



AGENDA

Ordinary meeting of the

Nelson City Council

Thursday 10 August 2017

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**5. Confirmation of Minutes**

5.1 Extraordinary Meeting - 14 June 2017

18 - 21

Document number M2677

Recommendation

That the Council***Confirms the minutes of the extraordinary meeting of the Council, held on 14 June 2017, as a true and correct record.***

5.2 22 June 2017

22 - 50

Document number M2698

Recommendation

That the Council***Confirms the minutes of the meeting of the Council, held on 22 June 2017, as a true and correct record.***

6. Status Report - Council - 10 August 2017 51 - 59

Document number R8135

Recommendation

That the Council

Receives the Status Report Council 10 August 2017 (R8135) and its attachment (A1168168).

7. Mayor's Report 60 - 67

Document number R8104

Recommendation

That the Council

Receives the Mayor's Report (R8104) and its attachment (A1808047); and

Amends the membership of the Chief Executive Recruitment Group by substituting Councillor Courtney for Councillor Acland.

8. Upper Trafalgar Street - Summer Closure 68 - 74

Document number R7764

Recommendation

That the Council

Receives the report Upper Trafalgar Street - Summer Closure (R7764); and

Approves informal consultation with stakeholders on the proposed temporary closure of the section of Trafalgar Street between Selwyn Place and Hardy Street (Upper Trafalgar Street) to traffic from 1 December 2017 to 31 March 2018; and

Notes that following informal consultation with stakeholders on the proposal to temporarily close Upper Trafalgar Street, a further report will be presented to the Council for a decision on the temporary closure.

9. Whakamahere Whakatu Nelson Plan - Designations **75 - 102**

Document number R7355

Recommendation

That the Council

Receives the report Nelson Plan – Designations (R7355) and its attachments (A1774347, A1774346, A1774349, and A1774348); and

Approves retaining the existing designations with or without modification to text and mapping, as detailed in Table 1 of report R7355 for inclusion in the proposed Whakamahere Whakatu Nelson Plan and subject to that process; and

Approves removing the designations as detailed in Table 2 of Report R7355.

10. 40 Frenchay Drive Easement for Purposes of Electricity Supply - Amendment to previous Resolution of 8 September 2016 **103 - 108**

Document number R8143

Recommendation

That the Council

Receives the report 40 Frenchay Drive Easement for Purposes of Electricity Supply - Amendment to previous Resolution of 8 September 2016 (R8143) and its attachment (A1803572); and

Grants the amendment to now grant the easement in gross, meaning granting the easement to Network Tasman Limited rather than to the property, in favour of Network Tasman Limited over the area shown on the plan marked "A" (Attached One, A1803572) over Lot 31 DP 487620, adjoining the boundary with Lot 29 DP 487620 with all costs associated with the easement to be met by The Hammock Hill Trust as owner of 40 Frenchay Drive; and

Confirms the easement be agreed to under section 48(1)(d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.

11. Elected Members' Code of Conduct 109 - 149

Document number R7755

Recommendation

That the Council

Receives the report Elected Members' Code of Conduct (R7755) and its attachments (A1745031, A1808134 and A1808138); and

Adopts the Nelson City Council Code of Conduct (A1745031).

12. Notice of Motion - Tahunanui Cycle Network 150 - 152

Document number R8062

Recommendation

That the Council

Receives the report Notice of Motion - Tahunanui Cycle Network (R8062).

Note: A copy of the Notice of Motion is available on the elected members Teamsite. Copies are also available on request from an Administration Adviser.

13. Tahunanui Cycle Network 153 - 161

Document number R8007

Recommendation

That the Council

Receives the report Tahunanui Cycle Network (R8007) and its attachment (A1795358); and

Approves the alternate delivery model as detailed in report R8007 as a mechanism that could successfully deliver the Tahunanui Cycle Network project; and

Approves the composition of an Advisory Group to include the Chair of the Works and Infrastructure Committee, Councillor _____, a representative

of Bicycle Nelson Bays, a representative of NZTA and officers, to move this project forward; and

Approves the Draft Terms of Reference for the Tahunanui Cycling Advisory Group (Attachment one, A1795358); and

Approves the allocation of \$80,000 in the current financial year (2017/18) to allow work to proceed to enable a preferred option to be presented to the Works and Infrastructure Committee; and

Agrees that a final option for implementation will be presented to a future Works and Infrastructure Committee for approval in March 2018.

- 14. Risk Management Policy and Risk Criteria - Recommendation from Audit Risk and Finance Sub-Committee 162 - 173**

Document number R8091

Recommendation

That the Council

Receives the report Risk Management Policy and Risk Criteria - Recommendation from Audit Risk and Finance Sub-Committee and its Attachments (A1553263 and A1545157).

REPORTS FROM COMMITTEES

- 15. Regional Pest Management Joint Committee - 26 April 2017 174 - 176**

Document number R8191

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Regional Pest Management Joint Committee, held on 26 April 2017.

16. Nelson Tasman Regional Landfill Business Unit - 15 June 2017 **177 - 180**

Document number R8130

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Nelson Tasman Regional Landfill Business Unit, held on 15 June 2017.

17. Nelson Regional Sewerage Business Unit - 10 March 2017 **181 - 184**

Document number M2405

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 10 March 2017.

18. Regional Transport Committee - 19 June 2017 **185 - 186**

Document number M2693

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Regional Transport Committee, held on 19 June 2017.

19. Hearings Panel - Other - 20 June 2017 **187 - 188**

Document number M2700

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Hearings Panel - Other, held on 20 June 2017.

20. Audit, Risk and Finance Subcommittee - 27 June 2017

189 - 198

Document number M2711

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Audit, Risk and Finance Subcommittee, held on 27 June 2017.

20.1 Liability Management Policy review

Recommendation to Council

That the Council

Adopts the amended Liability Management Policy (A1765543).

20.2 Carry Forwards (Interim) 2016/17

Recommendation to Council

That the Council

Approves continuing work on 2016/17 projects within the 2016/17 approved budgets, noting a final report on carry forwards will come to the Audit, Risk and Finance subcommittee on 8 September 2017.

20.3 Council Risk Management Policy and Risk Criteria

Recommendation to Council

That the Council

Approves the Risk Management Policy (A1553263) as amended by the Chairperson of the Audit, Risk and Finance Subcommittee and the Risk & Procurement Analyst to include clarification of escalation of continued tolerance (table 3 of the Policy) and the role of governance in the areas of responsibility (clause 6 of the Policy), and adopts the Council Risk Criteria (A1545157).

20.4 Internal Audit - Annual Audit Plan to 30 June 2018

Recommendation to Council

That the Council

Approves the Internal Audit – Annual Audit Plan to 30 June 2018 (A1748975).

20.5 Health and Safety Governance Charter review

Recommendation to Council

That the Council

Approves the revised Health and Safety Governance Charter (A1767136).

21. Commercial Subcommittee - 27 June 2017 199 - 205

Document number M2715

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Commercial Subcommittee, held on 27 June 2017.

21.1 Forestry Update report - June 2017

Recommendation to Council

That the Council

Confirms that block BROOK-22.02 be harvested if economically feasible.

21.2 Capital Expenditure Programme 2016-17 - Requests for change

Recommendation to Council

That the Council

Approves, with respect to project 2570 Smart Building Improvements, that \$48,000 of current year budget be transferred to 2017-18; and

Approves, with respect to project 1198 Civic House capital programme, that \$326,000 of current year budget be transferred to 2017-18.

22. Works and Infrastructure Committee - 29 June 2017 206 - 210

Document number M2727

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Works and Infrastructure Committee, held on 29 June 2017.

23. Sports and Recreation Committee - 4 July 2017 211 - 219

Document number M2733

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Sports and Recreation Committee, held on 4 July 2017.

23.1 Reserve Management Plan for Sportsground Reserves - Classification of Land

Recommendation to Council

That the Council

Classifies Ngawhatu Sportsfield (being titles NL13A/170, 24172 and 24173) under s16(2A)(g) of the Reserves Act 1977 as Recreation Reserve under s17 of that Act; and

Classifies Victory Square (being title NL2D/352) under s16(1) of the Reserves Act 1977 as Recreation Reserve under s17 of that Act by notice in the Gazette; and

Classifies part of Botanics Sportsfield (being title NL127/106) under s16(1) of the Reserves Act 1977 as Recreation Reserve under s17 of that Act by notice in the Gazette; and

Determines that, under s16(5) of the Reserves Act 1977, public notice seeking feedback on the proposed classifications of Victory Square, Botanics Sportsfield and Greenmeadows is not necessary as the classifications proposed are substantially the same as the purpose for which the reserves were held and administered immediately before the commencement of the Reserves Act 1977; and

Delegates the Chair of the Sports and Recreation Committee to approve the survey plan for the proposed classification for Greenmeadows; and

Delegates the Chief Executive to take the steps necessary to prepare and place notices in the Gazette in order to classify Botanics Sportsfield (being title NL127/106), Victory Square (being title NL2D/352) and Greenmeadows (being title NL114/188) and to give notice of the resolution to classify Ngawhatu Sportsfield (being titles NL13A/170, 24172 and 24173) to the Commissioner at the Department of Conservation; and

Defers classification of Greenmeadows (being title NL114/188) under the Reserves Act 1977 until after the Stoke Urban Design Strategy is considered by Council.

23.2 Network Tasman Easement - Greenmeadows Reserve

Recommendation to Council

That the Council

Grants the easement in gross, meaning granting the easement to Network Tasman Limited rather than to property, in favour of Network Tasman Limited over the area shown on the plan marked Plan "A" Attachment One (A1776981) of the Greenmeadows Reserve with all legal costs associated with the easement over Greenmeadows Reserve to be met by Nelson City Council as the property owner benefitted by the easement.

Confirms the easement be agreed under section 48(1) (d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.

24. Community Services Committee - 13 July 2017 220 - 225

Document number M2753

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Community Services Committee, held on 13 July 2017.

24.1 Adoption of the Youth Strategy

Recommendation to Council

That the Council

Adopts the Youth Strategy (A1580206).

Note: A copy of the Youth Strategy is available on the elected members Teamsite. Copies are also available on request from an Administration Adviser.

25. Planning and Regulatory Committee - 27 July 2017 226 - 231

Document number M2772

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 27 July 2017.

25.1 Draft Terms of Reference for the Co-ordination Group for the Waimea Inlet

Recommendation to Council

That the Council

Agrees to adopt the terms of reference (A1779297) for the Co-ordination Group for the Waimea Inlet with an amendment to add a revision clause; and

Appoints Councillor Dahlberg as Nelson City Council's representative on the Co-ordination Group for the Waimea Inlet.

Note: A copy of the Terms of Reference is available on the elected members Teamsite. Copies are also available on request from an Administration Adviser.

- 25.2 Proposal for Top of the South Conservation Partnership: Memorandum of Understanding

Recommendation to Council

That the Council

Approves that Nelson City Council signs the Memorandum of Understanding (A1777693) between partners in the Kotahitanga mō te Taio Alliance; and that Her Worship the Mayor be delegated the authority to sign on Council's behalf.

26. Governance Committee - 27 July 2017 232 - 236

Document number M2775

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Governance Committee, held on 27 July 2017.

- 26.1 Adoption of final Statements of Intent 2017/18: Nelson Regional Development Agency and Bishop Suter Trust

Recommendation to Council

That the Council

Approves the draft Statement of Intent of the Bishop Suter Trust (A1724813) as the Final Statement of Intent for the 2017/18 year; and

Approves the draft Statement of Intent of the Nelson Regional Development Agency (A1790437) as the Final Statement of Intent for the 2017/18 year.

PUBLIC EXCLUDED BUSINESS

27. 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)
2	Extraordinary Council Meeting - Public Excluded Minutes - 14 June 2017	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	Council Meeting - Public Excluded Minutes - 22 June 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.• Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			subject of the information. <ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
4	Status Report - Council - Public Excluded - 10 August 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
5	Appointment of Trustee - Tasman Regional Sports Trust (Sports Tasman)	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
6	Appointment of Trustee - Nelson	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)
	Municipal Band Trust	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)(a) To protect the privacy of natural persons, including that of a deceased person
7	Audit, Risk and Finance Subcommittee Meeting - Public Excluded Minutes - 27 June 2017 These minutes contain recommendations to Council regarding: <ul style="list-style-type: none"> Bad Debts for the Year ending June 2017 	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.
8	Commercial Subcommittee Meeting - Public Excluded Minutes - 27 June 2017 These minutes contain no recommendations to Council	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities. Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
10	Governance Committee Meeting - Public Excluded Minutes - 27 July 2017 These minutes contain	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<p>recommendations to Council regarding:</p> <ul style="list-style-type: none"> Nelson Regional Development Agency – Board Appointment 	good reason exists under section 7.	

28. Re-admittance of the public

Recommendation

That the Council

Re-admits the public to the meeting.

Note:

- This meeting is expected to continue beyond lunchtime.
- Lunch will be provided.
- Youth Councillors Linda Ly and Fynn Sawyer will be in attendance at this meeting.

Minutes of an extraordinary meeting of the Nelson City Council

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

On Wednesday 14 June 2017, commencing at 11.00am

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

In Attendance: Manager Administration (P Langley) Team Leader
Administration Advisers (R Byrne) and External Advisor Paul Bell

Apologies: Councillors K Fulton and M Rutledge

Opening Prayer

Councillor Matheson gave the opening prayer.

1. Apologies

Resolved CL/2017/223

That the Council

***Receives and accepts the apologies from
Councillors Fulton and Rutledge.***

Her Worship the Mayor/Matheson

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

There was no public forum.

REPORTS FROM COMMITTEES

5. Chief Executive Employment Committee - 13 June 2017

Document number M2672, agenda pages 5 - 7 refer.

Resolved CL/2017/224

That the Council

Receives the unconfirmed minutes of an extraordinary meeting of the Chief Executive Employment Committee, held on 13 June 2017.

Her Worship the Mayor/Dahlberg

Carried

6. Exclusion of the Public

Paul Bell, of Intepeople, will be in attendance for Item 1 of the Public Excluded agenda to answer questions and, accordingly, the following resolution is required to be passed:

Resolved CL/2017/225

That the Committee

Confirms, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, that Paul Bell remain after the public has been excluded, for the Public Excluded agenda, as he has knowledge that will assist the Committee;

Notes, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, that the knowledge that Paul Bell possesses relates to the appointment of an Acting Chief Executive.

Barker/Skinner

Carried

Resolved CL/2017/226

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:

Barker/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	Extraordinary Chief Executive Employment Committee Meeting - Public Excluded Minutes - 13 June 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

The meeting went into public excluded session at 11.05am and resumed in public session at 11.58.

7. Re-admittance of the Public

Resolved CL/2017/227

That the Committee

Re-admits the public to the meeting.

Dahlberg/Noonan

Carried

There being no further business the meeting ended at midday.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Nelson City Council

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

On Thursday 22 June 2017, commencing at 9.06am

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

In Attendance: Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Senior Strategic Adviser (N McDonald), Administration Manager (P Langley), Manager Communications (P Shattock), Team Leader Administration Advisers (R Byrne), Administration Adviser (J McDougall), Mr A Joseph, Kaumatua, Mr D Johnston, Ngati Kuia, Ms A Kenney, Ngati Koata, and Mr J Murray

Apologies: Councillors L Acland and M Rutledge

Opening Prayer

Councillor Fulton gave the opening prayer.

1. Apologies

Resolved CL/2017/232

That the Council

***Receives and accepts the apologies from
Councillors Acland and Rutledge.***

Her Worship the Mayor/Matheson

Carried

2. Confirmation of Order of Business

Her Worship the Mayor advised that there was a late item for the public excluded part of the meeting, and that the following resolution needed to be passed for the item to be considered:

2.1 Mayor's Report – Commercial Negotiation

Resolved CL/2017/233

That the Council

Considers the public excluded item regarding Mayor's Report – Commercial Negotiation at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

Her Worship the Mayor/Matheson

Carried

3. Interests

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

4. Public Forum

There was no public forum.

5. Confirmation of minutes

5.1 4 May 2017

Document number M2548, agenda pages 24 - 46 refer.

Resolved CL/2017/234

That the Council

Confirms the minutes of the meeting of the Council, held on 4 May 2017, as a true and correct record.

Barker/Courtney

Carried

5.2 10 May 2017

Document number M2568, agenda pages 46 - 65 refer.

Resolved CL/2017/235

That the Council

Confirms the minutes of the meeting of the Council, held on 10 May 2017, as a true and correct record.

Her Worship the Mayor/Walker

Carried

5.3 16 May 2017

Document number M2583, agenda pages 66 - 69 refer.

Resolved CL/2017/236

That the Council

Confirms the minutes of the extraordinary meeting of the Council, held on 16 May 2017, as a true and correct record.

Barker/Noonan

Carried

5.1 23 May 2017

Document number M2609, agenda pages 70 - 91 refer.

Resolved CL/2017/237

That the Council

Confirms the minutes of the meeting of the Council, held on 23 May 2017, as a true and correct record.

Skinner/Walker

Carried

5.2 8 June 2017

Document number M2651, agenda pages 92 - 106 refer.

Resolved CL/2017/238

That the Council

Confirms the minutes of the meeting of the Council, held on 8 June 2017, as a true and correct record.

Matheson/Courtney

Carried

6. Status Report - Council - 22 June 2017

Document number R7909, agenda pages 107 - 117 refer.

Group Manager, Alec Louverdis and Senior Strategic Advisor, Nicky McDonald answered questions regarding items on the Status Report.

Resolved CL/2017/239

That the Council

Receives the Status Report Council 22 June 2017 (R7909) and its attachment (A1168168).

Noonan/Walker

Carried

7. Mayor's Report

Document number R7596, agenda pages 118 - 128 refer.

Her Worship the Mayor presented the report. She requested feedback from elected members on the remits to the Local Government New Zealand Conference.

Resolved CL/2017/240

That the Council

Receives the Mayor's Report (R7596) and its attachments (A1772372 and A1774133).

Her Worship the Mayor/Dahlberg

Carried

7.1 Conduct Review Panel

Resolved CL/2017/241

That the Council

Appoints Her Worship the Mayor, Councillors Dahlberg and McGurk to the Conduct Review Panel; and

Appoints Councillors Fulton, Courtney and Lawrey to replace any member on the Conduct Review Panel in the event of a conflict of interest or unavailability of a member.

Her Worship the Mayor/Noonan

Carried

8. Adoption of the Annual Plan 2017/18

Document number R7796, agenda pages 129 - 143 refer.

Group Manager Corporate Services, Nikki Harrison and Senior Strategic Adviser, Nicky McDonald presented the report item and noted minor amendments to the officers' recommendations.

Ms McDonald tabled replacement pages 72 – 74 (A1777629) and explained that the layout of the items had been improved.

Resolved CL/2017/242

That the Council

Receives the report Adoption of the Annual Plan 2017/18 (R7796) and its attachment (A1763548); and

Adopts the Annual Plan 2017/18 (A1763548); and

Delegates the Mayor and Chief Executive to make any necessary minor editorial amendments to the Annual Plan 2017/18; and

Sets the following rates under the Local Government (Rating) Act 2002, on rating units in the district for the financial year commencing on 1 July 2017 and ending on 30 June 2018:

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

Revenue approved:

<i>General Rate</i>	<i>\$37,180,001</i>
<i>Uniform Annual General Charge</i>	<i>\$8,767,024</i>
<i>Stormwater and Flood Protection Charge</i>	<i>\$5,234,772</i>
<i>Waste Water Charge</i>	<i>\$7,265,032</i>
<i>Water Annual Charge</i>	<i>\$3,424,912</i>
<i>Water Volumetric Charge</i>	<i>\$7,991,460</i>
<i>Clean Heat Warm Homes and Solar Saver</i>	<i>\$490,200</i>
<i>Rates and Charges (excluding GST)</i>	<i>\$70,353,401</i>
<i>Goods and Services Tax (at the current rate)</i>	<i>\$10,553,010</i>
<i>Total Rates and Charges</i>	<i>\$80,906,411</i>
<i>The rates and charges below are GST inclusive.</i>	
<i>(1) General Rate</i>	

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

- a rate of 0.69042 cents in the dollar of land value on every rating unit in the "residential – single unit" category.**
- a rate of 0.69042 cents in the dollar of land value on every rating unit in the "residential empty section" category.**
- a rate of 0.75946 cents in the dollar of land value on every rating unit in the "single residential unit forming part of a parent valuation, the remainder of which is non-rateable" category. This represents a 10% differential on land value.**
- a rate of 0.75946 cents in the dollar of land value on every rating unit in the "multi residential" category. This represents a 10% differential on land value.**
- a rate of 1.74470 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 100% commercial and industrial (occupied and empty) category. This represents a 152.7% differential on land value.**
- a rate of 1.48096 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 25% residential and 75% commercial" category. This represents a 114.5% differential on land value.**
- a rate of 1.21791 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 50% residential and 50% commercial" category. This represents a 76.4% differential on land value.**
- a rate of 0.95416 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 75% residential and 25% commercial" category. This represents a 38.2% differential on land value.**

- ***a rate of 2.52902 cents in the dollar of land value on every rating unit in the "commercial inner city" subject to 100% commercial and industrial (occupied and empty) category. This represents a 266.3% differential on land value.***
- ***a rate of 2.06920 cents in the dollar of land value on every rating unit in the "commercial inner city subject to 25% residential and 75% commercial" category. This represents a 199.7% differential on land value.***
- ***a rate of 1.61007 cents in the dollar of land value on every rating unit in the "commercial inner city subject to 50% residential and 50% commercial" category. This represents a 133.2% differential on land value.***
- ***a rate of 1.15024 cents in the dollar of land value on every rating unit in the "commercial inner city subject to 75% residential and 25% commercial" category. This represents a 66.6% differential on land value.***
- ***a rate of 2.41510 cents in the dollar of land value on every rating unit in the "Stoke commercial subject to 100% commercial and industrial (occupied and empty)" category. This represents a 249.8% differential on land value.***
- ***a rate of 1.98427 cents in the dollar of land value on every rating unit in the "Stoke commercial subject to 25% residential and 75% commercial" category. This represents a 187.4% differential on land value.***
- ***a rate of 1.55276 cents in the dollar of land value on every rating unit in the "Stoke commercial subject to 50% residential and 50% commercial" category. This represents a 124.9% differential on land value.***
- ***a rate of 1.12194 cents in the dollar of land value on every rating unit in the "Stoke commercial subject to 75% residential and 25% commercial" category. This represents a 62.5% differential on land value.***
- ***a rate of 0.44877 cents in the dollar of land value on every rating unit in the "rural"***

Price of water:

Usage up to 10,000 cu.m/year \$1.964 per m³

Usage from 10,001 – 100,000 cu.m/year

\$1.550 per m³

Usage over 100,000 cu.m/year \$1.222 per m³

Summer irrigation usage over 10,000 cu.m/year

(7) Clean Heat Warm Homes

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

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

Loan Assistance Range	Installation after 30 Sept 2010	Completed prior to 30 Sept 2010
\$1,400 to \$1,599	\$140.00	\$143.11
\$1,600 to \$1,799	\$160.00	\$163.56
\$1,800 to \$1,999	\$180.00	\$184.00
\$2,000 to \$2,199	\$200.00	\$204.44
\$2,200 to \$2,399	\$220.00	\$224.89
\$2,400 to \$2,599	\$240.00	\$245.34
\$2,600 to \$2,799	\$260.00	\$265.78
\$2,800 to \$2,999	\$280.00	\$286.22
\$3,000 to \$3,199	\$300.00	\$306.67
\$3,200 to \$3,399	\$320.00	\$327.11

\$3,400 to \$3,599	\$340.00	\$347.56
\$3,600 to \$3,799	\$360.00	\$368.00
\$3,800 to \$3,999	\$380.00	\$388.44
\$4,000 to \$4,199	\$400.00	\$408.89
\$4,200 to \$4,399	\$420.00	\$429.34
\$4,400 to \$4,599	\$440.00	\$449.78
\$4,600 to \$4,799	\$460.00	\$470.22
\$4,800 to \$4,999	\$480.00	\$490.67

(8) Solar Hot Water Systems

A targeted rate for any separately used or inhabited parts of a rating unit that has been provided with financial assistance to install a solar hot water system under Section 16 of the Local Government (Rating) Act 2002 in accordance with agreement of the original ratepayer, of the following factors on the extent of provision of service (net cost of the work including GST after deducting EECA grant, plus funding cost):

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

Other Rating Information:

Due Dates for Payment of Rates

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

Instalment Number	Instalment Due Date	Last Date for Payment	Penalty Date
Instalment 1	1 August 2017	21 August 2017	25 August 2017
Instalment 2	1 November 2017	20 November 2017	24 November 2017

Instalment 3	1 February 2018	20 February 2018	26 February 2018
Instalment 4	1 May 2018	21 May 2018	25 May 2018

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

Due Dates for Payment of Water Volumetric Rates

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

Billing Month	Last Date for Payment	Penalty Date
July 2017	20 September 2017	25 September 2017
August 2017	20 September 2017	25 September 2017
September 2017	20 October 2017	26 October 2017
October 2017	20 December 2017	8 January 2018
November 2017	20 December 2017	8 January 2018
December 2017	22 January 2018	26 January 2018
January 2018	20 March 2018	26 March 2018
February 2018	20 March 2018	26 March 2018
March 2018	20 April 2018	26 April 2018
April 2018	20 June 2018	26 June 2018
May 2018	20 June 2018	26 June 2018
June 2018	20 July 2018	26 July 2018

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

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

Billing Month	Last Date for Payment	Penalty Date
July 2017	21 August 2017	25 August 2017
August 2017	20 September 2017	25 September 2017
September 2017	20 October 2017	26 October 2017
October 2017	20 November 2017	24 November 2018

November 2017	20 December 2017	8 January 2018
December 2017	22 January 2018	26 January 2018
January 2018	20 February 2018	26 February 2018
February 2018	20 March 2018	26 March 2018
March 2018	20 April 2018	26 April 2018
April 2018	21 May 2018	25 May 2018
May 2018	20 June 2018	26 June 2018
June 2018	20 July 2018	26 July 2018

Penalty on Rates

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

- a charge of 10% of the amount of each rate instalment remaining unpaid on the penalty date as shown in the above table and also shown on each rate instalment notice.***
- a charge of 10% will be added on 6 July 2017 to any balance from a previous rating year (including penalties previously charged) remaining outstanding on 5 July 2017.***
- a further additional charge of 10% will be added on 8 January 2018 to any balance from a previous rating year (including penalties previously charged) remaining outstanding on 5 January 2018.***

Penalty on Water Volumetric Rates

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

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

Penalty Remission

In accordance with Council's rate remission policy, the Council will approve the remission of the penalty added on instalment one due to late payment provided the total annual rates are paid in full by 20 November 2017. If full payment of the annual rates is not paid by 20 November 2017 the penalties relating to the first instalment outlined above will apply.

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

The Group Manager Corporate Services is given discretion to remit rates penalties either in whole or part in accordance with Council's approved rates remission policy, as may be amended from time to time.

Discount on Rates

Pursuant to Section 55 of the Local Government (Rating) Act 2002, the Council will allow a discount of 2.0 percent of the total rates (excluding volumetric water rates) where a ratepayer pays the year's rates in full on or before the Last Date for Payment for instalment one being 21 August 2017.

Payment of Rates

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

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

Her Worship the Mayor/Barker

Carried

Attachments

1 A1777629 - pages 72 to 74 - Annual Plan 2017/18

9. Standing Orders Review 2017

Document number R7306, agenda pages 144 - 241 refer.

Administration Adviser, Linda Canton presented the report and noted feedback received from elected members.

It was agreed to take the recommendation in parts.

Resolved CL/2017/243

That the Council

Receives the report Standing Orders Review 2017 (R7306) and its attachments (A1757764 and A1754611).

Her Worship the Mayor/Noonan

Carried

This item was adjourned at 10.22am to allow for the farewell for the Chief Executive.

10. Farewell to Chief Executive

Mr Andy Joseph, Kaumatua joined the meeting and acknowledged the contribution that Chief Executive Clare Hadley had made to the city. Her Worship the Mayor thanked Mrs Hadley for her contribution and her support.

Mrs Hadley thanked the speakers and the staff for their support.

Mr David Johnston, Ngati Kuia acknowledged Mrs Hadley's contribution to the city. Mr Johnston conveyed apologies from others and noted that Adrienne Kenney from Ngati Koata was also present to farewell Mrs Hadley.

After the singing of a waiata, elected members expressed their appreciation of the Chief Executive's contribution.

Attendance: the meeting adjourned from 10.53am to 11.22am for morning tea

11. Standing Orders Review 2017 (continued)

11.1 Clauses 12.7 to 12.16 – audio or audio visual link

Attendance by audio or audio visual link in clauses 12.7 to 12.16 was discussed, and a variety of views were expressed.

It was noted that the quorum would still need to be met by elected members physically at the meeting, which limited the number of elected members who could participate by audio or audio visual link.

Resolved CL/2017/244

That the Council

Includes clauses 12.7 to 12.16 in Document A1754611 Standing Orders in reference to

attendance at meetings by audio or audio visual link.

Her Worship the Mayor/Noonan

Carried

11.2 Clause 22.9 – when a motion is lost

Clause 22.9, about when a motion was lost was discussed and a variety of views were expressed.

The motion was put and a division was called.

Councillor Acland	Apology
Councillor Barker	No
Councillor Courtney	Aye
Councillor Dahlberg	Aye
Councillor Fulton	No
Councillor Lawrey	No
Councillor Matheson	Aye
Councillor McGurk	No
Councillor Noonan	Aye
Councillor Rutledge	Apology
Councillor Skinner	Aye
Councillor Walker	Aye
Her Worship the Mayor	No

The motion was passed, 6-5.

Resolved CL/2017/245

That the Council

Removes clause 22.9 in Document A1754611 Standing Orders in relation to where a motion is lost.

Her Worship the Mayor/Noonan

Carried

11.3 Adoption of Standing Orders and Date of Effect

Resolved CL/2017/246

That the Council

Adopts the proposed amended standing orders as set out in Attachment 2 (A1754611); and

Confirms the adopted Standing Orders take effect from 23 June 2017.

Her Worship the Mayor/Noonan

Carried

Attendance: the meeting adjourned from 12.07 to 12.12pm

12. Capital Expenditure Programme 2016-17 - Requests for change

Document number R7607, agenda pages 242 - 244 refer.

Group Manager Infrastructure, Alec Louverdis presented the report.

Resolved CL/2017/247

That the Council

Receives the report Capital Expenditure Programme 2016-17 - Requests for change.

Her Worship the Mayor/Skinner

Carried

Resolved CL/2017/248

That the Council

Approves, with respect to project 2274 Trafalgar Centre mother grid, that \$153,915 of 2016-17 budget be transferred to 2017-18; and

Approves, with respect to project 2272 Trafalgar Centre tiered seating renewal, that \$356,000 of 2016-17 budget be transferred to 2017-18; and

Approves, with respect to 2271 Trafalgar Centre benched seat replacement, that \$460,000 of 2016-17 budget be transferred to 2017-18; and

Approves, with respect to project 3082 Trafalgar Theatre, that \$185,000 of 2016-17 budget be transferred to 2017-18.

McGurk/Barker

Carried

13. Administrative Matters Report

Document number R7812, agenda pages 245 - 262 refer.

Administration Manager, Penny Langley presented the report and advised that clarification had been received from the Institute of Directors that the wording "members under 40" referred to "members under 40 years of age".

Resolved CL/2017/249

That the Council

Receives the corrected report Administrative Matters Report (R7812) and its attachments

(A1771527, A1743623, A1770348, A1645289, and A1721158); and

Confirms the approval of the fixing of the seal in relation to those documents and the warrants of appointment detailed in the Schedule of Documents Sealed (A1721158).

McGurk/Courtney

Carried

Attendance: the meeting adjourned for lunch from 12.38pm to 1.16pm, during which time Councillors Lawrey and Skinner left the meeting.

REPORTS FROM COMMITTEES

14. Hearings Panel - Other - 14 March 2017

Document number R7912, agenda pages 263 - 268 refer.

There was a discussion as to whether pitbull dogs were a recognised breed.

It was noted that a Select Committee was currently considering Dog Control rules and there was the option for Council to submit to this process.

Resolved CL/2017/250

That the Council

Receives the unconfirmed minutes of a meeting of the Hearing Panel – Other (A1734272), held on 14 March 2017.

