



# AGENDA

**Ordinary meeting of the**

**Nelson City Council**

**Thursday 28 July 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

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

- 1.1 Apologies have been received from Councillors Ruth Copeland, Paul Matheson and Gaile Noonan

**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 Andrew Irvine, Kindra Douglas, Penny Molnar, Chris Crow and Marie Benton

Andrew, Kindra, Penny, Chris and Marie will speak about the Living Wage Campaign.

- 4.2 Gaire Thompson

Gaire Thompson will speak about foreshore protection and stormwater charges.

- 4.3 Graeme O'Brien - Menzshed Whakatu Inc

Graeme O'Brien, Chairman of Menzshed Whakatu Inc, will provide an update.

- 4.4 Steve Baigent on behalf of Helen Bowater

Steve Baigent will speak about the Special Housing Areas (69 Newman Drive).

- 4.5 Dr Julie Hall - NIWA

Dr Hall, from NIWA, will speak about Sustainable Seas National Science Challenge.

## **5. Confirmation of Minutes**

### **5.1 16 June 2016 15 - 40**

Document number M1937

Recommendation

**THAT the minutes of the meeting of the Council, held on 16 June 2016, be confirmed as a true and correct record.**

### **5.2 Extraordinary Meeting - 30 June 2016 41 - 66**

Document number M1969

Recommendation

**THAT the minutes of the extraordinary meeting of the Council, held on 30 June 2016, be confirmed as a true and correct record.**

## **6. Status Report - Council - 28 July 2016 67 - 87**

Document number R6308

Recommendation

**THAT the Status Report Council 28 July 2016 (R6308) and its attachment (A1168168) be received.**

## **7. Mayor's Report 88 - 88**

Document number R6238

Recommendation

**THAT the Mayor's Report (R6238) be received.**

## **8. Notice of Motion - Venue for Candidates' Meeting 89 - 93**

Document number R6348

Recommendation

**THAT Council approves the Nelson Residents' Association the use of the Stoke Memorial Hall for a publicly advertised candidates' meeting for the upcoming 2016 triennial election for Nelson City Council at no cost.**

**9. LGNZ Excellence Programme Confirmation 94 - 97**

Document number R6344

Recommendation

**Receive the report LGNZ Excellence Programme Confirmation (R6344);**

**Confirm its involvement with the LGNZ Excellence Programme as a selected foundation Council.**

**10. Code of Conduct Review 98 - 102**

Document number R6096

Recommendation

**Receive the report Code of Conduct Review (R6096);**

**Reconfirm the current Elected Members Code of Conduct as adopted on 20 November 2014.**

**11. Brook Recreation Reserve Management Plan -  
Gazettal and Road Stopping Hearings Panel 103 - 109**

Document number R5902

Recommendation

**THAT the report Brook Recreation Reserve Management Plan - Gazettal and Road Stopping Hearings Panel (R5902) and its attachment (A1546914) be received;**

**AND THAT a Hearing Panel consisting of an independent chair (Peter Reaburn) and two councillors hear and deliberate on the objections received with respect to the gazettal and road stopping processes required as a result of the adoption in principle by Council of the Brook Reserve Management Plan;**

**AND THAT those two councillors be selected from Deputy Mayor Matheson, Councillors Noonan, Barker and McGurk, by her Worship the Mayor or the Chief Executive Officer based on the availability of members when the meetings are scheduled;**

**AND THAT the draft Terms of Reference for the Hearing Panel as per Attachment A1546914 be adopted.**

**12. Addition to delegations relating to activities under the Food Act 2014 110 - 118**

Document number R6215

Recommendation

**Receive the report Addition to delegations relating to activities under the Food Act 2014 (R6215) and its attachment (A1576948);**

**Approve the delegation of functions and duties (sections 173 and 174) to the Chief Executive under the Food Act 2014.**

**13. Regional Pest Management Committee - Terms of Reference 119 - 124**

Document number R6204

Recommendation

**Receive the report Regional Pest Management Committee - Terms of Reference (R6204) and its attachment (A1582854);**

**Consider whether to amend the Terms of Reference for the Regional Pest Management Committee, and if so**

**Approve the amendments to the Terms of Reference to the Regional Pest Management Committee as attached (A1582854), which will not have effect until Tasman District Council passes a similar resolution.**

## REPORTS FROM COMMITTEES

### **14. Hearings Panel - 27 June 2016 125 - 132**

Document number A1571257

Recommendation

***THAT the minutes of a meeting of the Hearings Panel, held on 27 June 2016, be received.***

### **15. Regional Pest Management Committee - 29 June 2016 133 - 137**

Document number A1577144

Recommendation

***THAT the unconfirmed minutes of a meeting of the Regional Pest Management Committee, held on 29 June 2016, be received.***

### **16. Hearings Panel - Other - 7 July 2016 138 - 139**

Document number A1580588

Recommendation

***THAT the minutes of a meeting of the Hearings Panel – Other, held on 7 July 2016, be received.***

### **17. Nelson Regional Sewerage Business Unit - 11 March 2016 140 - 143**

Document number M1761

Recommendation

***THAT the minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 11 March 2016, be received.***

**18. Chief Executive Employment Committee - 20 June 2016** **144 - 147**

Document number M1944

Recommendation

***THAT the unconfirmed minutes of a meeting of the Chief Executive Employment Committee, held on 20 June 2016, be received.***

**19. Works and Infrastructure Committee - 23 June 2016** **148 - 152**

Document number M1952

Recommendation

***THAT the unconfirmed minutes of a meeting of the Works and Infrastructure Committee, held on 23 June 2016, be received.***

**20. Planning and Regulatory Committee - 30 June 2016** **153 - 158**

Document number M1966

Recommendation

***THAT the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 30 June 2016, be received.***

**21. Regional Transport Committee - 4 July 2016** **159 - 163**

Document number M1974

Recommendation

***THAT the unconfirmed minutes of a meeting of the Regional Transport Committee, held on 4 July 2016, be received.***

**22. Community Services Committee - 7 July 2016 164 - 171**

Document number M1992

Recommendation

**THAT the unconfirmed minutes of a meeting of the Community Services Committee, held on 7 July 2016, be received.**

**22.1 Bishopdale Easement for Purposes of Electricity Supply**

Recommendation to Council

**Grants the easement in gross, in favour of Network Tasman Limited, shown as area "A" and "B" on Title Plan LT 499221;**

**That the easement be consented to under section 48(1) (d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation;**

**Meets all legal costs associated with the easement.**

**22.2 Management of Waahi Taakaro Golf Course**

Recommendation to Council

**THAT the Memorandum of Understanding between Council and the Waahi Taakaro Golf Club (A1487496) be approved in principle for signing, subject to confirmation of the fee and concession structure and completion of consultation with club and non-club members in regards to the proposed fee and concession structure.**

**23. Governance Committee - 14 July 2016 172 - 180**

Document number M1999

Recommendation

**THAT the unconfirmed minutes of a meeting of the Governance Committee, held on 14 July 2016, be received.**



- 23.1 Internal Audit Plan - 2016/17  
*Item from Audit, Risk and Finance Subcommittee meeting - 23/06/2016*

Recommendation to Council

**THAT the Internal Audit Plan 2016/17 (A1562649) be approved;**

**AND THAT it be noted there will be unbudgeted expenditure required, which will be reported for approval to the Audit, Risk and Finance Subcommittee through the Corporate Report once estimates have been confirmed.**

- 23.2 Procurement Policy  
*Item from Audit, Risk and Finance Subcommittee meeting - 23/06/2016*

Recommendation to Council

**THAT the revised Procurement Policy (A1540508) be adopted.**

- 23.3 Capital Projects Carry Forwards 2015/16  
*Item from Audit, Risk and Finance Subcommittee meeting - 23/06/2016*

Recommendation to Council

**THAT Council approves continuing work on 2015/16 capital projects within the 2015/16 approved budgets, noting a final report on carry forwards will come to the Governance Committee's meeting on 25 August 2016.**

- 23.4 Operating Expenditure Carry Forwards 2015/16  
*Item from Audit, Risk and Finance Subcommittee meeting - 23/06/2016*

Recommendation to Council

**THAT Council approves continuing work on 2015/16 operating projects within the 2015/16 approved budgets, noting a final report on carry forwards will come to the Governance Committee's meeting on 25 August 2016.**

- 23.5 Haven Precinct Project Progress Report  
*Item from Commercial Subcommittee meeting - 23/06/2016*

Recommendation to Council

**Approve the visions and goals detailed in report R6077 for the concept design;**

**Approve using a traditional procurement process to appoint a lead consultant, to produce the concept design plans based on the visions and goals advised;**

**Approve the preliminary project timeline included in report R6077;**

**Approve the Haven Precinct Strategic Business Case (A1550230).**

Note: A copy of the Haven Precinct Strategic Business Case is available on the Google Drive for Councillors, and a hard copy is available on request to an Administration Adviser.

## **PUBLIC EXCLUDED BUSINESS**

### **24. 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:***

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	<b>Council Meeting - Public Excluded Minutes - 16 June 2016</b>	Section 48(1)(a) The public conduct of this matter would be	The withholding of the information is necessary: <ul style="list-style-type: none"><li>• Section 7(2)(a) To protect the privacy</li></ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		likely to result in disclosure of information for which good reason exists under section 7.	<p>of natural persons, including that of a deceased person.</p> <ul style="list-style-type: none"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>
<b>2</b>	<b>Extraordinary Council Meeting - Public Excluded Minutes - 30 June 2016</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(g) To maintain legal professional privilege.</li> </ul>
<b>3</b>	<b>Public Excluded Status Report - Council - 28 July 2016</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>4</b>	<b>Strategic Property Negotiations - Stoke</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
5	<b>Nelson Events Fund Application Update</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(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</li> </ul>
6	<b>Request for Leave of Absence</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>
7	<b>Chief Executive Employment Committee Meeting - Public Excluded Minutes - 20 June 2016</b>  These minutes contain recommendations to Council regarding: <ul style="list-style-type: none"> <li>End of year performance review</li> <li>Final draft KPIs</li> </ul>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li> </ul>
8	<b>Community Services Committee Meeting - Public Excluded Minutes - 7 July 2016</b>  These minutes	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"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<p>contain a recommendation to Council regarding:</p> <ul style="list-style-type: none"> <li>Community Leases – Bowls Tahunanui</li> </ul>	under section 7.	commercial and industrial negotiations).
<b>9</b>	<p><b>Governance Committee Meeting - Public Excluded Minutes - 14 July 2016</b></p> <p>These minutes contain recommendations to Council regarding:</p> <ul style="list-style-type: none"> <li>Nelson Airport Ltd and Port Nelson Ltd Director Reappointments</li> <li>Nelmac Director Reappointments</li> <li>Nelmac Director Remuneration</li> <li>Detailed Property Assessment: Wakapuaka</li> <li>Detailed Property Assessment: Industrial land in Stoke</li> <li>Property Matters – approaches received on properties to purchase or sell, and leasing matters relating to Civic House</li> </ul>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>

## **25. 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 Mamata Dahal and Sam McIlroy will be in attendance at this meeting.**

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## Minutes of a meeting of the Nelson City Council

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

**On Thursday 16 June 2016, commencing at 9.05am**

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Present: Her Worship the Mayor R Reese (Chairperson), 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), Manager Communications (P Shattock), Manager Administration (P Langley), Administration Adviser (S Burgess), and Nelson Youth Councillor (B Rumsey)

Apology: Councillor L Acland

### Opening Prayer

Councillor Davy gave the opening prayer.

#### 1. Apologies

Resolved CL/2016/152

***THAT an apology be received and accepted from  
Councillor Acland.***

Her Worship the Mayor/Copeland

Carried

#### 2. Confirmation of Order of Business

Her Worship the Mayor advised the public Governance Committee minutes for 26 May 2016 did not include the resolutions made in public excluded. She said that as the only business transacted in public excluded was to confirm the minutes and receive the Commercial Subcommittee minutes, this business should have been recorded in the public minutes as no reason for withholding that information from the public existed.

Her Worship the Mayor advised the reason for moving into public excluded for the Akersten Street Hardstand and Travel Lift report would be corrected to Section 7(2)(i): To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

### **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 Kerry Neal**

Mr Neal raised concerns about not being able to contact Council's external appointees, and suggested that the involvement of non-elected representatives should be limited to working party level. He also suggested that Council's Code of Conduct restricted councillors from expressing views, and that councillors should not put the Council establishment before the community.

Mr Neal asked for an apology for comments made relating to him during the Governance Committee meeting on 21 April 2016. He also asked for an apology to the community for being denied access to the Victory Room at the Trafalgar Centre without appropriate notice.

#### **4.2 Matthew Bouterey - Urban Oyster Bar and Eatery**

Mr Bouterey said the Urban Oyster Bar and Eatery, in conjunction with the Sprig and Fern, and La Gourmandise, would like to install outdoor dining in front of their premises. He said the outdoor dining would make that end of Hardy Street more vibrant and attractive, and offer something new to the community.

#### **4.3 Iain Sheves, General Manager Property - Wakatu Incorporation**

Mr Sheves, from Wakatu Incorporation, gave a PowerPoint presentation (A1564972) about the Ocean Lodge Special Housing Area Amendment, noting that the designs and plans were only indicative.

Mr Sheves answered questions regarding the ownership of land and the proposed use for retail, hospitality and accommodation. He summarised the request for five storeys including carparking, as opposed to the four storeys currently gazetted for the site, and noted the development would still be under the 20 metre height allowance. Mr Sheves added the additional storey would make the development more financially viable.

In response to questions, Mr Sheves advised the development would include a range of competitively priced smaller units, but would not specify ownership type or use. He said the development would aim to retain at least half of the current trees on site.



#### 4.4 Mark Sherlaw

Mr Sherlaw provided detail regarding a proposed comprehensive housing development at 42 Domett Street, showing an image of the site (A1564650) and providing a handout (A1564659).

#### 4.5 Nelson Netball Centre

Julie Baxendine and Chelsea Routhan provided and read from a handout (A1565341) regarding lighting at the Trafalgar Centre and its impact on costs for netball games.

Attendance: Councillor Fulton left the meeting at from 9.56am to 10.00am.

In response to a question, Ms Baxendine advised she could not be more specific about a contribution to the Trafalgar Centre until capital costs were known.

##### **Attachments**

- 1 A1564972 - Iain Sheves Wakatu Incorporation Ocean Lodge Special Housing Area Amendment PowerPoint
- 2 A1564650 - Mark Sherlaw Housing Development 42 Domett Street Aerial View
- 3 A1564659 - Mark Sherlaw Housing Development 42 Domett Street Handout
- 4 A1565341 - Nelson Netball Centre Handout

### **5. Confirmation of Minutes**

#### 5.1 2 June 2016

Document number M1916, agenda pages 18 - 41 refer.

Resolved CL/2016/154

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

Davy/McGurk

Carried

#### 5.2 5 May 2016

Document number M1869, agenda pages 42 - 59 refer.

Resolved CL/2016/155

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

Copeland/Barker

Carried

## 6. Status Report - Council - 16 June 2016

Document number R6041, agenda pages 60 - 72 refer.

The Chief Executive, Clare Hadley, advised of a correction to the action item for the Brook Recreation Reserve Management Plan, in that it referred to a report for the 16 June meeting when it should have been 28 July.

Officers responded to questions regarding cycling workshops, the Brook Recreation Reserve Management Plan, special housing areas, insurance, and the presentation to the District Health Board regarding fluoride.

Attendance: Councillor Copeland left the meeting from 10.10am to 10.13am.

Several elected members provided updates regarding the Saxton Special Housing Area, the draft Marina Strategy, and a travel demand workshop.

Capital Projects Contractor, Richard Kirby, and Manager Capital Projects, Shane Davies, provided an update regarding investigations into the capacity and maintenance of the Trafalgar Centre roof. In response to questions, Mr Kirby explained the context around roof loadings and earthquake risk, and advised that further information would be reported at a future Council meeting.

Resolved CL/2016/156

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

Barker/Noonan

Carried

Attendance: The meeting adjourned for morning tea from 10.40am to 10.58am.

## 7. Mayor's Report

Document number R5975, agenda pages 73 - 82 refer.

Manager Communications, Paul Shattock, provided an update on the Eelco Boswijk Awards to take place in the coming months. He said the awards would be linked to Council's Nelson 2060 strategy.

Her Worship the Mayor provided a handout on child poverty in New Zealand (A1565482). She asked councillors to keep this matter in mind when making decisions for the future of the community.

Her Worship the Mayor spoke about central government funding for social services, and highlighted changes to emergency housing. She suggested that the matter of emergency housing be the topic of a future report to the Community Services Committee. There was some concern raised that a strategy would be required if Council was to become involved in the social housing area.

In response to questions about funds from the sale of land such as Bett Carpark being used for social housing, Her Worship the Mayor spoke about her desire for Council to leverage opportunities in this area.

Attendance: Councillor Lawrey left the meeting from 11.31am to 11.33am.

Resolved CL/2016/157

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

Her Worship the Mayor/McGurk

Carried

**Attachments**

- 1 A1565482 - Tracking Progress on Reducing Child Poverty in NZ

Attendance: Councillor Fulton left the meeting from 11.43am to 11.45am.

Elected members discussed the Council's Code of Conduct and whether a review of the wording under clauses 5.10 and 5.11 was required. A correction was noted in that the dates referred to in the report recommendation should be 2014 instead of 2016.

Her Worship the Mayor, seconded by Councillor Fulton, moved a motion:

*AND THAT in light of enquiries from Dr Catherine Strong, Council officers review the Elected Members Code of Conduct as adopted on 20 November 2014 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;*

Attendance: Councillor Copeland left the meeting from 11.55am to 11.56am.

Several councillors indicated they had no issue with a review of the Code of Conduct. Some raised suggestions of additional aspects which they wanted to be reviewed.

Councillor Lawrey, seconded by Council Davy, proposed an amendment to the motion:

*AND THAT in light of enquiries from Dr Catherine Strong, the original Code of Conduct Working Party, with Councillor Skinner as alternate for Councillor Acland (if required), review the Elected Members Code of Conduct as adopted on 20 November 2014 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;*

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

Resolved CL/2016/158

**AND THAT in light of enquiries from Dr Catherine Strong, the original Code of Conduct Working Party, with Councillor Skinner as alternate for Councillor Acland (if required), review the Elected Members Code of Conduct as adopted on 20 November 2014 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;**

Her Worship the Mayor/Fulton

Carried

Attendance: Councillor Lawrey left the meeting at 12.08pm.

Councillor Davy, seconded by Councillor Ward, moved the recommendation in the report relating to the Local Government Excellence Programme.

In response to a question, the Chief Executive, Clare Hadley, advise the approximate costs of participation in the Programme.

Attendance: Councillor Lawrey returned to the meeting at 12.10pm.

It was noted the Programme required considerable collaboration and raising of professional standards.

Resolved CL/2016/159

**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);**

Davy/Ward

Carried

Councillor Davy, seconded by Councillor Matheson, moved a motion:

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

Her Worship the Mayor tabled the poll question to be considered (A1565257). She advised she had spoken with the Mayor of Tasman District Council (TDC), who said TDC would support constructive steps towards addressing congestion along the region's arterial routes, but that there was insufficient information to inform a poll.

The Chief Executive, Clare Hadley, provided supporting information relating to the poll recommendation in line with the requirements of Part 6 of the Local Government Act 2002, the notes of which were subsequently tabled (A1569258). She highlighted that the subject matter was significant, but the decision to hold a poll was of lesser significance.

Attendance: Councillor Ward left the meeting at 12.22pm.

In response to questions regarding what material would be distributed with the poll, Mrs Hadley advised the Electoral Officer would prepare neutral information and councillors were not able to play a part in determining what information went with the poll.

Attendance: The meeting adjourned for lunch from 12.31pm to 1.04pm.

There were mixed views expressed regarding the usefulness to Council and the community of carrying out a poll on the Nelson Southern Link. It was suggested that Council's role in the project had not yet been defined so it was not the appropriate time to gather community feedback.

Attendance: Councillor Matheson left the meeting from 1.12pm to 1.14pm.

Mrs Hadley explained that the New Zealand Transport Agency had commissioned a statistically robust telephone survey of Nelson.

Concern was raised that previous community-led surveys on the issue may have been misleading. It was emphasised that the community deserved their right to have a say on the matter.

Several councillors felt that a poll would polarise the community, it seemed there was little awareness of alternatives, and the poll could dominate the upcoming election.

The motion was put and a division was called.

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Aye
Councillor Fulton	Aye
Councillor Lawrey	No
Councillor Matheson	Aye
Councillor McGurk	Aye
Councillor Noonan	Aye
Councillor Rainey	No
Councillor Skinner	Aye
Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was passed, 10-2.

Resolved CL/2016/160

***AND THAT Council does not proceed with a poll at the Local Body Elections.***

Davy/Matheson

Carried

**Attachments**

- 1 A1565257 - Mayor's Report - Poll question for Southern Link
- 2 A1569258 - Mayor's Report - Assessment of Poll Information under Part 6 of LGA

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

Document number R6074, agenda pages 83 - 85 refer.

Councillor Rainey advised that the notice of motion would be withdrawn from the agenda.

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

Document number R6069, agenda pages 86 - 87 refer.

Senior Asset Engineer – Transport and Roading, Rhys Palmer, presented the report and displayed a related map (A1520124).

Resolved CL/2016/161

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

Davy/Barker

Carried

**Attachments**

- 1 A1520124 - Toi Toi Grove Development Map

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

*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.*

Concern was raised regarding the high cost of Council's contribution towards the project.

The Chief Executive, Mrs Hadley, provided background information on the project and emphasised the advantages to Nelson City in the areas of connectivity and resilience.

There was general support for including the project in the 2017/18 consultation process to obtain community feedback.

Resolved CL/2016/162

***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.***

Fulton/McGurk

Carried

Councillor Noonan requested her vote against the motion be recorded.

## **10. Special Housing Areas - Supplementary Recommendations**

Document number R6066, agenda pages 88 - 109 refer.

Development Projects Planner, Lisa Gibellini, and Group Manager Strategy and Environment, Clare Barton, presented the report.

In response to questions, the Chief Executive, Clare Hadley, confirmed that the Tahunanui Drive Special Housing Area was to be considered at a future Council meeting as officers had received new information.

Committee members asked questions relating to the content of the future Council meeting, the Ocean Lodge amendment, liability for Council, timeframes for special housing area applications, and potential use restrictions to be included in deeds with developers.

Attendance: The meeting adjourned from 2.13pm to 2.15pm. Councillor Davy left the meeting at 2.23pm.

Her Worship the Mayor, seconded by Councillor Fulton, moved the recommendation in the officer report.

Attendance: The meeting adjourned from 2.32pm to 2.33pm.

Resolved CL/2016/163

***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).**

Her Worship the Mayor/Fulton

Carried

## **11. Crematorium Delivery Review - Supplementary Report**

Document number R5737, agenda pages 110 - 139 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report and advised that clause 11.6 of the report was to be removed.

