THAT</u> funding be approved to complete the western corridor to the main building (\$140,000), lining and insulating the northern wall (\$80,000) and administration offices in the north east corner of the main building (\$130,000);</p> <p><u>AND THAT</u> funding of \$250,000 be approved to install a new roof over the current roof on the main building on the understanding that \$70,000 is already allocated in the budget and available;</p> <p><u>AND THAT</u> business cases be developed to consider the value of a lift to access the eastern mezzanine floor, and High Definition television lighting in the main stadium and authority be delegated to the Mayor, Chair of Works & Infrastructure and Chair of Community Services Committees (or their deputies) and the Chief Executive to act on the outcomes of the business cases.</p> | <p>Richard Kirby</p> <p>Work on the Trafalgar upgrade is continuing. Report regarding the business cases is on the 16 June 2016 Council agenda.</p> <p>Ongoing</p> |

| <div>Outstanding Actions</div> <div>Status Report – Council – 16 June 2016</div> | | | |
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| 05 May 2016 | Mayor's Report | <p>Resolved CL/2016/086</p> <p><u>THAT</u> the Mayor's Report (R5686) and its attachments (A1511415 and A1542057) be received;</p> <p><u>AND THAT</u> it be noted that Councillor Acland has resigned from his position as Trustee of the Youth and Community Facilities Trust;</p> <p><u>AND THAT</u> Council support the remit application as set out in Attachment 2 (A1542057) and the Mayor commence the process to obtain the support of at least four other councils for the remit application;</p> <p><u>AND THAT</u> upon obtaining support from at least four other councils the remit application is submitted to LGNZ by 13 June 2016.</p> | <p>Support for the remit was obtained from Gisborne District Council, Palmerston North City Council, Marlborough District Council, Tasman District Council, Far North District Council, Wanganui District Council, Rotorua District Council, Dunedin City Council, and Greymouth District Council.</p> <p>The remit has been submitted to LGNZ, and will be considered at its Conference in July 2016.</p> <p>Complete</p> |
| 05 May 2016 | Insurance renewal 2016/17 - infrastructure assets | <p>Resolved CL/2016/106</p> <p><u>THAT</u> the report Insurance renewal 2016/17 - infrastructure assets (R5804) and its attachments (R5649) be received;</p> <p><u>AND THAT</u> the Chief Executive, Her Worship the Mayor and the Chairperson of the Governance Committee be delegated authority to decide by 18 May 2016 whether Nelson City Council should exit from the Local Authority Protection Program for Council's infrastructure insurance and the appropriate level of insurance cover, and take any action required to give effect to the decision.</p> | <p>Decision made to remain with LAPP for 2016/17 insurance renewal. Decision on appropriate level of cover (over and above the LAPP limit) deferred until information on earthquake PMLs has been finalised and reviewed.</p> <p>Ongoing</p> |

Outstanding Actions

Status Report – Council – 16 June 2016

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|-------------|---------------|--|----------------|--|
| 11 May 2016 | Smokefree CBD | <p>Resolved CL/2016/115</p> <p><u>THAT</u> Nelson City Council supports an extension of its Smokefree policy and that Council officers investigate options for expanding Council's smokefree policy, using education rather than regulatory approaches, and assessing this work against other policy priorities.</p> | Nicky McDonald | <p>Council officers will commence an investigation into options for expanding Council's smokefree policy early in the 2016/17 financial year.</p> <p>Ongoing</p> |
| 11 May 2016 | Cycle Safety | <p>Resolved CL/2016/116</p> <p><u>THAT</u> provision of cycle safety signage on Cable Bay Road be considered following further investigation into its likely effectiveness and with any funding required to be sourced from existing budgets;</p> <p><u>AND THAT</u> the matter of cycle safety in the northern state highway area (Cable Bay) be referred to the Regional Transport Committee for further discussion.</p> | Alec Louverdis | <p>Any signage/road markings will be funded from the 2016/17 Minor Improvements Budget.</p> <p>Ongoing</p> <p>A report will be prepared for the 4 July RTC meeting requesting NZTA to consider cycle safety for this area in the development of their planning.</p> <p>Ongoing</p> |
| 11 May 2016 | Travel Demand | <p>Resolved CL/2016/117</p> <p><u>THAT</u> the Chair and members of the Regional Transport Committee engage with aligned stakeholder groups to provide feedback on priorities in Council's travel demand activity areas, noting this will be externally facilitated.</p> | Alec Louverdis | <p>Officers are working with the Chair of the RTC to arrange an externally facilitated workshop.</p> <p>Ongoing</p> |

| <div> <div>Outstanding Actions</div> <div>Status Report – Council – 16 June 2016</div> </div> | | | | |
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| 11 May 2016 | Graffiti | <p>Resolved CL/2016/118</p> <p><u>THAT</u> officers discuss a more effective approach to graffiti removal with Network Tasman and the NZ Transport Agency.</p> | Alec Louverdis | <p>Letters have been sent to Network Tasman and NZTA advising them of the need to proactively deal with graffiti on their assets and noting Council's intention to work collaboratively with them to combat graffiti around the city.</p> <p>Ongoing</p> |
| 11 May 2016 | Fluoride | <p>Resolved CL/2016/121</p> <p><u>THAT</u> Council request to be heard at Nelson Marlborough District Health Board's (NMDHB) meeting on 24 May 2016 to express concerns of submitters to the Council's draft Annual Plan 2016/17 over plans to fluoridate Nelson water Supply (noting this is not feedback on Council's position). The point of concern being the lack of opportunities for public interface with the NMDHB.</p> | Nicky McDonald | <p>Council officers attended the NMDHB meeting on 24 May and updated the Board about Council's resolution in relation to fluoride and provided the Board with a copy of relevant submissions on Council's draft Annual Plan.</p> <p>Complete</p> |
| 11 May 2016 | Mountain Biking and Gondola | <p>Resolved CL/2016/131</p> <p><u>AND THAT</u> Council acknowledges the importance of also developing a good network of walking tracks and notes these will be identified concurrently with other off-road tracks and trails;</p> <p><u>AND THAT</u> provision of \$100,000 be made in the Annual Plan 2016/17, being</p> | Chris Ward | <p>Staff have organised a meeting with the Nelson Cycle Lift Society to develop the business plan.</p> <p>Ongoing</p> |

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| <div> <div>Outstanding Actions</div> <div>Status Report – Council – 16 June 2016</div> </div> | | | | |
|---|-----------------------|---|-----------------|--|
| | | <p>\$50,000 to cover both the employment of a project manager by the Nelson Cycle Lift Society (or its successor) and for advice on the economic contribution of a gondola to mountain biking and the city, contingent on the Governance Committee approving a project plan at its meeting in July 2016, and</p> <p>\$50,000 match/partnership funding to be made available once Nelson Cycle Lift Society (or its successor) has raised at least \$50,000, contingent upon the Governance Committee receiving advice of the positive economic impact of the gondola,</p> <p><u>AND THAT</u> the Governance Committee be delegated the authority to consider this matter and make recommendations to Council.</p> | | |
| 11 May 2016 | Hammer Throw Facility | <p>Resolved CL/2016/133</p> <p><u>THAT</u> in light of safety concerns, Council withdraw the hammer throw facility at Saxton Field until appropriate provisions are made for safety;</p> <p><u>AND THAT</u> Council approach Tasman District Council for funding in a similar manner to the Regional Funding Forum;</p> <p><u>AND THAT</u> Council make provision of \$20,000 in the Annual Plan 2016/17;</p> <p><u>AND THAT</u> Top of the South Athletics be advised that all establishment costs must be covered before the facility is reinstated.</p> | Andrew Petheram | <p>Top of the South Athletics have been instructed that the hammer cage at Saxton Field can no longer be used for hammer throw events.</p> <p>Ongoing</p> |

M1922

Mayor's Report

1. Purpose of Report

- 1.1 To update Council on several matters.

2. Recommendation

THAT the Mayor's Report (R5975) and its attachments (A1561963 and A1561996) be received;

EITHER:

AND THAT in light of enquiries from Dr Catherine Strong, Council officers review the Elected Members Code of Conduct as adopted on 20 November 2016 to revise wording that has the potential to fetter free speech in a way that is unhelpful to local democracy, and bring a revised version to the next ordinary meeting of Council for adoption;

OR:

AND THAT, having considered the points raised by Dr Catherine Strong, Council reconfirms the current Elected Members Code of Conduct as adopted on 20 November 2016;

AND THAT Council registers its interest in being a Foundation Council in the Local Government New Zealand Local Government Excellence Programme (subject to further details being acceptable to Council);

AND THAT Council does/does not proceed with a poll at the Local Body Elections;

AND THAT if Council resolves to proceed with a poll the poll question is [to be tabled at the meeting].

3. Mayor's Report – 2 June

- 3.1 At the Council meeting on 2 June 2016, I advised that my report to that meeting would be considered at the Council meeting on 16 June 2016. For the sake of efficiency, the items for both meetings have been combined in this report.

4. Housing Strategy

- 4.1 Council has previously discussed the need for further work on housing in Nelson to look at general areas such as affordability and choice alongside specific issues such as emergency housing and Council's own community housing.
- 4.2 Councillor Ward has long championed the idea of a Strategy to bring together the various strands of work and in the last few months he has put on paper some of his thinking about a possible scope and vision. These ideas set the scene for a broader discussion on how we might choose to live in our region and are complementary to the regulatory approach the Nelson Plan will be providing on housing.
- 4.3 Councillor Ward has presented his vision to me. It is a fine draft and one I can endorse. I would like to use Councillor Ward's paper to start a discussion with our community to help inform the incoming Council later this year on options for moving forward with a Strategy. Officers will also be undertaking some pre-consultation over the coming months with key stakeholders in the community. Councillor Ward has expressed a desire to engage early with the Developers Advisory Group and I will be supporting that approach.

5. Mayor's Discretionary Fund

- 5.1 Waihaere Mason and Jane du Feu of the Whakatu Marae Committee attended an event hosted by Governor-General Sir Jerry Mateparae and Reserve Bank Governor Graeme Wheeler to unveil the new banknotes at Government House in Wellington on 11 April. I have donated \$565 from the Mayor's Discretionary Fund to contribute to costs of travel to this event for both committee members.
- 5.2 I have also donated \$200 to support funding for Natasha Bannister from Nelson College for Girls who has been selected to play for the New Zealand U19 Volleyball team. The team will be competing in the South East Asian Junior Women's Championship and the Asian Junior Women's Championship in Thailand in July.

6. Elected Members' Code of Conduct

- 6.1 The Elected Members Code of Conduct (the Code) was adopted by Council on 20 November 2014. It was last updated by Council resolution on 15 October 2015.

- 6.2 In April 2016 I was contacted by Fran Tyler, researcher for Dr Catherine Strong a Senior Lecturer at Massey University, to answer questions on the Code. Dr Strong had noted that the Code had been modified and was curious to understand why.
- 6.3 The modification was as a result of an extensive review undertaken by The Deputy Mayor, Councillor McGurk and Councillor Acland ahead of Council adopting the Code in November 2014.
- 6.4 The specific change Dr Strong was interested in was the inclusion of the following paragraphs:

5.10 Elected members public statements expressing their opinion on matters before the Council shall not criticise the conduct of the Council, other elected members or officers of the Council.

5.11 The Mayor may deal with the news media and make public statements relevant to the non-statutory role as a community leader. Where the views expressed are the Mayor's own and are not made on behalf of the Council, this must be clearly stated. No statements made in this capacity shall undermine any existing policy or decision of the Council.

- 6.5 Dr Strong's proposition is that this change essentially fetters free speech in a way that is unhelpful to local democracy.
- 6.6 This change was not highlighted in the report and at the time I did not notice this specific change. I suspect other elected members may have missed this amendment to the Code for the same reason.
- 6.7 In responding to my enquiry regarding the change, I was advised that when the Code was reviewed, the rationale for changing the media section (and dealing with confidential information) was drawn from paragraph 3.27 of the Auditor General's guidelines on Local Authority Codes of Conduct:

3.27 Dealing with the news media is covered in 81 codes. Such provisions frequently emphasise that generally only the mayor (or chief executive or other officially designated spokesperson) may speak publicly for the council, but that ordinary members are free to express a personal view to the media (or in some other public forum) so long as they do not state or imply that their views represent the council (and so long as they do not disclose confidential information or compromise the impartiality or integrity of staff). Some codes cover correct ways for seeking to make information public.

- 6.8 The revised wording in the Code, adopted by Council, was based on the suggestions from the Auditor General and modelled on an example from the Whakatane District Council.
- 6.9 I was also advised that in this wording, there is no intended restriction on elected members speaking as an elected member or as a member of the public but the elected member needs to make it clear in what

capacity they are speaking. When speaking as the representative of the Council or committee of council then elected members are expected to reflect the view and decision of the Council or committee. An elected member may express a contrary view or an opinion that they do not agree with a decision. The Code also makes reference to the personal liability of members (Auditor General's guidelines on Local Authority Codes of Conduct paragraph 3.17) and also the distinction between governance and management and the role of staff.

- 6.10 In light of this exchange of information, I have reviewed the original Code and the current Code and I agree with Dr Strong's proposition that a strict interpretation of paragraphs 5.10 and 5.11 has the potential to fetter free speech in an unhelpful way. The Code needs to support a constructive culture based on respect for each other, staff, and the institution of Council. But it must also respect the value of free speech and public debate.
- 6.11 On this basis, I propose that the Code is amended to address this specific issue. I suggest that officers review the Code and bring back revised wording for adoption to the next Council meeting to ensure there is continuity between paragraphs. A recommendation is included in this report to this effect.
- 6.12 It should be noted that Section 9.2 of the Code states that amendments to the Code of Conduct require a resolution supported by 75 per cent or more of the elected members of Council present.
- 6.13 However, if Council is unconcerned by the current wording in the Code it may wish to reconfirm the wording as adopted on the basis of this report.

7. Local Government Excellence Programme prospectus

- 7.1 Local Government New Zealand (LGNZ) have released the Local Government Excellence Programme prospectus. A copy of it can be found here: <http://www.lgnz.co.nz/local-government-excellence-programme/> and a one page summary is included as Attachment 1.
- 7.2 The Local Government Excellence Programme is a strategic initiative for the sector and has been designed to help demonstrate and lift the service and value we deliver to our communities.
- 7.3 The Programme incorporates a comprehensive, independent assessment system that will see councils assessed by an independent team of expert assessors. Each participating council will receive an overall rating and commentary on their performance, with the results made public.
- 7.4 Each council will then be encouraged to shape its own response to the results, determining its own success for its community.
- 7.5 On 29 March 2016 LGNZ held a workshop in Nelson to outline the programme. I attended that workshop along with several councillors. We

were impressed with the presentation and expressed a desire to participate in the programme.

- 7.6 The Programme's prospectus outlines the key features of the Programme and how Council can register its interest in being a Foundation Council for the first year of this new Programme. Foundation Councils will have the unique opportunity to help refine and design the Programme in July 2016 and lead the charge for the sector.
- 7.7 The selection of Foundation Councils will be based on the level of Council support; demonstration of this programme being prioritised in Council's work place for 2016/17; details of an indicative budget for the Programme; and details on who will lead the Programme within the Council. LGNZ seeks a mix across all sectors of local government, and a balance between North and South Island councils.
- 7.8 It is difficult to determine some of these points without all the supporting information, particularly in relation to cost and its impact on resourcing (and the consequential impact on other council priorities). I hope this material will be available before Council considers the matter.
- 7.9 Registrations of interest close 5.00pm Friday 24 June 2016. Foundation Councils will be announced in early July 2016.
- 7.10 A supporting document, Local Government Excellence Programme Prospectus – Performance Assessment System, will be released shortly. This document provides members with detailed information on the performance assessment system, including the working set of the performance indicators and the indicative cost for Foundation Councils.
- 7.11 I am keen to see our Council work towards best practice and to be transparent and accountable. I would welcome Council's support to register its interest as a Foundation Council in this programme.

8. Referendum on Nelson Southern Link

- 8.1 At a Council workshop on 31 May 2016 I invited councillors to express their interest in considering a referendum or poll on transport matters in Nelson specifically on the construction of a road in the area known as the Nelson Southern Link. It is not a matter that elected members had considered previously as part of a work programme.
- 8.2 At the workshop, officers provided verbal background on the matters that needed to be considered in undertaking a poll and the relevant timeframes. This information is included as Attachment 2 and includes material on likely costs.
- 8.3 With respect to timeframes, to hold a poll in conjunction with this year's Local Body Election, the electoral officer must be notified and the poll question identified by 1 July 2016. The poll and the poll question must be confirmed by resolution of Council and this is the last ordinary meeting of Council that would meet that timeframe.

- 8.4 While at the workshop there was minimal interest expressed from councillors in bringing the option of a poll forward I believe it is appropriate to allow the opportunity to be debated and resolved at a meeting that would meet the timeframe should Council wish to propose a poll question and proceed with a poll. Therefore, I advised councillors after the workshop on 31 May 2016 that such an option would be included in the Mayor's report of 16 June 2016.
- 8.5 The workshop discussion included questions around whether a poll should be taken regionally to cover the same geographic area of interest as identified in the New Zealand Transport Agency Nelson Southern Link Investigation given people and businesses in the wider region are impacted by arterial roading decisions. Council may wish to consider this aspect as part of its decision on a poll.
- 8.6 Given the ratepayers will need to cover the cost of the poll Council may also wish to identify the community benefits that the poll aims to achieve, noting that the poll is not binding.
- 8.7 Appropriate recommendations are provided in this report to allow a poll and poll question, or not.

9. City Development - A City that's pressed 'GO'

- 9.1 The 2015/2016 Annual Plan builds on the work of the Long Term Plan in progressing city development. Much of our work to date has been underground addressing core infrastructure or moving projects through development phases. This is vitally important work and it will be ongoing across the life of the Long Term Plan as we continue to address a backlog of critical infrastructure upgrades.
- 9.2 But also looking ahead we have some exciting projects on our books that are really going to engage the public. As examples:
- The Suter Gallery will reopen its doors and invite old and new generations to become friends.
 - The Trafalgar Centre earthquake strengthening and redevelopment will be completed as the Trafalgar Centre Northern End is constructed.
 - As we head to summer, work in Rutherford Park will be completed with major new areas of greenspace and landscaping connecting the Maitai Walkway. Our vision of an active urban park becomes a reality.
 - The Nelson School of Music restoration and rebuild will be underway.
 - The Indoor Cricket and Shooting facility will be constructed.
 - Development at the Marina will be refined and get underway.

- Greenmeadows Community facility construction will commence and Stoke Urban Design projects will move forward.
- 9.3 The Haven Precinct reaches development stage as we create walking and cycling connections, quality public spaces and opportunities for private investment. In my opinion, this project is overdue. It was in my first term on Council as Deputy Mayor, that I requested of Martin Byrne, Chief Executive of Port Nelson Limited, that the Port relinquish the old Reliance Engineering site on Haven Road to allow a better city to sea connection. Achieving that outcome was the first critical step in what we have now called the Haven Precinct.
- 9.4 The Elma Turner Library redevelopment is set to get underway. Preliminary work on the Elma Turner Library project had resulted in vacant space in Civic House and the State Advances Building being reserved as a possible site for redevelopment.
- 9.5 I'm extremely pleased that submitters to the Annual Plan responded to my somewhat provocative Mayor's message and gave such clear feedback on their preferred location for our city library – it stays riverside.
- 9.6 We are now able to activate the vacant space in Civic House and the State Advances Building. This brings an exciting opportunity to revitalise this end of Trafalgar Street, addressing underperforming assets, and responds to the message from retail, hospitality and commercial sectors to actively invite investment in the central business district.
- 9.7 It is important to understand that Council's decision on the library is much more than a decision about a valued community facility. It is the stepping stone to opening up a new Riverside Precinct for the city that properly addresses the Maitai River and Trafalgar Street Bridge creating a gateway to our city, linking the city to Rutherford Park and the Trafalgar Centre, and beyond that the Haven Precinct.
- 9.8 The area between the Maitai River, Para Para Road, Halifax Street and Trafalgar Street is land that warrants a coordinated development plan that identifies complementary public and private land use. What could we see in this location in the next 2, 5, 10, 15 years? My vision for this area is very different from what it looks like now. I see public open space, views and walkways to the River, no more drive through premises on gateway sites, modern offices, a key civic building in the library, apartment living. What else?
- 9.9 Wakatu Incorporation (Wakatu) submitted to the Annual Plan and spoke strongly on the value of the library in its current location. Subsequent to our Annual Plan decision-making, the Chief Executive and I met with representatives of the Wakatu Board to understand the direction that Wakatu wish to take with their land in this area. Wakatu communicated a strong desire to take an urban planning approach that develops a vision for this precinct; one that realises the public and private benefits of this valuable location. In coming months, I welcome further council

wide discussions with Wakatu and others. My objective is for us to think creatively and develop concepts not just for the library building, but this broader public/private precinct that will be a gateway to our city.

Rachel Reese
Mayor of Nelson

Attachments

Attachment 1: A1561963 - Local Government Excellence Programme
prospectus summary

Attachment 2: A1561996 - Nelson Southern Link Poll Background Information

Local Government Excellence Programme.

We are. LGNZ.

Top value councils for customers and communities



The Local Government Excellence Programme helps councils demonstrate and deliver high performance. Residents, businesses and communities will see clearly where value is being provided.

The Excellence Programme is driven by councils, for customers and communities. It will build top local government across New Zealand, lifting performance and reputation.

Four priority areas identified by the New Zealand Local Government Survey 2015 will drive the Excellence Programme. Selected Foundation Councils will begin assessment from July 2016, using independent assessors to report later in the year. LGNZ hopes all councils will then take part in the Excellence Programme from 2017.

LGNZ invites your participation in the Excellence Programme. It's an enabler and game-changer for councils – and for our customers and communities.

SCENARIO



The Problem

- > Residents, ratepayers, businesses and central government all expect the best services and value from councils, but most of these customers don't believe this happens.
- > Most customers don't understand fully or value what we do for them every day.
- > However well some councils perform, there are strongly negative perceptions of local government performance, which affects us all.

The Solution

- > A continuous cycle of performance assessment and improvement ensures top service and value from councils and the sector.
- > Our own independent performance programme demonstrates leadership so we can control our own future.
- > LGNZ will provide tools, services and share best practice to help councils lift performance.
- > Igniting a responsive culture improves engagement and accountability for results, taking our customers and communities with us.
- > A new era of transparency will lift performance and reputation.

PRIORITY AREAS



The four priority areas were derived from public and business feedback from the New Zealand Local Government Survey 2015.

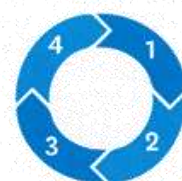
We have worked with Cameron Partners to develop indicators for each priority area that will be contained with an overall performance "system" that would:

- > enable a current state and gap analysis assessment for councils, and
- > following that, announcement of a publicly available rating.

Each performance area is assessed by independent assessors using performance indicators, developed by an independent governance board from international and local best practice. Foundation Councils, who are selected as leaders in developing and testing the programme, will help refine the performance system and programme design in 2016 for other councils to use from 2017.

ACHIEVING CONTINUOUS IMPROVEMENT

1. Develop performance indicators
2. Collect data
3. Monitor and evaluate data
4. Improve performance

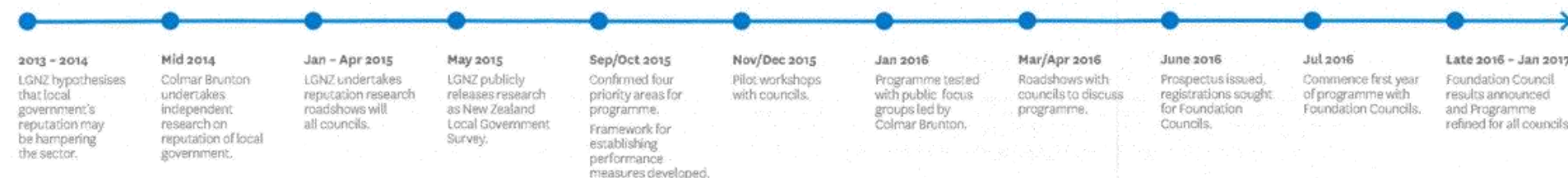


Lifting performance means fostering a culture of assessment, actions and accountability to deliver results. LGNZ is developing tools and services to help councils improve performance in the four priority areas.

Best practice will be shared so our people can be responsive to customer and community needs, sustaining a cycle of continuous improvement.

It is intended that each Foundation Council, with support from LGNZ and external agencies, will develop an action plan to address the strengths and weaknesses identified in their individual assessment report, and engage with their community on the issues that matter locally.

TIMELINE



A1561963

LGNZ

JUNE | 2016

Nelson Southern Link Poll

- 1.1 The Local Electoral Act 2001 provides for polls to be conducted by local authorities, either independently or as part of a local body election.
- 1.2 Councillor Rainey has suggested that a poll on the Nelson Southern Link would be useful to understand the community's thoughts on the matter.
- 1.3 In order for a poll to be conducted in conjunction with the 2016 Local Body Elections, Council must advise its Electoral Officer of this prior to 1 July 2016. This date is dictated by the deadlines in place for the election including requirements for public notification.
- 1.4 Council contracts an external party for electoral services, and its Electoral Officer is Warwick Lampp of Electionz.com.
- 1.5 Conducting a poll is likely to cost in the order of \$20,000 if done in conjunction with the election. Polls conducted separately are considerably more costly.
- 1.6 Should Council decide to conduct a poll it should do so by resolution. The resolution should also set out the question to be used for the poll.
- 1.7 If a poll is conducted, this question, along with a one page, politically neutral information sheet (prepared by staff and approved by the Electoral Officer) would be included in voting packs along with the voting papers for the local body elections.

A1561996

Notice of Motion - A Poll on Nelson's Traffic Issues

1. Purpose of Report

- 1.1 To consider the notice of motion from Councillor Rainey.

2. Delegations

- 2.1 This is a matter for Council to consider.

3. Recommendation

THAT the Nelson City Council conduct a poll at the same time as the 2016 local body election on the following question:

Do you think a new road should be built down the Railway Reserve (The Southern Link)

A) Yes

B) No

4. Background

- 4.1 The procedure for a Notice of Motion is dealt with in Council's Standing Orders. The relevant portions of the Standing Orders relating to this Notice of Motion are set out below:

Standing Order 3.9.15 Revocation or alteration of resolutions

A notice of motion for the revocation or alteration of all or part of a previous resolution of the Local Authority is to be given to the Chief Executive by the member intending to move such a motion.

(a) Such notice is to set out:

- i. The resolution or part thereof which it is proposed to revoke or alter;
- ii. The meeting date when it was passed; and
- iii. The motion, if any, that is intended to be moved in substitution thereof.

- (b) Such notice is to be given to the Chief Executive at least 5 clear working days before the meeting at which it is proposed to consider such a motion and is to be signed by not less than one third of the members of the Local Authority, including vacancies.
- (c) The Chief Executive must then give members at least 2 clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such.

Standing Order 3.10.1 Notices of Motion to be in writing

Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the Chief Executive at least 5 clear working days before such meeting.

- 4.2 A copy of the Notice of Motion received by the Chief Executive from Councillor Rainey is attached.

Clare Hadley
Chief Executive

Attachments

Attachment 1: A1561164 - Notice of Motion Poll on Southern Link Councillor Pete Rainey

To be considered at the Nelson City Council meeting of Thursday 16 June 2016

A Notice of Motion regarding a poll on Nelson's Traffic issues

Recommendation:

That the Nelson City Council conduct a poll at the same time as the 2016 local body election on the following question:

Do you think a new road should be built down the Railway Reserve (The Southern Link)

- A) Yes
- B) No

Signed

A handwritten signature in black ink, appearing to read 'P B Rainey', written over a horizontal line.