Her Worship the Mayor/Barker

Carried

15. Works and Infrastructure Committee - 18 May 2017

Document number M2586, agenda pages 269 - 275 refer.

Resolved CL/2017/251

That the Council

Receives the unconfirmed minutes of a meeting of the Works and Infrastructure Committee, held on 18 May 2017.

Matheson/Walker

Carried

15.1 Maitai To Rocks Road Cycle Path - Approval of Route

Resolved CL/2017/252

That the Council

Approves removal of the \$1,579,785 funding and \$1,053,190 income line for this project from the 2017/18 Annual Plan, subject to NZTA internal approval for funding and leading project delivery.

Matheson/Walker

Carried

15.2 Capital Expenditure Programme 2016-17 Quarter 3 Progress Report

Resolved CL/2017/253

That the Council

Approves, with respect to project 1098 Walkway Lighting programme, that the project be removed from the 2016-17 work programme, noting that \$46,175 will not be spent in the current financial year; and

Approves, with respect to project 1187 Neale Park sewer pump station upgrade, that \$1,000,000 of 2016-17 budget be transferred to 2017-18 budget to align with the scheduled construction programme; and

Approves, with respect to project 1100 York Stream Channel upgrade, that \$865,055 of 2016-17 budget be transferred to 2017-18 and that \$305,195 additional budget be allocated to 2017-18 ; and

Approves, with respect to completed projects, that \$799,117 from 2016-17 budgets is released as savings; and

Approves, with respect to projects continuing into 2017-18, that \$3,045,121 of 2016-17 budget be transferred to the respective project budgets for 2017-18; and

Approves, with respect to completed stormwater projects, that \$419,805 of 2016-17 budget savings be transferred to project 1100 York Stream Culvert upgrade 2017-18 budget.

Matheson/Walker

Carried

16. Audit, Risk and Finance Subcommittee - 18 May 2017

Document number M2590, agenda pages 276 - 281 refer.

Resolved CL/2017/254

That the Council

Receives the unconfirmed minutes of a meeting of the Audit, Risk and Finance Subcommittee, held on 18 May 2017.

Barker/Dahlberg

Carried

16.1 Health and Safety: Quarterly Report

Resolved CL/2017/255

That the Council

Notes the report Health and Safety Quarterly Report (R7023) and its attachment (A1753457); and

Confirms the assessment of critical health and safety risks contained in the attachment (A1753457).

Barker/Dahlberg

Carried

16.2 Internal Audit Quarterly Report to 31 March 2017

Resolved CL/2017/256

That the Council

Notes the report Internal Audit Quarterly Report (R7569) and its attachment (A1747023).

Barker/Dahlberg

Carried

16.3 Tax Risk Governance Framework

Resolved CL/2017/257

That the Council

Adopts the Tax Risk Governance Framework (A1750676) with immediate effect.

Barker/Dahlberg

Carried

17. Planning and Regulatory Committee - 25 May 2017

Document number M2616, agenda pages 282 - 287 refer.

Resolved CL/2017/258

That the Council

Receives the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 25 May 2017.

McGurk/Her Worship the Mayor

Carried

17.1 Strategy and Environment Report for 1 January 2017 – 31 March 2017

Resolved CL/2017/259

That the Council

Approves that the following amounts in the Nelson Nature budget are being carried forward to the 2017/18 Financial Year:

- ***\$60,000 for Dun Mountain wilding conifer control***
- ***\$20,000 for the Department of Conservation animal and plant pest advisor***
- ***\$10,000 for the Taiwan Cherry feasibility study.***

McGurk/Her Worship the Mayor

Carried

17.2 Options for Extending Smokefree Policy

Attendance: Councillor Matheson declared an interest and left the meeting at 1.26pm.

Resolved CL/2017/260

That the Council

Approves extending its smokefree policy to include Council-run events, and working with partners to promote a smokefree message; and

Approves an allocation of \$3,500 unbudgeted operational funding in 2017/18 to the New Zealand Cancer Society Nelson Centre in support of a trial of smokefree outdoor dining in the city centre.

McGurk/Fulton

Carried

Attendance: Councillor Matheson returned to the meeting at 1.27pm.

17.3 Small-Scale Management Programme for Mediterranean Fanworm

Resolved CL/2017/261

That the Council

Approves \$36,000 per year for a three year period, commencing 2017/18 to fund the operational implementation of a Small-Scale Management Programme for Sabella.

McGurk/Dahlberg

Carried

18. Chief Executive Employment Committee - 16 May 2017

Document number M2579, agenda pages 288 - 292 refer.

Resolved CL/2017/262

That the Council

Receives the unconfirmed minutes of a meeting of the Chief Executive Employment Committee, held on 16 May 2017.

Her Worship the Mayor/Dahlberg

Carried

19. Sports and Recreation Committee - 30 May 2017

Document number M2624, agenda pages 293 - 298 refer.

Resolved CL/2017/263

That the Council

Receives the unconfirmed minutes of a meeting of the Sports and Recreation Committee, held on 30 May 2017.

Walker/Barker

Carried

Attendance: Councillor Lawrey returned to the meeting at 1.29pm.

19.1 Capital Expenditure Programme 2016-17 – Requests for change

Group Manager Infrastructure, Alec Louverdis provided updates relating to the projects.

Resolved CL/2017/264

That the Council

Approves, with respect to project 2909 Queens Gardens toilet, that \$187,403 of current year budget be transferred to 2017-18 to align with the updated construction phasing; and

Approves, with respect to projects 2799 Tahuna Reserve Development fund, 1063 Reserve Development, and 2294 Rutherford Play Space, that \$50,381 from current year budgets is released as savings; and

Approves, with respect to project 3110 Marsden Valley Mountain Bike track stage one, that \$34,500 from current year budget be transferred to 2017-18; and

Approves, with respect to project 3111 The Brook Mountain Bike Hub, that \$30,000 from current year budget be transferred to 2017-18; and

Notes that updated officer advice on resourcing, timing and funding of projects will be confirmed at the Council meeting at which this recommendation is considered.

Courtney/Walker

Carried

20. Community Services Committee - 1 June 2017

Document number M2643, agenda pages 299 - 305 refer.

It was noted that under the item Chairperson's Report the second sentence should read: "She added that World Elder Abuse Awareness Day would take place on 15 June 2017."

Resolved CL/2017/265

That the Council

Receives the unconfirmed minutes of a meeting of the Community Services Committee, held on 1 June 2017.

Noonan/Courtney

Carried

20.1 Capital Expenditure Programme 2016-17 – Requests for Change

Group Manager Infrastructure, Alec Louverdis provided updates regarding these projects.

Resolved CL/2017/266

That the Council

Approves, with respect to project 2226 Elma Turner Library improvements, that budget phasing for 2016-17, 2017-18, and 2018-19 is adjusted to \$30,000, \$175,000, and \$308,000 respectively; and

Approves, with respect to project 1175 Stoke Sports and Community Facility, that \$2,418,489 from 2016-17 budget is transferred to 2017-18.

Noonan/Courtney

Carried

21. Exclusion of the Public

Resolved CL/2017/267

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:

Her Worship the Mayor/Barker

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Public Excluded Minutes - 4 May 2017	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)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities. • Section 7(2)(i)

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			<p>To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. • Section 7(2)(j) To prevent the disclosure or use of official information for improper gain or improper advantage.
2	Council Meeting - Public Excluded Minutes - 10 May 2017	<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)(j) To prevent the disclosure or use of official information for improper gain or improper advantage. • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. • 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).
3	Extraordinary Council Meeting - Public Excluded Minutes - 16 May 2017	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons,

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		information for which good reason exists under section 7.	including that of a deceased person.
4	Council Meeting - Public Excluded Minutes - 23 May 2017	<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)(c)(i) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied. Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
5	Council Meeting - Public Excluded Minutes - 8 June 2017	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.
6	Status Report - Council - Public	Section 48(1)(a)	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(a)

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	Excluded - 22 June 2017	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	<p>To protect the privacy of natural persons, including that of a deceased person</p> <ul style="list-style-type: none"> • Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
7	Greenmeadows Centre café lease	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
8	Works and Infrastructure Committee Meeting - Public Excluded Minutes - 18 May 2017	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). • Section 7(2)(b)(ii) To protect information where the making

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
9	Chief Executive Employment Committee Meeting - Public Excluded Minutes - 16 May 2017	<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)(c)(i) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied. • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.
10	Sports and Recreation Committee Meeting - Public Excluded Minutes - 30 May 2017	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
11	Community Services Committee Meeting - Public Excluded Minutes - 1 June 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. • Section 7(2)(j) To prevent the disclosure or use of official information for improper gain or improper advantage.
12	Late item: Mayor's Report – Commercial Negotiation	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

The meeting went into public excluded session at 1.40pm and resumed in public session at 3.22pm.

22. Re-admittance of the Public

Resolved CL/2017/268

That the Council

Re-admits the public to the meeting.

Her Worship the Mayor/Dahlberg

Carried

There being no further business the meeting ended at 3.22pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

REPORT R8135

Status Report - Council - 10 August 2017

1. Purpose of Report

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

2. Recommendation

That the Council

Receives the Status Report Council 10 August 2017 (R8135) and its attachment (A1168168).

Attachments

Attachment 1: A1168168 - Council Status Report - 10 August 2017 [↓](#)

Status Report – Council – 10 August 2017

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
15 October 2015	Adoption of the Brook Recreation Reserve Management Plan	<p>Resolved CL/2015/082</p> <p><u>THAT</u> the report Adoption of the Brook Recreation Reserve Management Plan (R4142) and its attachments (A1436078 and A1438749) be received;</p> <p><u>AND THAT</u> the Brook Recreation Reserve Management Plan, as amended by the Hearing Panel following consideration of submissions, be adopted in principle;</p> <p><u>AND THAT</u> the vision be amended to 'The Brook Recreation Reserve serves as a centre for environmental education and conservation and as a destination for camping and outdoor recreation, including appropriately-scaled and complementary commercial recreation and tourism development';</p> <p><u>AND THAT</u> the Chief Executive be delegated authority to proceed to stop the following two sections of formed legal road as shown on plan (A1438749);</p> <p><u>AND THAT</u> the Chief Executive be delegated authority to Gazette the entire area covered by the Brook Recreation Reserve Management Plan, as shown on plan (A1438749), as a Local Purpose Reserve (Recreation); and the road reserve which extends into the Sanctuary lease area as Local Purpose Reserve (Wildlife Sanctuary), noting this will be subject to separate statutory processes under the Reserves Act 1977;</p> <p><u>AND THAT</u>, once the Gazettal process is complete, a report be brought back to Council to enable the Brook Recreation Reserve Management Plan to take effect;</p> <p><u>AND THAT</u> Officers prepare a Comprehensive Development Plan for the area covered by the Brook Recreation Reserve Management Plan.</p>	Alec Louverdis	<p>Clause one-three: Complete</p> <p>Clause four: Road stopping within the Brook Reserve has been referred to the Environment Court. Mediation has been held and the objector has withdrawn their objection. The Environment Court still needs to make a decision in this matter under Section 74 of the LGA because the objections were not upheld by Council. Affidavits, evidence and legal submissions to the Environment Court have been filed. The estimated timeframe for a decision is sometime towards the end of the year. Ongoing</p> <p>Clause five: Council resolved on 23 March 2017 to re-classify existing land as Local Purpose Reserve (recreation) and freehold land to Local Purpose Reserve (recreation). Gazette notices have been published and registration of notices have been completed. Complete</p> <p>Road reserve extending into Sanctuary lease area has been gazetted Local Purpose Reserve (Wildlife Sanctuary). Complete</p>

Status Report – Council – 10 August 2017

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
28 July 2016	Haven Precinct Project Progress Report	<p>Resolved CL/2016/236</p> <p><u>Approve</u> the visions and goals detailed in report R6077 for the concept design;</p> <p><u>Approve</u> using a traditional procurement process to appoint a lead consultant, to produce the concept design plans based on the visions and goals advised;</p> <p><u>Approve</u> the preliminary project timeline included in report R6077;</p> <p><u>Approve</u> the Haven Precinct Strategic Business Case (A1550230).</p>	Alec Louverdis	<p>Early draft concepts were presented in a workshop with Council on 13 December 2016. Councillor support was given to further develop the strategic direction for the Precinct.</p> <p>A further workshop was undertaken in February 2017 looking at concept options and prioritising strategic works required to inform further engagement sessions with interested groups, stakeholders and reporting for Council. The Commercial Subcommittee considered a report on 27 April 2017 and held a workshop on 27 June 2017.</p> <p>A follow up report is scheduled for the 18 August 2017 Commercial Subcommittee following feedback from the workshop.</p> <p>Ongoing</p>
08 September 2016	Stoke Community and Sport Facility - Tender Feedback	<p>Resolved CL/2016/244</p> <p><u>Approves</u> that an additional \$350,000 be included in the 2016/17 financial year to complete the Stoke Community and Sport Facility project;</p> <p><u>AND THAT</u> in line with Council consideration on 23 July 2015 and resolution CL/2015/026, Council seeks expressions of interest in leasing a café in the Stoke Community and Sports Facility.</p>	Peter Hunter	<p>Part one - Budgets increased and contractor appointed.</p> <p>Complete</p> <p>Part Two - Greenmeadows Centre Cafe RFP - lease agreed to by Council, documents drafted and cafe will be in place pre-Christmas 2017.</p> <p>Complete</p>

Status Report – Council – 10 August 2017

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
15 December 2016	CBD Enhancement: Support for the Tiny Nelson Theatre	<p>Resolved CL/2016/314</p> <p>That the Council</p> <p><u>Receives</u> the report CBD Enhancement: Support for the Tiny Nelson Theatre (R6802) and its attachment (A1668862); and</p> <p><u>Approves</u> an allocation of \$20,000 funding from the Special Economic Projects Fund in 2016/17 to support establishment of a Tiny Nelson Theatre in the Kirby Lane development subject to the Chief Financial Officer's assessment that the project has the necessary funding and is able to proceed.</p>	Nicky McDonald	<p>A report will be prepared for the Council meeting on 21 September 2017.</p> <p>Ongoing</p>
15 December 2016	Brook Valley Holiday Park: Options to Re-Open	<p>Resolved CL/2016/325</p> <p>That the Council</p> <p><u>Receives</u> the report Brook Valley Holiday Park: Options to reopen (R6605); and</p> <p><u>Approves</u> the full reopening of the Brook Valley Holiday Park, camp sites and all cabins immediately (option two in the report) but noting mattresses, bedding and heaters will not be replaced in the cabins at this time; and</p> <p><u>Approves</u> unbudgeted capital expenditure of \$16,000 will be required, and \$38,000 operational expenditure; and</p> <p><u>Requests</u> a review be undertaken at the end of the first quarter, 31 March 2017; and</p> <p><u>Approves</u> a rate of \$10 per night for freedom campers.</p>	Chris Ward	<p>This matter is under consideration by the Sports and Recreation Committee, and a review was presented to its last meeting. Further feedback was sought from the Commercial Subcommittee and this will be considered at the next meeting of the Sports and Recreation Committee.</p> <p>Complete.</p>

Status Report – Council – 10 August 2017

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
23 March 2017	Draft City Amenity Bylaw Proposed for Consultation	<p>Resolved CL/2017/050</p> <p>That the Council</p> <p><u>Receives</u> the report Draft City Amenity Bylaw Proposed for Consultation (R7352) and its attachments (A1729361, A1729616 and A1729360); and</p> <p><u>Determines</u> that the proposed City Amenity Bylaw (A1729361) is the most appropriate form of bylaw; and</p> <p><u>Determines</u> that the proposed City Amenity Bylaw affects freedoms provided by the New Zealand Bill of Rights Act 1990 and those limits on freedoms are reasonable and proportional; and</p> <p><u>Approves</u> the Statement of Proposal (A1729360) and the draft City Amenity Bylaw (A1729361), for consultation using the special consultative procedure; and</p> <p><u>Agrees</u> that the Mayor, Deputy Mayor and Chief Executive be delegated to approve any minor amendments required to the draft Bylaw or Statement of Proposal prior to consultation starting.</p>	Clare Barton	<p>Special Consultative Process underway. Hearings took place on 21 June 2017. Deliberations are scheduled for 5 September 2017.</p> <p>Ongoing</p>

Status Report – Council – 10 August 2017

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
23 March 2017	Nelson City Council Governance Statement 2016-2019	<p>Resolved CL/2017/048</p> <p>That the Council</p> <p><u>Receives</u> the report Nelson City Council Governance Statement 2016-2019 (R7137) and its attachment (A1708727); and</p> <p><u>Adopts</u> the Nelson City Council Governance Statement 2016-2019 (A1708727), noting that any amendments made through the Mayor's Report of 23 March 2017 will be incorporated; and</p> <p><u>Agrees</u> to a further review of the Governance Statement 2016-2019 being undertaken by September 2017.</p>	Robyn Byrne	<p>Governance Statement Update needs to follow the Vision workshop. Due to rescheduling of the Vision workshop the review of the Governance Statement is scheduled for a workshop before December 2017.</p> <p>Ongoing</p>

Status Report – Council – 10 August 2017

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
23 March 2017	Civic House Accommodation	<p>Resolved CL/2017/073</p> <p>That the Council</p> <p><u>Approves</u> the release of a Request for Proposals (RFP) for consultancy advice to inform any upgrade of Civic House office space; noting the proposals requested be for a staged contract providing firstly concept plans then detailed costings to upgrade agreed areas, with Council's right to exit the contract after any stage; and</p> <p><u>Notes</u> that there is interest by Council to investigate accommodating community groups within Civic House in surplus space not required by the Council; and</p> <p><u>Requires</u> an implementation plan and budget to be reported to Council before the letting of any contract for major physical works (health and safety matters within budget excepted); and</p> <p><u>Notes</u> a workshop will be held with elected members during the development of concept plans.</p>	Alec Louverdis	<p>A tender has been awarded following closing and evaluation of the RFP. A project manager has been assigned and will work through the deliverables with the consultant.</p> <p>Draft concepts and budgets will be presented to the Council before any physical works proceed.</p> <p>Ongoing</p>

Status Report – Council – 10 August 2017

<p>23 March 2017</p> <p>Modeller's Pond Review of Funding</p>	<p>Resolved CL/2017/033</p> <p>That the Council</p> <p><u>Revokes</u> the resolution passed on 8 September 2016 (CL/2016/241):</p> <p><u>'Amends</u> clauses 4 and 7 of the Council resolution passed on 24 March 2016 as follows:</p> <p><u>AND THAT</u> The Nelson Society of Modellers be afforded the opportunity to finalise and confirm additional funding for the balance over and above the \$600,000 committed by Council no later than the end of September 2016 February 2017;</p> <p><u>AND THAT</u> Council confirms that should the additional funding not be raised by the Nelson Society of Modellers by the end of September 2016 February 2017, that it be agreed that the option to convert the pond back to estuarine environment at an estimated cost of \$690,000 be its second option and included in the 2017/18 Annual Plan;'</p> <p><u>Confirms</u> the modified pond option at a cost of \$1.2 million as Council's preferred option, noting the contributions pledged to date to the Nelson Society of Modellers, as set out in report R7038, and the progression of the application to Lotteries and other funders by the Society; and</p> <p><u>Establishes</u> a Project Group consisting of Councillors Skinner and Walker, one member of the Tahunanui Business Association, and one member of the Nelson Society of Modellers; and</p> <p><u>Directs</u> that a resource consent application for the Modify Pond option be lodged; and</p>	<p>Shane Davies</p> <p>Terms of Reference approved. Project Group has been set up and has met several times.</p> <p>Detailed design complete and issued to Modellers Society to pursue funding in kind. Resource consent has been secured.</p> <p>Modellers Society funding application to Lotteries Commission has been unsuccessful. Project Group assessing options.</p> <p>Ongoing</p>
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Status Report – Council – 10 August 2017

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
		<u>Approves</u> the Modellers Pond Project Group Terms of Reference (A1721691).		

REPORT R8104

Mayor's Report

1. Purpose of Report

- 1.1 To update Council on a number of matters.

2. Recommendation

That the Council

Receives the Mayor's Report (R8104) and its attachment (A1808047); and

Amends the membership of the Chief Executive Recruitment Group by substituting Councillor Courtney for Councillor Acland.

3. Decision**Chief Executive Recruitment Group membership**

- 3.1 On 4 May 2017 Council created a Chief Executive Recruitment Group comprised of the Mayor, Deputy Mayor, Councillors Acland, Dahlberg, Noonan and a representative from iwi.
- 3.2 Mr Barney Thomas has now been appointed as iwi representative to the Group.
- 3.3 At this time, the Group wishes to thank Councillor Acland for his contribution to date through the analytic stage of the process and concludes his role on the Group.
- 3.4 Councillor Courtney will join the Group and brings with him extensive skills as an employer and strength to the interview process.

4. Discussion

Proposed Regional Growth Programme

- 4.1 The Regional Growth Programme is a central government initiative commissioned jointly by the Ministry of Business, Innovation and Employment (MBIE) and the Ministry for Primary Industries (MPI). The programme has been designed to identify economic challenges and opportunities, and help increase jobs, income and investment for New Zealand in the regions.
- 4.2 The Nelson Regional Development Agency (NRDA) has been working with the three Te Tau Ihu councils, with iwi and with other regional stakeholders to explore the opportunities such a programme would bring, and has recommended that a formal request is lodged with MBIE to develop a Top of the South, Te Tau Ihu Regional Growth Programme. The Mayors of all three councils have signed a letter to Minister Simon Bridges requesting further consideration of this proposal. It is hoped we will get a response reasonably quickly to allow for further development of a programme of work to proceed.

Committee Membership and Structure

- 4.3 On 8 June 2017 Council temporarily amended the roles for Chair and Deputy Chair of the Works and Infrastructure Committee, making Councillor Walker Chair and Deputy Mayor Matheson Deputy Chair.
- 4.4 Councillor Walker has been highly effective in his temporary role and the Mayor and Deputy Mayor have complete confidence in Councillor Walker to be confirmed as the Chair on a permanent basis.
- 4.5 Councillor Walker is thanked for his willingness to undertake the role and his understanding as this temporary phase is transitioned through. There will be a further report to Council at the 21 September Council meeting to make this permanent appointment and to make a recommendation to the Remuneration Authority regarding how to remunerate this position.
- 4.6 The Mayor will also be working with the Acting Chief Executive and Deputy Mayor over the next month to review the committee delegations and membership to ensure Council has the best governance structure to enable us to prepare and deliver the Long Term Plan. If changes are required, these will be brought in a report to Council on 21 September.

Elected Members Remuneration

- 4.7 The Remuneration Authority recently sought feedback on a number of proposed changes to the way elected members are remunerated.
- 4.8 This feedback has been incorporated in the 2017/18 determination which was gazetted on 27 July 2017. As a result, a number of changes have

been made. Attachment 1 is a copy of the email from the Remuneration Authority outlining those changes.

4.9 For Nelson the change is as follows:

Role	2016/17 annual remuneration	2017/19 annual remuneration
Mayor	\$128,875	\$131,066
Deputy Mayor	\$59,670	\$60,984
Committee Chairperson (4)	\$48,134	\$48,952
Deputy Committee Chair (4)	\$41,769	\$42,479
Councillor	\$39,780	\$40,452

4.10 In addition to this, the communications allowance has increased. Previously the maximum amount to be paid was \$1,050 per annum. In the current determination this appears to have increased to \$1,190.

4.11 The way that hearings are remunerated has also been changed. Council previously allocated a pool of money from the remuneration pool to cover any such remuneration. This is no longer an option available to Council and is not included in the 2017/18 determination.

4.12 It may be possible for this money to be redistributed and this will be explored with the Remuneration Authority and included in the report to Council on 21 September mentioned above.

4.13 There are likely to be some minor amendments needed to the Elected Members Expenses Policy to align with the new determination. If this is the case, the policy will be brought back to Council for recommendation to the Remuneration Authority.

4.14 The remuneration and communications allowance increases will be back paid to 1 July and should be processed in time to be paid on 15 August 2017.

Mayoral Discretionary Fund

4.15 The Mayor donated \$200.00 from the Mayoral Discretionary Fund to Linda Ly from Nelson College for Girls as a contribution towards attendance on a study tour that Linda is undertaking to the United States of America in January 2018. Linda will be a representative on the New Zealand school delegation, alongside 19 other students selected from Australia and New Zealand. The delegation will be attending the Ivy League and Yale Model United Nations conferences. The delegation will also visit nine US university campuses. The tour will provide Linda with

the opportunity to gain knowledge on government, politics, law and international relations, as well as providing an insight into how the United Nations works.

Rachel Reese
Mayor of Nelson

Attachments

Attachment 1: A1808047 Local Government Members (2017_18) (Local Authorities) Determination 2017 [↓](#)

Important considerations for decision making

1. Fit with Purpose of Local Government

This decision is no inconsistent with the purpose of local government.

2. Consistency with Community Outcomes and Council Policy

This decision is not inconsistent with Council's strategic documents.

3. Risk

This is a low risk decision.

4. Financial impact

There is no financial impact from this decision.

5. Degree of significance and level of engagement

This matter is of low significance because it has no financial impact, it is not an irreversible decision. Therefore no engagement will be undertaken.

6. Inclusion of Māori in the decision making process

Maori have been included in the selection of the iwi representative for the Group.

7. Delegations

Council has the responsibility for amending membership of this Group.

From: Penny Langley
To: Administration Advisers
Subject: FW: Local Government Members (2017/18) (Local Authorities) Determination 2017 [UNCLASSIFIED]
Date: Thursday, 3 August 2017 12:31:54 p.m.

From: Fran WILDE [mailto:Fran.Wilde@remauthority.govt.nz]
Sent: Thursday, 27 July 2017 12:21 p.m.
Subject: Local Government Members (2017/18) (Local Authorities) Determination 2017 [UNCLASSIFIED]

Greetings all

Attached herewith is our determination for local government elected members which applies from July 1 2017.

This determination will be notified in the New Zealand Gazette today. It will be made available on the Remuneration Authority's website: <http://remauthority.govt.nz/clients-remuneration/local-government-elected-officials/> and can also be obtained through the New Zealand Legislation website: <http://www.legislation.govt.nz/>.

Although there is an explanatory note at the end, I thought it might be useful to outline the main changes we have made in this determination.

First, however, I want to thank all the councils who responded to the discussion document issued by the Remuneration Authority a few months ago. The responses were very helpful with regard to what we saw as short-term issues and you will see that we have taken them into account in this determination.

We look forward to hearing from you on the longer-term issues – council sizing and consequent remuneration levels – which will be addressed next. Meanwhile, we have increased remuneration for all elected members by 1.7%, which reflects the increase in the Labour Market Statistics for the public sector in the year ending March 2017.

Some of the changes we have made in this determination are part of a move to change the allowances that are in the nature of reimbursements, so they more closely align to those applying to the "self-employed" category, which is how elected members are categorised by the IRD.

You will also notice that this determination is shorter and less repetitive than previous ones – we are trying to make the language as accessible and clear as possible.

Hearing fees

The first significant change is that hearing fees for district and regional plans and regional policy statements will be treated the same way as fees for resource consent hearings. This removes the necessity for councils to have to apply to the Authority to be able to put aside a budget for plan hearing fees and then to have no ability to change that budget should requirements change over the year in question. As noted in our discussion document, the reasoning was that councillors are now having to be accredited commissioners and are increasingly working alongside external commissioners in this work. You will see that rather than a flat fee, we have allowed fees up to \$100 an hour for chairs of hearings and up to \$80 for other members. We noted from previous determinations that, when councils had requested provision to pay for plan hearings, some were paying councillors much less than this maximum and we felt that councils needed the ability to decide what was locally relevant. We have retained the prohibition on mayors and regional chairs being paid hearing fees since in

most cases (even if they had the time to participate in hearings) they are paid considerably more than councillors.

Acting mayor or regional chair

Another change that we felt needed to be formally clarified is the situation of a member acting in the position of mayor or regional chair as a result of a vacancy or temporary absence of the incumbent. If the incumbent is not being paid (either as a result of resignation or through having been granted formal unpaid leave by the council) then the person acting in the role must be paid the full remuneration and allowances attached to the role for the period of their tenure. This package would replace that member's normal remuneration package. We felt this was important because we are aware that elected people have a genuine desire to save money for the ratepayers and there can be an awkwardness about accepting higher remuneration in the acting role. There can also be pressure put on elected people to not accept remuneration increases. Our view is that there is a "rate for the job" and in other areas of the employment market people would expect to get this rate if they were doing the work.

Vehicle mileage and travel time

We have removed the "30 km" rule which required that distance to be deducted from a mileage claim to and from the council office – 30 km being a proxy for a normal commuting distance by any worker. We were aware of the considerable confusion this rule appeared to generate in applying it to different types of journeys and also of the transaction costs in administering it. Again, this also aligns more closely with what a self-employed contractor or tradesperson might charge.

The mileage allowance for elected members using their own vehicles is now set at 73 cents per kilometre for the first 10,000 km and 37 cents per km for distances over that. For electric vehicles the first 10,000 km rate will be 81 cents. These are the current IRD rates. The IRD has signalled a potential change in the kilometre threshold and is using 10,000 km in the example on its website, so we have chosen to go with that in this determination. Members need to be aware, however, that should the IRD finally decide on a different threshold figure then we will revisit this issue. Meanwhile, 10,000 km does appear to better reflect an average mileage by elected members. We were particularly conscious of the situation of members in smaller, more rural authorities who have large distances to travel on a regular basis. Despite the changes in this determination, we urge members to familiarise themselves with the IRD requirements and provisions when completing their annual tax return.

The travel time allowance remains at the same rate, but can now be claimed by mayors and regional council chairs. Mayors and chairs were previously not eligible for this allowance, on the assumption that their roles were full time – more akin to a salaried position which would not normally include a travel time allowance. However, since the Authority has not completed its council sizing work and consequent remuneration adjustments, we felt that the current situation was unfairly penalising those with geographically large constituencies and who chose to use their own vehicle rather than a council vehicle. As there is a "one hour" threshold for any travel time claim on any single day, this change is unlikely to impact much on mayors in compact urban electorates. I need to stress that when we complete the council sizing exercise and consequent remuneration adjustments, we will revisit this issue.

The formula for valuing council vehicles supplied to mayors and regional chairs remains the same.

Communication allowances

In our discussion document, we tested the idea of councils supplying a full suite of communications equipment to all elected members. The reaction to this was mixed and, not surprisingly, the smaller councils were not so keen. We have therefore provided for

either option, with allowances set to try to be fair both to members who supply their own equipment and to councils who chose to supply it. Mobile phone plans caused us some difficulty because of their varied nature and we have decided on a formula that is designed to be fair to all. We would welcome feedback on this formula for next year's determination. With the increasing trend towards laptops and tablets replacing desktop computers, we have limited the "computer" allowance to either a desktop or a laptop or a tablet.

Childcare allowance

The issue of whether or not councils can or should provide childcare allowances for elected members was raised by a number of elected members in recent months. We have begun work on it but have not had time to complete that work prior to the issuing of this determination.

Future work

While this determination provides for some changes, the main part of our work in the local government area over the next year will be the council sizing exercise. We will also begin a review of Auckland Local Boards which may well be completed as part of the wider review.

Over the past eighteen month there has been a complete change in the Authority membership and at the end of 2016 we also recruited two new permanent staff members – as well as moving to a new office. These changes have caused disruption and, given that the Authority members are only part time, we are aware that our work programming may appear inordinately slow! Thank you for your patience and special thanks to those who have actively contributed this year – we appreciate dialogue and are pleased to receive practical ideas and assistance. Later this year we hope to be able to attend LGNZ zone meetings to discuss the issues involved with as many elected members as possible.

Regards

Fran Wilde

CHAIR



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REPORT R7764

Upper Trafalgar Street - Summer Closure

1. Purpose of Report

- 1.1 To approve the proposal to seek feedback from stakeholders in relation to the proposed temporary closure of the section of Trafalgar Street between Selwyn Place and Hardy Street (Upper Trafalgar Street).

2. Summary

- 2.1 This report proposes that Council undertake informal consultation on the temporary closure of Upper Trafalgar Street to traffic from 1 December 2017 to 31 March 2018. If the consultation is approved, the results of the consultation will be reported back to the Council in September and a recommendation made on whether or not to proceed with the temporary closure.