It was suggested that information on private cremations should be available at additional locations to the Council website.

Resolved CL/2016/164

**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.**

Davy/Matheson

Carried

Attendance: Councillor Rainey left the meeting from 2.37pm to 2.40pm.

## **12. Trafalgar Centre - Lift and Lighting Business Case Update**

Document number R5935, agenda pages 140 - 144 refer.

Attendance: The meeting adjourned from 2.45pm to 2.46pm, during which time Councillor Fulton left the meeting.

Attendance: Councillor Rainey declared an interest and moved to the public gallery, and Councillor Fulton returned to the meeting, at 2.47pm.

The Chief Executive, Clare Hadley, presented the report.

Resolved CL/2016/165

**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.**

Her Worship the Mayor/Davy

Carried

Attendance: Councillor Rainey returned to the meeting at 2.57pm.

### 13. Revoking the Moratorium on New Outdoor Dining Spaces

Document number R5921, agenda pages 145 - 160 refer.

Asset Engineer – Transport, Chris Pawson, and Community Partnerships Adviser, Gabrielle Thorpe, presented the report. They advised of two updates to the report in that under clause 5.4, an additional quote of \$1500 had been received to remove outdoor dining sites, and clause 11.1 the words 'prepare Council reports' were to be removed.

Attendance: Councillor Barker left the meeting at 3.01pm.

Councillor Lawrey, seconded by Councillor Copeland, moved a motion:

*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;*

Attendance: Councillor Copeland and Councillor Ward left the meeting from 3.04pm to 3.06pm.

There was discussion regarding the loss of carparks in a concentrated area.

Resolved CL/2016/166

***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;***

Lawrey/Copeland

Carried

It was suggested that the outdoor dining spaces be smokefree.

Councillor Noonan, seconded by Councillor Skinner, moved a motion:

*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 to be reviewed by mid-2019;*

*AND THAT approval of new applications for outdoor dining on public car parking spaces be delegated to the Hearings Panel – Other;*

*AND THAT updated delegations for the Hearings Panel – Other be presented to a future Council meeting for approval.*

The Chief Executive, Clare Hadley, advised that additional administration and public advertisement would be required if applications were considered by the Hearings Panel – Other.

Attendance: The meeting adjourned from 3.18pm to 3.22pm.

Resolved CL/2016/167

***THAT, in accordance with Standing Order 3.3.7, the meeting continue beyond six hours.***

Her Worship the Mayor/Noonan

Carried

There was further discussion on whether the licensees of outdoor dining spaces could be encouraged to make the areas smokefree.

Councillors agreed on several amendments to the motion, all with the approval of the mover and seconder.

*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 to be reviewed by mid-2019;*

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

*AND THAT the outcome of the exercise of delegated authority be reported to the Works and Infrastructure Committee;*

*AND THAT licensees of outdoor dining spaces be encouraged to make these spaces smokefree.*

It was noted that several councillors wished the policy on Licenses for Street Stalls and Outdoor Dining to be reviewed as soon as possible. It was agreed that the Chair and Deputy Chair of the Works and Infrastructure Committee would consider this request.

Concern was raised that the number of outdoor dining spaces was to be capped and had an extended review date.

The motion was taken clause by clause. The first clause was put and lost. Councillor Noonan wished her vote for the clause to be recorded. The remaining clauses were put and carried.

Resolved CL/2016/168

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

***AND THAT the outcome of the exercise of delegated authority be reported to the Works and Infrastructure Committee;***

***AND THAT licensees of outdoor dining spaces be encouraged to make these spaces smokefree.***

Noonan/Skinner

Carried

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

Document number R5799, agenda pages 161 - 165 refer.

Manager Consents and Compliance, Mandy Bishop, and Group Manager Strategy and Environment, Clare Barton, presented the report.

Her Worship the Mayor, seconded by Councillor Ward, moved the recommendation in the officer report.

The motion was put and a division was called

Councillor Acland	Apology
Councillor Barker	Apology
Councillor Copeland	Aye
Councillor Davy	Aye
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	Aye
Councillor McGurk	Aye
Councillor Noonan	Aye
Councillor Rainey	No
Councillor Skinner	No
Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was carried, 9-2.

Resolved CL/2016/169

***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.***

Her Worship the Mayor/Ward

Carried

## **15. Preparation for the 2016 Local Elections**

Document number R5383, agenda pages 166 - 168 refer.

Manager Administration, Penny Langley, presented the report.

Resolved CL/2016/170

***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.***

Ward/Lawrey

Carried

## **16. Administrative Matters**

Document number R5836, agenda pages 169 - 193 refer.

Manager Administration, Penny Langley, presented the report.

Resolved CL/2016/171

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

Her Worship the Mayor/Matheson

Carried

Councillor Ward, seconded by Councillor McGurk, moved a motion:

***AND THAT Council approves 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 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.***

Mixed views were expressed regarding whether additional funding for Councillors Lawrey and Fulton to attend the Local Government New Zealand Conference was justified as extenuating circumstances under the criteria set for applications.

The motion was put and a division was called.

Councillor Acland	Apology
Councillor Barker	Apology
Councillor Copeland	Aye
Councillor Davy	No
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	No
Councillor McGurk	Aye
Councillor Noonan	No
Councillor Rainey	Aye
Councillor Skinner	No
Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was carried, 7-4.

Resolved CL/2016/172

***AND THAT Council approves 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 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.***

Ward/McGurk

Carried

## **17. Local Government New Zealand Annual General Meeting**

Document number R5965, agenda pages 194 - 200 refer.

Manager Administration, Penny Langley, presented the report.

Attendance: Councillor Davy left the meeting from 3.54pm to 3.56pm.

Resolved CL/2016/173

***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 Skinner***

***Chief Executive***

***Observers: Councillor Fulton***

***Councillor Lawrey***

Matheson/Noonan

Carried

## **REPORTS FROM COMMITTEES**

### **18. Hearings Panel - 11 April 2016**

Document number A1531240, agenda pages 201 - 205 refer.

It was noted that the minutes were for the Hearings Panel, not the Hearings Panel – Other as shown on the agenda.

Resolved CL/2016/174

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

Davy/McGurk

Carried

## 19. Hearings Panel - Other - 5 May 2016

Document number A1545372, agenda pages 206 - 207 refer.

Resolved CL/2016/175

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

McGurk/Matheson

Carried

## 20. Works and Infrastructure Committee - 10 May 2016

Document number M1876, agenda pages 208 - 215 refer.

Resolved CL/2016/176

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

Davy/Lawrey

Carried

### 20.1 Capital Project Budget Status Report

Resolved CL/2016/177

***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

### 20.2 Future of Green Waste

Resolved CL/2016/178

***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.**

Davy/Lawrey

Carried

**21. Planning and Regulatory Committee - 19 May 2016**

Document number M1892, Hearing of Submissions, agenda pages 216 - 217 refer.

Resolved CL/2016/179

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

McGurk/Fulton

Carried

**22. Planning and Regulatory Committee - 19 May 2016**

Document number M1893, agenda pages 218 - 221 refer.

Resolved CL/2016/180

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

McGurk/Fulton

Carried

**23. Chief Executive Employment Committee - 23 May 2016**

Document number M1899, agenda pages 222 - 224 refer.

Resolved CL/2016/181

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

Her Worship the Mayor/Matheson

Carried

## **24. Community Services Committee - 26 May 2016**

Document number M1907, agenda pages 225 - 232 refer.

Resolved CL/2016/182

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

Rainey/Noonan

Carried

### **24.1 Funding Reallocation for Youth Activities in 2016/17**

Resolved CL/2016/183

***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.***

Rainey/Noonan

Carried

## **25. Governance Committee - 26 May 2016**

Document number M1911, agenda pages 233 - 240 refer.

Corrected minutes of the Governance Committee 26 May 2016 were tabled (M1911). These included the resolutions made in public excluded,

as well as a correction to the Civic Assurance recommendation to Council from that shown on the agenda.

Resolved CL/2016/184

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

Davy/Noonan

Carried

**Attachments**

1 M1911 - Governance Committee Minutes 26May2016

25.1 Uniquely Nelson - Memorandum of Understanding

Resolved CL/2016/185

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

Davy/McGurk

Carried

25.2 Civic Assurance Directors' Remuneration and Reappointments

Resolved CL/2016/186

***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%.***

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

Davy/Skinner

Carried

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

Resolved CL/2016/187

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

McGurk/Her Worship the Mayor

Carried

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

Resolved CL/2016/188

**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.**

McGurk/Her Worship the Mayor

Carried

## **26. Planning and Regulatory Committee - 2 June 2016**

Document number M1914, agenda pages 241 - 243 refer.

Resolved CL/2016/189

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

McGurk/Fulton

Carried

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

Resolved CL/2016/190

**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/Fulton

Carried

## 27. Exclusion of the Public

It was noted that item 8, Extraordinary Governance Committee Meeting - Public Excluded Minutes for 26 May 2016, had been discussed in public. It was also noted that as per the Order of Business, the reason for the Akersten Street Hardstand and Travel Lift report would be corrected to Section 7(2)(i): To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Resolved CL/2016/191

***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	<b>Council Meeting - Public Excluded Minutes - 2 June 2016</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(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.</li> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage,</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			negotiations (including commercial and industrial negotiations).
<b>2</b>	<b>Confirmation of Minutes - 5 May 2016</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>3</b>	<b>Status Report - Council - 16 June 2016</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>4</b>	<b>Winding up of Nelson Regional Economic Development Agency and Tourism Nelson Tasman Ltd</b>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
5	<b>Akersten Street Hardstand and Travel Lift</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
6	<b>Chief Executive Employment Committee Meeting - Public Excluded Minutes - 23 May 2016</b>  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"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li> </ul>
7	<b>Community Services Committee Meeting - Public Excluded Minutes - 26 May 2016</b>  These minutes contain recommendations to Council regarding <ul style="list-style-type: none"> <li>Stoke Community and Sports Facility – User Agreements</li> <li>Community Lease – Get Moving, Saxton Field</li> <li>Community Lease – Tahunanui Community Centre</li> </ul>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>

The meeting went into public excluded session at 4.07pm and resumed in public session at 4.21pm.

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

Resolved CL/2016/192

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

Her Worship the Mayor/Davy

Carried

There being no further business the meeting ended at 4.22pm.

Confirmed as a correct record of proceedings:

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



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## Minutes of an extraordinary meeting of the Nelson City Council

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

**On Thursday 30 June 2016, commencing at 10.00am**

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**Present:** Her Worship the Mayor R Reese (Chairperson), I Barker, R Copeland, 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), Manager Communications and Acting Manager Libraries and Heritage Facilities (P Shattock), Development Projects Planner (L Gibellini), Senior Asset Engineer – Transport and Roading (R Palmer), Communications Adviser (C Crick), Administration Adviser (E-J Ruthven), External Legal Adviser (K Anderson), and Youth Councillors (F Sawyer and J Stallard)

**Apologies:** Councillors Eric Davy and Luke Acland

### Opening Prayer

Councillor Noonan gave the opening prayer.

#### 1. Apologies

Resolved CL/2016/192

***THAT apologies be received and accepted from  
Councillors Eric Davy and Luke Acland.***

Her Worship the Mayor/Fulton

Carried

#### 2. Confirmation of Order of Business

Her Worship the Mayor advised that a late item regarding an additional Special Housing Area application had been tabled, and said a resolution needed to be passed for the item to be considered.

## 2.1 Special Housing Areas - Late Item

Resolved CL/2016/193

***THAT the item regarding Special Housing Areas - Late Item 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.***

Copeland/Fulton

Carried

## 2.2 Public Forum

Her Worship the Mayor noted that there were eight additional public forum presentations to those listed on the agenda. She said that the order of speakers would be changed, with all Special Housing Area (SHA) applicants or their representatives to speak first.

## 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 Jose Gay-Cano, Brian Riley and David Wallace - Arthouse Architects

Jose Gay-Cano, along with Brian Riley and David Wallace of Arthouse Architects spoke about the proposed changes to the Barcelona Lofts SHA, at 237 Haven Road. They gave a Power Point presentation (A1572846).

They explained that, in order to keep the apartments on levels 1 and 2 affordable, an extra storey was needed to generate additional return from the upper level apartments. They displayed the proposed façade of the building, noting that the proposed top storey would be set back.

In response to a question, they explained that the development focused on 1-2 bedroom apartments.

**Attachments**

- 1 A1572846 - Power Point Presentation - Jose Gay-Cano, Brian Riley and David Wallace - Barcelona Lofts SHA, 237 Haven Road

## 4.2 Natalia Harrington - Hybrid Homes and Living Ltd

Natalia Harrington and Jamie Harrington, of Hybrid Homes and Living Ltd, and Andrew Stanger, of Jones and Stanger, spoke about the proposed SHA at 35 Farleigh Street. They gave a Power Point presentation (A1573144) and tabled a document (A1574486).

They explained why they thought that the proposed development met the Housing Accord criteria to become a SHA, and noted their intention to provide stormwater infrastructure to Q100 levels. They highlighted their focus on sustainable, green development.

In response to questions, they explained their intention to utilise a greywater detention system onsite, as well as a stormwater detention pond to minimise the development's impact on the current downstream infrastructure. They said they were confident that geotechnical issues would not prevent the creation of the sections.

In response to further questions, they said they had spoken with immediate neighbours and were happy to engage with the wider Farleigh Street community.

#### **Attachments**

- 1 A1573144 - Power Point Presentation - Natalia Harrington, Jamie Harrington and Andrew Stanger - Farleigh Street proposed SHA
- 2 A1574486 - Tabled Document - Natalia Harrington, Jamie Harrington and Andrew Stanger - Farleigh Street proposed SHA

#### **4.3 Tony Alley from Davis Ogilvie and Bernard Downey - Saltwater Creek Investments Ltd**

Tony Alley, from Davis Ogilvie, and Bernard Downey spoke about the proposed SHA at 81-83 Haven Road, and tabled a document (A1573065).

They explained the proposed development, noting that it would provide a mix of one and two bedroom units.

In response to questions, they said they had spoken with the immediate neighbour, who had not noted any objections. They said the building would orientate north, rather than north-east, to reduce any impact on the neighbour, and noted it would use sustainable practices such as solar energy and rainwater collection. They added their intent to make the building aesthetically pleasing, given its location at the entrance to the city.

In response to further questions, they explained that the development would be marketed as residential living, and would appeal to active retirees and young professionals. They added that they were aware of historical Māori sites in the immediate area.

#### **Attachments**

- 1 A1573065 - Tabled Document - Tony Alley and Bernard Downey - 81-83 Haven Road proposed SHA

#### 4.4 Jeremy Butler and Granville Dunstan - Landmark Lile Ltd

Jeremy Butler and Granville Dunstan, from Landmark Lile Ltd, spoke about the proposed SHA at 371 Wakefield Quay, and gave a Power Point presentation (A1573101).

They explained the proposed development of three townhouses, and noted their intent to push the building frontage back as much as possible, to limit the effect of the development on neighbours and provide a terracing effect in line with the Wakefield Quay precinct, but noted that in doing, the development would breach daylight angle rules at the rear of the development, with minimal effect on neighbours. They explained discussions they had had with immediate neighbours to date, and tabled a letter from the neighbour behind the development, indicating their support (A1578470).

Attendance: Councillor Copeland left the meeting from 10.53am to 10.58am.

In response to questions, they explained their constraint in providing three dwellings on the site, due to the need to provide carparks. They said that they were happy to consider design solutions to mitigate the effect of large concrete slabs at each end of the development.

Attendance: Councillors Matheson and Rainey left the meeting at 11.03am and returned at 11.05am.

In response to further questions, they said that building back into the site would effectively improve the stability of the hill.

Attendance: Councillor Ward left the meeting at 11.08am.

#### **Attachments**

- 1 A1573101 - Power Point Presentation - Granville Dunstan and Jeremy Butler - 371 Wakefield Quay proposed SHA
- 2 A1578470 - Tabled Document - Granville Dunstan and Jeremy Butler - 371 Wakefield Quay proposed SHA

#### 4.5 Aaron Smail - Summerset Group Holdings Ltd

Aaron Smail, from Summerset Group Holdings Ltd, spoke about the proposed SHA at Saxton (Option 2), and gave a Power Point presentation (A1572965).

He explained Summerset Group's intention to build a retirement village consisting of 285 villa/apartments and a 50-bed rest-home. He said that the development was unlikely to put any additional traffic loading onto the three roundabouts, and suggested that a link road through to Ngati Rārua Street was unnecessary, and would result in the loss of dwellings from the village.

Attendance: Councillor Ward returned to the meeting at 11.14am.

In response to questions, he said that, anecdotally, most retirement village residents tended to move from within the region. He added that the village only became a gated community at night.

#### **Attachments**

- 1 A1572965 - Power Point Presentation - Aaron Smail - proposed Saxton SHA

#### **4.6 Aaron Walton - Aaron Walton Architecture and Design Ltd, and Rachel Dodd - Arthouse Architects Ltd**

Aaron Walton from Aaron Walton Architecture and Design Ltd, and Rachel Dodd from Arthouse Architects Ltd, spoke about the proposed SHAs at 1 & 5 Tahunanui Drive and 19-21 Beach Road.

Ms Dodd gave a Power Point presentation with regards to the proposed SHA at 1 & 5 Tahunanui Drive (A1572874). She explained the proposed development for the site, and measures that had been taken to increase affordability.

In response to questions, she said the proposed height was approximately 13 metres, but could not be confirmed until detailed design was undertaken. She said a maximum height within the qualifying development criteria of at least 14m would be required. She said the building would be set back from the boundary line, and that plans allowed for a landscaping strip.

Attendance: The meeting adjourned from 11.36am to 11.41am. Councillor Skinner left the meeting during the adjournment and returned at 11.42am.

Mr Walton gave a Power Point presentation with regards to the proposed SHA at 19 – 21 Beach Road (A1572958). He outlined the proposed development for the site, including the intention to retain the current set-back from the road, and proposed landscaping of the area.

In response to questions, he confirmed the proposed height of the building to be 15 metres, with approval sought for a maximum of 16 metres. He confirmed that the height of the water table prevented underground car-parking as an option.

In response to further questions, he confirmed that neighbouring properties had not yet been approached regarding the proposed development, but that as neighbouring properties were zoned commercial, daylight angle rules would not be applicable.

#### **Attachments**

- 1 A1572874 - Power Point Presentation - Aaron Walter and Rachel Dodd - 1 & 5 Tahunanui Drive proposed SHA
- 2 A1572958 - Power Point presentation - Aaron Walton and Rachel Dodd - 19 & 21 Beach Road proposed SHA

#### 4.7 Judith Ritchie

Judith Ritchie spoke about the proposed SHA at 69 Newman Drive, and tabled a document (A1573045).

She outlined the proposed development, noting that her focus was on affordability and sustainable building design. She explained that her title currently contained a covenant limiting the number of dwellings to one, and tabled a letter from a neighbour consenting to an easement to allow driveway access to her land (A1584785).

In response to a question, she explained she would like Council's assistance with gaining the appropriate approvals from neighbouring property owners to lift the covenant from her land. She confirmed that the NRMP permitted three-four residential dwellings on site, but that the covenant currently restricted this.

##### **Attachments**

- 1 A1573045 - Tabled Document - Judith Ritchie - 69 Newman Drive proposed SHA
- 2 A1584785 - Tabled Document - letter - Judith Ritchie - 69 Newman Drive proposed SHA

#### 4.8 Dolly and Mike Brennan

Dolly and Mike Brennan spoke about the proposed SHA at 42 Domett Street, and gave a Power Point presentation (A1573090).

They explained they were neighbours to 42 Domett Street, and noted their concerns regarding the proposed development, in relation to the historic significance of the area and the proximity to Maitai School. They tabled a statement from Maitai School in relation to the proposed development (A1578126).

They noted that up to four dwellings could be developed on the property under the NRMP, and suggested there was no need to make the area an SHA.

In response to questions, they explained they were not adverse to development on the site, but suggested any development should be within the parameters of the NRMP. They also noted concerns regarding daylight angles in relation to the proposed development.

##### **Attachments**

- 1 A1573090 - Power Point Presentation - Dolly and Mike Brennan - 42 Domett Street proposed SHA
- 2 A1578126 - Tabled Document - Dolly and Mike Brennan - 42 Domett Street proposed SHA

#### 4.9 Steve Cross – Nelson Residents' Association

Steve Cross spoke about the proposed SHA at 1 & 5 Tahunanui Drive.

He explained his concerns that Council was re-considering the proposal, given that a motion regarding the application had previously been lost at the Council meeting of 2 June 2016.

Mr Cross said that the developer had not undertaken any consultation with nearby residents, and suggested that the officer report was biased towards approving SHAs featuring apartment blocks. He noted that the correct height limit in the NRMP for the eastern side of Tahunanui Drive was 8 metres, and added his concerns that the site was of significant historical importance to iwi, and would be archeologically significant.

Mr Cross explained that he had spoken with many people in the community who were against the proposed development, and he tabled a petition against the development (A1576246).

In response to questions, he explained how he initially became aware of the proposed development. He added that he would accept any planned development for the site that was within the NRMP parameters.

#### **Attachments**

- 1 A1576246 - Tabled Document - Steve Cross - 1 & 5 Tahunanui Drive proposed SHA

Attendance: Councillor Lawrey left the meeting at 12.34pm.

#### **4.10 Chris Lewis**

Chris Lewis spoke about Special Housing Areas (42 Domett Street). He gave a Power Point presentation (A1574506) and tabled a document (A1574502).

Attendance: Councillor Lawrey returned to the meeting at 12.36pm.

He explained that he was a neighbour to 42 Domett Street. He noted the flood, earthquake and kink boundary overlays on the property under the NRMP, as well as being the historic location of Charles Heaphy's house. He noted the trees on the property and expressed concern regarding the proposed removal of the non-heritage listed trees on the property.

In response to questions, he suggested that development on the property could be carefully managed through the NRMP process.

#### **Attachments**

- 1 A1574506 - Power Point presentation - Chris Lewis - 42 Domett Street proposed SHA
- 2 A1574502 - Tabled Document - Chris Lewis - 42 Domett Street proposed SHA

Attendance: Councillor Rainey left the meeting at 12.42pm.

#### 4.11 Gary Davis

Attendance: Councillor Copeland left the meeting from 12.47pm to 12.49pm.

Gary Davis spoke about the proposed SHA at 1 and 5 Tahunanui Drive. He said he lived just above the proposed development, and explained his concerns regarding the proposed accessway to the development from Bisley Avenue. He added that The Sands development had proceeded through the resource consent process, and had included engagement between the developer and nearby residents, resulting in a satisfactory conclusion.

In response to questions, Mr Davis said that he was not opposed to development on the site, but would prefer for the developer to engage with nearby residents to ensure that the development fit the area.

Attendance: Councillor Lawrey left the meeting at 12.56pm, and Councillor Rainey returned to the meeting at 12.56pm.

