



AGENDA

**Ordinary meeting of the
Nelson City Council**

Community Services and Infrastructure

**Tuesday 14 May 2013
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership:

His Worship the Mayor Aldo Miccio, Councillors Ian Barker, Ali Boswijk (Deputy Mayor), Gail Collingwood (Infrastructure Co-Portfolio Holder), Ruth Copeland, Eric Davy (Infrastructure Co-Portfolio Holder), Kate Fulton, Paul Matheson, Jeff Rackley (Community Services Co-Portfolio Holder), Pete Rainey (Community Services Co-Portfolio Holder), Rachel Reese, Derek Shaw and Mike Ward

14 May 2013

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Opening Prayer

Apologies

1. Interests

- 1.1 Updates to the Interests Register
- 1.2 Identify any conflicts of interest in the agenda

2. Confirmation of Order of Business

3. Public Forum

- 3.1 Youth Nelson
Maree Shalders will speak to the Council about Youth Nelson.
- 3.2 Rocks Road Pedestrian Refuge
Anna Hickman will speak to the Council about the proposed pedestrian refuge on Rocks Road at Days Track.

4. Mayor's Report

5. COMMUNITY SERVICES ITEMS

6. Confirmation of Minutes

- 6.1 Council – Community Services – 2 April 2013 **12-19**
Document number 1482851
Recommendation

THAT the minutes of the meeting of the Nelson City Council – Community Services, held on 2 April 2013, be confirmed as a true and correct record.

- 6.2 Council – Deliberations on Submissions to the Rutherford and Trafalgar Parks Development Plan – 2 April 2013 **20-22**

Document number 1483273

Recommendation

THAT the minutes of the meeting of the Nelson City Council – Deliberations on Submissions to the Rutherford and Trafalgar Parks Development Plan, held on 2 April 2013, be confirmed as a true and correct record.

- 7. Status Report – Community Services 23-24**

Document number 1034860 v10

Recommendation

THAT the Status Report – Community Services (1034860 v10) be received.

- 8. Portfolio Holder’s Report**

During this part of the meeting the Mayor will be joined by the Community Services Portfolio Holder, Councillor Rainey.

- 9. New Purpose of Local Government: Project Review 25-36**

Document number 1470396

Recommendation

THAT any Council projects that are not seen to fit the new purpose statement of the Local Government Act 2002, be transitioned from Council support by the 2014/15 year;

AND THAT any groups affected by the transition be advised of the reasons for this.

- 10. Community Assistance Funding Criteria Review 37-53**

Document number 1471461

Recommendation

THAT changes to the Community Assistance Policy to align with the new purpose of local government be approved as set out in RAD

1485919, including the following changes to criteria:

- 1. Item 3 be changed to: Applications must demonstrate the contribution the project will make to Council's community outcomes and priorities and the vision for Nelson 2060.**
- 2. Item 5 be changed to: Only initiatives within Nelson and/or benefitting Nelson residents will be funded. Services delivered regionally will have funding eligibility relative to the benefit derived by Nelson residents.**
- 3. A new criterion be added: Applications must be for, and clearly detail, a specific service and/or outcome that will result from the funding.**
- 4. A new criterion be added: All applications must be aligned with the purpose of local government as contained in the Local Government Act 2002 – "to meet the current and future needs of communities for good quality local infrastructure, local public services and the performance of regulatory functions in a way that is most cost-effective for households and businesses".**

11. Funding Application for Saxton Oval

54-55

Document number 1498685

Recommendation

THAT Council makes an application to the New Zealand Community Trust for funding to upgrade Saxton Oval to meet One Day International match accreditation.

REPORTS FROM COMMITTEES

12. Nelson Youth Council Update

Chloe Rumsey and Alex Doggett of the Nelson Youth Council will be in attendance, and will provide an update regarding Nelson Youth Council activities.

13. Nelson Youth Council – 25 March 2013 56-60

Document number 1481736

Recommendation

THAT the minutes of the meeting of the Nelson Youth Council, held on 25 March 2013, be received.

INFRASTRUCTURE ITEMS

14. Confirmation of Minutes 61-70

Council – Infrastructure – 4 April 2013

Document number 1488233

Recommendation

THAT the minutes of the meeting of the Nelson City Council - Infrastructure, held on 4 April 2013, be confirmed as a true and correct record.

15. Status Report - Infrastructure 71-73

Document number 1034781 v8

Recommendation

THAT the Status Report - Infrastructure (1034781 v8) be received.

16. Portfolio Holder's Report

During this part of the meeting the Mayor will be joined by the Infrastructure Portfolio Holder, Councillor Collingwood.

17. Days Track Pedestrian Refuge 74-80

Document number 1497275

Recommendation

THAT the construction of a pedestrian refuge on Rocks Road adjacent to Days Track be considered in conjunction with the investigation of the Rocks Road Shared Path project.

18. Proposed Road Stopping - 80 Scotia Street

81-84

Document number 1459196

Recommendation

THAT the Chief Executive be delegated the authority to proceed with the road stopping of 85.87m² of unformed legal road adjoining the eastern boundary 80 Scotia Street (Lot 35 DP 2049), and to sell that land to the adjoining owners as an amalgamated title, subject to the outcome of the public consultation required under the Local Government Act 1974, and the owners paying:

- ***an initial administration fee of \$600 plus GST;***
- ***the value of the land as assessed by a registered valuer;***
- ***all costs associated with the road stopping which may include valuation costs, legal costs, survey costs, Land Information New Zealand costs, public notification costs, hearing costs and/or consultants, Environment Court hearing costs and administration costs in excess of the \$600 deposit referred to above.***

REPORTS FROM COMMITTEES

19. Regional Transport Committee – 8 April 2013

85-86

Document number 1489593

Recommendation

THAT the unconfirmed minutes of the meeting of the Regional Transport Committee, held on 8 April 2013, be received.

CROSS COUNCIL ITEMS

20. Draft Statement of Proposal – Gambling Policy Review

87-99

Document number 1477879

Recommendation

THAT the attached Statement of Proposal in document 1326758 be approved and advertised in accordance with the Special Consultative Procedure (section 83 of the Local Government Act 2002);

AND THAT the submissions period runs from 16 May 2013 to 17 June 2013;

AND THAT Council hear, consider and make decisions taking account of community views and all submissions made on the Statement of Proposal;

AND THAT a hearing date of 9 July 2013 be scheduled for Council to hear submissions on the Statement of Proposal and that consideration of all submissions and subsequent decisions be made at later Council meetings.

21. Amendment to Speed Limits Bylaw 2011 (No. 210) 100-114

Document number 1490698

Recommendation

THAT the Statement of Proposal (1493126) including the draft amendment to Schedules A and M of the Speed Limits Bylaw 2011 (No. 210), be released for consultation in accordance with Section 83 of the Local Government Act 2002;

AND THAT Council hears submissions on the amendment to the Bylaw at a meeting on 9 July 2013;

AND THAT Council deliberates on submissions on the amendment to the Bylaw at a meeting on 30 July 2013;

AND THAT Council makes final decisions on the amended Bylaw at the 29 August 2013 Council Policy and Planning meeting;

AND THAT Council amends the scope of the present Bylaw review to remove proposed amendments to the Cable Bay Road and Waimea Road speed limits at this time.

Note: Attachment 3 to this report, the Transportation Assessment Report (document number 1503276) is circulated as a separate document.

22. Confirmation of Minutes 115-116

Deliberations on the draft Morrison Street Pedestrian Mall Declaration – 15 April 2013

Document number 1497173

Recommendation

THAT the minutes of the meeting of the panel delegated to deliberate on the draft Morrison Street Pedestrian Mall Declaration, held on 15 April 2013, be confirmed as a true and correct record.

Note: As this panel is not expected to meet again, it is recommended Council confirm these minutes at this meeting.

23. Morrison Street Pedestrian Mall Declaration 117-121

Document number 1494248

Recommendation

THAT the amended draft Morrison Street Pedestrian Mall Declaration (1469117) be adopted, to take effect from 18 May 2013.

PUBLIC EXCLUDED BUSINESS

24. Exclusion of the Public

Recommendation

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
<p align="center">1</p>	<p>Public Excluded Minutes – Nelson City Council Community Services – 2 April 2013</p> <p>These minutes confirm the public excluded minutes of the Community Services meeting of 19 February 2013, and also contain information regarding:</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>
	<p>Cricket World Cup 2015 Contract.</p> <p>Note: The minutes include resolutions to release from public excluded sufficient information to explain and discuss Council's bid as part of consideration of the draft Annual Plan 2013/14, and the Economic Impact Assessment prepared by the Nelson Regional Economic Development Agency for Council's Cricket World Cup 2015 bid.</p>		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
	<p>Natureland's Future</p> <p>Note: The minutes include a resolution for the Chief Executive to release information relating to the decision over Natureland's future to the public in due course.</p>		<ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person • Section 7(2)(h) To carry out commercial activities

<p>2</p>	<p>Public Excluded Status Report – Community Services – 14 May 2013</p> <p>This report contains information relating to:</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>
	<p>Natureland Expressions of Interest</p>		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
<p>3</p>	<p>Cricket World Cup 2015 Contract Update</p> <p>This report contains information relating to the possible negotiation of a contract.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
<p>4</p>	<p>Public Excluded Minutes – Nelson City Council Infrastructure – 4 April 2013</p> <p>These minutes confirm the public excluded minutes of the Infrastructure meeting of 21 February 2013, and also contain information regarding:</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>
	<p>Council Owned Earthquake Prone Buildings – Mediterranean Food Warehouse Building</p> <p>Note: The minutes include a resolution authorising the Chief Executive to release the resolution regarding the Mediterranean Food Warehouse building to the public.</p>		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations

5	Public Excluded Status Report – Infrastructure – 14 May 2013 This report contains information relating to:	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:
	Boulder Bank Culvert Agreement		<ul style="list-style-type: none"> Section 7(2)(c) To protect information that is subject to an obligation of confidence Section 7(2)(i) To carry out negotiations
	Council Owned Earthquake Prone Buildings – Mediterranean Food Warehouse Building		<ul style="list-style-type: none"> Section 7(2)(h) To carry out commercial activities Section 7(2)(i) To carry out negotiations
6	Southern Arterial Corridor Land Purchase This report contains information relating to the potential purchase of a strategic piece of land in order to protect a section of the Southern Arterial Corridor	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations

25. Re-admittance of the public

Recommendation

THAT the public be re-admitted to the meeting.

Note:

- **Members of the Nelson Youth Council will be at the meeting during the morning tea break to meet with Councillors.**
- **This meeting is expected to continue past lunch, which will be provided at 12.30pm.**

Minutes of a meeting of the Nelson City Council – Community Services

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

On Tuesday 2 April 2013, commencing at 9.00am

Present: His Worship the Mayor A Miccio, Councillors I Barker, A Boswijk, G Collingwood, R Copeland, K Fulton, P Matheson, J Rackley (Co-Portfolio Holder), P Rainey (Co-Portfolio Holder), R Reese, D Shaw, and M Ward

In Attendance: Chief Executive (C Hadley), Acting Executive Manager Community Services (R Ball), Chief Financial Officer (N Harrison), Executive Manager Kaihautū/Community Relations (G Mullen), Executive Manager Network Services (A Louverdis), Executive Manager Regulatory (R Johnson), Executive Manager Strategy and Planning (M Schruer), Manager Community Relations (A Ricker), Manager Administration (P Langley), Administration Adviser (L Laird), and Nelson Youth Councillors (S Stephens and C Doyle)

Apology: Councillor E Davy

Opening Prayer

Councillor Rackley gave the opening prayer.

1. Interests

There were no updates to the Interests Register. His Worship the Mayor reminded Councillors to declare any interests relating to agenda items as they arose over the course of the meeting.

2. Confirmation of Order of Business

His Worship the Mayor informed the meeting that since the agenda had been issued, two public forums relating to the Nelson Gondola and Adventure Park had been scheduled and would be heard at the meeting.

He also informed the meeting that a late item relating to the Cricket World Cup 2015 would be considered during the public excluded meeting and a resolution to accept this item was required, as detailed in the late item memorandum circulated to Councillors (1481978).

Resolved

THAT the public excluded item regarding Cricket World Cup 2015 Contract be considered at this meeting as a late item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987 as this item requires a decision before the next scheduled Council meeting to enable negotiations to continue.

His Worship the Mayor/Rackley

Carried

3. Public Forum

Attendance: Councillor Rainey declared a conflict of interest with the public forums and report relating to the Nelson Gondola and Adventure Park (items 3 and 4) and left the meeting at 9.03am.

3.1 Nelson Gondola and Adventure Park

Mr Jo Rainey, Nelson Cycle Lift Society, outlined the proposal for funding the feasibility study associated with the Nelson Gondola and Adventure Park project. Mr Rainey tabled information relating to his presentation (1486750).

Mr Rainey talked about the objectives and vision of the project and the perceived benefits for the region. He said the feasibility study component would cost \$25,000 and support from the Council, as landowner, was vital to the success of the project.

In response to a question, Mr Rainey said an exact timeline for the project was hard to quantify, but he estimated the project being completed within three years.

3.2 Nelson Gondola and Adventure Park

Mr Hudson Dodd from the Brook Waimarama Sanctuary Trust spoke in support of the principle of the proposed Gondola project. He said the Trust believed the proposed project was compatible with the vision of the Brook Sanctuary and would like to see the project progress to feasibility study stage.

4. Nelson Gondola and Adventure Park: Feasibility Study

Document number 1477272, agenda pages 15-19 refer.

Attendance: Councillor Shaw declared an interest with this item and left the table.

Acting Executive Manager Community Services, Roger Ball presented the report. He said the grant to the Nelson Cycle Lift Society for the

feasibility study would come from the Special Economic Projects Fund in the general ledger, which provided funding for reactive economic projects with a potential economic benefit for the region.

Councillor Matheson, seconded by Councillor Rackley, moved the recommendation in the staff report.

In response to a question, Mr Ball said the Economic Development Agency had been consulted, however the Special Economic Projects Fund was identified as the most appropriate source in this instance.

The Council discussed whether or not to increase the grant to \$25,000 to completely cover the expenses associated with the feasibility study.

Councillor Fulton, seconded by Councillor Boswijk, moved an amendment and this was accepted by the mover and seconder of the original motion:

THAT the Nelson Cycle Lift Society Incorporated be granted \$25,000 towards a feasibility study for the establishment of a gondola and adventure park, subject to the Cycle Lift Society:

- *funding the remaining costs of the feasibility study;*
- *undertaking to provide Council with the results of the feasibility study by 31 December 2013.*

It was mentioned that Council still had to consider its work relating to Nelson's landscapes and whether this will be the subject of a Plan Change. It was noted that this project would impact such work and would need to be considered in line with the development of such a Plan Change.

The Council noted that any funding should be to show support for the project in principle, but not to set a precedent as to any future capital funding. In light of encouraging a partnership with the Nelson Cycle Lift Society, Councillor Reese foreshadowed an intention to move a further amendment.

The motion on the table was put and it was lost.

The meeting then considered the amendment by Councillor Reese, which was seconded by His Worship the Mayor.

THAT the Nelson Cycle Lift Society Incorporated be granted \$15,000 towards a feasibility study for the establishment of a gondola and adventure park, subject to the Cycle Lift Society:

- *funding the remaining costs of the feasibility study;*
- *undertaking to provide Council with the results of the feasibility study by 31 December 2013;*

AND THAT it be noted that Council has neither considered nor taken a position on, the proposal for a gondola and adventure park in either of its roles as landowner and/or regulator.

The amendment was put and it was carried. The meeting then considered the substantive motion.

Resolved

THAT the Nelson Cycle Lift Society Incorporated be granted \$15,000 towards a feasibility study for the establishment of a gondola and adventure park, subject to the Cycle Lift Society:

- ***funding the remaining costs of the feasibility study;***
- ***undertaking to provide Council with the results of the feasibility study by 31 December 2013;***

AND THAT it be noted that Council has neither considered nor taken a position on, the proposal for a gondola and adventure park in either of its roles as landowner and/or regulator.

Matheson/Rackley

Carried

Attendance: Councillors Rainey and Shaw re-joined the meeting at 9.49 am at the conclusion of item 4.

5. Confirmation of Minutes – 19 February 2013

Document number 1461969, agenda pages 1-12 refer.

It was requested that the reason why Councillor Collingwood and Councillor Reese 'did not participate' in the division relating to the Adoption of the Dog Control Policy and Dog Control Bylaw be recorded (page 6-7 of the agenda refers).