P B Rainey
Councillor

REPORT R6069

**Works and Infrastructure 31 March 2016 - Toi Toi Grove
- Transport Connection**

1. Purpose of Report

- 1.1 To consider an item left to lie on the table at the Council meeting on 5 May 2016, in relation to Toi Toi Grove – Transport Connection

2. Delegations

- 2.1 This report provides additional information in relation to an item left to lie on the table at the Council meeting on 5 May 2016.

3. Recommendation

THAT the report Works and Infrastructure 31 March 2016 - Toi Toi Grove - Transport Connection (R6069) be received;

AND THAT, recognising the connectivity and resilience benefits to the city, that Council propose via the Annual Plan consultation process in 2017/18 to include an amendment to the Long Term Plan 2015/25 (and consequently the Development Contributions Policy) to include the construction of the Princes Drive/Montreal Heights intersection for a cost of \$1 Million.

4. Background

- 4.1 The Works and Infrastructure Committee considered a report titled Toi Toi Grove – Transport Connection in the Public Excluded part of its meeting on 31 March 2016, and made a recommendation to Council on this matter.
- 4.2 The recommendation to Council was subsequently left to lie on the table at the 5 May Council meeting, to be considered at the 16 June 2016 Council meeting, to enable further information relating to the matter to be provided.

5. Discussion

- 5.1 The recommendation to Council from the Works and Infrastructure Committee proposed the inclusion of an intersection in the 2018/28 Long Term Plan as a committed project.
- 5.2 This should be included in the Development Contributions Policy. To achieve this, it must be consulted on within Council's Long Term Plan. Therefore, an amendment to Council's Long Term Plan 2015/25 is required as an initial step towards completing this project.
- 5.3 The proposed recommendation recognises this by suggesting that Council propose an amendment to Council's Long Term Plan 2015/25, to take place alongside the consultation process for the Annual Plan 2017/18.

6. Options

- 6.1 Council may consider the proposed recommendation, as if it were a recommendation from the Works and Infrastructure Committee.

7. Alignment with relevant Council policy

- 7.1 The report presented to the Works and Infrastructure Committee on 31 March 2016 considered the alignment of the project with relevant Council policy.

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

- 8.1 The proposed recommendation suggests that Council propose an amendment to the Long Term Plan 2015/25, to be undertaken via the consultation process for the Annual Plan 2017/18. This is not a significant decision under Council's Significance and Engagement Policy.

9. Consultation

- 9.1 The proposed recommendation suggests that Council propose an amendment to the Long Term Plan 2015/25, to be undertaken via the consultation process for the Annual Plan 2017/18.

10. Inclusion of Māori in the decision making process

- 10.1 No consultation with Māori has been undertaken.

Rhys Palmer

Senior Asset Engineer - Transport and Roading

Attachments

Nil

Special Housing Areas - Supplementary Recommendations

1. Purpose of Report

- 1.1 To consider part of the recommendation left to lie on the table at the 2 June 2016 Council meeting, regarding the amendment to the gazetted Ocean Lodge Special Housing Area (SHA) qualifying development criteria.
- 1.2 In light of additional SHA requests, to consider leaving the remaining recommendations to lie on the table to allow further information to be gathered and presented comprehensively to another Council meeting.

2. Delegations

- 2.1 No committee of Council has delegations for the Housing Accord and Special Housing Areas Act therefore the matter needs to be considered by full Council.

3. Recommendation

THAT the report Special Housing Areas - Supplementary Recommendations (R6066) and its attachment (A1562166) be received;

AND THAT the following motion, moved and seconded at the Council meeting on 2 June 2016, be left to lie on the table until another meeting of Council:

THAT Council approve 19 & 21 Beach Road (A1548015) as a potential Special Housing Area;

AND THAT the following motion, left to lie on the table at the Council meeting on 2 June 2016, be left to lie on the table until another meeting of Council:

AND THAT Her Worship the Mayor recommend those potential areas (Tahunanui Drive and Beach Road) and the

amendment to Ocean Lodge SHA to the Minister of Building and Housing for consideration as Special Housing Areas under the Housing Accord and Special Housing Areas Act 2013.

AND THAT Council approve the amendment to the qualifying development criteria for the number of storeys for the Ocean Lodge Special Housing Area (A1548018).

4. Background

- 4.1 Council considered report R5858 Special Housing Areas at the 2 June 2016 Council meeting, and resolved to receive the report and its attachments.
- 4.2 At that meeting, a motion was put and lost for the proposed SHA at 1 & 5 Tahunanui Drive.
- 4.3 The remaining recommendation (as below) was left to lie on the table, with the first clause having been moved and seconded:

THAT Council approve 19 & 21 Beach Road (A1548015) as a potential Special Housing Area;

AND THAT Council approve the amendment to the qualifying development criteria for the number of storeys for the Ocean Lodge Special Housing Area (A1548018);

AND THAT Her Worship the Mayor recommend those potential areas (Tahunanui Drive and Beach Road) and the amendment to Ocean Lodge SHA to the Minister of Building and Housing for consideration as Special Housing Areas under the Housing Accord and Special Housing Areas Act 2013.

5. Discussion

- 5.1 At the 2 June 2016 Council meeting, councillors raised queries about the proposed SHAs.
- 5.2 Since that meeting there have also been additional requests received for further SHAs.
- 5.3 Also since that Council meeting officers have received advice about the possible use of a legal deed between SHA applicants and Council as a means of ensuring certainty as to the end development on the SHA site.
- 5.4 To enable informed decision-making and a comprehensive evaluation of SHAs, it is recommended that Council consider a Special Housing Area report at another Council meeting. The report will consider:

- 19 & 21 Beach Road
 - Farleigh proposed SHA
 - Additional SHA requests
 - The use of a legal deed between SHA applicants and Council
 - The recommendation of SHA areas to the Minister of Building and Housing for consideration as Special Housing Areas under the Housing Accord and Special Housing Areas Act 2013.
- 5.5 To enable this to happen, it is recommended that clauses one and three of the recommendation left to lie on the table on 2 June 2016, remain on the table until another Council meeting. This will allow sufficient time for applicants to provide further information to address the issues raised by Council on the 2 June, and for officers to undertake an assessment of that information and advise Council accordingly.
- 5.6 Another council meeting before the end of June will be the last time SHAs are brought to Council for approval.
- 5.7 The delaying of the consideration of these and the additional proposed SHAs until another Council meeting before the end of June will not affect the tight timelines to which SHA applicants need to adhere. The Minister's Office has confirmed that this delay will result in any approved SHAs missing the 6 July Cabinet meeting; however the Minister's Office has confirmed it is prepared to take any approved SHAs to a special Committee Meeting of Cabinet on 11 July 2016. This will in effect result in minimal delays for SHA applicants.
- 5.8 In the meantime, Council is able to consider the amendment to the qualifying development criteria for the number of storeys for the Ocean Lodge Special Housing Area (A1548018). Please refer to the 2 June 2016 report at Attachment 1 (R5858 Special Housing Areas) for further detail on this matter.

Lisa Gibellini

Development Projects Planner

Attachments

Attachment 1: A1562166 - Copy of report R5858 Special Housing Areas

REPORT R5858

Special Housing Areas

1. Purpose of Report

- 1.1 To approve two new Special Housing Areas (SHAs), and make an amendment to an existing gazetted SHA. To agree that Her Worship the Mayor recommend to the Minister of Building and Housing the SHAs and amendments for consideration under the Housing Accord and Special Housing Areas Act 2013 (HASHA).

2. Delegations

- 2.1 No committee of Council has delegations for this piece of legislation and therefore the matter needs to be considered by full Council.

3. Recommendation

THAT the report Special Housing Areas (R5858) and its attachments (A1548015, A1548048, A1551280, and A1548018) be received;

AND THAT Council approve 1 & 5 Tahunanui Drive (A1548048) and 19 & 21 Beach Road (A1548015) as potential Special Housing Areas;

AND THAT Council approve the amendment to the qualifying development criteria for the number of storeys for the Ocean Lodge Special Housing Area (A1548018);

AND THAT Her Worship the Mayor recommend those potential areas (Tahunanui Drive and Beach Road) and the amendment to Ocean Lodge SHA to the Minister of Building and Housing for consideration as Special Housing Areas under the Housing Accord and Special Housing Areas Act 2013.

4. Background

- 4.1 Council entered into a Housing Accord with the Minister of Building and Housing on 11 June 2015 under HASHA.

- 4.2 In order to meet its obligations under the Housing Accord, especially in relation to targets, Council can consider using Special Housing Areas as a tool under HASHA. Under the Accord Council can recommend the creation of Special Housing Areas to the Minister of Building and Housing.
- 4.3 On 17 December 2015 Council approved for recommendation to the Minister of Building and Housing the creation of 8 Special Housing Areas and an Order in Council was passed by Cabinet on 15 February 2016 declaring those 8 areas as SHAs.
- 4.4 On 3 March 2016 Council approved for recommendation to the Minister of Building and Housing the creation of an additional SHA at 45 & 47 Beach Road. This is scheduled to be approved by Order in Council on 11 May 2016.
- 4.5 Council has yet to receive any resource consent applications under HASHA, however advice from the majority of developers of SHA's is that they are on track to submit an application before the September 2016 deadline.

5. Discussion

- 5.1 Officers have received requests for further SHAs, and an amendment to the qualifying development criteria for an existing SHA (Ocean Lodge). Details of the SHA's proposed qualifying development criteria and infrastructure requirements are provided in Attachments 1, 2, 3, and 4 and the proposals are summarised below.

Beach Apartments SHA

- 5.2 Officers have received a request from the landowner of 19 & 21 Beach Road that the property be considered as a SHA. This site is close to the Ocean Lodge and Beach Road SHA's (all three being located on Beach Road) and the landowner seeks the similar qualifying development criteria for the site as that sought by Ocean Lodge following the amendment sought in this report. Further details of the proposed SHA are provided in Attachment 1.

Tahuna Lifestyle Apartments SHA

- 5.3 Officers have received a request from the landowner of 1 & 5 Tahunanui Drive that the property be considered as a SHA. Qualifying development criteria consistent with the Beach Road SHAs is sought for this site. Further details of the proposed SHA are provided in Attachment 2.

Farleigh SHA

- 5.4 Officers have received a request form Hybrid Homes who wish to have 35 Farleigh Street considered as a SHA. Qualifying development criteria and a map of this rural site in Dodson's Valley are provided in Attachment 3.

Ocean Lodge SHA Amendment

- 5.5 Ocean Lodge SHA is currently preparing a resource consent application under HASHA and have recently had a pre application meeting with the Council's Major Projects Team. Officers have received a request from Wakatu Inc for the amendment of the qualifying development criteria for this existing SHA. The amendment proposed is for an additional storey. The existing and proposed qualifying development criteria for Ocean Lodge are summarised in the table below:

| Existing Qualifying Development Criteria | |
|--|----|
| Maximum number of storeys | 4 |
| Maximum calculated height | 20 |
| Minimum dwelling capacity | 30 |
| Proposed Qualifying Development Criteria | |
| Maximum number of storeys | 5 |
| Maximum calculated height | 20 |
| Minimum dwelling capacity | 30 |

- 5.6 Wakatu Inc seek that the maximum number of storeys be amended from 4 to 5, but that the maximum height be retained. The amended qualifying development criteria are proposed in Attachment 4. The reason for the amendment is that the initial plans were to have carparking underground, however geotechnical engineering advice gained does not support this due to the high water tables on the site. Therefore carparking will take up the first storey on the ground floor, pushing the design into 5 storeys instead of the intended 4.

6. Options

- 6.1 The criteria used to evaluate SHA suitability and each sites assessment are detailed in Attachments 1 to 4, along with a map identifying each area. The criteria include the HASHA requirements that need to be satisfied (adequate infrastructure and demand for residential housing), consistency with the Accord, and alignment with the Nelson Resource Management Plan. A summary of the officers recommendation in relation to each SHA request is provided in the table below:

| Name | Recommendation |
|--|----------------|
| Beach Apartments | suitable |
| Tahuna Lifestyle Apartments | suitable |
| Farleigh | not suitable |
| Ocean Lodge (amendment to qualifying criteria) | suitable |

- 6.2 Some sites already have sufficient infrastructure connections. Other sites require additional connection and/or capacity to be provided. Where this isn't already a project in the Long Term Plan the necessary infrastructure will need to be provided by the developer. Developers are also able to seek that projects be included in the LTP and Council can choose to consult with the community on their inclusion. The SHA's will not result in any additional infrastructure costs on Council from that included in the current or future Long Term Plan(s).
- 6.3 Council has the option of approving these SHA's and the SHA amendment for recommendation to the Minister, or declining to recommend them to the Minister. Council has committed through the Housing Accord to enhance housing supply.
- 6.4 The current likely yield from the ten gazetted SHA's is 417 residential units and if Council approves the SHA's in this report the likely total yield Council has enabled through the Housing Accord will be 500 residential units.
- 6.5 The SHA's will assist Council to meet the Accord targets, and to enhance the supply and of sections and apartments in the Nelson market, thereby enabling a range of housing choice.
- 6.6 If Council decides not to recommend the additional SHA's and SHA amendment, the development opportunity of those Tahuna sites will likely be lost as developers indicate the HASHA process enables them to overcome current economic viability barriers on these sites.
- 6.7 The Farleigh SHA is not supported by officers because it is a property that is zoned Rural and is not suitable for geotechnical reasons for intensive residential development consistent with the goals of HASHA. The development proposed by Hybrid Homes consists of a small cluster of seven residential sites (800m² to 1,000m² in size) set amongst seven larger rural lifestyle sites (4,000m² to 60,000m²). The Nelson Housing Accord states that Council, in implementing the Accord, will have a particular focus on releasing supply in existing residential zoned areas.
- 6.8 Farleigh Street is zoned Rural, and the development that is planned for that site is rural small holdings in nature and scale. Officers consider that the Farleigh site is not suitable for intensive residential development that would be anticipated under the HASHA, and that the creation of a SHA on this site is inconsistent with the intent of the Accord. While

limited development of the site by Hybrid Homes for sustainable housing may be appropriate through a Resource Management Act process, officers do not support its gazettal as a SHA.

7. Alignment with relevant Council policy

- 7.1 The recommendations align with the direction set by Council for SHA's at the 17 December 2015 and 3 March 2016 Council meetings and the Housing Accord.

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

- 8.1 This matter is not significant in terms of Council's Significance and Engagement Policy.

9. Consultation

- 9.1 The public has not been consulted on this matter. HASHA does not require that any consultation is undertaken in identifying SHAs. Time has not allowed for specific community consultation on the location of potential SHAs. Notification of adjacent landowners may occur when resource consents relating to qualifying developments are considered.
- 9.2 Officers have consulted with the Ministry of Education and NZ Transport Authority in relation to the potential new SHA's. Formal responses have not been received at the time of writing this report.

10. Inclusion of Māori in the decision making process

- 10.1 Maori have not been consulted on this matter.

11. Conclusion

It is now 11 months since Council entered into the Housing Accord with the Government. Following the approval of SHA's by Council on 17 December 2015 and 3 March 2016, officers have received requests for three new SHA's, and an amendment to a gazetted SHA. This report seeks Council approval for two new SHAs (Beach Apartments and Tahuna Lifestyle Development), and the amendment of Ocean Lodge SHA to include an additional storey.

Lisa Gibellini
Development Projects Planner

Attachments

Attachment 1: A1548015 - Beach Rd SHA

R5858

5

Attachment 2: A1548048 - Tahunanui Drive SHA

Attachment 3: A1551280 - Farleigh SHA

Attachment 4: A1548018 - Ocean Lodge SHA

PREVIOUS REPORT

Nelson City Housing Accord
SHA – Beach Apartments

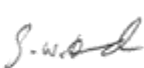

| | |
|------------------------------|--|
| Recommended | suitable |
| SHA Name | Beach Apartments |
| Address | 19 & 21 Beach Road Lot 8 DP 144 (CT NL2B/601) & Lot 10 DP 144 (CT NL25/265) |
| Approximate size | 0.1012ha and 0.1012ha (total 0.2024ha) |
| Landowner | Aloha Investment Properties Ltd |
| Developer | Tony Vining |
| SHA request received | Tony Vining |
| Brownfield/Greenfield | Brownfield, apartment block |
| Approximate yield | 25 |

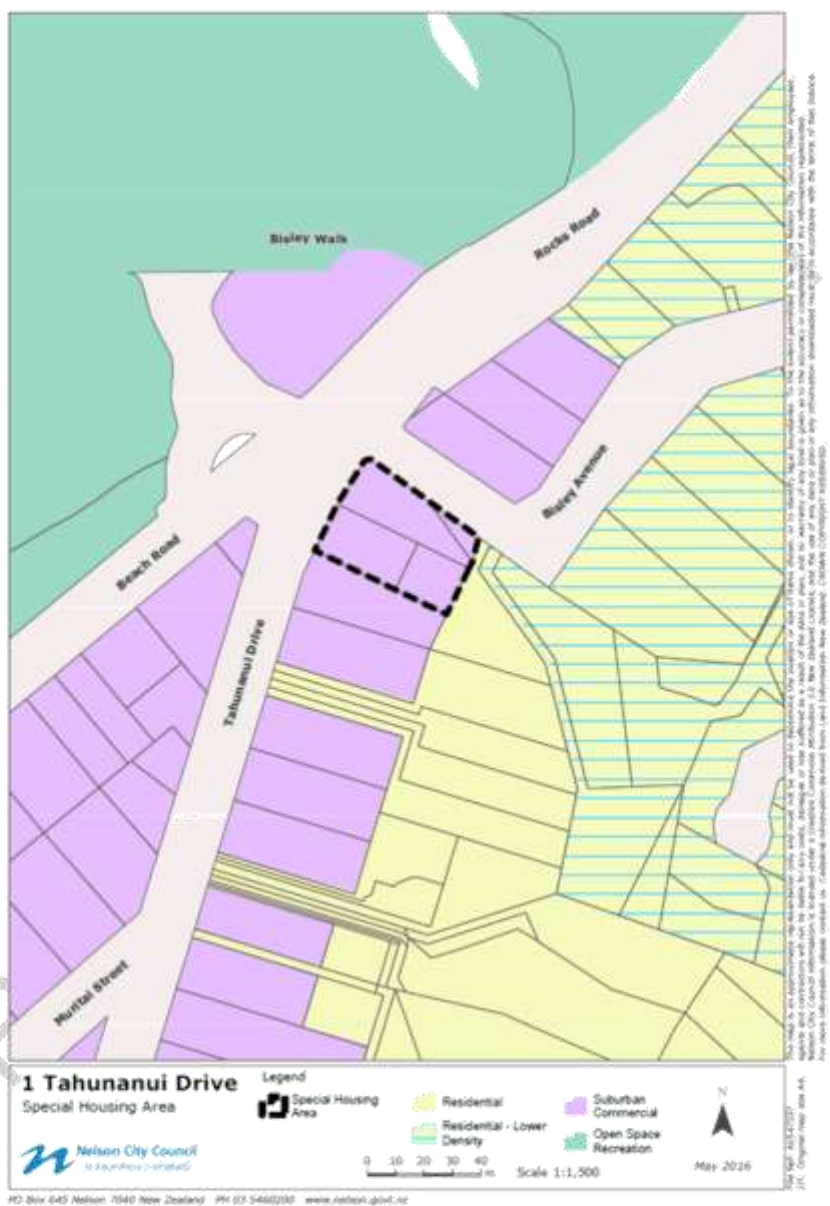
| |
|--|
| Qualifying Development Criteria |
| <ul style="list-style-type: none"> Maximum number of storeys that building may have: 5 Maximum calculated height that building must not exceed: 20m Minimum dwelling or residential site capacity: 15 |

| Criteria | Summary | Notes |
|---|---------|--|
| Consistent with Nelson City Housing Accord | Yes | The site will contribute to the diversity of housing stock and typology, thereby contributing to the Housing Accords aim of improving housing supply and affordability. |
| Alignment with the District Plan | Yes | The proposed SHA aligns with the NRMP provisions for residential development as part of a mixed use development in the Suburban Commercial Zone. |
| Infrastructure availability/readiness, including available capacity | yes | The area has suitable provision for infrastructure to support the development. This will be a mix of Council supplied capacity available to the site and developer supplied infrastructure capacity/connection |

| | | |
|--------------------|-----|--|
| | | <p>where there is insufficient capacity/connection.</p> <p>Wastewater:</p> <p>The developer will need to undertake an assessment of the capacity of the existing wastewater pipe serving the site. If it is under capacity the developer will need to fund and construct works to provide capacity for the development.</p> <p>Stormwater and Flooding/Coastal Inundation:</p> <p>The developer will need to undertake a stormwater assessment to identify the capacity of the existing system serving the site and to demonstrate that the proposed development will not result in any new or increased effects on any adjoining land.</p> <p>The site is approximately RL15.5m which is equivalent to the maximum storm tide level plus 0.5m sea level rise (NIWA report August 2009). Consideration may need to be given to 0.8m sea level rise (RL15.8m) as per MfE recommendations.</p> <p>All internal infrastructure will be provided by the developer in accordance with the NCC Land Development Manual 2010.</p> |
| Landowner views | yes | Supportive of SHA |
| Demand to build | yes | There is ongoing demand to build. |
| Demand for housing | yes | There is ongoing demand for housing. |

| | |
|--------------------------------------|--|
| Other Comments | Coastal inundation from sea level rise and liquefaction hazards will need to be addressed. |
| Reasons for using SHA process | To further incentivise development in this area |
| Planning history | The site is located in Tahunanui centre with urban development surrounding it, access to open space and reserves and sufficient infrastructure capacity. |

| | |
|---------------------|--|
| Reviewed by: | Shane Overend and Sue McAuley |
| Transport |   |
| Stormwater | |
| Waste water/water | |



Nelson City Housing Accord
Area – Tahuna Lifestyle Apartments

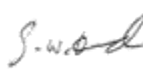

| | |
|------------------------------|---|
| Recommended | suitable |
| SHA Name | Tahuna Lifestyle Apartments |
| Address | 1 & 5 Tahunanui Drive Pt Lot 30 DP 1053 (CT NL5B/227), Lot 1 DP 9646, Part Lot 31 DP 1053, Part Lot 2 DP 1316 (CT NL5B/226). |
| Approximate size | 0.0569 ha and 0.1135ha (total 0.1704ha) |
| Landowner | The Automobile Company Ltd |
| Developer | The Automobile Company Ltd |
| SHA request received | Shane Drummond |
| Brownfield/Greenfield | Brownfield, apartment block |
| Approximate yield | 40 |

| Qualifying Development Criteria |
|--|
| <ul style="list-style-type: none"> Maximum number of storeys that building may have: 5 Maximum calculated height that building must not exceed: 20m Minimum dwelling or residential site capacity: 12 |

| Criteria | Summary | Notes |
|---|----------------|--|
| Consistent with Nelson City Housing Accord | Yes | The site will contribute to the diversity of housing stock and typology, thereby contributing to the Housing Accords aim of improving housing supply and affordability. |
| Alignment with the District Plan | Yes | The proposed SHA aligns with the NRMP provisions for residential development as part of a mixed use development in the Suburban Commercial Zone. |
| Infrastructure availability/readiness, including available capacity | yes | The area has suitable provision for infrastructure to support the development. This will be a mix of Council supplied capacity available to the site and developer supplied infrastructure capacity/connection |

| | | |
|--------------------|-----|--|
| | | <p>where there is insufficient capacity/connection.</p> <p>Transport:</p> <p>Access to the site will need to be off Bisley Road. The developer will need to work with Council's Transportation Engineer Adviser to determine the location of the driveway in relation to the bus stop and the maintenance of traffic sight lines and adequate footpath width at the intersection.</p> <p>Stormwater and Flooding:</p> <p>The developer will need to undertake an assessment of secondary flood routes in this area, coming from the land above/behind. The developer will need to ensure the new development is not at risk from secondary flood routes and that the development doesn't change or increase flooding issues on adjoining properties.</p> <p>All internal infrastructure will be provided by the developer in accordance with the NCC Land Development Manual 2010.</p> |
| Landowner views | yes | Supportive of SHA |
| Demand to build | yes | There is ongoing demand to build. |
| Demand for housing | yes | There is ongoing demand for housing. |

| | |
|--------------------------------------|--|
| Other Comments | Coastal inundation from sea level rise and liquefaction hazards will need to be addressed. |
| Reasons for using SHA process | To further incentivise development in this area |
| Planning history | The site is located in Tahunanui centre with urban development surrounding it, access to open space and reserves and sufficient infrastructure capacity. |

| | |
|---------------------|--|
| Reviewed by: | Shane Overend and Sue McAuley |
| Transport |   |
| Stormwater | |
| Waste water/water | |

Page 2 of 3

Nelson City Housing Accord
Area – Farleigh

| | |
|------------------------------|--|
| Recommended | Not suitable |
| SHA Name | Farleigh |
| Address | 35 Farleigh Street (lot 2 DP 424268, CT 494348). |
| Approximate size | 19ha |
| Landowner | John & Maria Locke |
| Developer | Principle Developments Ltd |
| SHA request received | Hybrid Homes |
| Brownfield/Greenfield | Greenfield |
| Approximate yield | 14 dwellings |

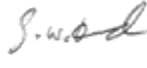

| |
|---|
| Qualifying Development Criteria |
| <ul style="list-style-type: none"> Maximum number of storeys that building may have: 2 Maximum calculated height that building must not exceed: 8m Minimum dwelling or residential site capacity: 14 dwellings |

| Criteria | Summary | Notes |
|--|---------|---|
| Consistent with Nelson City Housing Accord | No | The site is zoned rural and can only support a low density residential and rural development. While the planned development will create seven additional residential lots, it is located in the Rural Zone which is not consistent with the outcomes sought in the Accord which seek to enhance supply in existing Residential Zoned areas. |
| Alignment with the District Plan | No | The proposed SHA is inconsistent with the development yield anticipated in the NRMP, being located in Rural Zone on steep foot slopes at the end of Dodson's Valley. |
| Infrastructure availability/readiness, | Yes | The area has suitable provision for infrastructure to support the development. This will be a mix of Council supplied capacity available to the site and developer |

Page 1 of 4

| | | |
|------------------------------|---------|--|
| including available capacity | | <p>supplied infrastructure capacity/connection where there is insufficient capacity/connection.</p> <p>Stormwater:</p> <p>The site has downstream stormwater capacity issues (Oldham Stream). The developer will need to install onsite mitigation for any increased flows from the development.</p> <p>Water:</p> <p>Additional pumping and storage will need to be installed by the developer to ensure adequate pressures and flows are provided to the new lots.</p> <p>Wastewater:</p> <p>Unlikely to be an issue for a few more lots. However, to avoid any doubt, they will need to assess capacity of downstream system.</p> <p>All internal infrastructure will be provided by the developer in accordance with the NCC Land Development Manual 2010.</p> |
| Landowner views | unknown | unknown |
| Demand to build | yes | There is ongoing demand to build. |
| Demand for housing | yes | There is ongoing demand for housing. |

| | |
|--------------------------------------|--|
| Other Comments | |
| Reasons for using SHA process | Hybrid Homes wishes to use the SHA process to provide a more certain application process than what is afforded under the NRMP due to its Rural Zoning. |
| Planning history | The site is zoned Rural and contains the land management overlay. It has not been considered suitable for residential development in the past. |

| | |
|---------------------|--|
| Reviewed by: | Shane Overend and Sue McAuley |
| Transport |   |
| Stormwater | |
| Waste water/water | |



16

PREVIOUS REPORT

Nelson City Housing Accord – Special Housing Area

Area 3 - Ocean Lodge

| | |
|------------------------------|---|
| Recommendation | suitable |
| SHA Name | Ocean Lodge |
| Address | 33 & 43 Beach Road, 7 & 11 Waikare Street, 26 Muritai Street, Pt Lot 9 DP 5302 (CT NL3C/1144), Pt Lot 24 DP144 (CT NL124/171), Lot 1 DP 4918(CT NL124/172), Lot 3 DP 530 (CT NL39/47), Lot 1 DP 628 (CT NL40/241), Lot 2 DP 628 (CT NL40/242), Lot 1 DP 8354 (CT NL4A/135) |
| Approximate size | 1.176ha |
| Landowner | Wakatu Incorporated. |
| Developer | Wahanga Ltd |
| SHA request received | Iain Sheves, Wakatu Inc |
| Brownfield/Greenfield | Brownfield, apartment block |
| Approximate yield | 40 |

