



# AGENDA

**Ordinary meeting of the**

**Nelson City Council**

**Thursday 15 November 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.

**Opening Prayer**

**1. Apologies**

- 1.1 Apologies have been received from Councillors Acland, Dahlberg and Rutledge

**2. Confirmation of Order of Business**

**3. Interests**

- 3.1 Updates to the Interests Register  
3.2 Identify any conflicts of interest in the agenda

**4. Public Forum**

- 4.1 Leonie Allen and Gill Starling - Parker Gallery

Leonie Allen and Gill Starling, on behalf of the Wakatu Square retailers, speaking about the effect the proposed road closure for Bay Dreams will have on businesses.

**5. Confirmation of Minutes**

- 5.1 20 September 2018 11 - 29

Document number M3766

Recommendation

***That the Council***

***Confirms the minutes of the meeting of the Council, held on 20 September 2018, as a true and correct record.***

5.2 11 October 2018 30 - 31

Document number M3825

Recommendation

***That the Council***

***Confirms the minutes of the meeting of the Council, held on 11 October 2018, as a true and correct record.***

5.3 25 October 2018 32 - 34

Document number M3853

Recommendation

***That the Council***

***Confirms the minutes of the meeting of the Council, held on 25 October 2018, as a true and correct record.***

**6. Recommendations from Committees 35**

**6.1 Audit, Risk and Finance Subcommittee - 25 September 2018**

6.1.1 Carry Forwards 2017/18

Recommendation to Council

***That the Council***

***Approves the carry forward of \$4,945,000 unspent capital budget for use in 2018/19; and***

***Approves the offsetting of \$1,145,000 of capital spent in 2017/18 against 2018/19 budgets; and***

***Approves the carry forward of \$700,505 of unspent operating budget for use in 2018/19; and***

***Approves the release of \$4,025,000 of 2018/19 capital budget unlikely to be spent as itemised in attachment 1; and***

***Notes savings in 2017/18 capital expenditure of \$945,000; and***

***Notes that the total capital budget (including staff costs but excluding consolidations and vested assets) will be adjusted by these resolutions to a total of \$41,868,000.***

6.1.2 Draft Internal Audit Charter - Review September 2018

Recommendation to Council

***That the Council***

***Approves the Draft Internal Audit Charter – Review September 2018 (A2026584).***

6.1.3 Draft Annual Internal Audit Plan - 30 June 2019

Recommendation to Council

***That the Council***

***Approves the Draft Annual Internal Audit Plan to 30 June 2019 (A2026190).***

**6.2 Works and Infrastructure Committee - 28 September 2018**

6.2.1 Wastewater and Stormwater/Flood Protection Asset Management Plans 2018 - 28

Recommendation to Council

***Adopts the Wastewater and Stormwater/Flood Protection Asset Management Plans 2018-28 (A1611752 and A1711433), amended to reflect the approved Long Term Plan 2018-2028.***

6.2.2 Nelson Tasman Regional Landfill Business Unit Treasury Policy

Recommendation to Council

***That the Council***

***Approves the Nelson Tasman Regional Landfill Business Unit Treasury Policy (A1963932 of Report R9441).***

### 6.2.3 Saltwater Creek Bridge

Recommendation to Council

***That the Council***

***Approves an additional unbudgeted \$300,000 to fund construction of the bridge in the 2018/19 financial year that will allow the award of a tender and enable work to commence this financial year (2018/19).***

## **6.3 Regional Transport Committee - 3 October 2018**

### 6.3.1 Regional Land Transport Plan variation - Noise Reduction and Safety Enhancements Programmes

***That the Council***

***Approves that the Nelson Regional Land Transport Programme 2015-21 be varied to include a total of \$4.97M for "Noise Improvements" and \$350,000 for "Safety Enhancements on the State Highway Network" spread over the 2018-21 financial years.***

## **6.4 Community Services Committee - 4 October 2018**

### 6.4.1 Adoption of Property and Facilities Asset Management Plan 2018 - 2028

Note: As this Asset Management Plan contains matters relevant to the Community Services and Sports and Recreation Committees, the full plan has been attached under separate cover on Council's website for reference.

Recommendation to Council

***That the Council***

***Adopts the Property and Facilities Asset Management Plan 2018 - 2028 (A2013479) amended to reflect the approved Long Term Plan 2018 - 2028.***

## **6.5 Planning and Regulatory Committee - 9 October 2018**

### 6.5.1 Appointment of Regional On-Scene Commanders

Recommendation to Council

#### ***That the Council***

***Agrees to end the appointment of Stephen Lawrence as primary Regional On-Scene Commander under the Maritime Transport Act 1994 on 15 November 2018; and***

***Approves Brent Edwards to be the primary Regional On-Scene Commander for the Nelson region under the Maritime Transport Act 1994 effective from 16 November 2018; and***

***Approves Adrian Humphries to be an alternate Regional On-Scene Commander for the Nelson region under the Maritime Transport Act 1994 effective from 16 November 2018; and***

***Approves Luke Grogan to be an alternate Regional On-Scene Commander for the Nelson region under the Maritime Transport Act 1994 effective from 16 November 2018.***

### 6.5.2 Adoption of the Environment Activity Management Plan 2018-2028

Recommendation to Council

#### ***That the Council***

***Adopts the Environment Activity Management Plan 2018-2028 (A2051681).***

### 6.5.3 Amendments to the Nelson Resource Management Plan to implement the National Environmental Standard - Plantation Forestry

Recommendation to Council

#### ***That the Council***

***Approves the additional proposed amendments to the Nelson Resource Management Plan to implement the National Environmental Standard – Plantation Forestry.***

## **6.6 Governance Committee - 25 October 2018**

### **6.6.1 Policy review: Remuneration for directors of Nelson City Council's Council Controlled Trading Organisations**

Recommendation to Council

***That the Council***

***Adopts the amended 2018 Nelson City Council Policy for setting the remuneration for directors of Nelson City Council's council controlled trading organisations (A2045559).***

## **7. Mayor's Report 36 - 36**

Document number R9801

Recommendation

***That the Council***

***Receives the report Mayor's Report (R9801).***

## **8. QV Revaluation Presentation**

Gail Smits and Craig Russell of Quotable Value will be in attendance to present the 2018 revaluation of Nelson properties.

## **9. Communications and Engagement Strategy 37 - 40**

Document number R9663

Recommendation

***That the Council***

***Receives the report Communications and Engagement Strategy (R9663); and***

***Delegates responsibility for development and implementation of a Communications and Engagement Strategy to the Governance Committee; and***

***Updates the Delegations Register to include the Governance Committee's responsibility for***

*development and implementation of a  
Communications and Engagement Strategy.*

**10. Submission on the Tasman District Council  
(Waimea Water Augmentation Scheme) Bill 41 - 55**

Document number R9810

Recommendation

***That the Council***

***Receives the report Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill (R9810) and its attachments (A2081420, A2069694); and***

***Approves retrospectively the attached Nelson City Council submission (A2069694) on the Tasman District Council (Waimea Water Augmentation Scheme) Bill.***

**PUBLIC EXCLUDED BUSINESS**

**11. 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:***

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<b>Minutes - 20 September 2018</b>	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	
2	<b>Council Meeting - Public Excluded Minutes - 11 October 2018</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>•</li> </ul>
3	<b>Recommendations from Committees</b>  <b>Planning and Regulatory Committee 09/10/18</b>  Appointment of external District Licensing Committee Commissioner and members  <b>Governance Committee 25/10/18</b>  State Advances Building – Update  Recommendation from Civic Trust Annual General Meeting 19/10/18	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> </ul>
4	<b>Policy for the appointment and remuneration of jointly-appointed independent</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons,</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	<b>members to committees</b>	disclosure of information for which good reason exists under section 7	including that of a deceased person
<b>5</b>	<b>Rural Fire: Hira Fire Station Licence and Response Assets</b>	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities</li> </ul>

**Note:**

- **This meeting is not expected to continue beyond lunchtime as the Works and Infrastructure Committee will follow this meeting.**
- **Lunch will be provided.**
- **Youth Councillors are in examinations and will not be in attendance at this meeting.**



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## Minutes of a meeting of the Nelson City Council

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

**On Thursday 20 September 2018, commencing at 9.06a.m.**

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

In Attendance: Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Community Services (R Ball), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald) Team Leader Governance (R Byrne), Governance Adviser (E Stephenson) and Youth Councillors Latai Funaki and Christiane Leper

Apology: Councillor Walker on Council business

### Opening Prayer

Councillor Fulton gave the opening prayer.