3. Recommendation

That the Council

Receives the report Upper Trafalgar Street - Summer Closure (R7764); and

Approves informal consultation with stakeholders on the proposed temporary closure of the section of Trafalgar Street between Selwyn Place and Hardy Street (Upper Trafalgar Street) to traffic from 1 December 2017 to 31 March 2018; and

Notes that following informal consultation with stakeholders on the proposal to temporarily close Upper Trafalgar Street, a further report will be presented to the Council for a decision on the temporary closure.

4. Background

- 4.1 The closure of Upper Trafalgar Street has been proposed in the past but not pursued in response to opposition from the businesses operating on this section of road (Trafalgar Street businesses).
- 4.2 During the last few months however, there has been renewed interest in the idea that Upper Trafalgar Street could be utilised to a greater extent particularly in relation to improving the pedestrian experience in Nelson and creating a unique and inviting space for Nelsonians and visitors to enjoy.
- 4.3 The NRDA and Uniquely Nelson support the latest proposal and at a meeting with Trafalgar Street businesses held on 24 May 2017, the majority of attendees indicated support for the proposal.

5. Discussion

Previous reports

- 5.1 There have been two previous reports to the Council on this matter:
- 5.2 The first in 2003, which recommended that Upper Trafalgar Street be closed using Section 336 of the Local Government Act 1974 for 6 months as a trial. The recommendation was not accepted by the Council of the time that resolved:

THAT before any formal decision in relation to the possible closure of the upper portion of Trafalgar Street is made the Council undertake appropriate consultation with the business and property owners in the area concerned and give thought to other option or works which could be carried out to enhance the City Centre.

- 5.3 The second report was presented to the Council in 2011. The Council at the time rejected use of Section 336 of the LGA (Pedestrian Mall) and resolved:

AND THAT the road closure provisions in schedule 10 of the Local Government Act 1974 continue to be applied for street closures in Upper Trafalgar Street in 2011/12;

AND THAT a community engagement plan including pedestrian mall options be prepared to enhance the Council relationship with Upper Trafalgar Street businesses over the 2011/12 year and to improve understanding of the impacts of different events on foot traffic and local businesses.

Proposal for consultation

- 5.4 The proposal on which Council now wishes to consult is to close Upper Trafalgar Street to traffic from 1 December 2017 to 31 March 2018. The exemptions would be access at all times for emergency vehicles and access during specified hours, for example 07:00am - 09:00am for delivery vehicles.
- 5.5 The purpose of the closure, should it be approved, would be to trial and test the feasibility of declaring Upper Trafalgar Street a pedestrian mall for four months every summer. The temporary closure will serve as a low cost trial to identify and find solutions for any issues which arise as a result of the closure.
- 5.6 Consultation on the trial closure would be on an informal basis and take the form of meetings with and letters to stakeholders in the community. Feedback on the temporary closure would also be sought from the Police and the New Zealand Transport Agency (NZTA) as required by clause 11(d) Schedule 10 of the Act.
- 5.7 During the trial, restaurants would extend their dining areas (subject to licencing) in order to create an inviting pedestrianised space for visitors and Nelsonians to enjoy. Suitable tables and chairs would be provided by business owners at their own cost.
- 5.8 Signage and fencing or bollards would be utilised to close the street. Planter boxes would be positioned to define the space and add aesthetic value.
- 5.9 The cost to Council for signs is estimated at \$1,200, total. The cost for bollards or fencing would depend on the quality and standard desired and could range from \$5,000 - \$30,000. Likewise, the cost of planter boxes will vary depending on the type, size and number required but as a guide, the cost of one planter box which supports a tree is approximately \$2,000 (excluding maintenance costs). Options and further details in relation to these aspects would be presented following the proposed consultation with stakeholders.
- 5.10 It is proposed that Council would subsidise the extension of liquor licences estimated at a cost of \$4,500 - \$7,000 and charge a nominal fee for the additional space occupied by the Trafalgar Street businesses for the duration of the four month trial. This is expected to encourage support for the proposal as it will minimise the initial investment business owners would be required to make in order to participate in the trial.
- 5.11 Rough order costs for the trial are at this stage estimated at \$36,000 - \$72,000 (including a 20% contingency, excluding design and installation costs). One possibility for funding the capital cost of a trial closure of Upper Trafalgar Street is to draw on the CBD Enhancement fund.
- 5.12 Council allocated \$894,000 over five years in the Long Term Plan 2015-25 (LTP) to a CBD Enhancement Fund to promote the economic health and vitality of the central city. The list of projects shortlisted for potentially

drawing from the fund have been informed by the Mayoral Taskforce on City Futures, the report commissioned from First Retail in 2016/17 on CBD priorities and councillor suggestions through recent annual plans. The list currently includes the Church Street upgrade (underway), better connections between the city and the NMIT campus, improvements to the Montgomery Square Hardy St entrance, lighting improvements and pocket parks.

- 5.13 The most significant element of spending under the Fund in 2017/18 is the Church St upgrade at \$500,000. There is \$94,000 remaining in the CBD Enhancement Fund for 2017/18 under which officers have done some scoping of lighting improvements. One proposed lighting project in the CBD has been catenary lighting as part of the Church Street upgrade. However that cannot be achieved within existing budget constraints and discussions with business and property owners about a contribution towards these costs are ongoing.
- 5.14 Given the importance of giving different parts of the CBD access to Council enhancement funding, officers recommend scoping lighting improvements as suggested by First Retail i.e. as an element to boost the CBD winter and evening economy, looking first at gateways such as the ends of Hardy Street. It is expected that apart from design costs in 2017/18 the main (construction) costs for such a lighting project would occur in 2018/19, assuming Council continues funding for CBD enhancement in the Long Term Plan 2018-28. This approach would allow the CBD Enhancement Fund to be used to cover costs of the Upper Trafalgar St closure trial this year.
- 5.15 The expectation is that the cost of the trial will in time be rendered neutral through income generated as a result of extended licences to occupy if Upper Trafalgar Street is declared a pedestrian mall for four months every summer.
- 5.16 A further report regarding the declaration of a pedestrian mall would be brought to the Council in 2018 should the trial proceed and prove to be successful. A public consultation using the special consultative procedure would be required before a pedestrian mall could be declared.

Regulatory controls

- 5.17 The temporary closure, should it proceed, would be effected under s.342 and clause 11(d) Schedule 10 of the Act.
- 5.18 Section 342 gives councils the power to close any road to vehicles on a temporary basis in accordance with Schedule 10. Clause 11(d) of Schedule 10 gives councils the power, after consultation with Police and the NZTA, to close part of a road to traffic *'when for any reason it is considered desirable that traffic should be temporarily diverted to other roads'*.
- 5.19 Legal advice has been sought and confirms that the closure of Upper Trafalgar Street for the purpose of trialling a pedestrian mall would fall

within clause 11(d), if the Council decides that it is desirable that traffic be temporarily diverted to other roads for this purpose.

Potential issues

Parking

- 5.20 There are currently 14 parking spaces in Upper Trafalgar Street, including two mobility parking spaces. These parking spaces would be unavailable during the trial and loss of parking may be raised by stakeholders during consultation.
- 5.21 Subject to the feedback received, officers will examine the possibility of designating parking spaces on Hardy Street or Selwyn Place as mobility parking spaces and provide details on this to the Council following the proposed consultation.
- 5.22 There are two large carparks (Montgomery Square and Buxton Square) within a short walking distance from Upper Trafalgar Street as well as parking spaces close by on Selwyn Place and Hardy Street.
- 5.23 If the trial proceeds, business owners would be encouraged to monitor what effect (if any) the absence of parking spaces in Upper Trafalgar Street has on their businesses.

Universal approval

- 5.24 The proposal is unlikely to be met with universal approval from stakeholders but it is expected that the majority of stakeholders will support the proposal.

Traffic

- 5.25 The temporary closure of Upper Trafalgar Street would redistribute traffic to other parts of the network and encourage drivers to use the ring road system. Whilst the effect of the temporary closure is not expected to be significant, further work will be completed in this regard and stakeholder feedback will also be sought on this issue. It is not anticipated that the temporary closure will affect the start of construction on the Church Street upgrade.

6. Options

- 6.1 Council could approve consultation on the proposal to temporarily close Upper Trafalgar Street as outlined above. This is the preferred option.
- 6.2 Council could decide not to consult with the community and either, decide immediately not to close Upper Trafalgar Street or if minded to temporarily close the street, direct that consultation with the Police and NZTA be completed (as required by clause 11(d) Schedule 10 of the Act) and that a further report be prepared.

Option 1: Approve consultation	
Advantages	<ul style="list-style-type: none"> • Opportunity to further engage with and gather feedback from the community prior to making a decision on the temporary closure.
Risks and Disadvantages	<ul style="list-style-type: none"> • Internal resources will be required to manage the consultation.
Option 2: Proceed to decision without community consultation	
Advantages	<ul style="list-style-type: none"> • Less demand on internal resources in relation to consultation. • No capital expenditure, if a decision is made not to close Upper Trafalgar Street
Risks and Disadvantages	<ul style="list-style-type: none"> • Missed opportunity to engage with and gather feedback from the community prior to making a decision. • Community may be disappointed if a decision regarding the closure is made without prior consultation.

7. Conclusion

- 7.1 Consultation on the proposal to temporarily close Upper Trafalgar Street is recommended as it would allow Council the opportunity to gauge support for the proposal and consider all issues raised in relation to the proposal, prior to making a decision.

Michelle Joubert
Executive Officer

Attachments

Nil

Important considerations for decision making	
1. Fit with Purpose of Local Government	By consulting on the proposal prior to making a decision, Council is performing its duties in a way which is most cost-effective for households and businesses.
2. Consistency with Community Outcomes and Council Policy	Consulting on the proposal aligns with the community outcome – <i>Our Council provides leadership and foster partnerships, a regional perspective and community engagement.</i>
3. Risk	It is considered that there is little risk in seeking public feedback on the proposal.
4. Financial impact	Internal resources will be required to manage the consultation. A decision to temporarily close upper Trafalgar Street would result in costs relating to the closure of the street and setting up of the area.
5. Degree of significance and level of engagement	This decision to consult is of low significance although the proposal to temporarily close upper Trafalgar Street is likely to be of interest to Trafalgar Street businesses, other businesses nearby and property owners.
6. Inclusion of Māori in the decision making process	Māori have not been consulted on this decision.
7. Delegations	This report relates to business, economic development and tourism, temporary road closure, temporary unavailability of parking and alcohol licenses. Responsibility for these areas does not clearly sit with a single Council committee. Therefore the decision required by this report is referred to the Council.

REPORT R7355

Whakamahere Whakatu Nelson Plan - Designations

1. Purpose of Report

- 1.1 To confirm - the rollover, modification or removal of existing Nelson City Council designations when the new Whakamahere Whakatu Nelson Plan is notified.

2. Recommendation

That the Council

Receives the report Nelson Plan – Designations (R7355) and its attachments (A1774347, A1774346, A1774349, and A1774348); and

Approves retaining the existing designations with or without modification to text and mapping, as detailed in Table 1 of report R7355 for inclusion in the proposed Whakamahere Whakatu Nelson Plan and subject to that process; and

Approves removing the designations as detailed in Table 2 of Report R7355.

3. Background

- 3.1 The operative Nelson Resource Management Plan has several designations in place relating to Infrastructure and Parks and Recreation for which Nelson City Council, as the requiring authority, has financial responsibility for. As part of the Plan review process Council has been invited under Schedule 1, Clause 4 of the Resource Management Act 1991 (RMA) to identify if these designations are to be included in the new Plan with or without modification.
- 3.2 A designation is a planning technique used by the Crown, local authorities and network utility operators approved as requiring authorities under s167 of the Resource Management Act (RMA) and it authorises work and activity, area or route without the need for land use

consent from the relevant territorial authority (i.e. s9(3) of the RMA does not apply). A designation has a similar effect to a plan change establishing a permitted activity as it:

- identifies the land affected in the district plan
- enables a requiring authority to undertake the works within the designated area without the need for a land use consent
- sets the parameters under which the activity can occur.

- 3.3 The new Whakamahere Whakatu Nelson Plan is expected to be publicly notified in 2018 and as part of that process Council needs to identify if the existing designations are to be rolled over, with or without modification, or removed.
- 3.4 In addition, Council may wish to add new designations at the time the Whakamahere Whakatu Nelson Plan is notified through the process provided through Clauses 4(6) and 4(7) of the First Schedule RMA. These Clauses allow a territorial authority to include requirements for new designations in a proposed plan, providing the prescribed information is made available for public inspection. Officers have not identified any new designations to be included as part of the Plan review process.
- 3.5 Approval of the designations by the Council today is not the final decision on the designations as this is subject to the Whakamahere Whakatu Nelson Plan hearings process. Commissioners will be making recommendations on the designations with the final decision resting with the Requiring Authority (in this case Council).

4. Discussion

- 4.1 The current designations and recommendations are summarised and discussed in the tables below.

Retain with minor amendments

- 4.2 Table 1 lists current designations that officers recommend be retained with minor improvements including updating of address, legal description title references, mapping and text (refer to Attachment 1 for details of changes and reasons for retention (with or without modification), and Attachment 2 for locations and boundaries of designations).

Table 1

Description	Current designation
Infrastructure – Refuse Disposal	DN1 – York Valley landfill
	DN2 – Refuse Transfer Station and Recycling Depot
Infrastructure – Water Supply	DN3 – Water supply purposes and water supply works

	DN4 – Water supply - The Ridgeway/Songer St reservoir
	DN5 – Water supply - Walters Bluff reservoir
	DN6 – Water supply - Observatory Hill reservoir
Infrastructure - Sewage treatment	DN7 – Wastewater treatment - Boulder Bank Drive
Infrastructure – Car parking	DN11 – NW & SE corner of Montgomery carpark
	DN13 – Lane SE corner Montgomery Square
	DN14 – Lane NE corner Montgomery Square
Parks & Recreation	DN9 – Railway Reserve (Quarantine to Saxton Rd)
	DN10 - Nursery
	DN15 – Seafeld Terrace (The Glen) (*)
	DN16 – Saxton Park extension (*)
	DN17 – Isel Park extension (*)

* These three areas have been fully developed as parks. The existing zoning is residential or rural. The designations will be retained at this point recognising this existing and incompatible zoning. This is with the intent of removing the designations if the underlying zoning is ultimately changed through the Nelson Plan process to reflect the park usage of these areas.

- 4.3 Table 2 lists current designations officers recommend not be rolled over for the reasons provided (refer to Attachment 3 for reasons for removal and Attachment 4 for maps of these designations).

Table 2

Description	Current designation	Reason not to roll over
Infrastructure – Flood protection	DN8 – Orphanage Creek	The area has been subdivided and Council has ownership of the riparian areas adjacent to the creek.
Infrastructure – Car parking	DN12 – Stoke fire station public carpark	The property matters related to the Countdown Supermarket development at the Stoke Fire Station Carpark were approved by Council in July 2007. This included

		retaining Council ownership and obtaining right of ways that allowed continued public access to the car park and rendered the designation surplus to requirements
Infrastructure - Quarry	DN18 – Black Horse Quarry Wakapuaka	No longer required. Council resolved to sell and revoke reserve status. Process underway to give effect to this.

5. Options

- 5.1 The options open are to approve or not approve the recommendations as detailed in this report.

Retaining existing designations with amendments, as detailed in Table 1

Option 1: Approve recommendations	
Advantages	<ul style="list-style-type: none"> Efficient continued operation of important and expected public works without need for resource consent Control by Council over other activities within the designated area Existing designations, community expectation would be to roll over
Risks and Disadvantages	<ul style="list-style-type: none"> Cost of addressing any submissions in opposition
Option 2: Not approve the designations	
Advantages	<ul style="list-style-type: none"> No potential for opposition from submitters
Risks and Disadvantages	<ul style="list-style-type: none"> Critical public infrastructure activities may no longer be permitted where not supported by underlying zone e.g. wastewater treatment plant (Rural), Railway Reserve (Residential) Inefficient for Council to uplift existing designations and prepare multiple resource consents No certainty of outcome of resource consent process, activity may have to cease

	<ul style="list-style-type: none"> Without designation Council loses ownership over planning instrument, and becomes subject to the NRMP.
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Removing designations as detailed in Table 2

Option 1: Approve removing designations	
Advantages	<ul style="list-style-type: none"> Council no longer responsible for administration of surplus planning instrument
Risks and Disadvantages	<ul style="list-style-type: none"> Only risk is where activity may still be required, however likelihood has been assessed as very low and if required in future dispensation could always be sought again through Notice of Requirement or resource consent process
Option 2: Not approve removing designations	
Advantages	<ul style="list-style-type: none"> Likelihood of requiring designations very low, therefore no benefits from retaining
Risks and Disadvantages	<ul style="list-style-type: none"> Inefficient and cumbersome for Council to retain inappropriate designations

6. Conclusion

- 6.1 Council has a number of designations in the existing Nelson Resource Management Plan that need assessing with the Whakamahere Whakatu Nelson Plan to be publicly notified in 2018.
- 6.2 Recommendations have been provided for designations to be retained (with or without modification), or removed under clause 4, Schedule 1 of the Resource Management Act 1991 as required when the new Unitary Plan - Whakamahere Whakatu Nelson Plan is notified.

Alec Louverdis
Group Manager Infrastructure

Attachments

Attachment 1: A1774347 - Details of changes and reasons for retention for table 1 [↓](#)

Attachment 2: A1774346 - Locations and boundaries of designation for table 1 (*Circulated separately*) [⇒](#)

Attachment 3: A1774349 - Reasons for removal for table 2 [↓](#)

Attachment 4: A1774348 - Maps of designations to be removed for table 2 [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	The designations deemed necessary to be retained are important for the cost effective provision of Council services and infrastructure.
2. Consistency with Community Outcomes and Council Policy	These specific designations ensure consistency with the following community outcomes: Our unique natural environment is healthy and protected; Our urban and rural environments are people-friendly, well planned and sustainably managed; Our infrastructure is efficient, cost effective and meets current and future needs; Our communities are healthy, safe, inclusive and resilient
3. Risk	Retaining existing designations supports the aim of providing good quality infrastructure. Not having the appropriate designations in place will not prevent services from continuing to be provided to the ratepayers but it may be at a higher cost if additional consent processes are required.
4. Financial impact	The financial impact of not securing these designations now as part of the Nelson Plan and requiring these later could be a costly exercise for Council.
5. Degree of significance and level of engagement	Certain designations are of high significance because they relate to Council's Infrastructure. Extensive engagement with the community is planned as part of the Nelson Plan roll-out.
6. Inclusion of Māori in the decision making process	Maori have not been consulted on matters addressed in this report
7. Delegations	This report covers areas of responsibility of the Works and Infrastructure Committee as well as the Sports and Recreation Committee, and therefore is a matter for consideration by full Council.

9. Whakamahere Whakatu Nelson Plan - Designations - Attachment 1 - A1774347 - Details of changes and reasons for retention for table 1

Attachment 1 for report R7355

Attachment 1: A1774347 - details of changes and reasons for retention (with or without modification) for Table 1

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
DN1	York Valley Landfill – Refuse disposal	Part Section 7 District of Suburban South (part CT3D/424 NL13A/517) and parts of Part Lot 34 and Part Lot 37 DP210 (CT466/76 NL7B/1186), Lot 1 DP 13488 (NL13A/515), Lot 1 DP 14284 (NL9A/1105 and 293762) Planning Map: 24 and 55	The continued designation of the refuse disposal site is to ensure that this important existing installation is suitably protected by the Plan, and that its future operation, maintenance and upgrading is appropriately provided for. Refuse - includes waste materials from residential, commercial and industrial properties, of a putrescible, organic, chemical, or mineral nature, and also soil and hardfill. Sanitary landfill - means the excavation and reshaping of the area, backfilling with refuse and covering with soily material in a controlled manner to enable the stabilisation, reshaping and rehabilitation of the area, including protection planting of trees, shrubs and grasses. The operation may include the sorting including resource recovery and composting of materials	Conditions of this designation are included as Appendix A:	<u>Rollover</u> - Minor updating of legal description title references only. <u>Reasons (RMA)</u> : Improve accuracy of the designation listing. <u>Note</u> : the designation conditions in Appendix A are separate to those under the resource consents and they do not replicate, or conflict with each other. <u>Reasons (NCC internal)</u> : The landfill is in the Rural Zone and is owned by Council. The designation was originally established as part of the package of protection measures to enable the ongoing operation of the York Valley Landfill. It sits alongside a resource consent that addresses consenting matters relating to regional matters. Council intends to roll this designation over to enable the continued operation of the York Valley landfill.
DN2	Refuse Transfer Station and Recycling Depot 54 Pascoe Street, 8 and 10 Vivian Place	Pt Lot 2 DP12881 (NL11B/63), Lot 3 DP12881 (NL8A/154) and Lots 7 and 8 DP17113 (NL11C/966). Planning Map: 17, 22, 51 and 54	To provide authorisation for the Council to use the sites referred to for the purpose of establishing, operating and managing, refuse transfer and recycling. <u>In addition it provides for the continued operation and management of the existing dog pound.</u> The Refuse Transfer Centre is equipped with buildings and equipment to receive refuse from	Transfer Station/Refuse Transfer Facility <u>is defined as</u> – a facility for the management of refuse – collection, processing, treatment and transfer. Conditions applicable are included as Appendix B. These conditions are additional to, and shall not	<u>Rollover</u> - minor updating of address, legal description title references, mapping and text required. <u>Mapping Modifications</u> : Lot 8 DP17113 (8 Vivian Place) to be included within the designation. GIS file to be provided.

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
			<p>commercial, industrial and domestic sites.</p> <p>The Recycling Centre is a depot for the collection and short term storage of paper, cardboard, metals, glass, plastic and other materials salvaged from municipal refuse. The depot includes storage buildings and a sale outlet for recycled products.</p> <p><u>The dog pound accommodates dogs under the control of Council's Animal Control unit.</u></p>	be substituted for, relevant performance standards in this Plan applicable to the site.	<p><u>Reasons (RMA):</u> Improve accuracy of the designation listing. Adding 8 Vivian Place is being undertaken as the site is owned by Nelson City Council and currently used for the purpose specified in this designation. There are no additional effects generated by its inclusion as the use remains the same. Text is added to the sale outlet reference to reflect that the shop retails recycled products only. The designation purpose / scope is extended to accommodate the Dog Pound that currently exists on the site.</p> <p><u>Reasons (Internal):</u> The transfer station and recycling depot is in the Industrial Zone and is owned by Council. The designation was originally established as part of the package of protection measures, along with a resource consent, to enable the ongoing operation of the transfer station and recycling centre. Council intends to roll this designation over to enable their continued operation. As part of this the existing designation is to be modified to incorporate 8 Vivian Place as this property is owned by Council and used the purposes specified within the existing designation. It is desirable to ensure this adjoining property operates under the same regulatory regime as the rest of the transfer station and recycling centre.</p> <p>The dog pound operates from the transfer station site (54 Pascoe St) and</p>

9. Whakamahere Whakatu Nelson Plan - Designations - Attachment 1 - A1774347 - Details of changes and reasons for retention for table 1

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
					the text is modified to accommodate this existing Council asset.
DN3	Water supply purposes and water supply works	Legal Description: Various <u>Planning Map: 52, 53, 54, 55, 56, 57, 58.</u>	<p>To ensure that important water supply catchments are suitably protected by this designation and that the construction, operation, maintenance and upgrading of existing and future water supply installations is provided for.</p> <p>Water Supply Purposes - Nelson City's water supply is abstracted from the surface run off from these areas. <u>Water treatment currently occurs outside of the designated area but the potential for this to occur within the designated area is retained.</u> No activities will be permitted that are not compatible with this purpose. The level of water treatment provided could eventually allow some flexibility but at present the only treatments provided is coarse screening (1.5mm mesh) followed by chlorination. Water Supply Purposes and Works - this land is held for water supply related purposes. This includes the construction, operation, maintenance and upgrading of pump stations, treatment plants, dams, reservoirs, storage tanks, intakes, pipework, roads, tracks and other similar or related structures or facilities necessary to abstract, treat, store, supply or convey water for the City Supply.</p>	<p>No activities will be permitted that are not compatible with this purpose</p> <p><u>Activities which are incompatible with the water supply and works purposes will not be permitted.</u></p>	<p>Rollover with modifications to wording and mapping.</p> <p><u>Mapping modifications:</u> Remove Brook Catchment and section of designation on front face of Fringe Hill as these are not required for the purpose specified. Ensure that none of the designation crosses over to the Marlborough District.</p> <p>GIS file to be provided.</p> <p><u>Reasons (RMA):</u> Improve accuracy of the designation listing. The Fringe Hill section is proposed to be removed as it appears to have been included in error. This land has not been used for the purposes of the designation and there is no proposal to do so in the future. The Brook Catchment is also proposed to be removed as this area is no longer used for the purposes of the designation and there is no proposal for this to occur in the future. There are also minor changes around the boundary with Marlborough District Council where the designation in places extended over the boundary and in others finished short of it.</p> <p><u>Reasons (Internal):</u> The designation is within the Conservation and Rural Zones and is on Council owned land. It was originally established to protect the</p>

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
			The water supply catchments have high conservation values because of the long term protection provided by Nelson City Council and to maximise water quality.		use of the land for water supply catchment and associated infrastructure purposes. This use and purpose remains for the Maitai and Roding catchments and for this reason is being rolled over. As noted above the use for water supply purposes has never occurred on the Fringe Hill section and is no longer relevant to the Brook St catchment and therefore these sections are to be removed. Brook Stream and catchment is not a viable water source for the city supply. Note that the designation over the Brook St catchment does not provide a default protection for the Brook / Waimarama Sanctuary as the stated reasons for the designation do not occur within this catchment.
DN4	Water supply/storage - The Ridgeway/ Songer Street reservoir.	Part of Section 6 SO14979 (NL11C/378) Planning Map: 30, 54	The continued designation of The Ridgeway/Songer Street water supply/storage designation reservoir is to ensure that this important existing installation is suitably protected by the Plan and that its future operation, maintenance and upgrading is appropriately provided for. The Council constructed a 2500m ² reservoir. Apart from construction work <u>and water storage</u> , on-site activities include regular inspections, water quality monitoring <u>and potential treatment</u> , and periodic maintenance and upgrading of equipment and facilities together with associated remote monitoring and control equipment.	None	<u>Rollover</u> with modifications to legal description title reference, to generalise text and mapping changes. <u>Mapping Modification</u> : Refine designation shape to more accurately show area used for water supply/storage purposes. Including removing from under transmission lines. GIS file to be provided. <u>Reasons (RMA)</u> : Improve accuracy of the designation listing and remove the unnecessary specifics of the former text. The designation formed a triangular shape which did not reflect the shape of the platform used for the purpose of the designation. This has

9. Whakamahere Whakatu Nelson Plan - Designations - Attachment 1 - A1774347 - Details of changes and reasons for retention for table 1

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
			<p>The Ridgeway/Songer Street reservoirs are an essential element of the public water supply system as it they helps to cope with peaks in demand and provide security of supply in the event of a major pipe failure.</p> <p>Water supply reservoirs generally consist of one or more concrete reservoirs ranging in size up to 33m diameter and 2.4m height to 33m diameter and 7m height.</p>		<p>been rectified and in doing so has removed the designation from under the transmission lines avoiding any potential conflict of uses.</p> <p><u>Reasons (internal)</u>: The water supply/storage site is within the Residential Zone and is Council owned. Depending on the nature of the proposal a discretionary activity resource consent would be required for the activity if the designation were not in place. The designation was established to ensure suitable protection by the Plan and so that its future operation, maintenance and upgrading is appropriately provided for. As the use continues on this site this reason remains relevant and is reflected in seeking to roll over the designation.</p>
DN5	Water supply/storage - Walters Bluff reservoir, Pearce Way	<p>Lot 76 DP 17700 (NL11C/938) Pt Lot 3 DP 3202 (NL11C/941)</p> <p><u>Planning Map: 7, 11, 52</u></p>	<p>The continued designation of The Walters Bluff reservoir at Pearce Drive Way water supply/storage designation reservoir is to ensure that this important existing installation is suitably protected by the Plan and that its future operation, maintenance and upgrading is appropriately provided for.</p> <p>The Council constructed a 2500m³ reservoir on the site in 2004/2002. Apart from construction work and water storage, on-site activities include regular inspections, water quality monitoring and potential treatment, and periodic maintenance and upgrading of equipment and facilities together with associated</p>	The designation is subject to the conditions of resource consent number 005348 granted by an appointed Commissioner on 15 July 2001.	<p>Rollover with modifications to legal descriptions, to generalise text and mapping changes.</p> <p><u>Mapping Modification</u>: Mapping in the Nelson Plan is to be updated to show the designation boundaries as confirmed by commissioner in the 15 July 2001 decision on consent RM005348. Also mapping shows the removal of the former DN5 designation as expected through the 2001 consent decision.</p> <p>GIS file to be provided.</p> <p><u>Reasons (RMA)</u>: Improve accuracy of the designation listing and remove the</p>

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
			<p>remote monitoring and control equipment.</p> <p>The Walters Bluff reservoir at Pearce Way reservoir is an essential element of the public water supply system as it helps to cope with peaks in demand and provide security of supply in the event of a major pipe failure.</p> <p>Water supply reservoirs generally consist of one or more concrete reservoirs ranging in size up to 33m diameter and 2.4m height to 33m diameter and 7m height.</p>		<p>unnecessary specifics of the former text. The location of the original designation did not include the final location of the water storage facility on Pt Lot 3 DP3202. The decision referenced above rectified this and the designation confirmed through that decision covers the existing facility. This however was never mapped in the Nelson Resource Management Plan. The decision also advised Council to formerly withdraw the original designation however this step was not undertaken. The mapping shown as part of this current process rectifies this situation and the resulting designation is as expected through the 2001 decision.</p> <p><u>Reasons (Internal):</u> The water supply/storage site is within the Residential Zone and is Council owned. Depending on the nature of the proposal a discretionary activity resource consent would be required for the activity if the designation were not in place. The designation was established to ensure suitable protection by the Plan and so that its future operation, maintenance and upgrading is appropriately provided for. As the use continues on this site this reason remains relevant and is reflected in seeking to roll over the designation.</p> <p>As noted in the section 'Reasons (RMA)' the mapping has been updated to reflect that expected through the 2001 decision.</p>

9. Whakamahere Whakatu Nelson Plan - Designations - Attachment 1 - A1774347 - Details of changes and reasons for retention for table 1

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
DN6	Water supply / storage - Observatory Hill reservoir, Princes Drive	Lot 26 DP 14687 (NL13C/26) Planning Map: 18, 51	The continued designation of The Observatory Hill, Princes Drive water supply/storage designation reservoir is to ensure that this important existing installation is suitably protected by the Plan and that its future operation, maintenance and upgrading is appropriately provided for. There is an existing 330m³ reservoir. Apart from construction work and <u>water storage</u> , on-site activities include regular inspections, water quality monitoring and <u>potential treatment</u> , and periodic maintenance and upgrading of equipment and facilities together with associated remote monitoring and control equipment. The Observatory Hill, Princes Drive reservoirs <u>are</u> an essential element of the public water supply system as it <u>they</u> helps to cope with peaks in demand and provide security of supply in the event of a major pipe failure. Water supply reservoirs generally consist of one or more concrete reservoirs ranging in size up to 33m diameter and 2.4m height to 33m diameter and 7m height.	<u>None</u>	Rollover with modifications to legal description title references and to generalise text <u>Reasons (RMA)</u> Improve accuracy of the designation listing and remove the unnecessary specifics of the former text. <u>Reasons (Internal)</u> The water supply/storage site is within the Open Space and Recreation Zone and is Council owned. As the site has an Open Space and Recreation Schedule over it a Non-Complying activity resource consent would be required for the activity if the designation were not in place. The designation was established to ensure suitable protection by the Plan and so that its future operation, maintenance and upgrading is appropriately provided for. As the use continues on this site this reason remains relevant and is reflected in seeking to roll over the designation.
DN7	Sewage Wastewater treatment (Boulder Bank Drive)	Lot 3 DP 7530 (NL3B/953), Lot 1 DP 7276 (NL2C/980), Lot 1 DP 13614 (NL8B/1146)	The continued designation of the <u>sewerage wastewater works</u> site listed in Schedule (DN) is to ensure that these important existing installations are suitably protected by the Plan and that their future	<u>For site and operational conditions see applicable resource consents</u>	Rollover with modifications to wording and legal description title references. <u>Reasons (RMA)</u> Improve accuracy of the designation listing, and updating wording 'sewage' to 'wastewater' as this