Councillor Collingwood did not participate as she had been a submitter. Councillor Reese did not participate as she had not been present through the entire process of hearing and deliberating on submissions.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Community Services, held on 19 February 2013, be confirmed as a true and correct record, subject to changes.

His Worship the Mayor/Rackley

Carried

6. Mayor's Report

There was no Mayor's Report.

7. Status Report – Community Services

Document number 1034860 v9, agenda pages 13-14 refer.

Resolved

THAT the Status Report – Community Services (1034860 v9) be received.

His Worship the Mayor/Boswijk

Carried

8. Portfolio Holder's Report

Councillor Rainey spoke about the upgrade to the Suter Gallery and emphasised its importance to the community. He encouraged the Council to consider it as a city asset and that this attitude should be extended to the Nelson School of Music and the Theatre Royal.

9. Public Libraries of New Zealand Strategic Framework 2012 - 2017

Document number 1400454, agenda pages 20-70 refer.

Manager Libraries, Ian Littleworth joined the meeting and presented the report. He said the Strategic Framework reflected how public libraries needed to consider their services today.

In response to questions, Mr Littleworth recognised that there were some changes that needed to be made to the way services were delivered, rather than the actual services.

Resolved

THAT the Public Libraries of New Zealand Strategic Framework 2012-2017 be received by Council;

AND THAT the Public Libraries of New Zealand Strategic Framework 2012-2017 be taken into account in future Library strategic planning and documents.

Collingwood/Boswijk

Carried

REPORTS FROM COMMITTEES

10. Nelson Youth Council Update

Youth Councillors Samantha Stephens and Cambria Doyle of the Nelson Youth Council provided an update. Ms Stephens told the Council about the success of the Youth Leadership Forum and that the Youth Council had submitted to the Framing our Future consultation.

Ms Stephens provided details on Youth Week for this year, to be held on 11 May 2013. The event was to be an Amazing Race much like the previous year, she said.

11. Nelson Youth Council – 7 February 2013

Document number 1451826, agenda pages 71-78 refer.

Resolved

THAT the minutes of the Nelson Youth Council meeting, held on 7 February 2013, be received.

Rainey/Fulton

Carried

12. Exclusion of the Public

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)

1	Public Excluded Minutes – Nelson City Council Community Services – 19 February 2013 These minutes confirm the public excluded minutes of the Community Services meeting of 20 November 2012, and also contain information regarding:	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:
	Kahurangi Employment Trust – Council Relationships		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
	Natureland Expressions of Interest		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
2	Public Excluded Status Report – Community Services – 2 April 2013 This report contains information relating to:	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:
	Kahurangi Employment Trust – Council Relationships		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
	Natureland Expressions of Interest		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
3	Cricket World Cup 2015 Contract This report contains information regarding the possible negotiation of a contract.	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7(2)(h) To carry out

			commercial activities <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
4	Natureland's Future This report contains information regarding the Natureland Request for Proposal process, and the next steps relating to the future management and operation of Natureland.	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person • Section 7(2)(h) To carry out commercial activities • Section 7(2)(j) To prevent improper gain or advantage

His Worship the Mayor/Boswijk

Carried

The meeting went into public excluded session at 10.18am and adjourned for morning tea at 10.30am. The Council was then joined by the Physical Activity Fund Committee for morning tea.

Phillipa Askew, Ken Beckett, Tony Thomas and Mike Riddell received formal thanks from His Worship the Mayor for their time on the Committee and he acknowledged the accomplishments of the Committee over the years that it had been running.

Following the morning tea adjournment, the meeting continued in public excluded session at 11.08am and resumed in public session at 12.46pm.

13. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Collingwood/Boswijk

Carried

There being no further business the meeting ended at 12.46pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Nelson City Council – Deliberations on Submissions to the Rutherford and Trafalgar Parks Development Plan

**Held in the Council Chamber, Civic House, Trafalgar Street, Nelson
On Tuesday 2 April 2013, commencing at 12.55pm**

Present: His Worship the Mayor A Miccio, Councillors I Barker, A Boswijk, G Collingwood, R Copeland, K Fulton, P Rainey, R Reese, D Shaw, and M Ward

In Attendance: Chief Executive (C Hadley), Acting Executive Manager Community Services (R Ball), Executive Manager Network Services (A Louverdis), Executive Manager Regulatory (R Johnson), Executive Manager Strategy and Planning (M Schruer), Manager Community Relations (A Ricker), and Administration Adviser (L Laird)

Apologies: Councillors E Davy, P Matheson and J Rackley

1. Interests

There were no updates to the Interests Register.

2. Confirmation of Order of Business

There were no changes to the Order of Business.

3. Rutherford and Trafalgar Parks Development Plan

Document number 1454967, agenda pages 3-31 refer.

The Council discussed the process that had been undertaken in developing the Rutherford and Trafalgar Parks Development Plan (the Plan).

The Executive Manager Regulatory, Mr Johnson said the Council had not received or formally deliberated on the submissions, which may affect the Plan. Therefore, he said, Council was required to make those decisions at this meeting before adopting the Plan.

Attendance: the meeting adjourned for lunch at 1.02pm and reconvened at 1.30pm.

There was agreement that the Council should consider the submissions individually before discussing any changes to Plan. The Council progressed through the submissions and discussed areas of concern as they arose.

The Principal Adviser Reserves and Community Facilities, Andrew Petheram and Planning Adviser, Britta Heitz joined the meeting.

3.1 Tennis Courts

The Council expressed concern that the concept plan did not have provision for any extra tennis courts. The Chief Executive said that at this stage it was not possible to make any changes outside of what was specified in the submissions.

3.2 Existing tenants

A view was expressed that provision within the Plan needs to be made to ensure a facility lease for groups including Community Arts, the Rifle Club, the Pipe Band and Citizens Advice Bureau.

3.3 Central pedestrian spine

Concern was raised over the central spine and many Councillors felt it split the area, especially for the Croquet Club as the greens were separated by this pedestrian spine.

Mr Petheram emphasised that the pedestrian spine provided access to the Parks and a clear line of sight, which were important to the Park's overall usage and to encourage people in to the Park.

The Council agreed that the pedestrian spine needed to both encourage people in to the Park but should not limit the ability of users like the Croquet Club. It was agreed that this issue could not be decided on at this meeting and that it should come back to Council for further decision.

Some Councillors mentioned that they would like to see how the Maitai Walkway and the earthquake prone issues with the Trafalgar Park progressed before adopting the draft Rutherford and Trafalgar Parks Development Plan. It was recognised that there were wider issues at hand when making decisions about this Plan.

Concern was expressed that this Plan had been consulted on and that many residents had spent time contributing to the process and would look for action from the Council. In response to a question, the Chief Executive advised the Council against adopting the Plan in part, or in principle only.

The Chief Executive advised the Council to leave the item for debate at another meeting. She said that would allow her the time to provide a draft Plan for approval that had sufficient clarity to allow a decision to be made.

She said at that point the Council could reply to submitters with a definitive answer.

Resolved

THAT the item be left to lie on the table and be reported back to the Council in a timely manner.

Collingwood/Reese

Carried

There being no further business the meeting ended at 2.27pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

COMMUNITY SERVICES STATUS REPORT – 14 MAY 2013

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
1	5/6/2012	1279540	Camping Bylaw Review 2012	Chris Ward/ Sarah Yarrow	<p><u>THAT</u> the resolution to approve the proposed Nelson City Camping Bylaw 2012 (Bylaw 220) for public consultation be left to lie on the table until a working party had reformulated the Statement of Proposal.</p> <p><u>THAT</u> a working party comprising Councillors Davy, Fulton, Shaw, and Ward be established to consider the wording of the draft Nelson City Camping Bylaw 2012 (Bylaw 220) and the draft Statement of Proposal and make recommendations back to Council.</p>	14/05/2013 Report to Council with recommendations of Working Party expected at 6 June 2013 Council meeting.
2	20/11/2012	1410302	Update on Council's Bid to Federation Internationale de Football Association Under 20s World Cup 2015	Chris Blythe	<p><u>THAT</u> Council proceeds with the previously agreed bid of \$500,000, including staff time, to be a host city for the Federation Internationale de Football Association Under 20s World Cup 2015, and emphasises the non-financial benefits it can offer as a host city.</p>	14/05/2013. No developments since last report. Waiting for a formal contract announcement once the successful cities have completed their contracts with FIFA.
3	19/02/2013	1436334	Framing Our Future – Draft Nelson 2060 Strategy Public Consultation	Chris Ward/ Sarah Yarrow	<p><u>THAT</u> subject to final approval by the Mayor and the Deputy Mayor, the Draft Nelson 2060 Strategy (1452447) be approved for public consultation;</p> <p><u>AND THAT</u> the Framing Our Future Committee hear, consider and make decisions on submissions to the Draft Nelson 2060 Strategy;</p> <p><u>AND THAT</u> the Framing Our Future Committee recommend to the Council a final version of the Nelson 2060 Strategy for adoption;</p>	14/05/2013 Framing our Future Committee heard submissions on 9 April 2013 and considered and made decisions on submissions on 30 April 2013. A final version of the Nelson 2060 Strategy will be recommended to the Council for adoption at 6 June 2013 Council meeting.

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
					<p><u>AND THAT</u> the members of the Mayoral Taskforce be invited to recommend to their respective organisations the adoption of the Strategy.</p>	
4	02/04/2013	1473760	Cricket World Cup 2015 Contract	Roger Ball/ Chris Blythe	<p><u>THAT</u> the Chief Executive Officer be delegated authority to finalise a contract with Cricket World Cup 2015 within a cap of \$900,000 including staff time, subject to consultation of the draft Annual Plan 2013/14;</p> <p><u>AND THAT</u> Council expresses its support in principle for the following additional requirements (estimated at \$40,850 CAPEX) to meet minimum One Day International requirements at Saxton Oval:</p> <ul style="list-style-type: none"> • Semi-permanent awning for Player B viewing area; • Improvements to umpires' changing room; • Semi-permanent scorers' box <p>and will consider this issue further during consideration of the draft Annual Plan 2013/14.</p> <p><u>AND THAT</u> these resolutions be released from public excluded, together with sufficient information to explain and discuss Council's bid as part of consideration of the draft Annual Plan 2013/14.</p> <p><u>AND THAT</u> Council release from public excluded the Economic Impact Assessment (1398161) prepared by the Nelson Regional Economic Development Agency for Council's Cricket World Cup 2015 bid.</p>	<p>14/05/2013 Contract negotiations are continuing and we expect a decision from CWC about whether Nelson is part of the tournament by the end of May 2013. Likely to know any team allocations by June 2013.</p> <p>Staff are working on a funding application to NZCT for a grant to cover upgrade costs to meet the One Day International accreditation.</p>

New Purpose of Local Government: Project Review

1. Purpose of Report

- 1.1 To give further consideration to a group of projects Council has indicated may not fit well with the new purpose of local government and may need to be transitioned from Council support.

2. Recommendation

THAT any Council projects that are not seen to fit the new purpose statement of the Local Government Act 2002, be transitioned from Council support by the 2014/15 year;

AND THAT any groups affected by the transition be advised of the reasons for this.

3. Background

- 3.1 In the draft Annual Plan 2013/14 workshop held over 12-13 February 2013, Councillors considered the changes to the purpose of local government and implications for the existing Council work programme. The Local Government Act 2002 now defines the purpose as:

“to meet the current and future needs of communities for good quality local infrastructure, local public services and the performance of regulatory functions in a way that is most cost-effective for households and businesses”

- 3.2 In the workshop, Councillors were presented with a list of Council services and projects that staff felt warranted careful consideration to determine whether they were still a good fit with the purpose of local government. Councillors then gave direction on the projects they felt needed further consideration and this formed the basis of a report recommendation that went to Council. At the Infrastructure meeting on 21 March 2013, Council resolved:

THAT funding for the Holiday Programme Grants, After School Programme, Youth Programme, Preschool Recreation Programme, Enviro education schools, Enviro school facilitation, Enviro schools co-ordination, Youth Development Fund, Youth Nelson, and the Social

Wellbeing Policy Action Plan be reviewed in order to align with the new purpose of local government;

AND THAT the groups that will be affected by the review be advised of the process and the reasons for it.

- 3.3 This report provides information for Council to use in its review of these projects as per part one of the resolution.

4. Discussion

- 4.1 Attachment One provides background information on each project, its funding and the impact of Council withdrawal. In assessing the appropriateness of these projects, Council will need to consider the new purpose of local government and the direction from Government to concentrate on things only Council can do and not duplicate effort in areas that Government or the private sector are active in. These decisions, however, are primarily a policy judgement for Council to make, weighing up the direction provided in the Act.
- 4.2 Councillors may decide to continue supporting these projects but may also wish to adjust the particular output being purchased by Council in order for it to more appropriately match the new purpose statement.
- 4.3 Most of the projects provide a service available to all households and are not targeted at specific sectors or groups with particular needs. There is not good data on uptake of the services or the impact Council funding is having. Addressing these issues by more clearly defining the purpose of Council funding, the specific outcomes expected and measuring impact would help to demonstrate alignment with the new purpose for those projects Council wishes to continue supporting.

Conclusion

- 4.4 Council needs to show that it has turned its mind to the application of the new purpose statement in the Local Government Act 2002 in considering its future support for these projects.

Nicky McDonald
Manager Policy and Planning

Attachments

Attachment 1: Details of Projects Listed for Review [1471336](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

This report considers the alignment of projects with the new purpose of local government.

2. Fit with Community Outcomes and Council Priorities

This report is about Council compliance with new government legislation rather than Council policies and priorities.

3. Fit with Strategic Documents

As above.

4. Sustainability

As above.

5. Consistency with other Council policies

As above.

6. Long Term Plan/Annual Plan reference and financial impact

Funding for the projects under consideration is included in the draft Annual Plan 2013/14.

7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

8. Consultation

The community will have the opportunity to provide feedback on any transitions through the draft Annual Plan 2014/15.

9. Inclusion of Māori in the decision making process

As above.

10. Delegation register reference

Decision of Council.

Details of Projects Listed for Council Review

1. Holiday Programme Grants

1.1 **Funding:** \$10,000 in 2012/13 from Council.

1.2 What it does

1.2.1 Of this funding, \$2,000 is used each year as a small contestable grant fund to assist holiday programme providers to add value to the activities within their holiday programmes. This is often used to add activities, or provide transport to take children to activities.

1.2.2 The remaining \$8,000 is currently used to contract a part-time OSCAR (Out of School Care and Recreation) Regional Advisor (for Nelson Tasman) who supports the network of holiday programme providers, organises holiday programme activities and workshops, and ensures quality standards of OSCAR programmes are met.

1.2.3 OSCAR is a Ministry of Social Development subsidised and monitored programme for after school and holiday programmes. A non-governmental organisation, the OSCAR Foundation, provided the Regional Advisor role until May 2012, when the Foundation became insolvent.

1.2.4 NCC and TDC collaborate to fund this regional co-ordinator role to maintain the current standard of delivery in the holiday programmes. TDC is yet to commit to funding the position in the next financial year.

1.3 Impact of Council withdrawal

1.3.1 The impact of Council withdrawing could be a reduction in the level of service provided by OSCAR and other holiday programmes.

1.4 Fit with new purpose

1.4.1 This activity provides a local public service for families in the region. Council will need to consider whether assisting with provision of holiday programmes is an appropriate activity for local government or whether the concern expressed during introduction of the Local Government Act 2002 Amendment Bill about Councils being diverted from their primary role into "areas already covered by central government and the private sector" would apply here.

2. After School Programme

2.1 **Funding:** \$10,750 in 2012/13 from Council - \$9,500 for the contract, \$1,250 for contract management, promotion and replacing equipment.

2.2 What it does

2.2.1 This funding provides the "In your neighbourhood" programme which originally provided recreation equipment and activities in neighbourhood parks to engage community grass-roots participation in recreation and physical activity within local neighbourhoods. The programme has evolved over the last few years, and now runs alongside events and activities, which has been successful in capturing a larger audience.

2.2.2 The contract has been provided by a range of providers over the past few years, and is currently provided by the Youth and Community Facilities Trust using "The Truck".

2.2.3 The contract requires provision of 15 structured community recreation sessions per year that engage the community in physical activity, cooperation and enjoyment. This targets children, young people and families in the Nelson area. The provider is required to engage with community groups, particularly the Community Hubs of Victory Community Centre, House44, Tahunanui Community Centre, and Whakatu Marae.

2.2.4 This programme encourages the use of Councils parks and reserves facilities, and supports Council events. It has a presence this year at the Arts Festival Sonic Youth Event, Broadgreen Rose Day, Outdoor Expo, Stoke Toy Library fair, Taste Nelson, YMCA Family Day, Race Unity Day, Ecofest and Children's Day.