#### 4.12 David James

David James spoke about the proposed SHA at 1 and 5 Tahunanui Drive. He said he lived in The Sands apartment, and explained his concerns in relation to additional traffic accessing the proposed development from Bisley Avenue. He suggested that a commercial development of up to two storeys would be appropriate for the site.

In response to questions, he explained traffic congestion issues, and noted difficulties turning right out of The Sands carpark onto Bisley Avenue.

#### 4.13 Alistair Cotterill

Attendance: Councillor Barker left the meeting from 1.08pm to 1.10pm.

Alistair Cotterill spoke about the proposed SHA at 1 and 5 Tahunanui Drive. He explained that he lived next to the proposed development, and noted that the developer had not yet consulted any neighbouring property owners with regards to the proposed development.

Mr Cotterill explained his concerns regarding the commercial tenancies proposed for the ground floor of the development, and suggested that insufficient parking was provided within the development to support these. He added his concerns that the development would impose on the immediate area, especially when lit up at night. He also noted that there would likely be items of archaeological interest on the site.

Attendance: Councillor Matheson left the meeting from 1.15pm to 1.16pm, and Councillor Lawrey left the meeting from 1.15pm to 1.17pm.

#### 4.14 John Molyneux



John Molyneux spoke about the proposed SHAs at 1 & 5 Tahunanui Drive and 19 – 21 Beach Road. He noted the current parameters provided for development in Tahunanui under the NRMP, and suggested that the proposed SHAs for the Tahunanui area were not aimed at increasing the supply of affordable housing.

Mr Molyneux noted his concerns that high rise developments in Tahunanui would dominate the area, and suggested that such developments were not in keeping with the nature of the area. He suggested that declining to make the areas SHAs would not result in development not occurring on each site, and urged Council to reject the recommendations in respect of the proposed SHAs for Tahunanui Drive and Beach Road.

4.15 Kevin Hunter spoke about Special Housing Areas (1 and 5 Tahunanui Drive)

Kevin Hunter spoke about the proposed SHA at 1 & 5 Tahunanui Drive. He explained that his apartment in The Sands complex looked out over 1 & 5 Tahunanui Drive, and explained the affect the proposed development would have on the views from apartments on the Bisley Avenue side of The Sands development. He added his concerns regarding the effect the proposed development may have on traffic on Bisley Avenue and the Tahunanui Drive intersection.

In response to questions, he said he supported development taking place on the site in the future. He suggested commercial development, or apartments developments at a lower height may be appropriate for the site.

4.16 Trevor Chang spoke about Special Housing Areas (1 and 5 Tahunanui Drive)

Trevor Chang spoke about the proposed SHA at 1 & 5 Tahunanui Drive. He explained that he had lived at the neighbouring property for 60 years. He explained his concern regarding the proposed ingress and egress of the proposed development, given that he already experienced issues with vehicles parking in his property. He added his concerns regarding stormwater entering his property from 1 & 5 Tahunanui Drive, and suggested that appropriate infrastructure be installed prior to development taking place on site.

In response to a question, he outlined his concerns regarding the effect of daylight angles from the proposed development on his property.

Attendance: The meeting adjourned for lunch from 1.46pm to 2.24pm, during which time Councillors Fulton and Rainey left the meeting.

#### 4. Mayor's Report

There was no Mayor's Report.

Attendance: Councillor Fulton returned to the meeting at 2.25pm, and Councillor Rainey returned to the meeting at 2.26pm.

#### 5. Special Housing Areas

Document number R6101, agenda pages 5 - 71 refer.

Group Manager Strategy and Planning, Clare Barton, and Development Projects Planner, Lisa Gibellini, presented the report.

Ms Gibellini explained a correction to the report, noting that, under the Nelson Resource Management Plan (NRMP), the permitted height for the site at 1 and 5 Tahunanui Drive was 8 metres, rather than 10 metres as specified in the report.

Ms Barton introduced external legal adviser, Kerry Anderson, who provided a summary of the criteria for Special Housing Areas (SHAs) under the Housing Accord and Special Housing Areas Act 2013 (HASHA).

She explained that Council was required to abide by the decision-making principles of the Local Government Act 2002 in making each decision to recommend areas as SHAs under HASHA, but that in each case, aside from Bett Carpark, the decision had been assessed as being of low-medium significance. She said that, as a result, there was no requirement for formal community consultation. She added that the current zoning of the majority of sites meant that the community could expect development on those sites to occur.

Attendance: Councillor Matheson left the meeting from 2.32pm to 2.36pm.

In response to a question, Ms Anderson explained that recent case law had confirmed that Council could consider resource consent-related issues in relation to decisions to recommend an SHA, and was also entitled to decline SHA applications on the same basis.

Attendance: The meeting adjourned from 2.37pm to 2.38pm.

In response to a further question, Ms Anderson explained that Council could include special conditions for approved SHA sites. She confirmed that some local authorities around the country, such as Queenstown Lakes District Council, had utilised a legal deed agreed with the applicant in respect of each SHA to specify particular conditions for the development. She added that the SHA designation would remain with the land if sold, unless Council had a subsequent agreement with the applicant that the land would not be on-sold.

Attendance: Councillor Matheson left the meeting from 2.43 pm to 2.46pm.

Her Worship the Mayor advised that the meeting would consider item 7, Trafalgar Centre – Main Building Roof Replacement, and return to item 6, Special Housing Areas, later in the meeting.

## **6. Trafalgar Centre - Main Building Roof Replacement**

Document number R6110, agenda pages 72 - 76 refer.

Attendance: Councillor Rainey left the meeting at 2.50pm.

Capital Projects Contractor, Richard Kirby, presented the report.

Resolved CL/2016/194

**Receive the report Trafalgar Centre - Main Building Roof Replacement (R6110).**

Her Worship the Mayor/Noonan

Carried

In response to questions, Mr Kirby noted details of the proposed roof gauge, and said that a new roof would allow an equivalent weight of items, such as lighting, to be hung as the current roof allowed.

Attendance: Councillor Copeland left the meeting from 2.51pm to 2.53pm.

Resolved CL/2016/195

**Receive the report Trafalgar Centre - Main Building Roof Replacement (R6110);**

**Revoke, in accordance with Standing Order 3.9.18, the following part of the Council resolution CL/2016/078 made on 14 April 2016:**

**AND THAT 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;**

**Approve funding of \$240,000 to replace the roof cladding over the main building on the understanding that \$70,000 is already allocated in the budget and is available.**

Fulton/Copeland

Carried

Attendance: Councillor Rainey returned to the meeting at 2.56pm, and Councillor Matheson left the meeting at 2.57pm.

## **7. Special Housing Areas (continued)**

The meeting returned to consider Special Housing Areas.

In response to questions, Ms Anderson outlined the resource consent process under HASHA and explained the differences from the usual resource consent process. She added that the resource consent process required Council, as consenting authority, to be sure that adequate infrastructure would be provided prior to issuing consent.

Attendance: Councillor Matheson returned to the meeting at 3.01pm.

There was a discussion regarding the use of deeds to specify conditions attached to the approval of SHAs, and an example of a draft deed was tabled (A1575651).

In response to questions, Ms Anderson confirmed that Council could specify conditions to attach to its approval of an SHA through a deed, but noted that concluding a deed would add additional time pressure to the process, given that resource consent applications for SHAs were required to be submitted to Council by 16 September 2016.

She added that, in considering whether to utilise deeds to specify conditions for the SHA applications currently before it, Council should be mindful that it had previously approved SHAs without doing so. In response to a question, she said that utilising deeds for the current applications may give rise to issues regarding consistency.

Her Worship the Mayor advised that the meeting would now consider each of the specific SHA applications in turn.

Attendance: Councillor Skinner left the meeting from 3.25pm to 3.29pm.

#### Attachments

1 A1575651 - Tabled Document - Example of draft Deed

#### 7.1 19 & 21 Beach Road

Her Worship the Mayor reminded councillors that the following motion in relation to 19 & 21 Beach Road had been moved and seconded at the Council meeting of 2 June 2016, before being left to lie on the table:

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

Ms Gibellini displayed a Power Point slide illustrating the current permitted baselines under the Nelson Resource Management Plan (A1584992).

There was a discussion regarding the proposed development should the area be made an SHA. Some concern was expressed that the developer had not yet engaged with neighbouring property owners and occupiers regarding the proposed development, and regarding the proposed height of the development and the shading effect it may have on nearby properties.

A suggestion was made that, should Council proceed with this area as an SHA, that the Urban Design Panel should be involved to ensure good design outcomes for the site. In response to a question, Ms Barton explained that engagement with the Urban Design Panel was not compulsory under the normal resource consent process, but could be included as a condition if the application were approved as an SHA under HASHA.

During discussion it was suggested that, while the qualifying development criteria for this application were similar for that approved for the Ocean Lodge site, the two sites were different in that the Tahunanui community had anticipated development on the Ocean Lodge site for many years, whereas no such development had been anticipated for 19 & 21 Beach Road.

Her Worship the Mayor advised that the motion would temporarily lie on the table, in order for the report to be received, and a procedural motion passed to extend the length of the meeting.

Resolved CL/2016/196

**Receive the report Special Housing Areas (R6101) and its attachments (A1568203, A1570355, A1565848, A1566195, A1567418, A1570343, A1569049, A1570300, A1570087, and A1563031).**

Her Worship the Mayor/Matheson

Carried

Resolved CL/2016/197

**Extend the meeting beyond six hours, pursuant to Standing Order 3.3.7.**

Her Worship the Mayor/Noonan

Carried

Attendance: The meeting adjourned from 4.15pm to 4.27pm.

The meeting returned to consider the application for an SHA at 19 & 21 Beach Road.

Her Worship the Mayor advised that Ms Anderson would provide Council with legal advice in respect of this application, and that the meeting would temporarily move into public excluded session to enable Council to consider this.

Resolved CL/2016/198

**THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Kerry Anderson remain after the public has been excluded, for the Item Special Housing Areas, as she 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 Kerry Anderson possesses relates to legal advice in respect of the potential use of legal deeds in relation to the applications for Special Housing Areas currently before the meeting.***

Copeland/Noonan

Carried

Resolved CL/2016/199

***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:***

Copeland/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)
<b>1</b>	<b>Special Housing Areas</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(g) To maintain legal professional privilege.</li> </ul>

The meeting went into public excluded session at 4.30pm and resumed in public session at 4.51pm.

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

Resolved CL/2016/200

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

Her Worship the Mayor/Noonan

Carried

## 9. Special Housing Areas (continued)

Her Worship the Mayor advised that the meeting would return to consider the Special Housing Application in relation to 19 & 21 Beach Road.

Attendance: Councillor Rainey left the meeting from 4.52 to 4.53pm.

### 9.1 19 & 21 Beach Road (continued)

In response to a question, Ms Gibellini explained how officers ascertained whether there was ongoing demand for housing, when considering SHA applications.

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

*AND THAT Council approve 19 & 21 Beach Road (A1548015) as a potential Special Housing Area, subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application.*

The amendment was put and a division was called:

Councillor Acland	Apology
Councillor Barker	No
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	No
Councillor McGurk	Aye
Councillor Noonan	No
Councillor Rainey	No
Councillor Skinner	No
Councillor Ward	Aye
Her Worship the Mayor	No

The amendment was lost 6-5, with two apologies.

The meeting returned to consider the original motion.

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	No
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	No
Councillor Lawrey	Aye
Councillor Matheson	No
Councillor McGurk	Aye
Councillor Noonan	No
Councillor Rainey	No
Councillor Skinner	No
Councillor Ward	No
Her Worship the Mayor	No

The amendment was lost, 8-3, with two apologies.

#### Attachments

- 1 A1584992 - Power Point Presentation - 19-21 Beach Road

## 9.2 Barcelona Lofts

Councillor Lawrey, seconded by Councillor Noonan, moved the recommendation in the officer report in respect of the amendment to the qualifying development criteria in relation to the Barcelona Lofts SHA.

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Apology
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

The motion was passed 11-0, with two apologies.

Resolved CL/2016/201

**Approve the amendment to the qualifying development criteria for the number of storeys from 4 to 5 storeys for the Barcelona Lofts (237 Haven Road) Special Housing Area (A1568203).**

Lawrey/Noonan

Carried

### 9.3 81 - 83 Haven Road

Ms Gibellini displayed a Power Point slide illustrating the current permitted baselines under the Nelson Resource Management Plan (A1585009). She said that the slope of the site resulted in the permitted baseline allowing a rolling height for the proposed development.

Councillor Matheson, seconded by Councillor Lawrey moved the recommendation in the office report in respect of the SHA application at 81 – 83 Haven Road.

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

*AND THAT Council approve 81 – 83 Haven Road (A1566195) as a potential Special Housing Area, subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application.*

The amendment was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	No
Councillor McGurk	Aye
Councillor Noonan	No
Councillor Rainey	Aye

Councillor Skinner	Aye
Councillor Ward	Aye
Her Worship the Mayor	Aye

The amendment was passed 9-2, with two apologies, and became the substantive motion.

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	No
Councillor McGurk	Aye
Councillor Noonan	No
Councillor Rainey	Aye
Councillor Skinner	Aye
Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was passed 9-2, with two apologies.

Resolved CL/2016/202

***Approve 81 – 83 Haven Road (A1566195) as a potential Special Housing Area subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application.***

Matheson/Lawrey

Carried

#### **Attachments**

- 1 A1585009 - Power Point Presentation - 81-83 Haven Road

Councillor Rainey, seconded by Councillor Copeland, moved a procedural resolution:

***THAT the meeting be adjourned to 7 July 2016 at 11am.***

The motion was put and lost.

Attendance: Councillor Rainey left the meeting at 5.18pm.

9.4 42 Domett Street

Resolved CL/2016/203

***Not Approve 42 Domett Street (A1567418) as a potential Special Housing Area.***

Fulton/Matheson

Carried

9.5 1 & 5 Tahunanui Drive

Councillors discussed the application. It was noted that residential development might be appropriate for the site at a future time, however concern was expressed regarding the height of the proposed development, and that the developer had not yet engaged with neighbouring property owners and occupiers.

Councillor Ward, seconded by Councillor Lawrey moved a motion:

***Not Approve 1 & 5 Tahunanui Drive (A1570343) as a potential Special Housing Area;***

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	Aye
Councillor McGurk	Aye
Councillor Noonan	Aye
Councillor Rainey	Apology
Councillor Skinner	Aye
Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was passed 10-0, with three apologies.

9.6 35 Farleigh Street

Ms Gibellini explained the reasons for the officer recommendation and advice that the application did not meet the tests to be considered an SHA under HASHA. She said that there were uncertainties with regards to the provision of wastewater, stormwater and water supply infrastructure to the site, and that as a result, officers could not conclude that the relevant infrastructure was likely to be provided, as was required before a site could be recommended as an SHA. She added that, as the area was currently zoned rural, the community may not have anticipated that development would take place in this area.

Attendance: Councillor Copeland left the meeting from 5.40pm to 5.42pm.

In response to a question, Ms Gibellini explained that, in order to provide adequate infrastructure to the site, it was likely that the developers would need to reduce the number of dwellings built, and that this would result in the application no longer meeting the qualifying development criteria.

Councillors discussed the application and some support for the application proceeding was expressed, despite the uncertainties regarding the provision of infrastructure. A suggestion was made that the qualifying development criteria be altered to specify a minimum of 14 dwellings, rather than 19 as stated in the application.

The Chief Executive, Mrs Hadley, added that if a deed were agreed with the applicant, it should specify that additional infrastructure be designed and constructed in accordance with the Nelson Resource Management Plan and Council's Land Development Manual.

Councillor Fulton, seconded by Councillor Ward moved a motion:

*Approve 35 Farleigh Street potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, the following:*

- That the developer specify the SHA Outcome (including the design, layout, scale, density), as per the qualifying development criteria with a minimum dwelling or residential site capacity of 14.*
- That the landowner files Urban Design Panel approval with their resource consent application.*
- That the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Council's infrastructure, required to support the development of the SHA.*
- That the establishment of the SHA shall not be relied on as part of the receiving environment or permitted baseline to justify the imposition of any objectives, policies, standards or rules relating to the zoning of the SHA land or any applications for resource consent.*

- *That the Deed does not bind, restrict or in any other way fetter the Council's powers and obligations under the RMA, HASHA, or any other relevant legislation.*

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

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor Matheson	Aye
Councillor McGurk	No
Councillor Noonan	No
Councillor Rainey	Apology
Councillor Skinner	Aye
Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was passed 8-2, with three apologies.

Resolved CL/2016/204

***Approve 35 Farleigh Street potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, the following:***

- ***That the developer specify the SHA Outcome (including the design, layout, scale, density), as per the qualifying development criteria with a minimum dwelling or residential site capacity of 14.***
- ***That the landowner files Urban Design Panel approval with their resource consent application.***
- ***That the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA.***

- ***That the establishment of the SHA shall not be relied on as part of the receiving environment or permitted baseline to justify the imposition of any objectives, policies, standards or rules relating to the zoning of the SHA land or any applications for resource consent.***
- ***That the Deed does not bind, restrict or in any other way fetter the Council's powers and obligations under the RMA, HASHA, or any other relevant legislation.***

Fulton/Ward

Carried

Attendance: Councillor Fulton left the meeting from 6.10pm to 6.12pm.

#### 9.7 Saxton SHA – Reduced Extent – Options 1 and 2

Attendance: Councillor Copeland left the meeting at 6.11pm

It was clarified that officers had not yet been advised by applicants as to whether they intended to pursue option 1 or option 2.

It was noted that the land was currently zoned rural, however development in this area had been expected to occur.

During discussion a suggestion was made that a deed should be entered into with regards to this application, regarding issues including transport connectivity and design.

Attendance: Councillor Ward left the meeting at 6.14pm, and the meeting adjourned from 6.16pm to 6.26pm, during which time Councillor Ward returned to the meeting.

Her Worship the Mayor, seconded by Councillor Barker, moved a motion

*Approve either Saxton Option for a potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, the following:*

- *That the developer provide for roading connectivity between the SHA and Ngati Rārua St (or such other connectivity as satisfies Council's transport asset manager).*
- *And the developer provide for wastewater, water and stormwater connectivity of sufficient capacity to adjoining properties.*
- *And that the developer provide open space/esplanade connectivity with the Saxton Creek upgrade.*
- *That the developer specify the SHA Outcome (including the design, layout, scale, density), as per the qualifying development criteria.*

- *That the landowner files Urban Design Panel approval with their resource consent application.*
- *That the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA.*
- *That the establishment of the SHA shall not be relied on as part of the receiving environment or permitted baseline to justify the imposition of any objectives, policies, standards or rules relating to the zoning of the SHA land or any applications for resource consent.*
- *That the Deed does not bind, restrict or in any other way fetter the Council's powers and obligations under the RMA, HASHA, or any other relevant legislation.*

The motion was put and a division was called:

Councillor Acland	Apology
Councillor Barker	Aye
Councillor Copeland	Apology
Councillor Davy	Apology
Councillor Fulton	Aye
Councillor Lawrey	No
Councillor Matheson	Aye
Councillor McGurk	No
Councillor Noonan	Aye
Councillor Rainey	Apology
Councillor Skinner	Aye
Councillor Ward	No
Her Worship the Mayor	Aye

The motion was passed 6-3, with four apologies.

Resolved CL/2016/205

**Approve either Saxton Option for a potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, the following:**

- ***That the developer provide for roading connectivity between the SHA and Ngati Rārua St (or such other connectivity as***

- ***satisfies Council's transport asset manager).***
- ***And the developer provide for wastewater, water and stormwater connectivity of sufficient capacity to adjoining properties.***
- ***And that the developer provide open space/esplanade connectivity with the Saxton Creek upgrade.***
- ***That the developer specify the SHA Outcome (including the design, layout, scale, density), as per the qualifying development criteria.***
- ***That the landowner files Urban Design Panel approval with their resource consent application.***
- ***That the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA.***
- ***That the establishment of the SHA shall not be relied on as part of the receiving environment or permitted baseline to justify the imposition of any objectives, policies, standards or rules relating to the zoning of the SHA land or any applications for resource consent.***
- ***That the Deed does not bind, restrict or in any other way fetter the Council's powers and obligations under the RMA, HASHA, or any other relevant legislation.***

Her Worship the Mayor/Barker

Carried

9.8 69 Newman Drive (late item)

Ms Gibellini displayed a Power Point slide illustrating the current permitted baselines under the Nelson Resource Management Plan (A1585026).

There was a discussion regarding the covenant currently on the title limiting the number of dwellings on the section to one. In response to questions, Ms Barton said that officers would not be able to assist the applicant with negotiating with the relevant landowners regarding lifting the covenant on her title. She clarified that, if the covenant remained in place following the resource consent application, any resource consent subsequently issued may be frustrated.

Councillor McGurk, seconded by Councillor Ward, moved the recommendation in the officer report.



There was a discussion regarding whether the applicants should engage with the Urban Design Panel, and the mover and seconder agreed to incorporate this within the motion.

Resolved CL/2016/206

**Receive the report Special Housing Areas – Late Item (R6110) and its attachment (A1573116);**

**Approve 69 Newman Drive (A1573116) as a potential Special Housing Area subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application;**

**Approve that Her Worship the Mayor recommend the potential Special Housing Area at 69 Newman Drive, approved as a result of considering report R6164, to the Minister of Building and Housing for consideration as a Special Housing Area under the Housing Accord and Special Housing Areas Act 2013.**

McGurk/Ward

Carried

**Attachments**

1 A1585026 - Power Point Presentation - 69 Newman Drive

9.9 371 Wakefield Quay

Attendance: Councillor Noonan left the meeting at 6.56pm.

Councillor Matheson, seconded by Councillor Skinner moved the recommendation in the officer report in respect of the application for an SHA at 371 Wakefield Quay.

There was a discussion regarding whether the applicants should engage with the Urban Design Panel, and the mover and seconder agreed to incorporate this within the motion.

Resolved CL/2016/207

**Approve 371 Wakefield Quay (A1565848) as a potential Special Housing Area subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application.**

Matheson/Skinner

Carried

Attendance: Councillor Noonan returned to the meeting at 7.02pm.

Resolved CL/2016/208

**Approve that Her Worship the Mayor recommend all potential Special Housing Areas approved as a result of considering report R6101 to the Minister of Building and Housing for consideration as Special Housing Areas under the Housing Accord and Special Housing Areas Act 2013.**

Ward/Noonan

Carried

Resolved CL/2016/209

**Delegate authority to the Chief Executive to finalise and sign deeds reflecting resolutions passed at the Council meeting on 30 June 2016, relating to Special Housing Areas.**

Skinner/Fulton

Carried

Attendance: Councillor Ward left the meeting at 7.03pm.

There being no further business the meeting ended at 7.05pm.