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
		Planning Map: 39, 48	<p>operation, maintenance and upgrading is appropriately provided for.</p> <p>Sewer The wastewater treatment site includes oxidation ponds, aeration basins, treatment plants, wetland treatment sites, effluent irrigation/disposal sites, pipework and other similar or related structures or facilities necessary to treat or dispose of sewage wastewater. The site is located away from public view to minimise the visual impact and possible noise and smell problem. The visual impact of any additional facilities would be minimised by on site landscaping and painting any structures in colours which blend in with the surrounding environment. Because of the importance of wind to oxidation pond operation screen planting may not be an option.</p> <p><u>It is noted that identified Significant Natural Areas exist within the designation and any works within these areas are subject to the relevant requirements of the Nelson Plan regional provisions.</u></p> <p><u>It is also acknowledged that this facility and location is likely to be subject to impacts as a result of future climate change related effects such as sea level rise and storm events. Any future actions related to this will be considered through the Asset Management Plan cycle.</u></p>		<p>is the contemporary term. Wording is added to ensure potential effects of climate change, and the presence of a surveyed area of significant natural value are acknowledged.</p> <p><u>Note:</u> the cover letter to this table includes specific assessment of this designation against the New Zealand Coastal Policy Statement 2010 (NZCPS) and Part II of the Resource Management Act 1991.</p> <p><u>Reasons (Internal):</u> The wastewater treatment plant designation is within the Rural Zone and is on land owned by Nelson City Council. The designation was established to provide protection for the operation under the Plan and to allow for its future operation, maintenance and upgrading. The designation is sought to be rolled over as the use it protects is ongoing. Additional wording is added around the location of a surveyed significant natural area and the need to take account of sea level rise projections in decisions on the facility being made through Asset Management Plans.</p>

9. Whakamahere Whakatu Nelson Plan - Designations - Attachment 1 - A1774347 - Details of changes and reasons for retention for table 1

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
DN9	Railway reserve, Elms St to Whakatu Drive Quarantine Road to Saxton Road	Sec 146, 147, 148, 149, 150 Sub-Site SO 12047 (NL10C/1072), Sec 139 Sub-Site SO 111969, Sec 1 and 2 SO 14813, Sec 1 and 2 SO 14814, Sec 1,2,3,4,5, and 6 SO 14878 (NL10A/683), Sec 1 SO460688 (621830), Lot 70, DP337844 (155337). Planning Maps: 22, 27, 29, 30, 54.	<p>The designation is needed to secure, authorise, operate and maintain the walkway and cycleway and to:</p> <p>a) ensure Nelson City residents and visitors continue to have walkway and cycleway access across the designated land</p> <p>b) to provide a corridor for essential services (subject to restrictions listed in this designation)</p> <p>c) to establish landscaping form to the surrounding residential area.</p> <p>Passive recreation on the land including accessibility by the public for walking, pedestrian exercise, cycling, horse riding and dog walking. The physical works of this designation are:</p> <p>a) maintenance work including:</p> <p>i) track and road formation and maintenance including links to external parks and roads</p> <p>ii) landscape maintenance, planting and mowing</p> <p>iii) maintenance of services and waterways</p> <p>iv) repair of buildings, structures, fences, barricades etc.</p> <p>b) formation work including:</p> <p>i) track and road formation including links to external parks and roads</p> <p>ii) landscaping and planting including land recontouring</p> <p>iii) establishment of services and waterways</p>	<p>Public use and access - where existing legal easements permit neighbours to take vehicles on to this land they may continue to do so. Apart from this, except with the prior written consent of the requiring authority, no part of the designated area shall be accessible by motor vehicles, except reserve maintenance and emergency services vehicles.</p> <p>Buildings - playgrounds and service buildings (including changing rooms, ablutions, toilets and storage buildings for maintenance and other reserve equipment) are permitted if:</p> <p>a) they do not exceed 50m²</p> <p>b) they are less than 3m in height from the ground level, as defined in this Plan</p> <p>c) they comply with the daylight restrictions set out in Appendix 15 (daylight admission – residential) of this Plan.</p> <p>Essential services - no new essential service may be routed through the</p>	<p>Rollover with modifications to legal descriptions and mapping extent.</p> <p><u>Mapping Modifications:</u> Extend to incorporate existing formed and operating Railway Reserve southwest of Saxton Road to Elms St (Lot 70 DP 337844, 155337) and northeast of Quarantine Road to Whakatu Drive (Sec 1 SO460688 (621830).</p> <p>GIS file to be provided.</p> <p><u>Reasons (RMA):</u> Improve accuracy of the designation listing including extending the designation to cover additional land used for the same purpose at either end of the Railway Reserve.</p> <p><u>Reasons (Internal):</u> The Railway Reserve is on land zoned Residential and it is owned by Council. The current railway reserve designation is a combination of former 'railway' and 'recreation' designations and was combined and renamed to reflect its current use. Designating the Railway Reserve was noted to promote Objectives and Policies in the NRMP and the Land Transport Strategy around a safe and efficient land transport system and a safe network for pedestrian and cycle traffic. It protects this use and enables further related works to occur within the reserve. It also provides an additional level of</p>

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
			iv) erection of buildings, structures, fences, seats, barricades, etc.	designated land except with the prior written consent of the requiring authority. Essential services include water, electricity, telecommunications, sewers and storm water drains. (It is preferable that any new or replaced essential service be underground and, wherever possible, located on the eastern side of the designated land. The reason for this is that landscaping will be chiefly established on the western side so avoiding service/landscaping conflicts.)	control over vehicle access to the reserve and the installation of services within the reserve. The use of the Railway Reserve is ongoing and the need for the designation remains valid. Related to the designation a decision on Plan Change 06/04 (8 January 2008) included a recommendation on a Notice of Requirement to extend the current designation onto land acquired by Council for inclusion in the Railway Reserve. This recommendation (by an independent commissioner) supported the extension of the designation on to the additional land. This previous decision is consistent with the request to extend the Railway Reserve onto land owned by Council and used for this purpose already.
DN10	NCC Nursery	Pt Lot 2 DP 3202, Pt Lot 3 DP 3202 (NL11C/941), Pt Lot 4 DP 3583 Pt Lot 1 DP 6968 (CFR 177444), Pt Section 112 Suburban North District Nelson (NL10C/894) <u>Planning Map: 7, 52</u>	To ensure the Council continues to have the right to use the land as a plant production nursery (including bulk order plant sales) and associated community facility. Activities include: - the propagation of plants; - associated use by community groups such as the tree planters group, and Keep Nelson Beautiful Society, as well as being available for school visits and planting projects.	None	<u>Rollover</u> with modifications to legal descriptions, title references and text. This reflects the onsite sales and the fact community use is associated with the core nursery component. <u>Reasons (RMA)</u> : Improve accuracy of the designation listing and reflect that bulk order plant sales to occur from the site. Note boundaries are unchanged and legal descriptions are updated within those boundaries. <u>Reasons (Internal)</u> : The Nursery is on land zoned Open Space and Recreation which is owned by Council. The

9. Whakamahere Whakatu Nelson Plan - Designations - Attachment 1 - A1774347 - Details of changes and reasons for retention for table 1

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
					operation of the nursery relies on the designation as the zone does not provided for this activity. The site is appropriate for this activity and its use is ongoing. The continuation of the designation is therefore required to support this activity.
DN11	Land at the north western and south eastern corners of Montgomery Square	<p>North western: Lot 2 DP 15736 (NL10B/62) and Lot 1 DP 8521 (NL4A/747, CFR 190593)</p> <p>South eastern: Lots 1, 2 and 3 DP 1539 (NL86/105)</p> <p>Planning Map: 1, 14, 52</p>	<p>To provide for authorisation to secure, maintain and operate the Montgomery Square public car park over land not in Nelson City Council ownership. The modification to the existing car park designation is a reduction in the area of the designation to the land listed. The land concerned is not owned, but leased, by Nelson City Council and is formed as public car park as part of Montgomery Square.</p> <p><u>Proposed Works involve:</u></p> <p>a) maintenance and construction of vehicular parking and access and pedestrian access and facilities, and b) erection and operation of service buildings within Montgomery Square subject to the rules contained in the Plan (Inner City Zone) relating to "Buildings in Montgomery Square"</p> <p>Operational works:</p> <p>a) access by vehicles and pedestrians to and from Montgomery Square, loading and unloading of goods to and from adjoining properties and service lanes, and b) fla <u>fla</u> markets, and from time to time festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and outdoor performances.</p>	None	<p><u>Rollover</u> with minor modifications to legal description title references and text.</p> <p><u>Reasons (RMA):</u> Improve accuracy of the designation listing.</p> <p><u>Reasons (Internal):</u> This designation is on land zoned Inner City – Centre and is owned by The Proprietors of Wakatu. These parcels of land not within Council ownership are important for retaining the function of Montgomery Square carpark. This was the reason the current designation exists and this reason remains valid. The designation provides an addition level of control over these properties to ensure no activities occur which are detrimental to the continued and future use of the carpark.</p>

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
DN13	Lane at south eastern corner of Montgomery Square	Lot 2 DP 12749, Lot 1 DP 12468 <u>'service lane reserve' held under reserves act</u> , Lot 4 DP 8456 (NL4A/663) owned by NCC, Lot 1 DP 7299 (NL2C/899), Pt Sec 164 City of Nelson SO 112 (NL2B/179) both <u>privately owned</u> Planning Map: 14, 52	To provide for authorisation to secure, construct, maintain and operate the service lane for loading and unloading of goods. The service lane will provide goods loading and unloading to sites without direct frontage to Montgomery Car Park (south eastern corner). Montgomery Square (south eastern corner) service lane - <u>proposed</u> Works <u>involve</u> : a) construction and reconstruction of a permanently surfaced carriageway and any necessary pedestrian access b) maintenance of the access from time to time Operational works: Access by vehicles and pedestrians to and from Montgomery Square, loading and unloading of goods from the service lane to adjoining properties.	<u>None</u>	<u>Rollover</u> with minor modifications to legal description title references and text. <u>Reasons (RMA)</u> : Improve accuracy of the designation listing. <u>Reasons (Internal)</u> : This designation area is zoned Inner City – Centre and ownership is either private, or public through identification of land as having a 'Service Lane' function. The designation is in place to provide a service lane for goods loading and unloading to sites without direct frontage to Montgomery Car Park. This is to ensure they have a secure alternative to loading and unloading from Trafalgar and Hardy Streets and this requirement remains relevant.
DN14	Lane at north eastern corner of Montgomery Square	Pt Lot 2 DP 1504 (NL110/244), Pt Lot 1 DP 1504 (NL8A/593), <u>Pt Sec 163 City of Nelson DP 4255</u> , Pt Lot 2 DP 4255 (NL1A/871), Pt Lot 2 DP 2700 (NL8A/593). Planning Map: 14, 52	The service lane will provide goods loading and unloading to sites without direct frontage to Montgomery Car Park (north eastern corner). Montgomery Square (north eastern corner) service lane - <u>proposed</u> Works <u>involve</u> : a) construction and reconstruction of a permanently surfaced carriageway and any necessary pedestrian access of part of the Service Lane not already in existence b) maintenance of the access from time to time.	<u>None</u>	<u>Rollover</u> with minor modifications to legal descriptions and title references and text. <u>Reasons (RMA)</u> : Improve accuracy of the designation listing – boundaries unchanged. <u>Reasons (Internal)</u> : This designation area is zoned Inner City – Centre and ownership is either private, or public through being road reserve. The designation is in place to provide a service lane for goods loading and unloading to sites without direct

9. Whakamahere Whakatu Nelson Plan - Designations - Attachment 1 - A1774347 - Details of changes and reasons for retention for table 1

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
			Operational works - access by vehicles and pedestrians to and from Montgomery Square, loading and unloading of goods from the service lane to adjoining properties.		frontage to Montgomery Car Park. This is to ensure they have a secure alternative to loading and unloading from Trafalgar and Bridge Streets and this requirement remains relevant.
DN15	Seafield Terrace, The Glen	Part Sec 1-DP960 CT45/429 <u>Lot 1 DP375145 (302541), Lot 3 DP412751 (447486)</u> <u>Planning Map: 2, 38</u>	The purpose of designating new the reserve areas is to ensure Nelson City residents and visitors continue to have access to public land for passive and active recreation. The proposed park at Seafield Terrace, The Glen is to cater for : <ul style="list-style-type: none"> a) passive recreation including erection and use of play equipment, b) organised playing of sports and recreational activities, c) community focus recreation including festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and performances. Maintenance work will include: <ul style="list-style-type: none"> a) track and road formation and maintenance including links to external parks and roads, b) landscape maintenance, planting and mowing, c) maintenance of services and waterways, d) repair of buildings, structures, fences, barricades and the like Formation and establishment work will include:	a) construction or alteration of any building or other structure involving any soil disturbance, or any earthworks, requires the prior written consent of the requiring authority. Before granting such consent, the requiring authority will require the applicant to obtain written advice from the relevant iwi that the proposed activity will not adversely affect the cultural values of the site. This restriction shall also apply to works undertaken by or on behalf of the requiring authority. b) in addition to a) above, in the case of accidental discovery of an archaeological or cultural site, the relevant iwi should be contacted immediately so that they can decide	<u>Rollover</u> with minor modifications to legal descriptions and title references and text. <u>Reasons (RMA)</u> : Improve accuracy of the designation listing – boundaries unchanged. <u>Reasons (Internal)</u> : The designation is located on Rural zoned land and is owned by Council and is listed on the title for recreational purposes. The designation was originally established to provide for reserve activities on land that is not zoned for that purpose and at the time was not owned by Council. Whilst Council now owns the land the zoning has not yet been changed to accommodate this reserve use. The intent is that the designation is rolled over to provide surety of use until such a time as the zoning is changed to accommodate this activity. Note that the zone change is intended to happen through the Nelson Plan review process and if this eventuates the designation will be removed.

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
			a) track and road formation including external links, b) formation of carparking and access, c) landscaping and planting including recontouring, d) establishment of services and waterways, e) erection of building, structures, fences, seats, barricades and the like.	what action should be taken. In addition, the <u>Historic Places Trust Heritage New Zealand</u> and the requiring authority should be notified. c) the proposed community centre building shall be limited to 200m ² (ground floor area) and be limited to a height of no more than 7.5m. d) service buildings are limited to 50m ² (ground floor area) and a height of no more than 4.5m. e) playground structures are limited to 3m in height. For clauses c) to e) measurement of height will be done in accordance with this Plan.	
DN16	Saxton Park extension	Pt Lot 1 DP 3173 (NL90/4), Pt Lot 2 DP 2553 (NL90/5) <u>Planning Map: 32 and 54</u>	To provide for future recreation needs of Tasman and Nelson District and to further provide open 'green' space between the urban areas of Stoke and Richmond. Establishment and maintenance of: a) contouring and terracing of land and drainage to provide sports fields, stadiums, parks and open space	a) living quarters for a custodian will meet the normal performance requirements for residential sites in this plan- a) service buildings (excluding stadiums) will not, as far as practicable, exceed	Rollover with minor modifications to legal descriptions and title references and text. <u>Reasons (RMA)</u> : Improve accuracy of the designation listing – boundaries unchanged. <u>Reasons (Internal)</u> : The designation is on rural zoned land owned by Council and declared recreation reserve by

9. Whakamahere Whakatu Nelson Plan - Designations - Attachment 1 - A1774347 - Details of changes and reasons for retention for table 1

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
			<ul style="list-style-type: none"> b) provision of ponds for wildlife and recreation c) provision for roads, car parks, cycleways, paths and trails d) provision of large scale amenity plantings of trees and shrubs and large area of mown grass e) provision for recreation, and utility buildings as and where required f) services and waterways g) flood and park lighting 	<p>50m² each, in area and exceed 18m in height.</p> <p>b) playground structures will not, as far as practicable, exceed 3m in height.</p> <p>For a) to b) above height will be measured in accordance with this Plan.</p> <p>Some utilities cross over the area to be designated. Further installations and relocations would require the prior written consent of the controlling authority.</p>	<p>resolution of Council. The original purpose was to ensure acquisition of the land and subsequent development of this for recreational purposes. This development purpose remains. Whilst Council now owns the land the zoning has not yet been changed to accommodate this reserve use. The intent is that the designation is rolled over to provide surety of use until such a time as the zoning is changed to accommodate this activity. Note that the zone change is intended to happen through the Nelson Plan review process and if this eventuates the designation will be removed.</p>
DN17	Isel Park extension	<p><u>Lot 1 DP2965 (NL86/39A)</u></p> <p><u>Planning Map: 27, 54</u></p>	<p>The purpose of designating new the reserve areas is to ensure Nelson City residents and visitors continue to have access to public land for passive and active recreation.</p>	<ul style="list-style-type: none"> a) Use is restricted to informal recreation activities, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and outdoor performances. b) Any construction and maintenance activities will, where practicable, only be carried out during daylight hours. 	<p>Rollover with minor modifications to legal descriptions and title references and text.</p> <p><u>Reasons (RMA):</u> Improve accuracy of the designation listing – boundaries unchanged.</p> <p><u>Reasons (Internal):</u> This designation is on land zoned Residential and is owned by Council. The designation appears to have been in place prior to Council purchasing this property a number of years ago. A decision was made to retain the designation until such a time as the zoning was changed to accommodate the open space and recreational use of this site. This intent remains and the designation is rolled over to provide surety of use until such a time as the zoning is changed to</p>

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
					accommodate this activity. Note that the zone change is intended to happen through the Nelson Plan review process and if this eventuates the designation will be removed.

9. Whakamahere Whakatu Nelson Plan - Designations - Attachment 3 - A1774349 - Reasons for removal for table 2











Attachment 3: A1774349 - reasons for removal for Table 2

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
DN8	Stream control works (Orphanage Creek). 15 m from top of Westward bank of Orphanage Creek	Pt Section 55 and 56 Suburban South District, Pt 55 DP1003, Lot 4 DP 1574, Pt 3 DP 1574			<p><u>Do not rollover</u>. Designation no longer required.</p> <p>GIS file to be provided.</p> <p><u>Reasons (RMA)</u>: This area has been subdivided and Council now has ownership of the riparian areas adjacent to the creek. There is no need to identify this area through the designation.</p> <p><u>Reasons (internal)</u>: As per Reasons (RMA) noted above</p>
DN12	Stoke fire station public car park, northern side of Putaitai Street and on the western most side of Main Road Stoke	Pt Lot 11 DP 5048 SO 14677 and Part of: Lot 1 DP 8109, Lot 7 DP 5048, Lot 8 DP 5048, Lot 9 DP 5048 and Lot 10 DP 5408			<p><u>Do not rollover</u>. Designation no longer required.</p> <p>GIS file to be provided.</p> <p><u>Reason (RMA)</u>: Development work has occurred which makes the designation redundant. Council has access and control of the public carpark either through ownership, or through a right of way agreement over private property.</p> <p><u>Reason (Internal)</u>: The property matters related to the Countdown Supermarket development at the Stoke Fire Station Carpark were approved by Council in July 2007. This included retaining Council ownership and obtaining right of ways that allowed continued public access to the car park and rendered the designation surplus to requirements.</p>

Ref	Site name / location of site	Legal description / valuation number / planning map	Purpose / scope of designation	Conditions	Comments / Reasons (not to be included in notified Plan)
DN18	Black Horse Quarry, Wakapuaka Road (SH6)	<p>Lot 1, DP14748 (NL9B/503), Lot 2 DP14748 (NL9B/504) Pt Sec57A-Sub-North District</p> <p><u>Planning Map: 39, 48</u></p>	To ensure the Council continues to have the right to take gravel from the quarry.		<p><u>Do not rollover.</u> Designation no longer required.</p> <p>GIS file to be provided.</p> <p><u>Reasons (RMA):</u> Council staff no longer have a need to retain a designation over this parcel of land.</p> <p><u>Reasons (Internal):</u> The designation was established to protect Council's ability to continue to take gravel from the quarry. This need no longer exists and Council staff recommend that the designation is not rolled over.</p>





 <p><small>Nelson Office, Level 1, Morison Square, 77 Selwyn Place, Nelson 7042 Tel: (03) 545 1099</small></p> <p><small>No drawing and its contents are the property of Opus International Opus International Limited. Any unauthorised employment of reproduction will not be liable to the copyright.</small></p>	<p>Nelson City Council Designation Review DN12</p> <p>Stoke fire station public car park</p>	<p>Legend</p> <table border="0"> <tr> <td> Added to Designation</td> <td> Existing Designation to be Rolled Over</td> </tr> <tr> <td> Removed from Designation</td> <td></td> </tr> </table>	 Added to Designation	 Existing Designation to be Rolled Over	 Removed from Designation		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Project No: 5-G2452.00</td> </tr> <tr> <td>Designed</td> <td></td> </tr> <tr> <td>Drawn THS</td> <td>Approved RDP</td> </tr> <tr> <td colspan="2">Note:</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Scale</td> <td>1:500 @A3</td> </tr> <tr> <td>Map No</td> <td>1</td> </tr> <tr> <td>Date</td> <td>30/05/2017</td> </tr> <tr> <td>Revision</td> <td></td> </tr> </table>	Project No: 5-G2452.00		Designed		Drawn THS	Approved RDP	Note:		Scale	1:500 @A3	Map No	1	Date	30/05/2017	Revision	
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REPORT R8143

40 Frenchay Drive Easement for Purposes of Electricity Supply - Amendment to previous Resolution of 8 September 2016

1. Purpose of Report

- 1.1 To approve a variation of the resolution to grant an easement for electricity over Council owned local purpose (road) reserve which has a Title recording the land located at 40 Frenchay Drive to be subject to the Reserves Act 1977.

2. Recommendation

That the Council

Receives the report 40 Frenchay Drive Easement for Purposes of Electricity Supply - Amendment to previous Resolution of 8 September 2016 (R8143) and its attachment (A1803572); and

Grants the amendment to now grant the easement in gross, meaning granting the easement to Network Tasman Limited rather than to the property, in favour of Network Tasman Limited over the area shown on the plan marked "A" (Attached One, A1803572) over Lot 31 DP 487620, adjoining the boundary with Lot 29 DP 487620 with all costs associated with the easement to be met by The Hammock Hill Trust as owner of 40 Frenchay Drive; and

Confirms the easement be agreed to under section 48(1)(d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.

3. Background

- 3.1 A report (R6073) was presented to full Council and passed on 8 September 2016.

- 3.2 The report presented was to grant an easement for electricity purposes to the property owner of 40 Frenchay Drive over Council owned local purpose (road) reserve.
- 3.3 Network Tasman Limited on the understanding that the Agreement to Grant Easement was in place, have now completed all physical works on installing the easement works and are waiting for the final easement instrument to be signed off prior to livening the cables.
- 3.4 During the finalising of the easement instrument it has been established by Network Tasman Limited that the line is beyond the maximum length to allow it to be privately owned (understood to be 5 metres). They require the easement to be in their name prior to livening the cable.
- 3.5 We require an amendment to the agreed Easement over the Council owned local purpose (road) reserve to now be an easement in gross in favour of Network Tasman Limited rather than a private easement to the property.
- 3.6 The easement to be granted will be on the same terms as agreed to with the property owner on 8 September 2016 with the only variation being that it will now be an easement in gross in favour of Network Tasman Limited.
- 3.7 The road reserve is vested in Council. Its purpose is to provide a possible future link to any subdivision of the adjoining Bay View land. There are existing services within the road reserve and the land will not be detrimentally affected by the laying of a power cable.
- 3.8 Council's interests will be protected in that the easement must avoid all existing services and Network Tasman Limited will be required to relocate the easement at its cost should the Council require this to be done in the future. The property owner of 40 Frenchay Drive being The Hammock Hill Family Trust will meet all costs incurred by Council.

4. Discussion

- 4.1 As the Network Tasman Limited infrastructure is located on Council owned local purpose (road) reserve, easements are required to formalise its occupation of the land. The Reserves Act 1977 confers on Council the ability to grant an easement if it is for one of the specified purposes in section 48(1) of the Reserves Act 1977. Council, as the administering body, may grant an easement for the purpose of an electrical installation or work. Easements on reserve land require consent from Council under section 48(1)(d) by passing a formal Council resolution.
- 4.2 Where the reserve is not likely to be materially altered or permanently damaged, and the rights of the public in respect of the reserve are not likely to be permanently affected as stated under the Reserves Act 1977, then public notice is not required.

5. Options

- 5.1 The options are either to grant the easement (preferred option) or to not grant the easement.
- 5.2 Granting the easement will enable a more secure power supply to be provided to a property currently off grid.
- 5.3 Not granting the easement would mean the property owner would need to pursue other options at considerably increased cost and could involve powerlines and poles being located more prominently within a landscape overlay area.

6. Conclusion

- 6.1 Approval of the easement in gross (granting right to Network Tasman Limited rather than to a property) to Network Tasman Limited to convey electricity, telecommunications and computer media located in the local purpose (road) reserve enables Council to formalise access to Network Tasman Limited and ensures security of electricity supply for 40 Frenchay Drive and potentially future development of the Bay View land.

Alison Millard
Property Legal Executive

Attachments

Attachment 1: Plan - Electricity Easement - 40 Frenchay Drive (A1803572) [↓](#)

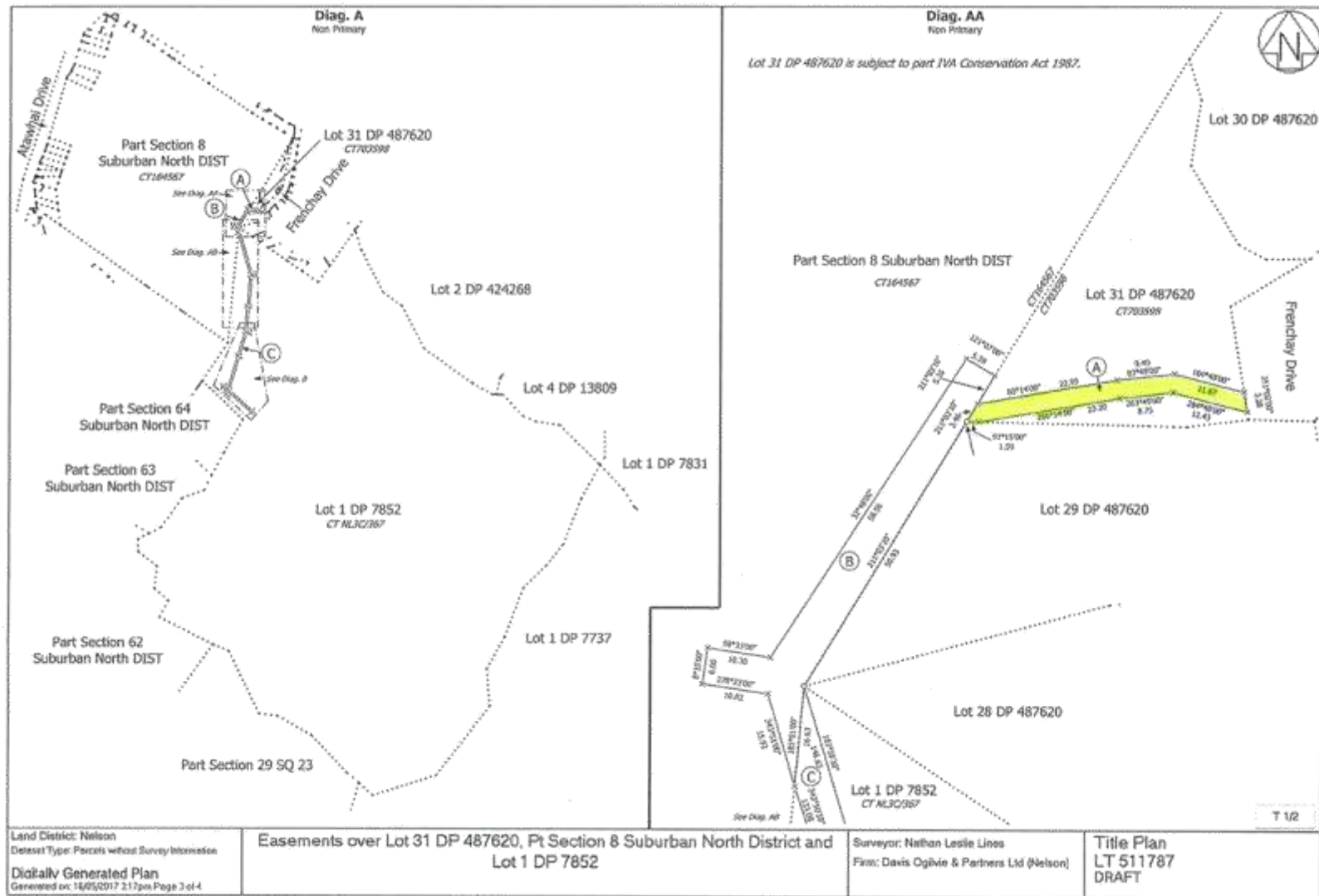
Important considerations for decision making	
1. Fit with Purpose of Local Government	This decision facilitates supply of electricity infrastructure to a Nelson property and potential future development.
2. Consistency with Community Outcomes and Council Policy	<p>The costs of securing the easement will be met by the owner of the property requesting the same.</p> <p>The Decision supports the community outcome "Our infrastructure is efficient, cost effective and meets current and future needs."</p> <p>The recommendation fits with Goal Nine of Nelson Nature – everyone in our community has their essential needs met.</p>
3. Risk	Low risk of adverse consequences.
4. Financial impact	Costs for electricity easement over Reserve are being met by the requesting party.
5. Degree of significance and level of engagement	<p>This matter is of low significance because it does not materially affect or impact the public or Council's use of the reserve. Not consultation or public notification is required under section 48(2) of the Reserves Act 1977 because this easement proposal meets the criteria of sections 48(3)(a) and 48(3)(b) of the Reserves Act 1977:</p> <p>Section 48(3)(a) the reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and</p> <p>Section 48(3)(b) the rights of the public in respect of the reserve are not likely to be permanently affected.</p>
6. Inclusion of Māori in the decision making process	No consultation with Maori has taken place.
7. Delegations	<p>This is a cross-committee item, so is considered by Council.</p> <p>The Sports and Recreation Committee has the responsibility for considering parks and reserves including the acquisition, lease, sale or</p>

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

The Works and Infrastructure Committee has the responsibility for considering roading network including footpaths and road reserve, and all land and buildings relating to the areas of responsibility, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or building.

Under the Reserves Act 1977 this is a decision for full Council.

10. 40 Frenchay Drive Easement for Purposes of Electricity Supply - Amendment to previous Resolution of 8 September 2016 - Attachment 1 - Plan - Electricity Easement - 40 Frenchay Drive (A1803572)



REPORT R7755

Elected Members' Code of Conduct

1. Purpose of Report

- 1.1 To adopt an Elected Members' Code of Conduct.

2. Recommendation

That the Council

Receives the report Elected Members' Code of Conduct (R7755) and its attachments (A1745031, A1808134 and A1808138); and

Adopts the Nelson City Council Code of Conduct (A1745031).

3. Background

- 3.1 The Local Government Act 2002 (the LGA) requires Council to have an Elected Members' Code of Conduct (the Code) (Schedule 7, Clause 15). Nelson City Council's current Code of Conduct was adopted on 20 November 2014.
- 3.2 In late 2016, Local Government New Zealand (LGNZ) produced a template Code of Conduct (template Code), following consultation across the local government sector.
- 3.3 Elected members indicated a preference for the template Code being adopted as Nelson City Council's Code of Conduct, subject to amendments customising the template Code to suit the requirements of Nelson City Council.
- 3.4 Council considered a customised version of the template Code at its meeting on 4 May 2017. At this meeting it was indicated that several additional changes should be considered, and the matter was left to lie until a future meeting. Following this meeting, a small group of elected members worked together to consider further changes to the proposed Code of Conduct.

- 3.5 At its meeting on 22 June 2017, Council appointed members to the Conduct Review Panel. No changes to the membership of the Conduct Review Panel are proposed, although it is open to Council to resolve to change the membership of the Conduct Review Panel at any time.
- 3.6 The current Code, or any Code of Conduct subsequently adopted, may be amended or replaced at any meeting of the full Council, provided that the motion is supported by 75% of the members present.

