



AGENDA

Ordinary meeting of the

Nelson City Council

Thursday 10 November 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, Mel Courtney, Bill Dahlberg, Kate Fulton, Matt Lawrey, Paul Matheson, Brian McGurk, Gaile Noonan, Mike Rutledge, Tim Skinner and Stuart Walker

Opening Prayer**1. Apologies**

Nil

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

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

4.1 Lindsay Wood

Lindsay Wood will speak about his findings of his own wide-ranging investigation, which is entitled "Getting it right – learning from arterial roads that successfully ease congestion into urban centres."

4.2 Peter Olorenshaw

Peter Olorenshaw of Nelsust will speak about resident engagement with Council, Nelson 2060 and transport issues.

4.3 Shaun and Robyn Fahey

Shaun and Robyn Fahey will speak about Tresillian Ave road resealing and interactions with Council staff.

5. Confirmation of Minutes

5.1 27 October 2016

8 - 17

Document number M2175

Recommendation

That the Council

Confirms the minutes of the meeting of the Council, held on 27 October 2016, as a true and correct record.

6. Mayor's Report **18 - 20**

Document number R6687

Recommendation

That the Council

Receives the Mayor's Report (R6687).

7. Acknowledgement of Past Service

Elected members will have the opportunity to acknowledge the service of departing members.

8. Nelson Plan **21 - 25**

Document number R6698

Recommendation

That the Council

Receives the report Nelson Plan (R6698) and its attachment (A1653601); and

Agrees to the process and timeframe for the Nelson Plan as outlined in Attachment One (A1653601).

9. Brook Recreation Reserve Management Plan - Gazettal and Road Stopping **26 - 48**

Document number R6235

Recommendation

That the Council

Receives the report Brook Recreation Reserve Management Plan - Gazettal and Road Stopping (R6235) and its attachments (A1629013 and A1652729); and

Approves the Hearings Panel's recommendation with respect to the reclassification of land from Recreation Reserve to Local Purpose Reserve (Recreation) and under section 24 of the Reserves Act 1977 proceed with the Gazettal process (as detailed in item 7.3 of report R6235); and

Approves the Hearings Panel's recommendation with respect to declaring fee simple land as Local Purpose Reserve (Recreation) and under section 14 of the Reserves Act 1977 proceed with the Gazettal process (as detailed in item 7.2 of report R6235); and

Approves the Hearings Panel's recommendation to stop legal road (as detailed in item 7.4 of report R6235), reject all objections received, and under Schedule 10, Clause 5 of the Local Government Act 1974, refer the matter to the Environment Court; and

Approves, subject to confirmation from the Environment Court to stop the road, that the Chief Executive be delegated authority to proceed with a publicly notified process under section 14 of the Reserves Act 1977 to add that land to the Local Purpose Reserve (Recreation); and

Notes that a further report will be brought back to Council to enable the Brook Recreation Reserve Management Plan to be finally approved.

10. Administrative Matters

49 - 57

Document number R6521

Recommendation

That the Council

Receives the report Administrative Matters (R6521) and its attachment (A1645289); and

Approves a sum of \$15,000 to be taken from the Special Economic Projects budget to develop a co-investment proposal for the extension of the Rural Broadband Initiative and the Mobile Black Spot fund, to be reported to Council for consideration by 2 February 2017.

11. Schedule of Meetings - 2016

58 - 62

Document number R6723

Recommendation

That the Council

Receives the report Schedule of Meetings - 2016 (R6723) and its attachment (A1657594); and

Confirms the schedule of meetings for the remainder of the 2016 calendar year as set out in attachment one (A1657594).

12. Committee Delegations 2016-2019

63 - 84

Document number R6731

Recommendation

That the Council

Receives the report Committee Delegations 2016-2019 (R6731) and its attachment (A1656531); and

Adopts the committee delegations as set out in attachment one (A1656531); and

Confirms that officers should undertake a review of the Delegations Register, to present back to Council in early 2017.

PUBLIC EXCLUDED BUSINESS

13. Exclusion of the Public

Recommendation

That the Council

Excludes the public from the following parts of the proceedings of this meeting.

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Public Excluded Minutes - 27 October 2016	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(g) To maintain legal professional privilege. • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
2	Sister Cities Coordinator Appointment	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
3	Trustee Rotation and Remuneration - Bishop Suter Trust	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
4	Reappointment of Trustees to the City of Nelson Civic Trust	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person
5	Upgrade of Audio-Visual Technology in Council Chamber	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial

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)
6	<p>Potential Remedies for Public Disorder Issues in the Central Business District</p> <p>This report will be distributed separately to the agenda as a late item.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
7	<p>Tender Update - Greenmeadows</p> <p>This report will be distributed separately to the agenda as a late item.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(g) To maintain legal professional privilege

14. Re-admittance of the public

Recommendation

That the Council

Re-admits the public to the meeting.

Note:

- **Lunch will be provided at 12.30pm.**

Minutes of a meeting of the Nelson City Council

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

On Thursday 27 October 2016, commencing at 4.02pm

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, M Courtney, B Dahlberg, K Fulton, M Lawrey, P Matheson, B McGurk, G Noonan, M Rutledge, T Skinner and S Walker

In Attendance: Council Kaumātua (A Joseph), Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Strategy and Environment (C Barton), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Senior Strategic Adviser (N McDonald), Kaihāutu/General Manager Maori (T Olsen), Manager Administration (P Langley), and Administration Adviser (E-J Ruthven)

Opening Prayer

Kaumātua Uncle Andy Joseph gave the opening prayer.

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

The Chief Executive, Clare Hadley, explained the order of business for the meeting.

3. Interests

There were no updates to the Interests Register. Councillors were asked to declare any interests with items on the agenda as they arose over the course of the meeting.

4. Statutory Declarations

Document number R6677, agenda pages 10 - 11 refer.

The Chief Executive took Her Worship the Mayor's statutory declaration.

Her Worship the Mayor then took declarations from each of the councillors in turn.

Her Worship the Mayor gave her inaugural speech, during which she noted her aspirations for, and key projects Council would progress through, the triennium. She thanked the public and invited guests for their attendance.

5. Refreshments

The meeting adjourned from 4.36pm to 5.10pm for a refreshments break.

6. Mayor's Report

Document number R5385, agenda pages 12 - 17 refer.

Her Worship the Mayor presented the report, and answered questions relating to the proposed structure and membership of committees and subcommittees. She confirmed that she was not exercising her powers under section 41A of the Local Government Act 2002 to establish committees or appoint committee chairs.

In response to a question, she proposed that a review of the structure of the Governance Committee and its two subcommittees should take place in 2017.

Resolved CL/2016/283

That the Council

Receives the Mayor's Report (R5385);

Appoints Paul Matheson as Deputy Mayor;

Establishes five Committees as follows:

Committee	Chair	Deputy Chair	Membership
Governance	Ian Barker	Bill Dahlberg	Gaile Noonan Tim Skinner Paul Matheson Mike Rutledge Mel Courtney Mayor Reese External Appointees x2

Planning and Regulatory	Mayor Reese and Brian McGurk	n/a	Bill Dahlberg Kate Fulton Stuart Walker Ian Barker Luke Acland External Appointee x1
Community Services	Gaile Noonan	Mel Courtney	Kate Fulton Matt Lawrey Brian McGurk Mike Rutledge Paul Matheson Mayor Reese
Sports and Recreation	Tim Skinner	Mike Rutledge	Kate Fulton Ian Barker Mel Courtney Stuart Walker Brian McGurk Mayor Reese
Works and Infrastructure	Paul Matheson	Stuart Walker	Luke Acland Matt Lawrey Bill Dahlberg Gaile Noonan Tim Skinner Mayor Reese

Establishes two Subcommittees to the Governance Committee as follows:

Subcommittee	Chair	Deputy Chair	Membership
Audit, Risk and Finance	External Appointee	None appointed	External Appointees x2 Bill Dahlberg Ian Barker Mayor Reese
Commercial	External Appointee	None appointed	External Appointees x2 Luke Acland Mel Courtney Mayor Reese

Appoints the following elected members to other Committees:

Committee	Chair	Deputy Chair	Membership
Chief Executive	Mayor Reese	None appointed	Paul Matheson Bill Dahlberg

Employment			Luke Acland
Civil Defence Emergency Management Group	Alternates between Mayors of each district	None appointed	Mayor Reese Paul Matheson
Joint Shareholders	Alternates between Mayors of each district	None appointed	Mayor Reese Paul Matheson Ian Barker Tim Skinner Gaile Noonan Mel Courtney
Joint Committee	Alternates between Mayors of each district	None appointed	All councillors
Regional Transport	Appointed by Committee	Appointed by Committee	Mayor Reese Paul Matheson Mike Rutledge Gaile Noonan
Nelson Regional Sewerage Business Unit	Appointed by Committee	Appointed by Committee	Stuart Walker Tim Skinner
District Licensing	External appointment (Oke Blaikie)	Ian Barker	Paul Matheson Kate Fulton Mayor Reese
Regional Pest Management (Joint)	Appointed by Committee	Appointed by Committee	Brian McGurk Kate Fulton Matt Lawrey
Resource Management Act Procedures	Appointed by Committee	Appointed by Committee	Mayor Reese Paul Matheson Brian McGurk
Hearings Panel – Resource Management Act	n/a – Panel constituted as required	n/a – Panel constituted as required	Elected members with commissioner accreditation
Hearings Panel - Other	n/a – Panel constituted as required	n/a – Panel constituted as required	All councillors

Appoints the following elected members to other Groups:

Group	Chair	Deputy Chair	Membership
Youth Council	n/a – appointed by Youth Council	n/a	All councillors on rotation
Stoke Redevelopment Working Party	Paul Matheson	Ian Barker	Matt Lawrey Kate Fulton Stuart Walker
Biodiversity Forum	Brian McGurk	n/a	Kate Fulton Stuart Walker
Sister Cities	Sister Cities Co-ordinator	None appointed	Bill Dahlberg Mayor Reese
Land Development Manual Steering Group	n/a	n/a	Brian McGurk Matt Lawrey
Developer Advisory Group	Mayor Reese	None Appointed	Matt Lawrey Gaile Noonan

Matheson/Skinner

Carried

Councillor Fulton requested that her abstention from this vote be recorded in the minutes.

7. **Statutory Responsibilities of Members**

Document number R6695, agenda pages 18 - 25 refer.

Manager Administration, Penny Langley, presented the report.

Resolved CL/2016/284

That the Council

Receives the report Statutory Responsibilities of Members (R6695).

Noonan/Dahlberg

Carried

8. **Standing Orders 2016**

Document number R6666, agenda pages 26 - 92 refer.

Manager Administration, Penny Langley, presented the report.

Resolved CL/2016/285

That the Council

Receives the report Standing Orders 2016 (R6666) and its attachment (A691137);

Adopts standing orders for the 2016-19 triennium as set out in Attachment 1 (A691137);

Confirms that officers, in conjunction with the Mayor, should undertake a review of the Local Government New Zealand template standing orders and their appropriateness for Nelson City Council, and report back to Council in due course.

Barker/McGurk

Carried

9. Reappointment of External Appointees to Committees

Document number R6683, agenda pages 93 - 110 refer.

Manager Administration, Penny Langley, presented the report. She answered questions relating to the purpose of external appointees to committees, and the timing of the proposed re-appointment of external appointees.

In response to further questions, she explained that a review of the Selection, Appointment and Remuneration Policy for External Appointees on Council Committees was underway, and would be presented to a future Council meeting.

Councillors discussed the proposed re-appointments of external appointees, and a variety of views were noted.

Resolved CL/2016/286

That the Council

Receives the report Reappointment of External Appointees to Committees (R6683) and its attachments (A1181155, A1137492, and A1137622);

Approves (subject to his acceptance of the role) the reappointment of John Murray to the Governance Committee, and to the role of Chair of the Commercial Subcommittee;

Approves (subject to his acceptance of the role) the reappointment of John Peters to the Governance Committee, and to the role of Chair of the Audit, Risk and Finance Subcommittee;

Approves (subject to her acceptance of the role) the reappointment of Glenice Paine to the Planning and Regulatory Committee;

Confirms these roles take effect from the first round of committee meetings of Council.

Fulton/Rutledge

Carried

Councillor Courtney requested that his vote against this motion be recorded in the minutes.

10. Adoption of Annual Report for the year ending 30 June 2016

Document number R6684, agenda pages 111 - 186 refer.

Senior Accountant, Tracey Hughes, and Senior Strategic Adviser, Nicky McDonald, presented the report. They tabled replacement pages 28 and 107-108 to the Annual Report (A1654862), and explained the differences in the tabled documents.

Resolved CL/2016/287

That the Council

Receives the report Adoption of Annual Report for the year ending 30 June 2016 (R6684) and its attachments (A1535412 and A1649664);

Adopts the Annual Report for the year ended 30 June 2016 in accordance with s98 of the Local Government Act 2002;

Delegates the authority to the Mayor and Chief Executive to make minor editorial changes.

Barker/McGurk

Carried

Attachments

- 1 A1654862 - Tabled Document - Replacement pages 28 and 107-108 of the Annual Report

11. Easter Sunday Shop Trading Policy

Document number R6685, agenda pages 187 - 192 refer.

Senior Strategic Adviser, Nicky McDonald, presented the report. She noted that it would be possible to commence informal community engagement earlier than the date noted in the report, of 3 November 2016.

Ms McDonald answered questions relating to whether there was community demand or legislative requirements for an Easter Sunday trading policy, and the proposed timeframe for development and adoption of a policy.

Attendance: Councillor Skinner left the meeting from 6.31pm to 6.32pm.

In response to further questions, Ms McDonald explained the likely financial and opportunity costs involved with undertaking informal community engagement with a view to potentially developing a policy prior to Easter 2017. She advised how a regional approach to community consultation could be undertaken, and how to ensure that the views of different communities were included in the proposed initial community engagement.

Attendance: Councillor Barker left the meeting from 6.37pm to 6.38pm.

Councillors discussed the recommendation to Council, and a variety of views were expressed.

Resolved CL/2016/288

That the Council

Receives the report Easter Sunday Shop Trading Policy (R6685);

Agrees to seek feedback from the community on Easter Sunday trading and consider the matter further in light of community views;

Agrees that this matter should continue to be considered by full Council to enable it to meet the timeframe required.

Her Worship the Mayor/Barker

Carried

12. Next Meeting Date

Resolved CL/2016/289

That the Council

Confirms the next meeting of the Nelson City Council will be held on Thursday 10 November 2016, commencing at 9.00am.

Noonan/McGurk

Carried

13. Exclusion of the Public

Her Worship the Mayor explained that Council's legal counsel, Julian Ironside, would be in attendance for Item 1 of the Public Excluded agenda to answer questions and, accordingly, a procedural resolution was required to be passed.

Resolved CL/2016/290

That the Council

Confirms, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, that Julian Ironside remain after the public has been excluded, for Item 3 of the Public Excluded agenda (Potential Remedies for Public Disorder Issues in the Central Business District), as he has knowledge that will assist the Council;

Notes, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, that the knowledge that Julian Ironside possesses is legal advice relating to potential remedies for public disorder issues in the central business district.

Courtney/Skinner

Carried

Resolved CL/2016/291

That the Council

Excludes the public 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:

Courtney/Skinner

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	Potential Remedies for	Section 48(1)(a)	The withholding of the information is necessary:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	Public Disorder Issues in the Central Business District	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	<ul style="list-style-type: none"> • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into public excluded session at 7.07pm and resumed in public session at 8.10pm.

14. Re-admittance of the Public

Resolved CL/2016/292

That the Council

Re-admits the public to the meeting.