2.3 Impact of Council withdrawal

2.3.1 This would reduce the level of service. These recreation opportunities in local neighbourhood parks are not delivered by any other provider.

2.4 Fit with new purpose

2.4.1 This provides a local public service and encourages use of Council facilities. There is no comparable private provision although Sport Tasman does support activities with similar objectives.

3. Youth Programme

3.1 **Funding:** \$3,500 in 2012/13 from Council.

3.2 What it does

3.2.1 This is funding to provide recreation activities for young people over the Christmas holiday period. The Youth and Community Facilities Trust currently holds the contract. These programmes were held at the New Hub until last year. 'The Truck' was used to provide this programme over the 2011/12 holiday period.

3.3 Impact of Council withdrawal

3.3.1 This is currently a small amount of funding which assists with the viability of 'The Truck'.

3.4 Fit with new purpose

3.4.1 This provides a local public service and encourages use of Council facilities. There is no comparable private provision although Sport Tasman does support activities with similar objectives.

4. Preschool Recreation Programme

4.1 **Funding:** \$3,000 in 2012/13 from Council.

4.2 What it does

4.2.1 This fund has evolved since it was first established, providing \$19,000 for pre-school recreation programmes provided by Sport Tasman. That funding was reduced and the focus shifted as central government funding moved into these programmes. In the 2011/12 financial year the \$3,000 funding remaining in this budget was used towards the annual pre-school Children's Day event, in partnership with Nelson Kindergarten Association, Nelson Marlborough District Health Board, Public Health, Family Works, Barnardos, Sport Tasman PORSE, Parent Centre, Plunket, Kidstart, Oral Health, Tahunanui Community Centre and Women's Refuge.

4.2.2 This Children's Day event was held at Saxton Stadium, with 3,500 people in attendance. Children's Day is recognised as a day when children are acknowledged and an opportunity for families to come together as a community to celebrate children. The event also utilises Saxton Stadium as a community facility, and has been described as "the first visit to the facility for many people".

4.2.3 This year, the Children's Day event is planned for Sunday 26 May 2013.

4.3 Impact of Council withdrawal

4.3.1 Nelson Kindergarten Association and Council are the main funders of this event. Other agencies provide time and resource in-kind. Council withdrawal of funding would lead to a reduced level of service.

4.4 Fit with new purpose

4.4.1 The Preschool Recreation Programme has changed its focus significantly since first approved by Council and the current title does not fully reflect the activity. However staff involved with the event have confirmed that the Council funding component is targeted at a recreation activity for pre-school children which is a local public service.

5. Enviro education schools

5.1 **Funding:** \$12,000 in 2012/13 from Council.

5.2 What it does

5.2.1 Environmental Education supports the education of students in environmental sustainability. Schools have long been recognised as effective vehicles to deliver community education because working with a school impacts the whole school community.

5.2.2 Outcomes include producing the Envirobuzz newsletter for schools once each term in collaboration with TDC; updating Council website content; and working collaboratively with partner organisations such as DoC, Cawthron Institute, TDC, iwi organisations, and the Association of Environmental Educators to deliver co-ordinated environmental education, events and programmes such as Seaweed, Matariki, and Conservation Week.

5.2.3 The project includes providing environmental information and advice for schools on environmental projects, usually around waste reduction, water quality, transport or planting projects. The link to schools also includes promotion of Council environmental projects such as the stormwater initiative "Drains are for rain", within schools.

5.3 Impact of Council withdrawal

5.3.1 If Council withdrew from this activity any community environmental education would need to be provided in different ways and partner organisations would have reduced ability to provide collaborative programmes with Council. It is understood the question under consideration is not environmental education generally but the mechanism of delivery via schools. One option would be to identify the elements of this, and the following programme, that related to waste minimisation and fund that from the local disposal levy, to reduce the overall cost to rates.

5.4 Fit with new purpose

5.4.1 This project provides a local public service to schools and their pupils through provision of environmental education and advice on environmental projects. Council will need to consider whether continuing this funding is consistent with its view of appropriate services for local authorities to provide.

6. Enviroschool facilitation and Enviroschools co-ordination

6.1 Funding: \$47,600 in 2012/13 from Council.

6.1.1 This financial year Nelson City Council is receiving \$20,400 in additional funding for 2012/13 from Ministry for the Environment as a one-off grant. Additional funding will also be available to apply for in 2013/14.

6.2 What it does

6.2.1 The Enviroschools Programme is a partnership between Nelson City Council, participating schools, Nelson Tasman Kindergartens, and the Enviroschools Foundation which aims to change behaviour through projects in schools which can influence the wider school community. Enviroschools is managed nationally by The Enviroschools Foundation, a charitable trust, and was originally developed in the late 1990's by councils in Waikato. The Enviroschools Facilitator works to engage schools as well as businesses, community groups and leaders, as part of a Regional Council role.

6.2.2 Enviroschools is listed here as three separate projects with three distinct budgets, because different parts of the programme are provided by different entities in different ways. Contract (\$33,000): Work on the programme in primary schools and kindergartens is carried out under contract. Facilitation (\$2,600): Facilitation of the programme in secondary schools is carried out by Council staff. Co-ordination (\$12,000): regional coordination is carried out by Council staff, supporting the environmental educators network across the region, and being the point of contact with the Ministry for the Environment. This includes contract management, managing project funding provided by the Ministry, and liaison between the Ministry and the facilitators.

6.3 Impact of Council withdrawal

6.3.1 Council withdrawal would impact on the ability of schools to achieve the programme outcomes. Community environmental education would need to be carried out using different methods.

6.3.2 It is understood that both Tasman and Marlborough Councils have decided to continue the programme. Tasman has limited the scope of its Enviroschools work to obligatory aims such as freshwater, waste minimisation, and air quality; and will not support projects with broader goals such as youth leadership, or community resilience. This would also be an option for Council to consider.

6.4 Fit with new purpose

6.4.1 This project provides a local public service to schools and their pupils through provision of environmental education and advice on environmental projects. Council will need to consider whether continuing this funding is consistent with its view of appropriate services for local authorities to provide.

7. Youth Development Fund

7.1 **Funding:** \$3,000 in 2012/13 from Council.

7.2 What it does

7.2.1 This pool of funding allows for grants of up to \$500 per student to support young people wishing to attend the Spirit of Adventure, Outward Bound or other residential leadership courses (costs generally fall in the \$2000 to \$4000 range).

7.2.2 The fund was set up in memory of the late Councillor Jo Raine, who was a strong supporter of young people attending leadership courses.

7.2.3 Staff administer applications received at any time of year. The amount of work involved is small.

7.2.4 The funding limits were previously set at up to \$200 per student, and it was rare for the entire pool of funding to be allocated within the year. With six grants of \$500 per year, these are now likely to be all allocated.

7.3 Impact of Council withdrawal

7.3.1 There would be minor impact of Council withdrawal from this initiative, as the amount is not large and there are other sources of funding assistance some young people may be able to access.

7.4 Fit with new purpose

7.4.1 This fund provides a local public service to a small number of individuals, although there is a wider community benefit from promoting leadership among youth. Council will need to consider whether continuing this funding is consistent with its view of appropriate services for local authorities to provide.

8. Youth Nelson

8.1 **Funding:** \$12,000 in 2012/13 from Council, plus provision and free use of two 12-seater vans during school term at a cost of \$33,000 per year.

8.2 What it does

8.2.1 Youth Nelson is an alternative education school for at-risk students that have been unsuccessful in mainstream schools. Students come from a range of dysfunctional, lower socio-economic families. The aim is for young people to leave Youth Nelson as positively contributing members of the community. It is licensed for 17 students, 13 to 16 years old.

8.2.2 The Young Nelson Trust, a registered charity established by Nelson College for Girls, Nelson College, Nayland College and Nelson City Council, runs Youth Nelson. Councillor Rainey represents Council on the Board. It employs three and a half fulltime staff and has one full time volunteer. Other part-time specialist tutors and counsellors are contractors or volunteers.

8.2.3 In the 2012 calendar year, the Trust had total income of \$204,771 and expenditure of \$182,549. This saving was due to the Trust being without a staff member for a term and normally it spends all of its allocation and may draw on reserves. At the end of 2012, Youth Nelson had cash reserves of \$78,000.

8.2.4 Many of the students are illiterate and have multiple social issues. Classroom activities take place four mornings per week, with the rest of school hours focussing on life skills. Other services include counselling, health checks, cultural sessions, and visits from the local community constable. The programme is a mixture of education and social work.

8.2.5 The \$12,000 allocated by Council covers the costs of rent, insurance, power, phone, security, and some maintenance as required. These costs are paid directly by Council, rather than the funding being provided as a grant to the Trust. The Council-owned vans are used to transport the students to a range of activities, as well as transporting them to and from school. All costs of the vans are covered by Council.

8.3 Impact of Council withdrawal

8.3.1 The largest impact of withdrawal would result from loss of the vans, which staff use to transport students to and from school, ensuring attendance. These are also used to access external services and activities. If Council withdrew funding its representation on Youth Nelson would also need to be reconsidered.

8.4 Fit with new purpose

8.4.1 This funding provides a local public service to a small number of at-risk youth.

9. Social Wellbeing Policy Action Plan

9.1 **Funding:** \$10,000 in 2012/13 from Council.

9.2 What it does

9.2.1 The Action Plan for the Social Wellbeing Policy is intended to show how Council will achieve the objectives of the policies and which actions are priorities for implementation. The plan would allow Councillors an input into the priorities and timeframes for implementing various aspects of the policy and be of interest to community stakeholders keen to work in partnership with Council.

9.2.2 There are 140 hours of staff time in 2013/14 to develop the Social Wellbeing Action Plan. Implementation of the Action Plan will draw on \$10,313 of new funding plus redirecting priorities for the existing Council-funded operational spend of approximately \$120,000 per year in the social activity (NB the overall social activity budget is higher due to central government contracts).

9.3 Impact of Council withdrawal

9.3.1 The impact of failing to complete a Social Wellbeing Policy Action Plan is that the policy will not be implemented in a coherent fashion and new issues not already part of the work programme will not be tackled.

9.4 Fit with new purpose

9.4.1 The Social Wellbeing Policy covers issues such as the needs of an ageing population, Council's role in providing services to youth, and affordable housing. Consideration of the four wellbeings is still within a local authority's mandate through the reference that requires Councils to take a sustainable development approach (which means consideration of the social, economic and cultural interests of the community). Council will need to consider whether it wishes to invest resources in continuing the social wellbeing work signalled with the adoption of the policy.

Community Assistance Funding Criteria Review

1. Purpose of Report

- 1.1 To review and update the funding criteria for the Community Assistance Policy, to ensure consistency with the new purpose statement in the Local Government Act 2002.

2. Recommendation

THAT changes to the Community Assistance Policy to align with the new purpose of local government be approved as set out in RAD 1485919, including the following changes to criteria:

- 1. Item 3 be changed to: Applications must demonstrate the contribution the project will make to Council's community outcomes and priorities and the vision for Nelson 2060.***
- 2. Item 5 be changed to: Only initiatives within Nelson and/or benefitting Nelson residents will be funded. Services delivered regionally will have funding eligibility relative to the benefit derived by Nelson residents.***
- 3. A new criterion be added: Applications must be for, and clearly detail, a specific service and/or outcome that will result from the funding.***
- 4. A new criterion be added: All applications must be aligned with the purpose of local government as contained in the Local Government Act 2002 – "to meet the current and future needs of communities for good quality local infrastructure, local public services and the performance of regulatory functions in a way that is most***

cost-effective for households and businesses”.

3. Background

- 3.1 Parliament amended the Local Government Act 2002 in December last year. One of the key changes was the modification of the purpose of local government, which is now:

“to meet the current and future needs of communities for good quality local infrastructure, local public services and the performance of regulatory functions in a way that is most cost-effective for households and businesses.”

- 3.2 At the draft Annual Plan workshops in February 2013, officers indicated that a review of the funding criteria for the Community Assistance Programme was in order.

- 3.3 A report was then brought to the Council’s Infrastructure meeting on 21 March 2013, with Councillors resolving:

THAT the criteria for grants from the Community Assistance Programme be reviewed before the next application round.

4. Discussion

Current Criteria

- 4.1 The current criteria for Community Assistance applications can be found under section 4.0 of Attachment 1, the Community Assistance Policy 2009.

Recommended Changes

- 4.2 It would be challenging to provide a comprehensive description of which services would be eligible and which would not. More general amendments are therefore suggested to ensure grants are allocated to projects that align with the new purpose of local government.
- 4.3 Criterion Number Three - “Applications must demonstrate the contribution the project will make to Council’s community outcomes.”
- 4.3.1 While amendments are being made to the Community Assistance Policy it would be appropriate to add to the above criterion “and priorities”, to bring it into line with the community outcomes and priorities in the Long Term Plan 2012-22.
- 4.4 Criterion Number Five - “*Preference* is given for initiatives within Nelson and that benefit Nelson residents.”
- 4.5 This criterion is no longer appropriate given the focus of the new purpose on local services. It is suggested the criterion be amended to read:

“Only initiatives within Nelson and/or benefitting Nelson residents will be funded. Services delivered regionally will have funding eligibility limited in proportion to the benefit derived by Nelson residents.”

4.6 New Criterion – Specific Service/Outcome

4.7 In demonstrating that community grants comply with the new purpose it will be important to be quite clear about what is being funded. Advice from the Society of Local Government Managers on the legislative changes was that community grants and contracts should be for a specific outcome or service rather than a generic grant to an organisation.

4.8 A new criterion that would cover this point would be:

“Applications must be for, and clearly detail, a specific service and/or outcome that will result from the funding.”

4.9 New Criterion – Other Factors

4.10 It is suggested that alignment with the new purpose of Local Government be added as a criterion of the policy, as a final point. This is an additional protection which draws applicants’ attention to the need to align with the purpose and gives Council a sound basis for declining applications that do not do so.

4.11 This new criterion could read as follows:

“All applications must be aligned with the purpose of local government as contained in the Local Government Act 2002 – “to meet the current and future needs of communities for good quality local infrastructure, local public services and the performance of regulatory functions in a way that is most cost-effective for households and businesses.”

4.12 Updates to Guidelines and Application Forms

4.13 A set of guidelines outlining the purpose and criteria of the funding and amounts available for allocation are provided each year to all applicants along with their application forms. Updates to the guidelines and application forms will be made in line with changes to the policy.

4.14 Extra questions for the application form would include what the specific outcomes of the proposed service would be and whether any other agencies are currently providing the same service locally.

Implications for existing contracts

4.15 Currently there are 67 community assistance contracts, for between one and four years, and 28 one-off grants. There are 18 contracts that will conclude by 30 June this year and 49 that will continue into 2013/14 or longer. A number of Community Assistance Funding contracts have been allocated for multiple years, with the last of these ending in June 2016. Existing contracts will be honoured.

Implications for new contracts

- 4.16 Most applications currently received are to fund provision of local public services, although some are to assist with local public infrastructure.
- 4.17 Applications that may not fit the new purpose are largely those that provide services that could be provided by another agency. These would need to be assessed against the direction from government that councils should be "doing the things only councils can do" and not being diverted into "areas already covered by central government and the private sector".
- 4.18 Any applications which do not fit the new purpose of local government will be advised accordingly when they are notified that the application has been unsuccessful.

Improvements to the grant allocation process

- 4.19 At the Annual Plan workshop in February, Councillors requested some thought be given to ways the decision making process for grants could be improved. The present system is very time consuming for Councillors.
- 4.20 This is not a new issue and has been considered on a number of previous occasions by Council, including by a working party of Councillors during the 2009 review of the policy. Some of the options previously discussed/trialled include:
 - 4.20.1 Contracting decision making out to another organisation (and possible tax advantages of using a registered Trust). This was proposed during the 2009 review but not supported for two reasons. First because it was felt it would lead to a loss of Council branding for the grants and a reduction in the goodwill Community Assistance generates for Council. Second because Councillors felt the grants provided important contacts with community groups for staff and Councillors and a valuable source of information on what was happening within the community.
 - 4.20.2 Delegating decision making to a panel of community experts to be appointed by Council. This was also proposed during the 2009 review and rejected for the reasons above.
 - 4.20.3 Delegating decision making to a subcommittee of Councillors. This was trialled in the past when for some time the assessment was undertaken in the Community Services Committee and then confirmed by full Council. This led at times to relitigation of decisions at full Council and overturning of recommendations.
 - 4.20.4 In some previous rounds all Councillors have filled out assessment sheets and votes for projects were collated by staff, the amount to be supported calculated by averaging the amount each Councillor proposed. This was found by Councillors to be overly complex and was discontinued.

