



Supplementary AGENDA

Ordinary meeting of the

**Nelson City Council
Thursday 20 September 2018
Commencing at 9.00a.m.
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

**Pat Dougherty
Chief Executive**

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

Quorum: 7

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

1. Live-streaming Workshops 3 - 15

Document number R9650

Recommendation

That the Council

Receives the report Live-streaming Workshops (R9650) and its attachments (A2041002, A2057046 and 2058974); and

Requests the development of a Council Workshop Policy.

2. Bay Dreams Update and Camping Request 16 - 29

Document number R9693

Recommendation

That the Council

Receives the report Bay Dreams Update and Camping Request (R9693); and

Agrees to conditional landowner approval for camping at Rutherford Park for 1500 people over 3-5 January 2019; and

Agrees to conditional landowner approval for camping at Saxton Field for up to 5000 people over 3-5 January 2019 (subject to resource consent if required); and

Notes that \$80,000 of unbudgeted expenditure is estimated to support the Bay Dreams project delivery and that officers are negotiating with Bay Dreams on fees to cover these costs; and

Notes that the Chief Executive will confirm that a New Year's Eve event at Trafalgar Park will not be held on 31 December 2018.

Live-streaming Workshops

1. Purpose of Report

- 1.1 To provide additional information on the legislative obligations, sector best practice and technical requirements to enable Council to consider whether to live stream Council workshops.
- 1.2 To receive guidance on the content of a Council Workshop Policy, if that is to be progressed.

2. Summary

- 2.1 Council live-streams most Council and Committee Meetings that are held in the Council Chamber, but does not live-stream its workshops.
- 2.2 There is currently no policy on Council workshops or the live-streaming of meetings.
- 2.3 At 9 August 2018 Council Meeting, a Notice of Motion was presented to live-stream Council workshops. This matter was left to lie as elected members requested additional information before making a decision.

3. Recommendation

That the Council

Receives the report Live-streaming Workshops (R9650) and its attachments (A2041002, A2057046 and A2058974); and

Requests the development of a Council Workshop Policy.

Item 8: Live-streaming Workshops

4. Background

- 4.1 Time is regularly scheduled for Council workshops, which are held on an "as required" basis at the request of the Chief Executive.

On 9 August 2018, Councillor Lawrey presented the following Notice of Motion:

"In a move to increase the transparency of Council's processes, I propose that from today (August 9th 2018):

Nelson City Council live-streams all its public meetings and public workshops, including public meetings and public workshops held by all committees and sub-committees.

And that Nelson City Council live-streams all the Regional Transport Committee's public meetings and public workshops."

- 4.2 At the meeting, it was confirmed that NZTA had advised that it had no objection to live streaming and moving forward, the Regional Transport Committee Meetings would be live-streamed.
- 4.3 The issue of live-streaming workshops and the impact of the Local Government Official Information and Meetings Act 1987 (the Act), what is held in public, the opportunity for free and frank discussion, sector best practice and technical matters were raised during the course of discussion on the Notice of Motion.
- 4.4 Through a procedural motion, the matter was left to lie, so that further information could be presented to the elected members prior to making a decision. The relevant extract from the unconfirmed minutes is as follows:
- 4.5

Item of business to lie on the table

Resolved CL/2018/188

That the Council

Leaves the item Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops to lie on the table until an officer's report with further information is brought to the Council meeting on 20 September 2018.

Rutledge/Barker

Carried

5. Discussion

Current Situation – Live-streaming at Council

- 5.1 Under the Act, there is no requirement to live-stream any council or committee meetings. However, many councils have chosen to video their meetings and make them available contemporaneously to the public via live-streaming and, subsequent to the meeting, via a YouTube portal.
- 5.2 Nelson City Council originally considered the issue of live-streaming during the Council Meeting held on 27 May 2014, as part of the deliberations on the Annual Plan 2014/2015.

- 5.3 The relevant extract from the Minutes of that meeting is as follows:

"Councillors discussed the request for video links to Council meetings. It was noted that Mainland TV had been approached for a quote to provide video link services, but that this had not yet been received.

Councillors indicated an interest in progressing video links to Council meetings, and agreed it was prudent to make a provision within the Annual Plan 2014/15 for this purpose.

Resolved:

That provision of \$15,000 be made in the Annual Plan 2014/15 to provide for video links to Council meetings if feasible.

Her Worship the Mayor/Noonan

Carried"

- 5.4 When deciding to make funds available to live-stream, Council did not identify, either at the time or subsequently, which meetings were to be live-streamed.
- 5.5 However, it has become practice for all Council and the standing committee meetings to be live-streamed. To date, no workshops have been live-streamed or recorded.
- 5.6 The average viewing figure for the live-streamed Council Meetings are 106 per meeting. A breakdown of viewing figures per meeting is at Attachment 1 (A2041002).

Openness and Transparency - Public Access to Workshops

- 5.7 Whilst the matter under consideration is whether to decide to live-stream the public workshops, it might be useful to provide some context around the status of workshops under the legislation and public access to the materials provided to elected members, as there was some discussion on this issue at the Council Meeting on 9 August 2018.