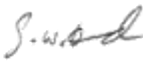

Qualifying Development Criteria

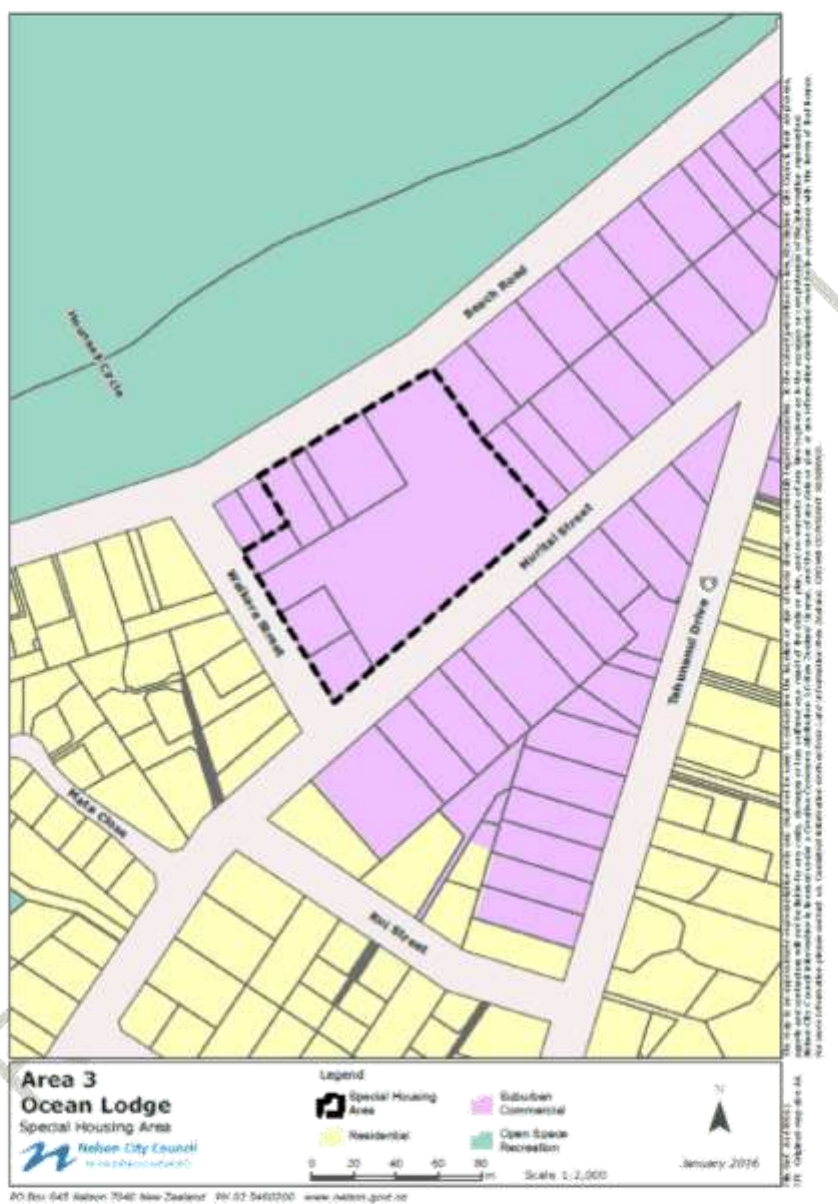
- Maximum number of storeys that building may have: 5
- Maximum calculated height that building must not exceed: 20m
- Minimum dwelling or residential site capacity: 30

| Criteria | Summary | Notes |
|---|---------|---|
| Consistent with Nelson City Housing Accord | yes | The area will contribute to the diversity of the housing stock and typology, thereby contributing to the Housing Accords aim of improving housing supply and affordability. |
| Alignment with the District Plan | yes | The proposed SHA aligns with the NRMP provisions for residential development as part of a mixed use development in the Suburban Commercial Zone. |
| Infrastructure availability/readiness, including available capacity | yes | The area has suitable provision for infrastructure to support development. This will be a mixture of Council supplied capacity available to the site and developer supplied infrastructure capacity/connection where there is insufficient capacity/connection. Stormwater: Insufficient downstream stormwater capacity exists and the developer will be required to provide for onsite measures (off site could be explored) to off-set any additional flows created by the development. The existing site provides a degree of stormwater detention which needs to be assessed if the site is filled. |

| | | |
|--------------------|-----|--|
| | | All internal infrastructure will be provided by the developer in accordance with the NCC Land Development Manual 2010. |
| Landowner views | yes | Supportive of SHA |
| Demand to build | Yes | There is on gong demand to build. |
| Demand for housing | yes | There is ongoing demand for housing. |

| | |
|--------------------------------------|--|
| Other Comments | Coastal inundation from sea level rise and liquefaction hazards will need to be addressed. |
| Reasons for using SHA process | To further incentivise development in the area. |
| Planning history | The site is located close to Tahunanui centre with urban development surrounding it, access to open space and reserves and sufficient infrastructure capacity. |

| | |
|---------------------|--|
| Reviewed by: | Shane Overend and Sue McAuley |
| Transport |   |
| Stormwater | |
| Waste water/water | |



Crematorium Delivery Review - Supplementary Report

1. Purpose of Report

- 1.1 To advise Council of the feedback received with respect to the crematorium.
- 1.2 To confirm the future of and level of service with respect to pet/animal cremations.

2. Delegations

- 2.1 Further information has been requested by Council and therefore this is a matter for Council to consider.

3. Recommendation

THAT the report Crematorium Delivery Review - Supplementary Report (R5737) and its attachment (A1521528) be received;

AND THAT based on the feedback received with respect to pet/animal cremations that pet/animal cremations continue at the Nelson crematorium;

AND THAT it be confirmed, at this stage, not to proceed with a new pet/animal cremator and the \$150,000 provision set aside for this in the 2016/17 year be removed;

AND THAT the need for a new pet/animal cremator be re-assessed in two years' time allowing officers time to assess the demand for pet/animal cremations in the region;

AND THAT services for private cremations continue to be offered and that clear requirements be placed on Council's website;

AND THAT to offset any potential risk, that all cremation fees be increased by 5% from 1 July 2016.

4. Background

- 4.1 Council resolved on 24 March 2016:

"THAT it be confirmed that Council retain ownership of the crematorium and keep it operating;

AND THAT approval be given to renew the main cremator as set out in the Long Term Plan 2015/25."

- 4.2 Council also resolved that the following four recommendations be left to lie on the table subject to supplementary information being collated and brought back to Council.

"AND THAT it be confirmed not to proceed with a new cremator and the \$150,000 provision set aside for this in the 2016/17 year be removed;

AND THAT all cremation fees be increased from 1 July 2016 transitioned over a three year period with equal annual increases of 15% per annum, with year one to be \$575 including GST;

AND THAT services for private cremations be promoted;

AND THAT until such time as a commercial pet/animal cremator is up and running pets/animals continue to be cremated."

- 4.3 Work on relining the dedicated human main cremator is underway.

5. Discussion

Feedback summary

Feedback from ratepayers was requested via an 11 March media release and closed on 21 April 2016. Twelve replies were received and these are summarised (as they pertain to pet/animal cremations and fee increases) below. Refer to Attachment 1 for the full feedback.

| Feedback | Continue with pet/animal cremations | Increase fees | Support private cremations |
|-----------------------------------|-------------------------------------|---------------|----------------------------|
| Veterinary clinics/centres | | | |
| Halifax Vet | Yes | | |
| Stoke Vet | Yes | | |

| Feedback | Continue with pet/animal cremations | Increase fees | Support private cremations |
|---------------------------------|-------------------------------------|---------------|----------------------------|
| Ratepayer | | | |
| Mr Steve Cross | | Yes | No |
| Mr Paul Briggs | No | | |
| National Council of Women of NZ | Yes | | |
| Sinnet Frisk | Yes | | |
| Diane Colquhoun | Yes | | |
| Nancy Eisenberg (see below) | | | |
| Funeral directors | | | |
| Simplicity Funerals | | Yes moderate | No |
| Shone and Shirley | Yes | No | No |
| Anisy funeral services | Yes | No | No |

- 5.1 The submission from Mr Steve Cross recommended exiting the crematorium business and undertaking no additional expenditure. Council has already resolved to retain the crematorium and renew the main cremator.
- 5.2 The submission from Nancy Eisenberg related to what gets burnt in the cremators.
- 5.3 One submitter did not confirm whether their feedback can be made public. The submission has been circulated to councillors separately.
- 5.4 In line with a suggestion at the Council meeting, a copy of the redacted report was sent to all veterinary practices and funeral directors who use the crematorium. One further submission (included above) was received.
- 5.5 In summary the majority of feedback was for council to continue to provide for pet/animal cremations (for reasons of choice and affordability) and not to promote private cremations.

Views of the Crematorium Medical Referee

- 5.6 The views of the Crematorium Medical Referee were sought. Whilst he had no specific views on the issues covered in this report he did raise an

area of concern relating specifically to the increasing urgency funeral directors were requiring cremations to take place following death, and that this was putting pressure on both Council staff and the crematorium medical referees.

- 5.7 The reason for the increased urgency from the funeral directors was primarily due to their lack of storage facilities (with only one funeral director and the Nelson hospital morgue having storage facilities).
- 5.8 This increased urgency, with very strict protocols (and paperwork) having to be followed and adhered to, could in his opinion lead to potential mistakes.
- 5.9 Whilst this concern is not part of the issues that are been addressed as part of this report, this concern does need to be addressed and officers will explore this further with the funeral directors and the crematorium medical referee with urgency.

6. Options

Pet/animal cremations

- 6.1 There are arguments both for and against continuing with pet/animal cremations as well as providing a dedicated pet/animal cremator.
- 6.2 On the one hand the service does provide a public good - to the general public and through the services provided to the veterinary practices.
- 6.3 On the other hand if Council purchases a new pet/animal cremator at a considerable capital investment (along with around \$12,500/annum opex including interest and depreciation) and then lost a portion of that business to a commercial operator, this would place Council investment at risk and would require an increase in fees. The question is whether Council would retain enough pet/animal cremations to justify the cost of a new pet/animal cremator. If this turned out not to be the case then that would affect the cost recovery model.
- 6.4 Whilst veterinary practices have indicated their preference for choice with respect to where they cremate pet/animals, Council is dealing with ratepayers' money and need to carefully consider this with respect to public good versus risk.
- 6.5 One veterinary practice has indicated that if the crematorium stopped pet/animal cremations that they would cease offering this service to their clients.
- 6.6 However, Council could still decide (based on strong feedback from the veterinary sector and an increasing trend in pet/animal cremations) to offer choice to residents and veterinary practices and continue to provide pet/animal cremations.
- 6.7 Pet/animal cremations could continue, as is currently the practice, in the second cremator. This second cremator would still serve as a back-up to

the main cremator for human cremations. Officers have scrutinised and witnessed the standard operating procedures from the management contractor and view the issue of reputation risk as low - procedures are robust.

- 6.8 Should maximising the number of pet/animal cremations in the second cremator at any one time continue as standard practice, inefficiency could be minimised as this would be no different to that of cremating a single human body – both utilise around 35 litres of diesel per cremation. Cremating individual pets or smaller numbers, in one go, is inefficient.
- 6.9 There is no cold storage provision at the crematorium, but the veterinary practices deliver pets/animals to the crematorium frozen and correctly wrapped.
- 6.10 It is acknowledged that there are factors other than just risk that could be considered. This could include a comprehensive financial review in a couple of years' time as a minimum, to allow the effectiveness of the private commercial pet/animal cremation service versus Nelson's crematorium to be ascertained.
- 6.11 Officers, based on the risk of losing potential business, competing with a commercial operator for pet/animals and high cost (both capital and opex) of a dedicated pet/animal cremator, do not support the purchase of a new pet/animal cremator at this stage, but support that this be re-assessed in two years' time.

Fees

- 6.12 Any fee increase is dependent on the decision Council makes with respect to pet/animal cremations.
- 6.13 Pet cremations have been subsidising the cost of human cremations. If the decision is made to discontinue with pet/animal cremations then it follows that fees for human cremations will need to increase. As previously reported to Council, should pet/animal cremations be stopped, that in order to retain the 90 user pays, 10 public funding split, fees would need to increase from \$500 to around \$720 and officers previously recommended that this be transitioned over a three year period with equal annual increases of 15% per annum.
- 6.14 However, should Council make the decision to continue with pet/animal cremations, fees need to be assessed against the Revenue and Funding Policy (90 user pays, 10 public). The actual recovery in 2014/15 was 91% and therefore within the policy.
- 6.15 Any decision to continue with pet/animal cremations would need to be made noting the risk that the Nelson crematorium will be in competition with a commercial operator and still runs the risk of not meeting the 90/10 funding split if pet/animal cremations decreased.

6.16 To mitigate these risks, officers support:

- increasing all cremation fees by 5% from 1 July 2016; and
- monitoring recovery against the policy with actual pet/animal cremation numbers assessed over the next two years to ascertain the implication and demand of private commercial pet/animal cremation services.

Services for private cremations

6.17 Nelson allows private cremations and this offers choice to families. There have been approximately 6 private cremations in the last 18 months.

6.18 The level of service offered at the Nelson crematorium does not extend to the services that a funeral director offers. There is no intention of increasing this level of service.

6.19 The crematorium does not provide for body storage, body transportation, caskets or body embalming. The crematorium operator has confirmed that bereaved families are not always fully aware of all the procedures required to cremate a body. This includes legal paperwork, potential body storage etc. Clarity on the minimum requirements would be useful.

6.20 As a minimum Council's crematorium, for private cremations, does require the body to be presented in a leak proof container (such as a body bag) to prevent the escape of body fluids as this is a health and safety issue. It is not uncommon for bodies not to be in a casket due to the family not wishing to pay for a casket.

6.21 These are all requirements that a family needs to consider and quite often they don't until time of death and working through these many issues at a time of high stress for the family is not ideal.

6.22 One funeral director service in Nelson offers partial services for private cremations. Whilst a family could address all issues with respect to a private cremation (provided they know about them in advance) most will still require involvement from a funeral director at some level.

6.23 Feedback from funeral directors operating in the area cite a number of concerns with respect to Council promoting private cremations including:

- Health and safety (covered above);
- Unfairness as this is their core business;
- Complexities of dealing with bodies (covered above);
- Potential increase in their fees and charges to offset possible loss of income/business if more private cremations are undertaken;
- Potential to stop providing partial services for those wanting to undertake private cremations;

- Potential to cease using the Nelson crematorium.

- 6.24 Any increase in fees will still provide a lower cost option to those wishing to undertake a private cremation – costs would still be significantly cheaper than a basic package from a funeral director.
- 6.25 The choice factor aside, there are practicalities families wishing to undertake a private cremation will face. These should not be underestimated and can be exacerbated during a time of high stress and mourning.
- 6.26 Whilst possible to continue to provide for private cremations, Council (through its management contractor) needs to be careful not to expand their role by trying to be helpful to those wishing to undertake private cremation.
- 6.27 For this reason officers are in support of continuing to provide for private cremations but not to actively promote this service. Officers will however provide relevant and complete information with respect to private cremations on Council's web site.

7. Alignment with relevant Council policy

- 7.1 The current 2015-25 LTP includes for a new pet/animal cremator in 2016/17.

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

- 8.1 Any decision to continue or not with pet/animal cremations, or increase fees or not, is not significant in terms of Council's Significance and Engagement policy.

9. Consultation

- 9.1 Consultation with Nelson residents was undertaken via media release with the community and closed on 21 April 2016.
- 9.2 A redacted report was also sent out to all veterinary practices and funeral directors who use the crematorium.

10. Inclusion of Māori in the decision making process

- 10.1 No consultation with Maori has been undertaken.

11. Conclusion

- 11.1 Council has already previously resolved to retain ownership of and continue to run the crematorium.
- 11.2 Council left the resolutions with respect to pet/animal cremations, fee increase and private cremations to lie on the table subject to additional

information. That additional information is contained in the body of this report.

- 11.3 Feedback has been received and Council need to make an informed decision based on that feedback. The majority of the feedback has been in favour of retaining pet/animal cremations for reasons of choice, affordability and service offered at the crematorium.
- 11.4 A risk still exists that Council purchases a pet/animal cremator and loses business to a private commercial operator and the impact of this is that fees will need to increase. Officers view this risk as high and do not support purchasing a new pet/animal pet cremator at this time.
- 11.5 However, Council could still make the decision, based on the majority of feedback received from ratepayers and veterinary practices, to provide choice and continue to provide pet/animal cremations in the second cremator. This has a degree of operational risk but is deemed to be low.
- 11.6 No fee increase (other than CPI) is proposed.
- 11.7 With respect to private cremations, officers support this service continuing but not overtly advertising this.

Alec Louverdis
Group Manager Infrastructure

Attachments

Attachment 1: A1521528 - Summary of feedback

Jessica Fechney

From: Submissions
Sent: Friday, 18 March 2016 5:51 p.m.
To: Administration Support
Subject: FW: Crematorium Review Submission
Categories: Jessica

From: Council Enquiries (Enquiry)
Sent: Friday, March 18, 2016 5:50:57 PM
To: Submissions
Subject: Crematorium Review Submission
Auto forwarded by a Rule

Name

Hans Andersen

Address

599 Rocks Road

Phone

03 5464979

Email

hans.susan@xtra.co.nz

Feedback

I strongly support NCC retaining ownership of the Wakapuaka crematorium for the reasons cited: cost effective, allows private cremations, rising demand for this service.

It is perplexing then to read that offering pet cremation as a service might be stopped since a private operator has sought consent to build a crematorium offering pet cremation and it is thought that this will reduce demand at Wakapuaka, driving up the costs of human cremations. I don't know the source of this advice to Council but it was not based on information from the Halifax Veterinary Centre.

As the owner and director of Halifax Veterinary Centre I can assure Council that we are extremely happy with the service provided by the Wakapuaka Crematorium and want to keep on using this service. If by doing so we subsidise the cost of human cremation as is suggested, well and good. We are also seeing a rise in demand for pet cremation and as long as the Wakapuaka crematorium can meet that demand we will continue to use it.

It should be noted that pet cremation does offer the Wakapuaka crematorium work that is more flexible in its time demands than human cremation. The pet bodies are held in freezers until there is an appropriate space/time available at Wakapuaka. This flexibility is very useful for a business like a crematorium.

In summary I strongly support both continued NCC ownership of the Wakapuaka crematorium, and its continued provision of pet cremation services.

It would be worth seeking the opinions of the other veterinary practices in Nelson. I believe the Stoke Veterinary practice would want to continue to use the Wakapuaka Crematorium for their pet cremations.

Jessica Fechney

From: Submissions
Sent: Sunday, 20 March 2016 8:07 p.m.
To: Administration Support
Subject: FW: Crematorium Review Submission

Categories: Jessica

From: Council Enquiries (Enquiry)
Sent: Sunday, March 20, 2016 8:06:49 PM
To: Submissions
Subject: Crematorium Review Submission
Auto forwarded by a Rule

Name

Steve Cross

Address

8 Bisley Ave
 Moana
 Nelson 7011

Phone

548 6356

Email

stevecross@xtra.co.nz

Feedback

1. Nelson City Council (along with Tauranga City Council) has the lowest fees for cremation of any other Council in the country

- Nelson and Tauranga \$500
- Palmerston North \$541 + medical referee fee \$55.00
- Hamilton \$595
- Hastings \$600
- Wellington \$685
- Whangarei \$665 + medical referee fee \$40
- Whanganui \$651.50 plus medical referee fee \$57.50
- Invercargill \$720
- Dunedin \$855

2. Nelson's fees don't cover cash costs, let alone provide for capital renewal

- Fees only cover 87% of cash costs
- Balance of costs covered by ratepayers
- Capital required 2015/2016 of \$151,000 which will be solely ratepayer funded without cost recovery.

3. The benefit of the ratepayer subsidy goes to non ratepayers and private business

- 52% of human cremations are undertaken by Shone and Shirley
- A further 22% are for West Coast funeral directors.
- An unknown proportion are Tasman District residents
- Why are Nelson ratepayers subsidising a public facility for the benefit of private business and out

of town users?

Feedback No. 2

4. Claims that NCC has to continue to own a crematorium in order to meet its pandemic plan are ridiculous

- Sec 71 (ab) of the Health Act 1956 makes it clear that a Medical Officer of Health can "requisition any .. land, building...whether public or private, that in his or her opinion is required for the storage or disposal of bodies."
- There is absolutely no reason for Council to own the crematorium in order to comply with pandemic plans.

5. The greatest usage of the NCC Crematorium is for pet cremations

- 72% of the cremations undertaken are pets
- Again, these do not cover costs so ratepayers are subsidising pet cremations, including for TDC residents.
- Officers claim that \$150,000 of capital expenditure is required to maintain this service.
- The private sector is ready, willing and able to perform this service
- This is not a core, or even non-core, Council service.

6. Council ownership of crematoriums is an anachronism

- The majority of crematoria in NZ are private sector facilities
- There is no sensible rationale for ongoing Council ownership

7. Ownership of the Crematorium by Council poses many risks

- The risk register identifies two high level risks and two medium level risks associated with ownership
- These risks can be eliminated by exiting the business
- Council is not well placed to manager these risks

8. The chapel is not used and should be demolished or sold

- Revenue in 2014/2015 \$1,300
- This equates to 6 usages.
- Earthquake risk?

SUMMARY

Council should

1. Increase fees to earn a commercial return
2. Call for tenders for lease and operation of the facility with responsibility for maintenance and upkeep of the facility lying with the Lessor - an "as is where is" lease. Lessor responsible for resource consent renewals and compliance.
3. Exit this business for everything except lease of the land.
4. Council should not commit to any further capital expenditure for this facility.
5. Council, if it wished, could include a requirement in the lease documentation that the Lessor is required to offer a "do it yourself" service.

Submission on NCC Crematorium Review

Summary

Whatever reason that once existed for NCC to own and operate a crematorium no longer exists. The current crematorium is a cost to ratepayers, primarily for the benefit of one funeral home and for out-of-town users. The proposal to give greater promotion to "do it yourself" cremations is ill considered and will place an unfair burden on frontline NCC staff. The crematorium should be put up for lease, or pending no interest from potential lessees, shut down.

1. Report is Self-serving

There is a saying that when you work for the private sector you get recognised according to your contribution to the enterprise's profit. When you work for the public sector you get recognised according to the size of your department. If NCC officers were rewarded according to financial performance it would be a fair bet that they would be recommending closure of the crematorium, since it is a drain on ratepayers and will continue to be so into the future.

2. Council ownership of crematoriums is an anachronism

Only 15 out of 52 Councils in NZ continue to operate crematoria. In the same way Councils no longer operate gasworks; power stations or sell appliances, operating crematoria will, in time, be seen as a peculiarity of a bygone time.

3. The benefit of the ratepayer subsidy goes to non ratepayers and private business

52% of human cremations are undertaken by only one funeral home, Shone and Shirley. A further 22% of the human cremations are for West Coast funeral directors. An unknown proportion are Tasman District residents. The key question is *"Why are Nelson ratepayers subsidising a public facility for the benefit of private business and out of town users?"*

The greatest use of the crematorium is for pet cremations, which constitute 72% of all cremations. Many of these will be for out-of-town users. The private sector is ready, willing and able to perform this service. Pet cremation is a prime example of Council's performing non-core services at ratepayer expense.

4. Crematorium Fees don't cover cash costs, let alone provide for capital renewal

Current fees only cover 87% of cash costs, with the balance of costs covered by ratepayers. The crematorium requires capital expenditure of \$151,000 which will be solely ratepayer funded without any prospect of cost recovery. There is no plausible scenario which will see the crematorium operate in future without requiring ongoing ratepayer funding, even with the proposed increase in fees.

5. The Proposed Increase in Fees is long overdue but doesn't change the fundamental premise that this is an activity Council shouldn't be involved in any more

Fee Analysis

| | |
|-----------------------|---|
| • Nelson and Tauranga | \$500 |
| • Palmerston North | \$541 + medical referee fee \$55.00 |
| • Hamilton | \$595 |
| • Hastings | \$600 |
| • Wellington | \$685 |
| • Whangarei | \$665 + medical referee fee \$40 |
| • Whanganui | \$651.50 plus medical referee fee \$57.50 |
| • Invercargill | \$720 |
| • Dunedin | \$855 |

6. Claims that NCC has to continue to own a crematorium in order to meet its pandemic plan are ridiculous

Section 71 (ab) of the Health Act 1956 makes it clear that a Medical Officer of Health can "requisition any .. land, building...whether public or private, that in his or her opinion is required for the storage or disposal of bodies." There is absolutely no reason for Council to own the crematorium in order to comply with pandemic plans.

7. Ownership of the Crematorium by Council poses many risks

The risk register identifies two high level risks and two medium level risks associated with ownership. These risks can and should be eliminated by exiting the business. Council is not well placed to manager these risks

8. The suggestion that continued Council ownership gives "choice" is a poor reason to continue ownership

There are many things in life where we have limited choice. There is only one drycleaning business in Nelson but that doesn't mean that Council should start up a drycleaning operation. There is a choice of two private crematoria in the Nelson/Tasman region, one in Blenheim, and few barriers to entry for new entrants. There are many competing funeral homes offering a range of services from basic, cheap packages to full-blown service.

The suggestion that there is some public good in offering a "do it yourself" cremation service may have superficial appeal but has serious drawbacks. Such a proposal puts Council in direct competition with established funeral homes and exposes Council to considerable regulatory risk under the Cremations Regulations 1973 (a cremation requires 5 separate forms to be filled in and the regulatory requirements are complex). More importantly it places an unfair burden on Council frontline staff (ie Call Centre and front desk staff). Frontline staff already have to deal with aggrieved ratepayers on a daily basis. It is unfair to expect them to now have to deal with upset bereaved families. The correct people to be dealing with this are the professional funeral directors with their trained and empathetic staff.

S. E. Cross

Feedback No. 3

| | |
|----------|--|
| Name | Nancy Eisenberg |
| Address | 25 Brooklands Road, Atawhai |
| Phone | 035452482 |
| Email | Nancye@slingshot.co.nz |
| Feedback | <p>I'm concerned about the adverse health and environmental impacts from increased burning of painted and/or lacquered coffins in Wakapuaka Cemetery. We live nearby and walk the cemetery daily. Sometimes the smoke from the crematorium is acrid and smells of plastics and other non-organic material. I'd suggest developing a policy about what materials can and cannot be burned in a crematorium so close to people's homes and the city centre. While cremation is my own family's tradition, it's not sustainable or healthy to cremate people in a cloud of toxic smoke. I'd be interested in alternatives and guidelines to help cremation and end of life rituals be sustainable and sensible, as well as respectful of people's traditions. Thanks for considering my feedback.</p> |



Nelson City Council

Cremation Delivery Review

Submission from InvoCare New Zealand Ltd, trading as Simplicity Funerals, Nelson.

InvoCare New Zealand Ltd, (formerly Bledisloe New Zealand Ltd) is owned by InvoCare Australia, a publically listed provider of funerals, cemetery, and crematorium services in Australia, New Zealand, Singapore, and the United States.

Simplicity Funerals operates in Auckland, Wellington, and Christchurch, and was established in Nelson in 2015 in response to our market analysis.

Essentially, Simplicity operates on a low overhead basis, offering competitively priced funeral packages to funeral consumers.

In our first year of operation in Nelson, Simplicity achieved an 11% market share (equating to 80 funerals to 30/12/15). Analysis of the first quarter of 2016 shows a 13% market share. Of the remaining Funeral providers in the Nelson region, 65% of the 2015 funerals were handled by the P Day & Son group of companies, which operate two cremation facilities (Hope & Motueka), with the Balance being serviced by Shone & Shirley, and Anisy Tasman Funeral Services.