4. Discussion

- 4.1 A copy of the template Code incorporating suggested amendments to customise it for Nelson City Council (the proposed Code) is included as Attachment 1 (A1745031).
- 4.2 The Code includes amendments made in several different colours:
- Amendments in red are those that were presented to Council at its meeting on 4 May 2017;
 - Amendments in green are those that were agreed as a result of the discussion at the Council meeting of 4 May 2017;
 - Amendments in purple are those that have subsequently been made by the small group of elected members who have worked to progress the Code of Conduct through to its adoption.
- 4.3 A copy of the report presented to Council on 4 May is included as Attachment 2 (A1808134). That report details the changes outlined in red. The minutes of the 4 May Council meeting set out the changes outlined in green. An extract from these minutes is included as Attachment 3, A1808138).
- 4.4 This report only addresses the changes made since the 4 May Council meeting (those coloured purple in the proposed Code).

Protected Disclosures Act

- 4.5 The following amendment has been made to clause 7.1, relating to confidential information:
- Nothing in this clause should be interpreted as preventing elected members from disclosing information in appropriate circumstances under the Protected Disclosures Act 2000.*
- 4.6 The Office of the Ombudsman, which is responsible for administering the Protected Disclosures Act 2000, has confirmed that elected members are covered by the provisions of the Protected Disclosures Act 2000.
- 4.7 Inclusion of this sentence in the proposed Code of Conduct reflects that there may be circumstances in which it is appropriate for elected members to disclose confidential information under the terms of the Protected Disclosures Act.

Non-Pecuniary Interests

- 4.8 A statement relating to non-pecuniary interests has been included in section 8, relating to conflicts of interest.
- 4.9 The text in purple relating to non-pecuniary interests is an extract from Appendix A of the template Code of Conduct, and serves to bring to elected members' attention the different types of interest to which they must turn their minds in considering whether to declare an interest in any matter.

Time Limit in bringing a Complaint

- 4.10 The following amendment has been made to clause 12.3, relating to the investigation, advice and decision of a complaint:

It is expected that complaints will be made in a timely manner. It is suggested that complaints should be made no later than three months from the date on which a breach of the Code of Conduct is alleged to have occurred.

- 4.11 Including a request for complaints to be made in a timely manner supports the Code of Conduct as a set of 'house rules' governing the relationships and behaviours of elected members. It means that complaints can be resolved in a timely manner, while facts are fresh.
- 4.12 The wording of this amendment is not intended to be a strict cut-off time. This is in recognition of the possibility that breaches of the Code of Conduct may not come to light until a date beyond the three month guideline.

Complaints that are vexatious, not made in good faith

- 4.13 Steps 2 and 4 of Appendix B have been amended to reflect the possibility of complaints being made in a manner that is vexatious, not in good faith, or serving only to cause annoyance, distress or financial loss to the respondent.
- 4.14 This amendment also reinforces the Code of Conduct as a set of 'house rules' governing the relationships and behaviours of elected members. It recognises that the Code of Conduct should not be used as a tool against other elected members, and that complaints should only be brought where the complainant truly believes that the Code of Conduct has been breached.
- 4.15 The inclusion of a new step 4 in Appendix B provides guidance to the Conduct review Panel on possible outcomes, should a finding be made that a complaint has been brought in a manner that is vexatious, not in good faith, or serving only to cause annoyance, distress or financial cost to the respondent.

Other minor edits

- 4.16 The remaining amendments in purple are of a minor, editorial nature, and have been made to improve clarity of the proposed Code of Conduct.

5. Options

- 5.1 Council is required to have a Code of Conduct.
- 5.2 Option 1: Council could adopt the proposed Code (Attachment 1). This is the preferred option, as it is based on the LGNZ template Code, which has been recently reviewed and represents best practice in the local government sector.
- 5.3 Option 2: Council could choose not to adopt the updated Code, resulting in the current Code remaining operative (status quo). This option is not recommended as elected members have indicated their preference to adopt an amended version of the LGNZ template Code.

E-J Ruthven

Administration Adviser

Attachments

- Attachment 1: A1745031 - proposed Code of Conduct [↓](#)
- Attachment 2: A1808134 - Previous report to Council regarding Elected Members' Code of Conduct - 4 May 2017 [↓](#)
- Attachment 3: A1808138 - Extract from Council minutes 4 May 2017 [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	The Local Government Act 2002 requires Council to have an Elected Members' Code of Conduct.
2. Consistency with Community Outcomes and Council Policy	The community outcome that this matter most closely relates to is "Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement" which states "Our leaders inspire respect, take responsibility for their decisions and act to improve the big issues facing our community". The recommendation to adopt the Code is in line with this outcome in respect of taking responsibility for decisions.
3. Risk	There is little to no risk in adopting the LGNZ template Code of Conduct with amendments to customise it to Nelson City Council.
4. Financial impact	The proposed amendments to the LGNZ Code of Conduct are aimed at lessening the potential financial impact of complaints made under the Code, by reserving the use of an independent investigator for material breaches of the Code considered sufficiently serious to warrant an independent investigation.
5. Degree of significance and level of engagement	This matter is of low significance because the Code of Conduct is an agreement between elected members. No engagement has taken place.
6. Inclusion of Māori in the decision making process	Māori have not been included in this decision-making process.
7. Delegations	This is a matter for Council.

Nelson City Council

Code of Conduct

A1745031

Adopted on the

1. Introduction

This Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of the local authority to its communities; and
- develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in this Code.

2. Scope

The Code has been adopted in accordance with clause 16 of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- each other;
- the Chief Executive
- staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities

This Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the council's Standing Orders.

3. Values

Nelson City Council has established the following values for the 2016 triennium:

- A. **Whakautetanga:** respect
- B. **Kōrero Pono:** integrity
- C. **Māiatanga:** courage
- D. **Whakamanatanga:** effectiveness
- E. **Whakamōwaitanga:** humility
- F. **Kaitiakitanga:** stewardship
- G. **Manaakitanga:** generosity of spirit

Our values give effect to our ways of working together for the good governance of Nelson:

1. **Public interest:** members will serve the best interests of the people within the Nelson community and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in Nelson City Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behavior.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of officials.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.

8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values complement, and work in conjunction with, the principles of s.14 of the LGA 2002 and the governance principles of s.39 of the LGA 2002.

4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the council and those responsible for advice and the implementation of council decisions. The key roles are:

4.1 Members

The role of the governing body includes:

- representing the interests of the people of the city, district or region;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the council's resources;
- employing and monitoring the performance of the Chief Executive; and
- ensuring the council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief Executive

The role of the Chief Executive includes:

- implementing the decisions of the council;
- ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of the local authority;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the council; and

- employing staff on behalf of the council (including negotiation of the terms of employment for those staff).

Under s.42 of the LGA 2002 the Chief Executive is the only person *directly* employed by the council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open and honest;
- is courteous;
- is focused on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

Any failure by members to act in the manner described in s.5.1 represents a breach of this Code.

Please note that nothing in this section of the Code is intended to limit robust debate within the council as long as it is conducted in a respectful and insightful manner.

5.2 Relationships with staff

An important element of good governance involves the relationship between the council and its Chief Executive. Members will respect arrangements put in place to facilitate this relationship, and:

- raise any concerns about employees, officers or contracted officials with the Chief Executive;

- raise any concerns about the performance or behaviour of the Chief Executive with the Mayor, as the chairperson of the Chief Executive Employment Committee;
- make themselves aware of the obligations that the council and the Chief Executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising any employee;
- observe any protocols put in place by the Chief Executive concerning contact between members and employees;
- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: Elected members should be aware that failure to observe this portion of the Code may compromise the council's obligations to be a good employer and consequently expose the council to civil litigation or affect the risk assessment of council's management and governance control processes undertaken as part of the council's audit.

5.3 Relationship with the public

Given that the performance of the council requires the trust and respect of individual citizens, members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the local authority.

Any failure by members to act in the manner described above represents a breach of this Code.

6. Contact with the media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of council.

From time to time individual members will be approached to comment on a particular issue either on behalf of the council, or as an elected member in their own right, **presenting their personal view only**. When responding to the media members must be mindful that operational questions should be referred to the Chief Executive and policy-related questions referred to the Mayor or the member with the appropriate delegated authority.

Members are encouraged to inform Council's Communications Team and the Chair of the relevant committee of any media statements or responses given in traditional media (print and broadcast) formats

When speaking to the media more generally members will abide by the following provisions:

6.1 Media contact on behalf of the council

- the Mayor or chairperson is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the Mayor/chair is absent requests for comment will be referred to the deputy Mayor/chair or relevant committee chairperson or portfolio holder;
- the Mayor/chair may refer any matter to the relevant committee chairperson or to the Chief Executive for their comment; and
- no other member may comment *on behalf of the council* without having first obtained the approval of the Mayor/chair.

6.2 Media comment on a member's own behalf

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of the council;
- media comments which are contrary to a council decision or policy must clearly state that they do not represent the views of the majority of members;
- media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticize, or compromise the impartiality or integrity of staff; and
- media comments must not be misleading and should be accurate within the bounds of reasonableness.
- These rules apply equally to statements made via social media channels, as well as statements reported in traditional media formats.

Any failure by members to meet the standards set out above represents a breach of this Code.

7. Information

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

7.1 Confidential information

In the course of their duties members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

Nothing in this clause should be interpreted as preventing elected members from disclosing information in appropriate circumstances under the Protected Disclosures Act 2000.

7.2 Information received in capacity as an elected member

Members will disclose to other members and, where appropriate the Chief Executive, any information received in their capacity as an elected member that concerns the council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: failure to observe these provisions may impede the performance of the council by inhibiting information flows and undermining public confidence. It may also expose the council to prosecution under the Privacy Act and/or civil litigation.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse contracts

with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Please note: Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the council. Failure to observe these requirements could also leave the elected member open to prosecution (see Appendix A). In the event of a conviction, elected members can be ousted from office.

9. Register of Interests

Members shall annually make a declaration of interest. These declarations are recorded in a Register of Interests maintained by the council. The declaration must include information on the nature and extent of any interest, including:

- a) any employment, trade or profession carried on by the member or the members' spouse for profit or gain;
- b) any company, trust, partnership etc for which the member or their spouse is a director, partner or trustee;

- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) the address of any land owned by the local authority in which the member or their spouse is:
 - a tenant; or
 - the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee;
- e) any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (If the member is in any doubt on this, the member should seek guidance from the Chief Executive)

Please note: Where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the council developed in accordance with that determination;
- not influence, or attempt to influence, any council employee, officer or member in order to benefit their own, or families personal or business interests;
- only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of **gifts**.

Any failure by members to comply with the provisions set out in this section represents a breach of this Code.

10.1 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an "undischarged bankrupt" will notify the Chief Executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the Chief Executive with a brief explanatory statement of the circumstances surrounding the member's adjudication and the likely outcome of the bankruptcy.

11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election Induction programmes organised by the council for the purpose of facilitating agreement on the council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment of the Council's overall performance and operating style during the triennium.¹
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfill their Declaration of Office and contribute to the good governance of the city, district or region.

12. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 5, s. 14(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles:

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;

¹ A self assessment template is provided in the Guidance to this Code.

- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

12.2 Complaints

All complaints made under this Code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive **must forward a copy of the complaint to the Mayor.**

Only members and the Chief Executive may make a complaint under this Code.

12.3 Investigation, advice and decision

Council has a Conduct Review Panel to undertake preliminary assessments of Code of Conduct complaints. The Panel is appointed at the Council meeting at which the Code of Conduct is formally adopted. The Panel consists of the Mayor and two other elected members, with three additional members available to replace any member who is unavailable or otherwise has a conflict of interest.

Once the Mayor has been informed of a complaint, the Chief Executive will convene a meeting of the Panel, to undertake a preliminary assessment of the complaint.

It is expected that complaints will be made in a timely manner. It is suggested that complaints should be made no later than three months from the date on which a breach of the Code of Conduct is alleged to have occurred.

The complaint may subsequently be forwarded to an independent investigator.

The process, following receipt of a complaint, will follow the steps outlined in Appendix B.

12.4 Materiality

An alleged breach under this Code is material if, in the opinion of the **Panel** or independent investigator, it would, if proven, bring a member or the council into disrepute or, if not addressed, reflect adversely on another member of the council.

13. Penalties and actions

Where a complaint is determined to be material and referred to the council the nature of any penalty or action will depend on the seriousness of the breach.

13.1 Material breaches

If a material breaches of this Code is found, the council, the **Panel**, or a committee with delegated authority, may require one of the following:

1. a letter of censure to the member;
2. a request (made either privately or publicly) for an apology;
3. a vote of no confidence in the member;
4. removal of certain council-funded privileges (such as attendance at conferences);
5. restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. limitation on any dealings with council staff so that they are confined to the Chief Executive only;
7. suspension from committees or other bodies; or
8. an invitation for the member to consider resigning from the council.

The council, the **Panel** or committee may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the LAMIA);
- breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.30 of the LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14. Review

Once adopted, a Code of Conduct continues in force until amended by the council. The Code can be amended at any time but cannot be revoked unless the council replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the council present at a council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the council in regard to potential changes for improving the Code.

Appendix A: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- a person, or spouse or partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an

expectation of a gain or loss of money for the member concerned.”
(OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor/chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is “concerned or interested” in contracts with their council if the total payments made, or to be made, by or on behalf of the council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the council (or committee of the council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members should focus be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should

accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another councillor is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the council, other members, any employee of the council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of council; and
- use information gained in the course of their duties for their, or another persons, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

Personal liability of members

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s.44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) a liability has been unlawfully incurred by the local authority; or
- d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) contrary to the manner in which the member voted on the issue; and
- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situations members will also be responsible for paying the costs of proceedings (s.47 LGA 2002).

Appendix B: Process for the determination and investigation of complaints

Step 1: Chief Executive receives complaint

On receipt of a complaint under this Code the Chief Executive will forward a copy of the complaint to the Mayor.

The Chief Executive will request the Conduct Review Panel (the Panel) to undertake a preliminary assessment of the complaint.

The Chief Executive will also:

- inform the complainant that the complaint has been referred to the Panel, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them, which has been referred to the Panel, and refer them to the process for dealing with complaints as set out in the Code.

Step 2: Panel makes preliminary assessment

On receipt of the complaint the Panel will meet to assess whether:

1. the complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is non-material
4. the complaint is vexatious, not made in good faith, or serving only to cause annoyance, distress or cause financial cost to the respondent;
5. the complaint is material but of a minor nature, and may be resolved through a meeting of the parties to the complaint;
6. the complaint is material and sufficiently serious to warrant a full independent investigation is required.

In making the assessment the Panel may request any further information necessary to determine the preliminary assessment of the complaint. Notes of the meeting will be kept.

On receiving the Panel's preliminary assessment the Chief Executive will:

1. where the Panel determines that a complaint is frivolous or without substance, inform the complainant and respondent directly of the Panel's decision;
2. in cases where the Panel finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material the Panel will inform the Chief Executive, and, if they choose, recommend a course of action appropriate to the breach. This could be, but is not limited to, one of the following actions:

- a meeting with the other parties to the complaint to acknowledge the breach;
- that the respondent seek guidance from the Chairperson or Mayor;
- that the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The Chief Executive will advise both the complainant and the respondent of the Panel's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the council.

Step 4: Actions where a complaint is found to be vexatious or not made in good faith

If the subject of a complaint is found to be vexatious or not made in good faith, the Panel will inform the Chief Executive, and, if they choose, recommend a course of action.

The Chief Executive will advise in writing the complainant and the respondent of the Panel's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a complaint found to be vexatious or not made in good faith are non-binding on the complainant and the council.

Step 5: Actions where a breach is found to be material, but of a minor nature

If the subject of a complaint is found to be material the **Panel** will inform the Chief Executive, who will inform the complainant and respondent.

Where the breach is of a minor nature, the Panel may recommend a meeting of the parties to the complaint, with a view to resolving the complaint.

If a meeting is recommended, the following steps will apply:

- The Chief Executive will write to both parties, requesting them to attend a meeting to discuss the complaint;
- The Panel may request that the Mayor, Deputy Mayor or a member of the Panel attend the meeting, with a view to mediating the complaint.
- All parties to the complaint must consent to the meeting taking place. If any party to the complaint does not consent to meeting the other parties to the complaint, then the Chief Executive will forward the complaint to an independent investigator.
- Notes of the meeting will be taken.
- The meeting may agree on an outcome to resolve the complaint, such as:
 - The respondent tendering an apology to the complainant; and/or
 - The respondent tendering an apology to the council; and/or
 - The respondent attending a relevant training course; and/or
 - The respondent working with a mentor for a period of time.
- The meeting, and its outcome, will be kept confidential to the parties to the meeting.
- Following the meeting, the Chief Executive will write to all parties to the complaint, advising them of the outcome of the meeting. If, in the opinion of any party to the complaint, the matter has not been resolved, the Chief Executive will forward the complaint, along with a copy of the notes of the meeting and any actions taken towards resolving the complaint, to an independent investigator.

Step 6: Actions where a breach is found to be material, and of a sufficiently serious nature

If the subject of a complaint is found to be material and of a sufficiently serious nature, the **Panel** will inform the Chief Executive, who will inform the complainant and respondent.

The Chief Executive will forward the complaint, along with the notes of the Panel meeting, to an independent investigator.

The investigator will then prepare a report for the Council on the seriousness of the breach.

In preparing that report the investigator may:

- consult with the complainant, respondent and any affected parties;
- undertake a hearing with relevant parties; and/or
- refer to any relevant documents or information.

On receipt of the investigator's report the Chief Executive will prepare a report for the council, the Panel, or committee with delegated authority, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the full report prepared by the investigator.

Step 6: Process for considering the investigator's report

Depending upon the nature of the complaint and alleged breach the investigator's report may be considered by the full council, excluding the complainant, respondent and any other 'interested' members, the Panel, or a committee established for that purpose.

The council, the Panel, or a committee will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be in a public excluded meeting. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

Before making any decision in respect of the investigator's report the council, the Panel, or committee will give the member against whom the complaint has been made an opportunity to appear and speak in their own defence. The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 13.1 of this Code.

Appendix C: Procedures and Useful Information for Elected Members

Procedure for Leave of Absence

Elected members are encouraged to seek leave of absence from Council meetings in advance. A leave of absence is required if an elected member will be absent from four or more consecutive formal meetings (Council, committee, or subcommittee, but not including extraordinary meetings). If the absence is for three or less formal meetings, elected members must notify their apologies to the Administration Advisers in writing at their earliest convenience.

Seeking a leave of absence will ensure the office of an elected member does not become vacant if they are absent without leave of the local authority from four consecutive meetings (Local Government Act 2002, Schedule 7, clause 5(d)).

The procedure for a leave of absence is:

- Once an elected member is aware of the need for a leave of absence they must advise the Mayor, Chief Executive and Administration Advisers as soon as practicable in writing (email is acceptable) of the beginning and end dates of absence. They must also advise if courier delivery is to be put on hold.
- The request for leave of absence will be included on the public excluded agenda (for privacy and security reasons) of the next available Council or committee meeting of which that person is a member. The meeting will consider and vote on the request and pass the associated resolution.
- If an elected member is unable to have a leave request considered at a meeting before they leave, they are to follow the above process and the request will be considered retrospectively. An Administration Adviser will notify the elected member of the resolution.
- It is anticipated that most requests will be granted. However, the meeting will need to consider matters such as previous leaves of absence, attendance record, other leaves of absence that may be occurring at the same time, and whether Council work would be adversely affected.

During a leave of absence:

- The elected member will listed as 'on leave of absence' in the minutes of any relevant meetings while they are away. This does not need to be resolved at each meeting.
- The elected member will continue to receive Council Information and agendas by email and blue bag delivery (unless placed on hold) during their absence.
- If an elected member wishes to attend a meeting and vote during their leave of absence, this is to be notified to the Chairperson before the meeting.

Procedure for Raising Operational Matters

Elected members may be contacted by members of the public regarding routine service requests, for example, leaking water tobies. These service requests need to be forwarded to the Customer Service Centre. Alternatively, elected members can relay operational matters directly to the Chief Executive or Group Managers.

Council officers recognize that when an elected member has been asked by a member of the public to deal with a matter that the outcome of the matter needs to be reported back to the elected member. This is so that the elected member is aware of what action has been taken when next approached by the member of the public.

While elected members should refrain from getting involved in the 'hands on' role of officers, they should approach the Chief Executive if they have any concerns.

Resources and Facilities

Business cards and Councillor letterhead are available on request to an Administration Adviser.

Photocopying in relation to Council business will be provided by the Administration Advisers.

Elected members may not use Council resources for personal business (including campaigning).

Dress Code

Nelson City Council Code of Conduct - pg 27
A1745031

Elected members should maintain an appropriate standard of dress at Council and committee meetings. It is recognized that the standard of dress will be in accordance with the level of formality of the meeting they are attending.

Principles for guidance are:

- Casual dress is appropriate at workshops;
- Committee meetings involve engaging with members of the public, therefore a neat and tidy standard of dress is appropriate;
- Council meetings are a formal occasion therefore a more formal standard of dress is appropriate (for example, jacket, tie and dress trousers for men and equivalent formal attire for women). Jeans should be avoided for both men and women.
- Memorabilia is encouraged to be worn at civic and formal occasions.
- At public meetings, functions or events, when attending as a representative of Council, the appropriate standard of dress and name badges should be worn.

Elected Members' Code of Conduct

1. Purpose of Report

- 1.1 To adopt an Elected Members' Code of Conduct and make appointments to the Conduct Review Panel.

2. Recommendation

That the Council

*Receives the report **Elected Members' Code of Conduct (R7558)** and its attachment **(A1745031)**; and*

*Adopts the **Nelson City Council Code of Conduct (A1745031)**; and*

*Appoints Her Worship the Mayor, Councillors _____ and _____ to the **Conduct Review Panel**; and*

*Appoints Councillors _____, _____ and _____ to replace any member on the **Conduct Review Panel** in the event of a conflict of interest or unavailability of a member.*

3. Background

- 3.1 The Local Government Act 2002 (the LGA) requires Council to have an Elected Members' Code of Conduct (the Code) (Schedule 7, Clause 15). Nelson City Council's current Code of Conduct was adopted on 20 November 2014.
- 3.2 The 2006 Auditor General's Good Practice Guide for Local Authority Codes of Conduct (the Good Practice Guide) recommends that councils re-adopt their codes after each triennial election. This ensures newly elected members understand, and agree to be governed by, the Code. It also allows the new Council an opportunity to review the principles and rules of the Code in line with best practice and experience in enforcing the Code.

- 3.3 Since the start of the 2016-19 triennium, Local Government New Zealand (LGNZ) has produced a template Code of Conduct (template Code), following consultation across the local government sector. The template Code updates the previous national standard and provides a plain English version of standards of behaviour expected of elected members in the exercise of their duties. The template Code also provides details on how breaches of the Code will be dealt with.
- 3.4 Elected members have had an opportunity to provide feedback on the template Code. Members have indicated a preference for the template Code being adopted as Nelson City Council's Code of Conduct, subject to several amendments to customise the template Code to suit the requirements of Nelson City Council.
- 3.5 The current Code, or any Code of Conduct subsequently adopted, may be amended or replaced at any meeting of the full Council, provided that the motion is supported by 75% of the members present.

4. Discussion

- 4.1 A copy of the template Code incorporating suggested amendments to customise it for Nelson City Council (the proposed Code) is included as Attachment 1 (A1745031).
- 4.2 The Code is an agreement between elected members. It sets out the standards of behaviour expected from elected members, and is considered to be a statement of good governance practice. It is up to Council to decide the content of the Code, and as such it is appropriate for Council to amend the template Code in order to customise it to suit the requirements of Nelson City Council if members wish.

Process for breaches of the Code

- 4.3 Section 12.2, and Appendix B of the proposed Code set out the process to be followed in the event that a Code of Conduct complaint is received.
- 4.4 The key differences between the template Code and the proposed Code are:
- A requirement that the Chief Executive forwards a copy of any complaint received to the Mayor;
 - Use of the Conduct Review Panel (the Panel) to undertake a preliminary assessment, reserving the use of an independent investigator to material breaches of a sufficiently serious nature to warrant independent investigation; and
 - Inclusion of an additional step for actions where a breach is found to be material but of a minor nature. In this instance the consideration will be given to whether the complaint can be resolved by a meeting between the parties, utilising a mediator if required.

- 4.5 This differs from the template Code, which specifies the use of an independent investigator for all complaints raised under the Code of Conduct.
- 4.6 There are some advantages to utilising an independent investigator for all complaints, especially in ensuring that investigation processes are free of bias. The LGNZ Code of Conduct Guidelines note that using an independent investigator ensures that the Code process is less likely to be brought into disrepute. However, utilising the services of an independent investigator for every complaint under the Code of Conduct may result in potentially high levels of expenditure, particularly if independent investigations are required for complaints of a minor or technical nature.
- 4.7 Keeping in mind that the Code is an agreement between members, solving any minor or technical breaches of the Code in-house reflects that the Code is, primarily, a set of 'house rules' governing the relationships and behaviours of elected members. For non-material, or minor material breaches, resolving complaints 'in-house' may act to strengthen the agreement between members that underpins the Code.
- 4.8 Council's current Code of Conduct utilises a Conduct Review Panel (the Panel) to assess complaints and undertake investigations into complaints. It is suggested that the Panel be retained within the proposed Code to undertake preliminary assessments of any complaints and determine if it is a material breach or of sufficiently serious nature, and suggesting outcomes for resolution. In cases where the Panel assesses there to be a material breach of the Code of a sufficiently serious nature, the proposed Code recommends forwarding the complaint to an independent investigator. Serious breaches of the Code of Conduct justify the expense of utilising an independent investigator.
- 4.9 It is appropriate that at the time of considering adoption of the Code, appointments to the Panel are also made. It is recommended that the Panel be constituted in the same manner as the current Code, being the Mayor along with two nominated councillors, with an additional three councillors nominated to stand in, in cases where members of the Panel are unavailable or otherwise have a conflict of interest.

Media Statements

- 4.10 Section 6 of the proposed Code emphasises the important role the media play in the operation and efficacy of local democracy, and sets out clear expectations for elected member interaction with the media.
- 4.11 The key differences between the template Code and the proposed Code are:
 - Greater emphasis placed on elected members presenting their personal view when approached for comment by media representatives;

R7558

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- A request for members to inform Council's Communications Team of any media statements or responses given; and
- Clarification that the rules pertaining to media comments on members' own behalf (section 6.2) apply equally to statements made via social media channels, as well as statements made via traditional media channels.

- 4.12 The request to inform Council's Communications team of any media statements or responses given allows Council's Communications team to provide any additional support, information or statements required in a timely manner.
- 4.13 Inclusion of statements made via social media channels within the rules relating to media comment on a members' own behalf reflects the increasing use of social media channels as a method for disseminating messages. There is no intention to limit members' use of social media channels as long as the principles contained in section 6.2 are met, however inclusion of social media serves to draw members' attention to the impact that statements made via social media can have.
- 4.14 Adoption of the proposed Code will supersede any previous policies regarding elected members' interaction with media representatives.

Values

- 4.15 Section 3 of the template Code includes a list of values that underpins the template Code.
- 4.16 The proposed Code retains the values listed within section 3, but also includes the additional values established by Nelson City Council at the start of the triennium.
- 4.17 The Nelson City Council values do not contradict any of the values within the template Code, rather are intended to enhance the proposed Code.

Procedures and Useful Information

- 4.18 Appendix C of the template Code includes procedures and other useful information contained in the current Code, that are not otherwise captured by other legislation or policy documents. In particular, it outlines the procedures for elected members to follow in applying for a leave of absence and raising operational matters, as well as useful information regarding the use of Council resources and the expected dress code for members.

5. Options

- 5.1 Council is required to have a Code of Conduct.
- 5.2 Option 1: Council could adopt the proposed Code (Attachment 1). This is the preferred option, as it is based on the LGNZ template Code, which

has been recently reviewed and represents best practice in the local government sector.

- 5.3 Option 2: Council could choose not to adopt the updated Code, resulting in the current Code remaining operative (status quo). This option is not recommended as elected members have indicated their preference to adopt an amended version of the LGNZ template Code.

E-J Ruthven
Administration Adviser

Attachments

Attachment 1: A1745031 - proposed Code of Conduct for Nelson City Council

R7558

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Important considerations for decision making	
1. Fit with Purpose of Local Government	The Local Government Act 2002 requires Council to have an Elected Members' Code of Conduct.
2. Consistency with Community Outcomes and Council Policy	The community outcome that this matter most closely relates to is "Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement" which states "Our leaders inspire respect, take responsibility for their decisions and act to improve the big issues facing our community". The recommendation to adopt the Code is in line with this outcome in respect of taking responsibility for decisions.
3. Risk	There is little to no risk in adopting the LGNZ template Code of Conduct with amendments to customise it to Nelson City Council.
4. Financial impact	The proposed amendments to the LGNZ Code of Conduct are aimed at lessening the potential financial impact of complaints made under the Code, by reserving the use of an Independent Investigator for material breaches of the Code considered sufficiently serious to warrant an independent investigation.
5. Degree of significance and level of engagement	This matter is of low significance because the Code of Conduct is an agreement between elected members. No engagement has taken place.
6. Inclusion of Māori in the decision making process	Māori have not been included in this decision-making process.
7. Delegations	This is a matter for Council.

9. Elected Members' Code of Conduct

Document number R7558, agenda pages 96 - 129 refer.

Administration Adviser, E-J Ruthven, presented the report. She explained the following amendments to be made to the draft Code of Conduct:

- Replace the word 'investigator's' with the word 'Panel's' in the final sentence of page 123, so that it read *"On receiving the Panel's preliminary assessment the Chief Executive will:"*
- Replace the words 'an investigator' with 'the Panel' in the first sentence of page 124, so that it read *"where the Panel determines that a complaint is frivolous or without substance..."*
- Re-word the first sentence under Step 5 on page 125 to read *"If the subject of a complaint is found to be material and of a sufficiently serious nature, the Panel will inform the Chief Executive..."* and remove the words 'Where the breach is of a sufficiently serious nature' from the second sentence under Step 5 on page 125.

Ms Ruthven and Manager Communications, Paul Shattock, answered questions.

Attendance: Councillor Matheson left the meeting at 11.13am.

During discussion, the following changes to the draft Code of Conduct were suggested:

- Page 109 - final sentence be re-worded to read *"Members are encouraged to inform Council's Communications Team of any media statements or responses given in traditional media (print and broadcast) formats";*
- Page 104, under the heading 'Scope' - separate the bullet point regarding Chief Executive and staff into two bullet points; and
- Page 113, under the heading 'Ethical behaviour' - replace the word 'interests' with the word 'gifts' in the final bullet point.

Attendance: Councillor Matheson returned to the meeting at 11.39am.

Following discussion, it was agreed that the draft Code of Conduct would be left to lie on the table until later in the meeting.

Attendance: The meeting was adjourned from 11.51am to 11.59am.

[.....]

13. Elected Members' Code of Conduct (continued)

Attendance: Councillors Noonan and Skinner returned to the meeting at 1.30pm.

An extract from the Mayor's Report to Council on 15 December 2016, relating to Nelson City Council's values, was tabled (A1755305).

Resolved CL/2017/001

That the Council

Receives the report Elected Members' Code of Conduct (R7558) and its attachment (A1745031); and

Leaves the matter to lie on the table until a future Council meeting.

Her Worship the Mayor/Walker

Carried

Attachments

- 1 A1755305 - Extract from Mayor's Report 15 December 2016 - Values

Notice of Motion - Tahunanui Cycle Network

1. Purpose of Report

- 1.1 To provide information and procedural advice relating to the item Notice of Motion – Tahunanui Cycle Network, referred by the Works and Infrastructure Committee to Council on 29 June 2017.

2. Recommendation

That the Council

Receives the report Notice of Motion - Tahunanui Cycle Network (R8062).

3. Background

- 3.1 A 'Notice of Motion – Tahunanui Cycle Network' was included on the 29 June 2017 Works and Infrastructure Committee agenda. The Notice of Motion was moved and seconded, but before it was put a procedural motion to refer the matter to Council was carried.

- 3.2 The content of the Notice of Motion was:

That the Committee

Receives the report Notice of Motion - Tahunanui Cycleway Network (R7939), and its attachments (A1778073 and A1778081); and

Approves, progression through to detailed design and construction of Option 2 – Various Facility Types, summarised in previous report R6843 and its attached business case (A1717577).