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- 5.8 Appendix 9 to Nelson City Council Standing Orders, adopted on 22 June 2017, provides confirmation of the definition, application of standing orders, process for calling a workshop and public access. (Attachment 2 A2057046).
- 5.9 Under section 45 of the Act, a meeting at which no resolutions or decisions are made is specifically excluded from the application of the meeting requirements of Part 7, including public notification and public access subject only to the specified grounds for exclusion.
- 5.10 A workshop at which information is shared and issues and options explored, but no resolutions or decisions are made, is therefore not required to be publicly notified and Council may choose whether the public are allowed to attend or not.
- 5.11 At present, Council does provide public access to its open workshops; Council does not publicly notify workshops or advertise them on the Council website.
- 5.12 The schedule, any notes or other papers associated with a workshop are official information and may be requested under Part 2 of the Act, via a LGOIMA request. Council is required to make this material available if requested, unless there is good reason to withhold that is not outweighed by any public interest in release, in the usual way under the Act.
- 5.13 The matter of public access to workshops at Council was considered in the Mayor's report of 4 May 2017.
- 5.14 It was noted that:
- Nelson City Council workshops had been public for some years although advertising practices varied.
 - Workshops were not public meetings as defined by the Act.
 - The practice was for the relevant Chair to decide whether a workshop should be open to the public, taking into account the topic and whether it was subject to negotiations, legal professional privilege, an obligation of confidence, or if the conduct of public affairs would benefit from free and frank expression of opinions.
 - *"Council could decide to continue with this approach or ask Officers to develop a policy on public access to workshops. Direction from elected members on the preferred approach would be appreciated."*
- 5.15 No direction was given by the elected members on the preferred approach.
- 5.16 The current practice is that the Mayor (if it is a Council workshop) or the relevant Chair makes the decision as to whether the workshop is open to the public, based on advice given by staff.

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- 5.17 Council receives multiple requests for information relating to Council workshops. The release of the schedule of workshops, any agendas, notes, presentations or other materials provided at the workshop is considered in accordance with the Act and the principle of availability, in that the information shall be made available, unless there is a good reason under the Act for withholding it.
- 5.18 The Notice of Motion relates to live-streaming public meetings and workshops. It is not anticipated that Council's decision regarding the live-streaming of workshops would impact on either a Chair's decision as to whether a particular workshop is open to the public or what information relating to the workshop can be made available to the public on request.

Practical Technology Issues

- 5.19 Council workshops are currently held in various locations. This includes the Council Chamber, other Civic House meeting rooms and off-site venues, where required.
- 5.20 At present, the Council Chamber is the only meeting room which has a camera and recording facilities available. The Governance Team is responsible for recording the meetings and ensuring that they are subsequently uploaded onto the Nelson City Council YouTube channel as part of their meeting duties. No additional staff are required to facilitate this.
- 5.21 The recent Chamber IT upgrade improved the quality of the audio available. The camera captures elected members during meetings, though it has no functionality in respect of viewing any information displayed on the two screens.
- 5.22 Potential technology issues identified with live-streaming workshops are:
- 5.22.1 The quality of the live-streaming needs to be of an appropriate standard, regardless of location.
 - 5.22.2 The quality of video for alternative venues may be compromised as there is no facility to record in other Civic House meeting rooms or off-site.
 - 5.22.3 Alternative venues to the Council Chamber will require additional resources in terms of recording equipment and staff to operate it.
 - 5.22.4 Workshops frequently make extensive use of audio-visual materials, such as PowerPoint presentations, videos and handouts. Current equipment would not be able to make this accessible to viewers, potentially leading to reduced public viewer experience.
 - 5.22.5 Additional investment in IT equipment, such as a second camera or projector for the Chamber to capture the supporting material

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and video recording equipment for alternative venues may be required.

5.22.6 There will be additional costs associated with the installation and maintenance of an enhanced system.

5.22.7 There will be additional staff costs - if more than one camera or source is used for the video feed, staff would be required to manage the switch between sources during the live-streaming of the workshop. Staff would also be required to record workshops held at alternative venues.

Local Government – Sector Practice

5.23 Prior to the 9 August Council Meeting, the Governance Team researched the approach other councils have taken to workshops via:

5.23.1 LGNZ - The Manager Governance and Support Services contacted LGNZ and spoke to Mike Reid, Principal Policy Advisor, who confirmed that there was no official position from LGNZ on this subject

5.23.2 Department of Internal Affairs – Localcouncils.govt.nz states:

“Workshops and working groups – Councillors can also meet in workshops and working group meetings. These are not usually open to the public. No formal decisions are made at these meetings.”

5.23.3 Website Review – Council websites have been viewed to ascertain what information is publicly available in respect of workshops, including, but not limited to advertising workshops on their website, the availability of workshop schedules, agendas, presentations and other materials, any comments relating to live-streaming and recording options and whether there is open public access to workshops. The Governance Team has contacted the councils directly to confirm the information.

5.23.4 ListServ Request – Governance professionals voluntarily subscribe to the Governance and Committee Advisor ListServ through the Society of Local Government Managers (SOLGM). Nelson City Council emailed all subscribed SOLGM Governance and Committee Advisors and asked for feedback on how they managed their workshops.

5.24 All eight councils that responded to the ListServ request confirmed that they never have public workshops.

5.25 A copy of the results of the website research is included at Attachment 3 (A2041037). In summary out of 40 councils:

- Thirty one council websites do not advertise workshops on their website

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- Five councils included workshops in their Schedule of Council Meetings, though four of these do so, without specifying the workshop topic
- Fourteen councils provided materials (agenda/presentation/notes) relating to the workshop either before or after the workshop
- One council publicly notified its workshops, included the workshop details in its Calendar of Meetings and live-streamed its LTP workshops

Free and Frank Discussion

5.26 There is legitimate concern that the live-streaming of workshops would prejudice the effective conduct of public affairs by inhibiting the free and frank exchange of opinions between participating elected members, council officers and external consultants. [The Office of the Ombudsman's Guide to Free and Frank Opinions](#), published in March 2018, considers this. The effective conduct of public affairs requires that agencies are able to do their job, and make decisions, based on the best information and advice possible. The Office of the Ombudsman states that the effective conduct of public affairs can be prejudiced if:

5.26.1 Agencies do not get the information and advice they need to do their jobs and make good decisions; and

5.26.2 Agencies get some information and advice, but it is not as open, honest or complete as it could be, making it harder for them to do their jobs and make good decisions.