While we fully understand the issue surrounding cost recovery for Crematorium operation, and the potential loss of revenue associated with pet cremations, we have a number of concerns around the marketing of cremation services direct to the public.

Simplicity Funerals are full members of the Funeral Directors Association of New Zealand, and as such we are fully conversant with the potential Legislative changes recommended by the Law Commission Review. A study of our promotional material and website will confirm that Simplicity, and indeed all InvoCare funeral Homes are fully transparent in regard to service provision, funeral costs, and payment expectations.

The assumption of a National cremation rate of 70% is entirely in line with funeral industry analysis, as is the projected increase over a medium to long term.

Our view is that with Simplicity's market share trending upwards we will become the most significant 3rd party user of the Nelson Crematorium over the next 2-3 years.

One of the inherent problems associated with direct to the public cremations is the issue of care and storage of the body.

InvoCare's experience in other markets where direct cremation is offered supports our concerns.

Consideration must be given to the reasons that a family may choose to bypass the funeral director. It may well be that the decision is based on a perception or lack of understanding about cost options, or in some cases it may be a desire to have complete control over the process from death to disposal.

The real problem occurs when care and movement, and in some cases storage of the deceased person needs to be considered.

In almost every case where a family wants control of the process there is no mechanism, or expertise to care for the deceased in a dignified and safe manner. Generally, but not always, families will ask a funeral director for provision of partial services.

However, in a situation where no Funeral Director involvement is wanted, what will the Council's response be?

We would suggest that to adequately meet the needs of direct cremations consideration would have to be given to:

- Provision of a suitable transfer vehicle and equipment
- Provision of a 24 hour phone service
- Provision of secure and dignified storage facilities, including refrigeration
- Provision of an approved space for basic body preparation
- Suitably trained staff

All of these facilities and services are currently provided by existing Funeral Homes, and certainly in Simplicity's case are provided at very competitive prices.

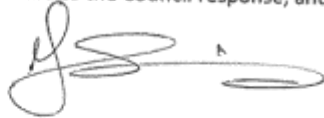
Feedback No. 4

We are concerned that the ability for the public to deal directly with the crematorium will lead to a lowering of overall standards (i.e. families collecting and storing deceased bodies in unsuitable, unsafe, and substandard vehicles and conditions), potentially hazardous and unpleasant impacts of un-embalmed, or poorly prepared bodies being present at funeral services, and of course the impact on the existing funeral providers

Simplicity remain committed to supporting the Nelson City Council Crematorium and we are appreciative of the high level of service provided to us, and by extension our client families. We do have access to a company owned crematorium in Blenheim, and the option of establishing our own cremation facility in the Tasman region. However, our preference is to continue working in a productive and collegial manner with NCC and Nelmac.

We do feel that the market could sustain a moderate increase in cremation fees and still remain competitive.

We look forward to the Council response, and remain available for further discussion at any stage.



Tony Garing

Regional Manager South

InvoCare New Zealand Ltd

Jessica Fechney

From: Submissions
Sent: Monday, 21 March 2016 3:09 p.m.
To: Administration Support
Subject: FW: Crematorium Review Submission

Categories: Jessica

From: Council Enquiries (Enquiry)
Sent: Monday, March 21, 2016 3:09:20 PM
To: Submissions
Subject: Crematorium Review Submission
Auto forwarded by a Rule

Name

Paul Briggs

Address

170 Rayners Road, Hira, Nelson

Phone

035450154

Email

pbriggs1@clear.net.nz

Feedback

It's imperative that the crematorium remains in NCC ownership and control, as a community service. If it becomes privately owned [eg owned by a local funeral director] , the fees would be greatly increased, and every measure taken to make it difficult for families to use the facility and have control over cremation of a family member. Council need not be involved with pet cremations. People can choose either to carry out their own disposals, or pay a commercial operator to do it. If the existing pet cremator can be used for human cremations, why is there a need to raise fees?

Jessica Fechney

Feedback No. 6

From: Submissions
Sent: Sunday, 17 April 2016 8:05 p.m.
To: Administration Support
Subject: FW: Crematorium Review Submission

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Jessica

From: Council Enquiries (Enquiry)
Sent: Sunday, April 17, 2016 8:04:56 PM
To: Submissions
Subject: Crematorium Review Submission
Auto forwarded by a Rule

Name

Meg Irvine and Joyce Ballance: Stoke Veterinary Clinic

Address

Stoke Veterinary Clinic
 214 Songer St, Stoke, Nelson 7011

Phone

03 5477891

Email

megan@stokevets.co.nz

Feedback

15.4.16

To whom it may concern.

We would like to express our concern over the possibility of NCC no longer performing animal cremations for the Nelson veterinarians and members of the community. For the last few years we have been bringing our valued patients directly to the Wakapuaka crematorium every week to use this service. We do this because we feel very comfortable with the process that we have established, which ensures that these beloved pets have a dignified and respectful end to their lives. This arrangement also allows us to give our clients absolute assurance that their pet is treated with compassion from the point of euthanasia through to the return of their ashes.

In the past we have not always been comfortable that we are able to give such assurances to the pet owning members of the community when we have been required to use an independent party to provide cremation services. It is imperative to us that pet owners can be absolutely comfortable that dignity and respect is maintained throughout what is an incredibly difficult time for most people, and it is our absolute belief that this guarantee can only be given under the present arrangements. . .

To lose the ability to use the Wakapuaka crematorium in our opinion, would be a disservice to the Nelson community, a community of high pet ownership who genuinely wish for the best outcomes for their animals when requesting cremation services.

If you have any further questions regarding this, please feel free to call us on (03) 5477891 or we would be happy to speak to the council directly on this issue

Feedback No. 6

Regards,
Meg Irvine BVSc and Joyce Ballance BVSc
Clinical lead Veterinarians, Stoke Veterinary Clinic
Nelson

NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND (Inc)
Te Kaunihera Wahine o Aotearoa
Nelson Branch

To Nelson City Council

Wakapuaka Crematorium

Comments on proposals.

Submitters name: Queenie Ballance

Phone: 539 0459

Address: 6 Brougham Street, Nelson 7010

Email: queeniebee@clear.net.nz

The following comments are from the Local Issues Group of Nelson Branch National Council of Women, a group of women from varying backgrounds..

On an earlier occasion we supported the continuation of the service provided by the Wakapuaka Crematorium, and the chapel was restored for use. We do so again several years later. We also think it should remain in the ownership of the Council.

We support the Council replacing the cremator because having the chapel available and a civic non business connected cremator also available allows for freedom of choice for arranging funeral services to allow for all beliefs and creeds to be met.

Due to the short time frame allowed to comment on Council staff proposals only six members made comments. Four felt it important to also replace the animal cremator so as to continue the good service that has been provided to Nelson region in an efficient and caring way. It also allows pet owners choice. It is logical to retain both cremators in the same location.

Two felt that the concept of a private business was good. However we understand that the new owner of the local private facility is not working to a standard acceptable to some local veterinary clinics. Without the Wakapuaka animal cremator there could be a problem to access cremation facilities for pets.

The upgrading of both cremators would allow choice for both people and for owners of pets.

We thank you for the opportunity to comment, but deplore the very short time frame allowed.

Queenie Ballance

21.3.16

Bev McShea**Feedback No. 8**

From: Submissions
Sent: Wednesday, 23 March 2016 11:50 a.m.
To: Administration Support
Subject: FW: Crematorium Review Submission

From: Council Enquiries (Enquiry)
Sent: Wednesday, March 23, 2016 11:50:08 AM
To: Submissions
Subject: Crematorium Review Submission
Auto forwarded by a Rule

Name

Bev Boucher

Address

3 Kamahi Way Nelson

Phone

035465700

Email

funerals@shineandshirley.com

Feedback

What is happening. You announce to the public that you are getting a new pet cremator and now it is all changed again. The council must be doing extremely well off if they can afford to give away pets cremation when the volume is high and well over 60 thousand dollars to them .Wheres is the logic in that!

A new cremator will be good for the council ,It would have been putting money aside for this one would hope, There has been a lot of money spent at the crematorium lately .I hope that this isn't going to be redone to put in a new cremator.If the council can afford to put a camera in the Chapel and invade families privacy then surely they have no need to put up the price of cremations.

The cost of cremation is good at present but if they go up to much we will have to look at other options. As for the council encouraging Nelsonians to do there own cremations this is a kick in the guts for those who have supported you over the years.

Also is this why Mr Reid has his Funeral Directing Certificates on the wall .A conflict of interest don't you think.

Bev Boucher

Director

Shone and Shirley Funeral Directors

Feedback No. 9

Jessica Fechner

From: Customer Service Team
Sent: Wednesday, 23 March 2016 2:14 p.m.
To: Administration Support
Subject: FW: Feedback for Crematorium Review

Categories: Jessica

From: Sinnet Frisk [mailto:sfrisk@hnzglobal.com]
Sent: Wednesday, 23 March 2016 12:43 p.m.
To: Council Enquiries (Enquiry)
Subject: Feedback for Crematorium Review

Hello there

I tried to submit my feedback to the crematorium review, but I am not sure it went through, hence sending it in E-mail form.

I appreciate if my story could be heard and my view considered.

Thank you,

Sinnet Frisk

We recently had our 14 year old dog Freebee put down. I didn't know anything about the Nelson City Council crematorium so contacted Pets Everafter on the phone a couple of days prior to having Freebee put down. The lady I talked with sounded nice but was quite unfocused and seemed a bit confused. Anyway, I gave her the benefit of doubt and I arranged to drop off Freebee at their home address in Lee Valley. The lady informed me that their crematorium was on the way from England but that they would arrange for Freebee to be cremated, so all good so far.

After Freebee was put down my mother, my 9 year old daughter and I went to Pets Everafter in Lee Valley. Driving up to the place my inner alarm bells started ringing. The place seemed unorganised and a bit run down. I had expected a professional looking place with a dedicated area to receive the animals. Arthur (the owner) met us in front of their house and pointed to a table in his garage for us to leave Freebee. He assisted us in carrying Freebee to the table and then left us to say our goodbyes. The garage was cluttered full of boxes, stuff and a car. There were a couple of dogs running around and the whole place and experience left us feeling uncertain and sad. My daughter cried and begged me to take Freebee with us again, and there was no way I was going to leave Freebee there. I went to Arthur and asked if we could deliver Freebee to the crematorium ourselves. He kindly informed me that he would drive out with Freebee in a couple of hours time.... No, that was not going to happen. Arthur contacted the crematorium and provided me with the address and we drove Freebee there ourselves.

When we came to the crematorium it was a completely different feeling. The place was clean and Al was welcoming. I could show my daughter what would happen to Freebee, and I informed her that Al could take care of Freebee until we got her back again. It was such an uplifting and positive experience that made us feel a lot better about leaving Freebee for the last time.

I still paid the \$280 Pets Everafter charged for a cremation – in hindsight I shouldn't. All they did was to pick up Freebee's ashes and deliver them to us at home. Something we could have done ourselves having I know how the processes worked.

A week ago we had to say goodbye to our 17 year old cat. We contacted the Nelson Crematorium ourselves and arranged for Offie to be cremated and picked up again. A very positive experience – dealing with Al and his assistant while he was away was positive and uplifting. We paid \$35 for this service. I would gladly have paid more if needed.

Feedback No. 9

Going forward, I will never use Pets Everafter. If we can't get our pets cremated I will bury them in our garden instead. At the end of the day it is not about the money, I would happily have paid Nelson City Council \$280 to have Freebee cremated. It is about the experience of the final goodbyes to our pets. And leaving our beloved pet in a garage full of boxes, stuff and a car on a hot summer's day with a couple of dogs running loosely around is not the way to say a final goodbye!

Based on our recent experiences, I really hope the excellent cremation service of pets from Nelson City Council will stay.

Sincerely
Sinnnet Frisk

Sinnnet Frisk
Payroll Officer



HNZ New Zealand Limited
HNZ Building
Trent Drive, Nelson Airport 7011
Private Bag 9, Nelson 7042
New Zealand

+64 3 547 5255 ext. 802
www.hnzglobal.com

Feedback No. 10

Jessica Fechney

From: Customer Service Team
Sent: Wednesday, 23 March 2016 4:33 p.m.
To: Administration Support
Subject: FW: Crematorium Review submission

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Jessica

From: diane c [mailto:homealonepets@hotmail.com]
Sent: Wednesday, 23 March 2016 3:15 p.m.
To: Customer Service Team
Subject: Crematorium Review submission

To the Nelson City Council Community Services Committee

Please accept my submission for the council meeting on 24/3/16.

I have used the cremation service at Wakapuaka for both my beloved pets and a human cremation. I believe that the Nelson City Council run facility does provide the Nelson community with a cost effective alternative to burial. The service provided has always been to a very high standard giving confidence that our loved members of our families are taken care of in a dignified and caring manner.

If the current arrangement of cremating pets helps reduce the cost of human cremations then this can only be seen as a positive situation for the users of the council run facility. The ratepayers would like to know that this is run at a profit and that this helps keep the cost of human cremations lower. This may not currently be something the ratepayers of Nelson are aware of. This must be a reflection of the standard and care provided to be run at a profit. If this service was unprofitable then closure would be enevitable as you need to be seen to be acting in good faith with ratepayers funds.

It can be foolish to rely on a private business to provide us with the same level of service and reliability that the council run crematorium currently does. If this company was to go out of business it will leave Nelson with little option when it comes to pet cremations, a little healthy competition is good for all business. If they are confident in the product and service they offer they should not be worried about the Nelson City Council current service.

It is up to the private provider to do their due diligence and research prior to investing in a service for the Nelson region, as all business's do, if they are choosing to set up in direct competition with the council service it is their choice.

It is unbelievable that council would bend to demands of a private business provider, this does not happen in the private sector. The private provider has been operating in the region for long enough to know if it would be a viable option for them to purchase a cremator. If a private pool provider stepped in would the council close Riverside pool? to appease a private business owner? this question could be asked of similar council run services.

If the current users of the pet cremation service were to make a commitment to using the Wakapuaka Crematorium it may give the council a more accurate picture of future usage, have they been asked ?, you may be surprised by the interest in keeping this service going. It is wrong to make an assumption that the current users will shift this service to the private sector. By closing this off as an option it will force some of

Feedback No. 10

our local pet owners/animal care professionals to look as far afield as Christchurch for a trustworthy service.

Please continue to offer this service to our local pet owners, we can get council burial currently and to have the option of council cremation makes the deep sadness at a pets loss more bearable by knowing the care that is taken when dealing with their bodies.

Thank you for the opportunity to submit
Diane Colquhoun

Jessica Fechney**Feedback No. 11**

From: Submissions
Sent: Tuesday, 12 April 2016 2:01 p.m.
To: Administration Support
Subject: FW: Crematorium Review Submission

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Jessica

From: Council Enquiries (Enquiry)
Sent: Tuesday, April 12, 2016 2:01:14 PM
To: Submissions
Subject: Crematorium Review Submission
Auto forwarded by a Rule

Name

Val Anisy

Address

3 Redere Place Richmond

Phone

0272049046

Email

fordburgandyoval@gmail.com

Feedback

7.13 Why is the council bowing down on providing pet services simply because opposition has started? Why throw away a substantial income - and there are people who do NOT want to go to the private person and that includes vets. This is not rational thinking. People do not shut down businesses simply because opposition starts up.

13.4 If cremation costs go up people will use the private providers rather than the council facilities as currently the cost effectiveness is the only reason people use the council facilities. There are currently more cost effective options in other centres if the proposed 15% x 3 goes ahead.

6.2 Reputational risks: If private cremations are being encouraged what health and safety measure are going to be instigated? especially when one cannot get the Medical Referee during the weekend.

4. Parking facilities at the crematorium are extremely limited is there any provision for this to be extended with the 'increased number of cremations'? If not, why not?

5. Public toilet facilities at the crematorium are sadly lacking. what provision is being made for this? Currently one toilet, used by staff and public, is only accessible through the chapel.

6. re 6.2 reputational risks - the public has been well aware through articles in the Nelson Mail, of the animal cremations and has defended its procedures etc in the past - is the council now saying that this was not as good as it should have been? This exposure has not affected the number of cremations in the past so why should it in the future.

7.6 & 7.5 The comments here re funeral directors refer to some funeral directors and not all funeral directors and as such is not only inflammatory but in fact dishonest to those funeral directors who do disclose such information currently.

7.7. Has the council looked into reasons why those councils that allow private cremations do so and why those who don't don't allow it. It appears that there is a lack of thorough investigation into the pros and cons of providing this service.

ANISY FUNERAL SERVICES LTD

24 HOUR PHONE (03) 768-58-68 Fax (03) 768-4966

The Ceremony Centre 77 Shakespeare St Greymouth

Tax Invoice / Statement GST No. 82 428 097

19.4.2016

CREMATORIUM DELIVERY REVIEW.

We wish to make the following comments in connection with your recent submissions.

We are pleased you have decided to retain ownership of the Crematorium, but think that you should also run it (not contract it out to another party.) Whilst we realize the need to increase fees , 15% in this climate is too high and at the end of the three years you may well have priced yourselves out of the market.

Section 5.1. Can you define private 90%, public 10%.

Section 5.4. We are at a loss as to why you are going to "lie down" in relation to another pet cremator operator. If all business people did where would we be ?. Monopoly is not good, competition is healthy. We are sure that the ratepayers would be concerned about this aspect. We would suggest (5.3) of replacing the main cremator (for the deceased) and use the second one for pets.

Section 5.7 Proactive promotion of services for private cremations. From that we guess you mean the public. Have you thought about health and safety aspect. It does not need much imagination of the condition of the remains and the care of them when they could be waiting around three or four days until the paper work is in order. Health Department would be very interested in this. You mention section 7.17 a basic Funeral package, this has been introduced by companies to offer people a basic price but still to be carried out in a dignified and hygienic manner. We are a new company but we can imagine how the longer established Companies in Nelson feel about this after supporting the Council over all those years. They may even consider putting in

their own Cremator (which would then leave Council with a very little used one.) Maybe Council could also encourage the public to also dig the graves. You seem to want to support this new pet care company without looking after the Companies that have supported you. We would urge the Council to rethink the long term effects of private cremations.

We are also concerned by the way you are controlling the referee. This worked well until twelve months ago when we were able to arrange this direct with Doctor Bruce Kaye (at a time to suit him). He was always most helpful and even willing to assist over the weekends.

These points are our main concerns for you to consider (in the time frame of the submissions), but we are having our legal people go over the entire document. We trust that we will be invited to attend a meeting to discuss these matters.

*Lawrence Anisy
Anisy Funeral Services Ltd*

REPORT R5935

Trafalgar Centre - Lift and Lighting Business Case Update

1. Purpose of Report

- 1.1 To advise Council of the process used to date in respect to considering a lift and sport lighting for the Trafalgar Centre.

2. Delegations

- 2.1 Council resolved in June 2014 for matters relating to the Trafalgar Centre to be reported to the Council.

3. Recommendation

THAT the report Trafalgar Centre - Lift and Lighting Business Case Update (R5935) and its attachments (A1550731 and A1550732) be received;

AND THAT Council request the business cases be considered separately, by members of the group with delegated authority who have no interest or conflict in the matter, to ensure sound decision making on the provision of a lift, and sport lighting at the Trafalgar Centre.

4. Background

- 4.1 Council resolved on 14 April 2016:

AND THAT business cases be developed to consider the value of a lift to access the eastern mezzanine floor, and High Definition television lighting in the main stadium and authority be delegated to the Mayor, Chair of Works & Infrastructure and Chair of Community Services Committees (or their deputies) and the Chief Executive to act on the outcomes of the business cases

- 4.2 On 28 April 2016, officers presented the two business cases to the Mayor, Chair of Community Services Committee and the Chief Executive. The Works and Infrastructure Committee was not represented.

- 4.3 The Deputy Mayor was also present.

5. Discussion

- 5.1 The business cases for the lift (Attachment 1) and sport lighting (Attachment 2) recommended not to proceed with either a lift or sport lighting as part of the Trafalgar Centre upgrade. These recommendations were approved.
- 5.2 The Chair of Community Services, Cr Rainey, notes on the interest register his interest in a company Rockquest Promotions Ltd. Whilst this company does not provide sport lighting it has equipment capable of lifting that kind of lighting into position. Cr Rainey did not draw attention to that interest at the time of the meeting.
- 5.3 The group with delegated authority was constituted to provide representation from two committees and the Mayor's Office. One committee has not been represented.
- 5.4 To ensure sound decision making, and good governance practice, it would be appropriate to ask the full group with delegated authority to meet again, to consider both matters. This would also allow the opportunity for any interest to be declared.

6. Alignment with relevant Council policy

- 6.1 This report is in line with Council's position of re-opening the Trafalgar Centre as it is outlined in the 2015-25 Long-Term.

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

- 7.1 This decision is not significant in terms of Council's Significance and Engagement Policy.

8. Consultation

- 8.1 No consultation was carried out in this specific matter.

9. Inclusion of Māori in the decision making process

- 9.1 No consultation was carried out with Maori.

10. Conclusion

- 10.1 On 28 April 2016, the two business cases recommending not to proceed with either a lift or sport lighting as part of the Trafalgar Centre upgrade projects were considered.
- 10.2 Subsequently two issues have arisen: one relating to representation and one to the matter of interests. It is appropriate for the full group to meet again.

Clare Hadley
Chief Executive

Attachments

Attachment 1: A1550731 - Trafalgar Centre Lift Business Case Summary

Attachment 2: A1550732 - Trafalgar Centre Lighting Business Case Summary

TRAFALGAR CENTRE LIGHTING IMPROVEMENTS BUSINESS CASE - SUMMARY TABLE

| | Baseline | | |
|--------------|---|--|--|
| Attribute | Option 1 [Status quo] – rent lights as required | Option 2 – purchase flood lights Assumed 2 events per year using lighting | Option 2 – purchase flood lights Assume 5 events per year for comparison |
| Benefits | High | High | |
| Dis-benefits | Med | Low | |
| Costs | No additional cost to council | Additional debt: \$100k CAPEX loan Net effect on rates: \$9.5k OPEX expense <ul style="list-style-type: none"> \$23.5k OPEX p.a. \$14k Income p.a. (rental of \$7,000/ event) | Additional debt: \$100k CAPEX loan Net effect on rates: \$0 OPEX expense <ul style="list-style-type: none"> \$23.5k OPEX p.a. \$23.5k Income p.a. (rental charge of \$4,800/ event) |
| Timescale | As required | May-July 2016 | |
| Risks | Med | Med | |
| Option Rank | 1 | 2 | |
| Rationale | Lower cost option, estimated number of events not enough to allow covering operating costs, could purchase later if the need arises – would be approx \$110k. | | |

PREFERRED WAY FORWARD

Option 1 – don't purchase the lights at this stage, monitor need and incorporate into future AMP if need arises.

Summarise Implementation Plan

TRAFALGAR CENTRE LIFT BUSINESS CASE - SUMMARY TABLE

| | Baseline | |
|--------------|--|---|
| Attribute | Option 1 – no change [Status quo] | Option 2 – Install lift |
| Benefits | Med | Low |
| Dis-benefits | Low | High |
| Costs | \$0 | Additional debt: \$170k CAPEX loan Rates Impact: \$16.7k OPEX p.a. |
| Timescale | <i>No action</i> | <i>April to July 2016</i> |
| Risks | Low | Med |
| Option Rank | 1 | 2 |
| Rationale | No immediate need, cost of ownership of lift outweighs benefits. Can install at later date if the need arises | |

PREFERRED WAY FORWARD

Do not install a lift as part of Trafalgar Centre Improvement project, monitor need and incorporate into future AMP if need arises

Summarise Implementation Plan

N/A

Approved for submission to Mayor, Chief Executive, Chair Works and Infrastructure Committee, and Chair Community Services as decision makers per Council Resolution.

Name: Alec Louverdis

Date: April 2016

REPORT R5921

Revoking the Moratorium on New Outdoor Dining Spaces

1. Purpose of Report

- 1.1 To consider revoking the moratorium on the use of public car parking spaces for outdoor dining in the central business district (CBD).

2. Delegations

- 2.1 The moratorium on use of public car parking spaces for outdoor dining is a cross-committee issue as it relates to business (Governance), parking policy (Planning and Regulatory) and roads/streets (Works and Infrastructure), therefore the matter is being presented to Council.

3. Recommendation

THAT the report Revoking the Moratorium on New Outdoor Dining Spaces (R5921) and its attachments (A1526853 and A1553144) be received;

AND THAT the moratorium on using any additional public car parking spaces for outdoor dining be revoked;

AND THAT that the total number of public car parking spaces made available for outdoor dining be capped at thirty-three public car parking spaces until 30 June 2019;

AND THAT approval of new applications for outdoor dining on public car parking spaces be delegated to the Chief Executive.

4. Background

- 4.1 The moratorium on exclusive use of public car parking spaces for commercial activity was introduced in 2003, following a series of outdoor dining application requests, with Council resolving:

THAT the Chief Executive be authorised to issue a moratorium on consideration of applications for outdoor dining on carparks in the CBD for the ensuing twelve months.

- 4.2 The aim was to stem the flow of applications and restore balance to the parking needs of the inner city alongside those of individual trader. Over the last thirteen years the moratorium has been periodically extended.
- 4.3 In May 2015, the Works and Infrastructure Committee asked that the Policy on Licences for Street Stalls and Outdoor Dining, including the moratorium on public parking spaces be reviewed.
- 4.4 The intention was to consider how outdoor dining might contribute to city centre vibrancy and issues that might arise should the moratorium be revoked.
- 4.5 In April this year, a Council workshop on outdoor dining, street stalls and the moratorium was held with support for revoking the moratorium expressed by those present.
- 4.6 This report discusses options for next steps. It does not cover review of the policy which could be addressed in the future.

5. Discussion

Current situation

- 5.1 There are currently thirteen active licences for outdoor dining which occupy twenty-one public car parking spaces. These are predominately found in the CBD with one site situated in the city fringe.
- 5.2 An additional site located at the Alton Street Fish Stop has a temporary one year licence granted as a placemaking trial which is due to expire November 2016.
- 5.3 Under current licence agreements, the licensee pays an annual fee per allocated public car parking space, plus an application fee per licence. The licensee is responsible for all costs for development of the site including installation of storm water sumps, structures and barriers.
- 5.4 Additionally, the licensee is responsible for all costs for removal of sites upon termination of the licence for which the licensee pays a bond of \$1000 per public car parking space at the time of signing. Removal of sites is currently estimated to be approximately \$2,500 per car parking space.
- 5.5 Council could consider raising the bond to counter the risk of potential costs to the ratepayer when a business closes, however this would need to be considered against the value becoming prohibitive to businesses seeking a licence.
- 5.6 Main features of the licence include:

- They are limited to the adjacent business only;
 - They are personal and non-transferable;
 - There is no right to sublet the sites.
- 5.7 Terms are for six year periods with no right of renewal, however in practice, provided there is no reason to conclude a licence, most are renewed on a continuing basis.
- 6. Options for extension of outdoor dining and car parking supply**
- 6.1 Councils current Level of Service, as detailed in the Long Term Plan and Transport Asset Management Plan, is for short term parking in the CBD to be 85% occupied when measured during a weekday in the first week of December.
- 6.2 The latest survey data was collected on 10 December 2015. This survey showed that there was a maximum occupancy of 82% which indicates that there are an additional 68 spaces available before the 85% target is met.
- 6.3 It is important to note that the survey undertaken in December 2015 is a single snapshot on one day, in a single year, and does not describe the variation likely to be seen from year to year and month to month.
- 6.4 Previous years' data is available but is less relevant as it was collected before users became familiar with the current parking management regime (first hour free and \$1.50/hr after that) and modified their behaviour in response.
- 6.5 As a result officers recommend that the limitations of the December 2015 survey be recognised and any decision making adopt a conservative approach. Specifically, it is recommended that a limited number of additional spaces be released for use for outdoor dining over the next three years to allow additional demand data to be gathered so the relationship between reduced parking supply and target occupancy can be monitored.
- 6.6 Making an additional twelve spaces available provides balance between outdoor dining opportunities against the risk of parking demands increasing beyond the target 85% occupancy.
- 6.7 While twelve additional spaces is conservative in regard to CBD parking supply and its occupancy, it is just over half of the existing spaces available of outdoor dining so represents a significant increase in the context of supply of space for this purpose.
- 7. Stakeholder views**
- 7.1 The CBD Panel established as an outcome of the Long Term Plan 2015-25 has discussed outdoor dining. At its meeting on 11 November 2015

the Panel considered an increase in street dining as one way to improve and contribute to inner city vitality. It was felt that it would help create lively, active streets and encourage passers-by to explore areas where they could see people gathering.