Recommendation to Council

That the Council

Approves, a transfer of \$220,786 from the 2016/17 financial year to the 2017/18 financial year; and

Approves, an additional funding of \$435,000 (\$290,000 NZTA/ UCF contribution) be included in the 2017/18 financial year.

- 3.3 The minutes of the Works and Infrastructure Committee meeting of 29 June 2017 are included within this Council agenda. These record the decision of the Committee to refer the matter to Council.
- 3.4 A copy of the Notice of Motion can be found in the Works and Infrastructure Committee meeting agenda of 29 June 2017. It is also available on councillors' Teamsite, or hard copies are available on request from an Administration Adviser.

4. Discussion

- 4.1 Discussion at the Works and Infrastructure Committee meeting considered whether there were alternative methods to progress a Tahunanui Cycle Network aside from that specified in the Notice of motion. Officers have considered this, and a separate report titled 'Tahunanui Cycle Network' is included in this agenda, with a recommendation for an alternative method for progressing cycleways in Tahunanui.
- 4.2 The mover of the Notice of motion is aware of the report 'Tahunanui Cycle Network' also included on this agenda. He is comfortable with the content of that report.

Procedural Matters

- 4.3 Council should first consider the Notice of Motion – Tahunanui Cycle Network, before considering the alternative course of action set out in the separate report 'Tahunanui Cycle Network' included on this agenda.

Options

- 4.4 If the mover of the Notice of Motion wants Council to consider the Notice of Motion, it must be moved and seconded when called for. If this does not occur, the Notice of Motion will lapse and will not be considered further at this meeting.
- 4.5 If the Notice of Motion is moved and seconded and subsequently passed, Council can still consider the report 'Tahunanui Cycle Network'. However, in doing so it will need to be careful of contradictions.

E-J Ruthven
Administration Adviser

Attachments

Nil

Important considerations for decision making	
1. Fit with Purpose of Local Government	This report contains procedural advice to assist Council's decision-making in a manner that best supports the purpose of Local Government.
2. Consistency with Community Outcomes and Council Policy	By providing procedural advice to aid with good decision-making, this report supports the following Community Outcome: <ul style="list-style-type: none"> • Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement
3. Risk	The procedural advice in this report lowers the risks associated with decision-making, by providing guidance as to the consequences of making a decision on the Notice of Motion referred to Council.
4. Financial impact	There is no financial impact associated with the procedural advice in this report. However, there are financial impacts associated with the substantive recommendations in the Notice of Motion or the alternative report 'Tahunanui Cycle Network', which are addressed in each report.
5. Degree of significance and level of engagement	This matter is of low significance because it provides Council with procedural advice to aid in decision-making. Therefore, no engagement is required or has been undertaken.
6. Inclusion of Māori in the decision making process	There is no requirement to include Māori in this decision-making process.
7. Delegations	The Works and Infrastructure Committee referred the item 'Notice of Motion – Tahunanui Cycle Network' to Council on 29 June 2017. Therefore, this is a matter for Council.

REPORT R8007

Tahunanui Cycle Network

1. Purpose of Report

- 1.1 To agree a way forward for Council to deliver a preferred route for the Tahunanui Cycle Network.
- 1.2 To agree funding to allow this work to progress this financial year.

2. Summary

- 2.1 This report proposes an alternative model of delivery for the Tahunanui Cycle Network as requested by the Works and Infrastructure Committee at its meeting on 29 June 2017.

3. Recommendation

That the Council

Receives the report Tahunanui Cycle Network (R8007) and its attachment (A1795358); and

Approves the alternate delivery model as detailed in report R8007 as a mechanism that could successfully deliver the Tahunanui Cycle Network project; and

Approves the composition of an Advisory Group to include the Chair of the Works and Infrastructure Committee, Councillor _____, a representative of Bicycle Nelson Bays, a representative of NZTA and officers, to move this project forward; and

Approves the Draft Terms of Reference for the Tahunanui Cycling Advisory Group (Attachment one, A1795358); and

Approves the allocation of \$80,000 in the current financial year (2017/18) to allow work to proceed to enable a preferred option to be

presented to the Works and Infrastructure Committee; and

Agrees that a final option for implementation will be presented to a future Works and Infrastructure Committee for approval in March 2018.

4. Background

- 4.1 On 26 November 2015 Council considered a programme of works for active transport as part of the 'Out and About' policy and resolved as follows:

AND THAT the following projects be the subject of reports to the Works and infrastructure Committee before implementation:

- *Tahunanui Cycle Network*
- *Rocks Road*
- *Rocks Road to Maitai*
- *Maitai Path*
- *Anzac Park Link*

Noting that all other projects in the five year forward works programme will be delivered under delegated authority.

- 4.2 An update on these projects is as below:

- Tahunanui Cycle Network – subject of this report.
- Rocks Road – on hold pending Southern Link investigation.
- Rocks Road to Maitai – NZTA now leading project delivery.
- Maitai Path – consultation to commence 2017/18.
- Anzac Park Link – construction scheduled for completion in July 2017.

- 4.3 Officers presented a report to the Works and Infrastructure Committee on 18 May 2017 specifically outlining the Tahunanui Cycle Network project. The recommendations from this report were put to the Committee and the motion was lost. All work on the project was stopped.

- 4.4 At the Works and Infrastructure Committee meeting of 29 June 2017, a Notice of Motion was put forward by the Works and Infrastructure Committee Chair.

- 4.5 Two public forum presentations were heard at the 29 June meeting noting concerns with the proposed cycle route - one from the Tahunanui Primary School and Tahunanui Community Centre, and the second from Bicycle Nelson Bays. Council officers presented a case for the proposed cycle route explaining current and future use.
- 4.6 The Committee referred the matter to the Council and officers were asked to present an alternate delivery model that would see the successful completion of the project.
- 4.7 There is still a strong desire amongst Council and the public that the process continues and that any momentum that has been created is maintained.

5. Funding

- 5.1 Funding for this project was a third each from NCC (ratepayers), NZTA, and the Urban Cycle Fund (UCF) scheme.
- 5.2 The UCF scheme has a requirement to have projects that are funded from the scheme to be substantially completed by June 2018.
- 5.3 The current delays to this project places this deadline requirement and the 1/3 funding from UCF scheme at risk. The ratepayers' contribution will thus be increased from 33% to 50% on any final outcome.
- 5.4 Following the decision from the May 2017 Works and Infrastructure Committee meeting, work on the project stopped and budgets for the project were removed from the current 2017/18 financial year.
- 5.5 Should this alternative model be approved by Council, funding will be required in the current financial year to move the project forward. Officers estimate this funding to be \$80,000 for this work.
- 5.6 The original physical works estimate to undertake the work on the proposal lost at the May 2017 Works and Infrastructure Committee was \$1.3M. Depending on what option is ultimately agreed on, the price tag could be as high as \$2M.
- 5.7 Detailed design on a preferred option will only commence following a decision at the Works and Infrastructure Committee (anticipated March 2018) and with tendering to follow, any work on site by June 2018 is highly unlikely. Officers will however be in better position to understand the physical cost estimate of the preferred option for the LTP.

6. Discussion

- 6.1 This project has been in the planning phase for some 4 years. This work will not be lost going forward and will form the basis for working with the community and key stakeholders to deliver an outcome for the Tahunanui area and add to Nelson's cycleway network.

7. Options

- 7.1 Not progressing the project is not ideal from a Council, stakeholder, or community point of view and is not a recommend option.
- 7.2 It is clear from public submissions that including key stakeholders and the community in developing the final outcome of a preferred route is key to the success of this project.
- 7.3 Officers propose that an alternative delivery model be considered and include for a staged approach:
- Stage 1 - The formation of an advisory group including councillors, key stakeholders, NZTA and officers using the 'Out and About Policy' as the basis for all decisions; and
 - Stage 2 - include for targeted Tahunanui community involvement to finalise a specific route.
- 7.4 Officers suggest that the advisory group include the following stakeholders and that the draft Terms of Reference for this Group (Attachment 1) be approved:
- Chair of the Works and Infrastructure Committee and one other Councillor;
 - A representative from Bicycle Nelson Bays;
 - A representative from NZTA (as co-funder);
 - Council officers and experts as required.
- 7.5 Targeted consultation will include the Tahunanui Business Association, schools and residents.

Option 1: Reassess project options with improved stakeholder consultation and report back to Work and Infrastructure Committee in March 2018 for approval of route.	
Advantages	<ul style="list-style-type: none"> • Detailed stakeholder consultation across the whole process. • Solutions created and considered that will serve the community now and in the future. • Commitment and engagement from the community.
Risks and Disadvantages	<ul style="list-style-type: none"> • Extra cost from the additional consultation and any changes to concept designs. • UCF scheme at risk. • Extra cost would be required from ratepayers as a result of not having funds available through the UCF scheme.

	<ul style="list-style-type: none"> • Delay in delivery for the community
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8. Conclusion

- 8.1 Initial contact has already be made with interested stakeholders who are looking forward to the opportunity of working together with officers on this project.
- 8.2 The alternative model proposed includes assessment of project options with improved stakeholder consultation that will result in a recommendation on the preferred route to the Works and Infrastructure Committee.
- 8.3 Budget estimated at \$80,000 is required in the current financial year to commence this work.
- 8.4 Should this alternative delivery model be successful, it could be considered for future major cycling projects.

Paul D'Evereux

Senior Asset Engineer - Transport and Roothing

Attachments

Attachment 1: A1795358 - Tahunanui Cycling Advisory Group - draft Terms of Reference [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	This project will link existing cycling infrastructure and promote active transport participation rates and make cost effective use of Council assets.
2. Consistency with Community Outcomes and Council Policy	The 2015-25 LTP has set a target of 25% of all journeys to be undertaken by walking or cycling by 2018. The 2015-2021 Regional Land Transport Plan has set objectives to ensure the community has a range of travel choices and supports national strategies for energy efficiency. The project will contribute to these goals by appealing to a wide range of cyclists thereby promoting greater uptake of active travel modes, supporting Nelson's Active Travel Hierarchy and Out and About policy. Striving to achieve desired outcomes such as "A safer network of complete and convenient routes for active travel and recreational journeys alike".
3. Risk	<ul style="list-style-type: none"> • No agreed route from the community will delay the project. • Loss of UCF will increase NCC ratepayer contributions. • Tahunanui is a reasonably large suburb, the route may not cater for those that live some distance east of the route, or for those whose direct journey to school and amenities do not coincide with the route. Future projects are planned to address these linkages.
4. Financial impact	This project currently qualifies for 66.6% subsidy (33.3% each) from NZTA and the UCF. The UCF component ends in June 2018 and the risk of UCF increases NCC financial contributions (see item 3 Risk).
5. Degree of significance and level of engagement	This matter is of low significance. The work is contained within road reserve. Existing private accesses to the road corridor are retained, but additional consideration will be required by drivers where the access crosses the cycleway. Depending on the cycleway type selected, some parking will be effected.
6. Inclusion of Māori in the decision making process	Maori have not been specifically consulted on this project.

7. Delegations

This matter was referred to Council to consider an alternative delivery model.

Tahunanui Cycling Advisory Group

Draft Terms of Reference

1. Purpose

The formation of the Tahunanui Cycling Advisory Group (Group) was agreed by Council on the xxxxxxxx.

The purpose of the Group is to:

- a. Consider all options in relation to the Tahunanui Cycleway Network project;
- b. Undertake consultation (on the principle that local consultation is important) with the Tahunanui community on options;
- c. Make a recommendation on a preferred option, following consultation and assessment of feedback, to the Works and Infrastructure Committee for a decision around March 2018.

2. Membership

The Group comprises the Chair of the Works and Infrastructure Committee, Councillor xxxx, a representative of Bicycle Nelson Bays (BNB), a representative from NZTA as part-funder and Council officers as required.

The Group can bring in any expert required as necessary.

The Group can co-opt any party they deem required to form part of the Group and for any period deemed necessary.

The project will be managed within existing budgets set aside for this project.

Officers will provide advice as necessary to the Group, will project manage the project, facilitate the consultation process and be part of the decision making process on a preferred option that will go up to the Works and Infrastructure Committee.

The Group will meet as often as needed in order to achieve the anticipated deadline of reporting back to the Works and Infrastructure Committee by March 2018.

The chair will be the Chair of the Works and Infrastructure Committee.

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3. Quorum

A quorum for any meeting will be 4, including the Chair of the Works and Infrastructure Committee, the NZTA representative, the BMB representative and one Council officer.

4. Areas of Responsibility

The Group's areas of responsibilities are to ensure that all work and consultation is undertaken in order for a recommendation to be made to the Works and Infrastructure Committee.

It is not anticipated that any media releases during this phase will be required, but in any event all media releases will be via the Chair of the Works and Infrastructure Committee through Council's Communications team as required.

5. Powers to decide

The Group will have no powers to decide.

6. Powers to recommend

Powers to recommend will be on a preferred route to the Works and Infrastructure Committee.

7. Role of staff

Officers and any experts will provide technical/financial expertise.

The project manager will attend all meetings, put together agendas, update reports and will keep notes of all meetings.

8. Administration and Reporting

Standing orders will not apply to the Group. The meeting will not be formally advertised and will not have a public forum.

9. Conflicts of Interest

Conflicts of interest shall be declared at the start of meetings.

10. Review Period

This Group will cease to exist at the time it makes a recommendation on the Tahunanui Cycleway network to the Works and Infrastructure Committee and the Committee approves an option.

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Risk Management Policy and Risk Criteria - Recommendation from Audit Risk and Finance Sub- Committee

1. Purpose of Report

- 1.1 To advise the Council of the updates made to the proposed Risk Management Policy and Risk Criteria at the request of the Audit Risk and Finance Subcommittee.

2. Recommendation

That the Council

Receives the report Risk Management Policy and Risk Criteria - Recommendation from Audit Risk and Finance Sub-Committee and its Attachments (A1553263 and A1545157).

3. Background

- 3.1 The Audit Risk and Finance Subcommittee discussed the proposed Risk Management Policy and Risk Criteria for the organisation at its 27 June meeting. The meeting recommended that Council;

Approves the Risk Management Policy (A1553263) as amended by the Chairperson of the Audit, Risk and Finance Subcommittee and the Risk & Procurement Analyst to include clarification of escalation of continued tolerance (table 3 of the Policy) and the role of governance in the areas of responsibility (clause 6 of the Policy), and adopts the Council Risk Criteria (A1545157).

- 3.2 In so resolving, it directed the Risk and Procurement Analyst to formulate and agree with the Subcommittee Chair a form of these changes and undertake certain other minor clarifications.
- 3.3 This report describes those changes.

4. Policy changes

- 4.1 The Risk Management Policy ([A1553263](#)) has been changed from the version considered by the Subcommittee as follows:
- paragraph 4.1 (minor correction) - wording changed to match the actual form of Subcommittee recommendation to the Council
 - paragraph 5.6 (clarification) to deal with a concern by Subcommittee members that value at risk would always be monetised. This is clearly not the case (e.g. efforts to monetise loss of life and injury in health and safety (H&S) risk have never been successful and may in any case fall foul of current H&S law).
 - paragraph 6.4 - clarifies process when managing risks is beyond the scope of a (usually business unit) manager's delegated authority
 - paragraph 6.5 - clarifies SLT responsibilities and formalises options for Council decision making.
- 4.2 These changes are shown in 'redline' in the attached copy of the policy and are generally ones of clarification or mechanics.

5. Changes to the risk criteria

- 5.1 The changes shown in yellow highlight and italic in table 3 of the attached Risk Criteria ([A1545157](#)) have also been made. These changes have the effect of obliging prompt advice to the Council of continuing very high and (at the CE's discretion) high risks and requiring a Council decision if a very high risk is to continue to be tolerated.
- 5.2 Very high risks are those which have a combination of large consequences for the organisation and either are highly likely to occur or their likelihood estimate is founded on poor information. This requirement is only for continued tolerance. Very high risks which can be promptly treated would have action taken as a matter of course (e.g. H&S situations with high likelihood of causing deaths would trigger work stoppages and correction before proceeding).

6. Options

- 6.1 The Council can choose to accept the Audit Risk and Finance Subcommittee recommendation to approve the amended and attached policy and adopt the risk criteria or not.

Option1: Approve policy and adopt criteria

- 6.2 The attached risk management policy and risk criteria are key components in a suite of tools designed to improve the organisation's risk management capability. More importantly they are intended to

improve the consistency and quality of decision making in the face of uncertainty.

- 6.3 The option of 'approve and adopt' will enable this.
- 6.4 The attached documents are a major step towards the long term goal of an organisation which has a current complete and comprehensive understanding of its risks (i.e. to its objectives) and actively manages these to within clear and consistent criteria.

Option 2: Do not approve and adopt Policy

- 6.5 Alternatively, if the Council chooses not to accept the Audit Risk and Finance Subcommittee recommendation:
- Council consideration of risks in decision making will continue to be driven by the less specific risk management framework document (itself due for review in 2018)
 - Criteria will be needed for day to day risk management but these may not be consistent across the whole organisation.

Steve Vaughan

Risk & Procurement Analyst

Attachments

Attachment 1: A1553263 Risk Management Policy [↓](#)

Attachment 2: A1545157 Council Risk Criteria [↓](#)

Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>This report recommends improved tools for risk management. Risk management is a tool to enable more efficient and effective provision on services as set out in section 10(1)(b) of the LG Act.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>Risk management tools as recommended in this report are aimed at improving the clarity, efficiency and effectiveness with which an organisation's objectives (in this case as set out in Nelson City Council's planning documents) can be achieved.</p>
<p>3. Risk</p> <p>The attached policy and risk criteria are key but partial documents in developing the organisation's overall capacity to make better decisions in the face of uncertainty. Of themselves they will not achieve this objective with certainty and must be backed up by</p> <ul style="list-style-type: none"> • Procedures to consistently apply policy and criteria • Willingness at all levels of decision making from strategic to detailed to systematically understand and consider risks <p>While not part of the decisions recommended in this report, action to assist with these other matters is also underway through coaching, workshops and procedure development.</p>
<p>4. Financial impact</p> <p>This report does not have any specific funding implications text</p>
<p>5. Degree of significance and level of engagement</p> <p>This is a decision of low significance under the Council's Significance and Engagement Policy. Therefore no external consultation has been undertaken in the preparation of this report.</p>
<p>6. Inclusion of Māori in the decision making process</p> <p>There has been no consultation with Maori in the preparation of this report which deals with internal Council processes.text</p>
<p>7. Delegations</p> <p>The Council has the responsibility for considering and setting parameters for managing risk as part of its governance function.</p>



Risk management Policy

Effective date: 30 June 2017

Review date: 30 June 2020

Contact: Risk and Procurement Analyst

1. Scope

- 1.1. This policy sets out what is required for Nelson City Council to manage risks effectively. It applies to all Council officers and to those contractors advising Council for its decision making purposes.
- 1.2. In this policy, risk means the effect of uncertainty on objectives. The organisation's objectives are those set out in its Long Term Plan as modified from time to time by its Annual Plan. For easy reference, a summary of the overall objectives of Nelson City Council is set out in the Annex.
- 1.3. This policy does not provide detailed methods for Nelson City Council to manage its risks. Those responsible for contributing to the management of the Council's risks should:
 - 1.3.1. Read and understand the documents which support this policy
 - 1.3.2. Use the procedures set out in the organisation's procedures library, and in particular the procedure "Manage Risks" in the library.
 - 1.3.3. As required, seek advice and guidance from the Council's Risk Adviser.

2. Definitions

- 2.1. In this policy terms which have both an everyday and a technical meaning are used in the sense of their technical meaning. The relevant definitions are as set out in AS/NZS ISO 31000:2009, *Risk management – principles and guidelines (ISO 31000)* available for reference at the following Tardis location: [A285617](#). Terms used in this way are *italicised* in this document. Definitions of importance which readers of this policy should familiarise themselves with include:
 - *Risk*
 - *Consequence*
 - *Risk assessment*
 - *Control*
 - *Treatment*
 - *Residual risk*

3. Commitment and rationale

- 3.1. Nelson City Council is committed to using *risk management* principles and techniques to understand and appropriately manage all internal and external factors and influences which affect the achievement of its objectives. Doing this will:
 - 3.1.1. Provide a reliable basis for sound decision making
 - 3.1.2. Increase the likelihood of achieving objectives
 - 3.1.3. Provide an agreed basis for prudent risk taking

Approved by Council [date]

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- 3.1.4. Enable the organisation to understand the level of *risk* associated with each decision as well as the Council's aggregate exposure to *risk*
- 3.1.5. Improve accountability and assurance of control
- 3.1.6. Enable the Council to avoid threats and seize opportunities
- 3.1.7. Foster an organisational culture based on reasonable foresight and responsible hindsight.

4. Risk Management Method

- 4.1. The Council will manage risks in accordance with ISO 31000. In doing so it will use the risk criteria agreed from time to time by the Senior Leadership Team (SLT) and ~~approved~~ adopted by the Council on the recommendation of the Risk Oversight Committee ~~of the Council~~. The current *risk criteria* can be found at [A1545157](#). These criteria are to be used for the assessment of *risks*, and for deciding whether and at what level in the organisation action is required to treat *risks*.

5. Policy

- 5.1. All decisions made by Council will take into consideration and where necessary treat *risks* to Council's objectives. In this context decisions include;
 - 5.1.1. The formulation of plans including statutory planning documents and planning of service delivery through Annual Plans, Asset Management plans, Business Unit plans etc.
 - 5.1.2. Decisions to undertake or not undertake particular work in maintaining or developing Council services (including the assets needed for the provision of those services)
 - 5.1.3. Contracting for the provision of goods or services
 - 5.1.4. Deciding on the course of action in response to requests for service
 - 5.1.5. Decisions required during the execution of a project or other item of work
- 5.2. Taking into consideration *risks* requires:
 - 5.2.1. Clear and (as far as practicable) specific, measurable, achievable, relevant (to the Council's overall goals) and time-bound objectives
 - 5.2.2. The systematic identification of *risks*
 - 5.2.3. The understanding of the effect of existing *controls* on those *risks* so establishing *residual risks*
 - 5.2.4. The analysis and evaluation of those *risks* using the consequence and likelihood parameters set out in the Council's *risk criteria*
 - 5.2.5. Taking actions to treat or explicitly tolerate any *risks* which fall outside the tolerances set in Council's *risk criteria*.
 - 5.2.6. Monitoring to ascertain that *controls* put in place as a result of treatment actions are having the intended effect.

Approved by Council [date]

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 Nelson City Council
te kaitiaki o te hōkati

- 5.2.7. Maintaining a record of *risks*, the result of their *assessment*, the current *controls*, and proposed *treatments* sufficient to enable ongoing *monitoring and review*
- 5.3. This *risk management* processes will be based on the best information available at the time the decision is to be made. (This may mean that a decision is made to better characterise *risks* before proceeding.)
- 5.4. Clause 5.1 above does not apply to decisions made by Elected or Appointed Members, although Councillors should seek advice on the *risks* inherent in their decisions and incorporate these into their decision making.
- 5.5. The consideration of *risks* will include early and comprehensive communication and /or consultation with those affected by the decision in a manner consistent with Council's other obligations including but not limited to those under the Local Government Official Information and Meetings Act, Privacy Act and good business practice.
- 5.6. The effort applied to managing *risks* must always be less than the value at risk. Value at risk is not limited to monetary value and consideration should be given to all types of value, whether quantifiable or not, in deciding on the effort required.
- 5.7. *Risks* are to be reviewed, including the identification of new *risks* and the deletion of *risks* which are no longer relevant to the objectives of the Council, Group or Business Unit, at sufficient frequency to capture changes in the internal and external *context* of that part of Council.

6. Responsibility

- 6.1. The Risk Oversight Committee of Council (currently the Audit Risk and Finance Subcommittee) is responsible for recommending approval of this policy and for recommending adoption by Council of risk criteria. The Risk Oversight Committee of Council is responsible for oversight of the Council's implementation of this policy.
- 6.2. The Chief Executive is responsible for ensuring that this policy is actioned across the organisation in a consistent manner and specifically that appropriate *risk management* is applied to all forms of planning and decision making. This includes allocating sufficient resources.
- 6.3. The SLT is responsible for requiring all decisions, including its own decision making, to be made in a manner which considers the associated *risks*.
- 6.4. Managers are responsible for making decisions within their delegated authority in a way that accounts for *risk* – i.e. as set out in this policy. They are also responsible for identifying *risks* which are sufficiently large as to require treatment but cannot be treated, within the scope of their delegated authority, to reduce the *risk* to within the tolerances set out in the Council's Risk Criteria ~~the scope of their delegated authority~~. Any such *risks* are to be reported promptly to the SLT with recommended *treatments*.

6.5. The SLT is responsible for using such reporting to decide on actions to manage the risks. The Chief Executive may also choose to recommend that the Council decide on particular actions in such situations.

6.4.6.6. Managers are also responsible for the ongoing application of controls to maintain risks to within the Council's risk criteria.

6.5.6.7. Any officer or contractor advising a decision maker at any level is responsible for:

6.5.1.6.7.1. Identifying the risks associated with the decision

6.5.2.6.7.2. Understanding the current controls which modify those risks

6.5.3.6.7.3. Assessing the residual risks in accordance with the Council's risk criteria

6.5.4.6.7.4. Recommending treatments to enable the risks to be managed within the Council's risk criteria.

6.5.5.6.7.5. The Council's risk adviser (currently the Risk and Procurement Analyst) is responsible for maintaining the Council's risk criteria, policies, procedures and other tools, and the provision of advice and skill development to any Council officer with responsibilities under this policy. The Council's risk adviser is also responsible for reporting on the organisation's risk management to the Council's Risk Oversight Committee.

7. Reporting

7.1. The Council's risk profile and its risk management performance shall be reported to the Council's Risk Oversight Committee at intervals to be determined by that Committee from time to time.

8. Audit and review

8.1. This policy is to be reviewed;

8.1.1. By the review date shown on the cover page; or

8.1.2. In the event that any external standard referenced in the policy is updated; or

8.1.3. At such other time as may be directed by SLT on the advice of the Risk Adviser.

8.2. In the event that this review requires changes to this policy the changed policy will be submitted to the Council's Risk Oversight Committee for approval.

8.3. From time to time the Council's decision making processes will be audited by the Council's internal auditor who will report, including recommended actions to rectify deficiencies found (if any), on the extent to which risks are being effectively managed.

Annex: summary overall objectives for Nelson City Council

1) Core services:

- a) To deliver core territorial authority services (see s. 10 and 11A Local Government Act) (i.e. network infrastructure, public transport services, solid waste collection and disposal, the avoidance and mitigation of natural hazards, and libraries, museums, reserves and recreational facilities and community amenities) so as to meet present and anticipated future needs of the district
- b) To deliver core council functions (see s.30 and s.31 of the Resource Management Act) to manage the natural and physical resources of the district in an integrated fashion
- c) To provide other regulatory services as specified in other legislation including in areas such as liquor control, animal control, building certification, prostitution, etc.
- d) To provide regional coordination and management of emergencies
- e) To provide such other community services and at levels agreed on by the council from time to time including (for example) the operation of events to build and reinforce a sense of community.

2) Democracy services

- a) To provide comprehensive and accurate information in way that can be readily understood by elected representatives so enabling them to make fully informed decisions about the local management of the district to the extent provided for by law.

3) Style and method

- a) To undertake the activities necessary to deliver (1) and (2) above:
 - i) In compliance with legislation (including law, regulation and other subsidiary instruments)
 - ii) As far as practicable, collaboratively with Tasman District Council and Marlborough District Council and by developing systems procedures and tools in common with other similar unitary authorities
 - iii) Efficiently and in a manner that meets the local community's expectations for transparency and accountability
 - iv) In a manner which meets or exceeds the organisation's expectations of itself in customer focus, integrity and teamwork (organisational KPI).

elson City Council risk criteria July 2016 (A1545157)

Table 1: Consequence Rating (Impact)

Rating	Safety	Health	Asset Performance/ Service Delivery	Environmental/ Historical/cultural	Financial	Political / Community/ Reputational	Relationship with Iwi	Legal compliance	Information/ decision support
Extreme (5)	Multiple fatalities of workers or public (MF)	Significant loss of life expectancy for multiple persons or incapacity for more than 1000 person days	Service not provided for more than 5000 person days	Permanent environmental damage on a nationally significant scale and/or permanent loss of nationally significant building, artwork, or other valued entity	Overspend, loss (i.e. spend without result) or income loss of > \$5m OR >100% of business unit budget	Major loss of public confidence in Council (>2000 opponents via social media or other mediums) Negative international mainstream media coverage; shareholder or key stakeholder outage; or loss of a key customer	Major breakdown of relationship affecting multiple areas. Refusal to resolve without one or more major concessions from council	Litigation/ prosecution or civil action successful resulting in major (>50% of maximum available) fine/costs awarded and/or imprisonment of council officer.	Multiple errors in information and analysis and presentation misleading (intentionally or not) or not understandable by non- specialists
Major (4)	Single fatality of workers or public (SF)	Single loss of life expectancy or incapacity for between 100 and 1000 person days	Service not provided for less than 5000 person days but more than 500 person days	Major environmental damage with long-term recovery requiring significant investment and/or loss or permanent damage to a registered historical, cultural or archaeological site or object(s)	Overspend, loss (i.e. spend without result) or income loss of > \$1m and <\$5m OR between 70% and 100% of business unit budget	Significant negative public reaction likely (200-2000 opponents via social media or other mediums) Negative national mainstream media coverage; significant negative perception by shareholder or key stakeholder; or a customer disruption	Significant breakdown of relationship largely in one area. Some concessions from council sought before substantive issue considered by iwi grouping affected	Litigation/ prosecution or civil action successful resulting in minor fine(<50% of max available)/ costs awarded.	One major error in information, analysis incomplete and presentation ambiguous
Moderate (3)	Notifiable injury of workers or public.	Incapacity for between 20 and 100 person days	Service not provided for less than 500 person days but more than 50 person days	Measurable environmental harm on a nationally significant scale. Some costs in terms of money and/or loss of public access or conservation value of the site and/or restorable damage to historical, cultural or archaeological site or object(s)	Overspend, loss (i.e. spend without result) or income loss of > \$0.5m and <\$1m OR between 30% and 70% of business unit budget	Some negative public reaction likely (30-200 opponents via social media or other mediums) Repeated complaints; Regulatory notification; or negative stakeholder, local media attention	Major relationship damaged in a single area but amenable to negotiation	Documented Breach of legislation, no legal action or prosecution or civil action not successful.	Information correct but presentation/ analysis insufficient to support decision on the day
Minor (2)	Serious injury on one person requiring medical treatment (MA)	Incapacity for between 1 and 20 person days	Service not provided for less than 50 person days but more than 5 person days	Medium term environmental impact at a local level and/or development compromise to the integrity of a registered historical, cultural or archaeological site	Overspend, loss (i.e. spend without result) or income loss of > \$100k and <\$500k OR between 10% and 30% of business unit budget	Minor public reaction likely (<30 active opponents via social media or other mediums) Workforce attention; limited external attention;	Relationship damage resolvable through normal communication/ consultation mechanisms	Formal warning of breach from legislative authority.	Information correct, analysis complete but presented in a way which could be misinterpreted
Insignificant (1)	Minor injury requiring only first aid or less (FA)	Incapacity for less than 1 person day	Service not provided for between 1 & 5 person days	Short term and temporary impact requiring no remedial action and/or restorable loss damage to historical/ cultural record	Overspend, loss (i.e. spend without result) or income loss of > \$10k and <\$100k OR between 5% and 10% of business unit budget	Very limited negative reaction (1 or 2 active opponents via social media or other mediums) Internal attention only from staff directly working on the matter.	Iwi/ tribe/ hapu public dissatisfaction resolvable through routine communication	Breach of minor legislation/ no legal action	Small errors in information or presentation - no effect on decision

Table 2: Risk Matrix – Consequences x Likelihood

CONSEQUENCES					LIKELIHOOD of the given consequence occurring			
Insignificant(1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)	Descriptor	Qualitative guidance statement	Indicative Probability range %	Indicative frequency range (years)
Medium (5)	Medium (10)	High (15)	Very High (20)	Very High (25)	Almost certain (5)	The consequence can be expected in most circumstances OR A very low level of confidence/information	>90%	>1 occurrence per year
Medium (4)	Medium (8)	High (12)	High (16)	Very High (20)	Likely (4)	The consequence will quite commonly occur OR A low level of confidence/information	20% - 90%	Once per 1-5 years
Low (3)	Medium (6)	Medium (9)	High (12)	High (15)	Possible (3)	The consequence may occur occasionally A moderate level of confidence/information	10% - 20%	Once per 5-10 years
Very Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)	Unlikely (2)	The consequence may occur only infrequently A high level of confidence/information	2% - 10%	Once per 10 - 50 years
Very Low (1)	Very Low (2)	Low (3)	Medium (4)	Medium (5)	Rare (1)	The consequence may occur only in exceptional circumstances A very high level of confidence/information	<2%	Less than once per 50 years

Table 3: Residual Risk Tolerance

Risk Level	Description and Action	Authority for continued tolerance	Timing for implementing action	Obligation to promptly advise including advising treatments
Very High	Not normally tolerable, immediate intervention to reduce risk	Full Council on advice from CE	Immediate if possible but no more than one month	Full Council using best practicable means
High	Not normally tolerable, initiate action as soon as practicable to reduce risk below High	SLT or Group Manager (Council at CE discretion)	As soon as practicable but no more than 2 months	SLT or accountable Group Manager (Council at CE discretion)
Medium	Normally tolerable, frequently review to look for opportunities to further reduce risk where practicable	Business Unit Manager	At least within one quarter	Accountable Group Manager
Low	Acceptable risk, routine review for low cost actions to reduce risk further	No specific authority required	Routine review period (e.g. 3- 6 monthly)	None
Very Low	Acceptable risk, no specific actions to reduce further	No specific authority required	Only if incidental to another action	None

Interpretation notes

1) In respect of health impacts, the term incapacity is not limited to inability to undertake remunerated work but includes any incapacity to undertake normal activities including childcare, recreational, community voluntary activities, and normal household activities. It includes both physical and mental or emotional capacity.