Her Worship the Mayor/Matheson

Carried

There being no further business the meeting ended at 8.10pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Mayor's Report

1. Purpose of Report

- 1.1 To update Council on several matters.

2. Recommendation

That the Council

Receives the Mayor's Report (R6687).

3. Discussion

Mayor's Discretionary Fund

- 3.1 Nelson Symphony Orchestra (NSO) is celebrating its 50th anniversary in December 2016 and is planning a programme to acknowledge the anniversary. NSO is also facing additional costs while the Nelson School of Music remains closed for redevelopment, and NSO continues to seek funding and sponsorship from other sources. The Mayor has agreed to contribute \$2,000 towards these additional costs and to support the anniversary programme.
- 3.2 The Mayor is donating \$250 from her Mayoral Discretionary Fund to Ngati Koata as a contribution to the costs of funding for the kapahaka group who are attending the Matatini Kapahaka Maori National Competitions in Hastings 22-26 February 2017. The group won the regional kapahaka competition so they now have the honour to represent the Top of the South Island at this event.

Miyazu Visit

- 3.3 The sister city relationship between Nelson and Miyazu was originally formalised in May 1976. Forty years later, it is our longest standing and most significant Sister City relationship. The friendship and rapport between our two cities has flourished over the years, based on regular interaction between people of Miyazu and people of Nelson.

- 3.4 The Japanese Ambassador will be visiting, in addition to a delegation from Miyazu who will be in Nelson from 9-12 November 2016 to acknowledge the 40 year anniversary occasion.
- 3.5 On 11 November, there will be a re-signing of the Memorandum of Understanding between Nelson and Miyazu for the sister city relationship. All councillors are encouraged to attend this event.
- 3.6 Our communities and our cultures are the stronger for this relationship, and the Mayor welcomes the re-signing of this agreement and the continued interaction this will bring.

Civic Service

- 3.7 A reminder to councillors that a Civic Service will be held jointly with the Tasman District Council at Christ Church Cathedral, Nelson at 6pm on Friday 11 November 2016.
- 3.8 The Civic Service is part of the councillor induction process and elected members are encouraged to attend this community occasion. The Cathedral recognises that some members may hold a different faith or no faith and this will be respected. Family members are welcome to attend.

Remembrance Sunday

- 3.9 Councillors are encouraged to attend Remembrance Sunday on 13 November 2016. The event will be held at 11am at the Cenotaph at Anzac Park. If it is wet it will be cancelled. Family members are welcome to attend.

Governor General Visit

- 3.10 The Governor-General is visiting from 16-18 November 2016. Government House has organised the programme and invitations to any events are being managed by Government House. The Mayor will be attending a Mayoral/Leaders' dinner on Wednesday 16 November and a reception for the local communities of Nelson/Tasman region on Thursday 17 November.

American Young Political Leaders

- 3.11 On Friday 18 November 2016 an American delegation of representatives will be visiting Nelson. The group is visiting New Zealand from 12-20 November 2016 under the auspices of the American Council of Young Political Leaders (ACYPL) exchange with the NZ Speaker of the House of Representatives' Office. The group are "emerging political and party leaders from through the US" and have Democratic and Republican affiliations. The delegation is keen to learn more about NZ, including political and electoral processes. During their visit to Nelson they will be meeting with Mayor Reese, the Deputy Mayor, Councillors McGurk and Noonan, and Senior Strategic Adviser, Nicky McDonald. If any other Councillors wish to join the meeting, please advise the Mayor's Office.

Sector, Zone and National Council Representatives

- 3.12 As a Unitary Authority, Nelson City Council sits as a member of the Regional Sector Group (RSG) of Local Government New Zealand (LGNZ). The Mayor attends RSG meetings on the Council's behalf. Nelson City Council also belong to the geographic Zone 5 of LGNZ.
- 3.13 Mayor Richard Kempthorne has been the Chair of Zone 5 and a National Council member in the last triennium. Mayor Kempthorne has been re-elected to this role for the current triennium. The Mayor has been elected as the Deputy Chair of RSG and a National Council member for this triennium. The Mayor looks forward to working with President Lawrence Yule, Mayor Kempthorne, and the other members of National Council to advance the Local Government sector.

Rachel Reese
Mayor of Nelson

Attachments

Nil

REPORT R6698

Nelson Plan

1. Purpose of Report

- 1.1 To confirm the steps required to get the Nelson Plan to the stage of public notification and how councillor engagement in the process is proposed to be achieved.

2. Summary

- 2.1 A number of councillors have not been part of the Nelson Plan development process to date. It is timely to confirm what is being recommended to progress the Nelson Plan to the stage of being publicly notified.
- 2.2 It is proposed to workshop each topic area(s) and this will be followed shortly thereafter by a Planning and Regulatory Committee meeting on each topic(s). This system has the advantage of enabling a dedicated focus on each technical topic and allows the time to absorb, understand and input to each planning area.

3. Recommendation

That the Council

Receives the report Nelson Plan (R6698) and its attachment (A1653601); and

Agrees to the process and timeframe for the Nelson Plan as outlined in Attachment One (A1653601).

4. Background

- 4.1 The Resource Management Act 1991 requires Council to review the regional policy statement, regional plan and district plan every 10 years. The current Regional Policy Statement, Air Plan and Nelson Resource Management Plan (regional and district plan) are overdue for review. The Nelson Plan will be the second generation integrated resource management plan for Nelson City Council.

4.2 Various Nelson Plan work streams are underway to:

- Obtain the required technical information.
- Consult with key stakeholders, iwi and the community.
- Draft the necessary options analysis (a section 32 assessment).
- Prepare draft rules and methods for consideration.

5. Discussion

5.1 A draft regional policy statement (which forms the first part of the Nelson Plan and sets the high level resource outcomes for Nelson) has been prepared. Comments from the community have been received on the draft. It is proposed the results of the feedback on the draft regional policy statement be the first set of provisions to be workshopped, reported to the Planning and Regulatory Committee and minuted with recommendations to Council. The Regional Policy Statement is the foundation for the methods (including rules) that will be included in the Nelson Plan.

5.2 Thereafter the various topic areas, covering both the natural and physical environments within the Nelson Plan, will be workshopped, reported to the Planning and Regulatory Committee and minuted with recommendations to Council.

5.3 Further consultation with the community, iwi and key stakeholders will occur on each topic(s) after each Committee meeting. The results of this consultation will culminate in a full draft plan being provided to Council through a workshop and Planning and Regulatory Committee meeting. The draft Plan in its entirety will then be consulted on with the community and after changes are made by the Council, the Plan can be publicly notified.

5.4 This is proposed as it is important that councillors and the community have the time to meaningfully engage with the Plan provisions. Refinement of draft Plan provisions prior to public notification has the benefit of narrowing the issues in potential contention after the Plan is notified. Once a Plan is notified a statutory Resource Management Act process ensues which only provides for change to the Plan by way of formal submission. Time spent before notification in reflecting, as much as is possible, the changes sought by the community has the benefit of reducing time and cost later spent in Hearings and in potential appeals to the Environment Court.

5.5 The timeframe fits with the timeframe for the Land Development Manual (LDM) which has been slightly delayed pending further technical work.

5.6 The proposed timeline for the workshops, Committee meetings, draft Plan and notification of the Plan is included in Attachment One.

6. Options

- 6.1 The proposed process included in Attachment One results in approximately six additional months being added to the timeframe previously accepted by Council. As a result of pursuing the Plan change for woodburners it was previously agreed the notification date for the Nelson Plan would occur in mid 2017. Notification is now proposed for January 2018.

Option 1: Adopt the timeframe and process included in Attachment One	
Advantages	<ul style="list-style-type: none">• Allows greater time for engagement primarily with Council but also the community and iwi.• Has the potential to reduce time and cost associated with the Plan Hearings and Environment Court.
Risks and Disadvantages	<ul style="list-style-type: none">• Extends notification of the Nelson Plan by approximately 6 months.
Option 2: Continue with the previous timeframe.	
Advantages	<ul style="list-style-type: none">• Achieves notification of the Plan approximately 6 months earlier.
Risks and Disadvantages	<ul style="list-style-type: none">• Reduces the time for engagement by the community, iwi and Council which then means the "discussion" occurs after notification. This has the potential to increase time and cost associated with the Plan Hearings and is more likely to result in appeals to the Environment Court.

7. Conclusion

- 7.1 A workshop on each topic area(s) within the Nelson Plan, followed shortly thereafter by a Planning and Regulatory Committee meeting, has the benefit of allowing the required time for councillor, community and iwi engagement. The timeframe included in Attachment One is considered appropriate and constructive to assist with achieving the necessary engagement.

Clare Barton

Group Manager Strategy and Environment

Attachments

Attachment 1: A1653601 - Nelson Plan Indicative Timeline [↓](#)

Important considerations for decision making

1. Fit with Purpose of Local Government

The timeframe proposed will enable the community to engage in a statutory resource management process prior to notification of the Nelson Plan. Post notification the ability to affect change to the Plan provisions becomes subject to Commissioner and Court decision making processes. The timeframe will provide a more cost effective means of achieving the purpose of the Local Government Act.

2. Consistency with Community Outcomes and Council Policy

The proposed timeframe is consistent with Council policy including annual plan and long term plan requirements.

3. Risk

The proposed timeframe will be of benefit in allowing the community and iwi to engage in the Nelson Plan process.

4. Financial impact

Negligible. May have the benefit of reducing potential legal costs later in defending decisions in the Environment Court.

5. Degree of significance and level of engagement

This matter is of low significance because it provides additional input from the community.

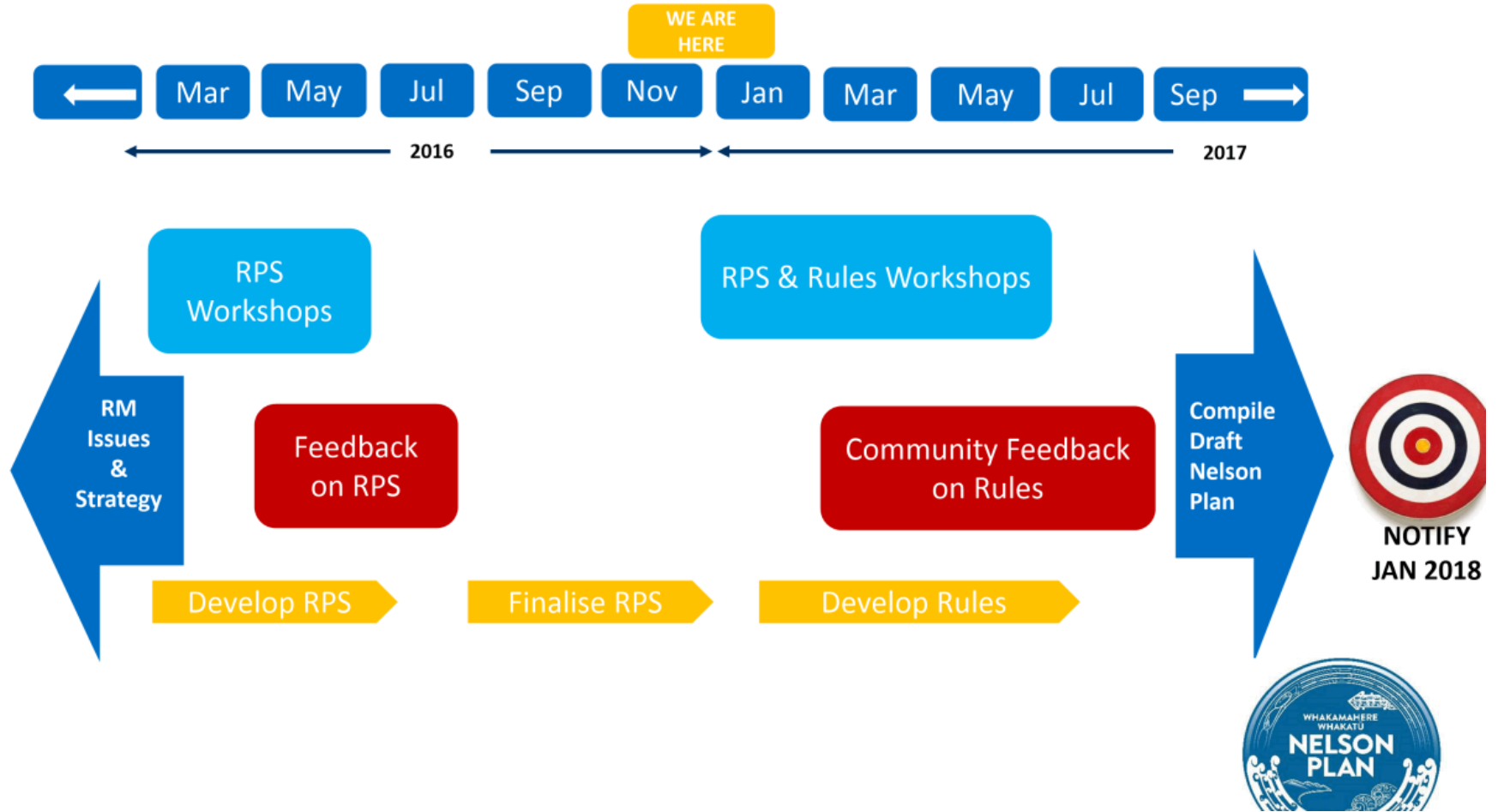
6. Inclusion of Māori in the decision making process

Maori have had opportunity to input to the development of the Nelson Plan to date. Specific Iwi Working Group meetings have been held to include iwi in the development of the Nelson Plan.

7. Delegations

Council has the ability to consider the timeframe and process for the Nelson Plan.

Whakamahere Whakatu Nelson Plan Indicative Timeline



Brook Recreation Reserve Management Plan - Gazettal and Road Stopping

1. Purpose of Report

- 1.1 To approve the recommendations from the Brook Recreation Reserve Management Plan Gazettal and Road Stopping Hearings Panel (Hearings Panel) following hearing of submissions and deliberations of both the Gazettal and Road Stopping process.

2. Summary

- 2.1 Council has approved the Brook Recreation Reserve Management Plan (RMP) in principle.
- 2.2 The gazettal and road stopping processes to give effect to the RMP have been undertaken. Council approved that these be considered at the same time.
- 2.3 A Hearings Panel and Terms of Reference were approved at the 28 July 2016 Council meeting for the hearing of submissions on the gazettal and road stopping process.
- 2.4 The Hearings Panel met on 12 September 2016 to hear submissions and on 13 September 2016 to deliberate on submissions.

3. Recommendation

That the Council

Receives the report Brook Recreation Reserve Management Plan - Gazettal and Road Stopping (R6235) and its attachments (A1629013 and A1652729); and

Approves the Hearings Panel's recommendation with respect to the reclassification of land from Recreation Reserve to Local Purpose Reserve (Recreation) and under section 24 of the Reserves Act 1977 proceed with the Gazettal process (as detailed in item 7.3 of report R6235); and

Approves the Hearings Panel's recommendation with respect to declaring fee simple land as Local Purpose Reserve (Recreation) and under section 14 of the Reserves Act 1977 proceed with the Gazettal process (as detailed in item 7.2 of report R6235); and

Approves the Hearings Panel's recommendation to stop legal road (as detailed in item 7.4 of report R6235), reject all objections received, and under Schedule 10, Clause 5 of the Local Government Act 1974, refer the matter to the Environment Court; and

Approves, subject to confirmation from the Environment Court to stop the road, that the Chief Executive be delegated authority to proceed with a publicly notified process under section 14 of the Reserves Act 1977 to add that land to the Local Purpose Reserve (Recreation); and

Notes that a further report will be brought back to Council to enable the Brook Recreation Reserve Management Plan to be finally approved.