- 7.2 The Chief Executive of the Chamber of Commerce and Manager of Uniquely Nelson both support the reintroduction of more outdoor dining opportunities as a way to contribute to the invigoration of lively active spaces within the CBD in balance with traffic flow and car parking supply.
- 7.3 There is current interest in a new area of outdoor dining from a group of hospitality businesses in the CBD. They have approached Council with a proposal and are keen to have something in place for next summer.

8. Options

- 8.1 Options for the moratorium are:

| Option | Advantages | Disadvantages |
|--|--|---|
| 1. Continue with the moratorium whereby no further outdoor dining requests would be considered | <p>No further work would be required</p> <p>Outdoor dining opportunities remain capped</p> <p>Council's position is clear in respect of further applications</p> | <p>Lost opportunity to add further value to inner city vibrancy</p> <p>Outdoor dining opportunities remain limited to those who successfully made applications prior to the moratorium</p> |
| 2. Remove all outdoor dining | <p>Council's position is clear towards outdoor dining</p> <p>Parking supply would increase</p> | <p>Loss of inner city vibrancy created through outdoor dining</p> <p>Existing structures would need to be removed and licences repealed (or left to expire)</p> <p>Licensees would not support the decision</p> |
| 3. Revoke the moratorium with no limits on additional | <p>Opens up opportunities for outdoor dining on a case by case basis</p> | <p>Reduction in car parking supply within the CBD and potential</p> |

| | | |
|--|---|--|
| parking space licences | <p>Contributes to inner city vibrancy</p> <p>Equal opportunity for businesses towards allocation of parking spaces for outdoor dining</p> | <p>for the shopping public to be disadvantaged by the removal of spaces</p> <p>May not be supported by local businesses and residents accessing the CBD</p> <p>No time allowed for effects on parking demand patterns to be monitored and responded to</p> |
| 4. Revoke the moratorium with limits by increasing the number of parking spaces made available for outdoor dining but cap them at 12 additional spaces made available over a three year period | <p>Car parking supply and outdoor dining can be controlled to ensure an appropriate balance</p> <p>The effect of outdoor dining on central city vibrancy and car parking supply can be monitored and responded to</p> <p>Council seen to be taking a proactive approach towards inner city vitality</p> | <p>Capping outdoor dining influences the opportunity for fairness through what's essentially a 'first in first served' basis</p> |

- 8.2 Officers recommend option 4, whereby the moratorium would be revoked to allow for a controlled increase of applications for outdoor dining on public car parking spaces to be received in alignment with Council's current objective of increasing inner city vitality. This option recognises the economic value of outdoor dining to inner city business and its contribution to inner city vibrancy in balance with the public requirement for accessible public car parking spaces across the CBD.

9. Approval by Council

- 9.1 Prior to the moratorium being established, outdoor dining applications were authorised by the Chief Executive and have since been delegated to the Group Manager Infrastructure.
- 9.2 It seems appropriate, given Council's objectives for CBD enhancement, that should the moratorium be revoked, that all applications be brought to the Chief Executive for approval.

- 9.3 In making decisions about applications, officers will take into account the site's contribution towards enhancement of the CBD along with any impact of the local environment including adjacent businesses.

10. Alignment with relevant Council policy

- 10.1 Commercial Occupation of Footpaths, Car Parks and Parking Squares Policy (2000). The outcome sought by this policy is: *"To permit controlled use of the footpaths, car parks and parking squares for commercial activities which enhance the vitality and vibrancy of the city, while maintaining pedestrian and road user safety and access, ensuring adequate parking, whilst minimising any negative impacts on other businesses or retailers in Nelson City"*. The extension of outdoor dining activities is consistent with this outcome.
- 10.2 Council's inner city vision and key outcomes include:
- *We are a business-friendly region.....small, locally-owned businesses are an essential part of the community and central city* (Community Outcomes 2014)
 - *The economic health and vitality of the central city is a priority* (Council's Priorities for the Next Three Years, Long Term Plan 2015-25)
 - *The City will be a vibrant, attractive place in which people can live, work, and play, and in which business can operate successfully now and into the future* (Nelson Plan)
 - *Support for well-designed outdoor dining and street vending stalls in the city centre* (Heart of Nelson 2009)
 - *Establish a coherent design for Church St including outdoor dining opportunities* (Heart of Nelson 2009)
 - *Our economy thrives and contributes to a vibrant and sustainable Nelson* (Nelson 2060)

11. Costs

- 11.1 Revoking the moratorium would see additional time required for officers to assess applications, prepare Council reports and manage further licensing agreements. There would be no additional costs for the establishment of outdoor dining structures as these are borne by the applicant.

12. Assessment of Significance against the Council's Significance and Engagement Policy

- 12.1 These are not significant decisions under Council's Significance and Engagement Policy.

13. Consultation

- 13.1 The issue has been discussed with the Chamber of Commerce, Uniquely Nelson and a range of CBD stakeholders.

14. Inclusion of Māori in the decision making process

- 14.1 Maori have not been consulted on this issue.

15. Conclusion

- 15.1 Officers recommend that the moratorium on public car parking spaces for outdoor dining be revoked.
- 15.2 Officers recommend a conservative approach is taken towards any subsequent allocation of public car parking spaces, with a cap to safeguard car parking supply, and monitoring of outdoor dining to ensure an appropriate balance is achieved.
- 15.3 The recommendation is for the cap to total thirty-three public car parking spaces. Current allocation is twenty-one public car parking spaces and this would leave a further twelve spaces to be made available over a three year period.
- 15.4 Officers recommend that the Chief Executive approve all new applications for use of outdoor dining on public car parking spaces.

Gabrielle Thorpe

Community Partnerships Adviser

Attachments

Attachment 1: A1526853 - Policy for Commercial Occupation of Footpaths, Carparks, and Parking Squares 2000 (not including appendices of licence templates)

Attachment 2: A1553144 - Map of current outdoor dining sites across the CBD

Nelson City Council

Final Policy 29/06/00

Manual Number:

Originator: Priyani de Silva-Currie

Contact person for queries: Priyani de Silva-Currie

Approved By:

Date:

Final due by: 29 June 2000

Minute Number:

POLICY FOR COMMERCIAL OCCUPATION OF FOOTPATHS, CARPARKS, AND PARKING SQUARES.

Background

- 01 The purpose of this policy document is to provide a framework for decision making on the current management and future allocation of commercial activities on footpaths, carparks, and parking squares. A balance is needed between the rights of the inner city commercial sector, the retention of open space, and establishment of trading sites. Where trading is allowed within the city, standards and conditions of occupation are recommended and appended to this policy. This policy does not cover transient trading activities such as busking, hawking and itinerant trading.
- 02 Currently street trading is governed by the Trading in Streets and Public Places Bylaw 190 (1989). The Bylaw will be reviewed and updated when this policy is adopted.
- 03 "Nelson's Inner City - The Future" was a strategy adopted in 1995. It placed emphasis on promoting activities that added vitality, including street occupation, but the scope did not include details on guidance or limitations to the activities in question.
- 04 The Nelson Resource Management Plan has objectives and policy statements that impact on any future street occupation policy. They include:
 - A diversity of activities which do not adversely affect the environment sought for the city centre and city fringe.
 - Activities which enhance the vitality and vibrancy of the City Centre shall be encouraged.

While the Resource Management Plan encourages such activities, the methods described to evaluate activities are very general, and the adoption of this policy will provide improved guidance on what may be permitted.

- 05 This policy contributes to the following LTFS strategic outcomes:

- That the environment is beautiful and pollution is minimised.
 - That the city is well planned and attractive, and has easy access.
 - That the city's economy is strong and diversified.
 - That Nelson is a colourful, vibrant city with a diversity of cultures and lifestyles.
- 06 This policy is consistent with the "Nelson Inner City Enhancement Study" Design Report November 1999. The council's overall objective for the City Centre was expressed as "A City Centre which provides a strong and vibrant focus to the City." The report specifically identifies the following opportunities:
- Facilitate the development of a café precinct in the upper part of Trafalgar Street.
 - Provide for outdoor seating and dining in a part of Trafalgar Street which is characterised by low traffic use.

Key Issues

- 07 That commercial activities are encouraged in Nelson in such a way that they enhance the vibrancy, vitality and colour of the city.
- 08 That the safety of pedestrians and road users remains paramount within the city.
- 09 That there is a balance between encouraging commercial activities on the street and maintaining sufficient inner city parking including parking spaces in close proximity to businesses reliant on easy customer access for specific customer services. Consideration is given to the needs of aged and disabled inner city users.
- 10 That commercial activities are promoted in specific areas that would be enhanced by these activities. Rapid growth in the allocation of commercial activities as at 31st March 2000 has resulted in fifteen current parking spaces used for outdoor dining, and three other businesses having parking spaces approved but are choosing not to utilise them at the present time. Fourteen street stalls are operating on the footpath and two inner city parking squares are operating weekend markets.
- 11 That activities are managed on a commercial basis to minimise any unfair economic advantage between shop retailers and current and future street traders (licensee's).
- 12 That all bona fide commercial operators have an appropriate licence to occupy, issued by council, and a reasonable security of tenure.
- 13 That carparks, the parking squares, and inner city enhancement have been paid for in the past from car parking revenue and from a differential rate paid by inner city property owners, ensuring that in the future all revenue received from commercial activities is no less than what would be obtained from the carparking it replaces, with all revenue returned to the appropriate parking account.

- 14 That any adverse effects of increased commercial activities are minimised.

Anticipated Outcome

- 15 To permit controlled use of footpaths, carparks, and parking squares for commercial activities which enhances the vitality and vibrancy of the city, while maintaining pedestrian and road user safety and access, ensuring adequate parking, whilst minimising any negative impacts on other businesses or retailers in Nelson city.

GENERAL POLICY

Aesthetics

- 16 The Chief Executive will consider the visual effect of the commercial activity in relation to the streetscape when assessing a prospective application.
- 17 Footpaths may be used for commercial activities in approved areas. The use of wider footpaths for street activities will be preferred.
- 18 The furniture used must be in keeping with the existing streetscape and approved by the Chief Executive.
- 19 The licensee is responsible for keeping the area clean and tidy. Excessive smoke, noise, fumes, objectionable smells or dust should not emanate from the activity. Any stained or damaged paving must be cleaned or replaced by the Licensee, as directed and at no cost to the council.
- 20 The licensee will be responsible for control of litter originating from their activity within a ten-metre radius of the defined area. Council's street litter bins are not to be used for this purpose.
- 21 The licensee must provide a full detailed plan of the proposed site, showing any structural and planned works to the site. The plan must be submitted and approved before any work on the site commences.
- 22 The Chief Executive has final approval of the design and layout of any structures.
- 23 Council property such as bollards, chains, seats, trees, plant protector frames and the like are not to be used by the licensee for any purpose.
- 24 The licensee shall not display or place any signs, placards, posters or advertising material within the licensed area apart from those fixed permanently to furniture and promoting the specific commercial activity.
- 25 The licensee cannot make any structural changes or additions to the footpath, parking space or parking squares area without prior written approval from the Chief Executive.
- 26 The area must be returned to its original condition at the cost of the licensee at the conclusion or termination of the licence. Note that the licence provides for a bond where required.
- 27 That the area to be occupied is clearly defined and each licensee to have a site plan available at all times for inspection.
- 28 Where a commercial activity is established on the kerbside of the footpath and at an intersection, for traffic visibility, the airspace between 1.2m and 1.8m above

the footpath must not be occupied with any walls, partitions, signs, fixtures or goods.

- 29 Table umbrellas shall be permitted within the designated site area only, provided they are firmly secured and do not obstruct or impede pedestrian or vehicle access or visibility.

Area Specifications

- 30 See specific requirements in Appendices Three to Six

Operation Limitations and Licensee Obligations

- 31 Commercial activities must comply with the Trading in Streets and Public Places Bylaw 190/1989 and its amendments, and any other relevant regulations or Nelson City bylaws.
- 32 A "Licence to Occupy" contract must be signed by the council and the Licensee for Street Stalls, Outdoor Dining, Retail Display and Carpark occupation prior to occupation of the site in addition to other regulatory requirements.
- 33 To allow a reasonable level of security of tenure, the term of the licence to occupy may be for a maximum period of up to three years.
- 34 The licensee may choose to reapply for a renewal on expiry of the licence.
- 35 If Council decides that a licence will not be renewed because the site is required for other purposes, it will endeavour to give three months prior warning to the licensee.
- 36 The licensee must have in place a current Public Liability policy to the value of at least \$500,000.
- 37 Only one licensee can operate from the same site at the same time.
- 38 There shall be no assignment or subletting of the activity on the site without the prior written approval of the Chief Executive.
- 39 The hours of operation will be those specified in the licence to occupy.
- 40 No live animals, birds, fish etc are to be are to be displayed or sold.
- 41 A commercial activity may not be used for any other purpose than its original intent as specified in the licence to occupy.
- 42 The council may vary the position of the site either temporarily or permanently, or offer an alternative site, for the purposes of Public Works, street or footpath or services repair or realignment, or a relevant planning requirement.

Rental

- 43 The setting of rentals will take into consideration the following criteria:
- (a) Market value of the site occupied e.g. determined by a registered valuer.
 - (b) Commercial shop rentals.
 - (c) Cost of providing the site.
 - (d) Alternative revenue opportunities to Council.
- 44 Site rentals will be reviewed every three years unless specified otherwise in current agreements.

Pedestrian and Road User Safety and Access

- 45 The safety of pedestrians and road users is given highest priority within the city at all times. Commercial activities will be limited or prohibited where it would adversely effect pedestrian or road user safety.
- 46 Where footpath is occupied by a licensee, the remaining width of any formed footpath must be sufficient to ensure that pedestrian flow is not interrupted and is adequate for all disabled people. There is to be at least two metres width of access around the commercial activity for pedestrians.
- 47 Safety of the licensee and customers of the commercial activity must be considered also. If customers are to be seated they must be protected from the vehicular traffic by barriers installed at the cost of the licensee and to standards approved by council. Any barrier shall be at least 0.6m high, have a hazard reflectorised marker on the end, facing oncoming traffic.
- 48 To ensure that road user access and thoroughfare is not hindered or restricted in any way, no verandas, umbrellas or tables shall extend beyond the approved site.

Location

- 49 Commercial activities will be permitted or promoted in specified areas. The character of the immediate environment and the current businesses will strongly influence what other activities may be compatible and permitted. E.g. dining on footpath or carparks will only be considered immediately in front of existing dining facilities
- 50 Commercial activities occupying carpark will not be permitted where public access is unreasonably obstructed to nearby businesses.
- 51 The applicant will seek to obtain the written approval of Commerce Nelson and the three businesses both sides of the proposed activity for all licence applications and renewals. Written comments from the above must be attached with the application.

LEGISLATION

52 The licensee will comply with the following Acts and Regulations where appropriate in the management of their commercial activity.

- Food Hygiene Regulation 1974.
- Sale of Liquor Act 1989 and its amendments.
- The Building Act 1991 and its amendments.
- Health and Safety in Employment Act 1992 and its amendments.
- The Nelson City Council Engineering Standards.
- Public Works Act 1981 and its amendments.
- The Disabled Persons Community Welfare Act 1975 and its amendments.
- The Resource Management Act 1991 and its amendments.
- The Litter Act and its amendments.
- Trading in Streets and Public Places Bylaw 190/1989.
- Any other relevant Acts, Regulations, or Nelson City Bylaws.

DELEGATIONS

53 The Chief Executive will:

- Approve the design and layout and workmanship standards of any structures.
- Enforce inappropriate or non compliant activities
- Approve structural changes to the footpath, parking square or parking spaces as required.
- Approve any variation or assignment of licences.
- Prepare and complete Licence to Occupy contract documents.
- Set fees and rentals for activities.
- Ensure the licensee complies fully with the conditions of the licence.

REFERENCES

54 The following references were used in designing this policy:

- Nelson City Council Long Term Financial Strategy.
- Nelson Resource Management Plan: Objective IC4.
- Nelson's Inner City – The Future adopted April 1996: Section 14.
- Nelson Inner City Enhancement Study Design Report November 1999.
- Nelson City Council Inner City Car Parking Policy.
- Nelson City Bylaw 190/1989 Trading in Streets and Public Places.
- Christchurch City Council, Public Places and Signs Bylaw 1992.
- Wellington City Council, Wellington Consolidated Bylaw 1991, Part 17 Roads and Public Places.
- Wellington City Council Footpath Management Policy.

IMPLEMENTATION

- 55 The Chief Executive or his delegated representative Divisional Manager Asset Management (DMAM) will be responsible for the implementation of this policy.
- 56 DMAM will ensure that rentals are reviewed every three years.
- 57 DMAM will be responsible for identifying, monitoring and minimising the cumulative result of adverse effects of increased commercial activities on pedestrians, users and other retailers.
- 58 DMAM will review and update the Nelson City Bylaw 190/1989 Trading in Streets and Public Places to reflect the content of this policy.
- 59 Not withstanding anything in this policy, Council has the right to decline any application it considers to be inappropriate or contrary to the public interest.

REVIEW

- 60 This policy will be reviewed by April 30th 2005, or earlier if substantial changes take place.

APPENDICES

- 61 Street Occupation Schedule (Appendix One).
- 62 Street Stall Specific Requirements and Licence to Occupy (Appendix Two).
- 63 Outdoor Dining on Footpath and Carpark Specific Requirements and Licences to Occupy (Appendix Three).
- 64 Sandwich Boards and Retail Displays Specific Requirements and Licence to Occupy (Appendix Four).
- 65 Weekend Markets Specific Requirements (Appendix Five).
- 66 Design, Layout and Workmanship Assessment Criteria (Appendix Six).

14. Revoking the Moratorium on New Outdoor Dining Spaces - Attachment 2 - A1553144 - Map of current outdoor dining sites across the CBD



REPORT R5799

Addition to delegations relating to activities under the Housing Accord and Special Housing Areas Act 2013

1. Purpose of Report

- 1.1 To consider the delegation of powers to the Chief Executive under the Housing Accord and Special Housing Areas Act 2013 (the Act), to consider applications and issue consents.

2. Delegations

- 2.1 Delegation of powers to the Chief Executive is a matter for full Council.

3. Recommendation

THAT the report Addition to delegations relating to activities under the Housing Accord and Special Housing Areas Act 2013 (R5799) and its attachment (A1525766) be received;

AND THAT Council delegate powers to the Chief Executive under the Housing Accord and Special Housing Areas Act 2013 (section 23) to consider applications and issue consents.

4. Background

- 4.1 The Housing Accord and Special Housing Areas Act 2013 (the Act) provides for councils to consider applications and issue consents made under that Act. The current Officer delegations do not address the provisions of this Act as it is a relatively new process for the Council.
- 4.2 Applications made under the Act are similar to resource consent applications made under the Resource Management Act (RMA). It is proposed there be a consistency for processing of consents under both Acts. To enable this consistency it is necessary for delegation to be given to the Chief Executive. In turn the Chief Executive would then delegate to the same officer level established for RMA applications.
- 4.3 Refer to Attachment 1 (A1525766) for proposed delegations.

5. Discussion

- 5.1 There are eight Special Housing Area (SHA) sites approved by Cabinet, one SHA pending subject of a master plan process and a further four in the process of being recommended for approval. These sites have the potential to yield over 1000 residential units.
- 5.2 Applications under the Act need to be received and confirmed as complete by 16 September 2016. At that date the Act is repealed. Council officers expect applications to be lodged shortly.
- 5.3 In order for Council officers to process these applications in a timely way the powers under the Act need to be delegated to the Chief Executive.

6. Options

- 6.1 The Council can choose to delegate powers to the Chief Executive under the Housing Accord and Special Housing Areas Act 2013 (section 23), or can decline to do so, in which case all processing and decision making for applications made under this Act will need to occur at the Council level.

7. Alignment with relevant Council policy

- 7.1 This matter is not in contradiction to any Council policy or strategic document.

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

- 8.1 This matter is not significant in terms of Council's Significance and Engagement Policy.

9. Consultation

- 9.1 The public have not been consulted on this matter.

10. Inclusion of Māori in the decision making process

- 10.1 Maori have not been consulted on this matter.

11. Conclusion

- 11.1 It is anticipated applications under the Act will be received before September. A delegation of powers to the Chief Executive is required to enable officers to process these applications in a timely manner.

Mandy Bishop

Manager Consents and Compliance

Attachments

Attachment 1: A1525766 Proposed delegations under HASHA

Proposed Delegations under the Housing Accord and Special Housing Areas Act 2013

| Description |
|--|
| Section 27 Incomplete resource consent Determination that a resource consent application is incomplete. |
| Section 28 Further information To require any applicant for resource consent to provide further information relating to the application and power to set a time limit for further information where the applicant agrees to it. |
| Section 32 Deferral of processing of resource consent pending application for additional consents. |
| Section 29 Notification to certain persons Decision on limited notification or non-notification. |
| Section 30 Hearing date and notice To set a hearing date and inform all parties. |
| Section 33 Joint hearings by two or more consent authorities Decision to waive the need for a joint hearing by agreement with the applicant. |
| Section 35 Determination of applications for certain activities Sections 105 to 107 of the Resource Management Act apply |
| Section 36 Decision on application Grant non-notified consent or limited notified consent that does not require a hearing and impose conditions Refuse non-notified consent or limited notified consent that does not require a hearing Grant or refuse limited notified consent requiring a hearing |
| Section 37 Conditions of resource consent Inclusion of conditions (s.108-111 and s.220 of the RMA apply). |

| Description |
|---|
| Section 40 Notification of decision Notification of decisions. |
| Section 44 Consent Notices and completion certificates Issue, review, change or cancel a consent notice in whole or in part and issue a completion certificate (s.221 and s.222 of the RMA apply). |
| Section 45 Approval of survey plans Approval of survey plan by the Council (s.223 of the RMA applies). |
| Section 46 Restrictions upon deposit of a survey plan Issuing of a certificate stating that all or any of the conditions of the subdivision consent have been complied with (s.224 of the RMA applies). |
| Sections 51 to 55 Lapsing of consent, change, cancellation or review of consent condition To determine whether consent period should be extended and conditions should be altered or reviewed (s.125 to 129 and s.131 to s.132 of the RMA apply) |
| Section 56 Minor corrections Minor corrections of resource consents (s.133A of the RMA applies). |
| Section 57 Surrender of consent To refuse to accept the surrender of part of a resource consent where that part may compromise the integrity or implementation of the consent or lead to an adverse effect on the environment (s.138 of the RMA applies). |
| Section 58 Certificates of compliance Certificate of compliance (s.139 of the RMA applies). |
| Section 76 Other provisions of RMA 1991 applying <u>Section 34A – delegation of functions and powers:</u> To appoint an independent Commissioner or panel of independent Commissioners when an application is one in which the Council is, or is perceived to be, an interested party, or where technical experience is required, or where there is other good reason to do so, such functions, powers or duties as may be delegated. <u>Section 37 - Power of waiver and extension of time limits:</u> For non-notified consents and for limited notified consents up to the close of submissions |

| Description |
|--|
| For limited notified consents following the close of submissions |
| <u>Sections 41A to 41C – Provisions relating to hearings</u> |
| <u>Sections 42 and 42A – Provisions relating to protection of sensitive information and reports to local authority</u> |
| Section 83 Decisions on objections Consideration and determination of objections to certain decisions and requirements (s.357 of the RMA applies). |

REPORT R5383

Preparation for the 2016 Local Elections

1. Purpose of Report

- 1.1 To obtain a Council decision regarding the order of candidates' names on voting documents for the 2016 local government election.

2. Delegations

- 2.1 Election matters have not been delegated to a committee, therefore this is a decision for Council.

3. Recommendation

THAT the report Preparation for the 2016 Local Elections (R5383) be received;

AND THAT in accordance with Regulation 31(2) of the Local Electoral Regulations 2001, the candidates' names on voting documents for the 2016 triennial local election be in computerised random order.

4. Background**Early Processing of Voting Papers**

- 4.1 In previous triennial local elections, Council has resolved to process voting papers during the voting period. This processing involves the opening of the envelopes and scanning of the votes, and enables preliminary results to be available more quickly following the close of the voting period.
- 4.2 The Local Electoral Act Amendment Act 2013 enabled the electoral officer to make this decision at their discretion (Local Electoral Act 2001, 80(1)), therefore it is no longer a matter for Council consideration.

Candidates' Names on Voting Documents

- 4.3 Regulation 31(1) of the Local Electoral Regulations 2001 provides that candidates' names on the voting document may be arranged in one of three ways; alphabetical order of surname, pseudo-random order or

computerised random order. Regulation 31(2) provides that Council may resolve which of these three ways is used. Regulation 31(3) provides that if there is no such resolution, the candidates' names must be arranged in alphabetical order of surname.

- 4.4 In 2013 Council resolved that candidates' names be arranged in computerised random order.

5. Discussion

- 5.1 Alphabetical Order of Surname: This method is self-explanatory.
- 5.2 Pseudo-Random Order: Using this method, the names of candidates are listed in a random order, and all voting documents use the same order. If this method is used, the candidates' names would be placed in a container, mixed together and then drawn out, with the candidates' names being placed on all voting documents in the order in which they are drawn. If Council decides to use pseudo-random order, any person is entitled to attend at the place where the order of candidates' names will be arranged, and a public notice is required to be given of the date and time it will occur.
- 5.3 Computerised Random Order: Under this method, the order of candidates' names is determined randomly by computer for each voting document so that the order of names of candidates, will vary from one document to another.
- 5.4 There are advantages and disadvantages to each of these methods. It is considered that the fairest option for all candidates is computerised random order. For this reason, this option is recommended.

6. Options

- 6.1 It is recommended that Council resolve to order candidates' names on voting documents in computerised random order.
- 6.2 Council can choose a different method as detailed in the discussion above. If Council does not make a decision on this matter, the default order type will be alphabetical order by surname.

7. Alignment with relevant Council policy

- 7.1 This decision being asked of Council is not inconsistent with any previous Council decision.

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

- 8.1 This matter is not significant under Council's Significance and Engagement Policy.

9. Consultation

9.1 Consultation has not been carried out regarding this matter.

10. Inclusion of Māori in the decision making process

10.1 Maori have not been consulted on this matter.

Penny Langley
Manager Administration

Attachments

Nil

Administrative Matters

1. Purpose of Report

- 1.1 To report on a number of administrative matters in order to keep Council up to date.
- 1.2 To consider applications for funding from the one-off opportunities pool for travel and training.

2. Delegations

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

3. Recommendation

THAT the report Administrative Matters (R5836) and its attachments (A1551006, A1103850, A1550897, A1551189, A1509979, A1181155) be received;

AND THAT Council approves/declines approximately \$924 of funding from the additional funding pool to enable Councillor Lawrey to attend the Local Government New Zealand Conference in 2016;

AND THAT Council approves/declines approximately \$309 of funding from the additional funding pool to enable Councillor Fulton to attend the Local Government New Zealand Conference in 2016;

AND THAT the Delegations Register be updated to reflect the appointments to the Regional Pest Management Committee, and the resignation of Councillor Acland from the Youth and Community Facilities Trust.