- 4.21 As concerns remain about the inefficiencies of the current process which consumes a large amount of time for all Councillors, consideration could be given to delegating responsibility to a subcommittee as a trial for the upcoming round.

5. Conclusion

- 5.1 Council needs to review the criteria for Community Assistance grants to ensure criteria and decisions are in line with the new purpose of local government. This needs to be done before the next funding round, beginning in July 2013. Updates to the policy will need to be accompanied by updated guidelines and application forms.
- 5.2 The grants allocation process has long been a frustration with many different approaches having been tried in the past. The option of delegating a subcommittee of Councillors to make recommendations on grants could be trialled at the next Community Assistance round in July.

Nicky McDonald
Manager Policy and Planning

Attachments

Attachment 1: Community Assistance Policy 2009 [725470](#)

Attachment 2: Draft Community Assistance Policy 2013 [1485919](#)

Supporting information follows.

Supporting Information	
1. Fit with Purpose of Local Government	This report aims to ensure that Community Assistance funding criteria fit with the new purpose of local government.
2. Fit with Community Outcomes and Council Priorities	A current requirement of applications for Community Assistance Funding is that they are in alignment with one or more of the Community Outcomes. The recommended changes to the policy will not change this but will add Council priorities to this requirement.
3. Fit with Strategic Documents	The Community Assistance Policy was initiated by the Social Wellbeing Policy, and supports the community sector in initiatives that assist in achieving social wellbeing outcomes for the Nelson community.
4. Sustainability	An improved Community Assistance policy will ensure that Council continues to meet its commitment to sustainability by funding projects and services that positively impact the needs of the Nelson community, today and in the future.
5. Consistency with other Council policies	No consequential inconsistencies with other policies.
6. Long Term Plan/Annual Plan reference and financial impact	Funding for Community Assistance is allocated in the Long Term Plan 2012-22, and included in the draft Annual Plan 2013/14.
7. Decision-making significance	This is not a significant decision in terms of the Council's Significance Policy.
8. Consultation	Consultation has not been undertaken with external organisations, as the matter at question is Council compliance with the 2012 amendments to the Local Government Act 2002.
9. Inclusion of Māori in the decision making process	As above.
10. Delegation register reference	Decision of Council

Nelson City Council**Policy**

Contact:
 Approved by:
 Approval date:
 Review date:

Bjarne Vandeskog
 Council
 25 June 2009
 June 2015

Community Assistance Policy 2009**BACKGROUND**

- 1.1 Nelson City Council has been providing assistance to community organisations for many years through a variety of mechanisms such as funding agreements, one-off grants, rates remissions, intermediary loans, and community leases and licences. In 2004 Council developed a Community Assistance Policy as called for in the Social Wellbeing Policy, in order to give direction to the future allocation of community assistance.
- 1.2 The policy formalised the procedures for allocating support to community organisations, basing the allocation of funds on the three significant activity areas of recreation and leisure; culture, heritage and arts; and social development; plus an “other” category. The policy made contracts and one-off grants contestable through a process where applicants compete for a set pool of funds.
- 1.3 The combined value of all forms of community assistance (including community leases) in 2007/08 was over one million dollars. The pool of funding available for community contracts, one-off grants and rates remissions in 2008/09 was \$447,079. This funding is adjusted annually by the rate of inflation.
- 1.4 In 2009 the Community Assistance Policy was reviewed by a Working Party of Councillors and staff. Changes were made to streamline the assessment and approval process and to improve accountability. Categories were removed so that applications competed against each other on the basis of the contribution they made to Council’s community outcomes and how well they met other criteria of the policy.
- 1.5 The revised policy was approved by Council on 25 June 2009 and is scheduled to be reviewed again in 2015. Council may decide to review the policy at any time before then.

2.0 OBJECTIVE

- 2.1 The purpose of this policy is to enable charitable and not-for-profit organisations to contribute towards community outcomes as defined in the Nelson Community Plan.

3.0 TYPES OF COMMUNITY ASSISTANCE

- 3.1 Council provides five types of community assistance. These are outlined in the table below. Council also provides rates remissions to community groups who

own their own land. This is covered in a separate policy but the funding comes from the community assistance budget.

Type	Description
Community Contracts	Community Contracts are awarded for one to four years. There is no specified maximum amount for community contracts.
One-off Grants	Can be for underwriting as well as grants. Grants and underwriting guarantees are for a maximum of \$2,500. These grants must be spent within 12 months of being awarded unless otherwise agreed.
Intermediary loans	Loans obtained by Council on behalf of not-for profit organisations who wish to develop facilities on council land but as they do not own the land cannot offer sufficient security to obtain loans on the open market.
Community leases and licences	Agreements with not-for-profit organisations that rent or occupy Council land and/or buildings.
Rates remissions	These are guided by a separate policy (see appendix 1).

4.0 CRITERIA

1. Only organisations with “Registered charitable entity” status, or that can demonstrate that for tax purposes they are considered “not for profit”, will be eligible for Community Assistance under this policy.
2. Retrospective funding will not be considered.
3. Applications must demonstrate the contribution the project will make to Council’s community outcomes.
4. Preference is for applications that leverage additional funding as demonstrated by documentation of applications lodged with, or offers of funding from other funders.
5. Preference is given for initiatives within Nelson and that benefit Nelson residents.
6. Other factors that will be considered are:
 - The benefit of the project to the community in comparison to the cost to Council.
 - The level to which the wider community will be involved in the project.
 - The past achievements or potential of the organisation.
 - The ability of the organisation to successfully administer the grant/contract and deliver the outcomes.
 - A project’s contribution towards achieving the goals of other Council policies and strategies
7. Organisations can only make one application to each of the two grant categories (contracts and one-offs) per year.
8. One-off grants cannot be used for ongoing expenses and applicants must demonstrate that they have sufficient resources to implement the project.

9. In addition to the criteria set out above, Council may at times choose to focus grants on particular Council priorities. The decision on focus area can be made at two different points. It can be made during the Annual Plan process, to be implemented the following financial year. It can also be made at the conclusion of the grants funding round, to be implemented in the following year's round.

5.0 COMMUNITY CONTRACTS AND ONE-OFF GRANTS

- 5.1 The pool of funding for contracts and one off grants is allocated annually by Council. Between 10 to 20% of funds will be available for one-off grants. Applications are accepted for underwriting of projects as well as grants. A minimum of \$2500 will be available annually for underwriting. The proportion of the underwriting monies not uplifted will return to the underwriting fund to accumulate to a maximum of \$10,000. When the underwriting fund has reached its maximum unused underwriting monies will return to the grant pool.
- 5.2 Staff will assess all applications against the criteria and will prioritise them accordingly within the funds available. The list of prioritised applications will be presented to the Community Services Committee or relevant committee for consideration.

6.0 INTERMEDIARY LOANS

- 6.1 The value of the intermediary loan pool is capped at \$1.5 million. This figure excludes intermediary loans for regional facilities.
- 6.2 The additional criteria for intermediary loans are:
- Only developments on Council-owned land will be eligible.
 - Intermediary loans will be for a maximum of one third of the value of the development.
 - Council will not provide loan guarantees or interest-free loans.
- 6.3 Applications for intermediary loans will be considered for approval by the Community Services Committee or the Governance Committee.

7.0 COMMUNITY LEASES AND LICENCES

- 7.1 Community leases and licences adhere to the following:
- Formal lease agreements shall be required where organisations occupy Council land or buildings.
 - Rent for the exclusive use of Council buildings or land will normally be set at 10% of the market rent for a comparable building or land.
 - Rent for the non-exclusive use of Council buildings or land will normally be set at 5% of the market rent for a comparable building or land.
 - Valuation of land for rental purposes shall be based on the Rateable Value.
- 7.2 Community leases for whole or part of Council owned buildings will be advertised when they are vacated so that all community groups have an opportunity to submit expressions of interest.
- 7.3 Buildings on Council land may be sold, conditional on the building being advertised and the prospective buyer obtaining a Council lease to occupy the land.
- 7.4 Termination of lease. See paragraph 8.2.

7.5 Applications for new community leases and licences will be considered for approval by the Community Services Committee or the Governance Committee using the criteria in paragraph 4 above.

8.0 ACCOUNTABILITY

8.1 All recipients of community assistance will provide periodic accountability reports documenting how their activities have contributed to the objectives for which the assistance was given. The following are the reporting schedules:

- Community Contracts – annual reports
- One-off Grants – within six months of expenditure of funding
- Loans – annual reports
- Leases – annually for leases less than four years, minimum of four times during total lease period for leases over four years

8.2 Recipients that fail to submit accountability reports, or that have not spent the money in accordance with the application/contract, or where the use of the facility/land does not satisfactorily contribute to the community outcome will receive up to two written notices asking them to rectify the situation, and may thereafter be asked to return all or part of the funding or vacate the facility/land if they do not comply. Community contracts will continue or be terminated conditional on receipt of satisfactory reports. Recipients that fail to submit acceptable accountability reports may forfeit their eligibility to receive any Community Assistance in the future.

9.0 RELATIONSHIPS WITH OTHER FUNDERS

9.1 Staff will explore and take advantage of opportunities for information sharing with other funders. Using this information, a directory of funding sources will be produced annually to assist the community in finding support for projects. A copy of the directory will be sent out with all application packs.

10.0 WHAT THIS POLICY DOES NOT COVER

- Council Controlled Organisations such as the Tasman Bays Heritage Trust, Bishop Suter Art Museum, Nelson Tasman Tourism and the Regional Economic Development Agency which are funded separately.
- Council funding for major community initiatives budgeted for separately through Council's community plan/annual plan processes.
- The Youth Development Fund which provides financial support for young people to attend outdoor education courses.
- Financial assistance to achieve resource management objectives such as fencing subsidies and subsidies to change heating methods. These costs are funded by Council's Resource Management activities.
- Nelson City Physical Activity Fund for sports and recreation from the former Hillary Commission.
- Contracts or other commercial arrangements where a not-for-profit organisation is contracted to deliver a service for Council.
- Council support for regional facilities - that is capital projects costing \$500,000 or greater.

- Leases and licences at Founders Heritage Park.
- Council owned motor camps.

Draft Community Assistance Policy 2013

Contact: Kath Inwood
Approved by: TBA
Approval date: TBA
Review date: June 2015

1.0 BACKGROUND

- 1.1 Nelson City Council has been providing assistance to community organisations for many years through a variety of mechanisms such as funding agreements, one-off grants, rates remissions, intermediary loans, and community leases and licences. In 2004 Council developed a Community Assistance Policy as called for in the Social Wellbeing Policy, in order to give direction to the future allocation of community assistance.
- 1.2 The policy formalised the procedures for allocating support to community organisations, basing the allocation of funds on the three significant activity areas of recreation and leisure; culture, heritage and arts; and social development; plus an "other" category. The policy made contracts and one-off grants contestable through a process where applicants compete for a set pool of funds.
- 1.3 Community Assistance funding is adjusted annually by the rate of inflation, with the 2012/13 budget for contracts, grants and rates remissions being \$498,357.
- 1.4 In 2009 the Community Assistance Policy was reviewed by a Working Party of Councillors and staff. Changes were made to streamline the assessment and approval process and to improve accountability. Categories were removed so that applications competed against each other on the basis of the contribution they made to Council's community outcomes and how well they met other criteria of the policy.
- 1.5 In 2013, Council assessed the Community Assistance funding criteria against the new purpose of local government as stated in the Local Government Act 2002. The revised policy was approved by Council on tba 2013 and is scheduled to be reviewed again in 2015. Council may decide to review the policy at any time before then.

2.0 OBJECTIVE

- 2.1 The purpose of this policy is to enable charitable and not-for-profit organisations to contribute towards community outcomes and priorities as defined in the Nelson Community Plan.

3.0 TYPES OF COMMUNITY ASSISTANCE

- 3.1 Council provides five types of community assistance. These are outlined in the table below. Council also provides rates remissions to community

groups who own their own land. This is covered in a separate policy but the funding comes from the community assistance budget.

Type	Description
Community Contracts	Community Contracts are awarded for one to four years. There is no specified maximum amount for community contracts.
One-off Grants	Can be for underwriting as well as grants. Grants and underwriting guarantees are for a maximum of \$2,500. These grants must be spent within 12 months of being awarded unless otherwise agreed.
Intermediary loans	Loans obtained by Council on behalf of not-for profit organisations who wish to develop facilities on council land but as they do not own the land cannot offer sufficient security to obtain loans on the open market.
Community leases and licences	Agreements with not-for-profit organisations that rent or occupy Council land and/or buildings.
Rates remissions	These are guided by a separate policy (see appendix 1)

4.0 CRITERIA

- 4.1 Only organisations with "Registered charitable entity" status, or that can demonstrate that for tax purposes they are considered "not for profit", will be eligible for Community Assistance under this policy.
- 4.2 Retrospective funding will not be considered.
- 4.3 Applications must demonstrate the contribution the project will make to Council's community outcomes and priorities.
- 4.4 Preference is for applications that leverage additional funding as demonstrated by documentation of applications lodged with, or offers of funding from other funders.
- 4.5 Only initiatives within Nelson and/or benefitting Nelson residents will be funded. Services delivered regionally will have funding eligibility relative to the benefit derived by Nelson residents
- 4.6 Applications must be for, and clearly detail, a specific service and/or outcome that will result from the funding.
- 4.7 Other factors that will be considered are:
 - All applications must be aligned with the purpose of local government as contained in the Local Government Act 2002 – "to meet the current and future needs of communities for good quality local infrastructure, local public services and the performance of regulatory functions in a way that is most cost-effective for households and businesses".

- The benefit of the project to the community in comparison to the cost to Council.
 - The level to which the wider community will be involved in the project.
 - The past achievements or potential of the organisation.
 - The ability of the organisation to successfully administer the grant/contract and deliver the outcomes.
 - A project's contribution towards achieving the goals of other Council policies and strategies
- 4.8 Organisations can only make one application to each of the two grant categories (contracts and one-offs) per year.
- 4.9 One-off grants cannot be used for ongoing expenses and applicants must demonstrate that they have sufficient resources to implement the project.
- 4.10 In addition to the criteria set out above, Council may at times choose to focus grants on particular Council priorities. The decision on focus area can be made at two different points. It can be made during the Annual Plan process, to be implemented the following financial year. It can also be made at the conclusion of the grants funding round, to be implemented in the following year's round.

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- 5.1 The pool of funding for contracts and one off grants is allocated annually by Council. Between 10 to 20% of funds will be available for one-off grants. Applications are accepted for underwriting of projects as well as grants. A minimum of \$2500 will be available annually for underwriting. The proportion of the underwriting monies not uplifted will return to the underwriting fund to accumulate to a maximum of \$10,000. When the underwriting fund has reached its maximum unused underwriting monies will return to the grant pool.
- 5.2 Staff will assess all applications against the criteria and will prioritise them accordingly within the funds available. The list of prioritised applications will be presented to **Council** for consideration.

6.0 INTERMEDIARY LOANS

- 6.1 The value of the intermediary loan pool is capped at \$1.5 million. This figure excludes intermediary loans for regional facilities.
- 6.2 The additional criteria for intermediary loans are:
- Only developments on Council-owned land will be eligible.
 - Intermediary loans will be for a maximum of one third of the value of the development.
 - Council will not provide loan guarantees or interest-free loans.
- 6.3 Applications for intermediary loans will be considered for approval by **Council**.

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- Rent for the non-exclusive use of Council buildings or land will normally be set at 5% of the market rent for a comparable building or land.
- Valuation of land for rental purposes shall be based on the Rateable Value.

7.2 Community leases for whole or part of Council owned buildings will be advertised when they are vacated so that all community groups have an opportunity to submit expressions of interest.

7.3 Buildings on Council land may be sold, conditional on the building being advertised and the prospective buyer obtaining a Council lease to occupy the land.

7.4 Termination of lease. See paragraph 8.2.

7.5 Applications for new community leases and licences will be considered for approval by Council using the criteria in paragraph 4 above.

8.0 ACCOUNTABILITY

8.1 All recipients of community assistance will provide periodic accountability reports documenting how their activities have contributed to the objectives for which the assistance was given. The following are the reporting schedules:

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8.2 Recipients that fail to submit accountability reports, or that have not spent the money in accordance with the application/contract, or where the use of the facility/land does not satisfactorily contribute to the community outcome will receive up to two written notices asking them to rectify the situation, and may thereafter be asked to return all or part of the funding or vacate the facility/land if they do not comply. Community contracts will continue or be terminated conditional on receipt of satisfactory reports. Recipients that fail to submit acceptable accountability reports may forfeit their eligibility to receive any Community Assistance in the future.