4. Background

- 4.1 On 11 June 2015 Council released a draft Brook Recreation Reserve Management Plan for public consultation.
- 4.2 On 15 October 2015, following submissions and hearings, Council resolved to adopt the Brook Recreation Reserve Management Plan (RMP) 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 In line with the Council resolution, the actions under the Reserves Act were formally advertised as follows:
- Reclassifying the plot of land currently held as Recreation Reserve as Local Purpose Reserve (Recreation) – advertised 4 May 2016, submissions closed 4 June 2016. Three submissions were received – one in support from the Department of Conservation (DoC) and two against from the Brook Valley Community Group and Nelson Greypower Association.
 - Declaring fee simple land to be Local Purpose Reserve (Recreation) – advertised on 6 April 2016 and 27 July 2016, submissions closed 6 May 2016 and 29 August 2016 respectively. Two submissions were received – one in support from DoC and one against from the Brook Valley Community Group.
- 4.4 In line with the Council resolution, with respect to the section of road within the draft RMP area, the Road Stopping was advertised on 20 July 2016 with submissions closing 29 August 2016. Five submissions were received – three in opposition from the Brook Valley Community Group, Steve Cross and Justine McDonald and two in support from DoC and The Brook Waimarama Sanctuary Trust.
- 4.5 The section of road reserve to be stopped that extends into the Brook Waimarama Sanctuary lease area has already been approved by LINZ to be stopped under the Public Works Act. The New Zealand Gazette No.69 dated 4 August 2016 has been lodged, but at time of writing has not yet been registered. It has been processed as Local Purpose Reserve (Wildlife Sanctuary). This is in line with the Council resolution.
- 4.6 Council also resolved on 28 July 2016 as follows:
- 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, Fulton 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.*
- 4.7 The map (refer to Attachment 1) details the areas to be gazetted and road to be stopped.

5. Hearing Panel for Gazettal and Road Stopping

- 5.1 Councillors McGurk and Fulton were selected to be on the Hearings Panel with the independent chair Peter Reaburn.
- 5.2 The Hearings Panel heard submissions on 12 September 2016 and deliberated on submissions on 13 September 2016.
- 5.3 The Hearings Panel deliberated on the three items separately and a summary of their recommendations to Council is tabulated below.

Item	Hearing Panel Comments	Recommendations to Council
Reclassification of reserve from Recreation Reserve to Local Purpose Reserve (Recreation). Area marked blue on Attachment 1	Majority decision - That the classification of the land as Local Purpose Reserve (Recreation) is appropriate – refer to paragraph 6 for further comment.	<i>That the land in question (blue area) be re-classified from Recreation Reserve to Local Purpose Reserve (Recreation).</i>
Declaring fee simple land to be Local Purpose Reserve (Recreation) Area marked orange and green on Attachment 1	Unanimous decision - That the classification of the fee simple land to Local Purpose Reserve (Recreation) is appropriate where there is no current reserve classification.	<i>That declaration of the fee simple land (orange and green areas) to Local Purpose Reserve (Recreation) be approved, with the following conditions:</i> <i>a. that there is one Reserve Management Plan for the areas covered;</i> <i>b. that the principles of the deed of gift are recognised in the Reserve Management Plan.</i>
Road stopping. Area marked purple on Attachment 1	Unanimous decision - Process was legally sound and the road stopping is appropriate and to reject all objections.	<i>That the road stopping (purple area) be approved.</i>

9. Brook Recreation Reserve Management Plan - Gazettal and Road Stopping

- 5.7 The full report from the Hearings Panel is appended as Attachment 2.

- 5.8 With respect to the road stopping (area marked purple on Attachment 1), the road cannot be added to the Local Purpose Reserve (Recreation) until it is first stopped. This is a separate process and needs to await the outcome of the Environment Court. Following confirmation by the Environment Court of the road stopping, Council will need to go through the process of declaring land to be reserve pursuant to section 14 of the Reserves Act 1977. This will require further public notification.
- 5.9 On completion of the road stopping process and inclusion of the stopped road into Local Purpose Reserve (Recreation), a report will be brought back to Council to enable the RMP to be approved.
- 5.10 The approval of the RMP by Council will then allow the Comprehensive Development Plan for the area to be developed and this too will be reported back to a future Council meeting.

6. Discussion

Draft RMP consultation

- 6.1 The Hearings panel was divided on the proposed change of classification of the existing reserve (blue area) from Recreation Reserve to Local Purpose Reserve (Recreation).
- 6.2 The panel was split 2 to 1 in favour of proceeding with the reclassification.
- 6.3 The dissenting panel member was of the opinion the community was consulted on a draft RMP in June 2015 that suggested retention of the classification of the Recreation Reserve classification. Following submissions and a recommendation from DoC, Council "adopted in principle" an RMP which recommended the classification to be Local Purpose Reserve (Recreation). The panel member felt the community had not had the opportunity to comment on this change of status. They considered this a fundamental issue and felt Council needed to re-consult on the RMP before formally adopting this or any RMP.
- 6.4 The Chair of the Hearings Panel noted that whilst submitters felt they were presented with a fait accompli, the gazettal and road stopping processes were in fact a second round of consultation and gave sufficient opportunity to the public to submit on the proposed re-classification. He noted the processes followed on from the development of a draft RMP. That process was followed and the "adoption in principle" of the draft RMP made sure it couldn't be adopted until the gazettal process had been completed.
- 6.5 The draft RMP cannot be formally approved and implemented under the Reserves Act 1977 until the classification of the land is settled - in this case as recommended as Local Purpose Reserve (Recreation). Adoption of the RMP is a separate process and was not part of the Hearings Panel Terms of Reference. The mandate of the Hearings Panel was to simply hear the objections on their merits as part of the reserves gazettal and

road stopping processes. Under the Reserves Act, this process can occur without any draft RMP having been prepared.

- 6.6 The adoption and implementation of the RMP is a separate matter for Council to consider outside of, and subsequent to, the gazettal and road stopping process. However, the RMP process has provided substantial advice to what the land status management options are if the Council's agreed vision for the area is to be achieved.
- 6.7 The final report from the Chair of the Hearings Panel notes *"that the public notice and submission opportunity in this process leading to this hearing gave sufficient opportunity for the public to submit on the proposed re-classification"* and that *"No substantive issue was raised in submissions or at the hearing that justifies the proposed re-classification Local Purpose Reserve (Recreation) classification not proceeding"*.

7. Land Parcel Summary

- 7.1 A summary of the parcels of land to be gazetted and stopped is listed below:

Gazettal process

- 7.2 The parcels of land (described in the First Schedule) to be Local Purpose Reserve (Recreation) pursuant to section 14 of the Reserves Act 1977.

First Schedule: Nelson Land District – Nelson City

Area (ha)	Description
3.9105	Section 6 SO 498803 (formerly part Lot 2 DP 764) comprised in part CFR NL43/244.
0.3465	Lot 1 DP 5496 comprised in CFR NL133/27.
0.8047	Section 8 SO 498803 (formerly Part Lot 53 DP 210) comprised in part CFR NL29/102.
0.1683	Part Section 9 Brook St and Maitai District comprised in CFR 53911
1.0412	Section 14 SO 498803 (formerly Part Section 9 Brook Street and Maitai District) comprised in part CFR NL81/54.
0.3253	Section 12 SO 498803 (formerly Part Section 9 Brook Street and Maitai District) comprised in part CFR NL69/288
1.1736	Lot 49 DP 210 comprised in CFR NL34/283

- 7.3 The Classification of part of the Recreation Reserve (described in the Second Schedule), pursuant to section 24 of the Reserves Act 1977, be changed to Local Purpose Reserve (Recreation).

Second Schedule: Nelson Land District – Nelson City

Area (ha)	Description
3.1093	Section 10 (formerly Part Section 47 Brook Street and Maitai District) comprised in part NZ Gazette notice 1980 page 90

Road Stopping

- 7.4 Area marked on Attachment 1 in purple and described as Section 1 SO 498803 having an area of 7,173m², be referred to the Environment Court.
- 7.5 Under Schedule 10, Clause 5 of the Local Government Act 1974, if the objections cannot be resolved, the objections must be sent to the Environment Court for resolution.

8. Options

- 8.1 Council can either approve or decline the recommendations from the Hearings Panel.
- 8.2 With respect to the Gazettal process, Council has two options:

Option	Action	Effect
1	Agree with the Hearings Panel to reclassify Recreation Reserve land as Local Purpose Reserve (Recreation) and to declare fee simple land as Local Purpose Reserve (Recreation)	Gazettal process can proceed as intended.
2	Don't agree with either or both of these and to allow submitter's objections	<p>1. Gazettal cannot proceed and the draft Reserve Management Plan cannot be given effect to. The land will retain its existing status – fee simple land and Recreation Reserve respectively.</p> <p>2. Cannot proceed with the development or approval of a Comprehensive Development Plan.</p>

- 8.3 With respect to the Road Stopping, Under Schedule 10, Clause 5 of the Local Government Act 1974, if the objections cannot be resolved, the objections must be sent to the Environment Court for resolution. In this matter, Council has two options:

Option	Action	Effect
1	Agree with the Hearings Panel to reject all objections and stop the road	Road Stopping process can proceed and be referred to the Environment Court.
2	Disagree with the Hearings Panel and allow objections	Road Stopping process stops. The RMP cannot be given effect to work and cannot proceed with the development & approval of a Comprehensive Development Plan.

- 8.4 The recommendations from the Hearings Panel on both the gazettal and road stopping are consistent with officer advice.

9. Conclusion

- 9.1 The correct legal processes to gazette land and stop road within the Brook recreation area, under both the Reserves Act 1977 and the Local Government Act 1974 have been followed.
- 9.2 Submissions were received and heard by the Hearings Panel on 12 September 2016.
- 9.3 The Hearings Panel deliberated on the submissions on 13 September 2016 and has made recommendations to Council.
- 9.4 These recommendations include:
- 9.4.1 Re-classification of land from Recreation Reserve to Local Purpose Reserve (Recreation);
 - 9.4.2 Declaration of fee simple land to Local Purpose Reserve (Recreation);
 - 9.4.3 Stopping of legal road – reject all objections and refer the matter to the Environment Court for a decision.
- 9.5 Should Council receive confirmation from the Environment Court to stop the road, it is the intention to add the stopped road to the Local Purpose Reserve (Recreation) by way of a publicly notified process as per section 14 of the Reserves Act 1977. This will include setting up a new Hearings Panel to hear and deliberate on any submissions that may be received as part of that process.
- 9.6 On completion of this process and subsequent gazettal, a report will be brought back to Council to enable the RMP to be approved.

- 9.7 The approval of the RMP will then allow a Comprehensive Development Plan for the area to be developed and this too will be reported back to a future Council meeting.

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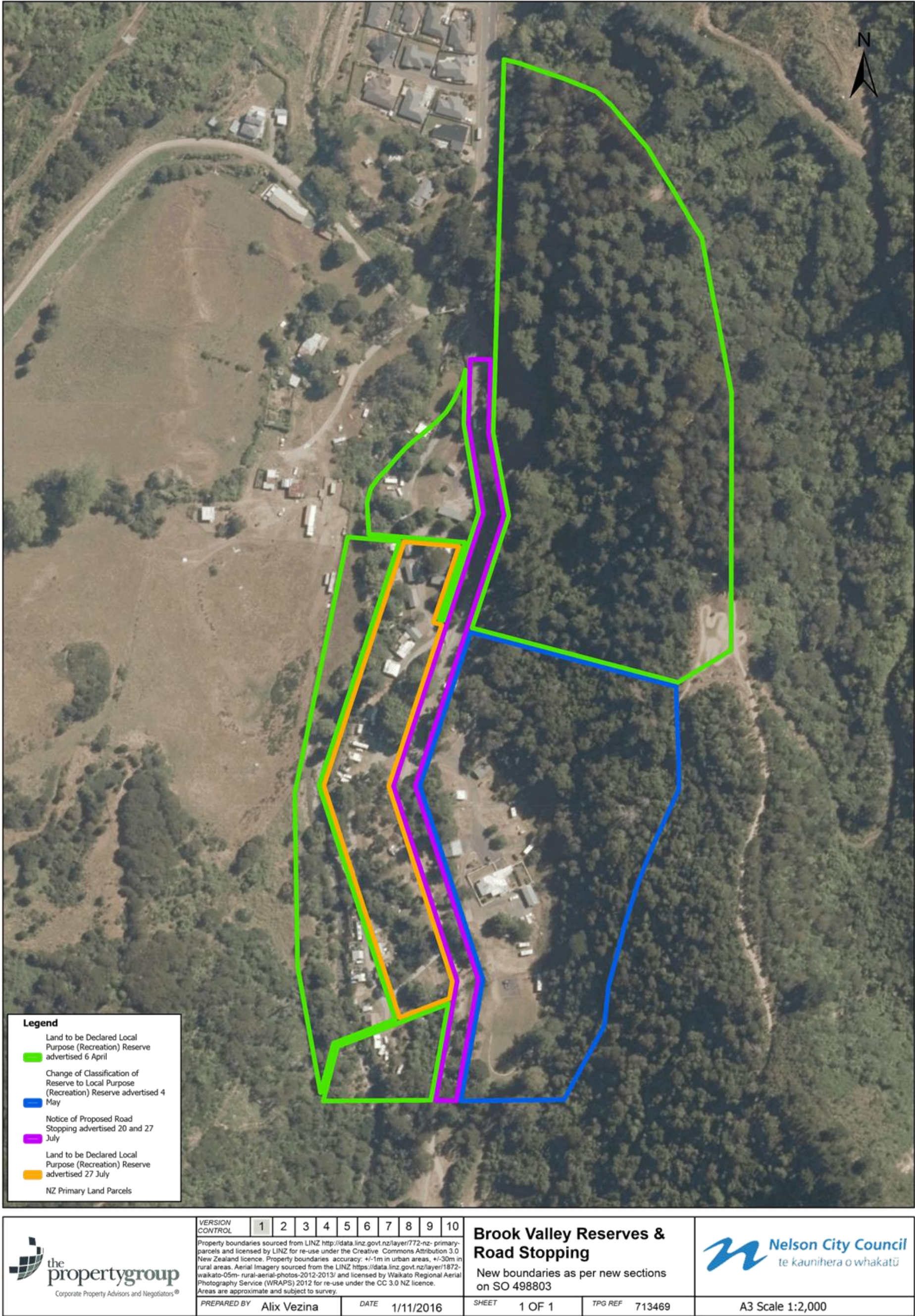
Group Manager Infrastructure

Attachments

Attachment 1: A1629013 - Location diagram [↓](#)

Attachment 2: A1652729 - Panel Report and Recommendations 26Oct2016 [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	Council has previously adopted the Brook Recreation Reserve Management Plan in Principle and the decision to proceed will allow timely and cost effective progress on next steps.
2. Consistency with Community Outcomes and Council Policy	The process to gazette land and stop road is entirely consistent with previous Council decisions. And the following Community Outcomes: "Our unique natural environment is health and protected" and "Our communities are have access to a range of social, educational and recreational facilities and activities".
3. Risk	A decision not to gazette and stop road will mean that the Brook Recreation Reserve Management Plan cannot take effect and this will delay the Comprehensive Development Plan.
4. Financial impact	Should the recommendations from the Hearings Panel not be approved then costs and time spent on this issue to date will be wasted.
5. Degree of significance and level of engagement	Engagement has taken place through the Reserves and Local Government Acts. This decision is not significant uiund5r Council's Significance and Engagement Policy.
6. Inclusion of Māori in the decision making process	Maori have not been specifically been consulted on this report.
7. Delegations	This is a decision for Council.