5.27 Frequently, workshops take place during the early and formative stages of projects, policy developments, when scope is still being defined or sensitivities are high. There is a risk if workshops are live streamed that any points made during the course of a workshop are taken out of context or that workshop "sound bites" extracted from the live-stream recordings are circulated in the media without the relevant supporting background information. This could lead to a misconception of the issues being discussed or the advice being given by staff. As a result, the possible consequences of live-streaming workshops include:

- Individuals, both officers and elected members, may feel more inhibited in expressing their opinions, thereby curtailing effective discussion through unreserved honest opinions
- External consultants may be unwilling to participate
- The relaxed style of workshops may be constrained, limiting the effectiveness of the two-way discussions that are essential to policy development
- Caution undermines the quality of advice and thereby the quality of the decision eventually reached at a formal meeting, as safer

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considerations are put forward in preference to controversial or innovative ones

5.28 Staff, therefore, do not support the live streaming of all workshops.

Costs

5.29 Additional costs would be incurred for:

- A Chamber camera upgrade
- The purchase of recording equipment for alternative venues
- The use of more than one camera to capture screen displays
- Uploading recordings to YouTube
- Newspaper advertising for public notification of workshops
- The development and maintenance of a website page to include workshop information
- Additional staff support and training

Policy Development

The development of a Council Workshop Policy would provide clarity for members of the public, the organisation, the media and elected members, ensuring a comprehensive and consistent approach on all matters relating to workshops.

6. Options

6.1 The options are set out below. Council Officers recommend **Option 1**.

Option 1: Develop a Workshop Policy	
Advantages	<ul style="list-style-type: none">• Enables elected members to provide direction on all aspects of workshop administration, management and accessibility• Provides clarity to the public, the organisation the elected members and the media on the agreed approach to all matters relating to workshops• Ensures that a consistent approach is taken on all matters relating to workshops• Enables staff to identify and budget for any additional expenditure that may be required

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Risks and Disadvantages	<ul style="list-style-type: none"> • Staff costs and time to develop policy
Option 2: Do not develop a Workshop Policy	
Advantages	<ul style="list-style-type: none"> • No staff time or costs are incurred
Risks and Disadvantages	<ul style="list-style-type: none"> • Missed opportunity for elected members to provide direction on all aspects of workshop administration and management • There continues to be a lack of clarity on the agreed approach on all matters relating to workshops for members of the public, the organisation, elected members and the media • There continues to be inconsistencies in approach on different aspects of workshop management and administration

7. Conclusion

- 7.1 Council has increased access to the information provided to elected members as part of the decision making process through making workshops open to the public. Council officers consider that the development of a Council Workshop Policy, with input from elected members, would provide clarity to the public, the organisation and elected members and ensure that a consistent approach is taken regarding all matters relating to workshops.

Author: Mary Birch, Manager Governance and Support Services

Attachments

Attachment 1: A2041002 - Nelson City Council - Live-streaming Viewing Statistics 2018 [↓](#)

Attachment 2: A2057046 - Appendix 9 - Extract from Nelson City Council Standing Orders [↓](#)

Attachment 3: A2058974 - NZ LG Sector Comparison - Workshops [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	Accessibility by the public to information made available to elected members as part of their decision making supports the openness and transparency required to engage the public to enable democratic local decision-making and action by, and on behalf of, communities.
2. Consistency with Community Outcomes and Council Policy	<p>Accessibility by the public to information made available to elected members as part of their decision making supports the following Community Outcome:</p> <p>“Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement”.</p>
3. Risk	There is a risk that members of the public are dissatisfied that clarity on all aspects of Council Workshops will be deferred until the Council Workshop Policy has been adopted.
4. Financial impact	There is no financial impact associated with the development of a Council Workshop Policy.
5. Degree of significance and level of engagement	While matters concerning public access to the information provided to elected members as part of their decision making generally raise a high level of public interest, it is considered that the decision whether to live-stream meetings and make other workshop materials available are of low significance in terms of the Council’s Significance and Engagement Policy.
6. Inclusion of Māori in the decision making process	No engagement with Māori has been undertaken in preparing this report.
7. Delegations	This is a decision for Council.

Nelson City Council – Live – Stream**Meeting Viewing Statistics 2018 (as at 28 August 2018)**