9.0 RELATIONSHIPS WITH OTHER FUNDERS

9.1 Staff will explore and take advantage of opportunities for information sharing with other funders. Using this information, a directory of funding sources will be produced annually to assist the community in finding

support for projects. A copy of the directory will be sent out with all application packs.

10.0 WHAT THIS POLICY DOES NOT COVER

- Council Controlled Organisations such as the Tasman Bays Heritage Trust, Bishop Suter Art Museum, Nelson Tasman Tourism and the Regional Economic Development Agency which are funded separately.
- Council funding for major community initiatives budgeted for separately through Council's community plan/annual plan processes.
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- Nelson City Physical Activity Fund for sports and recreation from the former Hillary Commission.
- Contracts or other commercial arrangements where a not-for-profit organisation is contracted to deliver a service for Council.
- Council support for regional facilities - that is capital projects costing \$500,000 or greater.
- Leases and licences at Founders Heritage Park.
- Council owned motor camps.

Appendix 1

Remissions of rates for community, sporting and other organisations

Objective

The remission of rates for community, sporting and other organisations is to facilitate the ongoing provision of non-commercial community services and non-commercial recreational opportunities.

The purpose of granting rates remission to an organisation is to:

* recognise the public good contribution made by such organisations; * assist the organisation's survival; * make membership of the organisation more accessible to the general public, particularly disadvantaged groups. These include children, youth, young families, aged people, and economically disadvantaged people.

Conditions and criteria

Council support applications for assistance by any organisation not conducted for private profit. The principal object of the organization should be to promote the development of the City and provide for at least one of the following; the public, recreation, health, enjoyment, instruction, sport or any form of culture or for the improving or developing of amenities, where the provisions of any one of these areas is to the benefit of the City.

Organisations making application should include the following information in support of their application: * evidence that other areas of assistance have been investigated if available; * there is a need for assistance; * there has been a reasonable effort made to meet the need by self help; and * its most recent financial accounts.

Procedure

Any remission made will apply for a maximum of three years and all applications will expire on 30 June following the revaluation of the City. If continued assistance is required, a new application must be made.

Each application will be considered by Council on it's merits, and provision of a remission in any year does not to set a precedent for similar remissions in any future year. Remission is granted only in respect of those parts of the rates which are based on Land Value. The remission is 50% of the rates payable.

Application is to be made by 16 June in any year, for rating relief commencing 1 July but will expire as detailed above. Council will consider the applications during February/March, so the amount of remissions available will be known by the applicant before the rating year commences.

Funding Application for Saxton Oval

1. Purpose of Report

- 1.1 To seek approval from the Council to apply for funding from the New Zealand Community Trust to fund work at Saxton Oval to meet One Day International accreditation.

2. Recommendation

THAT Council makes an application to the New Zealand Community Trust for funding to upgrade Saxton Oval to meet One Day International match accreditation.

3. Background

- 3.1 On 2 April 2013 Council resolved;

THAT the Chief Executive Officer be delegated authority to finalise a contract with Cricket World Cup 2015 within a cap of \$900,000 including staff time, subject to consultation of the draft Annual Plan 2013/14;

AND THAT Council expresses its support in principle for the following additional requirements (estimated at \$40,850 CAPEX) to meet minimum One Day International requirements at Saxton Oval:

- Semi-permanent awning for Player B viewing area;*
- Improvements to umpires' changing room;*
- Semi-permanent scorers' box;*

and will consider this issue further during consideration of the draft Annual Plan 2013/14.

- 3.2 At this meeting Councillors suggested a funding application be made to a grant funding trust for these items. Staff have since begun the work on an application to New Zealand Community Trust and require a formal recorded resolution by Council to proceed with a funding application.

4. Conclusion

- 4.1 A formal Council resolution is required to be included in the funding application to New Zealand Community Trust in order for the application to be considered.

Chris Blythe
Project Management Adviser

Attachments

None

No Supporting information follows.

Minutes of a meeting of the Nelson Youth Council

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

On Monday 25 March 2013, commencing at 1.02pm

Present: Youth Councillors Samantha Stephens (Chairperson), Moorea Smithline, Petra Higgins, Carla Lindley, Chloe Rumsey, Alexandra Doggett, Fraser Malpas, Harry Tod-Smith, Joseph Cotton, Dana Fulton, John Gibson, Chelcie-Mei Phillips, Cambria Doyle, Teone McGregor, Kaimana Gallop, Kassianna Barrett-Hemi, Lucy Upton, Charlie Norton and Patrick Corish

In Attendance: Councillor K Fulton, Social Wellbeing Advisor (R Large), Event Coordinator (M Blackman), Project Management Adviser (C Blythe), Cadet – Community Services (J Webby), and Administration Adviser (L Laird)

Apologies: Blake Hornblow, and Councillor Rainey for lateness

1. Confirmation of Minutes – 1 March 2013

Document number 1469218, agenda pages 4-9 refer.

Resolved

THAT the minutes of a meeting of the Nelson Youth Council, held on 1 March 2013, be confirmed as a true and correct record.

Doggett/Fulton

Carried

2. Chief Executive

The Chairperson introduced the Nelson City Council Chief Executive, Clare Hadley. Youth Councillors took turns to introduce themselves.

Mrs Hadley spoke about herself and her background. She said the Chief Executive was responsible for giving the Council the right advice to properly support them to make sound and proper decisions. She said being clear about roles and responsibilities was very important to running a successful organisation.

In response to questions, Mrs Hadley advised the Youth Council to get involved in submission processes (for example the annual plan) and to

position themselves within Council as the group that has the ability to represent the views of young people in Nelson.

3. Roads and Parks around Nelson College

Harry Tod-Smith spoke about the roads and parks around Nelson College.

He said he had been approached by Nelson College students to bring this to Council as a submission to the draft Annual Plan 2013/14, as in their opinion the roads and parks were of a poor standard.

Mr Tod-Smith illustrated the state of the roads and said the numerous potholes and broken kerbs caused traffic delays and presented hazards for pedestrians. He raised the unsafe nature after school, when Hampden Street School, were also let out at the end of the day, resulting in Hampden Street being effectively a one lane street. He added that buses struggled to safely manoeuvre through the road.

There was agreement that this issue be included in the submission from the Youth Council to the draft Annual Plan 2013/14.

4. Youth Council Submission to the Annual Plan

Project Management Adviser, Chris Blythe joined the meeting and presented a summary of the draft Annual Plan 2013/14 (1472828 v7).

Mr Blythe said the Annual Plan this year was an exceptions document to the Long Term Plan 2012–2022 and only included information that had changed.

Mr Blythe spoke about each topic in the summary document and highlighted the main information points, including the Trafalgar Centre, earthquake prone buildings and the Cricket World Cup 2015. He mentioned the Trafalgar Centre work had changed since the Long Term Plan based on new information about its earthquake strengthening rating.

Mr Blythe said the consultation process would run from 25 March–26 April 2013 and the summary document would be made available in the next Live Nelson and on the Nelson City Council website.

It was agreed that the Youth Council would meet on 11 April 2013 to draft their submission to the Annual Plan.

5. Youth Council Involvement in Youth Week

Petra Higgins spoke about Youth Week (4–12 May 2013). She asked the Youth Council what event they would like to do this year. Ms Higgins said the orienteering component of last year's programme caused some issues yet the Amazing Race was a success.

The Youth Council discussed, and asked questions about, the 2012 event and what could be improved.

The Youth Council agreed that Saturday, 11 May, 2.30–4.30pm was the preferred date and time for the event and that participants would be instructed to meet at the Trafalgar Pavillion. It was also agreed that registrations would be distributed on 15 April. Rachael Large said she would forward these details on to The Truck to start liaising about further arrangements.

It was noted that Samantha Stephens would design a new poster. Ms Large also suggested that the \$5 cover charge should be invested back into the event. It was agreed that the first meeting to discuss this event would be held on 9 April.

6. Youth Leadership Forum

Event Coordinator, Michaela Blackman joined the meeting and spoke about the Youth Leadership Forum. She thanked those that helped at the Forum.

There was general consensus that Hap was a highlight on the day and that Petra Higgins would write a reference for him.

There was considerable discussion of the Forum. There was agreement that the workshop on sustainability (the Natural Step) was informative and interactive therefore engaged the group. Youth Councillors discussed whether the reusable plastic bottles were appropriate for a sustainability theme.

The Youth Council discussed the 'Hope' workshop. There was general agreement that it was poorly run and that the content of the workshop needed improvement, some of which shouldn't have been discussed. They understood this workshop to be about mental health however it did not deliver this content. It was agreed that a mental health discussion providing skills to help your friends, at the Forum would be of value.

The Youth Council acknowledged Petra's contribution to the interview with Rene and congratulated her on this.

7. Youth Mural

Ms Blackman encouraged Youth Councillors to contact her regarding anyone interested in getting involved in the Youth Mural, even people that did not submit designs.

8. Nelson 2060 – Draft Strategy Consultation Submission

Chloe Rumsey said a group of Youth Councillors met to draft a response to the Nelson 2060 Strategy consultation. She spoke to the draft submission (1478841) and Youth Councillors were given an opportunity to read the draft submission and make comment.

Carla Lindley, Samantha Stephens, Cambria Doyle, Fraser Malpas, Joseph Cotton, Lucy Upton and Kassianna Barrett-Hemi indicated they wanted their name added to the submission. The group agreed to speak to the submission with details to be provided closer to the date on what time.

Councillor Rainey said this was an important document and asked if it should be distributed around schools. In response, it was mentioned that if it was illustrated in a poster young people may take an interest. It was also mentioned that environmental action groups should receive a copy of the document.

Resolved

THAT the Youth Council draft submission to the Nelson 2060 Strategy be approved.

Corish/Fulton

Carried

9. Youth Volunteer Awards

John Gibson spoke about the Youth Volunteer Awards. Rachael Large said the Nelson Boys College had been secured as the venue.

The Youth Council discussed their role on the day and was informed that they were there for advice only at the organisational meetings.

When asked what happened at the meetings, Joseph Cotton said they discussed logistics for the event and what improvements could be made for this year's Youth Volunteer Awards.

Ms Large encouraged any Youth Councillors wanting to get involved to let her know.

10. Council Meeting – 14 March 2013

Carla Lindley and Moorea Smithline spoke about the Council – Policy and Planning meeting on 14 March. Moorea said the meeting was short however they enjoyed it. Highlights included the public forums, Moorea said.

Carla reminded the meeting that Youth Councillors do have speaking rights at Council meetings and encouraged Youth Councillors to use these.

11. General Business

11.1 Rockquest (17 May 2013)

There was discussion as to whether the Youth Council should be involved. There was agreement that it would promote the Youth Council, engage a

different demographic and require working with the Tasman Youth Council.

It was agreed that Samantha Stephens would be the main point of contact.

- 11.2 Rachael Large noted that the roster for chairing Youth Council meetings would be changed to allow new members an opportunity towards the end of the year.
- 11.3 Rachael Large outlined the procedure when discussing Youth Council business with the public and the media. She said members speak on behalf of the Youth Council, not individually. Carla Lindley, Alex Doggett, John Gibson and Fraser Malpas volunteered to speak to the media about the Youth Council.
- 11.4 Rachael Large advised that at this point in the year, provisional memberships to the Nelson Youth Council now became permanent.

There being no further business the meeting ended at 2.52pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Nelson City Council - Infrastructure
Held in the Council Chamber, Civic House, Trafalgar Street, Nelson
On Thursday 4 April 2013, commencing at 9.00am

Present: His Worship the Mayor A Miccio, Councillors I Barker, A Boswijk, G Collingwood, R Copeland, E Davy, K Fulton, P Matheson, P Rainey, R Reese, D Shaw, M Ward

In Attendance: Chief Executive (C Hadley), Executive Manager Network Services (A Louverdis), Acting Executive Manager Community Services (R Ball), Chief Financial Officer (N Harrison), Executive Manager Regulatory (R Johnson), Executive Manager Support Services (H Kettlewell), Executive Manager Kaihautu/Community Relations (G Mullen), Executive Manager Strategy and Planning (M Schruer), Manager Administration (P Langley), Manager Community Relations (A Ricker), Administration Adviser (L Canton), Nelson Youth Councillors (T McGregor, L Upton)

Apology: Councillor J Rackley

1. Apology

Resolved

THAT an apology be received and accepted from Councillor Rackley.

His Worship the Mayor/Davy

Carried

2. Opening Prayer

Councillor Davy gave the opening prayer.

3. Interests

There were no updates to the Interests Register. His Worship the Mayor reminded Councillors to declare any interests relating to agenda items as they arose over the course of the meeting.

4. Confirmation of Order of Business

4.1 Public Forum

His Worship the Mayor explained that two additional public forums had been booked since the agenda had been distributed, both relating to pedestrian refuges on Rocks Road.

4.2 Late Item – Bridge Street Carpark Seating Trial

His Worship the Mayor said that a major late item had come to hand after the agenda had closed. He explained that the item related to the construction and trial of a temporary seating structure in a carpark on Bridge Street.

The Chief Executive advised that discussion of this item could not be delayed until a subsequent meeting because a resolution on the matter was required before the next scheduled meeting of the Council in order that the trial could commence in the 2012/2013 financial year and before the winter season.

Resolved

THAT the item regarding Bridge Street Carpark Seating Trial be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, as a decision is required before the next Council meeting in order to commence the trial in the 2012/2013 financial year and before the winter season.

His Worship the Mayor/Fulton

Carried

5. Public Forum

5.1 Ron Taylor and Bridge Street Retailers

Mr Taylor said he represented a group of Bridge Street retailers and building owners. He said that Bridge Street was Nelson's main entertainment precinct but issues with one part of the street were giving the entire area a negative image. He said that hotel and business owners had been working with police to address this, but that a larger scale upgrade was needed to improve the safety and amenity of the street.

In response to questions, Mr Taylor said he would support a collaborative approach between building owners and Council. He added that in the short term, any small change that Council could make in the area would help to improve the behaviour of patrons.

5.2 Addo Mulders Snr

Mr Mulders Snr spoke to Council about a possible pedestrian refuge adjacent to the Basin Reserve on Rocks Road. He tabled an outline of his presentation which he read (1488412).

In response to questions, he said that he was not opposed to a pedestrian refuge at Days Track, rather he was requesting an additional refuge at the Basin Reserve. It was suggested that Mr Mulders make a submission to the Annual Plan 2013/14.

5.3 Kath Walker, Glen Roberts, and Graham Elliot

Mr Elliott said he was representing his partner, Ms Walker and three other residents including Mr Roberts. He gave a PowerPoint presentation (1487308) and spoke about the proposed pedestrian refuge on Rocks Road at the bottom of Days Track. Mr Elliott noted that the refuge would require the removal of car parking spaces on the seaward side of the road, which would affect recreational fishers, residents and their visitors.

Mr Roberts said that the location of the proposed pedestrian refuge would increase rather than decrease risks for all road users as it would create a pinch point, particularly for trucks. He said the traffic lights at Tahunanui currently mitigated crossing difficulties sufficiently that a refuge was not necessary. The group requested that Council postpone the construction of the refuge while these issues were investigated.

His Worship the Mayor noted that other issues had arisen relating to the pedestrian refuge and these would be addressed in a report to Council before a final decision was made on the construction of a refuge.

6. Confirmation of Minutes – 21 February 2013

Document number 1460361, agenda pages 7-28 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council - Infrastructure, held on 21 February 2013, be confirmed as a true and correct record.

Collingwood/Copeland

Carried

7. Bridge Street Carpark Seating Trial

His Worship the Mayor outlined the proposal for the temporary use of a carpark as a seating and social area in Bridge Street. He presented Councillor Ward’s artist’s impression of the concept (1487318) and explained that following the trial, the structure could be re-used in other parts of town and at events and festivals. He said that the total cost of the structure was \$12,000 and that contractors could have it in place within one week.

The Chief Executive added that Councillors had expressed concern at the delay of the Bridge Street upgrade during the Annual Plan 2013/14 workshops. Accordingly, she said, this was a temporary, low cost measure to address those concerns while Council investigated a longer term solution.

In response to a question, the Chief Executive advised that the structure could be trialled in various locations on Bridge Street, during which time retailers could be consulted. She tabled a map (1485993) showing three possible site options in front of numbers 114, 132 and 137 Bridge Street. The Chief Executive confirmed that the item required a decision by Council as specified in Section 4.2(e) of the Nelson City Council Parking and Vehicle Control Bylaw 2011, because it necessitated the temporary discontinuance of a parking space at the trial sites.