Confirmed as a correct record of proceedings:

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

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**REPORT R6308**

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**Status Report - Council - 28 July 2016**

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**1. Purpose of Report**

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

**2. Recommendation**

***THAT the Status Report Council 28 July 2016 (R6308) and its attachment (A1168168) be received.***

E-J Ruthven  
**Administration Adviser**

**Attachments**

Attachment 1: A1168168 - Status Report - 28 July 2016

## Outstanding Actions

**Status Report – Council – 28 July 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: <b>Complete</b></p> <p>Clause five: Consultation with all key stakeholders has been undertaken and a workshop with councillors was held on the 12 July. <b>Complete</b></p> <p>Feedback will guide the policy to be presented to Council. <b>Ongoing</b></p>

Outstanding Actions

## Status Report – Council – 28 July 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
23 July 2015	Reserve Management Plan: Sports Ground Reserves	Resolved CL/2015/025 <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.	Jane Loughnan	Draft Management Plan for Reserves with Sportsfields being reviewed to ensure consistency and compliance with Reserves Act. <b>Ongoing</b>

Outstanding Actions

**Status Report – Council – 28 July 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: <b>Complete</b></p> <p>Clause four - seven: Process to implement statutory requirements underway. A report to set up a Hearing Panel and consider Terms of Reference to hear objections has been scheduled for the 28 July Council meeting. A hearing date will be set early September. <b>Ongoing</b></p>

## Status Report – Council – 28 July 2016

<p>03 March 2016</p> <p>Nelson City and Tasman District Regional Landfill - Joint Venture Proposal</p>	<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><u>AND THAT</u>, 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;</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><b>Complete</b></p> <p>Tasman District Council is progressing with its Special Consultative Procedure.</p> <p>A joint workshop of Nelson City and Tasman District Councils will take place on 29 July 2016.</p> <p><b>Ongoing</b></p>
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Richard Kirby

Outstanding Actions

Status Report – Council – 28 July 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
		<p><u>AND THAT</u> 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;</p> <p><u>AND THAT</u> 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;</p> <p><u>AND THAT</u> all direct and external costs for establishment of the Joint Venture will continue to be shared 50:50 between both Councils;</p> <p><u>AND THAT</u> 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;</p> <p><u>AND THAT</u> all the statements in this recommendation be subject to the Tasman District Council passing equivalent resolutions on the joint landfill management.</p>		



## Status Report – Council – 28 July 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
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 &amp; 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> <p>See also 30 June 2016, resolution CL/2016/205</p>	Lisa Gibellini	<p>Clauses 1-4: <b>Complete</b></p> <p>Clause 5: Superseded by resolution of 30 June 2016 <b>Complete</b></p>

Outstanding Actions

**Status Report – Council – 28 July 2016**

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
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>	Richard Kirby	<p>Officers continue to work with the Modellers Society who have been tasked to fundraise for the funding shortfall. This will be reported back to Council in due course.</p> <p><b>Ongoing</b></p>

Outstanding Actions

**Status Report – Council – 28 July 2016**

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
24 March 2016	Nelson Marina Strategy	<p>Resolved CL/2016/053</p> <p><u>THAT</u> the draft Nelson Marina Strategy (A1498122) be received;</p> <p><u>AND THAT</u> fees and charges at the Marina be increased as from 1 July 2016 as per the Consumer Price Index;</p> <p><u>AND THAT</u> the Marina Development Levy be discontinued as from 1 July 2016;</p> <p><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;</p> <p><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.</p>	Andrew Petheram	<p>A Public Meeting for marina users and stakeholders was held on 15 June 2016. Suggestions have been received and further opportunities investigated. The revised draft strategy is expected to be presented to the Community Services Committee in early 2017.</p> <p>A further meeting was held on 8 July 2016 to explore the establishment of a Marina Advisory Group.</p> <p><b>Ongoing</b></p>

Outstanding Actions

**Status Report – Council – 28 July 2016**

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
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 &amp; Infrastructure and Chair of Community Services Committees (or their deputies) and the Chief Executive to act on the outcomes of the business cases.</p>	Richard Kirby	<p>Work on the Trafalgar Centre upgrade is continuing.</p> <p>A report regarding the two business cases (lighting and lift) was considered at the 16 June 2016 Council meeting. Following information presented at the public forum the business cases were refreshed. Approval was delegated to a group to re-consider and approve the business cases. That meeting took place on 12 July 2016.</p> <p><b>Complete</b></p>

Outstanding Actions

**Status Report – Council – 28 July 2016**

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
05 May 2016	Insurance renewal 2016/17 - infrastructure assets	<p>Resolved CL/2016/105</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>	Nikki Harrison	<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><b>Ongoing</b></p>
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><b>Ongoing</b></p>

Outstanding Actions

## Status Report – Council – 28 July 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
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>Clause one:</p> <p>Any signage/road markings will be funded from the 2016/17 Minor Improvements Budget.</p> <p><b>Complete</b></p> <p>Clause two:</p> <p>NZTA presented a report to the 4 July RTC meeting and agreed to work with NCC officers to investigate the location, style and suitability of cycle safety signs along SH6 between Atawhai and Cable Bay Road.</p> <p><b>Ongoing</b></p>

## Outstanding Actions

**Status Report – Council – 28 July 2016**

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
11 May 2016	Travel Demand	Resolved CL/2016/117 <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.	Alec Louverdis	Officers have secured an independent facilitator to run the workshop. This has been set for 16 August 2016. <b>Complete</b>
11 May 2016	Graffiti	Resolved CL/2016/118 <u>THAT</u> officers discuss a more effective approach to graffiti removal with Network Tasman and the NZ Transport Agency.	Alec Louverdis	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. <b>Complete</b>



Outstanding Actions

## Status Report – Council – 28 July 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
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> <ul style="list-style-type: none"> <li><input type="checkbox"/> \$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</li> <li><input type="checkbox"/> \$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,</li> </ul> <p><u>AND THAT</u> the Governance Committee be delegated the authority to consider this matter and make recommendations to Council.</p>	Chris Ward	<p>Staff and the Mayor have met with the Nelson Cycle Lift Society, mountain biking and tourism representatives to help understand the strategic context for the business plan. This took place on 20 July 2016 and the business plan will be presented to the next Governance Committee meeting.</p> <p><b>Ongoing</b></p>



Outstanding Actions

### Status Report – Council – 28 July 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
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><b>Complete</b></p>
16 June 2016	Trafalgar Centre - Lift and Lighting Business Case Update	<p>Resolved CL/2016/165</p> <p><u>THAT</u> the report Trafalgar Centre - Lift and Lighting Business Case Update (R5935) and its attachments (A1550731 and A1550732) be received;</p> <p><u>AND THAT</u> 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.</p>	Clare Hadley	<p>Report is on this agenda.</p> <p><b>Complete</b></p>

Outstanding Actions

**Status Report – Council – 28 July 2016**

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
16 June 2016	Funding Reallocation for Youth Activities in 2016/17	<p>Resolved CL/2016/183</p> <p><u>THAT</u> 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;</p> <p><u>AND THAT</u> 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;</p> <p><u>AND THAT</u> Council engages with stakeholders in the youth sector to develop a Youth Strategy to guide future Council support for youth development and activities.</p>	Shanine Hermesen	<p>The Community Investment Funding Panel approved allocation of up to \$20,000 towards youth emergency housing and transition services. Officers are working with possible providers to engage in these services. The remaining funding available (of a total of \$100,000) will be available as contestable funding through the same process and timeframe as Community Investment Grant funding allocations.</p> <p><b>Ongoing</b></p>
16 June 2016	Code of Conduct	<p>Resolved CL/2016/158</p> <p><u>AND THAT</u> in light of enquiries from Dr Catherine Strong, the original Code of Conduct Working Party, with Councillor Skinner as alternate for Councillor Acland (if required), review the Elected Members Code of Conduct as adopted on 20 November 2014 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.</p>	Penny Langley	<p>A report is included on this agenda.</p> <p><b>Complete</b></p>

## Status Report – Council – 28 July 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
16 June 2016	Future of Green Waste	<p>Resolved CL/2016/178</p> <p><u>THAT</u> following a review of green waste services at the request of Council:</p> <p><u>THAT</u> Nelson City Council partner with Tasman District Council to call for public tenders with respect to their green waste in June 2016;</p> <p><u>AND THAT</u> 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;</p> <p><u>AND THAT</u> in the interim, Council continues to take green waste at the Pascoe Street transfer station;</p> <p><u>AND THAT</u> 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.</p>	Alec Louverdis	<p>TDC are planning to put out an EOI late July/early August. Officers are working with TDC in drafting the conditions. Greenwaste services at the transfer station continue as per normal.</p> <p><b>Ongoing</b></p>
30 June 2016	Trafalgar Centre - Main Building Roof Replacement	<p>Resolved CL/2016/195</p> <p><u>Receive</u> the report Trafalgar Centre - Main Building Roof Replacement (R6110);</p> <p><u>Revoke</u>, in accordance with Standing Order 3.9.18, the following part of the Council resolution CL/2016/078 made on 14 April 2016:</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>Approve</u> funding of \$240,000 to replace the roof cladding over the main building on the understanding that \$70,000 is already allocated in the budget and is available.</p>	Richard Kirby	<p>The roof replacement is part of the Project programme and is intended to be undertaken in September/October 2016.</p> <p><b>Ongoing</b></p>

Outstanding Actions

## Status Report – Council – 28 July 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
30 June 2016	SHAs – Barcelona Lofts	Resolved CL/2016/201  <u>Approve</u> the amendment to the qualifying development criteria for the number of storeys from 4 to 5 storeys for the Barcelona Lofts (237 Haven Road) Special Housing Area (A1568203).	Lisa Gibellini	Amendment has been recommended to Minister for approval by Cabinet. Cabinet will likely consider this at its 25 July meeting.  <b>Complete</b>
30 June 2016	SHAs – 81-83 Haven Road	Resolved CL/2016/202  <u>Approve</u> 81 – 83 Haven Road (A1566195) as a potential Special Housing Area subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application.	Lisa Gibellini	Deed has been signed, and SHA has been recommended to Minister for approval by Cabinet. Cabinet will likely consider this at its 25 July meeting.  <b>Complete</b>

Outstanding Actions

**Status Report – Council – 28 July 2016**

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
30 June 2016	SHAs – 35 Farleigh Street	<p>Resolved CL/2016/204</p> <p><u>Approve</u> 35 Farleigh Street potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, the following:</p> <ul style="list-style-type: none"> <li>• That the developer specify the SHA Outcome (including the design, layout, scale, density), as per the qualifying development criteria with a minimum dwelling or residential site capacity of 14.</li> <li>• That the landowner files Urban Design Panel approval with their resource consent application.</li> <li>• That the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA.</li> <li>• That the establishment of the SHA shall not be relied on as part of the receiving environment or permitted baseline to justify the imposition of any objectives, policies, standards or rules relating to the zoning of the SHA land or any applications for resource consent.</li> <li>• That the Deed does not bind, restrict or in any other way fetter the Council's powers and obligations under the RMA, HASHA, or any other relevant legislation.</li> </ul>	Lisa Gibellini	<p>Deed has been signed, and SHA has been recommended to Minister for approval by Cabinet. Cabinet will likely consider this at its 25 July meeting.</p> <p><b>Complete</b></p>

Outstanding Actions

**Status Report – Council – 28 July 2016**

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
30 June 2016	SHAs – Saxton	<p>Resolved CL/2016/205</p> <p>Approve either Saxton Option for a potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, the following:</p> <ul style="list-style-type: none"> <li>• That the developer provide for roading connectivity between the SHA and Ngati Rārua St (or such other connectivity as satisfies Council's transport asset manager).</li> <li>• And the developer provide for wastewater, water and stormwater connectivity of sufficient capacity to adjoining properties.</li> <li>• And that the developer provide open space/esplanade connectivity with the Saxton Creek upgrade.</li> <li>• That the developer specify the SHA Outcome (including the design, layout, scale, density), as per the qualifying development criteria.</li> <li>• That the landowner files Urban Design Panel approval with their resource consent application.</li> <li>• That the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA.</li> <li>• That the establishment of the SHA shall not be relied on as part of the receiving environment or permitted baseline to justify the imposition of any objectives, policies, standards or rules relating to the zoning of the SHA land or any applications for resource consent.</li> <li>• That the Deed does not bind, restrict or in any other way fetter the Council's powers and obligations under the RMA, HASHA, or any other relevant legislation.</li> </ul>	Lisa Gibellini	<p>Deed being negotiated in respect of option 2 (Summerset only).</p> <p><b>Ongoing</b></p>



**Status Report – Council – 28 July 2016**

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
30 June 2016	SHAs – 69 Newman Drive	<p>Resolved CL/2016/206</p> <p><u>Receive</u> the report Special Housing Areas – Late Item (R6110) and its attachment (A1573116);</p> <p><u>Approve</u> 69 Newman Drive (A1573116) as a potential Special Housing Area subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application;</p> <p><u>Approve</u> that Her Worship the Mayor recommend the potential Special Housing Area at 69 Newman Drive, approved as a result of considering report R6164, 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>	Lisa Gibellini	<p>Deed is being negotiated</p> <p><b>Ongoing</b></p>
30 June 2016	SHAs – 371 Wakefield Quay	<p>Resolved CL/2016/207</p> <p><u>Approve</u> 371 Wakefield Quay (A1565848) as a potential Special Housing Area subject to a deed being entered into that requires the landowner to file Urban Design Panel approval with their resource consent application.</p>	Lisa Gibellini	<p>Deed has been signed, and SHA has been recommended to Minister for approval by Cabinet. Cabinet will likely consider this at its 25 July meeting.</p> <p><b>Complete</b></p>

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**REPORT R6238**

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**Mayor's Report**

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**1. Purpose of Report**

- 1.1 To update Council on several matters.

**2. Recommendation**

***THAT the Mayor's Report (R6238) be received.***

**3. Discussion****Mayor's Discretionary Fund**

- 3.1 The Nelson-Miyazu Sister City Association are sending a citizen's group and choir to visit Miyazu in October 2016. The group of approximately 50 people are being provided with NCC lapel pins to wear during their visit. Additional pins will be given as gifts as appropriate. The cost of \$200 has been paid from the Mayor's Discretionary Fund.

**Local Government Act 2002 Amendment Bill (No 2)**

- 3.2 There is wide discussion across local government about the Local Government Act 2002 Amendment Bill (No 2), and I have been in discussion with Mayors across the country, the President of Local Government New Zealand and Richard Kempthorne (as Chair of Zone 5). I am of the view at the moment that I will be looking to support their positions and signalling that to the Select Committee. Submissions close on 28 July 2016.

Rachel Reese  
**Mayor of Nelson**

**Attachments**

Nil



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**REPORT R6348**

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**Notice of Motion - Venue for Candidates' Meeting**

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**1. Purpose of Report**

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

**2. Delegations**

- 2.1 Matters regarding the operation of recreation and leisure facilities would usually be a matter for the Community Services Committee to consider.
- 2.2 Under Standing Order 3.10.16 'any notice of motion referring to any matter ordinarily dealt with by a committee of the Local Authority may be referred to that committee by the Chief Executive'
- 2.3 In this instance, the Chief Executive considers the matter is of interest to all elected members, therefore, at her discretion, the matter is before full Council.

**3. Recommendation**

***THAT Council approves the Nelson Residents' Association the use of the Stoke Memorial Hall for a publicly advertised candidates' meeting for the upcoming 2016 triennial election for Nelson City Council at no cost.***

**4. Background**

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

**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 Davy is attached.

Clare Hadley  
**Chief Executive**

**Attachments**

Attachment 1: A1589874 - Notice of Motion from Councillor Davy

Attachment 2: A1589879 - Letter to Councillor Davy from Nelson Residents'  
Association 19Jul2016

To CEO

Nelson City Council

Attached to this memo is a letter to me from the Nelson Residents Association requesting I again initiate a notice of motion that Council waive the Hall hireage fees to enable a publicly advertised meeting to meet all candidates to occur for the upcoming Council Elections.

This is the only public meeting being held for the elections and as the letter states, even though there has been some tension between the Nelson Residents Association and the current elected members the meeting is for all candidates.

As this meeting is for the benefit of the ratepayers of this City to assist them in their deliberations as to whom to vote for to represent them for the next three years, I consider it is only proper that the waiver of any costs to hire the Stoke Memorial Hall be approved.

As occurred for the last Council election, I request that the following notice of motion be placed on the next meeting of the Nelson City Council for determination.

Notice of Motion from Councillor Davy

**THAT Council approves the Nelson Residents' Association the use of the Stoke Memorial Hall for a publicly advertised candidates' meeting for the upcoming 2016 triennial election for Nelson City Council at no cost.**

Thank you



Eric Davy

Nelson City Councillor.

20/7/2016

A1589874



## Nelson Residents' Association, Inc.

Secretary: Pam Frahm; 19 Hillplough Heights, Richmond 7020; Office Phone: 546-9835

Email: [nelsonresidentsassociation@gmail.com](mailto:nelsonresidentsassociation@gmail.com); Web: [www.nelsonresidents.co.nz](http://www.nelsonresidents.co.nz)

July 19, 2016

**Re: Local Body Election – “Quiz the Candidates” event, request for relief from hall rental fee and street banner installation charge.**

Dear Eric,

The Nelson Residents Association was formed in 1995 to fulfil a perceived need for some organisation to encourage the public to take an interest in civic activities. To that end, every three years, the association has held meetings for the public to hear the candidates for councillors, and to quiz them on their policies.

This association's resources to stage the triennial meetings of candidates have been limited, particularly since the creation of the Charities Commission, which regards all Ratepayers and Residents' associations as political lobby groups. This fact disqualifies the NRA from being registered as a charity, despite our totally non-partisan, non-political membership. Consequently the association is disregarded by the various charitable trusts which allocate grants from the lottery boards and similar sources.

In past elections Nelson City Council has generously made the Trafalgar Pavilion, the Victory Room, and last time the main auditorium of Trafalgar Centre available. This election cycle we will be holding the event on Saturday, September 10 in the Council owned building, Stoke Memorial Hall. We have spoken to Chantel and arranged the hiring of the entire hall, for the full day.

We will not be using the Trafalgar Centre this year. With so many candidates (37 last election) we found the 2 minutes on stage doesn't really give enough time for any in-depth insights. And, it is impossible to let all candidates answer audience questions.

A1589879

Both candidates and public offered feedback that the relaxed format of the open day (last time held at the Suburban Club) was far more casual and beneficial. And, it eliminates the need for a stage, timing equipment, and an expensive sound system.

We would be most grateful if you would allow the NRA to have the use of the Hall at no cost. We are also considering a street banner across Bridge Street. We are awaiting confirmation from NCC that our "Quiz the Candidates" is considered "an approved event." Roy Price of Powertech, advises the cost to put up and take down a banner will be \$400. If this is a Council function, we would also like consideration to wave this charge.

Money saved will be recycled into more advertising to get Nelsonians to the polls. Usually only 40% of eligible voters cast their vote. Help us to encourage the electorate to do better this time.



Pam Frahm  
Vice President and Acting Secretary

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"Never doubt that a small group of thoughtful committed citizens can change the world;  
indeed it's the only thing that ever has." - MARGARET MEAD

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**REPORT R6344**

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**LGNZ Excellence Programme Confirmation**

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**1. Purpose of Report**

- 1.1 The purpose of this report is to confirm Council's involvement with the Local Government New Zealand (LGNZ) Excellence Programme as a selected Foundation Council.

**2. Summary**

- 2.1 The report is necessary because of the inclusion of "(subject to further details being acceptable to Council)" to the resolution passed by Council at its meeting of 16 June 2016. This proviso was included because at the time the agenda was prepared Council was not in possession of all necessary information, including costing details.

**3. Recommendation**

It is recommended that the Council

**Receive the report LGNZ Excellence Programme Confirmation (R6344);**

**Confirm its involvement with the LGNZ Excellence Programme as a selected foundation Council.**

**4. Background**

- 4.1 At its meeting of 16 June 2016 Council resolved:

*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);*

- 4.2 On 23 June 2016 a letter was sent from the Office of the Mayor to LGNZ stating Council's interest in becoming a Foundation Council in the Excellence Programme and its Council resolution on the matter.

- 4.3 On 4 July 2016 the Office of the Mayor received a reply from LGNZ, informing Council that its application had been successful. The letter noted that Council's application was dependent on final Council sign-off, and requested that Council provide the necessary supporting information confirming its involvement by no later than 10am on Friday 8 July 2016.
- 4.4 In order to meet the deadline set by LGNZ, the Office of the Mayor sent a letter to LGNZ on 8 July 2016 advising that the Mayor, the Deputy Mayor and Committee Chairs were strongly committed to the opportunity of becoming a Foundation Council. This letter stated that costs were in line with the report presented at the meeting and that a report would go to Council on 28 July 2016 with a recommendation that Council confirm its involvement with the LGNZ Excellence Programme as a selected Foundation Council.

## 5. Discussion

- 5.1 The recommendation for Council to confirm its involvement with the Excellence Programme as a selected Foundation Council is not inconsistent with Council's previous decision on the matter at its meeting of 16 June 2016.
- 5.2 There are many benefits to Council, and the communities it serves, of its being a Foundation Council of the Excellence Programme that aims to lift the value and service of local government.

## 6. Options

- 6.1 There are two options for Council to consider:

<b>Option 1: To confirm Council's involvement with the LGNZ Excellence Programme as a selected Foundation Council</b>	
Advantages	<ul style="list-style-type: none"> <li>• The LGNZ Excellence Programme is in its first year that aims to lift the value and service of local government.</li> <li>• Council will be given support to further improve the service and value it provides to its communities.</li> <li>• Council will receive an overall performance assessment rating from a team of independent assessors, with commentary on its performance.</li> <li>• Council will be encouraged to embrace a culture of continuous improvement and will receive assistance to further engage with its communities on issues that matter most.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• It is anticipated that there will be an unbudgeted cost to Council in the region of</li> </ul>

	<p>\$15-27,500 over three years and the utilisation of some administrative and finance resources.</p> <ul style="list-style-type: none"> <li>• Time commitment would be required from the Mayor and some senior officers at Council.</li> </ul>
<b>Option 2: To not confirm Council's involvement with LGNZ Excellence Programme as a selected Foundation Council</b>	
Advantages	<ul style="list-style-type: none"> <li>• Some financial savings would be made to Council.</li> <li>• The Mayor and some senior officers at Council would not be required to spend time involved in the Programme.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Council would miss out on the benefits of being part of the programme.</li> <li>• It has been indicated to LGNZ that Council will confirm that it will take part in the Programme.</li> </ul>

Penny Langley  
**Manager Administration**

### **Attachments**

Nil



<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The recommendation in this report fits with the purpose of local government to provide good quality services in a cost-effective manner.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The recommendation in this report aligns with Council's Community Outcomes of 'Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement'. It also fits with the Nelson 2060 theme of 'providing good leadership'.
<b>3. Risk</b>	Risks have been covered in the Options section of the report.
<b>4. Financial impact</b>	Financial impact has been detailed in the Options section of the report.
<b>5. Degree of significance and level of engagement</b>	The decision on whether to confirm Council's involvement with the LGNZ Excellence Programme is of low significance under Council's Significance and Engagement Policy. There is a low level of financial impact, and there will be no change to services or impact on the community at this phase of the programme. Therefore, engagement with the community is not seen as necessary.
<b>6. Inclusion of Māori in the decision making process</b>	Maori have not been consulted on this matter.
<b>7. Delegations</b>	The matter of confirming Council's involvement with the Local Government New Zealand (LGNZ) Excellence Programme as a selected Foundation Council has not been delegated to a Committee, therefore is a decision for Council.