Meeting	Number of Views
Planning and Regulatory Committee 23 August 2018	66
Sports and Recreation Committee 21 August 2018	63
Works and Infrastructure Committee 16 August 2018	83
Audit Risk and Finance 14 August 2018	132
Council 09 August 2018	235
Governance Committee 26 July 2018	106
Council Greenmeadows Media Briefing 25 July 2018	302
Community Services Committee 12 July 2018	59
Planning and Regulatory Committee 05 July 2018	51
Sports and Recreation Committee 03 July 2018	86
Works and Infrastructure Committee 28 June 2018	114
Audit, Risk and Finance Subcommittee 26 June 2018	47
Council meeting 21 June 2018	122
Governance Committee 7 June 2018	41
Planning and Regulatory Committee 29 May 2018	51
Extraordinary Council Meeting 24 May 2018	108
Sports and Recreation Committee 24 May 2018	28
Works and Infrastructure Committee - 22 May 2018	47
Council meeting - 17 May 2018 Day 3 of Long Term Plan Deliberations	370
Council meeting - 16 May 2018 Day 2 of Long Term Plan Deliberations	206
Council meeting - 15 May 2018 Day 1 of Long Term Plan Deliberations	73
Audit Risk and Finance Subcommittee Meeting - 15 May 2018	54
Council meeting 9 May 2018 Day 3 of Long Term Plan Hearings	185
Council meeting 8 May 2018 Day 2 of Long Term Plan Hearings	238
Council meeting 7 May 2018 Day 1 of LTP Hearings	233
Council meeting 3 May 2018	168
Governance meeting 19 April 2018	29
Community Services Committee 12 April 2018	89
Planning and Regulatory Committee 5 April 2018	41
Sports and Recreation Committee 03 April 2018	62
Works and Infrastructure Committee - 29 March 2018	55
Council - 20 March 2018	222
Governance Committee - 8 March 2018	45
Council - 8 March 2018	74
Community Services Committee 1 March 2018	55
Planning and Regulatory Committee 22 February 2018	59
Council 22 February 2018	77
Sports and Recreation Committee 20 February 2018	89
Commercial Subcommittee 13 February 2018	30
Audit, Risk and Finance 13 February 2018	51
TOTAL VIEWS	4246
Number of Meetings	40
Average Number of Views per Meeting	106

Appendix 9: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) a resolution of the local authority or its committees
- (b) the Mayor,
- (c) a committee Chairperson or
- (d) the chief executive.

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) state that the meeting is a workshop
- (b) advise the date, time and place
- (c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

Local Government Sector Review - Workshops

Council	Workshops Advertised	Notes	Workshop Schedule	Workshop Agenda, Presentations or other materials	Workshops Livestreamed	Workshops open to the public
Ashburton District Council	YES in meetings calendar	No workshop detail given	NO	NO	NO	Open and public excluded workshops
Auckland Council	NO		NO	Post workshop - open workshop material is attached to and confidential workshops are listed in an information report to the relevant committee	NO	NO
Bay of Plenty Regional Council	YES in meetings calendar	No workshop detail given	NO		NO	NO
Buller District Council	NO		NO	Open workshop material is made available as per meeting agendas	NO	Open and public excluded workshops
Central Hawke's Bay District Council	YES in meetings calendar	No workshop detail given	NO	NO	NO	NO
Central Otago District Council	NO - only if an occasional one is open		NO	Open workshop material is put on website	NO	The majority of workshops are public excluded - there is an occasional open one
Christchurch City Council	NO	Standing Orders state public notice of a workshop is not required	NO		NO	Open and public excluded workshops
Clutha District Council	YES in meetings calendar	The majority of workshops are public excluded, but a few are open - they are advertised if there is time but are mostly ad hoc	NO	If the workshop was open and there time, the material would go on the website but this doesn't happen very often	NO	Open and public excluded workshops
Dunedin City Council	NO		NO	NO	NO	NO
Environment Canterbury	NO		NO	NO	NO	NO
Environment Southland	NO		NO	NO	NO	NO
Far North District Council	NO		NO	NO	NO	NO
Gisborne District Council	NO		NO	Workshop documents on website	NO	Open and public excluded workshops
Gore District Council	NO	Do not keep any record of workshops as they are purely to discuss items before they go to the public arena	NO	NO	NO	NO
Greater Wellington Regional Council	NO		NO	Workshop material online post workshop	NO	NO
Grey District Council	NO		NO	Workshop date and time inc in council agenda	NO	NO
Hamilton City Council	YES		NO	Called briefings and listed individually	Some	Open and public excluded workshops
Hastings District Council	NO	Standing Orders state public notice of a workshop is not required	NO	NO	NO	Open and public excluded workshops
Hauraki District Council	NO		NO	NO	NO	NO
Hawke's Bay Regional Council	NO	NO	NO	NO	NO	Public cannot attend workshops (only one exception - TANK - has been made open to public
Horizons Regional Council	NO		NO	NO	NO	NO
Hutt City Council	NO		In meetings schedule - no topic	NO	NO	Yes public can attend but they cannot speak
Invercargill City Council	NO		No schedule - try to tie in with Committee meetings before or after	NO	NO	NO
Kaipara District Council	YES on its Briefings and workshops page		Website page	YES	NO	Briefings are open to the public but workshops are public excluded
Kapiti Coast District Council	YES	Open workshops are publicly advertised, they do include open workshops in their calendar, but as they have only had two open workshops (but many confidential briefings) these were not easily found	NO		LTP workshop was livestreamed	Workshops are open to the public but briefings are public excluded
Marlborough District Council	NO	Standing Orders state public notice of a workshop is not required				Open and public excluded workshops
Napier City Council	NO		Two within six weekly cycle	NO	NO	NO
New Plymouth District Council	NO		NO	NO	NO	No info
Northland Regional Council	NO		NO	NO	NO	NO
Palmerston North City Council	NO		Mondays - following another meeting	NO	NO	NO
Porirua City Council	NO		NO	Agenda - YES Notes taken - but no minutes	NO	NO
Tasman District Council	NO	Standing Orders state public notice of a workshop is not required	NO	YES presentations are online	NO	NO
Tauranga District Council	YES		YES	YES - Agenda, Minutes and Audio Recording	NO	Open and public excluded workshops
Upper Hutt City Council	NO	No mention of workshops in standing orders	NO	Agenda - sometimes Minutes - NO	NO	NO
Waikato District Council	NO		NO	YES presentations are online Mainly verbal Staff member runs the workshop and may take notes - no minutes	NO	NO
Waikato Regional Council	NO		NO	Agendas for members only No Minutes	NO	NO
Waimakariri District Council	NO	No mention of workshops in standing orders Mostly have briefings and they are not open to the public	Regular - once a month	NO	NO	NO
Wellington City Council	NO		NO	NO	NO	NO
Whakatane District Council	NO		NO	NO Sometimes will produce Agenda NO minutes	NO	Open and public excluded workshops
Whanganui District Council	NO		NO	Mention of briefing dates in council agenda. Agenda is an outline.	NO	NO

Bay Dreams Update and Camping Request

1. Purpose of Report

- 1.1 To provide Council with information on the 'Bay Dreams' music festival.
- 1.2 To decide whether to conditionally approve, as landowner, a request for camping at Rutherford Park and Saxton Field from 3 to 5 January 2019.
- 1.3 To advise Council that a New Year's Eve event will not be held at Trafalgar Park on 31 Dec 2018 when 'Bay Dreams' operates.

