

7 March 2023

Memo to: Elected Members

Memo from: Governance Advisers

Subject: COUNCIL – 9 MARCH 2023 – LATE ITEM

14. Late Item: Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce

109 - 114

Document R27485

A report titled Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce is attached and to be considered as a major late item at this meeting.

Section 46A(1)-(6) of the Local Government Official Information and Meetings Act 1987 and Standing Order 9.8 require that agendas are distributed with the associated reports. As this report was not distributed with the agenda for this meeting, it must be treated as a major late item to be considered at this meeting.

In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 9.12, a procedural resolution is required before a major item that is not on the agenda for the meeting may be dealt with.

In accordance with section 46A(7)(b)(i) the reason why the item was not on the agenda is because it came to hand after the agenda had been distributed.

In accordance with section 46A(7)(b)(ii) the reason why discussion of this item cannot be delayed until a subsequent meeting is because a resolution on the matter is required before the next scheduled meeting of the Council to enable external members to be confirmed and inducted prior to the Taskforce meeting.

Recommendation

That the Council

- 1. Considers the item regarding Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce 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.***



Council

9 March 2023

REPORT R27485

Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce

1. Purpose of Report

- 1.1 To approve both the Terms of Reference (TOR) for and external members to the Right Tree Right Place Taskforce (Taskforce).

2. Recommendation

That the Council

- 1. Receives the report Approval of Terms of Reference and External Members - Right Tree Right Place Taskforce (R27485) and its attachment (1833911234-34); and***
- 2. Approves the Right Tree Right Place Taskforce Terms of Reference; and***
- 3. Approves the appointment to the Right Tree Right Place Taskforce of the following external members:***
 - Andrew Fenemor;***
 - Stuart Orme;***
 - Joanne Clapcott; and***
 - Māori representative.***

3. Background

- 3.1 On 9 February 2023 Council established the Taskforce with Dr Morgan Williams as independent chair and noting the TOR and list of external members would be brought to the 9 March 2023 Council meeting.

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3.2 The Taskforce met on 23 February 2023 and agreed a final draft TOR and external members to be presented to Council.

4. Discussion

Terms of reference

4.1 The purpose of the Taskforce is to:

4.1.1 become conversant with the current objectives of Nelson Council-owned land currently managed for production forestry including recently harvested areas taking into account the wider goals and functions of the Council; and

4.1.2 draw on the high-level forestry review reports, other relevant research data and stakeholder views to provide recommendations for future land use and management of Council-owned land currently managed for production forestry.

4.2 The role of the Taskforce is to consider the technical advice and find a constructive way forward that enables well-informed decisions to be considered and to provide clear direction on how these areas to be managed while considering:

- a range of climate change and adaptation matters
- conservation benefits
- the financial implications and opportunities for Council and the Nelson-Tasman economy
- recreational benefits for a variety of users such as walkers and mountain bikers
- meeting national and regional regulations and guidelines associated with exotic forestry, particularly around the spread of wilding pines
- effects on Nelson's biodiversity
- landscape and aesthetic benefit from a backdrop of permanent native forestry or amenity land cover compared to short rotation commercial forests
- social license to undertake production forestry in urban fringe

Membership

4.3 The Taskforce agreed on the following external membership:

4.3.1 Andrew Fenemor (catchment expertise);

4.3.2 Stuart Orme (forestry expertise);

4.3.3 Joanne Clapcott (Cawthron Institute – fresh water and river health ecosystems expertise); and

4.3.4 Māori representation.

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5. Options

- 5.1 Council can either approve the draft Taskforce TOR or alternatively choose to amend or not approve the TOR.
- 5.2 Council can approve the proposed Taskforce membership or alternatively choose to amend or not approve the proposed membership.
- 5.3 Officers recommend that Council approve the draft Taskforce TOR and membership.

6. Next Steps

- 6.1 The next steps, if Council approves the Taskforce TOR, is to:
 - 6.1.1 Finalise contracts with the external appointees;
 - 6.1.2 Approach iwi for representation on the Taskforce; and
 - 6.1.3 Schedule Taskforce meetings to meet the Long-Term Plan timelines.