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**REPORT R6096**

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**Code of Conduct Review**

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**1. Purpose of Report**

- 1.1 To present the findings of the Code of Conduct review carried out by the Code of Conduct Working Party, included as Attachment 1.

**2. Recommendation**

It is recommended that the Council

**Receive the report Code of Conduct Review (R6096);**

**Reconfirm the current Elected Members Code of Conduct as adopted on 20 November 2014.**

Penny Langley  
**Manager Administration**

**Attachments**

Attachment 1: A1585118 - Memo to Council from Code of Conduct Working Party July 2016

18 July 2016

Memo To: Her Worship the Mayor and Councillors

Memo From: Code of Conduct Working Party

**Subject: Code of Conduct Review**

## **1. Purpose of Report**

- 1.1 To report back on the review of the Elected Members Code of Conduct (the Code) to consider revising wording that has the potential to fetter free speech in a way that is unhelpful to local democracy.

## **2. Summary**

- 2.1 After considering the matter raised, on balance, the Working Party is of the view that no change is required to the wording of the Code.

## **3. Recommendation**

It is recommended that the Council

**Receive the report Code of Conduct Review (R6096);**

**Reconfirm the current Elected Members Code of Conduct as adopted on 20 November 2014.**

## **4. Background**

- 4.1 The Mayor's report at the 16 June 2016 Council meeting brought a potential issue with the Code to the attention of Council.

- 4.2 As a result of that report, Council resolved:

*THAT in light of enquiries from Dr Catherine Strong, the original Code of Conduct Working Party, with Councillor Skinner as alternate for Councillor Acland (if required), review the Elected Members Code of Conduct as adopted on 20 November 2014 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.*

- 4.3 On Monday 20 June, the Working Party met to consider the matter. Only the area described in the above resolution was covered by the review.

A1585118

## **5. Discussion**

- 5.1 The Working Party acknowledged that a great deal of thought had gone into the previous review of the Code. Part of which focussed on the section relating to contact with the media with the goal being a balance between elected members being able to speak with media while also respecting Council, the institution, and its policies including the Communications Policy for Elected Members.
- 5.2 The Working Party felt it was important to look at the issues raised by Dr Catherine Strong in the context of the whole Code and its overarching principles.
- 5.3 It is clear in other paragraphs within the section of the Code relating to contact with the media, that elected members are free to express a personal view at any time so long as all requirements of the code are observed, comments are identified as a personal view and if the comment is contrary to a Council decision or policy, it is clear that the comments are a minority view. It was considered that these requirements were a good safeguard to have in place.
- 5.4 In the wider code, there are sections which cover how elected members must treat each other and Council officers. The qualifiers in the section regarding contact with media and not being critical, are consistent with those other sections.
- 5.5 It was also felt that when elected members are speaking with the media, it is appropriate for them to be mindful of Council's relationship with the media, Council's relationship with the public and public perception generally.
- 5.6 It was acknowledged that full, robust debate is encouraged in meetings and the considered it correct that elected members also agree not to criticise each other or the institution outside of that debating forum.
- 5.7 The role of the Mayor was also discussed. It was acknowledged that the Mayor can speak in three categories, as the as the first citizen of Nelson, on behalf of the Council and when expressing a personal view.
- 5.8 The Working Party felt it was also important to remember that the previous review of the Code ensured that any complaints raised under the Code are able to be dealt with at the lowest appropriate level. Consequences of complaints will therefore be appropriate to any identified breaches.
- 5.9 The Working Party appreciates that the Code is an agreement between elected members on a set of rules to which they will all be held accountable. In this context, should elected members wish to constrain what they are able to comment on, they are entitled to do so, by agreement. The outcome of this is to ensure that when Council, the institution, makes a decision, it is known by the public to be a majority decision.

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A1585118

5.10 Additionally, the Working Party felt that it is appropriate to have some constraints in place in the event that an elected member did have contact with the media that could be considered to be inappropriate.

5.11 For these reasons, the Working Party does not recommend any amendments to the wording of the Code, specifically paragraphs 5.10 and 5.11 in respect of elected members contact with media. The wording of these paragraphs is:

*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. Options**

6.1 Council has three main options. One is to accept the recommendation of the Working Party for no change, this is the preferred option. The other is to proceed with a change immediately. The third is to request a further review as part of the review of the Code which happens at the start of each triennium.

6.2 The preferred option has the advantage of bringing this debate to an end now but may not put to rest the concerns expressed to date.

6.3 The second option has the disadvantage of requiring further attention of elected members to come up with suitable alternative wording which the Working Party felt was unnecessary but may put concerns to rest.

6.4 The third option prolongs the decision and will also require further work to be undertaken.

## **Code of Conduct Working Party**

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A1585118

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The Local Government Act 2002 requires Council to have an Elected Members Code of Conduct.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The community outcome that this matter most closely relates to is " <i>Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement</i> " which states " <i>Our leaders inspire respect, take responsibility for their decisions and act to improve the big issues facing our community</i> ". The recommendation not to alter the wording of the Code is in line with this outcome in respect of taking responsibility for decisions.
<b>3. Risk</b>	It was suggested to Council that there may be a risk associated to some of the wording contained in the Code. A review has now been undertaken and recommends no changes. Should Council agree with that recommendation, the extent and likelihood of adverse consequences is considered to be minor.
<b>4. Financial impact</b>	There are no anticipated financial impacts as a result of this decision.
<b>5. Degree of significance and level of engagement</b>	This matter is of low significance because the Code of Conduct is an agreement between elected members and the review was heavily constrained as to its scope. Therefore no engagement has taken place.
<b>6. Inclusion of Māori in the decision making process</b>	Maori have not been included in this decision-making process.
<b>7. Delegations</b>	This is a matter for Council.

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A1585118

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**REPORT R5902**

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**Brook Recreation Reserve Management Plan - Gazettal and Road Stopping Hearings Panel**

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**1. Purpose of Report**

- 1.1 To agree a process and Terms of Reference to consider how objections received with respect to the gazettal and road stopping process relating to the Brook Recreation Reserve Management Plan adopted in principle by Council are to be handled.

**2. Delegations**

- 2.1 The Works and Infrastructure Committee has powers to hear and consider all road stoppings. In order to address all issues at the same time the Works and Infrastructure Committee resolved on 23 June 2016 to delegate their road stopping powers to Council.
- 2.2 The Community Services Committee has previously referred its responsibilities relating to the Brook Recreation Reserve Management Plan to Council, therefore gazettal of the reserve is a matter for Council.

**3. Recommendation**

***THAT the report Brook Recreation Reserve Management Plan - Gazettal and Road Stopping Hearings Panel (R5902) and its attachment (A1546914) be received;***

***AND THAT a Hearing Panel consisting of an independent chair (Peter Reaburn) and two councillors hear and deliberate on the objections received with respect to the gazettal and road stopping processes required as a result of the adoption in principle by Council of the Brook Reserve Management Plan;***

***AND THAT those two councillors be selected from Deputy Mayor Matheson, Councillors Noonan, Barker and McGurk, by her Worship the Mayor or the Chief Executive Officer based on the availability of members when the meetings are scheduled;***

**AND THAT the draft Terms of Reference for the Hearing Panel as per Attachment A1546914 be adopted.**

#### **4. Background**

4.1 On 11 June 2015 Council released a draft Brook Recreation Reserve Management Plan for public consultation. A Hearing Panel comprising of an independent chair (Peter Reaburn) and Councillors Matheson and Noonan was appointed to hear and deliberate on submissions and to make recommendations to Council.

4.2 Council formally resolved on 15 October 2015 to adopt the Brook Recreation Reserve Management Plan in principle and also resolved as follows:

*AND THAT the Chief Executive be delegated authority to proceed to stop the following two sections of formed legal road as shown on plan (A1438749);*

*AND THAT 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);*

*AND THAT, once the Gazettal process is complete, a report be brought back to Council to enable the Brook Recreation Reserve Management Plan to take effect;*

AND THAT Officers prepare a Comprehensive Development Plan for the area covered by the Brook Recreation Reserve Management Plan.

4.3 This report deals with the first two parts of the resolution, namely the gazettal and road stopping process.

4.4 On completion of these pieces of work, the last two recommendations will be given effect.

#### **5. Discussion**

##### **Gazettal of Reserve**

5.1 As noted in the 15 October 2015 Council report, the gazettal process approved by Council included:

5.1.1 Stopping the road reserve and declaring it as Local Purpose (Recreation) Reserve;



- 5.1.2 Reclassifying the plot of land currently held as Recreation Reserve as Local Purpose (Recreation Reserve);
- 5.1.3 Declaring the sections of freehold land as Local Purpose (Recreation) Reserve.
- 5.2 The process for making these changes is set out in s14 and s24 of the Reserves Act 1977. In both cases Council needs to publicly notify proposed changes in the land status, call for objections and then publish a notice in the Gazette.
- 5.3 The proposed Reserves Act actions were formally advertised as follows:
  - 5.3.1 Declaring freehold land to be Local Purpose (Recreation) Reserve – advertised on 6 April 2016, submissions closed 6 May 2016. One submission was received.
  - 5.3.2 Reclassifying the plot of land currently held as Recreation Reserve as Local Purpose (Recreation Reserve) – advertised 4 May 2016, submissions closed 4 June 2016. At time of writing one submission in support was received.
- 5.4 The proposed road stopping was advertised on 20 July and submissions will close 29 August 2016.

## 6. Options

### Gazettal process

- 6.1 Under S120 of the Reserves Act 1977, submitters or objectors who indicate they would like to be heard have the right to be heard. This can be via full Council, a committee or a person nominated by the Council.
- 6.2 Officers recommend that a Hearings Panel comprising Peter Reaburn (as independent chair) and two councillors be appointed to hear the objections and to make recommendations to Council.
- 6.3 All costs in this matter will be Council's.

### Road stopping

- 6.4 Previous legal advice on how to deal with objections received for road stoppings included consideration by a Hearing Panel and if the objections are not withdrawn following the hearing then it will proceed to the Environment Court.
- 6.5 Officers recommend that this matter be heard at the same time as the Gazettal process and therefore by the same Hearings Panel.
- 6.6 The Works and Infrastructure Committee has powers to hear and consider all road stoppings. In order to address all issues at the same time the Works and Infrastructure Committee resolved on 23 June 2015 to delegate their road stopping powers to Council.

6.7 All costs in this matter will be Council's.

6.8 In this matter Terms of Reference for both are required and a draft Terms of Reference is shown in Attachment 1.

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

7.1 The work as part of this report is as a direct result of the Council decision to adopt, in principle, the Brook Reserve Management Plan.

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

8.1 This work, in itself is not significant in terms of Council's Significance and Engagement Policy.

8.2 The gazettal and road stopping procedure are processes required under the Reserves Act, Local Government Act and Public Works Act 1981.

## **9. Consultation**

9.1 Comprehensive consultation was carried out with respect to the Brook Reserve Management Plan.

9.2 The gazettal and road stopping processes require formal advertising as legally required.

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

10.1 Maori were not specifically consulted in this matter.

## **11. Conclusion**

11.1 The Brook Reserve Management Plan has been adopted in principle by Council.

11.2 This requires formal processes to formally gazette land and to stop legal road.

11.3 Officers recommend that these all be heard at the same time and that the Hearing Panel and Terms of Reference be adopted.

Alec Louverdis

**Group Manager Infrastructure**

## **Attachments**

Attachment 1: A1546914 - Brook Recreation Reserve Management Plan  
Gazettal and Road Stopping Hearings Panel Terms of Reference

***Brook Recreation Reserve Management Plan  
Gazettal and Road Stopping  
Hearings Panel  
Terms of Reference***

**1. Purpose**

- 1.1 Council formally resolved on 15 October 2015 to approve in principle The Brook Recreation Reserve Management Plan.
- 1.2 Part of this requires the following legal works to be undertaken:
  - Stopping the road reserve and declaring it as Local Purpose (Recreation) Reserve;
  - Reclassifying the plot of land currently held as Recreation Reserve as Local Purpose (Recreation) Reserve;
  - Declaring the sections of freehold land as Local Purpose (Recreation) Reserve.
- 1.3 The process for making these changes is set out in s14 and s24 of the Reserves Act. In both cases Council needs to publicly notify proposed changes in the land status, call for objections and then publish a notice in the New Zealand Gazette.
- 1.4 The process for stopping the road is set out in s342 and schedule 10 of the Local Government Act 1974.
- 1.5 The purpose of this Panel is to hear objections and make recommendations to Council.

**2. Membership**

The Panel is comprised of an Independent Commissioner Peter Reaburn (Chairperson), and two Councillors.

The two Councillors are to be selected from Deputy Mayor Matheson, Councillors Noonan, Barker and McGurk, by Her Worship the Mayor or the Chief Executive based on availability of members when the meetings are scheduled.

The appointment of an independent chairperson to the panel is not covered by Council's Selection, Appointment and Remuneration Policy for External Appointees on Council Committees.

**3. Quorum**

Quorum for the Panel is set at three members and must include the Chairperson.

**4. Areas of Responsibility**

The Panel is to hear all objections received with respect to the gazettal and road stopping as described in section 1.2 above, and make recommendations to Council.

**5. Powers to decide**

None.

**6. Powers to recommend**

The Panel has the power to recommend to Council approval or otherwise with respect to the gazettal and road stopping process.

**7. Role of the Chairperson**

The role of the Chairperson is to:

- Chair meetings according to the agreed agenda and to assist the Panel to reach consensus on issues and options
- Act as spokesperson for the Panel
- Confirm that the recommendations of the Panel are captured in the officer report to Council.

**8. Role of officers**

Officers provide technical expertise, project management and administrative support to the Panel. Their role is to:

- Provide advice and reports to enable full consideration of the options before the Panel;
- Providing advice to the Panel on legal and statutory issues and obligations
- Provide technical advice to the Panel to support discussions on options under consideration
- Manage project resources (budget and officers time)
- Manage project issues, risks, changes and advise the Panel Chairperson of issues as they arise
- Provide officers reports to meetings at decision making points
- Organising and managing engagement with key stakeholders and the wider community
- Keeping Panel members briefed on key communications with key stakeholders and the public;
- Prepare and distribute agendas for Panel meetings
- Maintain records of process used, options considered, key decisions made by the Panel and reasons for decisions, so that the decision making process can be clearly understood.
- Prepare a draft of the recommendations from the Panel to Council for the Panel to review.

**9. Conflicts of Interest**

Conflicts of interest should be declared at the start of Panel meetings.

**10. Reporting and Procedures**

For the purposes of complying with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)) Panel meetings will be treated as public meetings as the Panel is delegated to perform duties as outlined in the Reserves Act in relation to preparing management plans and the proposed change in land status.

Minutes of Panel meetings will be taken.

A report to Council with recommendations will be prepared by officers on behalf of the Panel summarising the options considered and the reasons supporting the recommended option.

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**REPORT R6215**

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**Addition to delegations relating to activities under the Food Act 2014**

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**1. Purpose of Report**

- 1.1 To consider the delegation of powers to the Chief Executive under the Food Act 2014 (the Act), to register applications, verify and ensure compliance.

**2. Summary**

- 2.1 The delegation of powers to the Chief Executive is required to enable officers to perform the functions and duties under the Food Act 2014. Food businesses have a three year transition period to change from operating under the Food Act 1981 to the Food Act 2014.

**3. Recommendation**

It is recommended that the Council

**Receive the report Addition to delegations relating to activities under the Food Act 2014 (R6215) and its attachment (A1576948);**

**Approve the delegation of functions and duties (sections 173 and 174) to the Chief Executive under the Food Act 2014.**

**4. Background**

- 4.1 The Food Act 2014 (the Act) provides for councils to register and verify food businesses and ensure they comply with conditions and regulations. The current Officer delegations do not address the provisions of this Act.
- 4.2 It is proposed there be a consistency for processing applications under the old and new 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 a similar officer level established for Food Act 1981 applications.

- 4.3 Refer to Attachment 1 (A1576948) for proposed delegations.

## **5. Discussion**

- 5.1 Council have approved the fees and charges associated with applications under the Act that commence from 1 July 2016.
- 5.2 Officers require the delegated authority to carry out the functions and duties of the territorial authority under the Act. At the same time Officers also need to retain the existing delegations under the Food Act 1981 as food businesses have a three year timeframe to transition.
- 5.3 In order for 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 Food Act 2014, 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. Conclusion**

- 7.1 It is anticipated applications under the Act will be received as existing businesses transition to the new Act and new businesses become established. 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: A1576948 Proposed delegations under the Food Act 2014

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	This is a regulatory function that is most cost-effective and timely for businesses if performed at the Officer level.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The efficient processing of applications under the Act enables for food businesses to meet their needs. Ensuring standards are met provides for the health of customers.
<b>3. Risk</b>	The proposed recommendation will achieve efficient processing and monitoring of food businesses. Time delays are likely to occur if all applications are addressed at Council level. This could lead to reputational damage and discourage food businesses operating in the area.
<b>4. Financial impact</b>	The new fees and charges that commenced on 1 July 2016 are set to recover the costs associated with this activity. However there may be more staff time required than can be fairly charged for to assist businesses transition to the new Act.
<b>5. Degree of significance and level of engagement</b>	This matter is of low significance because the type of service remains the same but there will need to be increased assistance for businesses to understand their responsibility under the Food Act 2014 in the first two years of transitioning. After the transition period the fees and charges will be able to meet the level of service required.
<b>6. Inclusion of Māori in the decision making process</b>	There has been no consultation with Māori regarding this recommendation.
<b>7. Delegations</b>	Delegation of powers to the Chief Executive is a matter for full Council.



## Proposed Delegations under the Food Act 2014

Description
<b>REGISTRATION OF FOOD CONTROL PLANS</b>
<b>Section 53</b> Application for registration: approve form and content
<b>Section 54</b> Registration Authority may refuse to process an application for registration
<b>Section 55</b> Registration Authority may require further information
<b>Section 56</b> Registration Authority must register a food control plan
<b>Section 57</b> Refusal to register a food control plan
<b>Section 59(2)</b> Registration of a food control plan
<b>Section 60</b> Registration Authority may impose conditions on registration of food control plan
<b>Section 61</b> Duration of registration
<b>Section 62</b> Mandatory suspension
<b>Section 63</b> Registration Authority may extend mandatory suspension
<b>Section 65</b> Effect of suspension
<b>Section 67</b> Cancellation of registration
<b>Section 68</b> Specify the date of cancellation
<b>Section 69</b> Effect of cancellation of registration
<b>Section 70</b> Removal of food business from coverage of food control plan
<b>Section 71(2)</b>

Description
Registration Authority must notify Chief Executive of a surrender
<b>NATIONAL PROGRAMMES</b>
<b>Section 83</b> Application for registration: approve form and content
<b>Section 84</b> Registration Authority may refuse to process an application for registration
<b>Section 85</b> Registration Authority may require further information
<b>Section 86</b> Registration Authority must register a food business that is subject to a national programme
<b>Section 87</b> Refusal to register food business subject to a national programme
<b>Section 88(2)</b> Register food business subject to a national programme
<b>Section 89</b> Registration Authority may impose conditions on registration of food business
<b>Section 90</b> Mandatory suspension
<b>Section 91</b> Registration Authority may extend mandatory suspension
<b>Section 93</b> Effect of suspension
<b>Section 95</b> Cancellation of registration
<b>Section 96</b> Specify the date of cancellation
<b>Section 97</b> Effect of cancellation of registration
<b>Section 98(2)</b> Registration Authority must notify Chief Executive of a surrender
<b>Section 147</b> Conditions of recognition – consult and seek a review of variation of a condition
<b>Section 151</b> Renewal of recognition before expiry
<b>Section 153</b>

<b>Description</b>
Apply for new notice of recognition
<b>Section 154</b> Ongoing recognition: fees, charges or levies
<b>Section 155</b> Duties of recognised agencies
<b>Section 169</b> Make a submission if sought by the Chief Executive
<b>Section 170</b> Notification of termination of contracts
<b>Section 173</b> Functions of territory authority
<b>Section 174</b> Duties of territorial authority
<b>Section 175</b> National outcomes for territorial authorities
<b>Section 184</b> Monitoring performance of functions and duties and exercise of powers by territorial authorities
<b>Section 187 &amp; 188</b> Consult with Minister about terms of reference and reviewer for a review of performance
<b>Section 191</b> Report of review – submit on draft report
<b>Section 193</b> Submit on proposal to appoint another agency to act in Council's stead
<b>COST RECOVERY</b>
<b>Section 200</b> Territorial authority responsible for collection
<b>Section 209</b> Operate a trust account if regulations require
<b>Section 211</b> Recover fee or charge as a debt due
<b>OFFENCES</b>
<b>Section 219</b> Issue and cancellation of infringement notices
<b>Sections 222 – 244</b> Prosecution for offences
<b>Section 250</b> Charging documents

Description
<b>POWERS OF VERIFIERS</b>
<b>Section 294(2)-(5)</b> Verifiers' rights of access and certain powers
<b>Section 295(2)-(5)</b> Recognised persons' rights of access
<b>POWERS AND DUTIES OF FOOD SAFETY OFFICERS</b>
<b>Sections 296 – 302, 304 – 316, 320 and 321</b> Powers exercisable by food safety officers
<b>Section 303</b> Review of improvement notice
<b>Section 319</b> Recover or waive costs
<b>SEARCH WARRANTS</b>
<b>Section 322</b> Apply for a search warrant
<b>Sections 324 and 326</b> Food safety officer to execute search warrant, powers under search warrant
<b>COMPLIANCE ORDERS</b>
<b>Section 331</b> Application for compliance order
<b>Section 332</b> Notification of application
<b>Section 338</b> Compliance order
<b>Section 339</b> Appeal to the High Court
<b>REVIEW OF DECISIONS</b>
<b>Section 355</b> Reconsider the decision
<b>Section 362</b> Appeal a review decision or requirement to pay costs and expenses
<b>Section 364</b> Appeal to High Court
<b>Section 369</b> Disclosure of information inside New Zealand
<b>TRANSITION</b>
<b>Section 427</b> Notices during authorised transition period

Description
<b>Section 437</b> Notices about approved auditors and agencies
<b>SCHEDULE 4</b>
<b>Clause 3</b> Renew or refuse to renew registration
<b>Clause 4</b> Give notice before suspending operations
<b>Clause 5</b> Give notice before extending a period of suspension
<b>Clause 6</b> Give notice of mandatory suspension
<b>Clause 8</b> Require further information about voluntary suspension
<b>Clause 9</b> Impose conditions on implementation of a suspension
<b>Clause 10</b> Cancellation of registration
<b>FOOD REGULATIONS 2015</b>
<b>Regulation 84</b> Frequency of verifications
<b>Regulation 88</b> Verify template food control plans
<b>Regulation 89</b> Verify deemed food control plans
<b>Regulation 90</b> Verify food businesses and food control plan
<b>Regulation 102</b> Unscheduled verification
<b>Regulation 103</b> Corrective actions
<b>Regulation 104</b> Corrective action plan
<b>Regulation 105</b> Verification decision
<b>Regulation 106</b> Reconsider verification decision
<b>Regulation 107</b> Advise matters to regulation authority

Description
<b>FOOD FEES AND CHARGES REGULATIONS 2015</b> <b>Regulation 5</b> Exempt, waive or refund fees

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**REPORT R6204**

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**Regional Pest Management Committee - Terms of Reference**

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**1. Purpose of Report**

- 1.1 To decide whether to alter the Terms of Reference of the joint Regional Pest Management Committee.