MINUTES
of the
REGIONAL PEST MANAGEMENT JOINT COMMITTEE
MEETING

held
9.30 am, Wednesday, 26 April 2017

at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Tasman District Council: Councillors S Bryant, S Brown, D McNamara
Nelson City Council: Councillors B McGurk, K Fulton

In Attendance: Tasman District Council: Coordinator - Biosecurity & Biodiversity (P Sheldon), Biosecurity Officers (K Wright, R van Zoelen and L Barber), Executive Assistant (H Simpson)
Independent Contractor (L Vaughan)
Nelson City Council: Environmental Programmes Advisor (Richard Frizzel)

Part Attendance:

1 OPENING, WELCOME

Cr Stuart Bryant welcomed all those present to the meeting and explained that he would be acting as Chair of the meeting until a permanent Chair and Deputy Chair had been confirmed.

2 APOLOGIES AND LEAVE OF ABSENCE

Moved Councillor McGurk/Cr Fulton
RPMC17-04-8

That apologies be accepted for absence from Cr Lawrey.

CARRIED

3 ELECTION OF CHAIR AND DEPUTY CHAIR

Members discussed nominations for the positions of Chair and Deputy Chair and agreed to maintain the status quo from last term, with Cr Bryant as Chair and Cr McGurk as Deputy Chair.

Moved Cr McNamara/Cr Fulton

RPMC17-04-9

That Cr S Bryant be confirmed as Chair of the Regional Pest Management Joint Committee.

CARRIED

Moved Cr Fulton/Cr Brown

RPMC17-04-10

That Cr B McGurk be confirmed as Deputy Chair of the Regional Pest Management Joint Committee.

CARRIED

4 PUBLIC FORUM

Nil.

5 DECLARATIONS OF INTEREST

Nil.

6 LATE ITEMS

Nil.

7 CONFIRMATION OF MINUTES

Moved Cr Fulton/Cr McGurk

RPMC17-04-11

That the minutes of the Regional Pest Management Joint Committee meeting held on Wednesday, 21 September 2016, be confirmed as a true and correct record of the meeting.

CARRIED

8 PRESENTATIONS

Lindsay Vaughan gave a presentation to Councillors, aided by a series of PowerPoint slides. Mr Vaughan also tabled a supplementary document of quantitative analysis relating to the Tasman-Nelson Regional Pest Management Plan proposal (the Plan) for Councillors information.

Councillors discussed management of pests not included in the Plan, with specific reference to the Great White Butterfly. Paul Sheldon advised that pests not currently present in New Zealand are an issue for the Ministry of Primary Industries and that there is no scope within the new legislation for these to be included in the plan. He noted that the Committee could converse with either the Department of Conservation or the Ministry of Primary Industries over their concerns.

Councillors suggested that a brief table of terms, specifically to reference the old terminology, be included in the plan.

The meeting broke for morning tea at 10.45am and was reconvened at 11.00am.

Councillors discussed whether areas of particular ecological importance should have specific rules for weed management, and how this might be incorporated in to the draft plan.

9 REPORTS

9.1 Draft Regional Pest Management Plan

This report was taken as read. Coordinator - Biosecurity and Biodiversity, Paul Sheldon was present to answer questions.

In response to a question, Cr Fulton noted that this Committee could make recommendations to their respective Councils outside of the Plan.

The classification of certain weeds as 'pests' was discussed. Staff said that the plan was aimed on modelling how to get community groups reaching their full potential, with Councils taking a lead. It was noted that the Mapua and Districts Community Association had a demonstrated a successful model, showing leadership and creating synergy with community groups.

Paul Sheldon explained that Councils had missed out on national funding for wilding pines and that further work needs to be done on Mount Richmond National Park, which has been put into the plan as a placeholder.

In response to a question concerning heritage trees, Mr Sheldon advised that staff were not aware of there being any in the area. Responding to a further question, Mr Sheldon also noted that only 2 of the 8 iwi in the region had engaged so far.

Moved Cr McNamara/Cr Fulton
RPMC17-04-12

That the Regional Pest Management Joint Committee

1. receives the Draft Regional Pest Management Plan report and Proposal; and
2. approves targeted stakeholder consultation using the draft Proposal as a basis for discussion; and
3. requests staff to report back on incorporating into the draft proposal a mechanism to identify a site lead approach to pest management for areas of significant ecological importance; and
4. acknowledges the revised timelines contained within Attachment 5.

Cr Brown asked for her vote AGAINST to be recorded in the minutes.

CARRIED

The meeting concluded at 12.11pm.

Date Confirmed:

Chair:

MINUTES
of the
NELSON-TASMAN REGIONAL LANDFILL BUSINESS UNIT
MEETING
held
9.30 am, Thursday, 15 June 2017
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Councillors I Barker, S G Bryant, C M Maling and S Walker

In Attendance: Engineering Services Manager (R Kirby), Executive Assistant (R L Scherer),
Asset Engineer – Waste Management and Minimisation (D Stephenson),
Project Manager (J Robinson), (Tasman District Council)

General Manager – Infrastructure Services (A Louverdis), Senior Asset
Engineer (J Thiant) and Management Accountant (A Bishop), (Nelson City
Council)

Part Attendance:

1 OPENING, WELCOME

Richard Kirby assumed the Chair and opened the meeting.

2 APOLOGIES AND LEAVE OF ABSENCE

There were no apologies.

3 PUBLIC FORUM

Nil

4 DECLARATIONS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES

This is the first meeting of the Nelson Tasman Regional Landfill Business Unit and there
were no previous minutes.

6 APPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Mr Kirby noted that the quorum for the Nelson-Tasman Regional Landfill Business Unit was three (3) members, not two (2) as stated in today's agenda.

Mr Kirby called for nominations for the Chairperson.

Moved Cr Maling/Cr Barker

RLBU17-06-01

That Cr Stuart Walker is appointed as the Chairperson of the Nelson-Tasman Regional Landfill Business Unit.

CARRIED

Cr Walker assumed the Chair and called for nominations for Deputy Chairperson.

Moved Cr Maling/Cr Barker

RLBU17-06-02

That Cr Stuart Bryant is appointed as the Deputy Chairperson of the Nelson-Tasman Regional Landfill Business Unit.

CARRIED

7 REPORTS

7.1 General Manager's Update

Mr Kirby spoke to the report contained in the agenda which was taken as read.

In response to a question about the option to take contaminated soil at Eves Valley Landfill, Mr Stephenson said that the most cost-effective and best place for dumping of contaminated soil in either Tasman or Nelson will be determined by staff.

Mr Stephenson said that there is about 60,000 tonnes capacity available for landfilling at Eves Valley Landfill. He noted that Eves Valley will be the standby landfill for the region should something major happen at the York Valley landfill.

In response to a question, Mr Stephenson provided an update on the Eves Valley Landfill resource consent which had been placed on hold while the joint landfill business unit was being developed. He said that now that the governance arrangements for regional landfill activities had been confirmed staff will get the resource consent process completed.

In response to a question, Mr Stephenson explained how the joint waste management plan will be managed and noted that the councils need to decide how they wish to manage council oversight of the plan for this triennium. He suggested that the council's may decide for the Nelson-Tasman Landfill Business Unit to also be the working group.

In response to a question about the Fulton Hogan contract at Eves Valley, Mr Stephenson reported that staff had negotiated an extension of the current contract for maintenance only. Fulton Hogan staff will complete the closure of the landfill and after that they will provide a

monitoring role under the contract.

Mr Stephenson said that the Tasman District Council's contract with Smart Environmental for kerbside rubbish and recycling will be novated to the NTRLBU and this will be confirmed at the next meeting.

In response to a question about contaminated soil, Mr Louverdis said that Nelson City Council has strict criteria on what contaminated soil can be accepted at the York Valley Landfill. He noted that there are stringent consent conditions and if the customer cannot adhere to those consent conditions, the fill is not accepted.

Mr Stephenson confirmed that Tasman District Council has a similar set of criteria for contaminated soil disposal at the Eves Valley Landfill.

Mr Louverdis said that examples of unacceptable contaminated soil included soil from farming sites where chemicals, arsenic and methyl-bromide had been used. Mr Stephenson said that some material from the former Fruitgrowers Chemical plant site at Mapua had not been accepted at the Eves Valley Landfill. It was noted that there are higher levels of chrome and nickel contamination in the Nelson-Tasman region.

Mr Kirby spoke about the proposed waste to energy plant in Westport. He noted that the consortium who were looking to build the plant had asked both councils to sign a Heads of Agreement which would allow discussions to continue on the potential to divert some of the region's waste stream to their proposed plant in Westport.

Mr Kirby noted that to be economical, the proposed plant would need 300,000 of waste and this may come from other parts of the South Island as well as Nelson-Tasman.

The Committee supported both councils signing the Heads of Agreement and continuing discussions with the developer.

Moved Cr Bryant/Cr Barker

That the Nelson-Tasman Regional Landfill Business Unit

1. receives the General Manager's Update report; and
2. agrees to meet four times each year in March, June, September and November; and
3. agrees to hold the remaining meetings for 2017 on 15 September and 8 December, from 9.30 am in line with the current meetings calendar for both councils; and
4. recommends that both Tasman District and Nelson City Councils sign the Heads of Agreement with Waste Energy WC Ltd on the understanding that it is to progress discussions around the waste stream and not a commitment to diverting the solid waste stream out of the Nelson Tasman region.

CARRIED

7.2 Schedule of Charges - Landfill Disposal

Mr Stephenson spoke to the report contained in the agenda which was taken as read. He noted

that the report formalises and sets fees and charges for the 2017-2018 financial year, which have been adopted by both councils in their respective annual plans.

The Councillors expressed their disappointment with the Emissions Trading Scheme Levy which is driving the increase in charges for landfill disposal in our region.

Bryant/Maling

That the Nelson-Tasman Regional Landfill Business Unit

1. receives the Schedule of Charges - Landfill Disposal report; and
2. adopts the following Schedule of Charges for the Nelson Tasman Regional Landfill Business Unit:

All Rubbish (except as below).....	\$137.00	per tonne
Buried rubbish (e.g. documents, odourous materials)	\$137.00	per tonne plus
all associated costs		
Asbestos	\$137.00	per tonne plus
all associated costs		
Light waste (e.g. polystyrene or similar).....	\$1800.00	per tonne
HAIL (Hazardous Activities and Industries List) material		
0 - 17,000 tonnes	\$107.25	per tonne
> 17,000 tonnes	\$101.30	per tonne
Soil that has been tested, meets the NESCS recreation standards and can be used as construction or cover material. Residential only.....	\$71.50	per tonne

CARRIED

8 CONFIDENTIAL SESSION

Nil

The meeting concluded at 10.10 am

Date Confirmed:

Chair:

Minutes of a meeting of the Nelson Regional Sewerage Business Unit**Held in Ruma Mārama, Civic House, 110 Trafalgar Street, Nelson****On Friday 10 March 2017, commencing at 1.04pm**

Present: M Higgins (Tasman District Council Representative) (Chairperson), Councillor K Maling (Tasman District Council), and Councillors T Skinner and S Walker (Nelson City Council)

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

Apologies: Nil

1. Confirmation of Order of Business

There was no change to the order of business.

2. Interests

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

3. Public Forum

There was no public forum.

4. Confirmation of Minutes**4.1 9 December 2016**

Document number M2258, agenda pages 5 - 9 refer.

Resolved NRSBU/2017/001

Confirms the minutes of the meeting of the Nelson Regional Sewerage Business Unit, held on 9 December 2016 as a true and correct record.

Walker/Maling

Carried

Attendance: Matt Hippolite joined the meeting at 1.12pm.

5. Resignation of Iwi Representative

Iwi Representative, Matt Hippolite tendered his resignation to the committee. He noted that he was no longer employed by the iwi organisation and suggested that the NRSBU and the iwi organisation discuss the form of future iwi representation.

The committee thanked Mr Hippolite for his time and contribution to the committee.

6. General Manager's Report

Document number R7164, agenda pages 10 - 108 refer.

Nelson Regional Sewerage Business Unit Manager, Richard Kirby presented the report.

6.1 Accidental Discharge Consent

Mr Kirby advised that the consent hearing was set for 23, 24 and 25 May 2017.

6.2 NRSBU Resource consent Renewal Bell Island Wastewater Treatment Plant

Mr Kirby answered questions about the consent renewal for Bell Island, the preparation of the information for consent, targets for accidental discharges, and iwi concerns about the location of the treatment plant in the coastal environment.

6.3 Endocrine Disrupting Compounds (EDCs)

Mr Kirby and Senior Asset Engineer – Solid Waste, Johan Thiar, answered questions relating to the make-up of trace organic compounds (TOrcs), the effect of the settling pond process on TOrcs, and the type of testing to be carried out to ascertain the type and level of micro-pollutants in discharge from the ponds.

6.4 Argentine Ants

Mr Thiart answered questions relating to the possibility of re-infestation, the need for ongoing monitoring and maintenance, and engagement on the issue with the Waimea Inlet Forum.

It was noted that the island environment provided a good opportunity for eradication and therefore the proposed treatment was worthwhile. It was further noted that ongoing monitoring and coordination with landowners around the estuary was essential for effective treatment.

6.5 Treated Wastewater Recirculation

Mr Kirby advised a correction that paragraph 8.1 should read "December 2016" not "December 2017".

Mr Thiart answered questions about how recirculation of treated wastewater functioned, and potential ways to implement the practice on a permanent basis.

6.6 Health and Safety

Mr Thiart answered questions about the hypodermic needle incident and undertook to investigate whether there was a need to update risk management processes in this area.

6.7 Financial Status

Mr Kirby answered questions about information to support the upcoming strategic planning process.

Resolved NRSBU/2017/002

That the Committee

Receives the report General Manager's Report (R7164) and its attachments (A1663508, A1711018, A1711017, A1692595, A1713024); and

Approves expenditure up to \$29,000 in the 2017/18 year for the initial eradication treatment of Argentine Ants at Bell Island, scheduled for November 2017.

Maling/Skinner

Carried

7. Financial Report

Document number R7263, agenda pages 109 - 111 refer.

Mr Bishop presented the report. He answered questions about the Business Unit's forestry asset.

Resolved NRSBU/2017/003

That the Committee

Receives the report Financial Report to 31 January 2017 (R7263) and its attachment (A1721459).

Maling/Skinner

Carried

There being no further business the meeting ended at 2.47pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Regional Transport Committee

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

On Monday 19 June 2017, commencing at 1.32pm

Present: Deputy Mayor P Matheson (Chairperson), Her Worship the Mayor R Reese, Councillors G Noonan (Deputy Chairperson), and M Rutledge, and Mr J Harland (New Zealand Transport Agency)

In Attendance: Councillors I Barker, B McGurk and S Walker, Group Manager Infrastructure (A Louverdis), Manager Roding and Utilities (P Anderson) Senior Asset Engineer – Transport and Roding (P Devereux) Asset Engineer Transport (K Goldthorpe) and Administration Adviser (J McDougall)

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

There were no changes to the order of business.

3. Interests

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

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

5.1 27 March 2017

Document number M2457, agenda pages 4 - 9 refer.

Resolved RTC/2017/008

That the Committee

Confirms the minutes of the meeting of the Committee, held on 27 March 2017, as a true and correct record.

Matheson/Rutledge

Carried

6. Chairperson's Report

There was no Chairperson's report.

7. New Zealand Transport Agency Update

Document number R7824, agenda pages 10 - 12 refer.

NZTA representative, Jim Harland presented the report and answered questions.

In response to requests, Mr Harland undertook to provide

- statistics on cellphone usage by drivers
- information about the preservation of scenic views for cyclists
- a copy of the NZTA presentation at the recent Nelson stakeholder meeting.

Resolved RTC/2017/009

That the Committee

Receives the report New Zealand Transport Agency Update (R7824) and its attachment (A1772859).

Noonan/Rutledge

Carried

There being no further business the meeting ended at 2pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Hearings Panel - Other

Held in Ruma Marama, Floor 2A, Civic House, 110 Trafalgar Street, Nelson

On Tuesday 20 June 2017, commencing at 4.02pm

Present: Councillors G Noonan (Chairperson), and B McGurk

In Attendance: Contracts Supervisor Roding (T Chapman), Administrator (M Ramsay), Programme Coordinator (M Brown) and Administration Adviser (E-J Ruthven)

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

There was no public forum.

5. Temporary Road Closure - Morrison Street

Document number R7790, agenda pages 5 - 9 refer.

Administrator, Melissa Ramsay, presented the report and answered questions.

Resolved HEA/2017/001

That the Hearings Panel - Other

Receives the report Temporary Road Closure - Morrison Street (R7790) and its attachment (A1755319); and

Approves the application for the temporary road closure for the Mid-Winter Night Market at Morrison Square on Friday 30 June 2017.

McGurk/Noonan

Carried

6. Naming of New Facility at Stoke

Document number R7844, agenda pages 10 - 13 refer.

Programme Coordinator, Martin Brown, presented the report and answered questions.

Resolved HEA/2017/002

That the Hearings Panel – Other

Receives the report R7844 Naming of New Facility at Stoke (A1754748).

McGurk/Noonan

Carried

During discussion, it was noted that Council would be open to including a Te Reo translation of the name in the future if required.

Resolved HEA/2017/003

That the Hearings Panel – Other

Approves the recommended name 'Greenmeadows Centre' for the new facility in Stoke.

Noonan/McGurk

Carried

There being no further business the meeting ended at 4.12pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Audit, Risk and Finance Subcommittee

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

On Tuesday 27 June 2017, commencing at 9.04am

Present: Mr J Peters (Chairperson), Her Worship the Mayor R Reese,
Councillor B Dahlberg, and Mr J Murray

In Attendance: Councillors P Matheson and S Walker, Acting Chief Executive
(David Hammond), Group Manager Infrastructure (A
Louverdis), Group Manager Community Services (C Ward),
Group Manager Corporate Services (N Harrison), Internal Audit
Analyst (L Anderson), Manager Organisational Assurance and
Emergency Management (R Ball), Manager Consents and
Compliance (M Bishop), Health and Safety Adviser (M Hughes),
Senior Accountant (T Hughes), Risk and Procurement Analyst
(S Vaughan), Manager People and Capability (S Vincent), and
Administration Adviser (L Canton)

Apology: Councillor I Barker

1. Apologies

Resolved AUD/2017/013

That the Subcommittee

***Receives and accepts an apology from Councillor
Barker.***

Dahlberg/Murray

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. **Public Forum**

There was no public forum.

5. **Confirmation of Minutes**

5.1 18 May 2017

Document number M2590, agenda pages 10 - 15 refer.

Resolved AUD/2017/014

That the Subcommittee

Confirms the minutes of the meeting of the Committee, held on 18 May 2017, as a true and correct record.

Dahlberg/Her Worship the Mayor

Carried

6. **Status Report - Audit, Risk and Finance Subcommittee - 27 June 2017**

Document number R7943, agenda pages 16 - 18 refer.

Resolved AUD/2017/015

That the Subcommittee

Receives the Status Report Audit, Risk and Finance Subcommittee 27 June 2017 (R7943) and its attachment (A1753947).

Murray/Dahlberg

Carried

7. **Chairperson's Report**

The Chairperson acknowledged the new Acting Chief Executive, David Hammond.

8. **Corporate Report to 30 April 2017**

Document number R6999, agenda pages 19 - 31 refer.

Group Manager Corporate Services, Nikki Harrison presented the report and answered questions.

It was noted that the subcommittee would like to see profit and loss accounts for operating accounts to ascertain that all income was being recorded.

Resolved AUD/2017/016

That the Subcommittee

Receives the report Corporate Report to 30 April 2017 (R6999) and its attachments (A1766296 and A1771251).

Her Worship the Mayor/Dahlberg

Carried

Resolved AUD/2017/017

That the Subcommittee

Requests that profit and loss accounts for the forestry, marina, and camping grounds consolidated accounts be brought to a future meeting.

Murray/Dahlberg

Carried

9. Balance Sheet reconciliation review

Document number R7002, agenda pages 32 - 39 refer.

Senior Accountant, Tracey Hughes, presented the report. Ms Hughes and Group Manager Community Services, Chris Ward, answered questions.

Resolved AUD/2017/018

That the Subcommittee

Receives the report Balance Sheet reconciliation review (R7002) and its attachment (A1774923).

Murray/Dahlberg

Carried

10. Liability Management Policy review

Document number R7529, agenda pages 40 - 58 refer.

Group Manager Corporate Services, Nikki Harrison, presented the report and answered questions.

Resolved AUD/2017/019

That the Subcommittee

Receives the report Liability Management Policy review (R7529) and its attachment (A1765543).

Her Worship the Mayor/Dahlberg

Carried

Recommendation to Council AUD/2017/020

That the Council

Adopts the amended Liability Management Policy (A1765543).

Her Worship the Mayor/Dahlberg

Carried

11. Carry Forwards (Interim) 2016/17

Document number R7555, agenda pages 59 - 68 refer.

Senior Accountant, Tracey Hughes, presented the report. Ms Hughes and Acting Chief Executive, David Hammond, answered questions.

Resolved AUD/2017/021

That the Subcommittee

Receives the report Carry Forwards (Interim) 2016/17 (R7555) and its attachments (A1770607).

Dahlberg/Murray

Carried

Recommendation to Council AUD/2017/022

That the Council

Approves continuing work on 2016/17 projects within the 2016/17 approved budgets, noting a final report on carry forwards will come to the Audit, Risk and Finance subcommittee on 8 September 2017.

Dahlberg/Murray

Carried

12. Council Risk Management Policy and Risk Criteria

Document number R7572, agenda pages 69 - 82 refer.

Risk and Procurement Analyst, Steve Vaughan, presented the report and answered questions about the governance role in risk management.

Resolved AUD/2017/023

That the Subcommittee

Receives the report Council Risk Management Policy and Risk Criteria (R7572) and its attachments: Risk Management Policy (A1553263) and Council Risk Criteria (A1545157).

Her Worship the Mayor/Murray

Carried

Mr Murray, seconded by Councillor Dahlberg, moved the recommendation to Council in the officer report.

It was noted that the policy should also address the governance body's role in the areas of risk management.

It was further noted that the term 'value' in clause 5.6 of the policy was not limited to monetary value.

Attendance: The meeting adjourned from 10.58am until 11.14am.

It was suggested that the Chairperson work with Mr Vaughan to amend the policy to clarify the role of governance in the policy's areas of responsibility.

Mr Peters, seconded by Her Worship the Mayor moved an amendment:

That the Council

Approves the Risk Management Policy (A1553263) as amended by the Chairperson of the Audit, Risk and Finance Subcommittee and the Risk & Procurement Analyst to include clarification of escalation of continued tolerance (table 3 of the Policy) and the role of governance in the areas of responsibility (clause 6 of the Policy), and adopts the Council Risk Criteria (A1545157).

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

Recommendation to Council AUD/2017/024

That the Council

Approves the Risk Management Policy (A1553263) as amended by the Chairperson of the Audit, Risk and Finance Subcommittee and the Risk & Procurement Analyst to include clarification of escalation of continued tolerance (table 3 of the Policy) and the role of governance in the areas of responsibility (clause 6 of the Policy), and adopts the Council Risk Criteria (A1545157).

Murray/Dahlberg

Carried

13. Internal Audit - Annual Audit Plan to 30 June 2018

Document number R7587, agenda pages 83 - 91 refer.

Internal Audit Analyst, Lynne Anderson, presented the report. Ms Anderson and Group Manager Corporate Services, Nikki Harrison answered questions.

Resolved AUD/2017/025

That the Subcommittee

Receives the report Internal Audit - Annual Audit Plan to 30 June 2018 (R7587) and its attachment (A1748975);

Dahlberg/Murray

Carried

Recommendation to Council AUD/2017/026

That the Council

Approves the Internal Audit – Annual Audit Plan to 30 June 2018 (A1748975).

Dahlberg/Murray

Carried

14. Health and Safety Governance Charter review

Document number R7622, agenda pages 92 - 99 refer.

Manager Organisational Assurance and Emergency Manager, Roger Ball, and Health and Safety Adviser, Malcolm Hughes, presented the report.

Resolved AUD/2017/027

That the Subcommittee

Receives the report Health and Safety Governance Charter review (R7622) and its attachment (A1767136);

Murray/Her Worship the Mayor

Carried

Recommendation to Council AUD/2017/028

That the Council

Approves the revised Health and Safety Governance Charter (A1767136).

Murray/Her Worship the Mayor

Carried

15. Protected disclosure policy

Document number R7631, agenda pages 100 - 111 refer.

Group Manager Corporate Services, Nikki Harrison presented the report. Ms Harrison, Acting Chief Executive, David Hammond, and Manager People and Capability, Stephanie Vincent, answered questions.

It was noted that the issue of protected disclosures also applied to governance, and a suggestion that officers investigate how the policy could be expanded to include elected members.

Resolved AUD/2017/029

That the Subcommittee

Leaves the report to lie on the table awaiting further advice from the Chief Executive on amending the policy to cover elected members.

Her Worship the Mayor/Dahlberg

Carried

16. Trafalgar Park Seating and Sale of the Punawai

Document number R7383, agenda pages 112 - 138 refer.

Group Manager Community Services, Chris Ward, and Manager Consents and Compliance, Mandy Bishop presented the report and answered questions.

Resolved AUD/2017/030

That the Subcommittee

Receives the report Trafalgar Park Seating and Sale of the Punawai (R7383) and its attachments (A345448, A1311242, R6448 and A1412442); and

Notes that the purchase of the Trafalgar Park Seats complied with Council's Procurement Policy 2015 (A345448); and

Notes that the Council approved the private sale of the Punawai for reasons of timeliness and efficiency, and recognised at the time of the sale that this approach departed from Council's Asset Disposal Policy 2015 (A1412442).

Dahlberg/Murray

Carried

17. Interim audit letter for the year ending 30 June 2017

Document number R7627, agenda pages 139 - 147 refer.

Director, Audit NZ, Bede Kearney presented the report.

Resolved AUD/2017/031

That the Subcommittee

Receives the report Interim audit letter for the year ending 30 June 2017 (R7627) and its attachment (A1775216); and

Notes the suggested responses to the recommendations.

Dahlberg/Murray

Carried

18. Exclusion of the Public

It was noted that Bede Kearney, of Audit NZ would be in attendance for Item 3 of the Public Excluded agenda to answer questions and, accordingly, the following resolution was passed:

Resolved AUD/2017/032

That the Subcommittee

Confirms, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Bede Kearney of Audit NZ remains after the public has been excluded, for Item 3 of the Public Excluded agenda (Bad debts for the year ending 30 Jun 2017), 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, the knowledge that Bede Kearney possesses relates to Council's level of bad debt.

Murray/Peters

Carried

Resolved AUD/2017/033

That the Subcommittee

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:

Her Worship the Mayor/Dahlberg

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	Bad debts for the year ending 30 June 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person• Section 7(2)(i)

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			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 12.32pm and resumed in public session at 12.39pm.

19. Re-admittance of the Public

Resolved AUD/2017/034

That the Subcommittee

Re-admits the public to the meeting.

Dahlberg/Murray

Carried

There being no further business the meeting ended at 12.39pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Commercial Subcommittee

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

On Tuesday 27 June 2017, commencing at 1.00pm

Present: Mr J Murray (Chairperson), Her Worship the Mayor Reese,
Councillors L Acland and M Courtney, Mr J Peters.

In Attendance: Councillors B Dahlberg, T Skinner, P Matheson and S Walker,
Acting Chief Executive (D Hammond), Group Manager
Infrastructure (A Louverdis), Group Manager Community
Services (C Ward) Manager Administration (P Langley) and
Team Leader Administration Advisers (R Byrne)

Apologies: Councillor I Barker

1. Apologies

Resolved COM/2017/017

That the Subcommittee

***Receives and accepts the apologies from
Councillor Barker.***

Courtney/Acland

Carried

2. Confirmation of Order of Business

The Chair advised there would be a Late Item on the Forestry Advisory
Group Terms of Reference.

3. Interests

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

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

5.1 27 April 2017

Document number M2531, agenda pages 7 - 12 refer.

Resolved COM/2017/018

That the Subcommittee

Confirms the minutes of the meeting of the Commercial Subcommittee, held on 27 April 2017, as a true and correct record.

Courtney/Murray

Carried

6. Status Report - Commercial Subcommittee - 27 June 2017

Document number R7945, agenda pages 13 - 14 refer.

Resolved COM/2017/019

That the Subcommittee

Receives the Status Report Commercial Subcommittee 27 June 2017 (R7945) and its attachment (A1777192).

Peters/Courtney

Carried

7. Forestry Update report - June 2017

Document number R7813, agenda pages 15 - 29 refer.

Group Manager Infrastructure, Alec Louverdis introduced Peter Gorman, Council's forestry consultant. Mr Louverdis noted the report was an interim report to the Commercial Subcommittee as the Forestry Advisory Group Terms of Reference were not yet confirmed. Mr Louverdis and Mr Gorman answered questions on the portfolio.

Attendance: Her Worship the Mayor entered at 1.17pm.

Resolved COM/2017/020

That the Subcommittee

Receives the report Forestry Update report - June 2017 (R7813) and its attachments (A1771554; A1561381); and

Notes the progress undertaken to date on matters relating to the forestry portfolio and the Emissions Trading Scheme.

Peters/Courtney

Carried

Recommendation to Council COM/2017/021

That the Council

Confirms that block BROOK-22.02 be harvested if economically feasible.

Acland/Peters

Carried

Late Item - Term of Reference for Forestry Advisory Group.

The Chair noted that a procedural resolution was required in order for the Subcommittee to consider this matter.

Resolved COM/2017/022

That the Subcommittee

Considers the item regarding Forestry Advisory Group Terms of Reference at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

Her Worship the Mayor/Courtney

Carried

Attachments

- 1 A1786327 Late Item - Forestry Advisory Group Term of Reference 27Jun2017

Manager Administration, Penny Langley, explained that at the last meeting the Terms of Reference for the Forestry Advisory Group was left to lie. The Subcommittee were asked to approve the Terms of Reference and amend the Delegations Register to reflect this approval.

Group Manager Infrastructure, Alec Louverdis advised that Council had, by resolution, specifically given the Forestry Advisory Group the ability to approve budgets and any other matters in relation to forestry operation.

The Chair noted that there was some confusion on where approval of the Terms of Reference should sit and asked that the matter be deferred to

the next meeting and that officers provide a comprehensive report and consult with members of the committee to address any concerns.

Resolved COM/2017/023

That the Subcommittee

Leaves the item Forestry Advisory Group Terms of Reference to lie on the table and not be further discussed at this meeting; and

Requests officers to provide a comprehensive report to address members' concerns and that this and Report R7509 be brought to the Commercial Subcommittee meeting to be held on 18 August 2017.