#### 1. Apologies

Resolved CL/2018/205

***That the Council***

***Receives and accepts an apology from Councillor Walker who was on Council business.***

Her Worship the Mayor/Noonan

Carried

#### 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. Councillor Matheson subsequently declared an interest in 6.5.1 - Review of Council's Gambling Policy.

### 4. Public Forum

#### 4.1 Ms Tracy Dawson - Hearing Nelson

Ms Dawson, education coordinator for Hearing Nelson advised Council that Hearing Nelson was a charity which had been established for 65 years. The aim of the charity was to improve the lives of people who were hard of hearing and to encourage people to make changes in their lives to prevent hearing loss in the future. Ms Dawson gave a practical demonstration for Council with members wearing headphones and passing on a sentence. She noted that there was a connection between hearing loss and social isolation and dementia, those with hearing loss were five times likely to have dementia. Ms Dawson thanked Council for upgrading the microphones and hearing systems in the chamber and providing headphones and TLoop devices.

#### 4.2 Mr Steve Cross

Mr Cross spoke about the Notice of Motion in relation to the recording of public workshops. He noted that the issue was complicated. He had been told that Nelson City Council had held 77 workshops during the current trimester. He did not think other Councils held such a significant number of workshops and felt this was a sign of dysfunctionality. Mr Cross noted if a workshop was public Council should be giving a facility to people who can't attend. If Council didn't want public to be involved in workshops that was fine, Council should come out and say it.

#### 4.3 Mr Graeme O'Brien

Mr O'Brien spoke about his research relating to public notification of workshops, which included information gathered from a LGOIMA request to Councils in 2016, he tabled his speech (A2067075) and his research (A2068608).

Mr O'Brien noted that his research differed somewhat from that presented in the report on workshops on the agenda. He did not see a difference in videoing public meetings and public workshops and was asking that Council show its residents what was going on.

#### Attachments

- 1 A2067075 Council 20Sep2018 Graeme O'Brien Public Forum
- 2 A2068208 Council 20 Sep2018 Graeme O'Brien Research Public Forum.

## 5. Confirmation of Minutes

5.1 9 August 2018

Document number M3667, agenda pages 10 - 29 refer.

Resolved CL/2018/206

***That the Council***

***Confirms the minutes of the meeting of the Council, held on 9 August 2018, as a true and correct record.***

Her Worship the Mayor/Barker

Carried

## 6. Recommendations from Committees

### 6.1 Audit, Risk and Finance Subcommittee - 14 August 2018

6.1.1 Draft Governance Members' Protected Disclosure Policy

Resolved CL/2018/207

***That the Council***

***Adopts the Governance Members' Protected Disclosure Policy (R9579).***

Barker/Dahlberg

Carried

### 6.2 Works and Infrastructure Committee - 16 August 2018

6.2.1 Solid Waste Asset Management Plan 2018 - 2028

Resolved CL/2018/208

***That the Council***

***Adopts the Solid Waste Asset Management Plan 2018 - 2028 (A1828548).***

Rutledge/Matheson

Carried

6.2.2 Water Supply Asset Management Plan 2018 – 2028

Her Worship the Mayor advised that at the Works and Infrastructure Committee meeting there had been extensive discussion on whether to continue with a water meter renewal programme using the existing

manually read meters or to hold this until more information was received on smart meters. She noted that Mr Steve Cross had offered to review the options and officers had since met with Mr Cross. She noted Council was at a difficult point in that smart meter technology was still quite expensive and while it was in the trial stage was probably cost prohibitive. It was her preference to pause the programme and wait until further testing had been completed, then weigh the risks.

Senior Asset Engineer, Phil Ruffell answered questions on replacement of water meters, noting the current meters had been installed for approximately 20 years and it was important that Council consider a replacement programme seriously in the next year or two. He advised technology for using smartphones as a means of downloading data and recording was changing rapidly. The biggest additional cost was in installation with an increased cost of \$3million. The smart meters were a sealed unit as they were installed underground and batteries could not be replaced, the more information requested from the unit the shorter the life of the battery.

Moved by Councillor Skinner, seconded by Councillor Noonan

*That the Council*

*Adopts the Water Supply Asset Management Plan 2018-28 (A1620958), amended to reflect the approved Long Term Plan 2018 - 2028 including the renewal of existing residential water meters with manual read meters.*

Councillor Fulton moved an amendment, seconded by Her Worship the Mayor Reese

*That the Council*

*Adopts the Water Supply Asset Management Plan 2018-28 (A1620958), amended to reflect the approved Long Term Plan 2018 - 2028 however delays the renewal of existing residential water meters with manual read meters for twelve months allowing an opportunity to reassess new technology in 2019.*

The amendment was put and lost.

The substantive motion was put and carried.

#### 6.2.2 Water Supply Asset Management Plan 2018 – 2028

Her Worship the Mayor advised that at the Works and Infrastructure Committee meeting there had been extensive discussion on whether to continue with a water meter renewal programme using the existing manually read meters or to hold this until more information was received on smart meters. She noted that Mr Steve Cross had offered to review the options and officers had since met with Mr Cross. She noted Council

was at a difficult point in that smart meter technology was still quite expensive and while it was in the trial stage was probably cost prohibitive. It was her preference to pause the programme and wait until further testing had been completed, then weigh the risks.

Senior Asset Engineer, Phil Ruffell answered questions on replacement of water meters, noting the current meters had been installed for an excess of 20 years and it was important that Council consider a replacement programme seriously in the next year or two. He advised technology for using smartphones as a means of downloading data and recording was changing rapidly but the meters. The biggest additional cost was in installation with an ongoing increased cost of \$300,000 per annum for the life of the smart meter. The smart meters were a sealed unit as they were installed in the water line and batteries could not be replaced, the more information requested from the unit the shorter the life of the battery. Mr Ruffell advised he would like to bring a report back to Council in 12 months to provide a review.

Moved by Councillor Skinner, seconded by Councillor Noonan

*That the Council*

*Adopts the Water Supply Asset Management Plan 2018-28 (A1620958), amended to reflect the approved Long Term Plan 2018 - 2028 including the renewal of existing residential water meters with manual read meters.*

Councillor Fulton moved an amendment, seconded by Her Worship the Mayor Reese

*That the Council*

*Adopts the Water Supply Asset Management Plan 2018-28 (A1620958), amended to reflect the approved Long Term Plan 2018 - 2028 however delays the renewal of existing residential water meters with manual read meters for twelve months allowing an opportunity to reassess new technology in 2019.*

The amendment was put and lost.

The substantive motion was put and carried.