**2. Recommendation**

It is recommended that the Council

***Receive the report Regional Pest Management Committee - Terms of Reference (R6204) and its attachment (A1582854);***

***Consider whether to amend the Terms of Reference for the Regional Pest Management Committee, and if so***

***Approve the amendments to the Terms of Reference to the Regional Pest Management Committee as attached (A1582854), which will not have effect until Tasman District Council passes a similar resolution.***

**3. Background**

- 3.1 The minutes of the inaugural meeting of the Regional Pest Management Committee on 29 June 2016 note that the following resolution was passed:
- 3.1.1 *"That the Regional Pest Management Committee requests that the staff report back to the two Council's with a request that the Areas of Responsibility of the Committee include recommendations from the Committee that fall outside the scope of the Plan."*
- 3.2 A copy of the minutes are on the agenda for the 28 July 2016 Council meeting to be received.

- 3.3 From the discussion, it was acknowledged that the Committee's responsibility was only the Regional Pest Management Plan (the Plan), but members wanted to make recommendations to their respective Council on pests that fell outside the scope of the Plan, particularly if raised by the community through submissions.
- 3.4 \$20,000 has been allocated for the review and drafting the new Plan. This contribution from the Council is 25% of the total expenditure for the review; costs are apportioned on the basis of time Tasman District Council staff (who manage pests on Nelson City Council's behalf) spend in each region (75% Tasman; 25% Nelson).

#### **4. Discussion**

- 4.1 The Plan will focus on pest plants and animals that meet the criteria of the Biosecurity Act 1993 and require Council to control.
- 4.2 The standard for pests to be included in the Plan are based on stringent criteria set by the National Policy Direction for Pest Management 2015 under the Biosecurity Act 1993. For each pest or potential group of pests it includes:
  - 4.2.1 Determining the objectives and outcomes related to 3 broad approaches to pest management, e.g. pest led vs site led, pathway plans;
  - 4.2.2 Undertaking cost benefit analysis for any pest intervention;
  - 4.2.3 Undertaking a cost allocation analysis to determine who should be paying for an intervention and the appropriate sharing of costs between those who exacerbate and those who benefit;
  - 4.2.4 Common cross boundary pests that would be picked up through Good Neighbour Rules.
- 4.3 Meetings with key stakeholders are occurring in July and August and the Committee will be seeking approval from both Councils in February 2017 to release the draft Plan for public submissions. In October 2017 the Committee will be recommending approval of the draft Plan which will enable the new Plan to be adopted before the current one expires in November 2017.
- 4.4 As a result of consultation, there are likely to be pests, e.g. Argentine ants, which have got beyond the point of control but which may not be included in the Plan. The Committee seeks to be able to identify these in its recommendations to Council. Any methods or approaches to dealing with such pests can then be determined by either Council at a later date.
- 4.5 If Council does amend the Terms of Reference, as per the process for establishing the Terms of Reference for the Committee, any changes need to be approved by both Councils. Tasman District Council will consider a similar recommendation to amend the Terms of Reference.



## 5. Options

- 5.1 A decision is required whether to amend the Terms of Reference of the Regional Pest Management Committee. Given this would enable information to be captured from the consultation process undertaken by the Committee that could be useful to the Councils' general pest management, and this would not necessarily involve a significant amount of time or resources, it is recommended that the Terms of Reference be amended.

<b>Option 1: Amend Terms of Reference</b>	
Advantages	<ul style="list-style-type: none"> <li>Provides ability to identify pests that fall outside the scope of the draft Regional Pest Management Plan but which Councils could consider managing in other ways.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>Requires staff/Committee time to record additional information to present to Councils.</li> </ul>
<b>Option 2: Do not amend the Terms of Reference</b>	
Advantages	<ul style="list-style-type: none"> <li>No change required.</li> <li>Save time/resources.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>Lost opportunity to consider pests outside the scope of the draft Regional Pest Management Plan. The knowledge gained by the Committee will not be formally considered by Council.</li> <li>Community expectations may not be met when a pest does not meet the requirements of a Regional Pest Management Plan.</li> </ul>

## 6. Conclusion

- 6.1 Taking into account the advantages in considering pests outside the scope of the Regional Pest Management Plan, it is proposed that the Terms of Reference for the Regional Pest Management Committee be amended to enable this to happen.

Richard Frizzell  
**Environmental Programmes Officer**

## Attachments

Attachment 1: Proposed Amendment to Delegations-Terms of Reference  
 Regional Pest Management Joint Committee (A1582854)

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	Consideration of options to manage pests outside the scope of the Plan enables the Council to address pest issues raised during consultation, increasing the effectiveness of the review process.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The decision is consistent with Community Outcomes and Council Policy.
<b>3. Risk</b>	There is a very low level of risk resulting from this decision.
<b>4. Financial impact</b>	There are minimal costs resulting from this decision. Any future costs can be considered by Council when the joint Committee reports back to Council.
<b>5. Degree of significance and level of engagement</b>	This is not a significant decision in terms of Council's Significance and Engagement Policy.
<b>6. Inclusion of Māori in the decision making process</b>	There is no need for consultation with Maori or iwi for this decision.
<b>7. Delegations</b>	The Committee has the responsibility for considering the review of the Tasman-Nelson Regional Pest Management Strategy which will be developed into the draft Regional Pest Management Plan. The joint Regional Pest Management Committee has the power to make a recommendation to Council on this matter.

## **Agreement to Form the Regional Pest Management Committee**

*resolved at Full Council 12 May 2016*

(Joint Committee of Tasman District and Nelson City Councils)

Chairperson: Appointed by Committee members

Deputy Chairperson: Appointed by Committee members

Membership:

- Membership will comprise of six members, being three elected members from each of Nelson City Council and Tasman District Council
- For the 2013-2016 triennium, membership is as follows:
  - Nelson City Councillors Copeland, Fulton and McGurk
  - Tasman District Councillors Brian Ensor, Stuart Bryant and Trevor Norriss
- The quorum for the Committee is set at three members and must include at least one member from each Council.
- Nelson City and Tasman District Councils will be asked to resolve that the Joint Committee continues beyond the 2016 local body elections, to enable each Council to replace the members of the Committee following the election, as per the Local Government Act Schedule 7 Clause 31(5).

Terms of Reference:

Areas of Responsibility:

- To oversee the review of the Tasman-Nelson Regional Pest Management Strategy which will be developed into the draft Regional Pest Management Plan;
- To resolve conflicting approaches and provide direction on how chapters of the draft Plan can be developed to ensure an aligned joint Plan can be achieved; where there are conflicts or significant differences between the Councils;
- To oversee consultation with key stakeholders;
- To carry out hearings and deliberations on submissions to the draft Plan as required under the Biosecurity Act 1993;
- To identify pests that fall outside the scope of the draft Plan for the Council to consider managing in other ways.

Powers to Decide:

- None

Powers to recommend:

- To recommend to each Council notification of the draft Tasman-Nelson Regional Pest Management Plan under the Biosecurity Act 1993;

A1582854

- To recommend to each Council the adoption of the final Tasman-Nelson Regional Pest Management Plan and the process to make it in accordance with sections 70-75 of the Biosecurity Act 1993.
- To recommend to either or both Councils pests that fall outside the scope of the draft Plan that require an alternative management approach.

Procedure:

- Standing Orders to be applied at each meeting shall be Model Standing Orders.
- For the purposes of complying with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)) Committee meetings will be treated as public meetings as the Committee is delegated to perform duties as outlined in the Biosecurity Act 1993 in relation to preparing regional pest management plans.
- This agreement may be varied by resolution of each Council on the recommendation of the Regional Pest Management Committee or of both Chief Executives of the two councils.
- Each Council retains the power to discharge and re-appoint their respective members of the Committee.
- The Chairperson shall not have a casting vote.
- These delegations/terms of reference may be varied by resolution of both Councils and any such resolution shall carry the rider that it shall be subject to adoption by the other Council.
- Minutes of meetings of the Committee will be resolved to be received by each Council for record keeping purposes.
- The Committee would be considered to be disbanded following the adoption by both councils of the Regional Pest Management Plan.

A1582854

## 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 27 June 2016 commencing  
at 9.00am**

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### Hearings Panel:

Chair: Commissioner Ian Barker

Panel: Commissioner Brian McGurk

### In Attendance:

Reporting Officers: Marie Albertson, Pool Compliance Officer  
Kathy Mardon, Consents Administration Coordinator (9am – 9.05am)

Sean Walker (9am – 9.10am) – 8 Ngatitama Street

Minutes Secretary: Kathryn Lewis

### 1.0 STREET NAMING APPLICATION

- 1.1 Applicant: Wahanga Ltd  
Resource Consent: RM125264V1  
Location: Off Champion Road  
Type of roads: Public  
Report no: A1566788  
Discussion: The Commissioners agreed that the name reflected the cultural, historical significance and links with other street names in the area.

Resolved:

***The Hearings Panel approve the name of "Kapurangi Avenue" for the new public road in the Wahanga Subdivision.***

Barker/McGurk

Carried

- 1.2 Applicant: Solitaire Investments Ltd  
Resource Consent: RM145309  
Location: Off Marsden Valley Road  
Type of roads: Public  
Report no: A1563272  
Discussion: The Commissioners agreed that the names reflect the historical and farming theme for this area.

Resolved:

***The Hearings Panel approve the names of "Quail Rise" and "Woolshed Drive" for the public roads in the Solitaire Investments Subdivision, RM145309, in Marsden Valley.***

Barker/McGurk

Carried

A1571257 - Hearings Panel - Other - 27June2016

## 2.0 APPLICATIONS FOR EXEMPTION UNDER THE FENCING OF SWIMMING POOLS ACT 1987

2.1 Applicant: Sean Walker for K & J Hopgood 1-14

Location: 8 Ngatitama Street, Nelson

Report Number: A1548740

Discussion: Sean Walker explained details of the work and design.

Commissioner McGurk queried whether the door was necessary. Mr Walker said the only other access to the pool area would be via a side gate which wasn't practical. The proposal complies with the Building Act and NZS8500:2006.

*The Commissioners reviewed the application and report (A1548740) provided. Their decision was based on the information provided, discussion with the owner's agent and enabled them to reach the resolution.*

Resolved:

***That exemption for one bi-fold door with inward opening hinge is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987 with the following conditions.***

- ***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 K & J Hopgood.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***
- ***AND THAT a final inspection upon completion of the project confirms all other aspects comply with the Fencing of Swimming Pools Act 1987.***

Barker/McGurk

Carried

2.2 Applicant: David Glennie 15-22

Location: 15 Gershwin Grove, Nelson

Report Number: A1548935

Discussion: The Commissioners asked if the current tenant agrees with the conditions and Marie Albertson confirmed that he does. The Commissioners requested that an extra condition be applied regarding the owner/tenant obligations.

*The Commissioners reviewed the application and report (A1548935) provided, their decision was based on the information provided and enabled them to reach the resolution.*

Page 2 of 8

Resolved:

***That exemption for one sliding door is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987 with the following conditions.***

- ***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 D Glennie & A Hinton.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***
- ***AND THAT the conditions above be included on any tenancy agreement to ensure the occupier is aware of the obligations.***

Barker/McGurk

Carried

2.3 Applicant:	Grant Hopkins	23-30
Location:	61 Marybank Road, Nelson	
Report Number:	A1549069	
Discussion:	The Commissioners reviewed the application and report (A1549069) 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 with the following conditions.***

- ***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 Grant and Stephanie Hopkins.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

McGurk/Barker

Carried

2.4 Applicant:	D & M Taylor	31-38
Location:	11 Byron Place, Nelson	
Report Number:	A1556485	
Discussion:	The Commissioners discussed the access to the pool area and the raised garden bed. They requested some amendments to the final wording:	

Page 3 of 8

*The Commissioners reviewed the application and report (A1556485) provided, their decision was based on the information provided and enabled them to reach the resolution.*

Resolved:

***That exemption for a bi-fold door/window and a raised garden bed is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987 with the following conditions.***

- ***THAT the current latching device remain latched 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 access to the garden be through the garage where any small child must be escorted by an adult and is to be contained separately from the pool area.***
- ***AND THAT the exemption is only valid while the property is owned by the applicant D & M Taylor***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

McGurk/Barker

Carried

2.5 Applicant:	John & Mary Dyke	39-45
Location:	25 Monaco View, Nelson	
Report Number:	A1556596	
Discussion:	Mr McGurk asked if there had been any changes since the last exemption was granted, Marie Albertson advised there had not.	
	<i>The Commissioners reviewed the application and report (A1556596) provided, their decision was based on the information provided and enabled them to reach the resolution.</i>	

Resolved:

***That exemption for 3 sliding doors is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987 with the following conditions.***

- ***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 John & Mary Dyke***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Barker/McGurk

Carried

Page 4 of 8



2.6 Applicant: Michael Turnbull and Julie Demilliac 46-53  
 Location: 714 Atawhai Crescent, Nelson  
 Report Number: A1556716  
 Discussion: *The Commissioners reviewed the application and report (A1556716) provided, their decision was based on the information provided and enabled them to reach the resolution.*

Resolved:

***That exemption for one sliding door is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987 with the following conditions.***

- ***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 Michael Turnbull and Julie Demilliac.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Barker/McGurk

Carried

2.7 Applicant: Bruce Wilson 54-61  
 Location: 382 Maori Pa Road, Nelson  
 Report Number: A1556898  
 Discussion: The Commissioners queried if Marie Albertson had seen this type of device before. Marie Albertson said she had not and that she had discussed it with colleagues in the Building Unit.  
 Marie Albertson is to research if this type of retractable fence/gate has had an application for exemption lodge with any other Territorial Authority and any other relevant technical information.  
 Commissioner McGurk likened the gate more to a fence.  
 Commissioner Barker acknowledged the property is in a remote area.

Resolved:

***The decision on granting or declining this application has been deferred until the next hearing on 19 August 2016.***

Page 5 of 8

A1571257 - Hearings Panel - Other - 27June2016

2.8 Applicant: David Stuart 62-69  
 Location: 17 Bay View Road, Nelson  
 Report Number: A1557019

Discussion: *The Commissioners reviewed the application and report (A1557019) provided, their decision was based on the information provided and enabled them to reach the resolution.*

Resolution:

***That exemption for one sliding door is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987 with the following conditions.***

- ***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 Stuart and Nancy Hannah.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Barker/McGurk

Carried

2.9 Applicant: Tony Clifford Roach 70-77  
 Location: 67 Bay View Road, Nelson  
 Report Number: A1557696

Discussion: *The Commissioners reviewed the application and report (A1557696) provided, their decision was based on the information provided and enabled them to reach the resolution.*

Resolution:

***That exemption for three sliding doors is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987 with the following conditions.***

- ***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 Tony and Lisa Roach.***
- AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Barker/McGurk

Carried

2.10 Applicant: Stephen Grant Orrah 78-86  
 Location: 378 Suffolk Road, Nelson  
 Report Number: A1563252  
 Discussion: *The Commissioners reviewed the application and report (A1563252) provided, their decision was based on the information provided and enabled them to reach the resolution.*

Resolution:

***That exemption for three inward opening self closing doors is granted in accordance with section 6(1) of the Fencing of Swimming Pools Act 1987.***

- ***THAT the doors 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 Stephen and Lynette Orrah.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Barker/McGurk

Carried

2.11 Applicant: Lynley Carol Bradshaw 87-95  
 Location: 6 Jollie Street, Nelson  
 Report Number: A1565371  
 Discussion: The Commissioners requested an additional condition to install a self-closing device on the door at the top of the stairs.  
*The Commissioners reviewed the application and report (A1565371) provided, their decision was based on the information provided and enabled them to reach the resolution.*

Resolution:

***That exemption for one inward opening 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 Lynley Carol Bradshaw.***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***
- ***AND THAT a self-closing device be installed to the upstairs dining room door.***

Page 7 of 8

A1571257 - Hearings Panel - Other - 27June2016

Barker/McGurk

Carried

2.12 Applicant: Carol Patricia Cook 96-103

Location: 62 Sanctuary Drive, Nelson

Report Number: A1568620

Discussion: *The Commissioners reviewed the application and report (A1568620) provided, their decision was based on the information provided and enabled them to reach the resolution.*

Resolution:

***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 the applicant Carol and Gavin Cook***
- ***AND THAT future compliance will be monitored by the targeted inspection programme operated by council.***

Barker/McGurk

Carried

**There being no further business, the hearing ended at 10.00 am.**

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**MINUTES**  
of the  
**REGIONAL PEST MANAGEMENT JOINT COMMITTEE**  
**MEETING**

held  
**9.30 am, Wednesday, 29 June 2016**

at  
**Tasman Council Chamber, 189 Queen Street, Richmond**

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**Present:** Tasman District Council: Councillors B Ensor, S Bryant, T Norriss  
Nelson City Council: Councillors R Copeland, K Fulton, B McGurk

**In Attendance:** Nelson City Council: Environmental Programmes Adviser (R Frizzell),  
Environmental Programmes Manager (D Evans)  
Tasman District Council: Coordinator – Biosecurity and Biodiversity (P Sheldon), Environmental Information Manager (R Smith), Contracted Advisor (L Vaughan), Biosecurity Officers: (L Grueber and R Van Zoelen), Governance Advisor (P White)

**1 OPENING, WELCOME**

Paul Sheldon, Coordinator – Biosecurity and Biodiversity, introduced the Committee and the project.

Councillor Copeland offered apologies for early departure at 11.00am.

**Election of the Joint Committee Chair and Deputy Chair.**

It was recommended that the Joint Committee elect a Chair and Deputy Chair before the meeting proceed further.

Moved Cr Norriss/Cr Ensor

That the Regional Pest Management Joint Committee elects Cr Bryant as Chair of the Joint Committee and Cr McGurk as Deputy Chair.

Cr Copeland foreshadowed a motion of Cr Fulton to the role of Chair and Cr Bryant to the role of Deputy.

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Councillors discussed the role and attributes of the nominees. The motion was then put:

**Moved Cr Norriss/Cr Ensor**  
**RMPC16-06-01**

**That the Regional Pest Management Joint Committee elects Cr Bryant as Chair of the Joint Committee and Cr McGurk as Deputy Chair.**

**CARRIED**

## **2 APOLOGIES AND LEAVE OF ABSENCE**

Cr Copeland offered apologies for early departure.

**Moved Cr Norriss/Cr Ensor**  
**RPMC16-06-2**

**That apologies for Cr Copeland for early departure be accepted.**  
**CARRIED**

## **3 DECLARATIONS OF INTEREST**

Nil

## **4 CONFIRMATION OF MINUTES**

As this is the first Regional Pest Management Joint Committee meeting, there were no previous minutes to be confirmed.

## **5 PRESENTATIONS**

Nil

## **6 REPORTS**

### **6.1 Regional Pest Management Strategy / Review Briefing Notes**

Lindsay Vaughan, Advisor to the Regional Pest Management Plan review, presented to the meeting.

In response to a question, Mr Vaughan said that a challenge to the Plan could be taken to the Environment Court. He said that he was unsure where costs would fall if an appeal was taken to the Court – he anticipated Councils would meet Councils' costs and the complainant's costs would fall with them, unless the judge ruled otherwise. Mr Sheldon would anticipate that an appeal would only be for the part of the Plan affected, not the whole Plan.

Mr Vaughan clarified that the Plan would need to be ratified by both Council's individually at the end of the process. There was a provision for pests to only be notified in the Council area that they existed in.

Mr Vaughan went on to outline the various biosecurity agencies and their responsibilities.

Councillors asked about the role of the Environmental Protection Agency. Mr Sheldon said the

agency covered chemical authorisations and toxins but not pest management within the Council borders.

Mr Vaughan said that previously staff and the committee had worked hard to make the existing Strategy user-friendly and simple to reference, but the legislation was going to make this difficult this time around. The new legislation made the structure and format more prescriptive. There was a suggestion of a separate document to the Plan as a more user friendly guide, but the cost of this needed to be considered. Was it possible to have a 'layperson's translation' within the document itself?

Mr Vaughan reminded Councillors that pest management was a long term commitment, and therefore the Committee needed careful consideration of what was in the Plan. He said the Plan was a social contract with the community, and warned that the community was sometimes slow to recognise changes in legislation and therefore the current terms of the 'contract'.

Mr Vaughan described the initial key stakeholder consultation as it was proposed, and invited Councillors to attend those sessions as they were able.

Asked about keeping the Plan consistent with the NPD, Mr Vaughan agreed that there was an option to take an application through the Environment Court to ensure consistency with the NPD. He recommended that if the Councils can take their community with them in the Plan development it may not be needed, but it was an option available to the Committee. Mr Sheldon added that MPI had promised a rapid turnaround on auditing the proposals (draft Plans), which would be helpful. There was some concern from members about the possibility of the Plan being challenged, and the challenge being that members had a predetermined view. They asked for staff advice on this.

Iwi would be involved as a key stakeholders and with eight iwi in the top of the south careful and thorough consultation would be needed.

The meeting discussed marine biosecurity and whether the Plan would address this. Two staff at the table (Mr Evans as Chair and Mr Sheldon) sat on the Top of the South Marine Biosecurity partnership. Mr Evans agreed Pathway Management Plans were an option. The Committee would need to consider this. Mr Evans referred Councillors to the Top of the South Marine Biosecurity partnership website for additional information on the partnership (<http://www.marinebiosecurity.co.nz/>). Provisions for Pathway Management Plans are outlined in sections 59 – 98 of the Biosecurity Act 1993.

Mr Sheldon also noted other concerns in the community (in regard to cats and ants for example) and a companion document may be needed on how the Councils would engage with their communities on these issues, where they did not fit under the Biosecurity Act.

In terms of timeframes, Mr Vaughan said the existing document expired in November 2017. and the new Plan was to be operative (at least in part) by then. Councillors were referred to the timeframes in section 8 of the report.

The meeting broke for morning tea at 11.03am and reconvened at 10.50am.

Mr Vaughan took the meeting through the sections of the report in the agenda.

Mr Grueber spoke about the increased range of legislated requirements on people in the

community, especially rural and farm property owners and although enforcement staff tried to work with property owners generally there was increased resistance from sectors of the community. He said that the biosecurity officers used compliance/infringement action as a last resort.