2. Summary

- 2.1 Bay Dreams is an R18 music festival at Trafalgar Park on 4 January 2019 with international dance and dub acts including a headline act of 'Cardi B', a major American artist. The event is sold out with 20,000 tickets pre-sold. Pre-party (3 January) and after-party (4 January) events are also scheduled at the Trafalgar Centre. The promoter has applied to host 1500 campers at Rutherford Park and up to 5000 campers at Saxton Field, and also asked that no New Year's Eve events be held immediately prior to 'Bay Dreams'. Consents are still being applied for.

3. Recommendation

That the Council

Receives the report Bay Dreams Update and Camping Request (R9693); and

Agrees to conditional landowner approval for camping at Rutherford Park for 1500 people over 3-5 January 2019; and

Agrees to conditional landowner approval for camping at Saxton Field for up to 5000 people over 3-5 January 2019 (subject to resource consent if required); and

Notes that \$80,000 of unbudgeted expenditure is estimated to support the Bay Dreams project

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delivery and that officers are negotiating with Bay Dreams on fees to cover these costs; and

Notes that the Chief Executive will confirm that a New Year's Eve event at Trafalgar Park will not be held on 31 December 2018.

4. Background

- 4.1 'Bay Dreams' is a sold out one day music festival attracting 20,000 young people to Trafalgar Park to hear national and international dub and dance acts on 4 January 2019. The headline Act is 'Cardi B,' a major American rapper with a very large international following. Pre-party and after party events are scheduled at the Trafalgar Centre. The promoter is seeking to establish Bay Dreams as an annual event if successful.
- 4.2 The Bay Dreams South company has been recently established by experienced event promoters who have successfully delivered large scale concerts and festivals in New Zealand for 16 years. The parent and associated companies deliver over 300 events across NZ annually. The partners of the company are Pato Alvarez, Mitch Lowe, Toby Burrows and Good Times NZ Ltd. Toby Burrows is the Festival Director.
- 4.3 The event has been far more successful in its ticket sales than anticipated by Bay Dreams South. 17,500 tickets have been purchased from outside the Nelson/Tasman region, although a proportion of these are likely to be local people returning home for the event, such as students. The promoter has applied to host 1,500 campers at Rutherford Park and up to 5,000 campers at Saxton Field between 3 and 5 January. On site camping will provide accommodation options, but has associated risks of nuisance, disorder and intoxication. Commercial accommodation has very limited extra capacity at this time of year.
- 4.4 Bay Dreams South has received 1,600 booking requests for camping to date, and an additional 2,000 ticketholders have indicated they do not have accommodation organised. Planning is therefore proceeding on the basis of gaining permission for camping to accommodate up to 6,500 people (1,500 at Rutherford Park and 5,000 at Saxton Field), although Bay Dreams South believes actual demand may be less. By comparison, the Tauranga 'Bay Dreams' event tickets 30,000 people with 5,000 campers and the Gisborne 'Rhythm and Vines' hosts 20,000 with 12,500 campers.
- 4.5 A range of Council compliance obligations must be met in order for 'Bay Dreams' to be held. Building consents are required for marquees and staging, noise consents for Trafalgar Park and the Trafalgar Centre, traffic management plans for CBD road closures, a resource consent for camping at Saxton Field (if required), and special alcohol licenses for all venues.

Item 12: Bay Dreams Update and Camping Request

- 4.6 Bay Dreams South has asked Council to not agree to a Trafalgar Park New Year's Eve being held three days before the 'Bay Dreams' festival. This is because a noise consent may not be approved if there is potential for another festival in the days immediately prior. This is supported by officers and the Chief Executive (CE) would provide a letter confirming that no competing New Year's Eve events will be held at Trafalgar Park on 31 December 2018.
- 4.7 A representative from Bay Dreams South, Toby Burrows, met with Council officers on 24 August and also briefed Councillors on 17 September. Officers have met with the events team which included: the head of security (Red Badge), the consent planner, the alcohol management planner, and a crowd management specialist. Police were also present. The following information was provided by Bay Dreams South:
- 4.7.1 The event has exceeded all expectations and is at capacity with 20,000 tickets sold and a waiting list of 2000. 17,500 tickets were purchased from out of town (although some are likely to be local people returning for the event).
 - 4.7.2 Transport to and from Saxton Field can be addressed. Bay Dreams South will bring in additional buses and drivers from Christchurch if required.
 - 4.7.3 A pre-party (3 January) and after party (5 January until 3 am) are planned indoors at the Trafalgar Centre.
 - 4.7.4 Work on consent applications is underway, but time is very tight.
 - 4.7.5 On-licence alcohol sales are planned for festival and camping venues to avoid uncontrolled BYO or pre-loading. 'Red Frogs' (a trained welfare service to assist party goers) and St John will provide support services.
 - 4.7.6 Protective matting will be needed for turf protection at Trafalgar Park. The expectation is that turf protection will be funded by Bay Dreams South, and any damage to the turf will be its responsibility.
 - 4.7.7 Alcohol, consents and security functions have been contracted to specialist providers, all of whom are said by Bay Dreams South to have had significant large event management experience.
 - 4.7.8 Bay Dreams South will supply and fund all services such as security, transport, ablutions and welfare at the venues and campgrounds. Council is responsible for ensuring the plan meets requirements and for monitoring.