Author: Alec Louverdis, Group Manager Infrastructure

Attachments

Attachment 1: 1833911234-34 Terms of Reference for the Forestry Taskforce
[↓](#)

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Important considerations for decision making
Fit with Purpose of Local Government The setting up of this Taskforce meets the purpose of local government by providing information about Council's planned forestry activities, which contributes to local decision-making.
Consistency with Community Outcomes and Council Policy The Taskforce aligns with the following outcome: "Our Council provides leadership and is supported by an innovative and sustainable economy".
Risk The recommendation to approve the Taskforce TOR and appoint its members is low risk. The Taskforce has been set up to specifically have an oversight on forestry matters to reduce the risk to Council and will only have the power to recommend to Council.
Financial impact Costs associated with the Taskforce will be met within existing forestry budgets.
Degree of significance and level of engagement This matter is of low significance because the Taskforce will not have decision-making powers.
Climate Impact There is no impact on climate change of adopting the ToR or appointing members.
Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
Delegations This decision is a matter for Council.

Nelson City Council
Right Tree Right Place Taskforce
Terms of Reference

1. Purpose

The purpose of the Right Tree Right Place Taskforce is to

- become conversant with the current objectives of Nelson Council-owned land currently managed for production forestry including recently harvested areas taking into account the wider goals and functions of the Council.
- draw on the high-level forestry review reports, other relevant research data and stakeholder views to provide recommendations for future land use and management of Council-owned land currently managed for production forestry.

The Taskforce will report to Council and was established by Council resolution at its meeting of 09 February 2023.

The Taskforce terms of reference and membership were adopted by Council resolution at its meeting of XXXX.

2. Role of the Taskforce

The role of the Taskforce is to review technical advice and consider stakeholder views such that well-informed decisions can be made to provide clear direction on how forestry areas are to be used and managed while considering

- a range of climate change and adaptation matters
- conservation benefits
- the financial implications and opportunities for Council and the Nelson-Tasman economy
- recreational benefits for a variety of users such as walkers and mountain bikers
- meeting national and regional regulations and guidelines associated with exotic forestry, particularly around the spread of wilding pines
- effects on Nelson's biodiversity
- landscape and aesthetic benefit from a backdrop of permanent native forestry or amenity land cover compared to short rotation commercial forests
- social license to undertake production forestry in urban fringe

3. Membership

The Taskforce will comprise of

- Dr Morgan Williams (Independent Chairperson)
- Councillor Rachel Sanson
- Councillor Matthew Benge

In addition, there will be independent members:

- Andrew Fenemor (catchment expertise)

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- Stuart Orme (forestry expertise)
- Joanne Clapcott (Cawthron Institute, fresh water and river health ecosystems expertise)
- Māori Representative

4. Stakeholders

The Taskforce may agree to invite key stakeholders to attend a meeting for the purpose of providing advice and input relevant to the matters on the agenda.

5. Quorum

The quorum of the Taskforce is three, consisting of the Independent Chair, a minimum of one Nelson City Councillor and one other member.

6. Role of the Chair

The Chair will:

- review the agenda with staff prior to Taskforce meetings;
- chair meetings according to the agreed agenda and to assist the Taskforce to reach consensus on issues and options; and
- report Taskforce final recommendations to Council.

7. Role of Staff

Staff will provide technical expertise and other support to the Taskforce as required, including preparation of agendas and update reports.

8. Meetings

The Taskforce will meet as required at a frequency that meets Council's Long-Term Plan timeframes – substantively October 2023.

9. Conflicts of Interest

Any conflicts of interest should be declared at the start of Taskforce meetings.

10. Reporting

Reporting by the Taskforce will consist of notes of Taskforce meetings and a final report incorporating recommendations. The Taskforce will have no decision making powers.

11. Local Government Official Information and Meetings Act 1987

For the avoidance of doubt, the meeting provisions of the Local Government Official Information and Meetings Act 1987 do not apply to the Taskforce meetings, as no decisions are made at these meetings.

12. Amendments to these Terms of Reference

These Terms of Reference can be reviewed and amended by Council. This includes the replacement of any members no longer able to participate.

13. Dissolution of the Taskforce

The Taskforce will be dissolved by Council when its work is considered to be complete.