Councillor Copeland left the meeting at 11.00 am.

Mr Smith confirmed that the budget for the Plan was split 75/25 Tasman/Nelson and confirmed the overall budget was for the Plan.

The Committee talked about community engagement on issues, for example Argentinian ants, where the pests were in the Strategy and enforcement wasn't an option because of the extent of the problem and lack of resources. Instead, surveillance, education and information was provided and asking the community to take action was the only option.

The Committee would need to consider with the new Plan what was not included in the Plan, and what recommendations the Committee would make on how the Council could deal with the issues that were not included in the Plan. Councillors discussed their Areas of Responsibility in their Terms of Reference. They acknowledged that the Committee's responsibility was only the Plan, but that they could make recommendations to their respective Council on non-regulatory approaches to issues, particularly raised by the community through submissions, that fell outside of the Plan.

Cr Fulton noted that it would be helpful if the Areas of Responsibility of the Committee could be broadened to include the ability for the Committee to make recommendations back to their Councils on items that fell outside the scope of the Plan.

In terms of stakeholder engagement meetings, Councillors requested that these be scheduled as much as possible to allow for their attendance. Staff noted this request. Councillors also requested that the form of public meetings in March 2017 followed a 'drop-in' sessions formatted along the lines of the recent Annual Plan consultation undertaken by Tasman ('at their place and on their terms').

The Committee discussed the issue with cat management and the strong feelings in the community about cat ownership and control. The Committee also discussed the groups considered key stakeholders and wanted to ensure the Biodiversity Forums were included and requested that a link be made into an existing Forum meeting if possible.

Mr Sheldon asked for the approval process for any media releases on the Plan process. The Committee agreed that media releases could be signed off by the Chair and Deputy Chair.

**Moved Cr Norriss/Councillor McGurk**  
**RPMC16-06-3**

**That the Regional Pest Management Joint Committee**

- 1. receives the Regional Pest Management Strategy / Review Briefing Notes report REP16-06-01; and**
- 2. requests that the staff report back to the two Council's with a request that the Areas of Responsibility of the Committee include recommendations from the Committee that fall outside the scope of the Plan; and**
- 3. recommends that staff undertake key stakeholder consultation.**



**CARRIED**

The meeting concluded at 12.00pm

Date Confirmed:

Chair:



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**Minutes of a meeting of the Hearings Panel - Other**

**Held in the Council Chamber, Level 2a, Civic House, 110  
Trafalgar Street, Nelson**

**On Thursday 7 July 2016, commencing at 11.37am**

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Present: Councillors P Matheson (Chairperson), and T Skinner

In Attendance: Investigator/Contracts Supervisor (M Hollows), Roading  
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. Public Forum**

There was no public forum.

**4. Temporary Road Closure (Mid-Winter Masquerade Night  
Market)**

Document number A1572078, pages 4-8 refer

Investigator/Contracts Supervisor, Mark Hollows and Roading Network  
Coordinator, Troy Chapman, presented the report.

Resolved

***THAT the report Temporary Road Closure  
(Mid-Winter Masquerade Night Market)  
(A1572078) and its attachment (A1572355)  
be received;***

Matheson/Skinner

Carried

A1580588

Hearings Panel - Other Minutes  
7 July 2016

Resolved

***THAT the Hearings Panel – Other approves the application for the temporary road closure for the Mid-Winter Masquerade Night Market on Thursday 28 July 2016.***

Skinner/Matheson

Carried

There being no further business the meeting ended at 11.40am.

Confirmed as a correct record of proceedings:

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

Hearings Panel – Other Minutes  
7 July 2016

A1580588 - Hearings Panel - other - 7 July 2016

A1580588

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## **Minutes of a meeting of the Nelson Regional Sewerage Business Unit**

**Held in Ruma Mārama, Level 2A, Civic House, 110 Trafalgar Street, Nelson**

**On Friday 11 March 2016, commencing at 1.03pm**

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**Present:** Councillors M Higgins (Chairperson) and B Dowler (Tasman District Council), Councillor R Copeland (Nelson City Council), and Mr D Shaw (Nelson City Council Representative)

**In Attendance:** Nelson Regional Sewerage Business Unit Manager (R Kirby), Senior Asset Engineer – Solid Waste (J Thiart), Industry Customers' Representative (P Wilson), Iwi Representative (M Hippolite), Management Accountant (A Bishop), and Administration Adviser (G Brown)

### **Apologies**

There were no apologies.

### **1. Confirmation of Order of Business**

There was no change to the order of business.

### **2. Interests**

Iwi Representative, Matt Hippolite, advised that he was now a Trustee of the Ngati Koata Trust, and that the Interests Register needed to be updated to reflect this.

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

### **3. Public Forum**

There was no public forum.

### **4. Confirmation of Minutes**

4.1 11 December 2015

Document number M1643, agenda pages 4 - 9 refer.

An error was highlighted in section 5 of the minutes. The third paragraph should read 'spraying on Rabbit Island' and not 'spraying and Rabbit Island'.

Resolved NRSBU/2016/001

***THAT the amended minutes of the meeting of the Nelson Regional Sewerage Business Unit, held on 11 December 2015, be confirmed as a true and correct record.***

Dowler/Shaw

Carried

## 5. General Manager's Report

Document number R5546, agenda pages 10 - 23 refer.

Nelson Regional Sewerage Business Unit Manager, Richard Kirby, explained the process for the accidental discharge consent application. He said a Council officer reviewed the application which was then reviewed by a lawyer. In response to a question, he advised that cultural impact assessments at the site were conducted over a year ago.

The submission to Moturoa/Rabbit Island Reserve Management Plan review was discussed.

It was highlighted that there was a growing issue with people entering into hazard areas on Rabbit Island and pressure was increasing on logging operators. It was suggested that Rough Island could be an alternate area to spread biosolids in the future should conflicts persist.

It was agreed information was to be added to the submission in relation to Rough Island. It was highlighted there were benefits to spreading biosolids such as reduced landfill costs, ecological and economic benefits, no pathogens and no risk to the public.

Wahi Tapu protocols were discussed and in response to a question, Mr Kirby explained the protocols would be included as part of the resource consent conditions.

There was a discussion about Bokashi Logic in that it was beneficial for compost bins and in circumstances where there were anaerobic issues with waste.

In response to a question, Mr Kirby said introducing Bokashi Logic at the Neale Park pump station would not reduce the odour as the pump station was constantly flowing so was already aerobic.

In response to a further question, Mr Kirby explained that there was no evidence to support the use of Bokashi Logic as a solution for sludge in

wastewater ponds and it would cost approximately \$200,000 per annum to introduce this process to all three ponds. He added that a business case was currently being compiled around the removal of sludge from the ponds and one of the options analysed would be the use of Bokashi Logic.

In response to a question, Mr Kirby said there was a budget of \$200,000 in 2016/17 for sludge removal.

In response to a question, Mr Kirby advised the operation and maintenance contract with Nelmac was for a period of three plus two plus two years and that the first three years would expire in September 2016.

In response to a question, Senior Asset Engineer – Solid Waste, Johan Thiart explained the USEPA source referenced in section 4.18 of the report was measured using the average springtime discharge.

It was highlighted that number 4 in the action plan 'Review risk of contributors leaving NRSBU' was complete.

The NRSBU balance sheet as at 31 January 2016 was tabled (A1519221).

In response to a question, Management Accountant, Andrew Bishop, advised that the surplus illustrated in the balance sheet would be best utilised to repay some term debt to both Nelson City and Tasman District Councils.

In response to a question regarding the NRSBU Status Report, Mr Thiart said that in relation to the Bell Island Energy Audit a final decision would be made in the coming months. He added that optimisation of oxygen levels was currently running at 30% power over the summer.

Resolved NRSBU/2016/002

**THAT the report General Manager's Report (R5546) and its attachments (A1508800, A452094 and A1432009) be received;**

**AND THAT the potential future distribution of biosolids at Rough Island be linked to section 2.5 of the Submission to the Moturoa/Rabbit Island Reserves Management Plan (A1508800).**

Copeland/Dowler

Carried

#### **Attachments**

- 1 A1519221 - NRSBU balance sheet as at 31 January 2016

There being no further business the meeting ended at 2.23pm.

Confirmed as a correct record of proceedings:

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

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**Minutes of a meeting of the Chief Executive Employment Committee**

**Held in Ruma Ana, Level 2B, Civic House, 110 Trafalgar Street, Nelson**

**On Monday 20 June 2016, commencing at 1.08pm**

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**Present:** Her Worship the Mayor R Reese (Chairperson), Councillors L Acland and P Matheson (Deputy Mayor)

**In Attendance:** Chief Executive (C Hadley), Administration Adviser (E-J Ruthven), and external adviser (P Bell, via video link)

**1. Apologies**

There were no apologies.

Her Worship the Mayor advised that external advisor, Paul Bell, of Intepeople, was joining the meeting via video link.

**2. Confirmation of Order of Business**

Her Worship the Mayor advised that there would be a public forum presentation.

**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 Avner Nahmias**

Mr Nahmias outlined his concerns regarding the influence that Council officers had on decisions affecting the city. He said that bureaucracy created layers of inefficiencies, and that this led to inexpensive solutions to issues being overlooked. He added that it was not necessary to pay the Chief Executive and other Council officers corporate market pay rates.

Mr Nahmias tabled a copy of his presentation (A1571123).



## Attachments

- 1 A1571123 - Public Forum - tabled document

## 5. Confirmation of Minutes

### 5.1 23 May 2016

Document number M1899, agenda pages 6 - 8 refer.

Resolved CEE/2016/012

***THAT the minutes of the meeting of the Chief Executive Employment Committee, held on 23 May 2016, be confirmed as a true and correct record.***

Her Worship the Mayor/Matheson

Carried

## 6. Exclusion of the Public

Her Worship the Mayor said that external advisor, Paul Bell, of Intepeople, would join the meeting via video link for Items 4 and 5 of the Public Excluded agenda and, accordingly, the following resolution was required to be passed:

Resolved CEE/2016/013

***THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Paul Bell, attend the meeting via video link after the public has been excluded, for Items 4 and 5 of the Public Excluded agenda (End of Year Performance Review and Final Draft KPIs (Performance Agreement 2016/2017) for consideration), 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 Paul Bell possesses relates to the Chief Executive's performance, remuneration and development.***

Her Worship the Mayor/Acland

Carried

Resolved CEE/2016/014

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

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

Her Worship the Mayor/Acland

Carried

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	<b>Chief Executive Employment Committee Meeting - Public Excluded Minutes - 23 May 2016</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.</li> </ul>
<b>2</b>	<b>End of Year Performance Review</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>
<b>3</b>	<b>Final Draft KPIs (Performance Agreement 2016/2017) for consideration</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>

The meeting went into public excluded session at 1.20pm and resumed in public session at 2.29pm.

## 7. Re-admittance of the Public

Resolved CEE/2016/015

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

Her Worship the Mayor/Acland

Carried

There being no further business the meeting ended at 2.29pm.

Confirmed as a correct record of proceedings:

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

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

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

**On Thursday 23 June 2016, commencing at 9.00am**

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**Present:** Councillor E Davy (Chairperson), Councillors I Barker, L Acland, R Copeland, M Lawrey (Deputy Chairperson), G Noonan and T Skinner

**In Attendance:** Councillors P Matheson and M Ward, Group Manager Infrastructure (A Louverdis), Group Manager Community Services (C Ward), Senior Asset Engineer - Transport and Roding (R Palmer), Manager Operations and Asset Management (P Anderson), Administration Adviser (S Burgess), and Nelson Youth Councillors (K Phipps and L Wilkes)

**Apology:** Her Worship the Mayor Rachel Reese

### 1. Apologies

Resolved WI/2016/044

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

Davy/Lawrey

Carried

### 2. Confirmation of Order of Business

The Chairperson advised that item 10, 80 Scotia Street Road Stopping, was to be withdrawn from the agenda as officers needed to gather further information.

### 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 10 May 2016

Document number M1876, agenda pages 7 - 14 refer.

Resolved WI/2016/045

***THAT the minutes of the meeting of the Works and Infrastructure Committee, held on 10 May 2016, be confirmed as a true and correct record.***

Davy/Lawrey

Carried

#### 6. Status Report - Works and Infrastructure Committee - 23 June 2016

Document number R6061, agenda pages 15 - 19 refer.

In response to a question, Group Manager Infrastructure, Alec Louverdis, provided further detail on the Bridge Street upgrade.

Resolved WI/2016/046

***THAT the Status Report Works and Infrastructure Committee 23 June 2016 (R6061) and its attachment (A1150321) be received.***

Noonan/Lawrey

Carried

#### 7. Chairperson's Report

The Chairperson spoke about two conferences he had recently attended, one regarding the development of a National Disability Strategy; and one regarding transport and infrastructure. The Chairperson urged Council to consider those with disabilities when designing or planning new facilities, roadways and pathways.

Attendance: Councillor Skinner joined the meeting at 9.06am.

Resolved WI/2016/047

***THAT the verbal Chairperson's Report be received.***

Davy/Barker

Carried

## TRANSPORT AND ROADING

### 8. **Roading Maintenance Contract Collaboration - Nelson City Council and Tasman District Council - Business Case**

Document number R5518, agenda pages 20 - 33 refer.

Senior Asset Engineer - Transport and Roading, Rhys Palmer, and Manager Operations and Asset Management, Peter Anderson, presented the report.

In response to questions, Mr Anderson spoke about the cost benefit analysis of options, the proposed alignment of documents with Tasman District Council, and the likely efficiencies from progressing with Option 2. He added that Option 2 was essentially the 'status quo' but with improved procedures.

Group Manager Infrastructure, Alec Louverdis, clarified that Council would still be operating under its Procurement Policy, and the term of contracts would dictate the subsequent review of procedures relating to those contracts.

Resolved WI/2016/048

**THAT the report *Roading Maintenance Contract Collaboration - Nelson City Council and Tasman District Council - Business Case (R5518)* and its attachment (A1521826) be received;**

**AND THAT Option 2 as detailed in attachment (A1521826) of Report R5518, to explore a combined procurement strategy with the Tasman District Council on urban road maintenance and renewal activities, be approved subject to similar approval by Tasman District Council;**

**AND THAT if Tasman District Council do not approve Option 2 then Option 1 (Do nothing different – Status Quo) be the approved option.**

Lawrey/Noonan

Carried

### 9. **Road Stopping - Brook Recreation Reserve - Referral to Council**

Document number R6043, agenda pages 34 - 36 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report.

Resolved WI/2016/049

**THAT the report *Road Stopping - Brook Recreation Reserve - Referral to Council (R6043)* be received;**

**AND THAT the Works and Infrastructure Committee refer its delegation regarding road stopping to Council, in respect of the proposal to stop the road reserve at the Brook Recreation Reserve.**

Barker/Acland

Carried

## **10. Church Street Concept Proposal**

Document number R6058, agenda pages 47 - 55 refer.

Senior Asset Engineer - Transport and Roading, Rhys Palmer, presented the report along with a PowerPoint presentation (A1569269).

Concern was raised that benefits of the upgrade would go only to those businesses in Church Street. It was also suggested that the upgrade could direct business from the Rutherford Hotel to Church Street instead of other hospitality establishments.

The Committee discussed the design connection through to the Montgomery Carpark. There were mixed views regarding a suggestion to remove several carparks on Church Street.

In response to questions, Mr Palmer advised that the businesses were able to apply for outdoor dining. He added that a new layout could be trialled earlier than planned if road marking and adequate barriers were put in place. Mr Palmer said due to there being no change in the one-way operation of Church Street, wider consultation regarding the project was not formally required.

Resolved WI/2016/050

**THAT the report Church Street Concept Proposal (R6058) and its attachments (A1473241 and A1473250) be received;**

**AND THAT \$75,000 be allocated from provision in the 2016/17 CBD Enhancement budget to engage with stakeholders and develop a design for the upgrade of Church Street in the 2016/17 financial year;**

**AND THAT the developed design be brought back to the Works and Infrastructure Committee for approval prior to construction;**

**AND THAT construction be prioritised in future Annual/Long Term Plans.**

Acland/Noonan

Carried

**Attachments**

- 1 A1569269 - Church Street Concept Proposal

There being no further business the meeting ended at 10.06am.

Confirmed as a correct record of proceedings:

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



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

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

**On Thursday 30 June 2016, commencing at 9.00am**

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- Present:** Councillor B McGurk (Chairperson), Her Worship the Mayor R Reese, Councillors I Barker, R Copeland, K Fulton (Deputy Chairperson), M Lawrey, and M Ward, and Ms G Paine
- In Attendance:** Group Manager Strategy and Environment (C Barton), Group Manager Community Services (C Ward), Manager Communications and Acting Manager Libraries and Heritage (P Shattock), Team Leader Roding and Solid Waste (M Parfitt), Strategy and Environment Analyst (B Wayman), Manager Planning (M Heale), Youth Councillors F Sawyer and J Stallard, and Administration Adviser (J McDougall)
- Apologies:** Councillor E Davy for attendance, Her Worship the Mayor R Reese and Councillor M Lawrey for lateness.

### 1. **Apologies**

Resolved PR/2016/032

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

Ward/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

Lindsay Wood read out his presentation *Doing justice to macro-scale environmental issues in Nelson City Council's planning* and tabled a copy (A1573376).

Mr Wood urged Council to promote a standalone policy on climate change and ocean change and suggested that the policy be reflected in all Council's plans.

Attendance: Councillor Lawrey joined the meeting at 9.04am.

In answer to a comment that ratepayers seemed to raise more concerns about parking than about climate change issues, Mr Wood advised that in his opinion it was important for organisations such as Council to take the lead in major issues such as climate change.

##### Attachments

- 1 A1573376 - Public Forum - tabled document

#### 5. Confirmation of Minutes

5.1 19 May 2016

Document number M1892, agenda pages 6 - 7 refer.

Resolved PR/2016/033

***THAT the unconfirmed minutes of the meeting of the Planning and Regulatory Committee, held on 19 May 2016, be confirmed as a true and correct record.***

Paine/McGurk

Carried

5.2 19 May 2016

Document number M1893, agenda pages 8 - 11 refer.

Resolved PR/2016/034

***THAT the unconfirmed minutes of the meeting of the Planning and Regulatory Committee, held on 19 May 2016, be confirmed as a true and correct record.***

Barker/Copeland

Carried

5.3 2 June 2016

Document number M1914, agenda pages 12 - 14 refer.

Resolved PR/2016/035

***THAT the unconfirmed minutes of the meeting of the Planning and Regulatory Committee, held on 2 June 2016, be confirmed as a true and correct record.***

Barker/Fulton

Carried

## **6. Status Report - Planning and Regulatory - 30 June 2016**

Document number R6114, agenda pages 15 - 18 refer.

In response to a query about warrants of fitness for rental housing schemes, Group Manager Strategy and Environment, Clare Barton, advised that once information on this topic had been collated from other councils, a report would come to the Committee outlining possible actions and timeframes.

Resolved PR/2016/036

***THAT the Status Report Planning and Regulatory Committee 30 June 2016 (R6114) and its attachment (A1155974) be received.***

Fulton/Paine

Carried

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

Document number R6120, agenda pages 19 - 20 refer.

The Chairperson presented his report.

In response to a query regarding the petition, Group Manager Strategy and Environment, Clare Barton advised that the matter was being looked into and a report, including costings, was being prepared.

Resolved PR/2016/037

***THAT the Chairperson's Report (R6120) be received and the contents noted.***

McGurk/Fulton

Carried

## REGULATORY

### 8. **Parking and Vehicle Control Bylaw (2011), No 207, Amendments to Schedules**

Document number R5863, agenda pages 21 - 27 refer.

Team Leader Roading and Solid Waste, Marg Parfitt, presented the report.

Resolved PR/2016/038

***THAT the report Parking and Vehicle Control Bylaw (2011), No 207, Amendments to Schedules (R5863) and its attachments (A1554304, A1554307, A1555003 and A1554291) be received;***

***AND THAT the amendments detailed in report R5863 to the following Schedules of Bylaw No 207, Parking and Vehicle Control (2011), be approved:***

***- Schedule 9: No Stopping.***

Barker/Copeland

Carried

### 9. **The approach taken by other Councils to Freedom Camping**

Document number R5911, agenda pages 28 - 30 refer.

Group Manager Strategy and Environment, Clare Barton presented the report.

In response to a question, Ms Barton noted that there was information on the Council website about freedom camping but that signage in specific places could be appropriate to assist in communicating information about freedom camping in the Nelson area.

Resolved PR/2016/039

***THAT the report The approach taken by other Councils to Freedom Camping (R5911) be received and noted.***

Barker/Lawrey

Carried

## POLICY AND PLANNING

### 10. Proposed National Policy Statement on Urban Development Capacity

Document number R6121, agenda pages 31 - 38 refer.

Strategy and Environment Analyst, Brylee Wayman, and Manager Planning, Matt Heale, presented the report and advised that the draft submission from Local Government New Zealand (LGNZ) was expected to be received today.

Councillors were interested to see the draft submission and Group Manager Strategy and Environment, Clare Barton advised that it could be circulated by email.

There was discussion about whether Council, in addition to supporting the LGNZ submission, should make its' own submission.

In response to a query, Ms Wayman advised that the proposed National Policy Statement on Urban Development Capacity would look at the availability of airspace such as above carparking areas, as well as actual land usage.

Attendance: Her Workshop the Mayor joined the meeting at 9.33am.

Attendance: The meeting adjourned from 9.40am to 9.42am.

It was noted that it was important for Nelson's voice to be heard on these matters. It was suggested the elected members contribute ideas for the submission, and also suggested that councillors think widely about the housing issue in addition to any concerns about the supply of land for housing development.

Resolved PR/2016/040

**Receive the report Proposed National Policy Statement on Urban Development Capacity (R6121) and its attachments (A1565123);**

**Approve that the issues raised in this report are communicated to Local Government New Zealand to be considered in their submission on the proposed National Policy Statement on Urban Development Capacity;**

**Approve a submission on the matter be made by Nelson City Council to the Ministry for the Environment.**

Ward/Fulton

Carried

There being no further business the meeting ended at 9.48am.

Confirmed as a correct record of proceedings:

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

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## **Minutes of a meeting of the Regional Transport Committee**

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

**On Monday 4 July 2016, commencing at 2.06pm**

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**Present:** Councillor R Copeland (Chairperson), Her Worship the Mayor R Reese, Councillors B McGurk (Deputy Chairperson) and P Rainey, and Ms R Bleakley

**In Attendance:** Councillors K Fulton, P Matheson and G Noonan, Group Manager Infrastructure (A Louverdis), Senior Asset Engineer – Transport and Roading (R Palmer), Administration Adviser (S Burgess), and NZTA Representatives (M Owen and J Alexander)

### **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 16 October 2015**

Document number M1537, agenda pages 5 - 9 refer.

It was noted the spelling of Mr Hookham on the first page of the minutes would be corrected.