Peters/Courtney

Carried

8. Capital Expenditure Programme 2016-17 - Requests for change

Document number R7606, agenda pages 30 - 32 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report.

Resolved COM/2017/024

That the Subcommittee

Receives the report Capital Expenditure Programme 2016-17 - Requests for change (R7606).

Courtney/Peters

Carried

Recommendation to Council COM/2017/025

That the Council

Approves, with respect to project 2570 Smart Building Improvements, that \$48,000 of current year budget be transferred to 2017-18; and

Approves, with respect to project 1198 Civic House capital programme, that \$326,000 of current year budget be transferred to 2017-18.

Courtney/Peters

Carried

9. Referred report - Brook Valley Holiday Park Opening - Review

Document number R7919, agenda pages 33 - 40 refer.

Group Manager Community Services, Chris Ward presented the report.

Resolved COM/2017/026

That the Subcommittee

Receives the report Referred report - Brook Valley Holiday Park Opening - Review (R7919) and its attachment (R7266).

Her Worship the Mayor/Acland

Carried

10. Exclusion of the Public

Resolved COM/2017/027

That the Subcommittee

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/Peters

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	Commercial Subcommittee Meeting - Public Excluded Minutes - 27 April 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities. Section 7(2)(i) To enable the local authority to carry on, without prejudice or

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			disadvantage, negotiations (including commercial and industrial negotiations). <ul style="list-style-type: none"> Section 7(2)(j) To prevent the disclosure or use of official information for improper gain or improper advantage.
2	Campground review - additional information	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
3	Public Excluded Status Report - Commercial Subcommittee - 27 June 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities

The meeting went into public excluded session at 2.10pm and resumed in public session at 2.42.

11. Re-admittance of the Public

Resolved COM/2017/028

That the Subcommittee

Re-admits the public to the meeting.

Her Worship the Mayor/Peters

Carried

There being no further business the meeting ended at 2.42pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Unconfirmed

Minutes of a meeting of the Works and Infrastructure Committee

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

On Thursday 29 June 2017, commencing at 9.02am

Present: Councillor S Walker (Chairperson), Her Worship the Mayor R Reese, Councillors L Acland, B Dahlberg, M Lawrey, P Matheson (Deputy Chairperson), G Noonan, and T Skinner

In Attendance: Councillor B McGurk, Acting Chief Executive (D Hammond), Group Manager Infrastructure (A Louverdis), Manager Roading and Utilities (P Anderson), Manager Capital Projects (S Davies), Manager Communications (P Shattock), Administration Adviser (E-J Ruthven), and Youth Councillors (A Tonks and E Rais)

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

- 4.1 Barbara Bowen, Tahunanui School, and Judy Robinson, Tahunanui Community Centre.

Barbara Bowen, of Tahunanui School, and Judy Robinson, of the Tahunanui Community Centre, expressed disappointment in the consultation process regarding the Tahunanui Cycle Network, and answered questions.

Attendance: The meeting adjourned from 9.19am to 9.24am.

4.2 Chris Allison, Bicycle Nelson Bays

Chris Allison, of Bicycle Nelson Bays, explained Bicycle Nelson Bays' views regarding the proposed Tahunanui Cycle Network, and answered questions.

5. Confirmation of Minutes

5.1 18 May 2017

Document number M2586, agenda pages 7 - 13 refer.

Resolved WI/2017/036

That the Committee

Confirms the minutes of the meeting of the Works and Infrastructure Committee, held on 18 May 2017, as a true and correct record.

Dahlberg/Matheson

Carried

6. Status Report - Works and Infrastructure Committee- 29 June 2017

Document number R7951, agenda pages 14 - 16 refer.

Resolved WI/2017/037

That the Committee

Receives the Status Report Works and Infrastructure Committee 29 June 2017 (R7951) and its attachment (A1150321).

Matheson/Noonan

Carried

7. Notice of Motion - Tahunanui Cycleway Network

Document number R7939, agenda pages 17 - 73 refer.

Councillor Walker, seconded by Councillor Skinner, moved the recommendations contained in the Notice of Motion.

Team Leader Engineer, David Light and Senior Asset Engineer Transport and Roading Paul D'Evereux gave a power point presentation (A1778022) outlining the proposed Tahunanui Cycle Network, including additional cycleways planned for Tahunanui in the future.

Along with Group Manager Infrastructure, Alec Louverdis, Mr Light and Mr D'Evereux answered questions about the project.

Attendance: The meeting adjourned from 10.37am to 10.52am.

Acting Chief Executive, David Hammond, explained procedural options for moving forward with this matter.

Resolved WI/2017/038

That the Committee

Refers the item Notice of Motion – Tahunanui Cycle Network to the next meeting of the Nelson City Council scheduled to be held on 10 August 2017 at 9.00am.

Matheson/Noonan

Carried

Attachments

- 1 A1778022 - Powerpoint Presentation

8. Exclusion of the Public

Resolved WI/2017/039

That the Committee

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:

Acland/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	Works and Infrastructure Committee Meeting - Public Excluded Minutes - 18 May 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). • Section 7(2)(b)(ii) To protect information where the making available of the

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
2	Status Report - Works and Infrastructure Committee- Public Excluded - 29 June 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into public excluded session at 10.58am and resumed in public session at 11.01am.

Please note that as the only business transacted in public excluded was to confirm the minutes and receive the status report, this business has been recorded in the public minutes. In accordance with the Local Government Official Information Meetings Act 1987, no reason for withholding this information from the public exists.

Resolved WI/2017/040

That the Committee

Confirms the minutes of part of the meeting of the Works and Infrastructure Committee, held with the public excluded on 18 May 2017, as a true and correct record.

Matheson/Acland

Carried

Resolved WI/2017/041

That the Committee

Receives the Public Excluded Status Report Works and Infrastructure Committee 29 June 2017 (R7952) and its attachment (A1756746).

Noonan/Dahlberg

Carried

9. Re-admittance of the Public

Resolved WI/2017/042

That the Committee

Re-admits the public to the meeting.

Acland/Lawrey

Carried

There being no further business the meeting ended at 11.01am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Sports and Recreation Committee

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

On Tuesday 4 July 2017, commencing at 9.05am

Present: Councillor T Skinner (Chairperson), Councillors M Courtney, K Fulton, B McGurk, M Rutledge (Deputy Chairperson) and S Walker

In Attendance: Councillors B Dahlberg, P Matheson and G Noonan, Acting Chief Executive (D Hammond), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (C Ward), Senior Strategic Adviser (N McDonald), Policy Coordinator (J Loughnan), Property Parks and Facilities Asset Manager (A Petheram), Youth Councillors (F Sawyer and A Tonks), and Administration Adviser (L Canton)

Apologies: Her Worship the Mayor R Reese, Councillor I Barker

1. Apologies

Resolved SPO/2017/063

That the Committee

***Receives and accepts the apologies from Her
Worship the Mayor R Reese and Councillor I
Barker.***

McGurk/Fulton

Carried

2. Confirmation of Order of Business

The Chairperson advised that, since the agenda had been issued, four public forums had been scheduled.

3. Interests

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

4. Public Forum

4.1 Christopher St Johanser – Brook Valley Community Group

Christopher St Johanser spoke on behalf of the Brook Valley Community Group about the proposal for a mountain bike hub in the Tantragee and answered questions.

4.2 Mark Newton – Nelson Mountain Bike Club

Mark Newton spoke on behalf of the Nelson Mountain Bike Club about Andrews Farm as the proposed Brook mountain bike hub location and answered questions.

4.3 Peter Wilson

Peter Wilson spoke about the proposed Andrews Farm mountain bike hub and answered questions.

4.4 Michael Kidson

Michael Kidson tabled and read out an email from Marilyn Andrews about the proposed mountain bike hub at Andrews Farm.

Mr Kidson outlined his own views about the proposed mountain bike hub.

Attachments

- 1 A1786886 - Public Forum - Michael Kidson -Marilyn Andrews email on proposed mountain bike hub at Andrews Farm

5. Confirmation of Minutes

5.1 30 May 2017

Document number M2624, agenda pages 8 - 13 refer.

Resolved SPO/2017/064

That the Committee

Confirms the minutes of the meeting of the Sports and Recreation Committee, held on 30 May 2017, as a true and correct record.

Rutledge/Walker

Carried

6. Status Report -Sports and Recreation Committee - 4 July 2017

Document number R8000, agenda pages 14 - 15 refer.

Group Manager Community Services, Chris Ward, and Property, Parks and Facilities Manager, Andrew Petheram answered questions.

It was noted that an updated status report (A1664423) had been tabled with revised comments for the Nelson Marina Strategy.

Resolved SPO/2017/065

That the Committee

Receives the Status Report Sports and Recreation Committee 4 July 2017 (R8000) and its attachment (A1664423).

Rutledge/Courtney

Carried

Attachments

- 1 A1664423 - Status Report - Sports and Recreation Committee - 4Jul2017 tabled update

7. Chairperson's Report

The Chairperson drew the attention to the recent use of the recently re-opened Trafalgar Centre.

RECREATION AND LEISURE

8. Reserve Management Plan for Sportsground Reserves - Classification of Land

Document number R7682, agenda pages 16 - 30 refer.

Policy Coordinator, Jane Loughnan presented the report. Ms Loughnan, Senior Strategic Advisor, Nicky McDonald and Acting Chief Executive, David Hammond answered questions.

In response to questions, Ms McDonald advised that the Reserves Act 1977 required Council to classify the area. She confirmed that the Recreation Reserve classification reflected the historic use of the area and therefore did not require public consultation. She added that whether or not the area was classified as Recreation Reserve now, any future change in use would trigger a change in classification and therefore would require public consultation.

In response to further questions, Mr Hammond explained that if Greenmeadows was not classified, it could not be included in the Sports and Reserves Management Plan (RMP). He said the RMP would then need to include adequate explanation of why Greenmeadows was excluded, and the process for bringing it into line with the Reserves Act.

Resolved SPO/2017/066

That the Committee

Receives the report Reserve Management Plan for Sportsground Reserves - Classification of Land (R7682) and its attachment (A1762264, A1779184, A1779126 and A1779218) ;

Fulton/McGurk

Carried

The meeting agreed to consider the part of the recommendation to Council relating to the classification of Greenmeadows separately.

Recommendation to Council SPO/2017/067

That the Council

Classifies Ngawhatu Sportsfield (being titles NL13A/170, 24172 and 24173) under s16(2A)(g) of the Reserves Act 1977 as Recreation Reserve under s17 of that Act; and

Classifies Victory Square (being title NL2D/352) under s16(1) of the Reserves Act 1977 as Recreation Reserve under s17 of that Act by notice in the Gazette; and

Classifies part of Botanics Sportsfield (being title NL127/106) under s16(1) of the Reserves Act 1977 as Recreation Reserve under s17 of that Act by notice in the Gazette; and

Determines that, under s16(5) of the Reserves Act 1977, public notice seeking feedback on the proposed classifications of Victory Square, Botanics Sportsfield and Greenmeadows is not necessary as the classifications proposed are substantially the same as the purpose for which the reserves were held and administered immediately before the commencement of the Reserves Act 1977; and

Delegates the Chair of the Sports and Recreation Committee to approve the survey plan for the proposed classification for Greenmeadows; and

Delegates the Chief Executive to take the steps necessary to prepare and place notices in the Gazette in order to classify Botanics Sportsfield (being title NL127/106), Victory Square (being

title NL2D/352) and Greenmeadows (being title NL114/188) and to give notice of the resolution to classify Ngawhatu Sportsfield (being titles NL13A/170, 24172 and 24173) to the Commissioner at the Department of Conservation.

Fulton/Skinner

Carried

Councillor Fulton, seconded by Councillor McGurk, moved the clause of the recommendation in the officer report relating to Greenmeadows

That the Council

Classifies Greenmeadows (being title NL114/188) under s16(1) of the Reserves Act 1977 as Recreation Reserve under s17 of that Act and Local Purpose (Community Purposes) Reserve under s23 of that Act as set out in Attachment One (A1762264), noting that a survey plan will be prepared before the notice is placed in the Gazette.

The Committee discussed whether leaving Greenmeadows unclassified would allow flexibility for a change in use in the near future. It was suggested that the Stoke Urban Design Strategy may identify a different use for the area, such as for additional parking.

A view was expressed that the appropriate process was for Council to confirm the reserve status of the land so it could be included in the RMP for community engagement on its future use.

Attendance: The meeting adjourned from 10.55am until 11.14pm.

Councillor Courtney, seconded by Councillor Rutledge, moved an amendment that Council defer the classification of Greenmeadows until after the Stoke Urban Design Strategy was developed.

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

Recommendation to Council SPO/2017/068

That the Council

Defers classification of Greenmeadows (being title NL114/188) under the Reserves Act 1977 until after the Stoke Urban Design Strategy is considered by Council.

Fulton/McGurk

Carried

9. Brook Mountain Bike Hub Location

Document number R7804, agenda pages 31 - 50 refer.

Property Parks and Facilities Asset Manager, Andrew Petheram, presented the report and answered questions.

During a discussion about the proposed parking area on the ex-logging skid site referred to as Site B, it was noted that access to the site carried safety risks associated with the narrow road, road surface, and poor sight lines that would likely be difficult to address within the budget of \$140,000, and that this was not the preferred site of the Nelson Mountain Bike Club. It was suggested that developing only Site A at Andrews Farm could lead to encroachment onto Andrews Farm. The importance of adequate screening and planting of Site A was also discussed.

Resolved SPO/2017/069

That the Committee

Receives the report Brook Mountain Bike Hub Location (R7804); and its Attachments A1759468, and A1775817;

McGurk/Rutledge

Carried

Councillor Skinner, seconded by Councillor Fulton, moved

That the Committee

Directs officers to proceed with detailed design and costings for the Brook Mountain Bike Hub at Andrews Farm shown for both Sites A and B as per Attachment 2 in Report 7804, with approximately thirty car parks, a toilet and wash down facility with access to a parking area at the ex-logging skid site and reports back to a future S&R Committee for a decision to proceed.

Attendance: The meeting adjourned from 12.05pm until 12.17pm.

Councillor Courtney, seconded by Councillor Rutledge moved an amendment to approve Option 2 in the officer report to develop the Andrews Farm site only.

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

Resolved SPO/2017/070

That the Committee

Approves, subject to the resource consent process, the site for the Brook Mountain Bike Hub at Andrews Farm shown as Site A on Attachment 2 Brook MTB Hub Plan A1775817 as per Report 7804, with approximately thirty carparks, a toilet and wash down facility.

Skinner/Fulton

Carried

10. Network Tasman Easement - Greenmeadows Reserve

Document number R7940, agenda pages 51 - 55 refer.

Resolved SPO/2017/071

That the Committee

Receives the report Network Tasman Easement - Greenmeadows Reserve (R7940) and its attachment (A1776981)

Rutledge/McGurk

Carried

Recommendation to Council SPO/2017/072

That the Council

Grants the easement in gross, meaning granting the easement to Network Tasman Limited rather than to property, in favour of Network Tasman Limited over the area shown on the plan marked Plan "A" Attachment One (A1776981) of the Greenmeadows Reserve with all legal costs associated with the easement over Greenmeadows Reserve to be met by Nelson City Council as the property owner benefitted by the easement.

Confirms the easement be agreed under section 48(1) (d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.

Rutledge/McGurk

Carried

11. Exclusion of the Public

Resolved SPO/2017/073

That the Committee

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/Walker

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	Sports and Recreation Committee Meeting - Public Excluded Minutes - 30 May 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
2	Status Report - Sports and Recreation- Public Excluded - 4 July 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities

The meeting went into public excluded session at 12.32pm and resumed in public session at 12.34pm.

Please note that as the only business transacted in public excluded was to confirm the minutes and receive the status report, this business has been recorded in the public minutes. In accordance with the Local

Government Official Information Meetings Act 1987, no reason for withholding this information from the public exists.

Resolved SPO/2017/074

That the Committee

Confirms the minutes of part of the meeting of the Sports and Recreation Committee, held with the public excluded on 30 May 2017, as a true and correct record.

Rutledge/Skinner

Carried

Resolved SPO/2017/075

That the Committee

Receives the public excluded Status Report Sports and Recreation Committee 4 July 2017 (R8001) and its attachment (A1661548).

Walker/Courtney

Carried

12. Re-admittance of the Public

Resolved SPO/2017/076

That the Committee

Re-admits the public to the meeting.

Walker/Skinner

Carried

There being no further business the meeting ended at 12.35pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Community Services Committee

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

On Thursday 13 July 2017, commencing at 9.05am

Present: Councillor G Noonan (Chairperson), Councillors M Courtney (Deputy Chairperson), K Fulton, B McGurk, and M Rutledge

In Attendance: Councillors I Barker and S Walker, Acting Chief Executive (D Hammond), Group Manager Community Services (C Ward), Senior Strategic Adviser (N McDonald), Manager Communications (P Shattock), Manager Community Partnerships (S Raggett), Policy Advisor (G Thorpe), and Administration Adviser (L Canton)

Apologies: Her Worship the Mayor R Reese, and Councillors M Lawrey and P Matheson

1. Apologies

Resolved CS/2017/041

That the Committee

Receives and accepts the apologies from Her Worship the Mayor and Councillors Lawrey and Matheson.

McGurk/Courtney

Carried

Attendance: Councillor Fulton joined the meeting at 9.06am.

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

4.1 Steve Cross - Nelson Residents Association

Steve Cross, of the Nelson Residents Association, tabled a document outlining the Nelson Residents' Association preferred governance structure for the Nelson Arts Festival (A1788894). He spoke to the document and answered questions.

Attachments

- 1 A1788894 - Nelson Residents Association - Public Forum - Nelson Arts Festival Governance

5. Confirmation of Minutes

5.1 1 June 2017

Document number M2643, agenda pages 7 - 13 refer.

Resolved CS/2017/042

That the Committee

Confirms the minutes of the meeting of the Community Services Committee, held on 1 June 2017, as a true and correct record.

McGurk/Courtney

Carried

6. Status Report - Community Services Committee- 13 July 2017

Document number R8023, agenda pages 14 - 15 refer.

Resolved CS/2017/043

That the Committee

Receives the Status Report Community Services Committee 13 July 2017 (R8023) and its attachment (A1157454).

McGurk/Courtney

Carried

7. Chairperson's Report

Document number R8040, agenda pages 16 - 17 refer.

The Chairperson presented the report and answered questions.

Resolved CS/2017/044

That the Committee.

Receives the Chairperson's Report (R8040).

Fulton/Rutledge

Carried

COMMUNITY DEVELOPMENT

8. Adoption of the Youth Strategy

Document number R8017, agenda pages 18 - 74 refer.

Policy Advisor, Gabrielle Thorpe, presented the report. She tabled the draft Strategy that had been released for consultation (A1762721).

Ms Thorpe and Manager Community Partnerships, Shanine Raggett, answered questions.

The Committee discussed the proposed amendments to the draft Youth Strategy set out in Attachment 1 to the officer report and agreed the following additional amendments:

- Agenda page 27, Goal 1, first bullet point: Add "whanau/family relationships" after "positive choices".
- Agenda page 27, Goal 1, third bullet point:
 - Add "and their whanau's/family's" after "young people's"; and
 - Add "which will support positive youth development" after "available services".
- Agenda page 27, Goal 3, third bullet point: Remove 'local'.

Resolved CS/2017/045

That the Committee

Receives the report Adoption of the Youth Strategy (R7924) and it's attachments w(A1770987, A1786478 and A1580206); and

Amends the Youth Strategy, as appropriate, based on community feedback.

McGurk/Rutledge

Carried

Attachments

- 1 A1732721 - Draft Youth Strategy released for consultation

Recommendation to Council CS/2017/046

That the Council

Adopts the Youth Strategy (A1580206).

McGurk/Courtney

Carried

9. Youth Council Update

There was no Youth Council update.

REPORTS FROM COMMITTEES

10. Nelson Youth Council - 12 May 2017

Document number M2563, agenda pages 75 - 82 refer.

Resolved CS/2017/047

That the Committee

Receives the minutes of a meeting of the Nelson Youth Council, held on 12 May 2017.

McGurk/Fulton

Carried

11. Exclusion of the Public

Resolved CS/2017/048

That the Committee

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:

Noonan/Rutledge

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Community Services Committee Meeting - Public Excluded Minutes - 1 June 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.
2	Status Report - Community Services Committee - Public Excluded - 13 July 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person

The meeting went into public excluded session at 10.13am and resumed in public session at 10.20am.

Please note that as the only business transacted in public excluded was to confirm the minutes, receive the status report, and release the status report item to the public, this business has been recorded in the public minutes. In accordance with the Local Government Official Information Meetings Act 1987, no reason for withholding this information from the public exists.

Resolved CS/2017/049

That the Committee

Confirms the minutes of part of the meeting of the Community Services Committee, held with the public excluded on 1 June 2017, as a true and correct record.

McGurk/Courtney

Carried

Resolved CS/2017/050

That the Committee

Receives the public excluded Status Report Community Services Committee 13 July 2017 (R8024) and its attachment (A1787067).

McGurk/Rutledge

Carried

Resolved CS/2017/051

That the Committee

Releases to the public the Status Report item from 1 June 2017 "Community Investment Funding Panel Membership" as, in accordance with the Local Government Official Information Meetings Act 1987, no reason for withholding this information from the public exists:

That the Committee

Requests that a report be brought to the Community Services Committee following the completion of funding allocations for the 2017/18 year, considering the efficacy of the allocation process, the performance of the Community Investment Funding Panel, and any other relevant issues.

Noonan/Courtney

Carried

12. Re-admittance of the Public

Resolved CS/2017/052

That the Committee

Re-admits the public to the meeting.

Rutledge/McGurk

Carried

There being no further business the meeting ended at 10.18am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 27 July 2017, commencing at 9.00am

Present: Her Worship the Mayor R Reese (Co-Chairperson), Councillor B McGurk (Co-Chairperson), Councillors L Acland, I Barker, B Dahlberg, K Fulton, and S Walker, and Ms G Paine

In Attendance: Councillor P Matheson, Group Manager Strategy and Environment (C Barton), Group Manager Community Services (C Ward), Senior Strategic Adviser (N McDonald), Manager Consents and Compliance (M Bishop), Manager Building (M Brown), Team Leader Regulatory (B Edwards), Senior Infrastructure Planner (L Gibellini), Manager Environment (M Heale), Team Leader Science and Environment (J Martin), Environmental Programmes Adviser (S Moore-Lavo), Manager Communications (P Shattock), Strategy and Environment Analyst (B Wayman), Team Leader Building Consents (C Wood), Administration Adviser (L Canton), and Youth Councillors B Rumsey and J Morgan

Apologies: Nil

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

5.1 25 May 2017

Document number M2616, agenda pages 7 - 12 refer.

Resolved PR/2017/030

That the Committee

Confirms the minutes of the meeting of the Planning and Regulatory Committee, held on 25 May 2017, as a true and correct record.

Her Worship the Mayor/McGurk

Carried

6. Status Report - Planning and Regulatory Committee - 27 July 2017

Document number R8080, agenda pages 13 - 16 refer.

Resolved PR/2017/031

That the Committee

Receives the Status Report Planning and Regulatory Committee 27 July 2017 (R8080) and its attachment (A1736802).

Walker/Paine

Carried

7. Co-Chairperson's Report

Document number R8070, agenda pages 17 - 20 refer.

Her Worship the Mayor, Rachel Reese presented the report.

Resolved PR/2017/032

That the Committee

Receives the Co-Chairperson's Report (R8070); and

Refers to Council all powers of the Planning and Regulatory Committee relating to the Brook Waimarama Sanctuary Trust applications for further funding from the provision set aside in the Annual Plan 2017/18.

Her Worship the Mayor/Barker

Carried

8. Co-Chairperson's Report

Document number R8111, agenda pages 21 - 22 refer.

Co-chairperson Councillor McGurk presented the report.

Resolved PR/2017/033

That the Committee

Receives the Co-Chairperson's Report (R8111) and notes the contents.

Her Worship the Mayor/McGurk

Carried

9. Strategy and Environment Report for 1 April - 30 June 2017

Document number R7917, agenda pages 23 - 91 refer.

Manager Environment, Matt Heale, Team Leader Regulatory, Brent Edwards, Manager Consents and Compliance, Mandy Bishop, and Team Leader Building Consents, Chris Wood, presented the report. They provided updates and together with Senior Infrastructure Planner, Lisa Gibellini, answered questions.

Attendance: Mrs Paine left the meeting from 9.36am to 9.37am.

Resolved PR/2017/034

That the Committee

Receives the report Strategy and Environment Report for 1 April - 30 June 2017 (R7917) and its attachments (A1774079, A1786088, A1784621, A1791943, A1777407 and A1791962).

Fulton/Barker

Carried

Resolved PR/2017/035

That the Committee

Approves the Nelson City Council Dog Control Activity Report 2016-2017 in Attachment 1 to Report R7917 (A1786088); and

Approves the Nelson District Licensing Committee Annual Report 2016-2017 in Attachment 2 to Report R7917 (A1784621); and

Accepts the Nelson Plan Overview of Workshop Recommendations and Direction in Attachment 5 to Report R7917 (A 1777407).

Barker/Fulton

Carried

10. Voice Nelson - Warrant of Fitness for Rental Housing

Document number R8063, agenda pages 92 - 94 refer.

Manager Building, Martin Brown, and Team Leader Building Consents, Chris Wood, presented the report.

Resolved PR/2017/036

That the Committee

Receives the report Voice Nelson - Warrant of Fitness for Rental Housing (R8063).

Her Worship the Mayor/Dahlberg

Carried

Resolved PR/2017/037

That the Committee

Requests a report be brought to the Committee in June 2018 providing any update on Central Government or Local Government adoption of a Warrant of Fitness Scheme for Rental Housing.

Walker/Barker

Carried

11. Draft Terms of Reference for the Co-ordination Group for the Waimea Inlet

Document number R7743, agenda pages 95 - 105 refer.

Environmental Programmes Adviser, Susan Moore-Lavo, presented the report. She advised that Tasman District Council had approved the terms of reference but had overlooked adding a revision date.

The committee expressed a preference to amend the terms of reference in line with the officer recommendation to include a three yearly revision clause.

Her Worship the Mayor noted that Councillor Dahlberg had expressed an interest in being Council's representative on the Co-ordination Group.

Resolved PR/2017/038

That the Committee

Receives the report Draft Terms of Reference for the Co-ordination Group for the Waimea Inlet (R7743) and its attachment (A1779297).

Her Worship the Mayor/Walker

Carried

Recommendation to Council PR/2017/039

That the Council

Agrees to adopt the terms of reference (A1779297) for the Co-ordination Group for the Waimea Inlet with an amendment to add a revision clause; and

Appoints Councillor Dahlberg as Nelson City Council's representative on the Co-ordination Group for the Waimea Inlet.

Her Worship the Mayor/Barker

Carried

12. Proposal for Top of the South Conservation Partnership: Memorandum of Understanding

Document number R7765, agenda pages 106 - 119 refer.

Environmental Programmes Adviser, Susan Moore-Lavo, presented the report and provided updates.

Resolved PR/2017/040

That the Committee

Receives the report Proposal for Top of the South Conservation Partnership: Memorandum of Understanding (R7765) and its attachment (A1777693).

McGurk/Her Worship the Mayor

Carried

Recommendation to Council PR/2017/041

That the Council

Approves that Nelson City Council signs the Memorandum of Understanding (A1777693) between partners in the Kotahitanga mō te Taio Alliance; and that Her Worship the Mayor be delegated the authority to sign on Council's behalf.

McGurk/Her Worship the Mayor

Carried

Attendance: Councillor Acland left the meeting at 9.50am.

13. NPS-UDC Quarterly Monitoring Report March 2017

Document number R7967, agenda pages 120 - 138 refer.

Strategy and Environment Analyst, Brylee Wayman presented the report.

Resolved PR/2017/042

That the Committee

Receives the report NPS-UDC Quarterly Monitoring Report March 2017 (R7967) and its attachment (A1779576)

Her Worship the Mayor/Dahlberg

Carried

There being no further business the meeting ended at 9.56am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Governance Committee

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

On Thursday 27 July 2017, commencing at 1.00pm

Present: Councillor I Barker (Chairperson), Her Worship the Mayor R Reese, Councillors M Courtney, B Dahlberg (Deputy Chairperson), P Matheson, M Rutledge and T Skinner

In Attendance: Councillor S Walker, Acting Chief Executive (D Hammond), Group Manager Community Services (C Ward), Senior Strategic Adviser (N McDonald), Team Leader Administration Advisers (R Byrne) and Youth Councillor Jamie Morgan.

Apology: Councillor G Noonan

1. Apologies

Resolved GOV/2017/044

That the Committee

Receives and accepts an apology from Councillor Noonan.

Skinner/Rutledge

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

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

4. Public Forum

4.1 Nelson Cycle Lift Society

Jo Rainey, Matt Griffin, Martin Mangan of the Nelson Cycle Lift Society and consultant Darron Charity, tabled and presented a progress report on the Nelson Gondola. They answered questions on the proposed location, liaising with Council on future planning and costs associated with the project.

Mr Charity noted it was too early to advise a proposed route, the current project was to determine market demand, understand gaps in the market and review if the project matched growing tourism interests. He noted that the next stage was to have an open dialogue with willing partners; this could be a commercial enterprise enabled by a small amount of public funding, or it could be not for profit operation.

Attachments

- 1 A1801687 Nelson Cycle Lift Public Forum presentation

5. Confirmation of Minutes

5.1 20 April 2017

Document number M2508, agenda pages 7 - 13 refer.

Resolved GOV/2017/045

That the Committee

Confirms the minutes of the meeting of the Committee, held on 20 April 2017, as a true and correct record.

Courtney/Dahlberg

Carried

6. Status Report - Governance Committee - 27 July 2017

Document number R8088, agenda pages 14 - 15 refer.

Resolved GOV/2017/046

That the Committee

Receives the Status Report Governance Committee 27 July 2017 (R8088) and its attachment (A1160658).

Her Worship the Mayor/Skinner

Carried

CHAIRPERSON'S REPORT

7. Chairperson's Report

There was no Chairperson's Report.

GOVERNANCE

8. Sister City Co-ordinator's Report

Document number R8087, agenda pages 16 - 23 refer.

Sister City Coordinator Gail Collingwood presented her report. She noted that Eureka Park was in the area discussed by the previous presenters and asked Council to ensure that due care was given to the redwood trees in the park, which acknowledged Nelson's relationship with its sister city Eureka.

Resolved GOV/2017/047

That the Committee

Receives the report Sister City Co-ordinator's Report (R8087) and its attachment (A1786626).

Dahlberg/Rutledge

Carried

9. Adoption of final Statements of Intent 2017/18: Nelson Regional Development Agency and Bishop Suter Trust

Document number R8056, agenda pages 24 - 86 refer.

The Group Manager Community Services Chris Ward presented the report and added that recruitment of a trustee for the Bishop Suter Trust was currently in progress.

Resolved GOV/2017/048

That the Committee

Receives the report Adoption of final Statements of Intent 2017/18: Nelson Regional Development Agency and Bishop Suter Trust (R8056) and its attachments (A1790437 and A1724813).

Dahlberg/Skinner

Carried

Recommendation to Council

That the Council

Approves the draft Statement of Intent of the Bishop Suter Trust (A1724813) as the Final Statement of Intent for the 2017/18 year; and

Approves the draft Statement of Intent of the Nelson Regional Development Agency (A1790437) as the Final Statement of Intent for the 2017/18 year.

FINANCE

10. Allocation of Events Funding 2016/17

Document number R8065, agenda pages 87 - 88 refer.

Group Manager Community Services Chris Ward presented the report and noted that this would be an annual item for the Committee Agenda.

Resolved GOV/2017/049

That the Committee

Receives the report Allocation of Events Funding 2016/17 (R8065).

Barker/Rutledge

Carried

11. Exclusion of the Public

Resolved GOV/2017/050

That the Committee

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:

Rutledge/Her Worship the Mayor

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Governance Committee Meeting - Public Excluded Minutes - 20 April 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
2	Nelson Regional Development Agency - Board 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

The meeting went into public excluded session at 2.05pm and resumed in public session at 2.08pm.

12. Re-admittance of the Public

Resolved GOV/2017/051

That the Committee

Re-admits the public to the meeting.

Her Worship the Mayor/Skinner

Carried

There being no further business the meeting ended at 2.08pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date