Resolved CL/2018/209

***That the Council***

***Adopts the Water Supply Asset Management Plan 2018-28 (A1620958), amended to reflect the approved Long Term Plan 2018 - 2028 including the renewal of existing residential water meters with manual read meters.***

Skinner/Noonan

Carried

6.2.3 Paxster Use on Nelson Footpaths

Resolved CL/2018/211

***That the Council***

***Approves the use of Paxsters on selective routes for a period of 24 months and works with NZ Post to finalise exclusion zones as shown on Attachment A1990504 of Report R8928.***

Noonan/Matheson

Carried

**6.3 Joint Shareholders Committee - 21 August 2018**

6.3.1 Nelson Airport Limited - Changes to Constitution

Resolved CL/2018/212

***That the Council***

***Votes respective shareholding in support of the amended Constitution at the Company's 2018 Annual Shareholder Meeting.***

Barker/Courtney

Carried

**6.4 Sports and Recreation Committee - 21 August 2018**

6.4.1 Adoption of the Parks and Reserves Asset Management Plan 2018-28

Resolved CL/2018/213

***That the Council***

***Adopts the Parks and Reserves Asset Management Plan 2018-28 (A2004774) amended to reflect the approved Long Term Plan 2018 – 2028.***

Skinner/Dahlberg

Carried

## 6.5 Planning and Regulatory Committee - 23 August 2018

### 6.5.1 Review of Council's Gambling Policy

Attendance: Councillor Matheson declared an interest and left the meeting at 10.44a.m.

Nicky McDonald, Group Manager, Strategy and Communications and Gabrielle Thorpe, Policy Advisor answered questions on a sinking lid policy, pub charities and previous social impact assessments.

Resolved CL/2018/214

***That the Council***

***Approves the amended Statement of Proposal to Amend the Gambling Policy (A2008367) for public consultation; and***

***Agrees that a summary of the Statement of Proposal Gambling Policy Review is not required; and***

***Approves the proposed process and timeframes for consultation set out in the report Review of Council's Gambling Policy (R9358).***

McGurk/Fulton

Carried

Attendance: Councillor Matheson returned to the meeting at 10.09a.m.

The meeting adjourned from 10.11a.m. until 10.26a.m.

## 6.6 Hearings Panel - Other - 28 August 2018

### 6.6.1 Summerset: Proposed Water Easement over Part of Saxton Field

Peter Hunter, Team Leader Property advised the original plan for the easement had been revisited by Council's engineers who found the the easement would cross below ground power cables eight times. A map with a proposed new line was tabled, it would not change the nature or use of the reserve. Mr Hunter confirmed that the members of Hearings Panel – Other had been advised of the proposed change and confirmed they were happy with the amended route proposed by officers. Mr Hunter tabled the updated map A2019437.

Resolved CL/2018/215

***That the Council***

***Confirms the easement in gross over the area shown in red on the updated plan (A2019437) of Saxton Field be agreed to under section 48(1)(d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.***

Barker/Matheson

Carried

**Attachments**

1 A2019437 Summerset water Easement Saxton Field

**6.7 Community Services Committee - 30 August 2018**

6.7.1 Nelson Festivals Trust - Transition and Trust Deed Update

Resolved CL/2018/216

***That the Council***

***Approves the amended Nelson Festivals Trust Deed (A2029206).***

Noonan/Courtney

Carried

**6.8 Governance Committee - 6 September 2018**

6.8.1 Nelson Enterprise Loan Trust - rollover of loan due July 2018

Resolved CL/2018/217

***That the Council***

***Approves rolling over the interest free loan to Nelson Enterprise Loan Trust for a further one year through to September 2019 while a sustainable business model is developed by the Board.***

Barker/Courtney

Carried

6.8.2 Nelson Centre of Musical Arts - Funding

Resolved CL/2018/218

***That the Council***

***Approves the allocation of \$25,000 unbudgeted expenditure to increase the operational grant of the Nelson Centre of Musical Arts from \$125,000 to \$150,000 for financial year 2018/19.***

Barker/Her Worship the Mayor

Carried

6.8.3 Event funding - Septura Residency for Brass Instrument Performers

Clare Barton, Group Manager Environment, answered questions on unbudgeted expenditure for Nelson Regional Development Agency (NRDA), clarification of the two merged systems of funding and funds for the support of musical arts.

Councillor Noonan called a point of order and asked for clarification of 'merging of funds' noting this was possibly misleading. Ms Barton clarified there wasn't only an issue of merging two funds, there were a number of different factors, one of which being that the NRDA had not understood the impact of Council's funding in terms of its events fund and the administration costs. Her Worship the Mayor upheld the point of order.

Resolved CL/2018/219

***That the Council***

***Approves unbudgeted funding of \$15,000 for the Septura Residency for Brass Instrument Performers event to support the Nelson Centre of Musical Arts as it seeks to maximise its newly renovated venue.***

Barker/Courtney

Carried

The meeting was adjourned from 11.31a.m. until 11.38a.m.

## 7. Mayor's Report

Document number R9684, agenda pages 45 - 46 refer.

Her Worship the Mayor presented her report and mentioned Ryan Stewart and his wife Chelsea who were staging Get Ballsy, the celebrity football match to raise funds for testicular cancer and acknowledged that Councillor Skinner was one of the players. She encouraged everyone to support the event on 29 September 2018 at 2.00pm.

Mayor Reese also commented on the Kapa Haka competition being held at Trafalgar Centre on 27 September and encouraged everyone to go along and watch.

#### All Blacks Test Match:

Her Worship the Mayor noted that the city should celebrate the success of the All Blacks test match on 8 September, this was far more than the match itself, the entire community were wonderful hosts. Feedback she received from All Blacks management was that players were looked after incredibly well by the community, were respected and not mobbed.

Mayor Reese noted that many people were involved in making sure that the organisation of the test match went smoothly. It was not possible to list everybody individually however the following were key people and teams she would like to thank:

- Tony Lewis, CEO Tasman Rugby Union along with Les Edwards, Commercial & Marketing Manager, Steve Mitchell, Competitions & Operations Manager and the wider team of staff at TRU
- Mark Rawson, CEO, Michaela Blackman and Rebecca Leach, NRDA
- Simon Duffy, Manager Uniquely Nelson
- Mike Wardell, Nelson Police
- Pete Kara, NMDHB
- Lucinda Blackley-Jimson and Julie Adam, Nelson Provincial Museum
- Julie Bensemman, Nelson Giants
- Ambassador Fausto Mariano López Crozet, Javier Alfredo De Cicco, Cultural Attaché and Leandro T. Gómez, PA to the Ambassador
- Mark Meckalick and team, CLM
- Whakatu Marae
- Ngā iwi o te marae

There were many Council officers involved from a range of teams including Events, Roading, Parks and Facilities, Communications, Consents, Building Inspectors, EIL, Governance Advisers, Executive Assistants, and the Mayor's Office. The game was the biggest rugby event anywhere in the world that night and made our city shine.

### **Vote of thanks**

Resolved CL/2018/220

#### ***That the Council***

***Move a vote of thanks to all the people that played their role to see Nelson shine on the world stage during the All Black's test match against Argentina on 8 September 2018.***

Her Worship the Mayor/Matheson

Carried

Mayor's visit to Denmark:

Her Worship the Mayor updated members on her visit to Denmark where she said there was much to learn, in particular the social initiatives, carbon zero approach, the reform of water infrastructure and ownership where water is valued and the quadruple helix approach to problem solving.

Mayor Reese gave a presentation on the Klimatorium project which was about to commence, advising it had attracted private business interest to join the innovation hub.

Suffrage 125 Years:

Her Worship the Mayor acknowledged the 125<sup>th</sup> anniversary of women being able to vote and noted that diversity was critically important to reflect the differences in our community.

Attendance: Councillor Lawrey left the meeting from 12.07p.m. until 12.09p.m.

Resolved CL/2018/221

#### ***That the Council***

***Receives the report Mayor's Report (R9684).***

Her Worship the Mayor/Noonan

Carried

The meeting was adjourned from 12.37p.m. until 1.20p.m.

## **8. Live-streaming Workshops**

Document number R9650, late items agenda pages 3 - 15 refer.