4. Administrative Matters Report – 2 June 2016

- 4.1 At the Council meeting on 2 June 2016, Her Worship the Mayor advised that the Administrative Matters report to that meeting would be considered at the Council meeting on 16 June 2016. For the sake of efficiency, the Administrative Matters items for both meetings have been combined in this report.

5. Elected Members Travel and Training Expenditure

Travel and Training Expenditure to 30 April 2016

- 5.1 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.
- 5.2 At the start of the triennium, each councillor was allocated \$5000 for individual travel and training. It was agreed that expenditure would be reported back to every alternate Council meeting.
- 5.3 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.
- 5.4 Attachment 1 is a table showing expenditure to 30 April 2016.

Application for funding from the one-off opportunities pool

- 5.5 Also at the 12 November 2013 Council meeting, a funding pool of \$28,975 was set aside for one-off opportunities in the current triennium. Council agreed the criteria for use of the pool as set out in Attachment 1. It is for Council to decide how the pool is allocated, in advance of expenditure taking place and in line with the agreed criteria,
- 5.6 There is currently \$14,610 remaining in the pool for one-off opportunities. Council must formally approve expenditure from this pool in advance, and in line with the agreed criteria set out in Attachment 1. Priority is to be given to opportunities that are open to, and will benefit, all elected members.
- 5.7 Councillor Lawrey – application for funding
- 5.7.1 Councillor Lawrey wishes to attend the Local Government New Zealand conference in Dunedin in July this year. The remit Council has proposed to investigate the relocation of more government services to regional centres (supported by Council on 5 May 2016) will likely be discussed at the Annual General Meeting.
- 5.7.2 This triennium Councillor Lawrey has spent \$3551 of his total individual budget of \$5000 as follows: 2014 LGNZ conference (\$1257); and 2015

LGNZ conference (\$2094). This leaves Councillor Lawrey with a remaining budget of \$1649 as of May 2016.

- 5.7.3 The approximate costs of flights (\$558), registration (\$1445) and accommodation (\$570), give a total of \$2573 to attend the LGNZ conference. There is a shortfall of \$924.
- 5.7.4 To that end, Councillor Lawrey has requested to access approximately \$924 of funding from the additional funding pool.
- 5.8 Councillor Fulton – application for funding
 - 5.8.1 Councillor Fulton wishes to attend the Local Government New Zealand conference in Dunedin in July this year.
 - 5.8.2 This triennium Councillor Fulton has spent \$2,696 of her total individual budget of \$5000 as follows: LGNZ training in November 2013 (\$790); Media training in 2014 (\$649); and 2014 LGNZ conference (\$1257). This leaves Councillor Fulton with a remaining budget of \$2304 as of May 2016.
 - 5.8.3 The approximate cost of flights (\$598), registration (\$1445) and accommodation (\$570), give a total of \$2613 to attend the LGNZ conference. There is a shortfall of \$309.
 - 5.8.4 Accordingly, Councillor Fulton has requested to access approximately \$309 of funding from the additional funding pool.
- 5.9 Council needs to consider these requests and pass resolutions accordingly.

6. Meeting attendance

- 6.1 Elected members' meeting attendance is recorded for purposes such as official information requests.
- 6.2 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.
- 6.3 Attachment 3 is a table showing meeting attendance from 20 February 2016 to 13 May 2016.

7. Interests Register

- 7.1 At the start of the triennium all elected members were requested to declare their interests.
- 7.2 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.

- 7.3 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.

8. Schedule of Documents Sealed

- 8.1 Attachment 5 is the Schedule of Documents Sealed.

9. Other Matters

Updates to Delegations Register

- 9.1 At the Council meeting on 5 May 2016, Council resolved to establish a Regional Pest Management Committee. It also noted the resignation of Councillor Acland as trustee of the Youth and Community Facilities Trust. Both of these matters require updates to Council's Delegations Register, which can only be made by resolution of Council.

Selection, Appointment and Remuneration Policy for External Appointees on Council Committees

- 9.2 The Selection, Appointment and Remuneration Policy for External Appointees on Council Committees (External Appointments Policy) was approved by Council on 15 May 2014. The Policy is included as Attachment 6 (A1181155).
- 9.3 Effectiveness Review
- 9.3.1 Section 7.1 of the External Appointment Policy states that "Council will conduct a review of the effectiveness of the addition of external appointees at the mid-point of the triennium."
- 9.3.2 At the mid-point of the triennium the appointees had been in their roles for only approximately a year.
- 9.3.3 On the basis that a year is too short a time to be able to evaluate the effectiveness of appointees, a review of effectiveness was not undertaken at that time. As it is now nearing the end of the appointees' term it is not practicable to undertake such a review.
- 9.4 Policy review
- The policy will be reviewed in accordance with Section 8.1 of the External Appointment Policy which states that "This policy shall be reviewed three yearly at the commencement of each triennium."

Attachments

- Attachment 1: A1551006 - Elected Members Travel and Training Expenditure to 30 April 2016
- Attachment 2: A1103850 - Elected Members Travel and Training Budget Criteria 2013-2016
- Attachment 3: A1550897 - Elected Members meeting attendance 20Feb2016-14May2016
- Attachment 4: A1551189 - Elected members - Interests Register 2013-2016
- Attachment 5: A1509979 - Schedule of Documents Sealed 20Feb2016-13May2016
- Attachment 6: A1181155 - Selection, Appointment and Remuneration Policy for External Appointees on Council Committees

17. Administrative Matters - Attachment 1 - A1551006 - Elected Members Travel and Training Expenditure to 30 April 2016

Elected Members Travel and training budget 1 November 2013 to 30 April 2016

| Name | Date | Purpose | Total Triennial Budget | Spent to 31/01/2016 | Triennial Budget remaining |
|-----------------|---|--|------------------------|---|----------------------------|
| Prev Triennium | 1/7-31/10/13 | Expenditure by previous Council | \$ 3,470.00 | \$ 3,470.00 | \$ - |
| Induction | 31/07/2015 | Expenditure previous period 1 Nov 2013-31 Jul 2015 No expenditure this period | \$ 20,000.00 | \$ 18,953.55 \$ - \$ 18,953.55 | \$ 1,046.45 |
| Mayor: LGNZ | 31/01/2016 25/02/2016 17/02/2016 25/02/2016 2/03/2016 3/03/2016 21/03/2016 14/04/2016 14/04/2016 18/04/2016 7/04/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 Registration fee, LGNZ Conference Dunedin Jul 2016 Accommodation, Wellington 11Feb16, RSG meeting Flight to Invercargill 22Jul16, RSG pre-conference tour Flight Wlg 10-11Mar16, Rural & Provincial Sector mtg + LGNZ Stakeholder function Taxi WLG airport to hotel 11Feb16, RSG meeting Accom & Meal Wlg 10Mar2016, Rural & Prov Sector mtg + LGNZ Stakeholder function Meal, Wellington 12Feb16, Regional Sector Group Dinner Taxi, Wellington RSG Meeting 11-12Feb2016 Taxi, Wellington RSG Meeting 11-12Feb2016 Taxi Wlg 10-11Mar16, Rural & Provincial Sector mtg + LGNZ Stakeholder function | \$ 22,200.00 | \$ 5,917.85 \$ 1,226.09 \$ 208.18 \$ 475.65 \$ 472.17 \$ 39.22 \$ 232.17 \$ 55.65 \$ 28.09 \$ 35.91 \$ 86.17 \$ 8,777.15 | \$ 13,422.85 |
| Mayor: Non-LGNZ | 31/01/2016 3/03/2016 22/03/2016 23/03/2016 31/03/2016 14/04/2016 14/04/2016 29/04/2016 1/04/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 Taxi CHC airport to Novotel 9Feb16, SOLGM Health & Safety Roadshow Flights return Wlg 8Apr16, Environmental Legal Assistance Fund mtg - recoverable Flight to Christchurch 21Apr16, RMLA lecture and dinner Nelson Airport Parking Card refund Meal, Auckland 4Mar2016, Air NZ Mayoral Forum Meal, Wellington 11Mar2016, Rural and Provincial Sector meeting Flights, 8Apr16, Env Legal Assist Fund meeting (recovered Min for the Environment) Flight to Nelson, 22Apr2016, return from RMLA lecture and dinner | \$ 12,000.00 | \$ 6,512.84 \$ 58.78 \$ 406.96 \$ 120.87 -\$ 151.00 \$ 30.43 \$ 12.82 -\$ 406.96 \$ 146.96 | |

| Name | Date | Purpose | Total Triennial Budget | Spent to 31/01/2016 | Triennial Budget remaining |
|-------------|------------|--|------------------------|---------------------|----------------------------|
| | 7/04/2016 | Taxi, Auckland 4Mar2016, Air NZ Mayoral Forum | | \$ 71.74 | |
| | | | | \$ 6,803.44 | \$ 5,196.56 |
| Cr Acland | | | \$ 5,000.00 | | |
| | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | | \$ 2,336.13 | |
| | 4/02/2016 | Registration fee SOLGM Health & Safety Roadshow, P North 17Feb2016 | | \$ 450.00 | |
| | 10/02/2016 | Flight Palmerston North 16-17Feb2016, SOLGM Health & Safety Roadshow | | \$ 372.17 | |
| | 8/04/2016 | Expenses reimbursement | | \$ 46.96 | |
| | 24/02/2016 | Accommodation, Palmerston North 16Feb2016, SOLGM Health & Safety Roadsho | | \$ 168.26 | |
| | | | | \$ 3,373.52 | \$ 1,626.48 |
| Cr Barker | | | \$ 5,000.00 | | |
| | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | | \$ 3,417.87 | |
| | 2/02/2016 | Flight Christchurch 9Feb16, SOLGM Health & Safety Roadshow | | \$ 341.75 | |
| | 3/03/2016 | Taxi, Christchurch 9Feb16, SOLGM Health & Safety Roadsho | | \$ 25.45 | |
| | | | | \$ 3,785.07 | \$ 1,214.93 |
| Cr Copeland | | | \$ 5,000.00 | | |
| | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | | \$ 884.51 | |
| | | No expenditure this period | | \$ - | |
| | | | | \$ 884.51 | \$ 4,115.49 |
| Cr Davy | | | \$ 5,000.00 | | |
| | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | | \$ 1,866.52 | |
| | 10/03/2016 | Registration Fee, NZ Transport & Infrastructure Summit, Wlg 20-21Jun2016 | | \$ 1,695.00 | |
| | 11/03/2016 | Flight return WLG 20-21Jun16, NZ Transport & Infrastructure Summit | | \$ 380.87 | |
| | | | | \$ 3,942.39 | \$ 1,057.61 |
| Cr Fulton | | | \$ 5,000.00 | | |
| | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | | \$ 2,695.71 | |
| | | No expenditure this period | | \$ - | |
| | | | | \$ 2,695.71 | \$ 2,304.29 |

A1323219
pdf A1551006

17. Administrative Matters - Attachment 1 - A1551006 - Elected Members Travel and Training Expenditure to 30 April 2016

| Name | Date | Purpose | Total Triennial Budget | Spent to 31/01/2016 | Triennial Budget remaining |
|--------------|------------|---|------------------------|---------------------|----------------------------|
| Cr Lawrey | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | \$ 5,000.00 | \$ 3,350.42 | |
| | | No expenditure this period | | \$ - | |
| | | | | \$ 3,350.42 | \$ 1,649.58 |
| Cr McGurk | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | \$ 5,000.00 | \$ 4,514.83 | |
| | 3/03/2016 | Taxi, Christchurch Airport 9Feb16, SOLGM Health & Safety Roadshow | | \$ 25.45 | |
| | | | | \$ 4,540.28 | \$ 459.72 |
| Cr Matheson | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | \$ 5,000.00 | \$ 790.00 | |
| | | No expenditure this period | | \$ - | |
| | | | | \$ 790.00 | \$ 4,210.00 |
| Cr Noonan | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | \$ 5,000.00 | \$ 1,914.39 | |
| | | No expenditure this period | | \$ - | |
| | | | | \$ 1,914.39 | \$ 3,085.61 |
| Cr Rainey | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | \$ 5,000.00 | \$ 1,226.09 | |
| | | No expenditure this period | | \$ - | |
| | | | | \$ 1,226.09 | \$ 3,773.91 |
| Cr Skinner | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | \$ 5,000.00 | \$ 1,226.09 | |
| | 21/04/2016 | Flight to Dunedin, LGNZ Conference July 2016 | | \$ 477.39 | |
| | 28/04/2016 | Registration, LGNZ Conference, Dunedin July 2016 | | \$ 1,291.30 | |
| | | | | \$ 2,994.78 | \$ 2,005.22 |
| Cr Ward | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | \$ 5,000.00 | \$ 1,191.30 | |
| | 23/03/2016 | Expenses reimbursement | | \$ 89.22 | |
| A1323219 | | | | | |
| pdf A1551006 | | | | | |

| Name | Date | Purpose | Total Triennial Budget | Spent to 31/01/2016 | Triennial Budget remaining |
|----------------------|------------|--|------------------------|---------------------|----------------------------|
| | | | | \$ 1,280.52 | \$ 3,719.48 |
| One-off Funding Pool | 31/01/2016 | Expenditure previous period 1 Nov 2013-31 Jan 2016 | \$ 28,765.00 | \$ 14,154.66 | \$ 14,610.34 |
| TOTAL | | | \$ 146,435.00 | \$ 82,936.48 | \$ 63,498.52 |

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 20 February 2016 to 14 May 2016**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 |
|---|-----------------|-------------------------------------|--------------------|----------------|---------------|------------------|--------------|----------------|----------------|------------------|-----------------|----------------|----------------|----------------|--------------|---------------------------------------|-------------------------------------|-------------------------------------|------------------------------------|
| Chief Executive Employment Committee | 22-Feb-16 | 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 |
| Works and Infrastructure Committee | 25-Feb-16 | Committee | Yes | Yes | Yes | Yes | Yes | n/a | Yes | n/a | Att | Yes | n/a | Yes | n/a | n/a | n/a | n/a | n/a |
| Community Services Committee | 1-Mar-16 | Committee | Yes | n/a | Att | Yes | n/a | n/a | Yes | Yes | n/a | Yes | Yes | Yes | Yes | n/a | n/a | n/a | n/a |
| Council meeting - to approve AP for consultation | 3-Mar-16 | Council | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | n/a | n/a | n/a | n/a |
| Extraordinary Governance Committee | 3-Mar-16 | Committee | Yes | Yes | Yes | n/a | Apols | Yes | Att | Yes | Yes | Yes | Apols | n/a | n/a | n/a | Yes | Yes | n/a |
| Nelson Regional Sewerage Business Unit Board | 11-Mar-16 | 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 | n/a |
| Council meeting | 24-Mar-16 | Council | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | n/a | n/a | n/a | n/a |
| Joint Committee of Tasman District and Nelson City Councils | 29-Mar-16 | Committee | Yes | DNA | Yes | Yes | Apols | Yes | Yes | Yes | Yes | Yes | Apols | Yes | Yes | n/a | n/a | n/a | n/a |
| Works and Infrastructure Committee | 31-Mar-16 | Committee | Yes | Apols | Yes | Yes | Yes | n/a | Yes | Partly | Yes | Yes | n/a | Yes | n/a | n/a | n/a | n/a | n/a |
| Audit, Risk and Finance Subcommittee | 31-Mar-16 | Subcommittee | Yes | n/a | Yes | n/a | Att | n/a | Att | Att | Yes | Att | n/a | n/a | n/a | n/a | Yes | Yes | n/a |
| Commercial Subcommittee | 31-Mar-16 | Subcommittee | Yes | Apols | 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 |
| Hearings Panel - Other - Proposed Temporary Road Closure Applications | 7-Apr-16 | Hearings Panel - Other | n/a | n/a | n/a | n/a | Yes | n/a | n/a | n/a | Yes | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Extraordinary Council | 14-Apr-16 | Council | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | n/a | n/a | n/a | n/a |
| Community Services Committee | 14-Apr-16 | Committee | Partly | n/a | Att | Yes | n/a | Att | Yes | Yes | Att | Yes | Yes | Yes | Yes | n/a | n/a | n/a | n/a |
| Joint Shareholders Committee | 15-Apr-16 | Committee | Yes | n/a | Yes | n/a | Yes | n/a | n/a | Yes | Yes | Att | Yes | n/a | n/a | n/a | n/a | n/a | n/a |
| Civil Defence Emergency Management Group | 15-Apr-16 | Other group | Yes | n/a | n/a | n/a | n/a | n/a | n/a | Yes | n/a | Att | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Governance Committee | 21-Apr-16 | Committee | Yes | Yes | Yes | n/a | Yes | Yes | Att | Yes | Yes | Yes | Yes | n/a | n/a | n/a | Yes | Yes | n/a |
| Planning and Regulatory Committee | 21-Apr-16 | Committee | Apols | n/a | Yes | Apols | Yes | Yes | Yes | Att | Yes | Att | Att | n/a | Yes | Yes | n/a | n/a | n/a |
| Council meeting - to hear submissions to draft Annual Plan | 3 - 4 May 16 | Council | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | n/a | n/a | n/a | n/a |
| Hearings Panel - Other - Proposed Temporary Road Closure Applications | 5-May-16 | Hearings Panel - Other | n/a | n/a | n/a | n/a | n/a | n/a | n/a | Yes | Yes | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Council meeting - ordinary | 5-May-16 | Council | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | n/a | n/a | n/a | n/a |
| Works and Infrastructure Committee | 10-May-16 | Committee | Yes | Yes | Yes | Yes | Yes | n/a | Yes | Att | n/a | Yes | n/a | Yes | Att | n/a | n/a | n/a | n/a |
| Audit, Risk and Finance Subcommittee | 10-May-16 | Subcommittee | Yes | n/a | Yes | n/a | n/a | n/a | n/a | In att | Yes | In att | n/a | n/a | n/a | n/a | Yes | Apol | n/a |
| Commercial Subcommittee | 10-May-16 | Subcommittee | Yes | Apol | In att | n/a | n/a | n/a | n/a | In att | In att | Yes | n/a | n/a | n/a | n/a | Yes | Apol | n/a |
| Council meeting - to deliberate on submissions to draft Annual Plan | 11-12 May 16 | Council | Yes | Yes | Yes | Yes | Partly | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | n/a | n/a | n/a | n/a |

Members' Interest Register – 2013-2016

at 16 June 2016

Elected Members:

| Member | Last notified by Elected Member | Elected Member Declared Business Interest and value | Spouse/Partner Declared Interest |
|---------------------------------------|--|---|---|
| Her Worship the Mayor Rachel Reese | 23 February 2016 | 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 <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 | Property owner 15 Cambria Street | No declared interests |

| Member | Last notified by Elected Member | Elected Member Declared Business Interest and value | Spouse/Partner Declared Interest |
|--------------------------|--|--|--|
| Councillor Ian Barker | 5 June 2014 | Member – Age Concern Board member – Tahuna Beach Holiday Park Chairman – Guardian of Nightingale Library Trustee – Network Tasman Trust | No declared interests |
| Councillor Ruth Copeland | 28 May 2016 | No declared interests | Contracts with NCC in excess of \$25,000.00 for event coordination and related services for Nelson Arts Festival 2016, Masked Parade/Carnivale 2016, New Year's Eve Event 2016, Approved by the Office of the Auditor General for 2015/16 financial year on 7 April 2016. Contract with NCC funded Light Nelson July 2016. Amount to be confirmed. |
| Councillor Eric Davy | 5 June 2014 | No declared interests | No declared interests |
| Councillor Kate Fulton | 5 June 2014 | No declared interests | No declared interests |

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17. Administrative Matters - Attachment 4 - A1551189 - Elected members - Interests Register 2013-2016

| Member | Last notified by Elected Member | Elected Member Declared Business Interest and value | Spouse/Partner Declared Interest |
|--------------------------|---------------------------------|---|----------------------------------|
| 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 2014 Race Unity Day (MC) Organiser of 'First Responders Parade 2014' - this event received \$575 of NCC Heritage Week Funding. | No declared interests |
| 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 |

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| Member | Last notified by Elected Member | Elected Member Declared Business Interest and value | Spouse/Partner Declared Interest |
|------------------------|---|--|-------------------------------------|
| Councillor Pete Rainey | 3 April 2016 | <p>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 for 2015/16 financial year on 16 October 2015.</p> <p>Artistic Director Opera in the park Trustee – Tawhiri Trust</p> <p><i>Resigned as a trustee of the Youth and Community Facilities Trust Tuesday 29 March 2016.</i></p> | Sales manager at Media Works Nelson |
| 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 |

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Externally Appointed Committee Members:

| Governance Committee Members | Last notified by Member | Member Declared Business Interest and value | Spouse/Partner Declared Interest |
|---|--|---|---|
| John Murray | 29 April 2016 | <p>Personal interest in one property in Nelson City through my family trust, at 72 Trafalgar Street.</p> <p>Various commercial and residential interests in property in the Nelson City boundary. This arises because of various independent trusteeships held.</p> <p>Secretary and financial adviser to Ngati Rarua Atiawa Iwi Trust.</p> <p>Owner and Director Empowered Business Solutions Limited.</p> | |
| John Peters | July 2014 | <p>Co-owner of property at 37 Tresillian Avenue</p> <p>Chairman of the Nelson Tasman Region Hospice Trust</p> | |

| Planning and Regulatory Committee Members | Last Update | Member Declared Business Interest and value | Spouse/Partner Declared Interest |
|--|--------------------|--|---|
| 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:

| NRSBU Members | Last Update | Member Declared Business Interest and value | Spouse/Partner Declared Interest |
|--|--|--|---|
| 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 (<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) |

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17. Administrative Matters - Attachment 4 - A1551189 - Elected members - Interests Register 2013-2016

| NRSBU Members | Last Update | Member Declared Business Interest and value | Spouse/Partner Declared Interest |
|---|--------------------|---|---|
| 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) Ngati Koata Trust - Trustee | No declared interests |
| Philip Wilson (Industry Representative) | 20 June 2014 | No declared interests | No declared interests |

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Schedule of Documents Sealed: 20 February 2016 to 13 May 2016

| DATE | LEGAL DESCRIPTION | DESCRIPTION | SITE ADDRESS |
|-------------|---|--|---|
| 25/02/2016 | | Renewal of warrants of appointment – 2 Enforcement Officers (EIL) | |
| 08/03/2016 | Lots 1-3 DP19479 Lot 4 DP18629 All DP3039 Pts Lot 1 DP2680 Pts Sec 143 Nelson City PT Subject Easement DP16853 | Licence agreement between G P Investments Limited (Licensor) and Nelson City Council (Licensee) for shared path facility to occupy private property | 23-35 St Vincent Street – Warehouse & Countdown |
| 15/03/2016 | Lot 3 DP1539, Computer Freehold Register NL86/105 Lot 1 DP8521, Computer Freehold Register NL4A/747 Lot 1 DP1539, Computer Freehold Register NL86/105 Lot 2 DP15736, Computer Freehold Register NL10B/62 Lot 2 DP1539, Computer Freehold Register NL86/105 | Variation of Leases between Nelson City Council and Proprietors of Wakatu | Montgomery Square Carpark |
| 24/03/2016 | Sections 1 and 3 being Legal Road to be stopped adjoining | Deed of Variation between John Richard Stevenson and Ana Elizabeth Stevenson | Ross Road, Hira |

17. Administrative Matters - Attachment 5 - A1509979 - Schedule of Documents Sealed 20Feb2016-13May2016

| DATE | LEGAL DESCRIPTION | DESCRIPTION | SITE ADDRESS |
|------------|--|--|-----------------------------|
| | land in Computer Freehold Register 138702 | and Nelson City Council | |
| 29/03/2016 | | Deed of Lease Nelson Railway Society Inc | Founders/Neal Park |
| 06/04/2016 | Lot 1 DP 9159 | Lease agreement between NCC and Wakapuaka Tennis Club | |
| 12/04/2016 | Part Section 1 SO 15617 | Community lease agreement between NCC and Nelson City Brass Inc | |
| 13/04/2016 | | Audit Arrangement Letter 2015/16 (A1511332) | |
| 19/04/2016 | | Reissue of Warrant of Appointment – Enforcement Officer (EIL) | |
| 22/04/2016 | Lot 1-2 DP 1831, Computer Freehold Register NL3B/618 | Deed of Lease between Nelson City Council and Retail Links Limited for 101 Achilles Avenue, Nelson | 101 Achilles Avenue, Nelson |
| 14/04/2016 | | Updated Warrant of Appointment – Enforcement Officers (Building Services) | |
| 02/05/2016 | | Warrant of Appointment – Enforcement Officer | |
| 04/05/2016 | Lot 2 DP 6942, Computer Freehold Register NL2B/317 | Deed of Covenant between Nelson City Council and Fifeshire Views Ltd | 4 Fifeshire Crescent |
| 06/05/2016 | Part Section 75-76 Waimea East District | Nelson Netball Community Lease | 142 Saxton Road |
| 12/5/16 | Pt DP 3154 | Community lease – Suburbs Football | Saxton Field |
| 13/5/16 | Lot 1 DP17332 | Lease renewal for the Boathouse Society | 326 Wakefield Quay |
| 13/5/16 | | Warrant of Appointment – Enforcement Officer | |

Nelson City Council Selection, Appointment and Remuneration Policy for External Appointees on Council Committees

1. Purpose

- 1.1. This policy sets out the process for selection, appointment and remuneration of external appointees to Council committees, in accordance with Schedule 7, clause 31 of the Local Government Act 2002.

2. Definitions

Governing Committee

- 2.1. A governing committee is a committee which has a broad terms of reference, and where there may be consultation and deliberations on proposals. Such committees contribute to the overall governance of the City. Examples of these committees are the Planning and Regulatory; Works and Infrastructure; Community Services or Governance Committees.

Single Purpose Committee

- 2.2. A single purpose committee is a committee which has terms of reference that are related to one subject matter. Examples of these committees are the Nelson Regional Sewerage Business Unit, District Licensing Committee or Resource Consent Hearing Panels.

3. Selection and Appointment

- 3.1. Council may appoint to a committee a person who is not an elected member if, in the opinion of Council, that person has the skills, attributes, or knowledge that will assist the work of the committee.
- 3.2. The Mayor, Committee Chair and Chief Executive (or their delegate) will agree the skills, attributes, and knowledge required to assist the work of the committee. This will be reflected in a position description for each committee to which an appointment is to be made.
- 3.3. This position description will guide the selection process. Based in this description, appropriate advertising will be undertaken. This may be via the New Zealand Planning

Institute, the Institute of Directors, the local newspaper or any other means deemed to be appropriate.

- 3.4. Applicants will be shortlisted by the Mayor and Committee Chair and interviews will be conducted.
- 3.5. Any person appointed to a committee must demonstrate sufficient experience in the relevant subject field to be able to add considerable value to the committee's discussion.
- 3.6. The following requirements of candidates for appointment, must be considered:

Person and skills requirement

- Strong and effective communication skills
- Competence and understanding of Council's needs relating to committee requirements, and of the issues and risks facing the Council
- Ability to apply relevant and specialist technical capability to the role required by the committee
- Ability to engage in effective relationships with the Council and Committee on an ongoing basis over the term of the contract
- Proven experience in operating practices at a governance level in organisations with public accountability requirements, including those outlined in 'Governance requirements' below

Governance requirements

- Understanding and ensuring that basic principles of good governance are a part of the decision-making approach of the Council
- Balancing the need to advocate for specific interests against the needs of the wider community
- A commitment to promoting the long term effectiveness of the Committee and the Council
- Understanding and respecting the differing roles of Mayor, Deputy Mayor, committee chairs, and councillors
- Recognising that the governance role does not extend to operational matters or to the management of any implementation

- Having a good understanding of the Council processes set out in the Standing Orders that determine how committee meetings are run
 - Developing and maintaining a working knowledge of Council services, management processes, powers, duties and constraints that fall under the Committee's delegated areas of responsibility
 - Ensuring familiarity with agendas and other Council reports before committee meetings
 - Being familiar with and complying with the statutory requirements of a committee member
 - Compliance with the principles of the Elected Members Code of Conduct adopted by the Council
 - Identifying, being aware of and declaring any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature.
- 3.7. At the conclusion of the interviews, the preferred candidate will be contacted and informed that they are the preferred candidate.
- 3.8. A report will be presented to Council recommending the appointment of that candidate and setting the appropriate remuneration for the role.
- 3.9. The appointment will be considered to have commenced from the date of the Council resolution making that appointment.
- 3.10. This process for selection and appointment can be followed for appointments to both governing committees and single purpose committees. It is expected that the process would be varied to meet the requirements of the committee, provided that such variation meets the requirements of the Local Government Act 2002.
- 3.11. This policy covers only appointments made via a resolution of Council.
- 4. Remuneration for Governing Committees**
- 4.1. Council recognises that attracting strong candidates requires such positions on committees to be remunerated.