The Chief Executive advised that the cost of construction would be met by the Bridge Street budget, and that the cost of shifting the structure would be an operational expense.

In response to a further question, Councillor Ward confirmed that he had no pecuniary interest in the item.

Councillors discussed the proposal. Some Councillors expressed the view that the temporary structure was not a cost effective use of the Bridge Street budget. It was suggested that instead, Council should investigate how to implement at least part of the larger scale concept plan for the Bridge Street Upgrade that had already been procured.

Councillors speaking in support of the proposal emphasised that it was important to be responsive to community needs by implementing a lower cost option while the more permanent upgrade was on hold. It was also felt that the proposed trial was consistent with expert urban design and urban change advice previously received by Council, and was particularly cost effective in that it could be re-used in various situations.

In response to a question, the Chief Executive confirmed that affected business owners would be communicated with.

Resolved

THAT a temporary outdoor seating area be constructed to a maximum cost of \$12,000, in accordance with Section 4.2(e) of the Nelson City Council Parking and Vehicle Control Bylaw 2011.

Copeland/Fulton

Carried

A division was called.

Councillor	
Councillor Barker	No
Councillor Boswijk	Yes
Councillor Collingwood	No
Councillor Copeland	Yes
Councillor Davy	No
Councillor Fulton	Yes
Councillor Matheson	No
Councillor Rackley	Apology
Councillor Rainey	Yes
Councillor Reese	No
Councillor Shaw	Yes
Councillor Ward	Yes
His Worship the Mayor	Yes

Attendance: The meeting adjourned for morning tea from 10.40am to 11.02am.

8. Status Report - Infrastructure

Document number 1034781 v7, agenda pages 29-30 refer.

In response to questions, the Executive Manager Strategy and Planning and the Executive Manager Network Services provided verbal updates on the status report items.

Following a discussion, the Chief Executive undertook to provide Councillors with a timeline for the report back to Council on the outcome of the Freedom Camping Bylaw review.

Resolved

***THAT the Status Report - Infrastructure
(1034781 v7) be received***

His Worship Mayor/Collingwood

Carried

9. Portfolio Holder's Report

Infrastructure Co-portfolio Holder, Councillor Collingwood, gave a brief portfolio holder's report. She noted the high level of activity in the infrastructure area.

10. Report from the Top of the South Road Efficiency Group

Document number 1459188, agenda pages 31-53 refer.

The Executive Manager Strategy and Planning presented the report.

Councillors discussed the report. They noted the possibility that the aggregation of contracts could potentially lead to the loss of some major contractors, which may result in less competitive tendering processes in the long term.

Councillors then discussed the goals set out in the Memorandum of Understanding (MOU) (1480221). The Executive Manager Strategy and Planning advised that the goals were consistent with the Regional Land Transport Strategy (RLTS). A view was expressed that the last bullet point at item 5.0 of the MOU was not appropriate for inclusion as the MOU should include high level objectives only.

Councillor Davy, seconded by Councillor Matheson moved a motion.

*THAT the Top of the South Road Efficiency Group-
Issues and Objectives Report (1480513) be received;*

*AND THAT the following recommendations contained in
the Top of the South Road Efficiency Group – Issues
and Objectives Report (1480513) be confirmed:*

*THAT Council notes the work being done to
investigate Top of the South Roding
operations and maintenance efficiencies as set
out in the "Issues and Objectives" paper
(1480517);*

*AND THAT the approach is endorsed and the
"Memorandum of Understanding in respect of
collaboration for the management of land
transport across the Top of the South Island"
(1480221) and the "Issues and Objectives"
paper (1480517) be approved to guide ongoing
work, subject to the final bullet point under
goal 5.4 of the Memorandum of Understanding
being removed.*

The motion was put and it was lost.

Resolved

THAT the Top of the South Road Efficiency Group-Issues and Objectives Report (1480513) be received;

AND THAT the following recommendations contained in the Top of the South Road Efficiency Group – Issues and Objectives Report (1480513) be confirmed:

THAT Council notes the work being done to investigate Top of the South Rooding operations and maintenance efficiencies as set out in the "Issues and Objectives" paper (1480517);

AND THAT the approach is endorsed and the "Memorandum of Understanding in respect of collaboration for the management of land transport across the Top of the South Island" (1480221) and the "Issues and Objectives" paper (1480517) be approved to guide ongoing work.

Copeland/Fulton

Carried

11. 2 Degrees – New Telecommunications Facility at Wakapuaka

Document number 1470708, agenda pages 54-58 refer.

The Executive Manager Network Services presented the report. He explained that the staff recommendation was identical to a previous Council decision regarding the erection of a telecommunications mast by Vodafone, including the Council requirement for a publicly notified resource consent.

In response to questions, the Executive Manager Network Services advised that the lease would include provisions for addressing excessive radiation levels should they arise. He also noted that the long lease term reflected the nature of the works and was consistent with that held by Vodafone.

Councillors discussed whether the consent should be publicly notified or if the Vodafone consent process had been sufficient to indicate public feeling on the matter. There was some agreement that if Council removed the requirement for public notification, it risked being inconsistent, particularly if a more controversial proposal came to Council in future.

Resolved

THAT the Chief Executive be delegated the authority, as landowner, to complete an agreement with 2 Degrees for the purpose of establishing a new telecommunications facility on Lot 3 DP 7530, subject to the following conditions:

- ***2 Degrees seek and secure a publicly notified resource consent before any work can commence;***
- ***2 Degrees pay a commercial rental, to be adjusted by the CPI each year, but with the opportunity to review the rent to market rent every 5 years;***
- ***2 Degrees be granted a 20 year lease term;***
- ***2 Degrees pay all Council's legal/valuation and administration costs.***

Davy/Boswijk

Carried

REPORTS FROM COMMITTEES

12. Nelson Regional Sewerage Business Unit – 14 December 2012

Document number 1434989, agenda pages 59-68 refer.

Resolved

THAT the minutes of the meeting of the Nelson Regional Sewerage Business Unit, held on 14 December 2012, be received.

Shaw/Collingwood

Carried

13. Exclusion of the Public

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under

section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Public Excluded Minutes – Nelson City Council Infrastructure – 21 February 2013 These minutes contain information regarding:	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:
	The Boulder Bank Culvert Agreement		<ul style="list-style-type: none"> • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7(2)(i) To carry out negotiations
	The provision of a hardstand at the marina		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
	Outstanding contractual issues with respect to the Nelson Wastewater Treatment Plant		<ul style="list-style-type: none"> • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
2	Public Excluded Infrastructure Status Report – 4 April 2013 This report contains information regarding:	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:
	The Boulder Bank Culvert Agreement		<ul style="list-style-type: none"> • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7(2)(i) To carry out

			negotiations
3	Council Owned Earthquake Prone Buildings – Mediterranean Food Warehouse Building	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To carry out commercial activities Section 7(2)(i) To carry out negotiations
4	Nelson Regional Sewerage Business Unit Public Excluded Minutes 14 December 2013 These minutes confirmed the public excluded minutes of the Nelson Regional Sewerage Business Unit meeting of 5 October 2012, and otherwise contain information regarding: An independent professional adviser's opinion as to whether the capital charge is currently being calculated in accordance with the Disposal of Trade Waste Agreement	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations

His Worship the Mayor/Fulton

Carried

The meeting went into public excluded session at 12.10pm and resumed in public session at 1.37pm.

14. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Collingwood

Carried

There being no further business the meeting ended at 1.38pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

INFRASTRUCTURE STATUS REPORT – 14 MAY 2013

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
1	7/6/2012	1311203	Occupation of Trafalgar Street Footpath by Mr Lewis Stanton	Alec Louverdis	Council directed staff to bring back a report to consider the option of a permit with conditions for Mr Stanton. This followed the resolution on the 28 June 2012 for this matter to lie on the table until consultation had been carried out.	<p>14/5/2013 Mr Stanton continues to be issued with parking infringements in the CBD.</p> <p>A revised date to hear the injunction case against Mr Stanton relating to trading at Tahuna Beach has yet to be re-scheduled by the Courts.</p> <p>Mr Stanton continues to camp around the City. Complaints are still coming in from ratepayers and businesses relating to his camping and his occupying CBD parking spaces.</p> <p>Staff await the formal outcome of the Freedom Camping bylaw review before submitting a report to Council in this matter.</p>
2	11/10/2012	1363000	The Cliffs – Battery Observation Post	Alec Louverdis	<p><u>THAT</u> Council give approval for staff to initiate resource consent proceedings to either remove or stabilise the Battery Observation Post from Council Road Reserve in the vicinity of No. 36 the Cliffs as a matter of urgency;</p> <p><u>AND THAT</u> should the New Zealand Transport Agency deem that removal of the Battery Observation Post is the only option, that staff proceed with the removal of the structure;</p>	<p>14/5/2013 NZTA advise that work will commence around July 2013. The Observation Post remains stable.</p>

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
					<u>AND THAT</u> all costs incurred in this matter be funded from provision set aside for the 2011 December Rainfall Event Recovery budget in the current financial year.	
3	21/02/2013	1431505	Major Projects Report	Alec Louverdis	<u>AND THAT</u> the advertising of the tender for the construction of the Wakefield Quay Jetty (Wakefield Quay Development Stage 5 Project 1096) be withheld while further investigation into the future of the Plant and Food building (old Power House) is undertaken.	14/5/2013 Tender advertising stopped and not going ahead. A further report will however be presented to Council with respect to the Plant and Food building, following receipt of all relevant information pertaining to the building.
4	21/02/2013	1414571	High-Productivity Motor Vehicle Routes	Rhys Palmer/ Paul Harrington	<p><u>AND THAT</u> approval be granted on the following routes for the use of High-Productivity Motor Vehicles, subject to satisfactory public engagement with residents along the route:</p> <ul style="list-style-type: none"> • Bolt Road (Golf Haven Way to Parkers Road) • Saxton Road (Main Road Stoke to Nayland Road); <p><u>AND THAT</u> approval be granted on the following route for the use of High-Productivity Motor Vehicles, subject to satisfactory structural assessments:</p> <ul style="list-style-type: none"> • Main Road Stoke (910 Main Road Stoke (Alliance) to Saxton Road); • Pascoe Street (Quarantine Road to Orion Street) <p><u>AND THAT</u> approval be granted on the following route for the use of High-Productivity Motor Vehicles, subject to satisfactory public engagement with</p>	14/5/2013 Public engagement underway with residents and the Regional Transport Committee informed. Structural assessments programmed for 2013/14.

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
					residents along the route and a satisfactory structural assessment: <ul style="list-style-type: none"> • Parkers Road (Bolt Road to State Highway 6); 	
5	04/04/2013	1488233	Bridge Street Carpark Seating Trial	Alec Louverdis	<u>THAT</u> a temporary outdoor seating area be constructed to a maximum cost of \$12,000, in accordance with Section 4.2(e) of the Nelson City Council Parking and Vehicle Control Bylaw 2011.	14/5/2013 Work completed.

Days Track Pedestrian Refuge

1. Purpose of Report

- 1.1 For Council to confirm the direction and timing of the construction of a pedestrian refuge on Rocks Road.

2. Recommendation

THAT the construction of a pedestrian refuge on Rocks Road adjacent to Days Track be considered in conjunction with the investigation of the Rocks Road Shared Path project.

3. Background

- 3.1 Council has been asked to provide a pedestrian refuge at the foot of Days Track since 2004. As this crossing point is on a State Highway, the provision of a refuge has always been subject to approval from the New Zealand Transport Agency (NZTA).
- 3.2 In April 2010 a Grenville Terrace resident circulated a pre-printed pro forma letter supporting the refuge. It was subsequently signed by 26 residents from Grenville Terrace and Rocks Road.
- 3.3 The original NZTA approval for the refuge (in 2010) was conditional on Council consulting residents regarding the loss of parking on the seaward side of Rocks Road as a result of the installation of the refuge.

"NZTA are supportive of the installation of a pedestrian refuge on SH6 Rocks Road opposite Days Track. In order to do this a number of existing car parks and a bus stop need to be removed or relocated on the seawall side. We would like to pass the issue of these parks to Nelson City Council as we see them as having high amenity value."

However NZTA have recently advised that they will not accept any change in traffic or cycle lane widths to accommodate the refuge.

- 3.4 Construction of the refuge was delayed pending the outcome of the arterial traffic study. That study was received by Council in July 2011.
- 3.5 A group of residents made a submission at a public forum of Council in October 2011 and Council resolved:

THAT a pedestrian refuge on Rocks Road be treated as an important project and it be made a priority;

AND THAT staff do their utmost to complete this project by the end of 2011.

- 3.6 Public opinion was invited through Live Nelson and all Rocks Road residents were sent a letter. Over 90 submissions were received, including one petition of 40 signatures from fishers stating they were opposed to the refuge. 36 submissions opposed the refuge and loss of 13 parking spaces, 55 supported the refuge. This feedback was considered by Council at its meeting on 15 December 2011, at which it was decided:

THAT public feedback on the proposal to build a pedestrian refuge on Rocks Road at the base of Days Track be noted;

AND THAT work proceed on the design and construction of a pedestrian refuge in the 2011/12 financial year as a matter of priority.

- 3.7 Subsequent to this decision Nelson experienced a severe rainfall event in December 2011, which caused slips and the closure of Days Track. Re-instatement of the track is scheduled for the 2013/14 financial year.
- 3.8 Funding for the refuge was reconsidered as part of the Annual Plan process in 2012 and placed in the Annual Plan for construction in 2012/13.
- 3.9 Whilst preparing for the design of the refuge, it became evident that Council should repair/replace a water main in the area which has previously failed. The NZTA were concerned that a further failure of the water main after the pedestrian refuge had been installed would cause unacceptable delays on the State Highway. Council is currently replacing the water main and this work is scheduled to be completed by the end of May 2013.
- 3.10 Officers have been consulting with the directly affected residents to help determine the preferred location for the refuge. As part of this consultation, some Rocks Road residents claim that usage of Days Track has decreased since the slips of December 2011, and that Council should re-consider its decision to construct the refuge, and that it should be reconsidered as part of the whole review of Rocks Rd when the Walkway project is progressed.
- 3.11 Some of these residents met on site with representatives from Council and NZTA on 22nd March 2013 at which the Council resolution to install the refuge was reiterated. These residents then made a presentation at the public forum on 4 April 2013.
- 3.12 Supporters of the refuge have separately canvassed opinion on Days Track usage and believe that there is still demand for the refuge.

4. Discussion

Safety Issues

- 4.1 The main reason for installing a refuge was to address the safety concerns relating to pedestrians crossing the road after walking down Days Track. These concerns were raised by Road Safety Nelson Bays in 2004.
- 4.2 There are currently two refuges on Rocks Road in the vicinity of Days Track. There is one, 460 metres south, outside 623 Rocks Road, and one 850 metres north at Richardson Street.
- 4.3 The cycle count undertaken in February 2012 on Rocks Road showed 570 cyclists per day using the on road cycle lanes.
- 4.4 In the 10 years to April 2013 there has been only one recorded pedestrian accident on Rocks Road between Bisley Avenue and Richardson Street. This was located 100 metres north of Bisley Walk, when a southbound motorist hit a pedestrian crossing Rocks Road.
- 4.5 There is a 'desire line' for pedestrians coming from Days Track wishing to use the swimming steps opposite. This generally only occurs over the summer season, at periods of high tide.
- 4.6 Cycle lanes on Rocks Road will be maintained in the design of the refuge. The southbound cycle lane will be unchanged but in order to accommodate the refuge in this location the traffic lanes would need to be reduced in width from 3.5 to 3.1 metres. The northbound cycle lane will remain the same width but will be moved to alongside the kerb, removing the parking lane.
- 4.7 The removal of the parking lane will relocate the cycle lane and northbound traffic lane closer to the footpath.
- 4.8 The footpath in the vicinity of the swimming steps is narrow at 1.2m and can be crowded during the peak summer high tide periods. The parking space provides a buffer between people organising themselves to go swimming and pedestrian activity, and the State Highway vehicular and cycle function.

Development of the design

- 4.9 A number of options for the design were originally developed and reduced to two options, one to the north of Days Track and one to the south of the track. Both locations are very tight for access to garages/driveways. Whilst they do not preclude all right and left turns from the existing residential driveways, the right turns will become more difficult at peak times.