Mary Birch, Manager Governance and Support Services, presented the report and answered questions on determining if workshops were open or confidential, informality of workshops and the impact on officers advice or opinions during livestreaming and technology required to provide quality recordings should Council livestream workshops,

Pat Dougherty, Chief Executive, advised that meetings that were currently livestreamed had a high degree of formality and that information for discussion was supplied in the form of an agenda. The purpose of a workshop was less formal engagement, sometimes that was why they were set up elsewhere. There was a risk that a staff member may say something that was less cautious or bounce around ideas which, in the midst of providing free and frank advice, could be misconstrued. He noted that while it was reported that Kapiti District Council had held nine public workshops during the previous year; there were also 35 briefings during the year on 80 topics (that Nelson City Council called confidential workshops).

Ms Birch clarified that under Standing Orders, the definition of workshops and advisory groups was not clear, except to say that Standing Orders did not apply, which was why it was pragmatic to develop a policy to provide clear direction for elected members and staff.

Resolved CL/2018/222

***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.***

Matheson/Noonan

Carried

**9. Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops**

Document number R9691, agenda pages 47 - 49 refer.

Recommendation

*That the Council*

*Receives the report Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops (R9691) and its attachment (A2018993); and*

*Confirms live-streaming of all Nelson City Council public meetings and workshops, including public meetings and public workshops held by all committees and sub-committees ; and*

*Confirms that Nelson City Council live-streams all Regional Transport Committee's public meetings and public workshops.*

Lawrey/Acland

Councillor Lawrey, in speaking to his motion, noted that Council had increased access to the public by making some workshops open to the public, however did not advertise them. Livestreaming public workshops created an opportunity to be more transparent and might generate more interest in local government.

Councillor Barker called a point of order in accordance with Standing Orders 24.2c, he felt that Council should now wait to consider the Notice of Motion until a workshop policy was confirmed. Her Worship the Mayor did not uphold the point of order on the basis that if the notice of motion was passed it would shape what would go into the policy.

Councillor Matheson called a further point of order noting that the third paragraph of the notice of motion related to livestreaming Regional Transport Committee meetings and workshops. NZTA had agreed they with livestreaming meetings but not workshops, it was agreed that the motion to be taken in parts.

Her Worship the Mayor called for advice on defining 'all' meetings or workshops, and whether joint committees with Tasman District Council were included.

The meeting was adjourned from 2.33pm until 2.42pm

Councillor Acland, as seconder, confirmed that joint meetings with Tasman District Council were not viewed as Nelson City Council meetings or workshops referred to in the notice of motion and they should not be considered.

The motion was taken in parts.

Resolved CL/2018/223

***That the Council***

***Receives the report Notice of Motion from Cr Lawrey: Live-streaming Public Meetings and Workshops (R9691) and its attachment (A2018993); and***

Lawrey/Acland

Carried

***That the Council***

***Confirms live-streaming of all Nelson City Council public meetings and workshops, including public meetings and public workshops held by all committees and sub-committees ; and***

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Apology</u>
Cr Acland	Her Worship the Mayor Reese	Cr Walker
Cr Courtney	(Chairperson)	
Cr Lawrey	Cr Barker	
Cr McGurk	Cr Dahlberg	
Cr Skinner	Cr Fulton	
	Cr Matheson	
	Cr Noonan	
	Cr Rutledge	

The motion was lost 5 - 7.

***That the Council***

***Confirms that Nelson City Council live-streams all Regional Transport Committee's public meetings and public workshops.***

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Apology</u>
Cr Acland	Her Worship the Mayor Reese	Cr Walker
Cr Courtney	(Chairperson)	
Cr Lawrey	Cr Barker	
Cr McGurk	Cr Dahlberg	
Cr Skinner	Cr Fulton	
	Cr Matheson	
	Cr Noonan	
	Cr Rutledge	

The motion was lost 5 - 7.

**Extension of Meeting Time**

Resolved CL/2018/224

***That the Council***

***Extends the meeting time beyond six hours, pursuant to Standing Order 4.2.***

Noonan/Her Worship the Mayor

Carried

The meeting was adjourned from 3.06pm until 3.11 pm at which time Councillor Lawrey was not present.

**10. Amendment to resolution regarding Upper Trafalgar Street closure 2018/19**

Document number R9658, agenda pages 50 - 54 refer.

Resolved CL/2018/225

***That the Council***

***Receives the report Amendment to resolution regarding Upper Trafalgar Street closure 2018/19 (R9658); and***

***Amends the section of resolution CL/2018/186 that relates to the time during which Upper Trafalgar Street will be closed to traffic so that the street will be closed to all vehicles, apart from emergency vehicles and other vehicles specifically authorised by Council's network coordinator, from 07:00am every day to 07:00am on each following day.***

Barker/Her Worship the Mayor

Carried

**11. Amendment to Special Housing Area at 2 City Heights**

Document number R9638, agenda pages 55 - 60 refer.

Resolved CL/2018/226

***That the Council***

***Receives the report Amendment to Special Housing Area at 2 City Heights (R9638) and its attachment (A1922971); and***

***Approves the change in qualifying development criteria from 2 storeys to 3 storeys as shown in Attachment 1 (A1922971).***

Rutledge/Courtney

Carried

**12. Bay Dreams Update and Camping Request**

Document number R9693, late items agenda pages 16 - 28 refer.

Attendance: Councillor Lawrey returned to the meeting at 3.14p.m.

Mark Preston-Thomas, Manager Community Partnerships, presented his report and confirmed that Baydreams South was not asking Council for any funding, was offering to protect the risk of damage to the turf at Trafalgar park and to cover the cost of shuttle buses. He noted that the economic return was expected to be around \$7 million. The organisers wanted to run the event annually and NRDA would provide a full review following the first event to quantify the economic benefit.

Pat Dougherty, Chief Executive, advised Baydreams South was planning to bring in a small fleet of buses and security as Nelson did not have the capacity to supply this. He noted that officers would be renegotiating fees as the full costs were worked through.

Attendance: Councillor Matheson left the meeting at 3.34p.m.

Mr Preston-Thomas answered questions on health and safety and the risks of bad behaviour, noting the organisers were professionals who's management of alcohol, drugs and behaviour included working with Police and organisations such as Red Frogs and using a bracelet system to purchase food and alcohol. The organisers were invested in making the event a success.

Attendance: Councillor Fulton left the meeting from 3.39 ppm until 3.42p.m.

Resolved CL/2018/227

***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 recover 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.***

Her Worship the Mayor/Skinner

Carried

### **13. Exclusion of the Public**

It was noted that the recommendation from the Governance Committee regarding Nelmac Matters had been included in the agenda in error, this has been removed.

Mr Chris Ward, contractor, was in attendance for Item 2.1 of the Public Excluded agenda to answer questions and, accordingly, the following resolution was required to be passed:

Resolved CL/2018/228

***That the Council***

***Confirms, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Chris Ward remain after the public has been excluded, for the Public Excluded agenda 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 Chris Ward possesses relates to the Recommendation from Community Services Committee regarding Greenmeadows Centre – Progress Update.***

Barker/Noonan

Carried

Resolved CL/2018/229

***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/Noonan

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	<p><b>Council Meeting - Public Excluded Minutes - 9 August 2018</b></p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
2	<p><b>Recommendations from Committees</b></p> <p><b>Community Services Committee 30 Aug 2018</b></p> <p>Greenmeadows Centre - Progress Update</p> <p><b>Governance Committee 6 September 2018</b></p> <p>Bishop Suter Trust – reappointment of Trustees</p> <p>Nelmac Director Reappointment</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> </ul>
3	<p><b>Policy for the appointment and remuneration of jointly-appointed independent members to committees</b></p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		exists under section 7	
4	<b>Nelson Regional Sewerage Business Unit (NRSBU) independent member appointment</b>	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>

The meeting went into public excluded session at 3.53p.m. and resumed in public session at 4.47p.m.

There being no further business the meeting ended at 4.47p.m.