- 4.2. Council wishes to ensure that it offers remuneration which is fair; which is administratively simple; and which recognises the community contribution appointees make.
- 4.3. On this basis guidance is taken from other authorities referencing the Directors Fees Report produced by the Institute of Directors, and the base councillor salary determined by the Remuneration Authority.
- 4.4. Remuneration for external appointees to council governing committees is therefore set at \$12,000 per annum.
- 4.5. No reimbursement of expenses will be offered. However, the remuneration will be considered total remuneration. If appointees incur travel costs, they may seek the tax efficiency of some remuneration being reimbursed as expenses.
- 4.6. The Chief Executive will have the discretion to reduce the remuneration paid by up to one third, and to pay this as reimbursement of expenses if an appointee makes such a request. In this event appointees are required to fill out and submit a claim form (A319932) to seek reimbursement. Any such claim must be made within the relevant financial year.

5. Remuneration for Single Purpose Committees

- 5.1. As defined, single purpose committees include the District Licensing Committee and Resource Consent Hearing Panels.
- 5.2. Remuneration for these committees is set by legislation. However, this is not true for all committees defined as single purpose committees.
- 5.3. Again, Council wishes to ensure that it offers remuneration which is fair; which is administratively simple; and which recognises the community contribution appointees make.
- 5.4. It seems prudent to provide consistent remuneration across similar committees. For this reason, external appointees to single purpose committees will be remunerated in accordance with the rates set out in the Local Government Elected Members (certain Local Authorities) Determination for resource consent hearings.
- 5.5. A minimum fee rate of one hour and a maximum fee rate of three hours will be paid to external appointees, per legally constituted meeting.

- 5.6. Reimbursement of expenses relating to vehicle mileage and travel time will be done in accordance with the Nelson City Council Expenses Policy for Elected Members (A355751). To claim expenses appointees are required to fill out and submit a claim form (A319932) to seek reimbursement. Any such claim must be made within the relevant financial year.

6. Training

- 6.1. On the basis that appointees to both governing and single purpose committees are selected for their existing skills, they would not be eligible for any financial support for training. Where Council is organising any in-house training, appointees may attend with written approval of the relevant committee chair.

7. Effectiveness Review

- 7.1. Council will conduct a review of the effectiveness of the addition of external appointees at the mid-point of the triennium.

8. Policy Review

- 8.1. This policy shall be reviewed three yearly at the commencement of each triennium.

REPORT R5965

Local Government New Zealand Annual General Meeting

1. Purpose of Report

- 1.1 To consider Council's representation at the Local Government New Zealand (LGNZ) 2016 Annual General Meeting (AGM).

2. Delegations

- 2.1 This is a decision for Council.

3. Recommendation

THAT the report Local Government New Zealand Annual General Meeting (R5965) and its attachment (A1552098) be received;

AND THAT the following constitute Council representation at the 2016 Annual General Meeting:

Presiding Delegate: Her Worship the Mayor

Other Delegates: Councillor _____

Councillor _____ or Chief Executive

Or if Her Worship the Mayor is unavailable

Presiding Delegate: Councillor _____

Other Delegates: Councillor _____

Chief Executive

Observers: Councillor _____

Councillor _____

4. Background

- 4.1 The 29th AGM of LGNZ is to be held in Dunedin on 24 July 2016 as part of the LGNZ Conference.

- 4.2 As Council is a member of LGNZ, it is entitled to representation at the 2016 AGM.
- 4.3 The maximum number of delegates for each local authority at the AGM is determined by that local authority's population and subscription levels. Council is entitled to be represented by three delegates at the 2016 AGM.
- 4.4 Please note that the number of representatives at the AGM does not affect the number of delegates able to attend the conference.
- 4.5 The representation of each member authority is determined by the Mayor or Chair of each local authority. Representation is made up of members which include elected members and staff of all fully financial local authorities.
- 4.6 The AGM is open to members only and delegates must register by 17 June 2016. The registration form is attached for information.
- 4.7 The Mayor and Councillor Skinner are currently booked to attend the conference, as is the Chief Executive. Councillors Barker and Fulton have indicated their interest in attending the LGNZ Conference.
- 4.8 Councillor Lawrey also wishes to attend as it is likely Council's remit (in which he has an interest) will be considered at the AGM. A request for funding from the elected members' one-off opportunity funding pool to support Councillor Lawrey's trip is also on the Council agenda for 16 June 2016.

5. Discussion

- 5.1 Representation at the AGM is made up of a presiding delegate, other delegates and observers.
- 5.2 Council should consider who is best to fill these roles.

Presiding delegate

- 5.3 A presiding delegate is the person responsible for voting on behalf of the authority at the AGM. One presiding delegate must be appointed.
- 5.4 It would be usual for the presiding delegate to be the Mayor. However, if the Mayor is unavailable to attend, it is proposed that another Councillor be appointed as the alternate presiding delegate.

Other delegates

- 5.5 Council may be represented by up to two other delegates. According to the LGNZ Constitution a delegate can include officers of local authorities.
- 5.6 If the presiding delegate is absent from the AGM, 'other delegates' may vote on behalf of the local authority.

- 5.7 Debates at the AGM can prompt the need for advice. Attendance of the Chief Executive at the delegates table to provide this function if required is good practice.

Observers

- 5.8 Persons attending the AGM as observers will have no speaking or voting rights and will be seated separately from the main delegation.

Remit process

- 5.9 The remit process was outlined in the Mayor's Report of 24 March 2016.
- 5.10 The deadline for lodging remits with LGNZ was 13 June 2016.

Obituaries

- 5.11 LGNZ request obituary notices for inclusion in the AGM proceedings for the period from 19 July 2015 onwards. These should be advised in writing no later than 13 July 2016.

6. Options

- 6.1 Council can either appoint attendees as delegates for the purposes of voting at the 2016 LGNZ AGM or not.

7. Alignment with relevant Council policy

- 7.1 The decision to appoint delegates to vote at the LGNZ AGM is not inconsistent with any previous decisions of Council.

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

- 8.1 This decision is not considered to be significant in terms of Council's Significance and Engagement Policy.

9. Consultation

- 9.1 No consultation has been undertaken on this matter.

10. Inclusion of Māori in the decision making process

- 10.1 No consultation with Maori has been undertaken on this matter.

Penny Langley
Manager Administration

Attachments

Attachment 1: A1552098 - Local Government New Zealand AGM 2016
Registration Form and Information

29th Annual General Meeting of Local Government New Zealand

Registration form

Date: Sunday 24 July 2016

Venue: The Dunedin Centre, Dunedin

MEMBERSHIP

As Nelson City Council is a member of Local Government New Zealand, it is entitled to representation at the 2016 Local Government New Zealand Annual General Meeting (AGM).

The representation of each member authority is determined by the Mayor or Chair of each local authority. Representation is made up of members which include elected members and staff of all fully financial local authorities.

The Annual General Meeting is open to members only.

VOTING ENTITLEMENTS

Nelson City Council is entitled to 3 votes at the 2016 AGM. The voting entitlement of each member authority is determined by that authority's subscription levels. No member authority whose annual subscription is in arrears is entitled to vote at the AGM. A list of voting entitlements can be found in rule H1 of the constitution.

DELEGATES

All delegates for the Annual General Meeting must register by Friday 17 June 2016.

The maximum number of delegates for each local authority at the AGM is determined by that local authority's population. Nelson City Council is entitled to be represented by 3 delegates at the 2016 AGM.

Please note that the number of delegates at the AGM does not affect the number of delegates able to attend the conference.

PRESIDING DELEGATE

A presiding delegate is the person responsible for voting on behalf of the authority at the AGM. You must appoint one presiding delegate.

Presiding delegate's name: _____ Signature: _____

OTHER DELEGATES

Nelson City Council may be represented by up to 2 other delegates.

If your presiding delegate is absent from the AGM, 'other delegates' may vote on behalf of the local authority. Please tick the box next to the delegate's name if they are to have this right.

Other Delegate name: _____ Signature: _____ Voting rights: ☐

Other Delegate name: _____ Signature: _____ Voting rights: ☐

OBSERVERS

Persons attending the AGM as observers will have no speaking or voting rights and will be seated separately from the main delegation. Please list any observers below.

Observers name: _____ Signature: _____

Observers name: _____ Signature: _____

Observers name: _____ Signature: _____

Observers name: _____ Signature: _____

Please ensure that all delegates are aware of the delegate role they have been nominated for.

Once this form is complete, the Mayor/Chair and Chief Executive of the local authority must sign the form below.

Mayor's/Chair's Name: _____ Signature: _____

Chief Executive's Name: _____ Signature: _____

Please return this form by **Friday 17 June 2016** either by email to leanne.brockelbank@lgnz.co.nz or post this form to:

Leanne Brockelbank
Chief Financial Officer
Local Government New Zealand
PO Box 1214
WELLINGTON 6140

**We are.
LGNZ.**

REMIT PROCESS

Remits proposed for consideration at the Local Government New Zealand AGM must be received no later than **5pm Monday 13 June 2016**. All proposed remits and accompanying information must meet the remit policy. Those meeting this policy will be screened by the Remit Screening Committee, and following approval, will move forward to the Annual General Meeting for consideration by the membership.

PROXY FORM

Councils are to complete the proxy form only if they are unable to attend the AGM and wish to appoint someone to vote on their behalf. They must be a delegate of another council attending the AGM.

OBITUARIES

Local Government New Zealand request obituary notices for inclusion in the AGM proceedings for the period from the last AGM on **19 July 2015** onwards. These should be advised in writing no later than **Wednesday 13 July 2016**.

For further clarification of the requirements regarding the Annual General Meeting, please contact Leanne Brockelbank on 04 924 1212. Alternatively, you can email Leanne at leanne.brockelbank@lgnz.co.nz

 **LGNZ**
Local Government New Zealand

PO Box 7214
Wellington, New Zealand

F: 04 4334 1200

www.lgnz.co.nz

MINUTES AND DECISION OF THE HEARINGS PANEL, NELSON CITY COUNCIL

Held in Nelson City Council Chamber, Floor 2A, Civic House, 110
Trafalgar Street, Nelson, on 11th April 2016 commencing at 9.00am

Hearings Panel:

Chair: Commissioner Ian Barker

Panel: Commissioner Eric Davy

In Attendance:

Reporting Officers: Marie Albertson, Pool Compliance Officer

Minutes Secretary: Kathryn Lewis & Rosemary Lelo

Patricia Webster (9am – 9.05am) – 1 Kingsford Drive

Page No

1.0 APPLICATIONS FOR EXEMPTION UNDER THE FENCING OF SWIMMING POOLS ACT 1987

1.1 Applicant: Patricia Webster 69-77

Location: 1 Kingsford Drive, Stoke, Nelson

Report Number: A1526238

Discussion:

The Commissioners reviewed the application and report (A1526238). Marie Albertson confirmed with Patricia Webster that the tower bolt is being fitted today to the French door. The Commissioners reason for the resolution was based on the review of documents provided and confirmation of the tower bolts installation.

Resolved:

THAT exemption for 2 sliding doors and one French door that do not self close and latch is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987.

- ***THAT the current locking devices remain locked at all times when children 6 years and under are on the property, unless the young children are supervised by a responsible person when the pool is in use.***
- ***AND THAT the exemption is only valid while the property is owned by the applicant Patricia Webster.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Davy/Barker

Carried

A1531240

Page 1 of 5

1.2 Applicant: John Robertson for Carey White 1-8
Location: 63 Aldinga Avenue, Nelson
Report Number: A1514677

The Commissioners reviewed the application and report (A1514677) provided, their decision was based on the information provided and enabled them to reach the resolution.

Resolved:

THAT exemption for 2 sliding doors and one sliding window that do not self close and latch is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987.

- ***THAT the current locking devices remain locked at all times when children 6 years and under are on the property, unless the young children are supervised by a responsible person when the pool is in use.***
- ***AND THAT the exemption is only valid while the property is owned by Carey John White.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Barker/Davy

Carried

1.3 Applicant: Max and Marilyn Charlett 9-20
Location: 1 Fell Place, Stoke, Nelson
Report Number: A1514711

The Commissioners reviewed the application and report (A1514711) this also noting it complied with New Zealand Standard 8500:2006, informed their decision to reach the resolution.

Resolved:

THAT exemption for an above ground spa pool with hard lockable lid is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987.

- ***THAT the current locking devices remain locked at all times when children 6 years and under are on the property, unless the young children are supervised by a responsible person when the pool is in use.***
- ***AND THAT the exemption is only valid while the property is owned by Max & Marilyn Charlett***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Barker/Davy

Carried

1.4 Applicant: Katherine Gibbons 21-29
Location: 7A Titoki Street, Stoke, Nelson
Report Number: A1515090

Discussion:

The Commissioners reviewed the application and report (A1515090). Commissioner Barker queried whether the insect screen and French door both required to be locked. Marie Albertson confirmed that provided the tower bolt is locked the insect screen alone would provide adequate protection.

Commission Davy requested whether relying on the applicants rule, that there is no entry to the pool through the lounge, was acceptable. Marie Albertson clarified they were relying on the locking of the screen as well the rules they have in place.

The review of documents and satisfactory answers to their queries informed the decision to reach the resolution.

Resolved:

THAT exemption for an inward opening French door is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987.

- ***THAT the current locking devices remain locked at all times when children 6 years and under are on the property, unless the young children are supervised by a responsible person when the pool is in use.***
- ***AND THAT the exemption is only valid while the property is owned by Katherine and Frank Gibbons.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Davy/Barker

Carried

1.5 Applicant: Phil and Annie McManus 30-37
Location: 10 Standish Place, Stoke, Nelson
Report Number: A1515189

The Commissioners reviewed the application and report (A1515189) provided, their decision was based on the information provided and enabled them to reach the resolution.

Resolved:

THAT exemption for an above ground spa pool with hard lockable lid is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987.

- ***THAT the current locking devices remain locked at all times when children 6 years and under are on the property, unless the young children are supervised by a responsible person when the pool is in use.***

A1531240

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- **AND THAT the exemption is only valid while the property is owned by Phil and Annie McManus**
- **AND THAT future compliance will be monitored by the targeted inspection programme operated by council.**

Barker/Davy

Carried

1.6 Applicant: David and Christine Elwood 38-44
 Location: 49 Norwich Street, Stoke, Nelson
 Report Number: A1517424

The Commissioners reviewed the application and report (A1517424) provided, their decision was based on the information provided and enabled them to reach the resolution.

Resolved:

THAT exemption for an inward opening door off garage is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987.

- **THAT the current locking devices remain locked at all times when children 6 years and under are on the property, unless the young children are supervised by a responsible person when the pool is in use.**
- **AND THAT the exemption is only valid while the property is owned by David and Christine Elwood**
- **AND THAT future compliance will be monitored by the targeted inspection programme operated by council.**

Barker/Davy

Carried

1.7 Applicant: Tom Kroos 45-51
 Location: 5 Shelley Crescent, Stoke, Nelson
 Report Number: A1524742

The Commissioners reviewed the application and report (A1524742) provided, their decision was based on the information provided and enabled them to reach the resolution.

Resolved:

THAT exemption for an inward opening gate is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987.

- **THAT the gate remains locked at all times when children 6 years and under are on the property, unless the young children are supervised by a responsible person when the pool is in use.**
- **AND THAT the exemption is only valid while the property is owned by the applicant Tom Kroos.**
- **AND THAT future compliance will be monitored by the targeted inspection programme operated by council.**

Davy/Barker

Carried

A1531240

Page 4 of 5

1.8 Applicant: Richard Kerr 52-59
Location: 5 Scotia Street, Nelson
Report Number: A1524848

The Commissioners reviewed the application and report (A1524848) provided, their decision was based on the information provided and enabled them to reach the resolution.

Resolved:

THAT exemption for one ranch slider and inward opening side gate is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987.

- ***THAT the current locking devices remain locked at all times when children 6 years and under are on the property, unless the young children are supervised by a responsible person when the pool is in use.***
- ***AND THAT the exemption is only valid while the property is owned by the applicant Richard & Carolyn Kerr.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Davy/Barker

Carried

1.9 Applicant: Steven and Fiona Bosworth 60-68
Location: 21 Trolove Place, Stoke, Nelson
Report Number: A1524977

The Commissioners reviewed the application and report (A1524977) provided, their decision was based on the information provided and enabled them to reach the resolution.

Resolved:

THAT exemption for two ranch sliding doors is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987.

- ***THAT the current locking devices remain locked at all times when children 6 years and under are on the property, unless the young children are supervised by a responsible person when the pool is in use.***
- ***AND THAT the exemption is only valid while the property is owned by the applicant Steven and Fiona Bosworth***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Davy/Barker

Carried

There being no further business, the hearing ended at 9.25 am.

A1531240

Page 5 of 5

Minutes of a meeting of the Hearings Panel - Other

Held in Ruma Marama, Civic House, 110 Trafalgar Street, Nelson

On Thursday 5 May 2016, commencing at 8.15am

Present: Councillor B McGurk (Chairperson) and Deputy Mayor P Matheson

In Attendance: Investigator/Contracts Supervisor (M Hollows), Roding Network Coordinator (T Chapman) and Administration Adviser (J McDougall)

1. Confirmation of Order of Business

There was no change to the order of business.

2. Interests

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

3. Temporary Road Closure (Light Nelson Festival)

Document number A1538713, agenda pages 4-9 refer.

Investigator/Contracts Supervisor, Mark Hollows, presented the report, and advised that no feedback had been received since the proposed road closure was advertised.

Mr Hollows noted that the event would take place during a holiday break at the Nelson Marlborough Institute of Technology, meaning that there would be less people than usual parking in the area.

It was noted that five days would be a long closure for residents.

In answer to a query, Mr Hollows advised that all the residents in Hardy and Alton Streets had been visited personally, been given a copy of the advertisement and had been given the opportunity to give feedback. He said that other streets in the vicinity of the Light Nelson Festival e.g. Tasman Street had received a letter box drop about the proposed closure.

It was noted that over the five days of the Festival, approximately 20,000 people would visit the area and parking could be a problem.

A traffic management plan was requested as the event was being held in the evening and there would be many pedestrians in nearby streets such as Collingwood and Hardy Streets.

It was noted that residents needed to be able to both leave and return to their homes during the road closures.

It was suggested that the traffic management plan could include: no parking (or parking on one side only) on Tasman Street and possibly parts of Nile Street to allow for traffic and pedestrian flow; a designated residents parking area on the NMIT campus and/or Buxton carpark (only 100m away); and consideration of the fact that Queens Gardens would be part of the Light Nelson Festival.

Resolved

THAT the report Temporary Road Closure (Light Nelson Festival) (A1538713) and its attachment (A1540102) be received;

AND THAT, subject to a suitable traffic management plan, the Hearings Panel approve the application for the temporary road closures for the Light Nelson Festival from Friday 8 July until Wednesday 13 July 2016)

McGurk/Matheson

Carried

Officers agreed to prepare a traffic management plan for discussion with Councillors McGurk and Matheson. It was agreed that decisions about parking and traffic management would be advertised, prior to the Light Nelson Festival event.

There being no further business the meeting ended at 8.29am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Works and Infrastructure Committee

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

On Tuesday 10 May 2016, commencing at 9.00am

Present: Councillor E Davy (Chairperson), Her Worship the Mayor R Reese, Councillors I Barker, L Acland, R Copeland, M Lawrey (Deputy Chairperson), G Noonan and T Skinner

In Attendance: Councillor M Ward, Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Senior Asset Engineer - Solid Waste (J Thiart), Senior Asset Engineer - Transport and Roading (R Palmer), Asset Engineer - Transport (C Pawson), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), Youth Councillors (M Dahal and B Rumsey), and Administration Adviser (L Canton)

1. Apologies

There were no apologies.

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 Graham Wells – Recycling and Rubbish Collection

Mr Wells did not attend.

5. Confirmation of Minutes

5.1 31 March 2016

Document number M1798, agenda pages 8 - 16 refer.

Resolved WI/2016/032

THAT the minutes of the meeting of the Works and Infrastructure Committee, held on 31 March 2016, be confirmed as a true and correct record.

Davy/Skinner

Carried

Attendance: Councillor Acland joined the meeting at 9.03am.

6. Status Report - Works and Infrastructure Committee - 10 May 2016

Document number R5849, agenda pages 17 - 21 refer.

Resolved WI/2016/033

THAT the Status Report Works and Infrastructure Committee 10 May 2016 (R5849) and its attachment (A1150321) be received.

Lawrey/Copeland

Carried

7. Chairperson's Report

There was no Chairperson's report.

TRANSPORT AND ROADING

8. Main Road Stoke Speed Limit - Deliberations Report

Document number R5622, agenda pages 22 - 72 refer.

Asset Engineer – Transport, Chris Pawson, presented the report.

In response to questions regarding cyclists, Mr Pawson explained how cycle safety issues around the Elms Street intersection were addressed in the concept design for safety improvement works in that section of Main Road Stoke.

Attendance: Her Worship the Mayor joined the meeting at 9.09am.

In response to further questions, Mr Pawson said it was expected that reducing the speed limit from 80km/hour to 60km/hour would result in increased throughput and a small but unnoticeable increase in travel time.

Mr Pawson presented the concept design for safety improvement works (A1550184).

Council Davy moved and Councillor Acland seconded the recommendation in the officer's report.

Councillors speaking in support of the motion noted the importance of addressing cycle safety. Some concerns with the narrowing of the southbound on-road cycle lane were noted. Officers said they expected any remaining safety issues would be identified in a post-construction audit.

Attachments

1 A1550184 - Elm Street Intersection layout

Resolved WI/2016/034

THAT the report Main Road Stoke Speed Limit - Deliberations Report (R5622) and its attachments (A1521274, A1486083 and A1521649) be received;

AND THAT it be agreed that the speed limit on Main Road Stoke between Saxton Road and Salisbury Road be reduced from 80km/h to 60km/h on completion of the Elms Street/Main Road Stoke intersection safety improvements and associated speed reduction measures;

AND THAT schedules G and I in the Speed Limits Bylaw 2011 be amended to reflect this change;

AND THAT physical works approved at the Elms Street/Main Road Stoke intersection be funded from the Minor Improvements budget in 2016/17.

Davy/Acland

Carried

9. Waimea Road Refuge - Consultation outcomes

Document number R5770, agenda pages 73 - 77 refer.

Senior Asset Engineer - Transport and Roading, Rhys Palmer, presented the report and gave a PowerPoint presentation (A1546729) on the Waimea Road Refuge concept plan. He explained that the presentation showed desire lines which influenced the placement of pedestrian refuges and showed that the pedestrian refuge was appropriately sited.

In response to questions, Mr Palmer explained how safety issues for pedestrians and motorists were addressed in the concept plan. He added that although the cyclist pinch point identified by a submitter did exist, it would not be exacerbated and on balance, the new design was a safer solution than the current situation where pedestrians crossed at will.

Attachments

1 A1546729 - Waimea Road pedestrian refuge consultation outcomes

Resolved WI/2016/035

THAT the report Waimea Road Refuge - Consultation outcomes (R5770) and its attachment (A1531450) be received;

AND THAT in line with community feedback, approval be given to construct a pedestrian refuge in the location shown in attachment 1 at an estimated cost of \$30,000.

Lawrey/Copeland

Carried

WATER, WASTEWATER, STORMWATER

10. Capital Project Budget Status Report

Document number R5818, agenda pages 78 - 80 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report.

Resolved WI/2016/036

THAT the Capital Project Budget Status Report (R5818) be received;

Davy/Lawrey

Carried

Recommendation to Council WI/2016/037

THAT with respect to the Montcalm/Arrow/Washington Valley/Hastings stormwater upgrade project that \$116,000 be transferred from the current provision in 2016/17 to 2015/16 to maintain continuity of this multi-year project.

Davy/Lawrey

Carried

SOLID WASTE

11. Future of Green Waste

Document number R5797, agenda pages 81 - 85 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report. Senior Asset Engineer - Solid Waste, Johan Thiar, joined the meeting.

In response to questions, Mr Louverdis explained the likely volumes and costs of the green waste collected at Pascoe Street transfer station and how it would be stored whilst options for further disposal were considered. He confirmed that, once a solution for green waste was agreed, the public would not experience any change to the current service at the Pascoe Street transfer station.

In response to further questions, Mr Louverdis said that discussions with Tasman District Council on a potential partnership for green waste would most likely include non-priced attributes and price. He explained that discussions would reserve Nelson City Council's right to explore other options, and that Nelson City Council would not be bound by any outcome of the joint tender with Tasman District Council.

Attendance: Councillor Lawrey left the meeting at 10.23am.

Councillor Acland moved and Councillor Davy seconded the recommendations in the officer report.

During discussion of the motion, councillors discussed the possibility of further education to encourage ratepayers to deal with their green waste at home in line with the Nelson 2060 strategy's sustainability and lifestyle principles, but it was also noted that intensified housing limited space for home composting.

Attendance: Councillor Lawrey returned to the meeting at 10.28am.

Some councillors expressed a view that a contract with a commercial operator was preferred over a joint approach with Tasman District Council. It was suggested that eventually the cost of taking green waste to the transfer station may override the convenience aspect to ratepayers.

It was noted that the ability to take green waste to the Pascoe Street transfer station was valued by ratepayers. Mr Louverdis said it was anticipated that the new arrangement would maintain the current level of service to ratepayers as ratepayers would still take green waste to the transfer station. Councillors requested that the outcome of the tendering process be reported back to the Works and Infrastructure Committee before a final decision was made.

Attendance: The meeting adjourned from 10.43am to 10.53am.

With the agreement of the mover and seconder, the last clause of the motion was amended to incorporate a report back to the Committee for decision.

Resolved WI/2016/038

THAT the report Future of green waste (R5797) be received.

Acland/Davy

Carried

Recommendation to Council WI/2016/039

THAT following a review of green waste services at the request of Council:

THAT Nelson City Council partner with Tasman District Council to call for public tenders with respect to their green waste in June 2016;

AND THAT failing success with this approach with Tasman District Council, that officers be authorised to negotiate a contract with a commercial operator to accept Nelson City Council's green waste;

AND THAT in the interim, Council continues to take green waste at the Pascoe Street transfer station;

AND THAT the outcome of the tendering process, either in partnership with Tasman District Council, or with a commercial operator, be reported back to the Works and Infrastructure Committee for a decision.

Acland/Davy

Carried

12. Exclusion of the Public

Resolved WI/2016/040

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:

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 | Works and Infrastructure Committee Meeting - Public Excluded Minutes - 31 March 2016 | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |
| 2 | Status Report - Works and Infrastructure Committee - 10 May 2016 | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information |

The meeting went into public excluded session at 10.55am and resumed in public session at 11.00am.

Please note that as the only business transacted in public excluded was to confirm the minutes and receive the status report, 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.

13. Confirmation of Minutes - Public Excluded

Document number M1799, public excluded agenda pages 3 – 6 refer.

Resolved WI/2016/041

THAT the minutes of part of the meeting of the Works and Infrastructure Committee, held with the public excluded on 31 March 2016, be confirmed as a true and correct record.

Davy/Lawrey

Carried

14. Status Report - Works and Infrastructure Committee - 10 May 2016 - Public Excluded

Document number R5850, public excluded agenda pages 7 – 8 refer.