5. Discussion

5.1 General:

- 5.1.1 Bay Dreams will be of significant impact for Nelson. It is the largest music festival ever hosted in Nelson and will result in an influx of visitors. The promoter is highly experienced having delivered similar events over many years in Tauranga and Gisborne and intends to build a long term presence in Nelson.
- 5.1.2 Initial expectations were that ticket sales would be between 8,000 and up to 15,000 if demand was very high. Actual sales of almost 20,000 and a waiting list of 2000 have exceeded all expectations and created additional pressures for accommodation and services.
- 5.1.3 Nelson Regional Development Agency (NRDA) has offered to provide some comment on the economic benefit of the event. A large additional visitor contingent will have significant economic benefits for retail, hospitality, entertainment and other services in the City. Economic and cultural benefits will be long term as the promoter intends delivering this and other concerts, such as UB40, on an ongoing basis to Nelson.
- 5.1.4 Negotiations are under way with Bay Dreams South regarding fees for Trafalgar Park, Trafalgar Centre, Rutherford Park and Saxton Field with a view to recovering costs. These fees will take account of the increased size and scope of the event. Bay Dreams South is not seeking a Council financial contribution towards delivery of the festival.
- 5.1.5 A festival of this nature does create risk. Similar events in Gisborne and Tauranga have resulted in disorder. Some residents will be affected by noise and an influx of partygoers will put Police and health services under strain. City infrastructure will be under pressure, particularly accommodation and transport and there is a risk of damage to the Trafalgar Park surface. These risks have been discussed with Bay Dreams South and risk management processes are being developed.
- 5.1.6 Officers have developed a project plan to ensure that Council activities are co-ordinated and milestones are achieved.

5.2 Decision Scope:

- 5.2.1 At this stage, Council are asked to conditionally approve camping at Rutherford Park and Saxton Field. This will allow the organisers to accept bookings and provide a detailed plan to Council for final approval.

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- 5.2.2 This decision relates to 'landowner' permission for camping at Saxton Field. It is noted that camping at Saxton Field may still require a resource consent. Other consents (as per para 4.5 above) are also required.
- 5.2.3 Council will not be required to provide or organise services within the venues or transport to and from the campground as this will be organised and funded by Bay Dreams South. Council will need to agree to an acceptable plan around these arrangements.

5.3 Legislation and Policy:

- 5.3.1 **Rutherford Park Management Plan:** Festivals that include camping are allowed for within Rutherford Park as these activities are permitted within the open space schedule contained in the Nelson Resource Management Plan. This means that the CE can authorise camping "to support a permitted community or commercial event."
- 5.3.2 **Saxton Field Management Plan:** A resource consent for camping at Saxton Field may be required if this is deemed to not be a permitted activity under the Saxton Field Management Plan. Legal advice is being obtained to confirm this position.
- 5.3.3 **Freedom Camping Legislation:** Camping is not permitted outside a registered campground, unless permission from the CE is granted.
- 5.3.4 **Camping Regulations:** These regulations apply to registered campgrounds only – not temporary campsites. This legislation will be useful as a reference document however as it defines minimum campground standards.

5.4 Camping at Rutherford Park and Saxton Field:

- 5.4.1 The demand for campsites is estimated to be between 3500 and 6000 people. As noted above, 1500 people have booked for Rutherford Park and there are an additional 2000 people who indicated they have not yet organised accommodation.
- 5.4.2 Bay Dreams South has requested permission to use Rutherford Park for camping for 1500 campers and view camping at Rutherford Park as important to the festival's success. Noise emission is possibly the largest risk with this site. An acoustic assessment undertaken by Malcolm Hunt Associates as part of Bay Dreams South's consent application states that any noise issues associated with camping can be controlled so that noise emissions will comply with the Nelson Resource Management Plan (NRMP) limits applying to the site.
- 5.4.3 Saxton Field is preferred as the second site over other options, such as Neale Park, due to its size and distance from residential neighbours. The main downside of Saxton Field is the need to

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provide a shuttle bus service between Trafalgar Park and Saxton Field. Bay Dreams South advises that bus transport can be organised to move the large number of campers (potentially up to 5,000) between Trafalgar Park and Saxton Field. This may require bringing in additional buses and drivers from outside the region.

- 5.4.4 The Saxton Field campground would be located away from the residential boundaries of Saxton Field, and set apart from Saxton Oval. The central third of Saxton Field would house tents, with the showers and toilets in the surrounding facilities utilised as much as possible. Car parking for the campground would be provided on the undeveloped land adjacent to Saxton Oval.
- 5.4.5 It would be Bay Dreams South's responsibility to provide these services – Council and other agencies would ensure that the agreed conditions are met. The provision of camping at Saxton Field would be discussed with the Tasman District Council and the Saxton Field Committee will be informed. Nelson Cricket have also been advised.
- 5.4.6 Bay Dreams South proposes that all campsites are licensed. This helps to contain drinking activity in an area that can be supervised by the event organisers and reduce pre-loading.
- 5.4.7 Final approval for camping would only be granted on receipt of an acceptable plan. Bay Dreams South would also be required to pay a deposit to cover any damage.
- 5.4.8 While Bay Dreams South is agreeable to applying for a resource consent for Saxton Field, it has indicated that if public notification is required it would not be feasible for 2019.