Confirmed as a correct record of proceedings:

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



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## Minutes of a meeting of the Nelson City Council

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

**On Thursday 11 October 2018, commencing at conclusion of Governance Committee - short meeting, specific topic - 1.02p.m.**

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

In Attendance: Mr J Murray and J Peters, Chief Executive (P Dougherty), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald) and Governance Adviser (R Terry)

Leave of Absence: Councillor G Noonan

Apologies: Councillor L Acland

### 1. Apologies

Resolved CL/2018/236

***That the Council***

***Receives and accepts the apologies from Councillor L Acland.***

Her Worship the Mayor/Fulton

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. Exclusion of the Public**

Resolved CL/2018/237

***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/Courtney

Carried

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	<p><b>Recommendations from Committees</b></p> <p>Governance Committee 11 October 2018.</p> <p>NRDA Appointment</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>

The meeting went into public excluded session at 1.03pm and resumed in public session at 1.05p.m.

There being no further business the meeting ended at 1.05p.m.

Confirmed as a correct record of proceedings:

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



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## Minutes of a meeting of the Nelson City Council

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

**On Thursday 25 October 2018, commencing at 9.02a.m.**

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Present: Councillors I Barker (Chairperson) L Acland, M Courtney, B Dahlberg, M Lawrey, M Rutledge, T Skinner and S Walker

In Attendance: Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Community Services (R Ball), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald) and Team Leader Governance (R Byrne)

Leave of Absence: Her Worship the Mayor Reese, Councillors McGurk and Noonan

Apologies: Councillors Fulton and Matheson

### Opening Prayer

Councillor Dahlberg gave the opening prayer.

#### 1. Apologies

Resolved CL/2018/240

***That the Council***

***Receives and accepts the apologies from Councillors K Fulton and P Matheson.***

Dahlberg/Skinner

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. Adoption of Annual Report for the year ending 30 June 2018

Document number R9195, agenda pages 3 - 224 refer.

Group Manager Corporate Services, Nikki Harrison and Group Manager Strategy and Communications, Nicky McDonald, presented the report and noted the recommendation had been amended to include the Audit NZ opinion.

Ms McDonald answered questions on results of the residents' survey, in particular the drop in people cycling to work.

Ms Harrison answered questions on carryovers and a realistic capital works programme for 2018/19.

Chief Executive, Pat Dougherty, answered questions on meeting infrastructure targets, resourcing and future key performance indicators (KPIs). He noted the upcoming Quarterly Reports to Committees would provide members with up to date reporting against KPIs.

Group Manager Infrastructure Alec Louverdis answered questions on transport, NZTA funding and future works.

Audit NZ Audit Directors Jacques Coetzee and Jaco Meintjes were invited to the table. Mr Coetzee noted that Audit had no concerns and had issued an unmodified audit opinion.

Resolved CL/2018/241

***That the Council***

***Receives the report Adoption of Annual Report for the year ending 30 June 2018 (R9195) and its attachments (A1983431 and A2080132); and***

***Adopts the Audited Annual Report including the Audit opinion for the year ended 30 June 2018 in accordance with s98 of the Local Government Act 2002; and***

***Delegates the Mayor and Chief Executive to make minor editorial changes as necessary.***

Barker/Dahlberg

Carried

**Attachments**

- 1 A2084066 Audit Letter 2018 Council 25Oct2018

There being no further business the meeting ended at 10.01a.m.

Confirmed as a correct record of proceedings:

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

## **Recommendations from Committees**

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### **Attachments**

Attachment 1: A2013479 2018 - 28 Property and Facilities Asset Management Plan 18 July 2018 (*Circulated separately*) →

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**REPORT R9801**

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**Mayor's Report**

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**1. Purpose of Report**

- 1.1 To update Council on a number of current matters.

**2. Recommendation**

*That the Council*

*Receives the report Mayor's Report (R9801).*

**2. Updates**

**Mayoral Discretionary Funs**

- 2.1 The Mayor donated \$1,000.00 from the Mayoral Discretionary Fund to Loaves and Fishes to be put towards costs to upgrading the Loaves and Fishes pantry which has an ongoing temperature (overheating) control problem. This has been an issue for some time and the money will allow Loaves and Fishes to be able to explore options.

**Author: Rachel Reese, Mayor of Nelson**

**Attachments**

Nil

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## **Communications and Engagement Strategy**

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### **1. Purpose of Report**

- 1.1 To delegate the development and implementation of a Communications and Engagement Strategy to the Governance Committee.

### **2. Summary**

- 2.1 There is an existing Communications Strategy 2017 which was approved by management and has been implemented by staff. This Strategy is due for review and it is proposed that it be expanded to also provide guidance for staff on how to best engage with the community. Given the importance of how Council engages with the community and conveys key messages, it is recommended that there be governance oversight of development and implementation.

### **3. Recommendation**

***That the Council***

***Receives the report Communications and Engagement Strategy (R9663); and***

***Delegates responsibility for development and implementation of a Communications and Engagement Strategy to the Governance Committee; and***

***Updates the Delegations Register to include the Governance Committee's responsibility for development and implementation of a Communications and Engagement Strategy.***

### **4. Background**

- 4.1 A Communications Strategy was developed in 2017 and focussed on customer service, external relations, the Council brand and internal

## Item 9: Communications and Engagement Strategy

communications. The Strategy was reviewed as part of the 2017 CouncilMark assessment. CouncilMark is LGNZ's independent assessment programme that measures "how councils are performing and the work they're undertaking to grow the value they deliver". The assessment noted:

*"The Council is customer-focused and its communications are performed well with clear messages, and the key messages are defined and priorities have been established in the new draft communications strategy..."*

*"The Council's communications are assisted by a Mayor who is strong on communicating and by staff who are generally customer-focused. Key messages are defined and priorities have been established in the new (draft) communications strategy, which is stronger than its predecessors."*

4.2 Residents are surveyed annually to determine their satisfaction with the opportunity to provide feedback (as a measure of engagement). The target in the Long Term Plan is for an annual improvement in the % of residents satisfied or very satisfied with those opportunities to provide feedback.

4.3 Over the last 3 years the results of those satisfied or very satisfied were:

2017/18 - 36% of residents  
2016/17 - 42% of residents  
2015/16 - 37% of residents  
2014/15 - 53% of residents

The % of dissatisfied residents has remained at a similar level over the years, with recently an increase in residents neutral about opportunities to provide feedback.

## 5. Discussion

5.1 There is currently no Committee delegated to oversee development of a Communications and Engagement Strategy, or to receive ongoing updates on progress with implementation. The Governance Committee has the delegation for "All policies specified in the Local Government Act 2002 for Annual Plan and Long Term Plan development." This includes the Significance and Engagement Policy, which directly influences the Communications and Engagement Strategy. As all of the Chairs of the respective Committees sit on the Governance Committee, this will ensure good integration of the Strategy across the activities of Council.

5.2 A new role is budgeted for in 2019 to focus on improving Council's community engagement, particularly for infrastructure projects. This officer will assist with implementation of the final Strategy.

## 6. Options

Option 1 is recommended.

<b>Option 1: Delegate oversight of Strategy development and implementation to the Governance Committee</b>	
Advantages	<ul style="list-style-type: none"> <li>In keeping with other delegations (including Council wide plans and policies, and the residents survey)</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>Full Council will not be able to provide direct feedback on the Strategy</li> </ul>
<b>Option 2: Oversight of Strategy development and implementation to be undertaken by Council</b>	
Advantages	<ul style="list-style-type: none"> <li>Provide input from entire Council</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>Would add to the considerable workload already imposed on Council</li> </ul>
<b>Option 3: Leave delegation with officers</b>	
Advantages	<ul style="list-style-type: none"> <li>None</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>No governance oversight available other than through current reporting</li> </ul>

**Author:** Paul Shattock, Manager Communications

### Attachments

Nil

<b>Important considerations for decision making</b>
<b>1. Fit with Purpose of Local Government</b>  Approval of the recommendation will provide greater governance oversight of how Council communicates and engages with residents and stakeholders. This helps to meet the need to conduct Council business in an open, transparent, and democratically accountable manner.
<b>2. Consistency with Community Outcomes and Council Policy</b>  This recommendation is in line with Council’s Community outcomes: <ul style="list-style-type: none"><li>• Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement.</li></ul>
<b>3. Risk</b>  The decisions in this report are low risk and if no governance oversight is provided management will continue to monitor work in this area.
<b>4. Financial impact</b>  There would be no financial impact relating to the delegation of the Communications and Engagement Strategy.
<b>5. Degree of significance and level of engagement</b>  This matter is of low significance due to the minimal impact on levels of service, or impact on the community.
<b>6. Inclusion of Māori in the decision making process</b>  No engagement with Māori has been undertaken in preparing this report.
<b>7. Delegations</b>  Communications and engagement is not currently allocated to a committee, and therefore falls under Council to determine appropriate delegation.