Brook Recreation Reserve

Gazettal and Road Stopping

Report and Recommendations of the Hearings Panel

26 October 2016

1. Introduction

1.1. This report and recommendations relate to land within the Brook Recreation Reserve. The land under consideration is referred to in this report in four parts as shown on the attached aerial photograph:

- ☐ Blue - existing Recreation Reserve vested in Council;
- ☐ Green - fee simple land owned by Council- proposed to be declared reserve;
- ☐ Orange - land owned by Council - which is proposed to be declared reserve (This land was originally assumed to be unclassified reserve and this land was gifted to Council in 1911 "to be held for ever as and for pleasure grounds or for any other purpose of enjoyment or recreation" The Department of Conservation ("DoC") had advised Council that the status of this area as reserve was uncertain and suggested declaration to remove any uncertainty);
- ☐ Purple - Road proposed to be stopped.

1.2. In respect of these areas of land Council notified the following intentions and called for submissions:

- ☐ Land marked blue – change of classification of reserve from Recreation Reserve to Local Purpose (Recreation) Reserve. The public notice was dated 4 May 2016 and one submission was received, from the Brook Valley Community Group (Inc.);
- ☐ Land marked green and red – fee simple land (also referred to as "freehold lands") – proposed to be a Local Purpose (Recreation) Reserve. The public notice was dated 6 April 2016 and three submissions were received, from the Brook Valley Community Group (Inc.), Nelson Grey Power and DoC;
- ☐ Land marked purple – legal road – road proposed to be stopped. The public notice was dated 20 July 2016 and five submissions were received, from the Brook Valley Community Group (Inc.),

DoC, Steve Cross, Justine MacDonald and The Brook Waimarama Sanctuary Trust.

- Land to be declared reserve. The public notice was dated 27 July 2016 and two submissions were received, from the Brook Valley Community Group (Inc.) and DoC.
- 1.3. For ease of administration, Council resolved on 28 July 2016 to set up a hearings panel. The Hearing Panel ("**the Panel**") consisted of an independent chair (Peter Reaburn) and two councillors (Cr Kate Fulton and Cr Brian McGurk).
- 1.4. A hearing of submissions was held on 12 September 2016. The Panel heard evidence from the Brook Valley Community Group (Inc.) (Mr Christopher St Johanser and The Brook Waimarama Sanctuary Trust (Mr Hudson Dodd). Deliberations took place on 13 September 2016.
- 1.5. In response to issues raised in submission and at the hearing, this report from Panel provides recommendations and reasons for those recommendations. The Panel's considerations and recommendations are categorised as follows (see the attached aerial photograph):
 - 1. Proposed change of classification of reserve from Recreation Reserve to Local Purpose (Recreation) Reserve (land marked blue).
 - 2. Fee simple land proposed to be a Local Purpose (Recreation) Reserve (land marked green and red).
 - 3. Legal road proposed to be stopped and proposed to be a Local Purpose (Recreation) Reserve (land marked purple).

2. Background

- 2.1. The major concern on the part of submitters opposing the proposals was related to the process Council has adopted. The Panel accordingly consider it most important that the background to the current procedures is clear.
- 2.2. On 11 June 2015 Council publicly notified a draft Brook Recreation Reserve Management Plan (referred to in this report as "the preliminary draft RMP"). The preliminary draft RMP responded to a period of uncertainty about the use and management of the Brook Recreation Reserve, located at the southern end of Brook Street in Nelson City. Two possible "Visions" were proposed. Vision 1 included provision for a significant regional tourism and recreation hub within the Reserve (within a defined footprint), and Vision 2 provided for a lesser scale of tourism development. Under both scenarios, provision was made for a camping ground (which had been desired, or not opposed, by all those consulted to that date) and for residential camping; and for the Reserve to be gazetted as recreation reserve under the Reserves Act. It was also

proposed to close the public road currently passing through the Reserve and to transfer its status to recreation reserve.

- 2.3. Council stated its preference for Vision 1 when it approved the preliminary draft RMP for consultation.

- 2.4. Page 8, Section 2 of that document contained the following paragraph:

The Reserves Act 1977 (Section 41) requires that management plans be prepared for all reserves, except local purpose reserves. Areas that are not reserves, such as the freehold lands identified in this draft plan, can still be included in a reserve management plan. However, they need to be identified as freehold land and Council cannot be bound by the terms of the Reserves Act for them. The management plan for these areas becomes Council policy under the Local Government Act 2002 (including Section 138 which requires consultation regarding long leases or disposal of a 'park' - see Section 5.2 of this draft plan).

- 2.5. A Hearings Panel comprising an independent chair (Peter Reaburn) and Councillors Matheson and Noonan heard and deliberated on submissions and made recommendations to Council.

- 2.6. One submission, from DoC, raised a concern about the classification of the reserve as Recreation Reserve. The submission responded to questions posed in Council's submission form and a relevant part of that submission is repeated below:

What do you think about the idea to gazette the entire Reserve as recreation reserve under the Reserves Act 1977?

I note that only part of the area covered by the draft management plan is currently gazetted as recreation reserve and subject to the provisions of the RA; and that the remaining titles are freehold land owned by Nelson City Council, or legal road.

Whilst it is sensible for the management plan to include all parts of the 'Brook Recreation Reserve', the different land tenures / classifications result in a more complex process, both for preparation of the management plan and administration of the land more generally.

In the Department's comments on the proposal to establish a management plan for the Brook Recreation Reserve (letter to City Council, dated 15 January 2015) it was suggested that Council may wish to consider formally gazetting freehold land as recreation reserve to provide certainty of purpose and administration under the Reserves Act. This has now been proposed in the draft management plan.

Having considered this further, and taking the various facilities and uses that are proposed for the reserve into account, I am now of the view that recreation reserve would not be the most appropriate classification for the land in question. In particular, some of the proposed uses of the reserve appear to be inconsistent with RA provisions relating to the

purpose and administration of recreation reserves. This applies both for the freehold land, and for the land that is already gazetted as recreation reserve.

- 2.7. In its deliberations and recommendations the then Hearings Panel recommended an amended Vision that was essentially an amalgamation of the originally proposed Visions, and arguably a more conservative Vision than that originally favoured by the Council. In response to the DoC submission the Panel further recommended that the entire reserve be identified as a Local Purpose (Recreation Reserve). This is made clear on Page 5 (referenced below) and Page 49 (Reserve Land Status) parts of the final draft RMP, although the Panel notes that there is no reference to reclassification in the section addressing the Reserves Act on Page 28.

- 2.8. On 15 October 2015, Council adopted in principle the Draft Brook Recreation Reserve Management Plan (referred to in this report as "the final draft RMP").

- 2.9. The final draft RMP contains the following statement (Page 5).

This Management Plan was adopted in principle by the Nelson City Council on October 15 2015. The Plan has no status under the Reserves Act 1977 until the relevant land areas are gazetted under the Act. At the time of 'adoption in principle' this depends on the public processes of road stopping and the proposal to convert the stopped road, recreation reserve and freehold land to local purpose reserve (recreation). Until this public process is completed, this Management Plan is Council policy under the Local Government Act 2002.

While the processes of gazettal are public processes, it is not expected that further consultation on this Management Plan will be required prior to final adoption.

- 2.10. Council then initiated the current processes under the Reserves Act to:
 - ☐ Change the classification of the current recreation reserve (outlined blue) to Local Purpose Reserve (Recreation) pursuant to section 24 of the Reserves Act 1977.
 - ☐ Declare the fee simple land (outlined green and orange) to be Local Purpose Reserve (Recreation) pursuant to section 24 of the Reserves Act 1977.
- 2.11. Concurrently Council commenced:
 - ☐ The road stopping process under section 342 and Schedule 10 of the Local Government Act 1974 to stop the road outlined in purple in order to enable the road, once stopped, to also be declared Local Purpose Reserve (Recreation).
- 2.12. The final draft RMP cannot be formally adopted and implemented under the Reserves Act with relation to the land outlined on the plan until and

unless the land has attained a reserves status. In relation to the classification, as proposed, being Local Purpose Reserve (Recreation), the final draft RMP makes it clear that while a formal RMP is optional under the Reserves Act, the RMP will be pursued regardless of the classification (Part 5.1.1 of the final draft RMP). That will be a separate process.

- 2.13. The current final draft RMP does not constrain the Panel or require it to come to any particular decision on the current reserves classification, reclassification and road stopping procedures. The purpose of the current process is to consider the submissions on their merits as part of the reserves gazettal and road stopping processes.

3. Proposed Change of Classification of existing Recreation Reserve ((land in blue on the attached aerial plan)

3.1. Submissions and Evidence

- 3.1.1. The Brook Valley Community Group (Inc) and Grey Power submissions indicated dissatisfaction with the process. They were concerned that there was no opportunity for public consultation regarding the possible reclassification of the land to a local purpose reserve within the preliminary draft RMP consultation process, as this was not included in the text of that plan. It had only come to light as part of the DoC submission on the matter. Further, it was the view of the submitters that the final draft RMP had been inappropriately approved before reclassification (with public consultation) under Reserves Act had taken place. The submitters considered the final draft RMP to be a means of legitimising activities inappropriate and inconsistent with the originally proposed recreation reserve status of the land. Classifying the land local purpose (recreation) reserve was opposed as this could allow uses and activities not permitted under a Recreation Reserve status.
- 3.1.2. These concerns were reiterated by the Brook Valley Community Group's representative at the hearing, Mr Christopher St Johanser. Mr St Johanser was concerned that the decision that the Panel was considering was based on a presumption of an outcome. He said he was denied the opportunity to raise that issue at the time Council was considering approval of the final draft RMP in October 2015. He said the main thrust of the objection now was for the Panel to recognise procedural fairness had not been maintained, and that the current process was not the right mechanism for consultation.
- 3.1.3. In response to a question as to what other (than process) issues would have been raised that had not already been addressed during the preliminary draft RMP consultation exercise, Mr St Johanser said traffic may be one issue.

- 3.1.4. In its submission DoC supported the proposed reclassification for essentially the reasons given in its submission on the preliminary draft RMP.

3.2. **Panel Discussion and Findings**

- 3.2.1. The Panel agrees that the preliminary draft RMP was clear on the matter of the then intention that the Recreation Reserve classification (the blue land) would remain with that classification. There was no consideration anywhere in the preliminary draft RMP of considering the option to change the classification to Local Purpose (Recreation Reserve). It therefore could not have been expected, as part of the preliminary draft RMP process that the public would have turned their mind to reclassification being option. Page 6 of the preliminary draft RMP refers, under both proposed Visions, to the intention "for the Reserve to be gazetted as recreation reserve under the Reserves Act". Section 5.3, page 34, outlines Reserves Act requirements in respect of the land already being classified as Recreation Reserve. Page 64 discusses allowing the Brook Conservation Education Centre to be located on Recreation Reserve land. The discussion of issues on pages 75 and 76 refers only to whether already non-classified land should be classified as Recreation Reserve land.
- 3.2.2. The Panel further understands the view that was presented, that a reader of the preliminary draft RMP would consider a Recreation Reserve classification to be consistent with the title of the RMP as the "Brook Recreation Reserve Management Plan".
- 3.2.3. The Panel was advised that the matter of reserves classification was raised in a submission from the Department of Conservation (DoC) on the preliminary draft RMP. Questions were raised in that submission about whether a Recreation Reserve classification was appropriate given the range of potential activities the preliminary draft RMP envisaged for the reserve. As a result of the June 2015 consultation process the final draft RMP amended the intentions for reserve classification. Pages 26-30 of the final draft RMP discuss the Land Status as including the Recreation Reserve land, freehold land and legal road. There is a rationale provided for classifying the entire reserve to Local Purposes Reserve (Recreation) land in order to provide "more flexibility in supporting activities on neighbouring land"... thus ensuring "the Plan is workable." However, the Panel notes that in this section there is no specific reference to the Recreation Reserve land being reclassified, nor is there consideration given to the consequences of the existing Recreation Reserve land having a changed reserve status.
- 3.2.4. Panel member Cr Fulton is concerned that, in the preliminary draft RMP, the intention was only to consider classifying the freehold title land. The RMP process, as far as it was able to be consulted on, did not envisage any change of classification of the Recreation Reserve, did not raise it as a potential option or issue and therefore did not consider the consequences of a possible change in reserves classification. This is clear, including from the parts of the preliminary draft RMP identified in

3.2.1 above (and Cr Fulton notes that there are other parts also). Cr Fulton considers that there has been insufficient opportunity for consultation on the proposed re-classification of this land. Any issue only came to light with the DoC submission on the preliminary draft RMP, at which time no further opportunity for consultation was either possible, or made available. Cr Fulton is of the view that because the final draft RMP was so different to the preliminary draft RMP, over the matter of land classification, it should have gone through another consultation period, and specifically over this re-classification issue, prior to adoption. Cr Fulton's view is that the public have not had the opportunity to comment on a proposal to reclassify all land to Local Purposes (Reserve) land as part of consultation for the development of the RMP and that land gazettal should only have been undertaken as a subsequent step in that consultation process. Cr Fulton is also of the view that, if a Recreation Reserve classification does impose a further level of protection on that part of the reserve, without compromising the current Vision in the final draft RMP, (as was discussed on page 64 of the preliminary draft RMP) then retaining that status is appropriate. In particular, Cr Fulton notes that Council staff and advisors, in response to Panel questions at the hearing, did not say that the Brook Conservation Education Centre could not be located on the Recreation Reserve if it maintained that classification. Finally, Cr Fulton considers it to be an advantage that management plans are not optional on land classified as Recreation Reserve.

- 3.2.5. Panel members Mr Reaburn and Cr McGurk are concerned that maintaining a Recreation Reserve classification may compromise achievement of the Vision in the final draft RMP, that was the principal issue and was widely consulted on prior to the adoption by Council of that plan (importantly, as a draft subject to these classification and road stopping procedures). Compromise on this part of the reserve may then compromise the most appropriate provision for and location of activities on other parts of the reserve. Mr Reaburn and Cr McGurk consider that, subject to the stated intention that there will be a Reserves Act RMP, and a well-considered Comprehensive Development Plan in accordance with the final draft RMP, a Local Purpose (Recreation) classification will allow sufficient flexibility while ensuring important principles of the final draft RMP and its Vision are retained.
- 3.2.6. On the matter of consultation, Panel members Mr Reaburn and Cr McGurk are satisfied that the public notice and submission process leading to this hearing gave sufficient opportunity for the public to submit on the proposed reclassification. There is no statutory obligation to give any prior notice of proposal or follow any other process than the process set out in section 24 of the Reserves Act. The process set out in section 24 of the Reserves Act requiring notification of the proposed change of classification has been followed.
- 3.2.7. No substantive issue was raised in submissions or at the hearing that justifies the proposed re-classification Local Purpose (Recreation) classification not proceeding. It is expected that traffic concerns would

be addressed at the time a Comprehensive Development Plan in accordance with the final draft RMP.

4. Fee Simple Land, Proposed to be Classified as Local Purpose Reserve (Recreation)(land in green and orange on the attached aerial plan)

4.1. Submissions and Evidence

- 4.1.1. As with the re-classification concern addressed above, the Brook Valley Community Group (Inc.) indicated dissatisfaction with the process – approval of the final draft RMP before classification (with public consultation) under Reserves Act had taken place. Again, the Group considered the final draft RMP to be a means of legitimising activities inappropriate and inconsistent with the originally proposed recreation reserve status of the land. The Group opposed declaring the land local purpose (recreation) reserve as this could allow uses and activities not permitted under the recreation reserve status. The Group was further concerned that proper attention be paid to the deed of gift (relates to the orange land).
- 4.1.2. These concerns were reiterated by the Brook Valley Community Group's representative at the hearing, Mr Christopher St Johanser. Mr St Johanser also raised the concerns covered in 3.1.2 above.
- 4.1.3. In its submission DoC supported the proposed classification for essentially the reasons given in its submission on the preliminary draft RMP.