5.5 Other Camping Alternatives:

- 5.5.1 For completeness, the other camping options considered were:
- 5.5.2 **Neale and Guppy Parks:** While within walking distance to the venues, these not favoured by organisers or officers due to close proximity to residents and a likely need for a notified resource consent. Bay Dreams South may utilise Neale Park as a car park instead.
- 5.5.3 **Commercial Campgrounds - The Brook, Tahunanui, Maitai Valley:** While some capacity is available there is insufficient capacity to host large numbers for this event. Some overflow camping is being investigated for the Maitai Valley campground.
- 5.5.4 **A&P Park, Richmond:** Potential clash with Summer Racing programme. Would also require shuttle transport over a longer distance.

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- 5.5.5 **Do nothing:** Not recommended as 5000+ concert goers will be dispersed with risks of uncontrolled freedom camping. Potential safety issues for campers, uncontrolled intoxication and nuisance to residents.

5.6 Noise:

- 5.6.1 Not all residents will welcome the noise and partying associated with this type of activity and some complaints are to be expected, regardless of location, even if the camping is relatively incident free. Apart from distancing noisy activities from residents, options to reduce generalised noise are limited.

5.7 Proposed Camping Conditions:

A number of conditions would apply to camping at Rutherford Park or Saxton Field. The campground needs to:

- Maintain minimum standards consistent with the Camping Regulations around egress, ablutions, safety and hygiene.
- Provide continuous public access to the Maitai River walkway.
- Have an agreed parking, rubbish, Saxton Oval protection, water and waste water plan.
- Be fully fenced with an approved security plan. Only paying campers 18+ would be admitted and no tolerance for anti-social behaviour. First aid and personal support services would be available.
- Be drug and alcohol free apart from an approved licensed area.
- Have an agreed transport plan for shuttles and parking.
- Comply with other conditions following advice from Police, Public Health, Fire and Emergency NZ and other agencies as required.

5.8 Regulatory Agency Feedback:

Officers have consulted with other agencies as follows:

- 5.8.1 **Environmental Inspections Ltd (EIL):** EIL confirmed the importance that alcohol controls are enforced, there is a strong security presence, controlled entry and effective management of the sites to mitigate risks.
- 5.8.2 **Police:** While a campground of concert goers is not ideal, it is preferable to have them at Rutherford Park or Saxton Field in a controlled environment rather than freedom camping. Police were concerned about rioting in Gisborne in 2015, and a near riot at Tauranga in 2018. A high security presence by event organisers is essential, as Police will not have resources to provide security

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for the event. Despite this, the promoter appears credible, experienced, well organised and has good risk mitigation plans. Police prefer an on licence with tightly controlled bars in preference to a total alcohol ban, which introduces risks around uncontrolled pre-loading outside the gate.

- 5.8.3 **NMDHB Public Health:** Public Health endorses the Police perspective.

5.9 New Year's Eve Events at Trafalgar Park :

- 5.9.1 The promoter is concerned that the existing Council-held noise consent permits a New Year's Eve event to be run at Trafalgar Park. Bay Dreams South seeks to modify the Council consent as provision for two major festivals at the Park in the same week could compromise its noise consent application.
- 5.9.2 No New Year's Eve events have been held at Trafalgar Park since 2008, and there are no plans to do so in the foreseeable future as New Year's Eve festivities are now CBD focused.
- 5.9.3 The CE will provide written confirmation, under his delegation, that no New Year's Eve events will be approved at Trafalgar Park in 2019, and will also undertake to consider the implications of modifying the Council held noise consent for future 'Bay Dreams' events.

5.10 Costs to Council:

- 5.10.1 Officers are working to develop an accurate picture of costs. The known direct costs to Council are expected to be approximately \$80,000 of unbudgeted expenditure. An agreement with Bay Dreams South is being negotiated with a view to covering these costs. These estimated costs include:
- Project coordination costs. Backfilling and contracting out of essential existing business tasks for Council project coordinators: \$45,000.
 - Council staff time on public holidays: \$3,000.
 - Public communications to Nelson residents: \$10,000.
 - Street clean up outside of venues: \$3,000.
 - Legal fees: \$5,000.
 - Contingency \$14,000.
- 5.10.2 Additional costs directly paid by Bay Dreams South include:
- Hire of protective matting at Trafalgar Park.

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- Remediation of any damage to park facilities or surfaces.
- Venue security, shuttles, welfare, ablutions, infrastructure and related services at Saxton Field and Trafalgar Park.
- Consent fees.
- Venue hire costs.

5.10.3 Costs covered as part of existing Council contracts or staff resource include:

- Monitoring by EIL.
- Venue management by CLM and Nelmac.
- Planning and support tasks by Council officers.

5.11 **Risks and their management**

5.11.1 At an overall level, the Council's objective in hosting events of this type is to enable added economic, social and reputational advantage to Nelson, while ensuring that the community's facilities are not damaged and public order is maintained.

5.11.2 There are a number of circumstances which may put this objective at risk. They include:

- Insufficient accommodation for festival goers leading to freedom camping, associated public disorder and exposure of festival attendees to harm.
- Damage to Council facilities including the Trafalgar Park turf and other spaces allocated to the event as a result of the large numbers of attendees and the festival activities or adverse weather conditions.
- Noise and nuisance from festival events to local residents.
- Influx of large numbers of people disrupting normal community activities and those of other holidaymakers.
- Social disorder and associated alcohol related harm.
- Council consents not being approved, or requiring public notification.
- Reputational damage to Council if the festival does not proceed or run smoothly.