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## **Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill**

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### **1. Purpose of Report**

- 1.1 To present Council's submission in support of the Tasman District Council (Waimea Water Augmentation Scheme) Bill (Bill) for retrospective approval.

### **2. Recommendation**

***That the Council***

***Receives the report Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill (R9810) and its attachments (A2081420, A2069694); and***

***Approves retrospectively the attached Nelson City Council submission (A2069694) on the Tasman District Council (Waimea Water Augmentation Scheme) Bill.***

### **3. Background**

- 3.1 The purpose of the Tasman District Council (Waimea Water Augmentation Scheme) Bill is to transfer and create interests in Crown land so that the Waimea Dam can proceed. A copy of the Bill is in Attachment 1.
- 3.2 The Bill vests in Tasman District Council (TDC) 1.3 ha of the riverbed which will be under the Waimea Dam once it has been constructed. The Bill also confers on TDC an easement that gives it the right to inundate, as part of the lake created by the Dam, 9.66 ha of the Mount Richmond State Forest Park conservation land.
- 3.3 Consultation on the Bill was open until 5 October 2018. Council's pro forma submission was submitted to the Select Committee subject to Council's approval. A copy of the submission is attached as Attachment 2.

Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill

**4. Discussion**

- 4.1 Council's submission supports the Bill on the basis that it is required to allow the Waimea Dam to proceed. The submission outlines the benefits to Nelson City Council of the project. The benefits were outlined in the report "*Waimea Dam: Community Consultation on a Possible Nelson Contribution*" (R7634) which was considered by Council on 18 October 2017.
- 4.2 A request to be heard in support of the submission was made. However, due to diary scheduling difficulties, the request to be heard was withdrawn.

**5. Options**

- 5.1 Council can approve the submission or decide not to approve it. A decision not to approve the submission will result in a withdrawal of the submission as it is not possible to amend the submission.

**6. Conclusion**

- 6.1 It is recommended that the attached submission (A2069694) be approved.

**Author: Michelle Joubert, Executive Officer**

**Attachments**

- Attachment 1: A2081420 - Tasman District Council (Waimea Water Augmentation Scheme) Bill. [↓](#)
- Attachment 2: A2069694 - Nelson City Council's submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill. [↓](#)

Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill

<b>Important considerations for decision making</b>
<b>1. Fit with Purpose of Local Government</b> This report supports Council's ability to influence legislation that will impact on the Nelson economy.
<b>2. Consistency with Community Outcomes and Council Policy</b> The attached submission supports the following outcomes: <ul style="list-style-type: none"><li>• Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement</li><li>• Our region is supported by an innovative and sustainable economy</li></ul>
<b>3. Risk</b> Retrospective approval of the submission is of low risk as it is consistent with decisions already made by Council.
<b>4. Financial impact</b> This report does not result in any financial impact.
<b>5. Degree of significance and level of engagement</b> This matter is of low significance and community engagement has not been undertaken.
<b>6. Inclusion of Māori in the decision making process</b> No engagement with Māori has been undertaken in preparing this report.
<b>7. Delegations</b> No committee has a specific delegation to consider this matter and therefore the decision rests with Council.

## **Tasman District Council (Waimea Water Augmentation Scheme) Bill**

Local Bill

### **Explanatory note**

#### **General policy statement**

##### **Background**

The Waimea River catchment has been under water demand pressure for some time and security of supply to urban and other consumptive users in the productive sector is constrained at times of low river flow. Matters came to a head in an extreme drought in 2001, which saw severe restrictions on water use but still resulted in unacceptable environmental consequences.

The Tasman District Council (the **Council**) settled on the Waimea Water Augmentation Scheme (the **Scheme**) after extensive consultation involving a collaborative group comprising the Nelson City Council, Fish and Game, iwi, the Department of Conservation, and water user representatives.

All necessary resource consents are in place, as are the necessary funding lines, including from the Council, the Crown, and irrigators as one of the categories of consumptive users. The benefits of the scheme include greater minimum flows in the Waimea River during summer, reduced salt water intrusion risk, and improved river health. It improves the security of water supplies for existing rural and urban users, enables a further 1200 hectares of irrigation on the Waimea Plains, and provides for growth in urban domestic water supplies.

The Scheme itself does not require parliamentary authority or approval. The Bill addresses 2 consequential matters relating to Crown land. They are—

- the transfer to the Council of 1.3516 hectares of riverbed on which the dam will be built, described as Section 1, Survey Office Plan 509793; and

## Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 1

- the right to inundate 9.6690 hectares of conservation land, described as Section 10, Survey Office Plan 509793, about 1.6 kilometres in a direct line upstream from the dam in the Mount Richmond State Forest Park (the **easement land**).

### **Riverbed land**

The riverbed land is 1.3516 hectares of the bed of the Waimea River and is vested in the Crown. The land on either side of the riverbed, and on which the dam will be constructed, is vested in the Council, partly as legal road which will be stopped or otherwise dealt with by the Council.

The riverbed land is indistinguishable from the riverbed above and below it. At its greatest width where the dam is to be built, the river is about 25 metres wide. Photographs are on the Council's Internet site.

This Bill vests the riverbed land in the Council and dispenses with any need for marginal strips as they would be both impractical in the circumstances, and impossible, since the Council already owns the adjoining land.

As noted below, rights of first refusal (**RFRs**) under Treaty settlement legislation are suspended until the land returns to the Crown; but it must remain under direct or indirect control of the Council until that occurs.

These provisions protect RFR rights in a way similar to Treaty settlement legislation that allows RFR land to be transferred by the Crown to a council for a public work while preserving the underlying RFR right.

Should the dam not proceed, or be decommissioned, the riverbed land must be sold back to the Crown.

### **Easement land**

The lake that would be created on the Lee River (which feeds into the Waimea River) will require the inundation of the easement land. The total area of the lake will be 87.5 hectares of which the portion covered by the easement is 11%.

The easement land is part of the bed, banks, and adjacent hill slopes of the Lee River, comprising about 2 300 metres of river at the northern end of the Mount Richmond State Forest Park about 5 kilometres south of the end of the formed part of Lee Valley Road. It comprises 0.006% of the 165,947 hectare Mount Richmond State Forest Park.

The easement land includes unvegetated river bed and open water (about 2.5 hectares). The riverbed also contains small areas of gorge flood-zone turf plant communities. The balance of the easement land (about 7.1 hectares) contains vertical bed rock or indigenous vegetation including whiteywood, kanuka, kowhai, and beech forest, the composition changing with aspect and altitude. Photographs are on the Council's Internet site.

The easement land is about 1 600 metres in a direct line from the dam that is to be part of the Scheme, but the topography of the area is such that the Scheme is not via-

## Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 1

Explanatory note	Tasman District Council (Waimea Water Augmentation Scheme) Bill	3
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ble unless the lake level can be sufficiently high that some inundation of the land will occur.

### **Options considered**

It has not been possible to resolve issues so as to invoke processes under the Public Works Act 1981 to enable the riverbed land or the easement land to be acquired by the Council from the Crown.