4.2. Panel Discussion and Findings

- 4.2.1. This hearing was conducted in accordance with the requirements of section 14 of the Reserves Act. The Panel is satisfied that all the requirements of section 14 as to notice calling for objections and consideration of objections have been fully complied with.
- 4.2.2. The Reserve Management Plan process commented on at length in the submission is not part of the section 14 process. However the Panel agrees that the RMP process clearly informed the Section 14 process. The preliminary draft RMP clearly identified the current activities. It also flagged the intention that these parts of the reserve be classified as Recreation Reserve, with a question being asked (for consultation purposes) as to whether that was appropriate. It was as a result of the submission process followed that the proposal to reserve the whole of the land shown on the plan as Local Purpose Reserve (Recreation) was determined as being the appropriate status to enable the range of uses envisaged in terms of the final draft RMP to be authorised.
- 4.2.3. The Panel was made aware of the concern that some tourist related and commercial activities consulted on and included in the Vision, objectives

and policies contained in the final draft RMP may be able to be authorised on land with Local Purpose Reserve (Recreation) status.

- 4.2.4. The submitters did not advance any reasons as to why the use of the land should be restricted to uses that can only be conducted on land that has the status and classification of Recreation Reserve and did not specify any actual uses they objected to.
- 4.2.5. In relation to this land the Panel considers the proposed vesting and Local Purpose Reserve (Recreation) classification is more appropriate than the current situation where there is no reserve classification and over this area it is the most appropriate classification to allow achievement of the Vision as framed in the final draft RMP.
- 4.2.6. The area (marked orange) was gifted in 1911 "to be held for ever as and for pleasure grounds or for any other purpose of enjoyment or recreation". Subject to this intention being explicitly recognised and provided for in the future planning and development of this area the Panel is satisfied that gazettal as Local Purpose Reserve (Recreation) would be consistent both with the intention of the gift and the range of potential uses of the whole of the land envisaged in terms of the final draft RMP.

5. Road Stopping Pursuant to section 342 (1) (a) Local Government Act 1974 and subsequent Classification as Local Purpose Reserve (Recreation)(land in purple on the attached aerial plan)

5.1. Submissions and Evidence

- 5.1.1. The Brook Valley Community Group (Inc) and Steve Cross were concerned about the wording of the Public Notice, in particular, that it stated the (stopped road) "land will be amalgamated into the adjoining Local Purpose (Recreation) Reserve which is vested in the Nelson City Council..." The Group was concerned that this wording should not have been used as it presumed the outcome of the current exercise to declare land to be Local Purpose (Recreation) Reserve.
- 5.1.2. In respect of the proposal to classify the road once stopped as Local Purpose (Recreation) Reserve the submissions and evidence discussed in Section 4 above is relevant.
- 5.1.3. These concerns were reiterated by the Brook Valley Community Group's representative at the hearing, Mr Christopher St Johanser. Mr St Johanser also raised the concerns covered in 3.1.2 above.
- 5.1.4. In their submissions DoC and The Brook Waimarama Sanctuary Trust supported the proposed road stopping and subsequent classification as Local Purpose (Recreation) Reserve. However the Trust requested a

legal mechanism to ensure access to the Trust land. Hudson Dodd repeated this request in his evidence at the hearing.

5.2. Panel Discussion and Findings

- 5.2.1. The Panel was advised by Council staff that there is a requirement under the Local Government Act (LGA) that when advertising a road stopping proposal, the notice must state the purpose to which the road will be put, when stopped. The wording of the notice is "When stopped the land will be amalgamated into the adjoining Local Purpose (Recreation) Reserve which is vested in the Nelson City Council.
- 5.2.2. The Panel is satisfied that the public notice indicated the intended purpose of the land at the time the road is stopped and that the notice is legally correct. However the Panel agrees with the submitters concerns that it may not have been clear to a lay reader that a separate process was necessary to classify the land as Local Purpose (Recreation) Reserve. In other words, the notice could have been worded better.
- 5.2.3. Mr St Johanser advised at the hearing that the Brook Valley Community Group (Inc) did not oppose the road stopping *per se* – the concern was the intention that the stopped road be classified as Local Purpose (Recreation) Reserve. In that respect the Panel discussion and findings in Section 4 above is relevant. The Panel considers a Local Purpose Reserve (Recreation) classification is the most appropriate classification to allow achievement of the Vision as framed in the final draft RMP.
- 5.2.4. With regard to the concerns of The Brook Waimarama Sanctuary Trust, access to the Local Purpose Reserve (Wildlife Sanctuary) is intended to be provided through the proposed Local Purpose Reserve (Recreation). The final draft RMP provides for development of a comprehensive development plan which includes requirements:
 - ☐ To provide for services and facilities required to manage, operate and service the Brook Waimarama Sanctuary (7.3.2, (4) b).
 - ☐ For a redeveloped roading network to suit the uses to be provided for in the detailed development plan (including those detailed in a.)
- 5.2.5. Notwithstanding this, in order to enable more confidence for the Trust the Panel proposes formulating an interim arrangement for continued access to the Wildlife Sanctuary in consultation with the Sanctuary Trustees pending formal adoption of the RMP and finalising the Comprehensive Development Plan.

6. Recommendations

Having regard to the discussion and findings of the Hearings Panel as described in this report, the Panel makes the following recommendations.

- 6.1.1. That the parcels of land (described in the First Schedule) be vested and classified as Local Purpose (Recreation) Reserve pursuant to section 14 and section 24 of the Reserves Act 1977.

First Schedule: Nelson Land District – Nelson City

Area (ha)	Description
3.9105	Section 6 SO 498803 (formerly part Lot 2 DP 764) comprised in part CFR NL43/244.
0.3465	Lot 1 DP 5496 comprised in CFR NL133/27.
0.8047	Section 8 SO 498803 (formerly Part Lot 53 DP 210) comprised in part CFR NL29/102.
0.1683	Part Section 9 Brook St and Maitai District comprised in CFR 53911
1.0412	Section 14 SO 498803 (formerly Part Section 9 Brook Street and Maitai District) comprised in part CFR NL81/54.
0.3253	Section 12 SO 498803 (formerly Part Section 9 Brook Street and Maitai District) comprised in part CFR NL69/288
1.1736	Lot 49 DP 210 comprised in CFR NL34/283

- 6.1.2. That the Classification of part of the Recreation Reserve (described in the Second Schedule) be changed to Local Purpose (Recreation) Reserve.

Second Schedule: Nelson Land District – Nelson City

Area (ha)	Description
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3.1093	Section 10 (formerly Part Section 47 Brook Street and Maitai District) comprised in part NZ Gazette notice 1980 page 90
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Note: This recommendation is supported by Panel members Peter Reaburn and Cr McGurk. Panel member Cr Fulton does not support the recommendation and instead has concluded that this land should remain classified as Recreation Reserve.

- 6.1.3 That, in respect of the proposal for road stopping, Council reject all objections received and under Schedule 10, section 5 of the Local Government Act 1974 refer the matter to the Environment Court.



Peter Reaburn
Independent Commissioner
Chairman

Administrative Matters

1. Purpose of Report

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

2. Delegations

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

3. Recommendation

That the Council

Receives the report Administrative Matters (R6521) and its attachment (A1645289); and

Approves a sum of \$15,000 to be taken from the Special Economic Projects budget to develop a co-investment proposal for the extension of the Rural Broadband Initiative and the Mobile Black Spot fund, to be reported to Council for consideration by 2 February 2017.

4. Members' Interests Register

- 4.1 At the start of the triennium all elected members were requested to declare their interests. The declarations have been entered into the Members' Interests Register for 2016-2019 (the Register). The Register is included as Attachment 1.
- 4.2 Members can update their entry in the Register at any time. There is also a standing item on each Council and committee meeting agenda asking for updates to the Register and for elected members to identify any conflicts of interest in the agenda.
- 4.3 Over the coming weeks the Register will be updated to include the declarations of Council's external appointees, and members of joint committees administered by Nelson City Council.

- 4.4 In order to provide transparency and in line with good practice the Register will be presented to Council on a quarterly basis as part of the Administrative Matters report. This allows elected members a further opportunity to ensure the Register is correct. The Register will also be available to the public on Council's website.

5. Elected Members Remuneration

- 5.1 On 27 October 2016, Council set its committee structure for the 2016-19 triennium. The Mayor's Report to that meeting noted that consideration would be given to how the structure related to the current determination issued by the Remuneration Authority for elected member remuneration.
- 5.2 The current determination remunerates four chairperson positions, and four deputy chairperson positions. Although the new committee structure has five committees, there are still only four chairperson positions that will receive remuneration (the Mayor and Deputy Mayor receive no additional remuneration for chairing committees) and four deputy chairperson positions. Therefore there are no changes to the determination required for this triennium.

6. Update on Housing Accord

- 6.1 The Nelson Housing Accord was signed on 11 June 2015. The Accord is a tool used to increase the supply of housing in Nelson. The Accord sets targets for establishing new residential lots and dwellings in Nelson over three years. The Accord is established under HASHAA (the Housing Accord and Special Housing Areas Act 2013), which also provides for Special Housing Areas (SHAs) to be established as an additional tool to enabling increased supply.
- 6.2 The Council ran an expression of interest process for SHAs and twenty applications were received. Nine were gazetted by Cabinet on 15 February 2016, a further one was gazetted on 16 May, and a final three were gazetted on 25 July.
- 6.3 Since the Housing Accord was agreed by the Council and the Minister of Housing, thirteen SHAs have been created across Nelson and consent applications have been received for eleven of these.
- 6.4 In September 2016, the Minister extended HASHAA for another 3 years and subsequently the Nelson Housing Accord until 31 December 2016, to allow Nelson City Council to remain as the accord territorial authority and authorised agency under the HASHA Act. This allows for the processing of consents relating to qualifying developments in existing SHAs.
- 6.5 Of the eleven HASHAA consent applications received, all but two are anticipated to have been processed before the Housing Accord expires on 31 December 2016. The two HASHAA consents that are unlikely to be processed before the expiration of the Accord are Barcelona Lofts at 237 Haven Road where the applicant has put the consent on hold to allow

some redesign work, and Bishopdale Developments Ltd at 257 Waimea Road were further geotechnical investigation is required.

- 6.6 A report will come to the 15 December 2016 meeting seeking agreement to extend the date from 31 December 2016 to allow the processing of those consents already lodged.

7. Extension of Rural Broadband Initiative and Mobile Black Spot Fund

- 7.1 On 27 October 2016, the Crown Fibre Holdings Ltd (CFHL) issued a Request for Proposals (RFP) for the extension of the Rural Broadband Initiative (RBI2) and the Mobile Black Spot Fund (MBSF). The RFP is targeted at telecommunications providers able to enhance broadband and mobile reception coverage areas. CFHL has also released an Invitation to Participate, aimed at local authorities who may want to be involved in the process, and who may want to co-invest in the RBI2 and/or MBSF within their territorial areas. To assist, CFHL have provided Council with a map of the areas within the Nelson region that have been identified as possible areas for investment. No investment decisions have yet been made by CFHL, and there will be strong competition nationally for the available funding.
- 7.2 The key dates for this programme are as follows:
- 7.2.1 25 November 2016 – Local Government Authorities to submit any additional areas with the charts (see attached) provided in the RFP for priorities for broadband coverage and mobile black spots
- 7.2.2 2 February 2017 – Local Government Authorities to advise CFH of their intention to co-fund and their views of prioritisation of possible coverage areas.
- 7.3 Council does not have time to run an effective consultation programme in the timelines imposed by CFHL. If Council would like to consider co-investing, officers would provide feedback by the 25 November 2016 deadline based on previous correspondence with residents on these matters. Officers would then develop a proposal in relation to co-investment options for Council to sign off by 2 February 2017. Co-investment could consist of financial contribution, streamlining of consents, provision of high ground for transmitter siting. There is limited staff capacity to undertake this work and a contractor would need to be employed to provide specialist advice. An indicative budget of \$15,000 is requested to develop the response.
- 7.4 Decision-making considerations:
- This investment of \$15,000 fits with the purpose of local government in meeting the needs of the community for good-quality services in the area of mobile and broadband facilities.

- This funding aligns with the Community outcome of encouraging appropriate new investment into our community and being a business-friendly region.
- As this matter is regarding funding to develop a proposal, there is little risk in making this decision.
- This development of a proposal is of low significance to the community and is of low monetary value, therefore engagement is not seen as required. Maori have not been consulted on this matter.
- As Committee delegations have not yet been established, this is a matter for Council to consider.

Penny Langley
Manager Administration

Attachments

Attachment 1: A1645289 - Members' Interests Register 2016-2019 [↓](#)

Attachment 2: A1656692 - Rural Broadband Extension and Mobile Black Spot Fund Map [↓](#)

**Nelson City Council Members' Interests Register 2016-2019
at 27 October 2016**

Elected Members:

Member	Most recent update by Member	Member Declared Interest	Spouse/Partner Declared Interest	OAG approval status¹
Her Worship the Mayor Rachel Reese	19 October 2016	<ul style="list-style-type: none"> • Property co-owner 4A Allan Street • Shareholder/Director - Rachel Reese Consulting Ltd • Shareholder - Wharehunga Forestry 2004 Ltd • Beneficiary - TuJaes Trust • Minor Shareholder - AMP Ltd • Minor Shareholder - Manus Resources Ltd • Local government representative - Environmental Legal Assistance Advisory Panel <p><u>Council-related appointments</u></p> <ul style="list-style-type: none"> • Patron - Civic Trust • Trustee - Nelson Municipal Band • Trustee - Cawthron Trust Board • Trustee - Hilda and Auty Harley Trust • Trustee - Whakatu Marae Komiti 	<ul style="list-style-type: none"> • Property co-owner 4A Allan Street • Director/Shareholder - RH Investments Ltd 	N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A
Councillor Luke Acland	27 October 2016	Property situated at 15 Cambria Street, The Wood, Nelson	NA	NA

¹ Where the combined total of pecuniary interests in dealings with Council is over \$25,000 including GST, Members are asked to note whether OAG approval is being sought or has been granted. For non-pecuniary interests, or interests that are not dealings with Council, or pecuniary interests in dealings with Council totalling less than \$25,000 including GST, members are asked to state "n/a".

10. Administrative Matters - Attachment 1 - A1645289 - Members' Interests Register 2016-2019

Member	Most recent update by Member	Member Declared Interest	Spouse/Partner Declared Interest	OAG approval status¹
Councillor Ian Barker	14 October 2016	<ul style="list-style-type: none"> • Tahuna Beach Holiday Park • Guardians Nightingale Library • Network Tasman Trust 	<ul style="list-style-type: none"> • Nil • Nil • Nil 	N/A N/A N/A
Councillor Mel Courtney	14 October 2016	<ul style="list-style-type: none"> • Property – 26/269 Wakefield Quay, Stepneyville, Nelson 7010. • Trustee – Rutherford Rotary 		N/A N/A
Councillor Bill Dahlberg	14 October 2016	<ul style="list-style-type: none"> • Trustee of the, Dahlberg Family Trust, Property 8 Atmore Terrace, Nelson • Trustee/Director, Rata Foundation (ex Canterbury Community Trust) • Director/Principal, Bill Dahlberg & Associates Limited • Principal Advisor, with AdviceFirst, Nelson office • Chair, Warmer Healthier Homes Nelson/Tasman Marlborough • Chartered Director, of Institute of Director (NZ) • Member, of Institute of Financial Advisers (IFA) • Member, of Friend of Suter Art Gallery, • In the past a big interest in Basketball and Netball, limited now 	<ul style="list-style-type: none"> • Trustee of the, Dahlberg Family Trust, Property 8 Atmore Terrace, Nelson • Member, of Friend of Suter Art Gallery • In the past a big interest in Netball, limited now 	NA NA NA NA NA NA NA NA
Councillor Kate Fulton	27 October 2016	Owner of property at 45 Stansell Ave, Tahunanui, Nelson, 7011	N/A	n/a
Councillor Matt Lawrey	14 October 2016	<ul style="list-style-type: none"> • Properties (owner): 13/15, 23, 31 and 33 Orsman Cres • Organiser of 'First Responders Parade 2014' – this event received \$575 of NCC Heritage Week Funding. 	none	N/A

¹ Where the combined total of pecuniary interests in dealings with Council is over \$25,000 including GST, Members are asked to note whether OAG approval is being sought or has been granted. For non-pecuniary interests, or interests that are not dealings with Council, or pecuniary interests in dealings with Council totalling less than \$25,000 including GST, members are asked to state "n/a".