- 4.10 Officers recommend that the refuge be sited to the north of Days Track as this is the logical "desire line" for pedestrians crossing from Days Track to the swimming steps and pedestrians are more likely to use it.
- 4.11 All lane widths, refuge widths, footpath widths and buffers have been designed to a minimum standard due to the physical constraints of the site.
- 4.12 There is road safety risk in minimising the lane widths, introducing a curved alignment around the refuge and removing the buffer of carparks between the footpath and the live traffic lanes. These increased risks to cyclists need to be assessed against the reduced risk to the pedestrians that cross Rocks Road in the vicinity of the proposed refuge. The numbers using Days Track and the seasonal nature of the use of the swimming steps would mean a decrease in risk to a few pedestrians but a slight increase in the risk to the cyclists using Rocks Road all year around.
- 4.13 The LTP includes a project to investigate and construct a 4.0m wide shared use pedestrian and cyclist path on Rocks Road between the Crop and Food building and the Tahunanui traffic signals. This is currently scheduled in the draft annual plan to be investigated in 13/14, designed in 14/15 and constructed in 15/16. If the refuge installation was considered as part of the wider Rocks Road shared use path it would enable an integrated and balanced design solution for all users which would minimise the overall road safety risks and maximise the benefits to pedestrians and cyclists.

Consultation

- 4.14 A letter was sent to all emergency services in November 2011 asking for feedback regarding this refuge. Responses were received from the St John's Ambulance Service in opposition to it, and from the Police expressing support in principle for the pedestrian refuge. However officers have since been advised by the Police that they have concerns about the narrow lane widths and the diversion of the northbound lane now being proposed to accommodate the refuge.
- 4.15 All Rocks Road residents along this frontage were sent a consultation letter in November 2011, 18 responses were received, 9 in support and 9 in opposition.
- 4.16 The fishers were not specifically consulted other than through the article in Live Nelson requesting feedback from the wider Nelson community. As indicated above (section 3.6.) a petition against the proposed refuge was signed by 40 fishers.
- 4.17 The users of Days Track were not specifically consulted other than through the article in Live Nelson.

Loss of Car Parks

- 4.18 The current drawings indicate 13 car parks will be lost as a result of this proposal. This is the scenario consulted on during 2011. The current design is awaiting formal approval from NZTA. There are approximately 81 car parks currently located on the west side of Rocks Road between Tahunanui and Magazine Point.
- 4.19 Past discussions with NZTA have indicated their preference to remove the parking between the refuge and Magazine Point for safety reasons. This would remove a further 50 metres (9 spaces) of parking. The drawings awaiting NZTA approval do not currently show this parking being removed.

5. Conclusion

- 5.1 Council has previously resolved to install a temporary pedestrian refuge. Council Officers identified two suitable locations and have sought feedback from affected landowners on the two sites. Construction of the refuge could take place in 2013/14, after the upgrade of the water main, currently underway.
- 5.2 If Council does decide to proceed then Council Officers recommend the refuge is located on the site to the North of Days track.
- 5.3 NZTA have advised that unless the existing traffic lane widths can be maintained then they will not give approval for the refuge to be installed, thus officers recommend that the issue be considered as part of the whole Rocks Road Cycleway and Pedestrian Package of improvements scheduled to begin in 2013/14 year.

Rhys Palmer

Principal Adviser Transport and Roading.

Attachments

Attachment 1: Plan of Rocks Road showing location of new pedestrian refuge ([1499959](#)) (Not approved by NZTA)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

The installation of a pedestrian refuge to improve pedestrian safety is in line with Council's role in providing good quality local infrastructure.

2. Fit with Community Outcomes and Council Priorities

This is a community driven project, which aligns with Council's priority to improve pedestrian and cycle safety in the City.

3. Fit with Strategic Documents

The improvement in pedestrian facilities aligns with the Transport Activity Management Plan 2012 and the Regional Land Transport Strategy.

4. Sustainability

Safer crossing of SH6 will promote the use of sustainable forms of transport.

5. Consistency with other Council policies

No known consequential inconsistencies with other Council priorities

6. Long Term Plan/Annual Plan reference and financial impact

Funding allocated in Year 1 of Long Term Plan 2012/2022.
Project 1522 in Project Balance 2012/13

7. Decision-making significance

This is/is not a significant decision in terms of the Council's Significance Policy.

8. Consultation

Consultation has been undertaken with residents on Rocks Rd, wider Nelson Community through Live Nelson and through the transport projects consultation list.

9. Inclusion of Maori in the decision making process.

Maori groups were included in the consultation undertaken in 2011.

10. Delegation register reference

This is a Council decision.

1499959

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ATTACHMENT 1

CONSTRUCTION

NOTES:

1. ALL WORKS SHALL COMPLY WITH THE LATEST VERSION OF THE NELSON CITY COUNCIL LAND DEVELOPMENT MANUAL AND NZTA MANUAL OF TRAFFIC SIGNS AND MARKINGS PART 2 (MOTSAM).
2. THE CONTRACTOR SHALL CONFIRM THE LOCATION AND DEPTH OF ALL SERVICES PRIOR TO ANY EXCAVATION.
3. WORKS OUTSIDE THE RECONSTRUCTION AREA WILL NEED TO BE REINSTATED AS PER NCC LAND DEVELOPMENT MANUAL.

Revision	Description	Approved	Revised Date

N
NELSON CITY COUNCIL
Technical Services
Department
NCC Plan No.

APPROVED
MANAGER TECHNICAL SERVICES
DATE APPROVED
GENERAL EXECUTIVE INFRASTRUCTURE
DATE

OPUS
Nelson Office
+64 3 545 9000
Private Bag 20
Blenheim 7042
New Zealand
S. ALLEN S. ALLEN
APRIL 2015

NELSON CITY COUNCIL
SAFETY IMPROVEMENTS - 2013
ROCKS ROAD PEDESTRIAN REFUGE
Overall Plan
5-G1468.00 / 9NC
1:250 (A1) 1:500 (A3)
5/2953/17544
1

1:1 @ A1
1:2 @ A3
0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200

80

Proposed Road Stopping - 80 Scotia Street

1. Purpose of Report

- 1.1 To consider selling part of the road reserve outside 80 Scotia Street to facilitate the construction of a new house.

2. Recommendation

THAT the Chief Executive be delegated the authority to proceed with the road stopping of 85.87m² of unformed legal road adjoining the eastern boundary 80 Scotia Street (Lot 35 DP 2049), and to sell that land to the adjoining owners as an amalgamated title, subject to the outcome of the public consultation required under the Local Government Act 1974, and the owners paying:

- ***an initial administration fee of \$600 plus GST;***
- ***the value of the land as assessed by a registered valuer;***
- ***all costs associated with the road stopping which may include valuation costs, legal costs, survey costs, Land Information New Zealand costs, public notification costs, hearing costs and/or consultants, Environment Court hearing costs and administration costs in excess of the \$600 deposit referred to above.***

3. Background

- 3.1 The applicants wish to construct a fourth dwelling on the site at 80 Scotia Street (Attachment 1) however the house, attached garage and driveway would extend into road reserve.

4. Discussion

- 4.1 The sale of the 85.87m² area of land will allow the applicants to build the house and garage wholly within their property.
- 4.2 The original application has been amended through consultation with officers including:

- Parks and Reserves officers requested the northern portion of the boundary be amended to maintain access into Beatson Reserve.
 - The Principal Adviser Roading and Transport requested the plans be amended to ensure provision for future roading improvements is safeguarded, in particular to enable the future construction of a footpath.
- 4.3 The land is yet to be valued. The applicants want to know Council's decision and the outcome of the Local Government Act 1974 consultation process before incurring the cost of the valuation.

Procedure Under the Local Government Act 1974

- 4.4 This road stopping will be progressed under s342 and Schedule 10 of the Local Government Act 1974.
- 4.5 This requires two public notices be published and a minimum 40 day opportunity for objections to be made. In addition, notices must be served on the occupiers of land adjoining 80 Scotia Street.
- 4.6 The owner of 80 Scotia Street has been asked to obtain feedback from adjoining and nearby owners. At the time of writing this feedback had not yet been received by Council however officers are aware of one neighbour in opposition to the road stopping.
- 4.7 Land Information New Zealand prefers that, in the first instance, local authorities apply the procedures in the Local Government Act 1974. This is particularly the case when there are likely to be objections to the proposal.

5. Conclusion

- 5.1 The applicant wishes to develop their property at 80 Scotia Street by adding a fourth dwelling at the eastern end of the site, and has applied to purchase 85.87m² of the adjoining unformed legal road.
- 5.2 As amended following officer input, Council's future roading plans would not be compromised by this proposal, therefore officers support the application.

Paul Harrington
Policy Adviser

Attachments

Attachment 1: Map of 80 Scotia Street showing proposed road stopping area [1497679](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

Good quality local infrastructure and local public services have been considered through amending the original application to ensure satisfactory access to Beatson Reserve is maintained and the opportunity to provide a footpath in the future is protected.

Council may progress an application for a road stopping either under the Local Government Act 1974 or under the Public Works Act 1981. While using the Public Works Act 1981 may be more cost-effective in the short term the Local Government Act 1974 method is considered more appropriate in this case as it provides greater opportunity for input from residents.

2. Fit with Community Outcomes and Council Priorities

Not inconsistent with community outcomes or Council priorities.

3. Fit with Strategic Documents

Consistent with Council's road stopping process to assess an application for road stopping, where each case is considered on its merits.

4. Sustainability

Not applicable.

5. Consistency with other Council policies

Consistent with Council's long term intention to improve pedestrian and/or cycle way access; and to leave sufficient room for future services.

6. Long Term Plan/Annual Plan reference and financial impact

Applicant pays all the costs.

7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

8. Consultation

This road stopping is being progressed under the Local Government Act 1974 which requires two public notices be published and a minimum 40 day opportunity for objections to be made. The Council must also serve notice on the occupiers of land adjoining the road proposed to be stopped. In addition the owner of 80 Scotia Street has been asked to obtain feedback from adjoining and nearby owners.

Officers from Council's Parks and Facilities and Strategy and Planning departments have also provided input into the proposal.

9. Inclusion of Māori in the decision making process

Māori have not specifically been consulted but would have opportunity for input through the public notification process.

10. Delegation register reference

This is a decision of Council.

Map of 80 Scotia Street showing proposed road stopping area



**Minutes of a meeting of the Nelson Regional Transport Committee
Held in the Council Chamber, Civic House, Trafalgar Street, Nelson
On Monday 8 April 2013, commencing at 1.01pm**

- Present: Councillors I Barker (Chairperson), P Matheson, D Shaw and R Copeland, P Olorenshaw (Environmental Sustainability), J Glasgow (Access and Mobility), P Hookham and M Owen (New Zealand Transport Agency), J Moore (Public Health), B Findlater (Economic), and W Mason (Cultural)
- In Attendance: Councillor E Davy, Matt Barnes and Jason Morgan (New Zealand Transport Agency), Principal Adviser Transport and Roading (R Palmer), Executive Manager Strategy and Planning (M Schruer), Administration Adviser (S McLean)
- Apologies: J Chetwynd (Transport Agency Regional Director), and Councillor Collingwood

1. Apologies

Resolved

THAT apologies be received and accepted from Councillor Gail Collingwood and Jenny Chetwynd.

Barker/Moore

Carried

2. Interests

There were no updates to the Interests Register and no conflicts of interest with items on the agenda were identified.

3. Confirmation of Minutes

Document number 1425481, agenda pages 3-6 refer.

Resolved

THAT the minutes of a meeting of the Nelson Regional Transport Committee, held on 6 December 2012, be confirmed as a true and correct record.

Glasgow/Moore

Carried

In response to a query, Mr Hookham and Mr Palmer agreed to look into the timeframe of the review of the Tahunanui intersection and provide an update to the Committee.

Mr Schruer confirmed that the 2013 meeting dates listed in the minutes were still in place.

Attendance: Councillor Copeland and Mr Findlater joined the meeting at 1.06pm.

4. High Productivity Motor Vehicles

Document number 1478939, agenda pages 7-9 refer.

Councillor Barker summarised the High-Productivity Motor Vehicle Routes report and confirmed that no strategic changes had been made.

There being no further business the meeting ended at 1.10pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Draft Statement of Proposal – Gambling Policy Review

1. Purpose of Report

- 1.1 To approve the release of the revised *Statement of Proposal, Gambling Policy Review* (Attachment1) for public consultation using the Special Consultative Procedure. The Statement of Proposal was revised following a Council resolution on 11 October 2012.

2. Recommendation

THAT the attached Statement of Proposal in document 1326758 be approved and advertised in accordance with the Special Consultative Procedure (section 83 of the Local Government Act 2002);

AND THAT the submissions period runs from 16 May 2013 to 17 June 2013;

AND THAT Council hear, consider and make decisions taking account of community views and all submissions made on the Statement of Proposal;

AND THAT a hearing date of 9 July 2013 be scheduled for Council to hear submissions on the Statement of Proposal and that consideration of all submissions and subsequent decisions be made at later Council meetings.

3. Background

- 3.1 At the Policy and Planning meeting on 11 October 2012 (Public Excluded), Council resolved:

THAT Council withdraw the Statement of Proposal Draft Class 4 Gaming Venue Policy 2012, Draft Racing Board Venue Policy 2012 in document number 1326758;

AND THAT the decision to withdraw the Statement of Proposal Draft Class 4 Gaming Venue Policy 2012, Draft Racing Board Venue Policy 2012 be made public;

AND THAT Council staff draft a new Statement of Proposal taking into account the legal advice it has received.

- 3.2 The Statement of Proposal had been released for public consultation on 25 September 2012 and was withdrawn on 11 October 2012, in accordance with the Council resolution. The decision to discontinue the consultation was made in response to concerns raised that Council may be following a process for adopting a new policy when it should be following a process for amending a policy in accordance with section 87(2)(b) and 87(3) of the Local Government Act 2002.
- 3.3 In a media statement advising of the decision to withdraw the proposal, the Acting Chief Executive advised that Council was of the view that the Statement of Proposal created sufficient uncertainty over the extent of the proposed amendments that it could again expose Council to the risk of legal challenge. He also advised that Council wanted to ensure that it was clear what was being consulted upon and that the Statement of Proposal was in accordance with the requirements of the Local Government Act 2002, as stated in the 2011 High Court decision in relation to Council's 2010 review of its Gambling Policy.
- 3.4 In his High Court judgment, Justice France paraphrased his view of section 87(3) of the Local Government Act as follows:

"What is being said is that when you first do it, give people a copy of the whole policy so they can see it. It is a first policy so there is a blank canvas, and there is no established position being altered. However, thereafter, what matters to people is what you are proposing to change and so a detailed statement of proposal focussing on the changes is required. Consistent with the fact that there is an existing policy, whether amending or replacing it, the requirement is to give notice of:

- (a) the proposed changes;*
- (b) the reasons for the changes;*
- (c) what alternatives to the changes are reasonably available."*

4. Discussion

Proposal

- 4.1 The wording in the previous Statement of Proposal and attaching draft policies containing the proposed changes to that Statement of Proposal could have given submitters the impression that Council was seeking feedback on the entire Gambling Policy rather than only on the proposed changes to the policy in accordance with the High Court judgment (refer 3.4 above).
- 4.2 The Statement of Proposal has been redrafted to cover only those matters required under section 87(2)(b) and 87(3) of the Local Government Act and to make it clear that what is being consulted on are the particular provisions of the Gambling Policy that the Council is

proposing to change (Attachment 1). The proposed changes themselves, i.e. a sinking lid on pokie venues, with an exception for class 4 club venue mergers, and separating out the class 4 gambling venue policy and New Zealand Racing Board venue (also known as "TABs") policy, remain the same as previously agreed by Council. The previous Statement of Proposal also included an exception to the sinking lid for class 4 club venues that wish to relocate. However, this has been removed from the revised Statement of Proposal following information from Auckland City Council that a strict interpretation of the Gambling Act 2003 does not allow the Council to provide an exception for relocation in the policy.

- 4.3 A sinking lid would mean that as pokie licences are surrendered and the number of venues and/or pokie machines fall there would be no more consents issued for new venues or increases in the number of machines within the Nelson City area. It would also mean that if businesses or clubs wish to relocate they would not be able to obtain consent to operate pokie machines at the new site. It should be noted that if a venue closes or is sold, the 'existing use' of the venue as a gambling site only expires after six months. This means that if another operator takes over the site and obtains a license to operate pokies from the Department of Internal Affairs within the first six months after closure or sale then no further consent is required. However, if the new operator fails to obtain a license or chooses not to apply for a license within that period then the consent for the venue will expire and they will be unable to operate pokies at that venue.
- 4.4 The attached revised draft Statement of Proposal has been reviewed by Council's legal advisor, who has discussed the Statement of Proposal with the solicitors who previously acted for the Nelson Gambling Taskforce in respect of the High Court proceedings, as a matter of courtesy.