Vesting of the riverbed land is considered appropriate because of the permanent nature of the structure and occupation of the land.

Other options have been considered for the easement land, including using a Local Bill to vest the easement land in the Council outright, or to create a local purpose reserve with the Council as the administering body, and with powers additional to those in the Reserves Act 1977 to enable the inundation of the easement land. Neither of those options is considered appropriate.

The Bill will enable the implementation of—

- the Environment Court consent order of August 2014 agreed to by the Council, the Department of Conservation, Fish and Game, and the Royal Forest and Bird Protection Society, which includes an extensive biodiversity offset compensation package; and
- funding agreements between the Ministry for the Environment and the Council and between the Council, Crown Irrigation Investments Limited, and Waimea Irrigation Limited.

### **General effect of the Bill**

The Bill vests the riverbed land in the Council. There is an obligation to sell the land back to the Crown if the dam does not proceed or is removed.

The Council can transfer the land to the council-controlled organisation that will construct and operate the Scheme.

### **Easement land**

The Bill also directly confers an inundation easement on the Council, and gives the Council the right to transfer the easement in due course to the council-controlled organisation that will construct and operate the Scheme.

To the extent that the land is not inundated at any time the public will have the same level of access as it does to the adjoining conservation land which is physically indistinguishable.

### **Affected iwi**

There are 3 relevant Settlement Acts that confer acknowledgements over the Waimea, Wai Iti, and Wairoa Rivers and their tributaries, which include the Lee River.

The Ngāti Apa ki Te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014, the Ngāti Toa Rangatira Claims Settlement Act 2014, and the Ngāti Kōata,

Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 1

Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 create RFRs in favour of various parties.

The riverbed land suspends the RFR process until the riverbed land is transferred back to the Crown. In the meantime, the riverbed land can only be held by the Council or a council-controlled organisation that it controls.

The easement land is not disposed of in any way and RFRs are not triggered, but the inundation needs to be recognised as permanent in a practical sense. Ngāti Kōata are the iwi principally interested in the easement land, and agree that the inundation of the land, with the underlying land remaining in the conservation estate, is appropriate. Some land held by Ngāti Kōata will also be inundated by agreement under the authority of a different easement. Parliamentary assistance is not required for this.

**General purpose statement**

The Bill vests in the Council the riverbed under the dam that is part of the Scheme. The land is currently Crown land, and following transfer to the Council can only be transferred to a council-controlled organisation that it controls either alone or with other local authority. RFR Treaty rights are protected and, if the dam does not proceed or is decommissioned, the riverbed land must be transferred back to the Crown.

This Bill also confers on the Council, or the council-controlled organisation, an easement that gives it the right to inundate 9.6690 ha of the conservation estate so that the Scheme can proceed.

The topography of the area is such that without the inundation right the Scheme is not viable and cannot proceed.

**Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* relates to commencement and provides that the Bill comes into force on the day after the date of Royal assent. The Bill will have gone through an extensive pre-introduction publicity phase and been considered by Parliament and the appropriate select committee.

The Scheme itself already has all necessary resource consents, and public and private sector funding.

The terms of the funding require the right to inundate the land to be confirmed. The Scheme needs to be in place as soon as possible to prevent further ecological damage to the Waimea catchment and reduce the need to restrict horticultural, farming, commercial, and residential water use beyond the current restriction levels. Measures are being put in place to avoid further water restrictions pending passage of this Bill.

Accordingly, the Bill comes into force on the day after the date on which it receives Royal Assent.

*Clause 3* is the purpose clause. The purpose of the Bill is to transfer and create interests in Crown land so that the Scheme can proceed.

## Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 1

There are no marginal strips reserved. The Council already owns the land either side of the riverbed land, so that would not be possible. Nor is it desirable.

The Council can transfer the land to a council-controlled organisation controlled by it. The Council must pay the market value of the land.

If the Scheme does not proceed or is decommissioned, the Council or the council-controlled organisation must sell the riverbed land back to the Crown, which must pay the then market value for it.

The Crown's RFR obligations to iwi are suspended while the riverbed land is held by the Council or its council controlled organisation, but are revived if the land is repurchased by the Crown.

*Clause 4* defines the terms Council, easement, easement land, riverbed land, and the Scheme. The land is defined in terms of survey plans that have been certified for parliamentary purposes.

*Clause 5* vests the riverbed land in the Council and enables the Council to do either of the following:

- transfer the riverbed land to a council-controlled organisation that is controlled by the Council (either alone or together with any local authority):
- sell the riverbed land to the Crown or ensure that the council-controlled organisation does so, if the Scheme is not commissioned by 1 January 2020 or the Scheme is decommissioned.

*Clause 6* confers on the Council an easement to inundate the land. The precise terms of the easement are set out in the *Schedule*.

*Clause 7* requires the Registrar-General of Land to issue title to the riverbed land and the easement land in the name of the Crown, and register the title and easement and any transfer of either on the application of the Council's chief executive.

*The Schedule* sets out the terms of the easement.

Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 1

*Hon Dr Nick Smith*

**Tasman District Council (Waimea Water Augmentation Scheme) Bill**

Local Bill

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Tasman District Council (Waimea Water Augmentation Scheme) Act **2018**.
- 2 Commencement** 5  
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Purpose** 10  
The purpose of this Act is to transfer land and create interests in land currently held by the Crown so that the Waimea Water Augmentation Scheme can proceed.

Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 1

Tasman District Council (Waimea Water Augmentation Scheme) Bill

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**4 Interpretation**

In this Act, unless the context otherwise requires,—

**Council** means the Tasman District Council

**easement** means the easement specified in the **Schedule**

**easement land** means the 9.6690 ha of land comprised in Section 10 SO Plan 509793 and being part of the land set apart as the Mount Richmond State Forest Park (*Gazette* 1977, p 445) 5

**riverbed land** means the 1.3516 hectares of land comprised in Section 1 SO Plan 509793

**Scheme** means the Waimea Water Augmentation Scheme as described in resource consent Nos RM 140556 and RM 140557 issued by the Tasman District Council. 10

**5 Riverbed land**

- (1) The riverbed land is vested in the Council.
- (2) No marginal strips are reserved from the disposition of the riverbed land, despite section 24 of the Conservation Act 1987. 15
- (3) The Council must pay the market value of the riverbed land to the Crown.
- (4) The Council may do either of the following things:
  - (a) transfer the riverbed land to any council-controlled organisation (within the meaning of section 6(1) of the Local Government Act 2002) that is controlled by the Council, either alone or together with any local authority; or 20
  - (b) sell the riverbed land to the Crown under **subsection (5)** or ensure that the council-controlled organisation does so, as appropriate, if—
    - (i) construction of the Scheme has not commenced by 1 January 2020; or 25
    - (ii) the Scheme is decommissioned.
- (5) If this subsection applies, the Council or the council-controlled organisation must offer to sell the riverbed land to the Crown, and the Crown must purchase the riverbed land, at the market value at the date of the offer to the Crown. 30
- (6) The vesting of the riverbed land by **subsection (1)** releases the riverbed land from any RFR status under the Acts to which this subsection applies until the riverbed land is purchased by the Crown under **subsection (5)**.
- (7) **Subsection (6)** applies to the following Acts:
  - (a) Ngāti Apa ki Te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014: 35
  - (b) Ngati Toa Rangatira Claims Settlement Act 2014:

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Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 1

- (c) Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014.

**6 Grant and transfer of easement**

- (1) The easement is granted to the Council, despite Part 3B of the Conservation Act 1987 and the Public Works Act 1981. 5
- (2) The Council may transfer the easement to any council-controlled organisation (within the meaning of section 6(1) of the Local Government Act 2002) that is controlled by the Council, either alone or together with any other local authority.
- (3) The easement may be varied under section 90C of the Land Transfer Act 1952 or section 112 of the Land Transfer Act 2017, whichever applies at the time of registration of the instrument. 10
- (4) The easement may be surrendered under section 90A of the Land Transfer Act 1952 or section 108 of the Land Transfer Act 2017, whichever applies at the time of registration of the instrument. 15
- (5) The easement must be surrendered within 12 months after the Grantee permanently ceases to store water on the land in accordance with any statutory or regulatory consent.