Member	Most recent update by Member	Member Declared Interest	Spouse/Partner Declared Interest	OAG approval status¹
Councillor Paul Matheson	19 October 2016	<ul style="list-style-type: none"> NZ Community Trust Nelson Cancer Soc NZ Fisheries Museum and Marine Education Centre Trust 	No declared interest	N/A N/A N/A
Councillor Brian McGurk	14 October 2016	<ul style="list-style-type: none"> Trustee and beneficiary in BJ and DA McGurk Family Trust owners of the residential property at 20 Fawdan Way, Richmond 	<ul style="list-style-type: none"> Trustee and beneficiary in BJ and DA McGurk Family Trust owners of the residential property at 20 Fawdan Way, Richmond Employed as Organiser with New Zealand Nurses Organisation 	N/A N/A
Councillor Gaile Noonan	14 October 2016	<ul style="list-style-type: none"> Big Brothers Big Sisters Nelson – Deputy Chair Nelson Foodbank – Volunteer 	None declared	n/a n/a
Councillor Mike Rutledge	14 October 2016	<ul style="list-style-type: none"> Trustee Natureland Wildlife Trust (non-paid position) 	<ul style="list-style-type: none"> Trustee and Director Natureland Wildlife Trust (paid position) 	Approved
Councillor Tim Skinner	17 October 2016	None to declare		NA

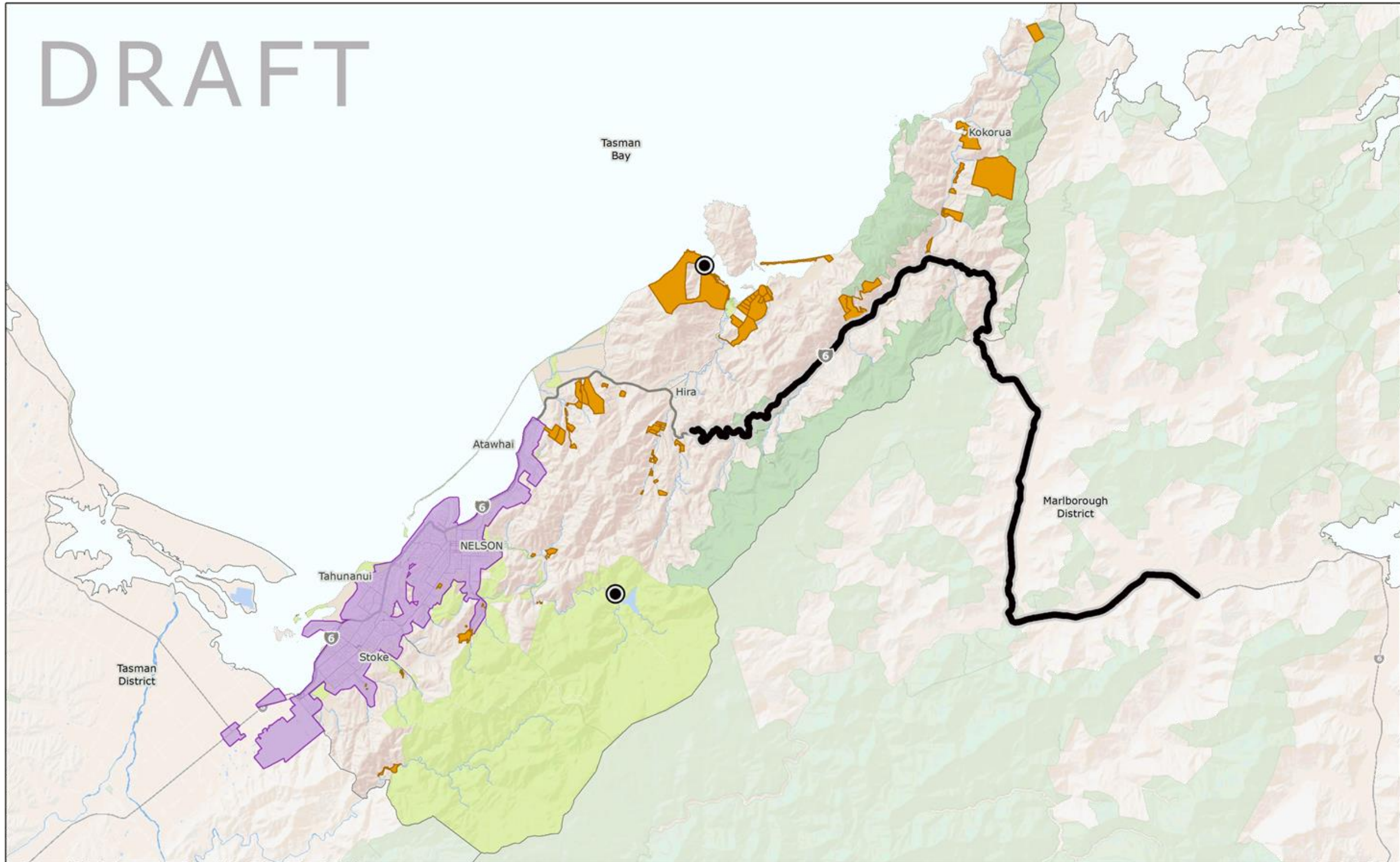
¹ Where the combined total of pecuniary interests in dealings with Council is over \$25,000 including GST, Members are asked to note whether OAG approval is being sought or has been granted. For non-pecuniary interests, or interests that are not dealings with Council, or pecuniary interests in dealings with Council totalling less than \$25,000 including GST, members are asked to state "n/a".

10. Administrative Matters - Attachment 1 - A1645289 - Members' Interests Register 2016-2019

Member	Most recent update by Member	Member Declared Interest	Spouse/Partner Declared Interest	OAG approval status¹
Councillor Stuart Walker	14 October 2016	<p>No pecuniary interests to declare</p> <p>Non-pecuniary interests</p> <ul style="list-style-type: none"> • Alternative Power NZ Ltd. – Share holder/ Director. • Joint owner – 26c Enner Glynn Rd Stoke. • SPCA Nelson. Current Chairman. – Life Member. • Nelson Historical Society. – Member. • Nelson Residents Assn. – Member. • Sustainable Energy Assn of NZ – Honorary Life Member. 	<p>No pecuniary interests to declare</p> <p>Non-pecuniary interests</p> <ul style="list-style-type: none"> • Alternative Power NZ Ltd. – Share holder/ Director. • Joint owner – 26c Enner Glynn Rd Stoke. 	n/a

¹ Where the combined total of pecuniary interests in dealings with Council is over \$25,000 including GST, Members are asked to note whether OAG approval is being sought or has been granted. For non-pecuniary interests, or interests that are not dealings with Council, or pecuniary interests in dealings with Council totalling less than \$25,000 including GST, members are asked to state "n/a".

DRAFT



Mobile Availability

Rural Broadband Extension and Mobile Black Spot Fund



Areas identified by Crown Fibre Holdings

- Mobile Blackspots - Tourism
- Mobile Blackspots - State Highway
- Proposed Rural Broadband Areas

Approved Ultra Fast Broadband Areas

- Ultra Fast Broadband Rollout Years 1 - 7

0 1 2 3 4 km



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution-NonCommercial 3.0 New Zealand License. Nelson City Council data must not be sold without prior written consent. For more information please contact us. Cadastral information derived from the Land Information New Zealand. CROWN COPYRIGHT RESERVED.

File Ref: A1656692
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Schedule of Meetings - 2016

1. Purpose of Report

- 1.1 To adopt a schedule of Council meetings for the remainder of the 2016 calendar year, in accordance with clause 19(6), Schedule 7 of the Local Government Act 2002.

2. Recommendation

That the Council

Receives the report **Schedule of Meetings - 2016 (R6723)** and its attachment (A1657594); and

Confirms the schedule of meetings for the remainder of the 2016 calendar year as set out in attachment one (A1657594).

3. Discussion

- 3.1 Clause 19(6) of schedule 7 of the Local Government Act 2002 sets out requirements for written notification of meetings to elected members. It is standard practice for Council to adopt a schedule of meetings by resolution, in order to meet these legislative requirements.
- 3.2 Attachment one (A1657594) sets out a proposed schedule of meetings for the remainder of the 2016 calendar year.
- 3.3 Councillors have been provided with written notification of proposed meetings up until 17 November 2016, in order to meet legislative requirements.

Meetings schedule for the remainder of 2016

- 3.4 Council's meetings schedule has previously followed a cyclical six-week pattern, with sub-committees, committees and Council meeting in a regular pattern.
- 3.5 There is insufficient time in November and December 2016 for a regular cyclical pattern of committee meetings to take place.

- 3.6 The start of the triennium also requires a number of training and planning sessions to be scheduled. This places additional pressure on available dates for meetings in November and December 2016.
- 3.7 As a result, the proposed schedule of meetings for the remainder of 2016 does not set a pattern that will be followed for meetings in 2017 and beyond. However, there is sufficient opportunity for each committee to meet prior to the Council meeting proposed for 15 December 2016.

Meetings schedule for 2017 and beyond

- 3.8 A further report will be presented to the Council meeting proposed for 15 December 2016, to consider a schedule of meetings for 2017 and beyond.

4. Options

- 4.1 Council can either approve the schedule of meetings for the remainder of the 2016 calendar year, or not approve the schedule of meetings.
- 4.2 Approval of a schedule of meetings would meet legislative requirements for written notification of meetings to councillors. It would also provide certainty to councillors, to allow planning of other activities around Council business, assist with Council officers to work in an efficient manner, and provide certainty to members of the public, as to when meetings will take place. This is the recommended option.
- 4.3 Not adopting a schedule of meetings will not prevent Council business from continuing. However, it will require meeting dates to be set, and written notice of meetings to councillors to be provided on an ad hoc basis. There is a risk that, in doing so, the legislative requirements regarding written notification of meetings will not be met, and extraordinary meetings may be required for Council business to proceed.
- 4.4 It is inefficient and potentially confusing for councillors, Council officers and members of the public for meetings to be scheduled in an ad hoc manner. It is not recommended that this option be taken.

Penny Langley
Manager Administration

Attachments

Attachment 1: A1657594 - Proposed Schedule of Meetings November to December 2016 [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	Adopting a schedule of meetings is the most efficient manner for Council to undertake its legislative functions.
2. Consistency with Community Outcomes and Council Policy	Adopting a schedule of meetings provides Council with the opportunity to operate in a manner consistent with Community Outcomes and Council policies.
3. Risk	<p>There is little risk in Council adopting a schedule of meetings for the remainder of 2016, noting that a further meeting schedule for 2017 and beyond is expected to be considered at the final Council meeting for 2016.</p> <p>The risks of not adopting a schedule of meetings are addressed in paragraphs 4.3 and 4.4.</p>
4. Financial impact	There is no financial impact associated with adopting a schedule of meetings. There may be a financial risk associated with not adopting a schedule of meetings, in that the business of Council will be carried out in an inefficient manner.
5. Degree of significance and level of engagement	This matter is considered to be of low significance, as it relates to the manner in which Council meetings are scheduled and notified, rather than a substantive Council decision. Therefore no public engagement has taken place, or is considered necessary.
6. Inclusion of Māori in the decision making process	Maori have not been included in the decision-making process for this report.
7. Delegations	Adoption of a schedule of meetings is a matter for Council.

November 2016							November 2016							December 2016						
							Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
								1	2	3	4	5	6				1	2	3	4
							7	8	9	10	11	12	13	5	6	7	8	9	10	11
							14	15	16	17	18	19	20	12	13	14	15	16	17	18
							21	22	23	24	25	26	27	19	20	21	22	23	24	25
							28	29	30					26	27	28	29	30	31	
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY														
31 Oct	1 Nov 4:00p.m. Nelson Tasman Business Trust Meetings for 2014 - Cllr TBC (Boardroom, 39 Halifax Street, Nelson) - Ruth Killman 4:30p.m. Tasman Bays Heritage Trust AGM (1 Nov) (Nelson Provincial Museum, Cnr Hardy and Trafalgar Streets) - Ruth	2 9:30a.m. Citizenship Ceremony - Mayor & Councillor Noonan (Chamber) - Ruth Killman 3:00p.m. Sister City Coordinating Group - Mayor, Cllr Dahlberg (Resource - MR - Ruma Marama (Level 2A)) - Ruth Killman	3	4	5	6														
7	8 9:00a.m. Elected Members Induction Day One (8 Nov) - all elected members (Trafalgar Pavilion, Trafalgar Park) - Ruth Killman 6:00p.m. Arts Council Nelson - Cllr TBC (Refineray Artspace / Cllr Ward's studio)	9 Delegation from Miyazu arrive Wednesday 9 November (afternoon), depart Saturday 12 November (afternoon) 9:00a.m. Visit to Trafalgar Centre for Elected Members (take hi-viz vest, hard hat and safety boots) (Meet in main car park next to 12:00p.m. Community and Whanau Network - Cllrs (Trafalgar Pavilion)	10 9:00a.m. Council meeting - all elected members (Resource - MR - Council Chamber P) - Ruth 11:00a.m. Proposed Council workshop (10 Nov) - 1:00p.m. Placeholder - Council workshop (10 Nov) continued	11 6:00p.m. Civic Service for Elected Members NCC and TDC (11 Nov) - all elected members (Nelson Cathedral) - Ruth Killman	12	13														
14	15 9:00a.m. TBC - Extraordinary Hearings Panel - Other 12:00p.m. TBC - Elected Members Induction Day Two (15 Nov) - 3:00p.m. Neighbourhood Support NZ National Gold Awards (Cllr 4:00p.m. TBC - Tour of Waimea 7:00p.m. Tahunanui Beach Holiday	16 Governor General arrives Wednesday 16 November (afternoon), departs Friday 18 November.	17 9:00a.m. Proposed - Works and Infrastructure Committee meeting (17 Nov) - Cllrs Matheson, Walker, Acland, Lawrey, Dahlberg, Noonan, Skinner and Mayor (Resource - MR - Council Chamber P) - Ruth	18 12:00p.m. District Licensing Committee Hearing - Rattle n Hum ON licence renewal application (Chamber)	19	20														
21	22 9:00a.m. TBC - Council workshop (22 Nov) - Nelson Plan (Regional Policy Statement and Rules) - all elected members (Resource - MR - Council Chamber P) - Ruth Killman	23 9:30a.m. Citizenship Ceremony - Mayor & Cllr Mel Courtney (Chamber) - Ruth Killman 4:00p.m. Nelmac AGM (2 Bullen Street, Tahunanui)	24 9:00a.m. Proposed - Sports and Recreation Committee meeting (24 Nov) - Cllrs Skinner, Rutledge, Fulton, Barker, 1:00p.m. Proposed - Community Services Committee meeting (24 Nov) - Cllrs Noonan, Courtney, Fulton, Lawrey, McGurk,	25	26	27														
28 9:00a.m. LGNZ KnowHow 2016 Newly Elected Members Workshop (Chamber) 9:30a.m. FOSPA Hearing - Cllrs Barker and McGurk (Library Activity Room - Elma Turner 1:00p.m. Nelson Tasman Positive Ageing Forum - Cllr TBC	29 9:30a.m. Joint Committee (29 Nov) - all elected members (Resource - 11:00a.m. Joint Shareholders Committee (29 Nov) - Mayor, 11:30a.m. TBC - CDEM Mayor and Deputy Mayor (to be 1:00p.m. Proposed Nelson Airport 4:30p.m. The Bishop Suter Trust	30 9:00a.m. TBC - Elected Members Strategic Planning Session - (30 Nov) - all elected members (Saxton Oval Pavilion) 9:00a.m. Hearings Panel (Chamber)	1 Dec	2	3	4														

December 2016							<div> <div>December 2016</div> <div> <div>Mo</div><div>Tu</div><div>We</div><div>Th</div><div>Fr</div><div>Sa</div><div>Su</div> </div> <div> <div>5</div><div>6</div><div>7</div><div>1</div><div>2</div><div>3</div><div>4</div> </div> <div> <div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div> </div> <div> <div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div><div>25</div> </div> <div> <div>26</div><div>27</div><div>28</div><div>29</div><div>30</div><div>31</div><div></div> </div> </div>
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Committee Delegations 2016-2019

1. Purpose of Report

- 1.1 To adopt committee delegations for the 2016-2019 triennium.