5.11.3 Some controls are already in place to manage the impact of these events and others are planned as arrangements are developed to run the event. Existing controls include:

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- Application of the event operator's existing expertise and experience.
- Bay Dreams South engaging professional planners to assist with consent applications.
- A desire by Bay Dreams South to run future events of this nature over the short and long term and to build a partnership with Council.
- Preparations already started by police, emergency service providers and key partners.
- Obligations placed on the event operator through the existing venue booking arrangements and consent process.

5.11.4 Council is putting in place further steps to manage these events and the impacts they may cause, in particular;

- The use of Rutherford Park and a section of Saxton Field as a festival managed camping location will provide controlled accommodation for attendees while minimising disruption and effects on the community and other holidaymakers.
- Further specification within the venue hire agreements, including detailed plans to be approved by the Council, and the proposed addition of a bond to be available to rectify any damage to hired venues, will reduce the impact of any damage to Council facilities.
- Allocation of Council staff and resources to monitor that agreed preparations are put in place and executed as planned, will help ensure that the event is well controlled and successful.
- The provision of a comprehensive event management plan for approval and monitoring by Council officers.

5.11.5 With the existing and projected controls in place officers estimate the following risks remain;

- Possible injury to one or more festival goers: Risk level medium on the Council scale.
- A small amount of damage to Council facilities: Risk level low on the Council scale.
- Possible minor environmental damage from festival goer activities: Risk level low on the Council scale.
- Local or national level criticism possible if disruptive behaviour or injuries attract press or large social media attention: Risk level medium on the Council scale.

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- Unplanned unavailability of Council facilities to the Nelson Community: Risk level medium on the Council scale.

5.12 Debrief and Review:

Assuming the event proceeds, a debrief with the promoter and local agencies will be held at the conclusion, to ensure that any lessons are taken on board before any decision is made for any subsequent 'Bay Dreams' events in Nelson.

6. Options

- 6.1 **Rutherford Park and Saxton Field Camping:** Option 1 is recommended.

Option 1: Conditionally approve the application for Rutherford Park and Saxton Field Camping.	
Advantages	<ul style="list-style-type: none">• Camping is an intrinsic part of this large event. Patrons, event organisers and visitors will be satisfied.• Attracts visitors and associated economic benefits. Rutherford Park camping will support increased CBD patronage.• Supports event viability over the longer term.• Allows Council and agencies a degree of control over camping and behaviour.• Will enhance Nelson's reputation if it goes well.
Risks and Disadvantages	<ul style="list-style-type: none">• Some disruption to local residents.• Large scale shuttle transport will be needed for Saxton Field. Buses and drivers from further afield will be needed.• Risk of disorder if patrons are waiting after the event for shuttles to return to the campground.• Potential risks of disorder associated with intoxication in the campground.
Option 2: Decline Saxton Field Camping Application.	
Advantages	<ul style="list-style-type: none">• May mitigate some risk of a concentrated gathering of partygoers.
Risks and Disadvantages	<ul style="list-style-type: none">• Freedom camping – patrons will sleep and camp anywhere they can.• Isolated, vulnerable young people at increased risk of harm.

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	<ul style="list-style-type: none">• Alternative sites all have size limitations or close proximity to local residents.• Reputational risk as Council could be criticised as unwelcoming of major events or activities for younger people.
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7. Conclusion

- 7.1 In order to provide camping facilities for 'Bay Dreams' Council is asked, in its capacity as landowner, to conditionally approve a request for temporary campgrounds at Rutherford Park and Saxton Field.

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Attachments

Nil

Important considerations for decision making
1. Fit with Purpose of Local Government The 'Bay Dreams' festival provides entertainment services and economic benefits to Nelson City.
2. Consistency with Community Outcomes and Council Policy The Long Term plan supports the delivery of community events such as music festivals, and the Bay Dreams festival aligns with the following Council Community Outcomes: <ul style="list-style-type: none">• Our communities have opportunities to celebrate and explore their heritage, identity and creativity.• Our communities have access to a range of social, educational and recreational facilities and activities.
3. Risk Risks associated with the 'Bay Dreams' festival include: <ul style="list-style-type: none">• Public disorder: Medium likelihood, high impact: mitigation involves effective planning, monitoring and enforcement activities and agency partnerships.• Reputational: Medium likelihood, high impact: 20,000 young people have purchased Bay Dreams tickets to see international acts. If the festival were not to proceed and Council were blamed, there would be reputational damage to Council.• Damage to Council facilities (eg, Trafalgar Park Turf): high likelihood of minor damage, low likelihood of major damage: the agreement with Bay Dreams South will include bond, indemnity, requirements to 'make good' facilities, and protection for the turf.• Consents: Medium likelihood, high impact: organisers cannot proceed if required consents are not granted.• Legal: Low likelihood, medium impact: organisers stand to lose a significant amount of money if the event was not Council permitted. <p>It is considered that, with the arrangements being put in place, risks can be managed to an acceptable level.</p>
4. Financial impact

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While Bay Dreams South is not asking for direct ratepayer funding, there is a significant staff time component associated with planning for and monitoring this large scale event.

The direct costs to Council are estimated to be \$80,000 of unbudgeted expenditure.

Economic benefits to Nelson have not yet been quantified but are anticipated to be considerable for this and future events of this scale.

5. Degree of significance and level of engagement

This matter is of medium significance because it will negatively affect a small proportion of residents close to the venues. Therefore engagement will occur in the form of the event promoter communicating directly with local residents and taking measures to minimise noise and nuisance.

6. Inclusion of Māori in the decision making process

No engagement with Māori has been undertaken in preparing this report.

7. Delegations

This decision is referred to Council as it relates to the delegated authority of several committees including Sports and Recreation Committee and the Governance Committee, and to address timeliness issues.