**7 Issue of title and registration of easement**

- The Registrar-General of Land must— 20
- (a) issue a computer freehold register or record of title for the riverbed land in the name of the Council; and
- (b) issue a computer freehold register or record of title for the easement land in the name of the Crown and, on the written application of the chief executive of the Council, record the easement and any transfer or variation of the easement on the computer register or record of title for the land. 25

Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 1

Schedule

Tasman District Council (Waimea Water Augmentation Scheme) Bill

**Schedule**  
**Terms of easement**

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**Inundation easement**

<b>Parties</b>	5
<b>Her Majesty the Queen</b> acting by and through the Minister of Conservation (the <b>Grantor</b> ).	
<b>Tasman District Council</b> (the <b>Grantee</b> ).	
<b>Easement</b>	
The Grantee holds this easement, which is granted by section 4(1) of the Tasman District Council (Inundation Easement) Act <b>2018</b> , as an easement giving the right to store and retain water on, and release water from, the land on the terms set out in this easement and section 4 of that Act.	10
<b>1 Definitions</b>	
In this Agreement, unless the context otherwise requires,—	15
<b>Grantee</b> means the Tasman District Council and any assignee or transferee under <b>clause 10</b>	
<b>Grantor</b> means Her Majesty the Queen acting through the Minister of Conservation, and includes the Grantor’s successors and assigns	
<b>land</b> means 9.6690 hectares being described as section 10 SO Plan 509793 and being part of the land set apart as the Mount Richmond State Forest Park ( <i>Gazette</i> 1977, p 445).	20
<b>2 Water storage</b>	
(1) The Grantee may store, retain, and release water within the operating levels established from time to time under the terms of resource consents or other regulatory consents or approvals imposed on the Grantee that relate to the land.	25
(2) In the event of unusually heavy inflow of water or rainfall onto the land beyond the reasonable control of the Grantee, the Grantee may, and must if lawfully directed or requested to do so by any civil defence authority or the Tasman District Council acting in its statutory capacity as a unitary authority, store or retain water on the land beyond the operating levels.	30
<b>3 Shoreline works</b>	
(1) The Grantee may carry out planting of vegetation on or about the land with a view to limiting or minimising erosion, land slippage, and flooding, so long as the plantings are in keeping with the character of the land.	35

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Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 1

Tasman District Council (Waimea Water Augmentation Scheme) Bill		Schedule
(2)	The Grantee must use reasonable endeavours to reduce erosion, land slippage, and landslides on the land by available practical and economic means.	
(3)	The Grantee must, except in the case of an emergency, obtain the consent of the Grantor before planting vegetation or undertaking works on the land under <b>subclause (1) or (2)</b> , which consent must not be unreasonably withheld or delayed.	5
<b>4</b>	<b>Removal of material or vegetation</b>	
(1)	The Grantee may remove from any water on or about the land or remove from any part of the land any sediment or other material or any vegetation that, in the opinion of the Grantee, is causing, or likely to cause, an impediment or danger, injury, or damage to persons or property.	10
(2)	Before carrying out the work, the Grantee must, except in the case of an emergency or due compliance with statutory, regulatory, or resource consent requirements, first obtain the consent of the Grantor.	
<b>5</b>	<b>Entry and operations</b>	15
	For the purpose of exercising any of the rights granted or duties imposed under this easement, the Grantee has the right by its employees and contractors to enter and operate any vessel, plant, or equipment upon any water on the land and the land itself.	
<b>6</b>	<b>Public safety</b>	20
	If, at any time, the Grantee considers that there is a situation involving public safety, the Grantee may temporarily exclude entry by any persons to all or any parts of the land.	
<b>7</b>	<b>Ancillary rights</b>	
	The Grantee has the right of access to do any acts and things that are reasonably necessary for the better enjoyment of the rights expressly and impliedly granted by this easement.	25
<b>8</b>	<b>Statutory and consent compliance</b>	
(1)	The Grantee must obtain and comply with all statutory and regulatory consents required from time to time to exercise its rights under this easement.	30
(2)	The Grantee is entitled to apply for any resource consents required for the purpose of the exercise of any of the Grantee's rights under this easement in the same manner as if it were the registered proprietor of the land.	
<b>9</b>	<b>Fencing</b>	
	The Grantee must not fence any part of the land, unless it is required as a reasonable condition of the Grantor's consent when granting any approval under this easement.	35

Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 1

Schedule	Tasman District Council (Waimea Water Augmentation Scheme) Bill	
<b>10</b>	<b>Assignment of rights</b>	
(1)	The Grantee may assign or transfer its rights and obligations under this easement, without the consent of the Grantor, to any council-controlled organisation that is controlled by the Council, either alone or together with any other local authority.	5
(2)	Upon notification to the Grantor of an assignment or a transfer, the provisions of this easement will cease to be binding upon the assignor or transferor, but without prejudice to the assignor's or transferor's liability for any prior breach of covenant under this easement.	
<b>11</b>	<b>Variation</b>	10
	This easement may be varied only with the written consent of the Grantor and the Grantee.	
<b>12</b>	<b>Disputes</b>	
(1)	If any dispute arises between the Grantor and the Grantee concerning the rights created by this easement, the parties will enter into negotiations in good faith to resolve their dispute.	15
(2)	If the dispute is not resolved within 1 month of the date on which the parties begin their negotiations, the parties may submit to the arbitration of an independent arbitrator appointed jointly by the parties and, if one cannot be agreed upon within 14 days, to an independent arbitrator appointed by the President of the New Zealand Law Society.	20

Item 10: Submission on the Tasman District Council (Waimea Water Augmentation Scheme) Bill: Attachment 2

Your Ref: A2069694



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4 October 2018

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Governance and Administration Committee  
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**TASMAN DISTRICT COUNCIL (WAIMEA WATER AUGMENTATION SCHEME) BILL**

Nelson City Council is pleased to submit in support of the Tasman District Council (Waimea Water Augmentation Scheme) Bill. This Bill is required to allow the Waimea Dam to proceed - a crucial piece of infrastructure for the future of our region.

Nelson City Council has committed \$5million towards construction of this dam. While Nelson's existing water sources are expected to provide sufficient water for the city in the foreseeable future, the Dam is a major regional project which will bring direct benefits to Nelson City.

The primary benefit to Nelson City is the economic value of the Dam in avoiding the loss of primary production that would result from water restrictions and providing additional water to enable increased production. Without the Waimea Dam, if there are the predicted 20% or 35% cuts in water allocation, Nelson City would lose \$4 million or \$9 million respectively in annual GDP. Through avoiding losses and allowing increased production it is estimated the Dam would benefit Nelson City's GDP by \$15.4 - \$20.4 million per year. <sup>1</sup>

Other advantages that the Dam would bring include the possibility of avoiding some significant network reticulation and water treatment improvements, if TDC is able to continue supplying residential and industrial users in Nelson South. There would also be improved resilience for Nelson through the ability to access additional water in times of extreme drought or natural disaster.

Due to these significant benefits that will accrue to Nelson from the Dam proceeding Nelson City Council strongly supports passage of the Tasman District Council (Waimea Water Augmentation Scheme) Bill.

Please note that due to scheduling issues this submission has not yet gone through a Council approval process and therefore should be considered as pro forma.

Nelson City Council would like to be heard in support of this submission.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Pat Dougherty'.

**Pat Dougherty**  
Chief Executive

<sup>1</sup> Outflow from a dam. Economic benefits for Nelson City of the proposed Waimea Community Dam. NZIER April 2015.

A2069694

Making Nelson an even better place

Nelson City Council  
te kaunihera o whakatū