2. Recommendation

That the Council

Receives the report Committee Delegations 2016-2019 (R6731) and its attachment (A1656531); and

Adopts the committee delegations as set out in attachment one (A1656531); and

Confirms that officers should undertake a review of the Delegations Register, to present back to Council in early 2017.

3. Discussion

- 3.1 Council established a committee structure at its meeting of 27 October 2016. The committees established by Council are unable to meet until their areas of responsibility and the extent of their delegated powers of have been set by Council resolution.
- 3.2 Proposed committee delegations are set out in attachment one (A1656531). Briefly, the delegations for each committee cover:
- 3.2.1 The areas of responsibility for the committee, being the various matters that each committee maintains oversight for. Each committee will consider reports covering subject matters falling within their areas of responsibility;
- 3.2.2 The powers of decision for each committee. If a committee does not have decision-making powers in a specific situation, the committee is restricted to passing recommendations to Council in that situation;

3.2.3 The powers of recommendation to Council for each committee.

- 3.3 Council may amend committee delegations throughout the triennium at any time by ordinary resolution.

Specific Committee Delegations

- 3.4 The areas of responsibility for the Sports and Recreation Committee include Parks and Reserves. This would normally include all Parks and Reserves, including buildings and structures included within them. However:

3.4.1 During the last triennium, Council retained responsibility for the redevelopment of the Trafalgar Centre. As the redevelopment is nearing its end, it is more efficient for any future discussions or decisions regarding the Trafalgar Centre redevelopment to remain a matter for Council. Once redevelopment work is complete, responsibility for the Trafalgar Centre is intended to revert to the Sports and Recreation Committee;

3.4.2 Saxton Field currently falls within the areas of responsibility of the Sports and Recreation Committee. It is anticipated that a report regarding Saxton Field Governance will be presented to both Nelson City and Tasman District Councils in December 2016, which is likely to recommend altering the Sports and Recreation Committee's delegated powers with regards to Saxton Field.

- 3.5 The areas of responsibility for the Governance Committee include Nelson City Council Controlled Organisations (CCOs) and Nelson City Council Controlled Trading Organisations (CCTOs), and the Committee has the power to recommend to Council approval of any related documents. The Joint Shareholders Committee has been delegated the power to decide all matters relating to jointly owned CCOs and CCTOs, aside from statements of expectation, which are a matter for the Joint Committee.

- 3.6 In order to align processes for all CCOs and CCTOs, it would be appropriate for Council to consider whether the Governance Committee should be granted the power to decide all matters in relation to CCOs and CCTOs (aside from statements of expectation, which would be appropriate to remain a matter for full Council).

- 3.7 Delegations for the Audit, Risk and Finance and Commercial Subcommittees will be presented to a future Council meeting for adoption.

Delegations Register Review

- 3.8 Once adopted by Council, committee delegations will form a part of Council's Delegations Register. There is no legal requirement for Council to adopt an updated Delegations Register at the start of the triennium. However, it is considered best practice for the Delegations Register to be reviewed at the commencement of each triennium, and an updated Delegations Register to be presented to Council early in the triennium.

- 3.9 Officers have identified a number of changes that could be made to the Delegations Register, which would assist with making the Delegations Register as clear and user-friendly as possible. These include clarification regarding use of the Council seal, clarification of Council's delegations to the Chief Executive, and alterations to the structure of the document, to assist with improving readability.
- 3.10 It is suggested that officers undertake a review of the proposed changes set out in paragraph 3.9, and present an updated copy of the Delegations Register to Council in early 2017.

4. Options

- 4.1 Council can choose to adopt the proposed committee delegations, or not adopt them.
- 4.2 The committees established by Council on 27 October 2016 are unable to meet until Council has resolved their delegated powers.

Penny Langley
Manager Administration

Attachments

Attachment 1: A1656531 - Committee delegations 2016-2019 [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	Adoption of committee delegations provides a framework through which Council can provide its infrastructure and public services, and perform its regulatory functions.
2. Consistency with Community Outcomes and Council Policy	Adoption of committee delegations assists Council to achieve its community outcomes and policy goals, by providing clear direction regarding how committee and Council decisions will be made.
3. Risk	<p>There is little risk to Council in adopting committee delegations.</p> <p>If committee delegations are not adopted, the committees established by Council will be unable to meet, and there is a risk that this will result in delayed decision-making.</p>
4. Financial impact	There are no direct budgetary consequences related to the decision to adopt committee delegations.
5. Degree of significance and level of engagement	This matter is of low significance and no public engagement is required.
6. Inclusion of Māori in the decision making process	There is no requirement to include Māori in this decision-making process.
7. Delegations	Adoption of committee delegations is a matter for full Council.

1.0 Committee Functions and Delegations

1.1 General Terms of Reference

The following principles are applicable to all committees of Nelson City Council.

- 1.1.1 Committees must have at least three members, at least one of whom must be an elected member of Nelson City Council. The Mayor is a member of every Governing committee. Nelson City Council officers may not be appointed as committee members.
- 1.1.2 A person who is not an elected member of Nelson City Council may be appointed to any committee or sub-committee, within the constraints of relevant legislation, if they have skills, attributes or knowledge that will assist the work of the committee.
- 1.1.3 Committees are not obliged to exercise their delegations. Where there is significant difference of opinion amongst committee members, the Committee should consider referring the matter to Council for debate and determination.
- 1.1.4 Committees may appoint sub-committees and/or further delegate their responsibilities. Any further delegations of an on-going nature are to be recorded in writing and included within the Delegations Register.
- 1.1.5 Any policies set by Committees under delegated authority must comply with any applicable legislation, and must not conflict with Council policy or provide for expenditure for which Council has made no allocation.
- 1.1.6 A committee may consider new policy proposals not allowed for in Council's Annual Plan or Long Term Plan, with a view to recommending its adoption by Council.
- 1.1.7 A committee may consider new expenditure not allowed for in Council's Annual Plan or Long Term Plan, with a view to recommending its adoption by Council.
- 1.1.8 Where a committee has the delegated authority to formulate policy in respect of any matter, it shall also have the delegated authority to make decisions on any application made to the Council in accordance with or pursuant to that policy, unless or until such authority is specifically delegated to any other committee or officer.
- 1.1.9 A committee should be conscious of the needs and wishes of the community when setting policy, and to that end may consult with interested groups or organisations, within the context of consultation processes established by Council.
- 1.1.10 In conjunction with points 1.1.3 and 1.1.9 a committee should be mindful of Council's Significance and Engagement Policy and consider whether matters of high significance should be considered by the Committee or referred to Council.
- 1.1.11 Unless explicitly specified, each committee's powers are restricted to the areas of responsibility of that committee.
- 1.1.12 All committee have the following responsibilities:
 - Identifying and monitoring outcomes, visions, performance measures and indicators in their areas of responsibility, for input into the Council's Long Term Plan and Annual Plans;
 - Developing policy within their areas of responsibility;
 - Monitoring performance, including budget and performance targets and indicators for the Long Term Plan within their areas of responsibility;

- Making recommendations to Council in relation to the setting of Council fees, charges and subsidies in respect of their areas of responsibility;
- Providing legislation and policy responses relevant to their areas of responsibility.

1.2 Joint Local Authority Committees

The Council may unite with any one or more local authority or other public bodies in appointing a joint committee in accordance with Schedule 7 clause 30A of the Local Government Act 2002.

Any committee so appointed will be considered to be both a committee of Nelson City Council and a committee of the other local authority or public body, unless otherwise specified by legislation. In forming any such committee Council must reach agreement with the other local authorities or public bodies involved which must specify the number of members, how the chairperson and deputy are to be appointed, the terms of reference of the committee, what responsibilities are to be delegated to the committee and how the agreement may be varied.

The powers to discharge any individual member and appoint another will be exercisable by the local authority or public body that made the appointment.

1.3 Appointing External Persons onto Council Committees

Council has adopted a 'Policy for the Selection, Appointment and Remuneration for External Appointees on Council Committees' (A1181155). The current policy provides:

- (a) The selection process for potential external appointees;
- (b) The process for appointment of external appointees;
- (c) Remuneration for external appointees to Governing Committees
- (d) Remuneration for external appointees to Single Purpose Committees;
- (e) Training for external appointees; and
- (f) Provision for a mid-triennium effectiveness review of the addition of external appointees.

This policy applies to external appointments of all committees, aside from the District Licensing Committee (governed by the Sale and Supply of Alcohol Act 2012), the appointment of an NZTA representative to the Regional Transport Committee (governed by the Land Transport Management Act 2003), and the appointment of Independent Commissioners to Hearings Panel – Resource Management Act or Hearing Panel – Other (see section 5.5 below).

1.4 Payment for Committee Meetings

As a general rule, under the Council's remuneration system for elected members, no meeting allowance is payable to Nelson City Councillors or the Mayor for attending Committee meetings, whether joint committees or otherwise.

Exceptions to this general rule exist for the District Licensing Committee (remuneration for which is determined by legislation) and the Hearings Panel – Resource Management Act (remuneration for which is determined by the Remuneration Authority).

Where the Council appoints a person from outside the Council to represent its interests on any committee or organisation a meeting fee will be paid in accordance with the Policy for the Selection, Appointment and Remuneration for External Appointees on Council Committees.

1.5 Operation of Hearings Panels

The Hearings Panel – Resource Management Act, and the Hearings Panel – Other relate to Council’s Regulatory functions. Neither has a set membership of particular elected or externally appointed members, nor a standing chairperson.

Hearings Panels are scheduled to occur fortnightly, as and when required.

Each meeting of either Hearings Panel is convened as a new meeting and a Chairperson is appointed from among the pool of:

- Commissioners, in the case of a Hearings Panel – Resource Management Act; or
- Councillors, in the case of a Hearings Panel – Other.

A fee payable to the Chairperson or Members of a Hearings Panel – Resource Management Act is set by the Remuneration Authority.¹

The current fee is:

- Chairperson - \$100/hour
- Members - \$80/hour

Preparation time of up to the time of the duration of the hearing may be remunerated at the same rates.

No fees are payable to any Councillors or other externally appointed members sitting on a Hearings Panel – Other.

¹ Remuneration Authority – Local Authority Elected Member Remuneration Setting 2013.

2.0 Committees Established by Nelson City Council

2.1 Community Services Committee

2.1.1 Areas of Responsibility:

- Arts, Culture and Heritage
- Community Festivals and Events
- Community Development, including youth issues, aging issues and social well-being
- Community Centres and Halls
- Cemeteries and Crematorium
- Libraries
- Community Housing
- Heritage Facilities
- Founders Heritage Park
- Youth Council
- All land and buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.

2.1.2 Powers to Decide:

- Approval of specified business cases or projects referred by Council to the committee, and also included in the Annual Plan
- Approval of tenders or projects (whether capital or operational), which exceed the officer limits set out in Council's Procurement Policy.
- To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility
- To hear and deliberate on submissions for Special Consultative Procedures falling within the areas of responsibility
- Submissions to external bodies relevant to the areas of responsibility

2.1.3 Powers to Recommend:

- Statements of proposals for Special Consultative Procedures falling within the areas of responsibility
- Final decisions on Special Consultative Procedures falling within the areas of responsibility
- Asset and Activity Management Plans falling within the areas of responsibility
- Development or review of policies and strategies relating to areas of responsibility
- Property transactions for any land or buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.
- Any other matters within the areas of responsibility noted above

2.2 Governance Committee

2.2.1 Areas of Responsibility:

- All policies specified in the Local Government Act 2002 for Annual Plan and Long Term Plan development
- Rating systems and policies
- Council's Treasury function
- Council's Annual Report
- Audit processes and management of financial risks
- Organisational risk management
- Nelson City Council Controlled Organisations and Nelson City Council Controlled Trading Organisations
- Business, economic development and tourism in Nelson
- Council's financial and service performance
- Health and Safety
- Forestry
- Rural Fire activities
- Sister City relationships and issues
- All land and buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings
- Delegation of powers to subcommittees. (The Governance Committee will be supported in its work by the Audit, Risk and Finance Subcommittee and the Commercial Subcommittee).