Resolved WI/2016/042

THAT the Status Report Works and Infrastructure Committee 10- May 2016 (R5850) and its attachment (A1150333) be received.

Davy/Noonan

Carried

15. Re-admittance of the Public

Resolved WI/2016/043

THAT the public be re-admitted to the meeting.

Davy/Noonan

Carried

There being no further business the meeting ended at 11.00am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Planning and Regulatory Committee to hear submissions to the Draft Fees and Charges Resource Consent Activity and Fencing of Swimming Pools fees and Charges

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

On Thursday 19 May 2016, commencing at 9.01am

Present: Councillor B McGurk (Chairperson), Her Worship the Mayor R Reese, Councillors I Barker, R Copeland, E Davy, K Fulton (Deputy Chairperson), M Lawrey, M Ward and Ms G Paine

In Attendance: Councillor P Matheson, Chief Executive (C Hadley), Group Manager Strategy and Environment (C Barton), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), and Administration Adviser (J McDougall)

Apology: Councillor K Fulton

1. Apologies

Resolved PR/2016/025

THAT an apology be received and accepted from Councillor Fulton.

McGurk/Davy

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. **Hearing of Submissions to the Draft Fees and Charges Resource Consent Activity and Fencing of Swimming Pools Fees and Charges**

Document number R5900, agenda pages 4 - 13 refer.

4.1 Brad Cadwallader – Cadwallader Tree Consultancy – Draft Fees and Charges Resource Consent Activity

Mr Cadwallader spoke to his submission, and suggested that “qualified arborist” be replaced by the words “suitably qualified and experienced arborist”.

In response to a question, Mr Cadwallader said that a Level 5 arborist qualification would be appropriate for assessing heritage trees, and he thought there were probably four to five people in the Nelson area with this qualification.

He suggested adding a clause that, where a tree was causing serious structural damage to a dwelling and it was proven that there was no practical remedy available, there should be no consent fee for the removal of the tree.

He suggested further that the consent fee for the pruning or trimming of heritage trees, confirmed in writing by a qualified arborist, to be conducted according to best arboricultural practice, should be \$500 rather than \$1300.

4.2 David Marsh – Fencing of Swimming Pools Fees and Charges

Mr Marsh spoke to his submission. He suggested that no inspection should be required where swimming pool fences or gates were permanent fixtures, and where property owners confirmed in writing to Council every three years that no changes had been made, and the fences and/or gates were functioning correctly.

There being no further business the meeting ended at 9.16am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 19 May 2016, commencing at 9.17am

Present: Councillor B McGurk (Chairperson), Her Worship the Mayor R Reese, Councillors I Barker, R Copeland, E Davy, M Lawrey, M Ward and Ms G Paine

In Attendance: Councillor P Matheson, Chief Executive (C Hadley), Group Manager Strategy and Environment (C Barton), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), Manager Consents and Compliance (M Bishop), Manager Building (M Brown), Manager Environmental Programmes (D Evans), and Administration Adviser (J McDougall)

Apology: Councillor K Fulton

1. Apology

Resolved PR/2016/023

***THAT an apology be received and accepted from
Councillor Fulton.***

McGurk/Davy

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

5.1 21 April 2016

Document number M1843, agenda pages 5 - 11 refer.

Resolved PR/2016/024

THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 21 April 2016, be confirmed as a true and correct record.

Lawrey/Ward

Carried

6. Status Report - Planning and Regulatory Committee - 19 May 2016

Document number R5899, agenda pages 12 - 14 refer.

Resolved PR/2016/025

THAT the Status Report Planning and Regulatory Committee 19 May 2016 (R5899) and its attachment (A1155974) be received.

Davy/Ward

Carried

7. Chairperson's Report

Document number R5916, agenda page 15 refers.

Resolved PR/2016/026

THAT the Chairperson's Report (R5916) be received, and the contents noted.

McGurk/Paine

Carried

REGULATORY

8. Building Unit Fees and Charges from 1 July 2016

Document number R5774, agenda pages 16 - 26 refer.

Manager Building (Martin Brown) spoke to the report. In answer to a query, Mr Brown advised that applications regarding the erection of marquees often came in less than 20 days before the date needed, which resulted in extra work, and therefore costs, for staff and inspectors.

Attendance: Her Worship the Mayor left the meeting at 9.34am.

Group Manager Strategy and Environment (Clare Barton), confirmed that officers had delegated power to set fees and charges.

Councillor McGurk, seconded by Councillor Ward, moved the following motion from the officer report.

THAT the report Building Unit Fees and Charges from 1 July 2016 and its attachment (A1535679) be received and noted.

Concern was expressed about the increases and it was suggested that, in future, if fees need to be raised that it be done incrementally.

Attendance: Ms Paine declared an interest.

A division was called:

| | |
|------------------------------------|-------------------|
| Councillor Barker | No |
| Councillor Copeland | No |
| Councillor Davy | No |
| Councillor Fulton | Apology |
| Councillor Lawrey | No |
| Councillor McGurk | Aye |
| Councillor Ward | Aye |
| Her Worship the Mayor | Absent |
| External appointee – Glenice Paine | Interest declared |

The motion was lost, 4-2.

POLICY AND PLANNING

9. Strategy and Environment Report for 1 January to 31 March 2016

Document number R5424, agenda pages 27 - 44 refer.

Manager Consents and Compliance (Mandy Bishop) and Manager Building (Martin Brown), presented the report.

Attendance: Councillor Lawrey left the meeting from 9.47am to 9.50am.

In response to a query, Ms Bishop advised that parking wardens took action regarding vehicles being advertised for sale at the roadside.

Resolved PR/2016/027

THAT the report Strategy and Environment Report for 1 January to 31 March 2016 (R5424) and its attachment (A1514360) be received.

Davy/Ward

Carried

There being no further business the meeting ended at 9.57am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Chief Executive Employment Committee

Held in Ruma Ana, Level 2B, Civic House, 110 Trafalgar Street, Nelson

On Monday 23 May 2016, commencing at 1.03pm

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L Acland and P Matheson (Deputy Mayor)

In Attendance: Chief Executive (C Hadley), Administration Adviser (S Burgess), and External Adviser (P Bell)

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

5.1 22 February 2016

Document number M1717, agenda pages 6 - 9 refer.

Resolved CEE/2016/005

THAT the minutes of the meeting of the Chief Executive Employment Committee, held on 22 February 2016, be confirmed as a true and correct record.

Matheson/Acland

Carried

6. Exclusion of the Public

Paul Bell, of Intepeople, was to be in attendance for items 2 and 3 of the Public Excluded agenda and, accordingly, the following resolution was required to be passed:

Resolved CEE/2016/006

THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Paul Bell remain after the public has been excluded, for Items 2 and 3 of the Public Excluded agenda (Chief Executive's Performance Report – Third quarter update and Draft KPIs 2016/17), as he has knowledge that will assist the Committee;

AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Paul Bell possesses relates to the Chief Executive's performance, remuneration and development.

Matheson/Acland

Carried

Resolved CEE/2016/007

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:

Matheson/Acland

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 | Chief Executive Employment Committee Meeting - Public Excluded Minutes - 22 February 2016 | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. |

| Item | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Particular interests protected (where applicable) |
|------|--|---|---|
| 2 | Chief Executive's Performance Report - Third quarter update | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person |
| 3 | Draft KPIs 2016/17 | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person |

The meeting went into public excluded session at 1.05pm and resumed in public session at 2.01pm.

7. Re-admittance of the Public

Resolved CEE/2016/008

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Matheson

Carried

There being no further business the meeting ended at 2.01pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Community Services Committee

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

On Thursday 26 May 2016, commencing at 9.03am

Present: Councillor P Rainey (Chairperson), Her Worship the Mayor R Reese, Councillors M Lawrey, P Matheson, G Noonan (Deputy Chairperson), T Skinner and M Ward

In Attendance: Councillors I Barker, K Fulton and B McGurk, Chief Executive (C Hadley), Group Manager Community Services (C Ward), Manager Communications (P Shattock), Manager Administration (P Langley), Administration Adviser (S Burgess), and Youth Councillors (K Phipps and A James)

1. Apologies

There were no apologies.

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 Friends of the Glen

Bernard Downey, Merin Burdon, Bob Burdon and Nicole Gooley spoke to the Committee about the history of the Glen Playground land and the development of the Playground. They thanked Council and its officers for the support and funding for the Playground. A PowerPoint presentation was given (A1555358) which showed photos of the Playground's development.

Mr Downey and Ms Gooley raised concerns about ditch drainage at The Glen, and provided detail of overflows onto properties.

On behalf of Council, the Chairperson thanked the Glen Playgroup and Friends of the Glen for their efforts regarding the Glen Playground.

Attachments

- 1 A1555358 - Friends of the Glen - Glen Playground Presentation

4.2 Nelson Multicultural Council

Barbara Bedeschi and Soheil Ighani gave a PowerPoint presentation (A1554792) and provided a handout (A1554788) on the Nelson Multicultural Council (NMC).

Ms Bedeschi spoke about the purpose and history of the NMC and the challenges it faced with the recent reduction in funding and staff. She emphasised the NMC's function of being a gateway organisation for migrants and refugees when they move to Nelson.

Ms Bedeschi said the NMC wished to start dialogue with Council to discuss collaboration, joint initiatives, connections and long term planning, for the benefit of both the community and Council. She spoke about the dream to create a migrant hub for ideas, business, leadership and diversity.

In response to questions, Ms Bedeschi advised that the NMC had enough funding to pay their coordinator for a further six months, and would likely be closed in eight months if further funding could not be arranged. She said the NMC would need \$145,000 per annum to provide an appropriate level of service.

In response to further questions Ms Bedeschi explained the welcome centre on Bridge Street had been moved to the second storey to save money. She said the NMC needed skilled people to join its Board, as well as funding for analysis of the situation with regards to migrants and refugees.

Attachments

- 1 A1554788 - Nelson Multicultural Council Handout
- 2 A1554792 - Nelson Multicultural Council PowerPoint

5. Confirmation of Minutes

5.1 14 April 2016

Document number M1830, agenda pages 8 - 14 refer.

Resolved CS/2016/024

THAT the minutes of the meeting of the Community Services Committee, held on 14 April 2016, be confirmed as a true and correct record.

Ward/Matheson

Carried

6. **Status Report - Community Services Committee - 26 May 2016**

Document number R5933, agenda pages 15 - 18 refer.

In response to a question, Group Manager Community Services, Chris Ward, provided further detail on the progress of the successful Arts Fund concepts.

Resolved CS/2016/027

THAT the Status Report Community Services Committee 26 May 2016 (R5933) and its attachment (A1157454) be received.

Skinner/Noonan

Carried

7. **Chairperson's Report**

The Chairperson gave an update on meetings regarding the draft Marina Strategy, highlighting that some common feedback had been received. He also spoke about continued work with the BMX Club at Saxton Field.

The Chairperson advised that the Youth and Community Facilities Trust had ceased operations, and thanked the Trust on behalf of Council for its work in the community.

RECREATION AND LEISURE

8. **Stoke Community and Sports Facility - Fees and Charges**

Document number R5724, agenda pages 19 - 25 refer.

Manager Operations and Asset Management, Peter Anderson, and Major Projects Engineer, Darryl Olverson, presented the report. An update to the Community Centre Hire fees was tabled (A1556888).

It was noted that the heading in the main hall fees table 'Meeting Non-Commercial/Cultural' would be adjusted for greater clarity.

In response to a question, Group Manager Community Services, Chris Ward, advised that the proposed fees were similar to those charged by other facilities which were well used.

Resolved CS/2016/028

THAT the report Stoke Community and Sports Facility - Fees and Charges (R5724) and its attachment (A1546950) be received;

Lawrey/Ward

Carried

Resolved CS/2016/029

AND THAT the amended Stoke Community and Sports Facility Fees and Charges as per Attachment 1 (A1546950) of Report R5724 be approved for 2016/17.

Matheson/Ward

Carried

Attachments

- 1 A1556888 - Stoke Community and Sports Facility Updated Main Hall fees

COMMUNITY DEVELOPMENT

9. Funding Reallocation for Youth Activities in 2016/17

Document number R5897, agenda pages 26 - 29 refer.

Manager Community Partnerships, Shanine Hermesen, presented the report.

Resolved CS/2016/030

THAT the report Funding Reallocation for Youth Activities in 2016/17(R5897) be received.

Rainey/Lawrey

Carried

In response to questions, Ms Hermesen explained that Council funding for the Youth and Community Facilities Trust (YCT) had previously been for youth recreation activities and the manager's salary. She added the YCT also received community investment funding and provided a range of other services.

Concerns were raised about gaps in service that may result from the YCT ceasing operations.

In response to a question, Group Manager Community Services, Chris Ward, advised that emergency housing was primarily an issue for central government. He added that the YCT had focussed on wraparound support for youth with emergency housing needs.

In response to a question, Ms Hermesen advised that a Youth Strategy would enable Council to go into more detail about planning for youth, as opposed to the high-level vision information in Council's Social Wellbeing Policy.

Councillor Ward, seconded by Councillor Noonan, moved a motion:

THAT the \$100,000 allocated to the Youth and Community Facilities Trust in the 2016/17 draft Annual Plan be reallocated to youth activities for 2016/17 only, in alignment with Community Investment Fund processes;

AND THAT the funding be allocated in line with the Youth section of Council's Social Wellbeing Policy 2011 and the Community Assistance Policy 2015 with consideration given to resulting gaps in the services provided by Youth and Community Facilities Trust;

AND THAT Council engages with stakeholders in the youth sector to develop a Youth Strategy to guide future Council support for youth development and activities.

The Committee discussed the motion, with some concerned the reference to gaps in services provided by the YCT would limit the allocation of funding.

Attendance: The meeting adjourned from 10.19am to 10.24am.

The efforts of the trustees of the YCT and the Chairperson of the Community Services Committee were acknowledged.

Recommendation to Council CS/2016/031

THAT the \$100,000 allocated to the Youth and Community Facilities Trust in the 2016/17 draft Annual Plan be reallocated to youth activities for 2016/17 only, in alignment with Community Investment Fund processes;

AND THAT the funding be allocated in line with the Youth section of Council's Social Wellbeing Policy 2011 and the Community Assistance Policy 2015 with consideration given to resulting gaps in the services provided by Youth and Community Facilities Trust;

AND THAT Council engages with stakeholders in the youth sector to develop a Youth Strategy to guide future Council support for youth development and activities.

Ward/Noonan

Carried

REPORTS FROM COMMITTEES

10. Nelson Youth Council Update

Document number R5931, agenda pages 30 - 40 refer.

Nelson Youth Councillors, Alana James and Keegan Phipps, spoke about the recent Rockquest event, initiatives in youth employment, the youth councillors' plan of action, and how the Nelson Youth Council was shown as a model example of a youth council at the recent Aotearoa Youth Declaration conference.

11. Youth Council Minutes - 22 March 2016

Resolved CS/2016/032

THAT the minutes of a meeting of the Nelson Youth Council, held on 22 March 2016, be received.

Rainey/Lawrey

Carried

12. Youth Council Minutes - 13 April 2016

Resolved CS/2016/033

THAT the minutes of a meeting of the Nelson Youth Council, held on 13 April 2016, be received.

Rainey/Skinner

Carried

Attendance: Councillor Ward left the meeting at 10.33am.

13. Community Investment Funding Panel - 15 April 2016

Resolved CS/2016/034

THAT the unconfirmed minutes of a meeting of the Community Investment Funding Panel, held on 15 April 2016, be received.

Rainey/Ward

Carried

14. Exclusion of the Public

Attendance: Councillor Ward returned to the meeting at 10.37am.

Resolved CS/2016/035

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:

Noonan/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 | Community Services Committee Meeting - Public Excluded Minutes - 14 April 2016 | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. |
| 2 | Status Report - Community Services Committee - 26 May 2016 | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) |
| 3 | Stoke Community and Sports Facility - User Agreements | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) |
| 4 | Community lease - Get Moving, Saxton Field | 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"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, |

| Item | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Particular interests protected (where applicable) |
|------|---|---|--|
| | | good reason exists under section 7 | negotiations (including commercial and industrial negotiations) |
| 5 | Community lease - Tahunanui Community Centre | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7 | The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) |

The meeting went into public excluded session at 10.37am and resumed in public session at 12.01pm, during which time Her Worship the Mayor left the meeting.

15. Re-admittance of the Public

Resolved CS/2016/036

THAT the public be re-admitted to the meeting.

Rainey/Skinner

Carried

There being no further business the meeting ended at 12.01pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of an extraordinary meeting of the Governance Committee

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

On Thursday 26 May 2016, commencing at 1.57pm

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

In Attendance: Councillor M Ward, Group Manager Strategy and Environment (C Barton), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Senior Strategic Adviser (N McDonald), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), and Administration Adviser (E-J Ruthven)

Apologies: Her Worship the Mayor for lateness, and Mr John Peters for early departure

1. Apologies

Resolved GOV/2016/046

THAT apologies be received and accepted from Her Worship the Mayor for lateness, and Mr John Peters for early departure.

Davy/McGurk

Carried

2. Confirmation of Order of Business

The Chair advised of two late items for the public excluded part of the meeting, and that procedural resolutions needed to be passed for the items to be considered at the meeting.

2.1 Bett Carpark - Referral to Council

Document number 5974, late item refers

In response to a question, Group Manager Strategy and Environment, Clare Barton, explained the timeframes behind the late item.

Resolved GOV/2016/047

THAT the item regarding Bett Carpark - Referral to Council be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

McGurk/Murray

Carried

Attachments

- 1 A1559027 - Tabled Document - Late Item - Bett Carpark - Referral to Council

2.2 Civic Assurance Directors' Remuneration and Reappointments

Document number 5973, late item refers

Resolved GOV/2016/048

THAT the item regarding Civic Assurance Directors' Remuneration and Reappointments be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

Davy/Matheson

Carried

3. Public Forum

There was no public forum.

4. Confirmation of Minutes

4.1 21 April 2016

Document number M1845

Resolved GOV/2016/049

THAT the minutes of the meeting of the Governance Committee, held on 21 April 2016, be

confirmed as a true and correct record.

Davy/McGurk

Carried

5. Interests

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

6. Status Report - Governance Committee 26 May 2016

There was no status report.

7. Chairperson's Report

The Chairperson advised that a report regarding directorships of Council Controlled Organisations would be on the agenda of the next Committee meeting.

Resolved GOV/2016/050

THAT the Chairperson's oral report be received.

Barker/Murray

Carried

GOVERNANCE

8. Bett Carpark - Referral to Council

Document number R5974, late item refers.

In response to questions, Ms Barton highlighted that, should a Council decision to sell Bett Carpark be made later than 2 June 2016, the purchaser would face significant time constraints for the resource consent application process.

Attendance: Her Worship the Mayor joined the meeting at 2.12pm.

The Committee discussed whether to refer the item to Council for consideration at its meeting on 2 June 2016.

During discussion, it was noted that Committee members were unaware of the details of the proposals received by Council with respect to the Bett Carpark Special Housing Area, and accordingly, it was difficult to assess whether the matter should be referred to Council at this stage.

Attendance, the meeting adjourned from 2.17pm to 2.33pm, during which time Councillor Fulton left the meeting.

The Chairperson advised that the item would lie on the table, to be considered later in the meeting.

Attendance: Councillor Fulton returned to the meeting at 2.35pm.

9. Civic Assurance Directors' Remuneration and Reappointments

Document number R5973, late item refers.

Group Manager Corporate Services, Nikki Harrison, presented the report.

Attendance: Her Worship the Mayor left the meeting from 2.34pm to 2.35pm.

Resolved GOV/2016/051

THAT the report Civic Assurance Directors' Remuneration and Reappointments (R5973) and its attachment (A1554033) be received.

McGurk/Davy

Carried

Resolved GOV/2016/052

THAT in the matter of remuneration of directors of the New Zealand Local Government Insurance Corporation Ltd that Nelson City Council submit a proxy vote against the proposal to increase fees by 15%.

Davy/Acland

Carried

There was a discussion regarding the officer recommendation with regards to the reappointment of directors.

In response to a question, Ms Harrison outlined the number of terms that the directors seeking reappointment had served for.

Attendance: Councillor Davy left the meeting from 2.40pm to 2.44pm.

Recommendation to Council GOV/2016/053

THAT in the matter of reappointment of Directors Messrs MA Butcher and AJ Marryatt that Nelson City Council submit a proxy vote against.

Matheson/Noonan

Carried

10. Bett Carpark - Referral to Council (continued)

The meeting returned to consider the item Bett Carpark – Referral to Council.

It was noted that the discussion regarding whether to proceed with any of the Bett Carpark proposals received would be held in public excluded session.

Attendance: Councillor Davy left the meeting at 2.50pm.

Committee members discussed further the time constraints relating to the Special Housing Area process, and a variety of views were expressed as to whether the matter should be referred to Council.

During discussion, Committee members noted the difficulties involved with undertaking robust public engagement with the community regarding the potential developments for Bett Carpark, due to the public excluded nature of the sale process, and confidentiality of proposed designs.

Resolved

THAT the report Bett Carpark - Referral to Council (R5974) be received;

AND THAT the Governance Committee refer to Council its delegation regarding the sale of land, in respect of the proposal to sell Bett Carpark.

Her Worship the Mayor/Fulton

Attendance: Her Worship the Mayor left the meeting at 3.06pm.

11. Uniquely Nelson - Memorandum of Understanding

Document number R5683

Group Manager Community Services, Chris Ward, presented the report and introduced Simon Duffy, of Uniquely Nelson.

Mr Duffy explained that Uniquely Nelson had expanded its view of the concept of the Nelson CBD, and alongside retailers, would now also promote other providers that brought people into the wider CBD area, such as Nelson Marlborough Institute of Technology, The Suter Art Gallery and others.

Attendance: Councillor Acland left the meeting at 3.08pm, and Mr Peters left the meeting at 3.09pm.

In response to a question, Mr Duffy explained that retailers had generally been in favour of Uniquely Nelson taking a broader view, recognising that other activities in the central city often impacted positively on retailers and hospitality providers.

There was a discussion regarding the Memorandum of Understanding. In response to a question, Group Manager Community Services, Chris Ward, explained that Uniquely Nelson's performance had not been specifically measured against the points in the Memorandum of Understanding, but that during the review of the Economic Development Agency and the creation of the Nelson Regional Development Agency, it had been noted that Uniquely Nelson provided good value to the city.

Mr Duffy then outlined a new initiative undertaken by Uniquely Nelson, 'LoveNelson', which allowed Nelson retailers to have an online trading presence.

Resolved GOV/2016/054

THAT the report Uniquely Nelson - Memorandum of Understanding (R5683) and its attachments (A1380525 and A1547869) be received.

Rainey/Noonan

Carried

Recommendation to Council GOV/2016/055

THAT the Memorandum of Understanding (MoU) between Uniquely Nelson and Nelson City Council (A1380525) be approved as the MoU for the 2016/17 year.

Murray/Rainey

Carried

REPORTS FROM COMMITTEES

12. Audit, Risk and Finance Subcommittee - 10 May 2016

Document number M1874, agenda pages 44-49 refer.

Attendance: Councillor Rainey left the meeting from 3.28pm to 3.29pm, and Councillor Fulton left the meeting from 3.28pm to 3.30pm.

Resolved GOV/2016/056

THAT the unconfirmed minutes of a meeting of the Audit, Risk and Finance Subcommittee, held on 10 May 2016, be received.

Murray/McGurk

Carried

12.1 Internal Audit Report to 31 March 2016

Recommendation to Council GOV/2016/057

THAT Council note the internal audit findings, recommendations and status of action plans up to 31 March 2016 (R5793).

Murray/Barker

12.2 Corporate Report to 31 March 2016

Recommendation to Council GOV/2016/058

THAT the transfer of legal budget from the Corporate activity to the Planning activity in 2015/16 in order to obtain economic and traffic evidence for the submission to Tasman District Council on the proposed Progressive Enterprises Ltd Private Plan Change be noted.

Murray/Noonan

Attendance: Councillor Rainey left the meeting at 3.31pm.

13. Commercial Subcommittee - 10 May 2016

Document number M1877, agenda pages 50-52 refer.

Resolved GOV/2016/059

THAT the unconfirmed minutes of a meeting of the Commercial Subcommittee, held on 10 May 2016, be received.

Murray/Noonan

Carried

14. Exclusion of the Public

Resolved GOV/2016/060

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:

Matheson/Noonan

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 | 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) |
|----------|--|--|--|
| | Meeting – Public Excluded Minutes – 21 April 2016 | 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"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |
| 2 | Commercial Subcommittee Meeting - Public Excluded Minutes - 10 May 2016 | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7. | The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities. Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |

The meeting went into public excluded session at 3.33pm, and resumed in public session at 3.36pm.

15. Re-admittance of the Public

Resolved GOV/2016/061

THAT the public be re-admitted to the meeting.

Noonan/Barker

Carried

There being no further business the meeting ended at 3.36pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 2 June 2016, commencing at 4.51pm

Present: Councillor B McGurk (Chairperson), Her Worship the Mayor R Reese, Councillors I Barker, K Fulton (Deputy Chairperson), M Lawrey, and M Ward

In Attendance: Group Manager Strategy and Environment (C Barton), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), Manager Administration (P Langley) and Administration Advisers (S Burgess and J McDougall)

Apologies: Councillors R Copeland and E Davy, and Ms G Paine

1. Apologies

Resolved PR/2016/028

THAT apologies be received and accepted from Councillors R Copeland and E Davy, and Ms G Paine.

McGurk/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

There was no public forum.

5. Confirmation of Minutes

Document number R5972, agenda pages 5 - 6 refer.

Manager Consents and Compliance, Mandy Bishop, noted that the last paragraph of 4.1 of the draft minutes currently read as follows:

He suggested further that the consent fee for the removal of heritage trees confirmed in writing by a qualified arborist as diseased or a threat to public safety should be \$500 rather than \$1300.

Ms Bishop recommended that the wording be amended to read as follows:

He suggested further that the consent fee for the pruning or trimming of heritage trees, confirmed in writing by a qualified arborist, to be conducted according to best arboricultural practice, should be \$500 rather than \$1300.

Resolved PR/2016/029

THAT the amended minutes of the meeting of the Planning and Regulatory Committee, held on 19 May 2016 (R5972), be confirmed as a true and correct record.

Barker/Ward

Carried

REGULATORY

6. Deliberations on Fees and Charges for Resource Consent, Food Act and Fencing of Swimming Pools Act activities commencing 1 July 2016

Document number R5876, agenda pages 7 - 20 refer.

Manager Consents and Compliance, Mandy Bishop, and Manager Building, Martin Brown, presented the report.

Attendance: Her Worship the Mayor left the meeting at 4.55pm.

Ms Bishop said that officers supported the \$500 consent fee for the pruning or trimming of heritage trees, as suggested by a submitter and that the fee schedule and response to submitters would be amended.

It was noted that a lower fee of \$500 for pruning and trimming would be likely to encourage early intervention where a tree appeared to be diseased, a threat to public safety or causing damage to structures.

Resolved PR/2016/030

THAT the report *Deliberations on Fees and Charges for Resource Consent, Food Act and Fencing of Swimming Pools Act* activities commencing 1 July 2016 (R5876) and its attachments (A1546954, A1546317 and A1547270) be received.

Lawrey/Fulton

Carried

Recommendation to Council PR/2016/031

THAT the amended table in Section 5 of this report (R5876) be used as the basis of providing responses to submitters on the matters raised in submissions;

AND THAT the amended draft Fees and Charges Resource Consents and Resource Management Act Planning Documents as detailed in Attachment 1 (A1546954) be adopted;

AND THAT the draft Food Act 2014 Fees and Charges as detailed in Attachment 2 (A1546317) be adopted;

AND THAT the draft Building Unit Fees and Charges Swimming Pools monitoring fee as detailed in Attachment 3 (A1547270) be adopted.

McGurk/Lawrey

Carried

There being no further business the meeting ended at 4.58pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date