Resolved RTC/2016/001

***THAT the amended minutes of the meeting of the Regional Transport Committee, held on 16 October 2015, be confirmed as a true and correct record.***

McGurk/Bleakley

Carried

## 6. Chairperson's Report

The Chairperson spoke about residents' concerns regarding the sealing material used on Whakatu Drive, and advised she had sent a follow up letter to Ms Bleakley of the New Zealand Transport Agency requesting robust consultation on any future plans.

The Chairperson spoke about work relating to travel demand as a result of the Annual Plan 2016/17 process, adding that a workshop on the matter was proposed for 16 August 2016.

## 7. South Island Inter Regional Transport Committee Chairs Working Group

Document number R6002, agenda pages 10 - 18 refer.

Senior Asset Engineer – Transport and Roading, Rhys Palmer, presented the report.

Resolved RTC/2016/002

***THAT the report South Island Inter Regional Transport Committee Chairs Working Group (R6002) and its attachment (A1560415) be received;***

McGurk/Rainey

Carried

In response to a question, Mr Palmer advised the Working Group meetings would be based around key pieces of work, therefore it was not anticipated that there be regular meetings.

It was asked that the Working Group meetings feed back into Council's asset management planning.

Resolved RTC/2016/003

***AND THAT the Committee support participating in the South Island Regional Transport Committee Chairs Working Group;***



**AND THAT the value gained from participating in the South Island Regional Transport Committee Chairs Working Group be reviewed in 2018.**

Her Worship the Mayor/Copeland

Carried

## **8. RLTP Variation - Nelson Road Safety Promotion 2016-2018**

Document number R6045, agenda pages 19 - 21 refer.

Raewyn Bleakley and Mark Owen of the New Zealand Transport Agency (NZTA) presented the report.

Mr Owen said the additional funding would complement the funds Council already had allocated to road safety. He highlighted the funding would not be used for physical roadworks. Ms Bleakley added that the Tasman Regional Transport Committee had adopted the recommended approach.

In response to a question, Mr Owen explained there was flexibility in the methods used for road safety promotion, and NZTA would work closely with Council's Road Safety Coordinator to ensure effective communication.

In response to concern about Council officer resource, Ms Bleakley clarified that the promotion would be focussed on highways and it was understood additional work could not be carried out by Council officers.

Resolved RTC/2016/004

**THAT the report RLTP Variation - Nelson Road Safety Promotion 2016-2018 (R6045) and its attachment (A1559397) be received;**

**AND THAT the Nelson Regional Transport Committee vary the current 2015-18 Regional Land Transport Programme to include a total of \$200,000 for Nelson Road Safety Promotion on the State Highway network spread over the 2016/17 and 2017/18 financial years.**

McGurk/Her Worship the Mayor

Carried

## **9. New Zealand Transport Agency Update**

Document number R6127, agenda pages 22 - 25 refer.

Raewyn Bleakley of the New Zealand Transport Agency (NZTA) presented the report.

In response to a question, Senior Asset Engineer – Transport and Roading, Rhys Palmer, said it was envisaged that cycle safety signs between Atawhai and Cable Bay Road would be in place before the busy summer season.

The Committee discussed the Nelson Southern Link Investigation. The Chairperson tabled the related resolution passed by Council on 5 May 2016 (A1578170).

Questions were raised about Council obtaining feedback from the community on the Investigation, and the appropriate process and timing for this. Ms Bleakley advised that it was for Council to determine its process as to how it formed a position on the matter. Attention was drawn to the Council feedback given via the 5 May 2016 resolution and the subsequent letter to the NZTA from the Chief Executive.

Ms Bleakley emphasised that Council could put forward feedback to the NZTA on its position at any time, and was welcome to do so in conjunction with future stages of the business case process.

In response to a question, Group Manager Infrastructure, Alec Louverdis, advised that it would be a decision of Council, not the Regional Transport Committee, to determine a process for providing feedback to the NZTA in future if desired.

The Committee noted the need for consideration of Council's timeframes and planning requirements under the Local Government Act 2002 as the Investigation moved through future phases.

In response to requests for timeframe information, Ms Bleakley assured the Committee that the NZTA would keep Council updated as the process for the Investigation was worked through.

Discussion turned to the Rocks Road Walk/Cycle project and its link to the Nelson Southern Link Investigation.

It was questioned whether a design for the Rocks Road Walk/Cycle project that was not dependant on the outcome of the Nelson Southern Link Investigation could be achieved. Concern was then raised about timeframes and funding of this project. It was noted that the NZTA was to organise a meeting of the Rocks Road Steering Group in the coming month, which could consider these ideas and concerns.

The Committee discussed the Urban Cycleway Fund projects and scope, noting that it was being funded by the Crown and therefore there were strict timeframes for the use of funds.

The Committee requested further detail on funding allocations and timeframes for projects supported by the Urban Cycleway Fund.

It was asked that the Rocks Road Steering Group consider inviting all Nelson Regional Transport Committee members to future Group meetings.

Resolved RTC/2016/005

**Receive the report New Zealand Transport Agency Update (R6127) and its attachment (A1569142).**

Copeland/Rainey

Carried

**Attachments**

- 1 A1578170 - Council resolution regarding Nelson Southern Link Investigation 05May2016

There being no further business the meeting ended at 3.34pm.

Confirmed as a correct record of proceedings:

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

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## Minutes of a meeting of the Community Services Committee

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

**On Thursday 7 July 2016, commencing at 9.01am**

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**Present:** Councillor P Rainey (Chairperson), Her Worship the Mayor R Reese, Councillors R Copeland, M Lawrey, P Matheson, G Noonan (Deputy Chairperson), T Skinner and M Ward

**In Attendance:** Councillors B McGurk and I Barker, 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), Manager Community Partnerships (S Hermsen), Youth Councillors Jordan Lankshear and Mamata Dahal, and Administration Advisor (J McDougall)

### **1. Apologies**

There were no apologies.

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

The Chairperson advised that after the agenda had been distributed, a public forum had been confirmed and a late item had also been received. He said that in order for the late item to be considered, the following resolution needed to be considered:

#### **2.1 Submission on Draft Moturoa/Rabbit Island Reserve Management Plan**

Resolved CS/2016/045

***THAT the item regarding Submission on Draft Moturoa/Rabbit Island Reserve Management Plan 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 the submission on Submission on Draft Moturoa/Rabbit Island***

***Reserve Management Plan to be submitted prior to 8 July 2016.***

Matheson/Ward

Carried

**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 Waahi Taakaro Golf Club**

President of the Waahi Taakaro Golf Club, Peter Watson, spoke in support of the draft Memorandum of Understanding between the Club and the Council. Mr Watson provided background details regarding the relationship between the two parties, and the process of the development of the draft Memorandum of Understanding.

**5. Confirmation of Minutes**

**5.1 26 May 2016**

Document number M1907, agenda pages 8 - 15 refer.

Resolved CS/2016/046

***THAT the minutes of the meeting of the Community Services Committee, held on 26 May 2016, be confirmed as a true and correct record.***

Rainey/Noonan

Carried

**6. Status Report - Community Services Committee - 7 July 2016**

Document number R6141, agenda pages 16 - 19 refer.

In response to questions, Group Manager Community Services, Chris Ward provided further detail regarding the Stoke Community and Sports Facility, and the review of management of community facilities.

Resolved CS/2016/047

***THAT the Status Report Community Services Committee 7 July 2016 (R6141) and its attachment (A1157454) be received.***

Rainey/Ward

Carried

## 7. Chairperson's Report

The Chairperson reminded councillors that the Light Nelson event would start on Friday 8 July 2016 and would run through to Tuesday 12 July 2016.

## ARTS, FESTIVALS AND EVENTS

### 8. Arts Fund - Approval of Waka Landing Site Concept

Document number R5322, agenda pages 20 - 23 refer.

Manager Community Partnerships Shanine Hermesen, presented the report, and displayed a Power Point presentation (A1560091).

In response to a question regarding speeding up the approvals process, Group Manager Community Services, Chris Ward noted that there had been about thirty art works to consider, all of which had to go through a rigorous process to check on aspects such as quality and functionality.

Ms Hermesen noted, in response to a query, that there would be an interpretation panel in both English and te reo Maori situated close to the art work.

Resolved CS/2016/048

***THAT the report Arts Fund - Approval of Waka Landing Site Concept (R5322) be received;***

Rainey/Lawrey

Carried

Resolved CS/2016/049

***THAT the 'Taurapa' concept for artwork at the waka landing site is approved for further development;***

Lawrey/Ward

Carried

Resolved CS/2016/050

***AND THAT the artwork is commissioned subject to successful resource and building consent applications and approval of the budget and final concept plans by Council's Art Selection Panel.***

Lawrey/Ward

Carried

#### Attachments

- 1 A1560091 - Power Point Presentation

## RECREATION AND LEISURE

### 9. Bishopdale Easement for Purposes of Electricity Supply

Document number R6072, agenda pages 24 - 29 refer.

Group Manager Corporate Services Nikki Harrison presented the report.

Resolved CS/2016/051

**Receive the report Bishopdale Easement for Purposes of Electricity Supply (R6072) and its attachment (A1564516).**

Noonan/Lawrey

Carried

Recommendation to Council CS/2016/052

**Grants the easement in gross, in favour of Network Tasman Limited, shown as area "A" and "B" on Title Plan LT 499221;**

**That the easement be consented to under section 48(1) (d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation;**

**Meets all legal costs associated with the easement.**

Noonan/Skinner

Carried

### 10. Management of Waahi Taakaro Golf Course

Document number R4513, agenda pages 30 - 57 refer.

Manager Community Services, Chris Ward presented the report and noted the following corrections to the report:

5.1.3 \$216 (not \$207) for members who wished to play 9 holes

5.1.3 Club member cost per annum varies between \$184 and \$224 (not around \$110)

Attendance: Councillor Matheson left the meeting from 9.43am to 9.45am.

In response to questions, Mr Ward provided further details regarding the consultation process and advised that any changes would come into effect after the current club year i.e. on 1 April 2017.

Attendance: Councillor Ward left the meeting from 9.59am to 10.01am.

Resolved CS/2016/053

**THAT the report Management of Waahi Taakaro Golf Course (R4513) and its attachment (A1487496) be received;**

Rainey/Copeland

Carried

Resolved CS/2016/054

**THAT it be noted that consultation will be carried out on the proposed fee and concession structure outlined in report R4513 and its attachment (A1487496);**

**AND THAT it be noted for budgeting purposes that the user recovery charges for the Waahi Taakaro Golf Course will be set at 50-60% of operating costs.**

Rainey/Ward

Carried

Councillor Noonan, seconded by Skinner, moved the recommendation to Council in the officer report:

*THAT the Memorandum of Understanding between Council and the Waahi Taakaro Golf Club (A1487496) be approved in principle for signing, subject to confirmation of the fee and concession structure.*

Councillor Lawrey, seconded by Councillor Copeland, moved an amendment:

*THAT the Memorandum of Understanding between Council and the Waahi Taakaro Golf Club (A1487496) be approved in principle for signing, subject to confirmation of the fee and concession structure and completion of consultation with club and non-club members in regards to the proposed fee and concession structure.*

Attendance: the meeting adjourned from 10.19am to 10.21am.

The amendment was put and became the substantive motion.



Recommendation to Council CS/2016/055

***THAT the Memorandum of Understanding between Council and the Waahi Taakaro Golf Club (A1487496) be approved in principle for signing, subject to confirmation of the fee and concession structure and completion of consultation with club and non-club members in regards to the proposed fee and concession structure.***

Noonan/Skinner

Carried

Attendance: the meeting adjourned for morning tea from 10.34am to 10.42am, and Councillor Lawrey left the meeting at 10.43am.

#### **11. Late item: Submission on Draft Moturoa/Rabbit Island Reserve Management Plan**

Document number R6220, late items agenda pages 2 - 6 refer.

Senior Strategic Adviser, Nicky McDonald, presented the report.

Attendance: Councillor Skinner left the meeting from 10.44am to 10.45am.

In response to a query, Ms McDonald noted that the issue had been in the public arena for some time and no questions or queries had been received to date.

Resolved CS/2016/056

***Receive the report Submission on Draft Moturoa/Rabbit Island Reserve Management Plan (R6220) and its attachments (A1577117) ; Noonan/Ward Carried***

***Approve the content in attachment (A1577117) to be provided to Tasman District Council as a submission to the Draft Moturoa/Rabbit Island Reserve Management Plan.***

Rainey/Ward

Carried

### **REPORTS FROM COMMITTEES**

#### **12. Youth Council Update**

Nelson Youth Councillors, Jordan Lankshear and Mamata Dahal, spoke about collaboration with the Elma Turner Library, the current audit/survey of careers guidance in local secondary schools, and how to share the information they learn as youth councillors.

They noted that the Youth Council had not yet received a response from the Minister of Education to their submission on youth employment and on careers guidance in secondary schools.

They advised that Nelson MP Hon Dr Nick Smith would be presenting at their meeting on 8 July 2016 and that a list of possible topics, including the Nelson Southern Link and the waterfront precinct, had been prepared.

Attendance: Councillor Matheson left the meeting from 11.12am to 11.14am.

### 13. Nelson Youth Council - 13 May 2016

Document number M1885, agenda pages 58 - 62 refer.

Resolved CS/2016/057

***THAT the minutes of a meeting of the Nelson Youth Council, held on 13 May 2016, be received.***

Rainey/Matheson

Carried

### 14. Exclusion of the Public

Resolved CS/2016/058

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

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

Rainey/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	Community Services Committee Meeting - Public Excluded Minutes - 26 May 2016	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		which good reason exists under section 7.	commercial and industrial negotiations).
2	<b>Status Report - Community Services Committee - 7 July 2016</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
3	<b>Community Leases - Bowls Tahunanui</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>

The meeting went into public excluded session at 11.21am and resumed in public session at 11.33am.

## 15. Re-admittance of the Public

Resolved CS/2016/059

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

Rainey/Noonan

Carried

There being no further business the meeting ended at 11.34am.

Confirmed as a correct record of proceedings:

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

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## Minutes of a meeting of the Governance Committee

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

**On Thursday 14 July 2016, commencing at 9.02am**

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**Present:** Councillor I Barker (Chairperson), Her Worship the Mayor R Reese, Councillors K Fulton, B McGurk, G Noonan, and P Rainey, Mr J Murray and Mr J Peters

**In Attendance:** Chief Executive (C Hadley), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Manager Communications, Acting Manager Libraries and Heritage Facilities (P Shattock), Administration Adviser (S Burgess), and Youth Councillors (D Leaper and J Stallard)

**Apologies:** Councillors E Davy, L Acland and P Matheson for attendance, and Councillor G Noonan for lateness

### 1. Apologies

Resolved GOV/2016/064

***THAT apologies be received and accepted from Councillors Davy, Acland and Matheson for attendance, and Councillor Noonan for lateness.***

McGurk/Peters

Carried

### 2. Confirmation of Order of Business

There was no change to the order of business.

The Chairperson noted that Sharon McGuire, retiring Director of Tourism Nelson Tasman Ltd would be joining the Committee for morning tea.

### 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 26 May 2016 - Extraordinary Meeting

Document number M1911, agenda pages 9 - 17 refer.

Resolved GOV/2016/065

***THAT the minutes of the extraordinary meeting of the Governance Committee, held on 26 May 2016, be confirmed as a true and correct record.***

Fulton/McGurk

Carried

#### 6. Status Report - Governance Committee - 14 July 2016

It was noted that there was no Status Report.

#### 7. Chairperson's Report

The Chairperson advised that a meeting had been organised for 20 July 2016 with the Nelson Cycle Lift Society and mountain bike and tourism representatives to explore the strategic links between the groups. He said it was thought this meeting should take place before finalising the project plan for the Nelson Cycle Lift Society, which had been due for consideration at this Governance Committee meeting. The Chairperson advised that the project plan would now come to the Committee meeting in August 2016.

Resolved GOV/2016/066

***THAT the oral Chairperson's Report be received.***

Barker/Fulton

Carried

### GOVERNANCE

#### 8. Health and Safety: Quarterly Report

Document number R6048, agenda pages 18 - 29 refer.

Group Manager Corporate Services, Nikki Harrison, and Health and Safety Management Systems Adviser, Bryony Chester, presented the report, noting that it covered the quarter up to 30 June 2016.

In response to questions, Ms Harrison provided further information on the physical security review, the Business Leaders Health and Safety Forum, and the wellness programme.

Attendance: Councillor Noonan joined the meeting at 9.12am.

Resolved GOV/2016/067

***THAT the report Health and Safety: Quarterly Report (R6048) and its attachment (A1577496) be received.***

Fulton/Peters

Carried

## **9. Service Level Review Quarterly Progress Update**

Document number R6006, agenda pages 30 - 44 refer.

Policy Adviser, Gabrielle Thorpe, and Manager Operations and Asset Management, Peter Anderson, presented the report.

Ms Thorpe highlighted that value was being obtained from the review process.

In response to a question, Mr Anderson advised that community facilities and swimming pool contracts had been extended beyond the 30 June 2016 date shown in the report attachment.

In response to further questions, Ms Thorpe provided detail on the reviews that had already been completed, noting that several 'status quo' results still had small operational changes made to support efficiencies.

It was questioned whether governance had input into service reviews, or if it was solely a management decision. Group Manager Community Services, Chris Ward, advised that any 'status quo' results essentially aligned with Council's Long Term Plan and Annual Plan, and any recommended changes to contract delivery would be presented to governance for consideration depending on the level of the contract.

Attendance: The meeting adjourned from 9.21am to 9.24am.

The resolution of Council on 15 October 2015 regarding service level reviews was presented for background information (A1586531). Mr Ward summarised the process for service level reviews.

It was suggested that consideration of social enterprise principles and the living wage movement were included into criteria for entering into contracts in future. Mr Ward advised that further investigation and discussion would be required to assess the implications and significance of including those matters in the scope of service level reviews as well as Council's Procurement Policy.

Resolved GOV/2016/068

***THAT the report Service Level Review Quarterly Progress Update (R6006) and its attachments (A1531257, A1544548, A1572137 and A1572147) be received.***

Her Worship the Mayor/Noonan

Carried

**Attachments**

- 1 A1586531 - Council resolution regarding service level reviews  
15Oct2015

There was further discussion regarding the service level review process and social enterprise principles. It was noted that aspects of the social enterprise model could not necessarily be quantified in financial terms.

Resolved GOV/2016/069

***THAT officers consider opportunities to explore social enterprise principles in relation to Council's Procurement Policy and Section 17a reviews and report back to the Governance Committee via a workshop in the first instance.***

Her Worship the Mayor/Fulton

Carried

## REPORTS FROM COMMITTEES

### 10. Commercial Subcommittee - 26 May 2016

Document number M1910, agenda pages 45 - 46 refer.

Resolved GOV/2016/070

***THAT the minutes of an extraordinary meeting of the Commercial Subcommittee, held on 26 May 2016, be received.***

Murray/Noonan

Carried

### 11. Audit, Risk and Finance Subcommittee - 23 June 2016

Document number M1948, agenda pages 47 - 54 refer.

Resolved GOV/2016/071

***THAT the unconfirmed minutes of a meeting of the Audit, Risk and Finance Subcommittee, held on 23 June 2016, be received.***

Peters/Murray

Carried

Attendance: Mr Murray left the meeting from 9.41am to 9.44am.

11.1 Internal Audit Plan - 2016/17

Recommendation to Council GOV/2016/072

**THAT the Internal Audit Plan 2016/17 (A1562649) be approved;**

**AND THAT it be noted there will be unbudgeted expenditure required, which will be reported for approval to the Audit, Risk and Finance Subcommittee through the Corporate Report once estimates have been confirmed.**

Peters/McGurk

Carried

11.2 Procurement Policy

Recommendation to Council GOV/2016/073

**THAT the revised Procurement Policy (A1540508) be adopted.**

Peters/McGurk

Carried

11.3 Capital Projects Carry Forwards 2015/16

Recommendation to Council GOV/2016/074

**THAT Council approves continuing work on 2015/16 capital projects within the 2015/16 approved budgets, noting a final report on carry forwards will come to the Governance Committee's meeting on 25 August 2016.**

Peters/McGurk

Carried

11.4 Operating Expenditure Carry Forwards 2015/16

Recommendation to Council GOV/2016/075

**THAT Council approves continuing work on 2015/16 operating projects within the 2015/16 approved budgets, noting a final report on carry forwards will come to the Governance Committee's meeting on 25 August 2016.**

Peters/Murray

Carried

12. Commercial Subcommittee - 23 June 2016

Document number M1957, agenda pages 55 - 60 refer.



Resolved GOV/2016/076

**THAT the unconfirmed minutes of a meeting of the Commercial Subcommittee, held on 23 June 2016, be received.**

Murray/Peters

Carried

#### 12.1 Haven Precinct Project Progress Report

It was noted that the scope of the consultation on the Haven Precinct project would include those businesses operating along the waterfront such as the Boatshed and the Boathouse.

Attendance: The meeting adjourned from 9.54am to 9.58am.

Point of Order: A point of order was raised under Standing Order 3.13.4(c), in that the discussion was of a question not before the local authority. The Chairperson accepted the point of order.

Recommendation to Council GOV/2016/077

**Approve the visions and goals detailed in report R6077 for the concept design;**

**Approve using a traditional procurement process to appoint a lead consultant, to produce the concept design plans based on the visions and goals advised;**

**Approve the preliminary project timeline included in report R6077;**

**Approve the Haven Precinct Strategic Business Case (A1550230).**

Murray/Noonan

Carried

#### 13. Exclusion of the Public

Her Worship the Mayor advised she would be declaring an interest in the public excluded reports relating to Nelmac.

Resolved GOV/2016/078

**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:***

Fulton/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)
<b>1</b>	<b>Nelson Airport Limited and Port Nelson Limited Director Reappointments</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>
<b>2</b>	<b>Nelmac Director Reappointments</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>
<b>3</b>	<b>Director remuneration 2016 - Nelmac</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>4</b>	<b>Events Fund Application - Marchfest 2017</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>5</b>	<b>Ridgeways Joint Venture</b>	Section 48(1)(a) The public conduct of this matter would be	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(i) To enable the local</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		likely to result in disclosure of information for which good reason exists under section 7	authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
<b>6</b>	<p><b>Commercial Subcommittee Meeting - Public Excluded Minutes - 23 June 2016</b></p> <p>These minutes contain recommendations to the Governance Committee and Council regarding:</p> <ul style="list-style-type: none"> <li>Detailed property assessment: Wakapuaka</li> <li>Detailed property assessment: Industrial land in Stoke</li> <li>Property Matters - approaches received on properties to purchase or sell, and leasing matters relating to Civic House</li> </ul>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</li> <li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>

The meeting went into public excluded session at 10.05am and resumed in public session at 1.21pm.

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

Resolved GOV/2016/079

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

Noonan/Murray

Carried

There being no further business the meeting ended at 1.22pm.

Confirmed as a correct record of proceedings:

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

Unconfirmed