2.2.2 Powers to Decide:

- Approval of specified business cases or projects referred by Council to the committee, and also included in the Annual Plan
- Approval of tenders or projects (whether capital or operational), which exceed the officer limits set out in Council's Procurement Policy.
- To write off outstanding accounts receivable or remit fees and charges of amounts over the Chief Executive's delegated authority
- Events Strategy Fund Applications for amounts over the Chief Executive's delegated authority, up to \$100,000
- To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility
- To hear and deliberate on submissions for Special Consultative Procedures falling within the areas of responsibility
- Submissions to external bodies relevant to the areas of responsibility

2.2.3 Powers to Recommend:

- Statements of proposals for Special Consultative Procedures falling within the areas of responsibility
- Final decisions on Special Consultative Procedures falling within the areas of responsibility

- Activity Management Plans falling within the areas of responsibility
- Adoption of Council's Annual Report
- Changes to rating systems
- Property transactions for any land or buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.
- Documents from Nelson City Council Controlled Organisations and Nelson City Council Controlled Trading Organisations, including statements of intent, half yearly reports and appointments of directors
- Development or review of policies and strategies relating to areas of responsibility
- Any other matters within the areas of responsibility noted above

2.3 Planning and Regulatory Committee

2.3.1 Areas of Responsibility:

- Environmental Matters, including monitoring
- Resource Management
- Public Health
- Discharges, including noise
- Building Control and Fencing of Swimming Pools
- Parking Policy and Regulation
- Animals and Dogs
- Amusement Devices
- Food Handling
- Maritime and Harbour Safety and Control
- Marine Pollution
- Coastal Management
- Biodiversity
- Biosecurity
- Local Alcohol Policy
- Hazardous Substances and Contaminated Land
- Bylaws
- Development Contributions and Financial Contributions
- Land Development Manual
- Regional Policy Statement
- District and Regional Plans
- Performance monitoring of Council's regulatory activities
- Council and/or Community projects or initiatives for enhanced environmental outcomes
- All land and buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings

2.3.2 Powers to Decide:

- Approval of specified business cases or projects referred by Council to the committee, and also included in the Annual Plan
- Approval of tenders or projects (whether capital or operational), which exceed the officer limits set out in Council's Procurement Policy.
- To perform all functions, powers and duties relating to the areas of responsibility conferred on Council by relevant legislation and not otherwise delegated to officers
- To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility
- To hear and deliberate on submissions for Special Consultative Procedures falling within the areas of responsibility

- Submissions to external bodies relevant to the areas of responsibilities

2.3.3 Powers to Recommend:

- Statements of proposals for Special Consultative Procedures falling within the areas of responsibility
- Final decisions on Special Consultative Procedures falling within the areas of responsibility
- Activity Management Plans falling within the areas of responsibility
- Any alterations necessary to the Land Development Manual, the Regional Policy Statement and Nelson Resource Management Plan
- Development or review of policies and strategies relating to the areas of responsibility
- Property transactions for any land or buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.
- Any other matters within the areas of responsibility noted above

2.4 Sports and Recreation Committee

2.4.1 Areas of Responsibility:

- Recreation and Leisure Facilities and Services
- Parks and Reserves
 - Note: The Trafalgar Centre will remain a Council matter until redevelopment work is complete.
- Modellers' Pond
- Sports Fields
- Swimming Pool Facilities
- Campgrounds
- Marina
- All land and buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings

2.4.2 Powers to Decide:

- Approval of specified business cases or projects referred by Council to the committee, and also included in the Annual Plan
- Approval of tenders or projects (whether capital or operational), which exceed the officer limits set out in Council's Procurement Policy.
- To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility
- To hear and deliberate on submissions for Special Consultative Procedures falling within the areas of responsibility
- Submissions to external bodies relevant to the areas of responsibility

2.4.3 Powers to Recommend:

- Statements of proposals for Special Consultative Procedures falling within the areas of responsibility
- Final decisions on Special Consultative Procedures falling within the areas of responsibility
- Asset and Activity Management Plans falling within the areas of responsibility
- Development or review of policies and strategies relating to areas of responsibility
- Property transactions for any land or buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.
- Any other matters within the areas of responsibility noted above

2.5 Works and Infrastructure Committee

2.5.1 Areas of Responsibility:

- Roading network, including associated structures, bridges and retaining walls, walkways, footpaths and road reserve, landscaping and ancillary services and facilities, street lighting and traffic management control
- Cycleways and Shared Pathways with an active transport focus²
- Water
- Wastewater
- Stormwater and Flood Protection
- Solid Waste, including landfill and transfer stations
- Recycling, including waste minimisation
- All land and buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings

2.5.2 Powers to Decide:

- Approval of specified business cases or projects referred by Council to the committee, and also included in the Annual Plan
- Approval of tenders or projects (whether capital or operational), which exceed the officer limits set out in Council's Procurement Policy.
- To perform all functions, powers and duties relating to the areas of responsibility conferred on Council by relevant legislation and not otherwise delegated to officers
- To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility
- To hear and deliberate on submissions for Special Consultative Procedures falling within the areas of responsibility
- Submissions to external bodies relevant to the areas of responsibilities
- Hear, consider and decide all applications for road stopping

2.5.3 Powers to Recommend:

- Statements of proposals for Special Consultative Procedures falling within the areas of responsibility
- Final decisions on Special Consultative Procedures falling within the areas of responsibility
- Asset and Activity Management Plans falling within the areas of responsibility
- Any actions required under the Public Works Act 1981 falling within the areas of responsibility
- Property transactions for any land or buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or

² The shared pathways with an active travel focus may be updated as part of the review of the Parking and Vehicle Control Bylaw 2011. Shared pathways with an active travel focus currently include Atawhai Shared Path, Beatson Road, Coastal Route, Gloucester Street, Maitai River, Nile Street, Orchard Stream, Poormans Stream, Railway Reserve, St Vincent Street, Stoke to Richmond, Toi Toi Street, Vanguard Street, Waimea Road, Willow Walk and Whakatu Drive.

disposal, maintenance, management or development of any land or buildings.

- Development or review of policies and strategies relating to areas of responsibility
- Any other matters within the areas of responsibility noted above

2.6 Chief Executive Employment Committee

2.6.1 Areas of Responsibility:

- To review the Chief Executive's performance
- To review the Chief Executive's remuneration
- To address any employment related issues as may from time to time arise between the Chief Executive and Council

2.6.2 Powers to Recommend:

- To recommend to Council a performance agreement between the Chief Executive and Council
- To recommend to Council the outcome of an externally facilitated performance review involving the whole of Council
- To recommend to Council any personal development opportunities for the Chief Executive
- To review annually the Chief Executive's remuneration and make recommendations to Council
- To recommend to Council any action arising from employment related issues

2.7 Civil Defence Emergency Management Group

The Committee consists of the Mayor and Deputy Mayors of Nelson City Council and Tasman District Council.

2.7.1 Functions:

- Under the Civil Defence Emergency Management Act 2002, the functions of a Civil Defence Emergency Management Group, and of each member, are to—
 - in relation to relevant hazards and risks:
 - ❖ identify, assess, and manage those hazards and risks
 - ❖ consult and communicate about risks
 - ❖ identify and implement cost-effective risk reduction
 - take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in its area
 - take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in its area
 - respond to and manage the adverse effects of emergencies in its area
 - carry out recovery activities
 - when requested, assist other Groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Group's own area and any other requests for assistance from other Groups)

- within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act
- monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act
- develop, approve, implement, and monitor a civil defence emergency management group plan and regularly review the plan
- participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan
- promote civil defence emergency management in its area that is consistent with the purpose of this Act.
- The Civil Defence Emergency Management Group also has any other functions that are conferred or imposed by or under this Act or any other enactment.

2.7.2 Specific delegations:

- The Civil Defence Emergency Management Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to members, the Group Controller, or other persons.
- Without limiting the generality of section 6.6.1. above, the Group may:
 - recruit and train volunteers for civil defence emergency management tasks
 - conduct civil defence emergency management training exercises, practices, and rehearsals
 - issue and control the use of signs, badges, insignia, and identification passes authorised under this Act, regulations made under this Act, or any civil defence emergency management plan
 - provide, maintain, control, and operate warning systems
 - provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency
 - exercise any other powers that are necessary to give effect to any civil defence emergency management plan or in response to a civil defence emergency
- The Chairperson alternates between the Mayors of Nelson City Council and Tasman District Council.

2.8 District Licensing Committee

Appointment of members to, and operation of the District Licensing Committee, is governed by the Sale and Supply of Alcohol Act 2012.

2.8.1 Functions and Delegations:

- To consider and determine applications for licences and manager's certificates, applications for renewals of licences and manager's certificates, applications for variations of licences, applications for temporary authority to carry on the sale and supply of alcohol, applications for special licences and applications for the variation, suspension or cancellation of special licences.
- To refer applications to the licensing authority, with the leave of the Chairperson of the licensing authority

- To conduct inquiries and make reports as required by the licensing authority
- To carry out any other functions conferred on licensing committees by the Sale and Supply of Alcohol Act 2012 or any other enactment

2.9 Joint Committee of Tasman District and Nelson City Councils

2.9.1 Areas of Responsibility:

- Matters relating to Statements of Expectation for all jointly owned Council Controlled Organisations and Council Controlled Trading Organisations
- Receipt of six monthly presentations from Port Nelson Limited, Nelson Airport Limited and Tasman Bays Heritage Trust and from the Nelson Regional Development Agency (owned solely by Nelson City Council).

2.9.2 Powers to Decide:

- To determine the strategic direction to be given to jointly owned CCOs and CCTOs through Statements of Expectation

2.9.3 Quorum:

- The quorum at a meeting of the Joint Committee is set as outlined in Model Standing Orders NZS 9202:2003 at 14, being a majority of members as the membership is an odd number. Of that quorum of 14 members at least five must be from each local authority.

2.9.4 Procedure:

- Standing Orders to be applied at each meeting shall be Model Standing Orders NZS 9202:2003
- The Chairperson shall alternate each meeting between the Mayor of Nelson City Council and the Mayor of Tasman District Council. In the absence of either Mayor, the committee will elect a chair as its first item of business for that meeting. No deputy chairperson shall be appointed.
- 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
- The power to discharge any individual member and appoint another in his or her stead must be exercised by the local authority that made the appointment
- Minutes of meetings of the Joint Committee will be resolved to be received by each Council for record keeping purposes

2.10 Nelson City Council Tasman District Council Joint Shareholders Committee

2.10.1 Areas of Responsibility:

- All matters relating to jointly owned Council Controlled Organisations and Council Controlled Trading Organisations, including statements of intent, statements of corporate intent, half yearly reports, the appointment of directors and setting of directors' fees

2.10.2 Powers to Decide:

- All matters relating to jointly owned Council Controlled Organisations and Council Controlled Trading Organisations, including statements of intent, statements of corporate intent, half yearly reports, the appointment of directors and setting of directors' fees

2.10.3 Quorum:

- The quorum at a meeting of the Joint Shareholders Committee is set as outlined in Model Standing Orders NZS 9202:2003 at 6, being half of the members as the membership is an even number. Of that quorum of 6 members at least 3 must be from each local authority.

2.10.4 Procedure:

- Standing Orders to be applied at each meeting shall be Model Standing Orders NZS 9202:2003
- The Chairperson shall alternate each meeting between the Mayor of Nelson City Council and the Mayor of Tasman District Council. In the absence of either Mayor, the committee will elect a chair as its first item of business for that meeting. No deputy chairperson shall be appointed.
- 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
- The power to discharge any individual member and appoint another in his or her stead must be exercised by the local authority that made the appointment
- Minutes of meetings of the Joint Shareholders Committee will be resolved to be received by each Council for record keeping purposes

2.11 Nelson Regional Sewerage Business Unit

2.11.1 Delegations:

- Power to represent the Nelson City Council on all matters of management, administration and operation of the Nelson Regional Sewerage Business Unit

2.12 Regional Transport Committee

Operation of the Regional Transport Committee is governed by the Land Transport Management Act 2003.

2.12.1 Functions:

- To prepare a Regional Land Transport Plan, or any variation of the Plan, for the approval of Council
- To provide Council with any advice and assistance Council may request in relation to its transport responsibilities

2.12.2 Specific Delegations:

- To develop a Regional Land Transport Strategy (RLTS)
- To develop a Regional Land Transport Programme (RLTP)
- To undertake any variations or changes to the RLTS or RLTP
- To develop any Regional fuel tax scheme authorised by the legislation

2.13 Resource Management Act Procedures Committee

2.13.1 Functions:

- To deal with administrative and procedural matters related to appeals to the Nelson Resource Management Plan (NRMP) and regional plans and policy statements and any changes thereto
- The Committee is to report all matters that it considers may have policy or wider implication for the Council or Nelson community, to the Council
- To determine the strategy or extent of any changes or variations to decisions which Council has made on the NRMP, regional plans or policy statements, to be followed in any arbitration, mediation, or appeal before the Environment Court
- To deal with administrative and procedural matters related to matters of national significance and matters arising from resource consents and plan changes to be determined by a Board of Inquiry or direct referral to the Environment Court including decisions to lodge appeals on resource consents

2.13.2 Delegations:

- In consultation with Council's legal advisers and Group Manager Strategy and Environment, power to enter into negotiations about and agreeing to, costs, consent orders, withdrawals and modifications during the course of any reference (and associated appeals on the NRMP, Regional Plan, or policy statements) before the Environment Court. The Committee is to report all outcomes to the Council
- Power to authorise staff to negotiate, mediate or arbitrate consent orders where appropriate and consistent with the above
- Authority to waive requirements as to time limits, service, documentation and related administrative and procedural matters
- Power to decide to lodge submissions to resource consent in another jurisdiction
- Power to lodge appeals on resource consents in other jurisdictions where the Council was a submitter
- Power to lodge appeals on the decisions of a requiring authority or heritage protection authority
- Power to lodge appeals at the High Court on points of law arising from a decision of a Board of Inquiry or Environment Court in consultation with the solicitors acting for the Council. All decisions are to be reported to the Council

2.14 Hearings Panel – Resource Management Act

2.14.1 Functions:

- To conduct hearings and/or determine under delegated authority applications for consent and all other matters required to be heard and determined by way of hearing under the Resource Management Act 1991

2.14.2 Membership:

- All Commissioners, being Councillors who have successfully completed a "Making Good Decisions" or other appropriate Resource Management Act Course

- The Group Manager Strategy and Environment may appoint a Chairperson, and one or more Commissioners, to constitute the Hearings Panel – Resource Management Act in relation to any particular application under the Resource Management Act 1991
- The Group Manager Strategy and Environment may appoint one or more Independent Commissioners to either assist the Hearings Panel or to hear and determine any particular application, such as when Council is an interested party

2.14.3 Specific delegations:

- Power to hear and determine contested resource consent applications
- Power to hear and determine uncontested resource consent applications, or applications for reduction of esplanade reserve or proposals for reserves, not consented to by the Group Manager Strategy and Planning, Manager Resource Consents or Team Leader Resource Consents
- Power to hear and determine all objections to decisions on fees and extensions of time, and changes of conditions
- Power to hear and determine all publicly notified applications for Certificate of Compliance or Existing Use Certificates or cancellations of consents
- Power to review the conditions of a resource consent and the power to hear and determine the same. (Section 128 RMA)
- Power to refuse subdivision consent (section 106 RMA)

2.15 Hearings Panel – Other

2.15.1 Functions:

- To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996, the Fencing of Swimming Pools Act 1987, all matters relating to Temporary Road Closures pursuant to Schedule 10 Clause 11(e) of the Local Government Act 1974, and any other legislation as determined by the Council

2.15.2 Membership:

- All Councillors, for matters relating to the Dog Control Act 1996, the Fencing of Swimming Pools Act 1987, Schedule 10 Clause 11(e) of the Local Government Act 1974 and other matters not covered by the Resource Management Act 1991
- Councillors appointed as Chair of any panel shall be drawn from those who have successfully completed the Chairs' course of the "Making Good Decisions" or other appropriate training course
- The Group Manager Strategy and Environment may appoint one or more Independent Commissioners to either assist the Hearings Panel or to hear and determine any particular application, such as when Council is an interested party, other than applications made under the Fencing of Swimming Pools Act 1987

2.15.3 Specific delegations:

- The power to appoint a panel to hear and determine with any other consent authority any application requiring a joint hearing
- The power to hear and recommend appropriate actions from hearings of designations and heritage orders

- The power to hear, consider and attempt to resolve contested road stopping procedures
- The power to consider and determine applications for temporary road closures made under Schedule 10 Clause 11(e) of the Local Government Act 1974
- The power to hear and determine all matters arising from the administration of the Building Act 1991, and the Building Act 2004
- The power to consider and determine applications for exemptions from the Fencing of Swimming Pools Act 1987
- The power to hear and determine objections to the classification of dogs, and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996; and to recommend changes to the Council's Dog Control Policy and Dog Control Bylaw
- The power to name all features within the city requiring naming including roads, streets, service lanes, plazas, parking areas, parks, reserves, gardens and all public facilities or infrastructure³
- The power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property

2.16 Community Investment Funding Panel

2.16.1 Areas of Responsibility:

- The Funding Panel will consider applications for Community Investment Funding and allocate appropriate levels of funding against the criteria set out in the Nelson City Council Community Assistance Policy and the contribution of the project to the vision and objectives of the Fund.

Powers to Decide:

- The allocation of Community Investment Funding

Powers to Recommend:

- None

³ Where the naming of a feature impacts upon an existing or potential naming rights agreement (as defined by the Naming Rights and Sponsorship Policy for Community Services Facilities), it should be approved by Council.