Consultation

- 4.5 It is proposed that the submissions period for the Council's Statement of Proposal commence on 16 May 2013 and close on 17 June 2013. The proposal and consultation will be advertised via a public notice and the Statement of Proposal will be available for public inspection at Civic House and public libraries.
- 4.6 A summary of the information contained in the Statement of Proposal has been prepared in accordance with section 89 of the Local Government Act 2002 (Attachment 2). This will be distributed to a wide range of stakeholders, including those stakeholders Council must consult with under section 102(1) of the Gambling Act 2003, and to the wider community through the Council website and Live Nelson.
- 4.7 A date of 9 July 2013 is proposed to hear oral submissions and a date of 30 July 2013 to deliberate on the submissions. It is proposed that Council make a final decision on changes to the Gambling Policy at the Policy and Planning meeting on 29 August 2013.

5. Conclusion

- 5.1 It is recommended that the Council approve the release of the attached *Statement of Proposal - Gambling Policy Review* and make it available for public consultation in accordance with the Special Consultative Procedure (Section 83 Local Government Act 2002).

Jenny Hawes
Principal Adviser Community

Attachments

Attachment 1: Draft Statement of Proposal, Gambling Policy Review 2013
[1326758](#)

Attachment 2: Draft Summary of the Statement of Proposal [1486824](#)

Supporting Information

1. Fit with Purpose of Local Government

Council is required by the Gambling Act 2003 and Racing Act 2003 to have gambling venue policies and therefore it fits with the purpose of performing regulatory functions. The policy must be reviewed every three years. Councils must consult with the community on any amendments to the policy, via the Special Consultative Procedure before finalising any changes.

2. Fit with Community Outcomes and Council Priorities

Controlling the number of gambling venues and machines contributes to the 'People-Friendly Places' and 'Kind Healthy People' community outcomes.

3. Fit with Strategic Documents

The draft Gambling Policy takes into account the impact of gambling on social and community wellbeing, consistent with the Council's Social Wellbeing Policy 2011.

4. Sustainability

The Council's Gambling Policy supports the Nelson 2060 vision of strong, healthy, resilient communities.

5. Consistency with other Council policies

No consequential inconsistencies with other Council policies.

6. Long Term Plan/Annual Plan reference and financial impact

Not applicable.

7. Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

8. Consultation

Early input was sought from key stakeholders and previous submitters. Formal consultation will occur via a Special Consultative Procedure under section 83 of the Local Government Act. Section 102(2) of the Gambling Act 2003 requires Council to use a special consultative procedure when adopting, amending or replacing its Gambling Policy.

9. Inclusion of Māori in the decision making process

Iwi were invited to provide input as part of the pre-consultation phase. Council is also required by the Gambling Act 2003 to give notice to organisations representing Māori.

10. Delegation register reference



Nelson City Council

te kaunihera o whakatū

STATEMENT OF PROPOSAL
GAMBLING POLICY REVIEW

1. Introduction

The Gambling Act 2003 requires councils to adopt a Class 4 Gambling Venue Policy to regulate the location and number of class 4 gambling (pokie) venues in their area. The policy may also specify restrictions on the number of class 4 gambling (pokie) machines. The Racing Act 2003 requires councils to adopt a New Zealand Racing Board (TAB) Venue Policy. The policy must specify whether new TAB venues may be established and if so, where they may be located.

The legislation requires that the policies are reviewed every three years. Nelson City Council adopted a Gambling Policy in 2004, which covered both class 4 gambling venues and TAB venues. The policy was reviewed in 2007 and 2010 and is due for review again.

The Racing and the Gambling Acts both require councils to undertake a special consultative procedure when amending or replacing their gambling venue policies. This Statement of Proposal relates to proposed amendments to the current Nelson City Council Gambling Policy and has been prepared to fulfil the requirements of the special consultative procedure as outlined in section 83 and 87 of the Local Government Act 2002. The amendments are being proposed as a result of a review of the policy.

The special consultative procedure requires Council to seek feedback from the public, as well as community groups and organisations that have a stake in, or are affected by, any proposed changes to its Gambling Policy.

Nelson City Council's original Gambling Policy placed a cap on the number of pokie machines in Nelson at 328. The cap reduced to 301 in 2007 and 285 in 2010. The number of pokie machines with consent to operate in Nelson is currently below the cap of 285. As at 12 March 2013, there were 257 pokie machines operating throughout the city, although under current consents, the numbers could increase to 275 machines.

2. Options Considered By Council as Part of Review

In reviewing the current policies, Council considered a number of options as follows:

Numbers of Class 4 Gambling Machines and Venues		
Options	Advantages	Disadvantages
Maintain the current cap of 285 pokie machines permitted to operate in the city at any one time (current policy).	Reduces the potential for problem gambling by limiting the growth of opportunities to gamble, while still enabling existing class 4 gambling venues to continue to operate.	Given that pokie machine numbers have already fallen below the cap, maintaining the current cap would allow machine numbers to increase, subject to consents.

Numbers of Class 4 Gambling Machines and Venues		
Options	Advantages	Disadvantages
Lower the Cap	Further reduces the potential for problem gambling by minimising the proliferation of opportunities to gamble, while still enabling existing gambling venues to continue to operate.	May discourage new hospitality businesses, if they need gambling machines to be financially viable. May reduce the return of funding from charitable trusts operating gambling machines in Nelson to the community. May lead to some job losses in the hospitality industry.
Sinking lid on class 4 gambling (pokie) venues. A sinking lid policy means no new licenses for pokie venues and/or machines can be issued, and pokie machines cannot be transferred to a new pub or owner if the venue closes.	Further reduces the potential for problem gambling by reducing total pokie venue and machine numbers over time, while still enabling existing gambling venues to continue to operate.	A sinking lid is likely to have little effect on the availability of gambling in the short term. Its impact is likely to be felt over the longer term. May discourage hospitality businesses from establishing in Nelson if they are financially reliant on pokie machines. May reduce over time the return of funding to the community from charitable trusts operating pokie machines in Nelson, however, it is unlikely to have a significant impact in the short term. May lead to some job losses in the hospitality industry.
Increase the cap	May allow for new hospitality businesses to be established if they can host pokie machines and if the hosting of pokie machines enables the business to be financially viable.	An increase in the number of pokie machines may increase the potential for problem gambling.

Note: Some councils have previously permitted existing venues to “relocate” under certain conditions, or in specific circumstances. A strict interpretation of the Gambling Act 2003 does not allow for this, so it is not included as a valid option.

Location of Class 4 Gambling Machine Venues and Numbers		
Options	Advantages	Disadvantages
Remove or reduce some or all of the current restrictions relating to location contained in the current policy, such as proximity to early childhood centres, schools or community facilities or	May encourage new hospitality businesses to establish.	Increases the potential for problem gambling.

Location of Class 4 Gambling Machine Venues and Numbers		
Automatic Teller Machines.		
Increase restrictions relating to location. This could include increasing the permitted distance of a gambling venue to residential areas, early childhood centres and schools and specifying how close one class 4 gambling venue can be to another.	Further minimises the potential for problem gambling.	Likely to discourage new hospitality businesses if they need pokie machines to be viable. May reduce the return of funding to the community from charitable trusts operating pokie machines in Nelson. May lead to some job losses in the hospitality industry.

New Zealand Racing Board Venue Policy		
Options	Advantages	Disadvantages
Combined policy for class 4 gambling (pokie) venues and New Zealand Racing Board (TAB) venues (current policy).	Makes it simpler for readers to find Council's policy on gambling venues.	Potential for class 4 gambling venue policy to dominate New Zealand Racing Board policy.
Separate policies for class 4 gambling (pokie) venues and New Zealand Racing Board (TAB) venues.	Would be more precise in terms of legislative requirements. Would allow for more specific consideration of the issues relevant to the different forms of gambling.	Potential for policies to develop contrary aims.

3. The Proposal

Having considered the options available, Council's proposal in respect of which it now seeks submissions is as follows:

- (i) To amend the current policy on class 4 gambling venues by introducing a 'sinking lid' on venues, whereby no new consents for gambling venues will be issued by Nelson City Council, with an exception for the merger of class 4 club venues (e.g. RSAs, sports clubs and working men's clubs). Where class 4 club venues merge the number of pokie machines permitted will be considered on a case-by-case basis and will not exceed a maximum of 18 machines for the merged venue. This is a change from the current policy where the maximum allowable number of machines per merged club venue is 30.
- (ii) To separate the current Gambling Policy into two separate policies. The first policy will cover the criteria for granting or withholding consent for the establishment of Class 4 gambling venues. The second policy will cover the criteria for granting or withholding

consent for the establishment of New Zealand Racing Board (TAB) venues.

Other than the proposed amendments in (i) and (ii) above, Council's intention is to retain the existing policy in its current form.

4. Reasons for the Proposal

The reason for replacing the existing cap on machine numbers with a sinking lid is to minimise the potential for problem gambling by reducing over time the opportunities for gambling on pokie machines in Nelson. This is in line with the overall objective of Council's Gambling Policy which is:

"To support and promote harm minimisation principles for gambling activities within the Nelson City area."

The current policy allows for clubs to merge, with the number of machines permitted in the merged venue to be considered on a case by case basis and not to exceed 30 machines. The ability for clubs to merge remains unchanged, as there is good evidence that club venues produce lower rates of gambling harm than pub venues. However, it is proposed that the maximum number of machines permitted following a club merger be reduced from the current maximum of 30 to a maximum of 18 to ensure consistency with the proposed sinking lid policy. This will continue to require territorial consent and Ministerial approval.

The reasons for separating the current policy into two separate policies, one for gambling venues and one for TAB venues, are:

- The Racing Act 2003 and the Gambling Act 2003 are separate pieces of legislation, and separately require a policy relating to the different forms of gambling.
- The Racing Act 2003 does not share the purpose of the Gambling Act 2003 to "control the growth of gambling" therefore, the policies should be separate to allow for the different considerations to be made when reviewing the policy.
- Combining the different policies into a single document can result in the issues associated with class 4 gambling venues overshadowing the appropriate consideration of the issues associated with New Zealand Racing Board venues.

5. Submissions

Anyone can make a submission about any aspect of Council's proposal (outlined in section 3). We encourage you to give us your views. Council in making its decision will take account of all the submissions made.

Submissions are to be made in writing and forwarded to:

Gambling Policy Review
Nelson City Council
PO Box 645
Nelson 7040

Or emailed to submissions@ncc.govt.nz

Submissions must be received no later than 4pm on 17 June 2013. Any person who wishes to speak to the Council in support of their submission will be given the opportunity to address Council at a hearing which is expected to commence at 9am on 9 July 2013.



Nelson City Council

te kaunihera o whakatū

Summary of Statement of Proposal GAMBLING POLICY REVIEW

This statement is made for the purposes of section 89 of the Local Government Act 2002.

Introduction

The Gambling Act 2003 requires councils to adopt a Class 4 Gambling Venue Policy to regulate the location and number of class 4 gambling venues in their area. The policy may also specify restrictions on the number of class 4 gambling machines ("pokies"). The Racing Act 2003 requires councils to adopt a New Zealand Racing Board ("TAB") Venue Policy. The policy must specify whether new TAB venues may be established and if so, where they may be located.

The legislation requires that the policies are reviewed every three years. Nelson City Council adopted a Gambling Policy in 2004, which covered both class 4 gambling (pokie) venues and TAB venues. The policy was reviewed in 2007 and 2010 and is due for review again.

The Council is proposing some amendments to its Gambling Policy as a result of its latest review.

The Proposal

Having considered the options available, Council's proposal in respect of which it now seeks submissions is as follows:

- (i) To amend the current policy on class 4 gambling (pokie) venues by introducing a 'sinking lid'. A sinking lid means that no new consents for pokie venues will be issued by Nelson City Council, with an exception for the merger of class 4 club venues (e.g. RSAs, working men's clubs, sports clubs). Where class 4 club venues merge the number of pokie machines permitted will be considered on a case-by-case basis and will not exceed a maximum of 18 machines for the merged venue. This is a change from the current policy where the maximum allowable number of machines per merged club venue is 30.
- (ii) To separate the current Gambling Policy into two separate policies. The first policy will cover the criteria for granting or withholding consent for the establishment of pokie venues. The second policy will cover the

criteria for granting or withholding consent for the establishment of TAB venues.

Other than the proposed amendments in (i) and (ii) above, Council's intention is to retain the existing policy in its current form.

The reason for replacing the existing cap on machine numbers with a sinking lid is to minimise the potential for problem gambling by reducing over time the number of pokie venues and machines in Nelson. The reason for reducing the maximum number of machines permitted following a club merger is to ensure consistency with the proposed sinking lid policy. The reason for separating out the pokie venue and TAB venue policies is that they are governed by different legislation and have different issues, which are more easily managed through separate policies.

A Statement of Proposal as been prepared in accordance with sections 83 and 87 of the Local Government Act 2002. Copies of the Statement of Proposal, which includes a more detailed assessment of the proposal and of other options considered as part of the review of the Council's Gambling Policy, are available free of charge from Civic House or on request.

Submissions

Anyone can make a submission about any aspect of Council's proposal. We encourage you to give us your views. Council in making its decision will take account of all the submissions made.

Submissions are to be made in writing and forwarded to:

Gambling Policy Review
Nelson City Council
PO Box 645
Nelson 7040

Or emailed to submissions@ncc.govt.nz

Submissions must be received no later than 4pm on 17 June 2013. Any person who wishes to speak to the Council in support of their submission will be given the opportunity to address Council at a hearing which is expected to commence at 9am on 9 July 2013.

Amendment to Speed Limits Bylaw 2011 (No. 210)

1. Purpose of Report

- 1.1 To present to Council an amendment to the Speed Limits Bylaw 2011 (No. 210) (the Bylaw) which provides for additional variable speed school zones.
- 1.2 To gain Council approval to undertake public consultation on this Bylaw amendment in accordance with the special consultative procedure, pursuant to Section 83 of the Local Government Act 2002 (LGA).

2. Recommendation

THAT the Statement of Proposal (1493126) including the draft amendment to Schedules A and M of the Speed Limits Bylaw 2011 (No. 210), be released for consultation in accordance with Section 83 of the Local Government Act 2002;

AND THAT Council hears submissions on the amendment to the Bylaw at a meeting on 9 July 2013;

AND THAT Council deliberates on submissions on the amendment to the Bylaw at a meeting on 30 July 2013;

AND THAT Council makes final decisions on the amended Bylaw at the 29 August 2013 Council Policy and Planning meeting;

AND THAT Council amends the scope of the present Bylaw review to remove proposed amendments to the Cable Bay Road and Waimea Road speed limits at this time.

3. Background

- 3.1 Council adopted the Speed Limits Bylaw (No.210) in 2004 and subsequently reviewed it in 2011, meaning another full review is not required until 2021 (s159 LGA).

- 3.2 As part of the 2011 review process it was acknowledged that further variable speed school signs could be installed subject to funding. Council has allocated \$360,000 towards additional variable speed signs which forms part of the R-funded walk/cycle/school package confirmed in September 2012.
- 3.3 At its meeting on 11 October 2012 Council resolved the following with regard to the scope of the present review

THAT Council confirm the following forms part of the Speed Limits Bylaw review:

- *additional schools variable speed signs, and*
- *the speed reduction of Cable Bay Road from 100km/hr to 50km/hr from the existing 50km/hr limit to the State Highway 6 intersection, and*
- *the speed reduction of Waimea Road from 70km/hr to 50km/hr from the existing 50km/hr limit to the top of the Bishopdale Hill.*

Additional Variable Speed School Zones

- 3.4 All schools were assessed for their suitability to receive variable speed zones and those that were deemed suitable were then evaluated by Traffic Design Group who provided expertise regarding actual zone areas for those schools.

Cable Bay Road

- 3.5 There is yet to be sufficient background work completed to initiate a permanent speed limit reduction on Cable Bay Road and it is recommended that this component be removed from the present Bylaw review, with speed on Cable Bay Road reassessed following completion of the December 2011 Rainfall Event remediation work.

Waimea Road (Intersection with Proposed Princess Drive Extension)

- 3.6 A full review of the proposed intersection of Waimea Road with the Princess Drive extension is proposed to be included in the Waimea Road Enhancement Study, which is due to be completed in the 2013/14 financial year (it is also anticipated that the development of the intersection will be completed in this timeframe). For this reason it is recommended that this intersection also be removed from the present Bylaw review, to enable moving forward with additional variable speed school zones.

4. Proposed Amendment to the Bylaw

- 4.1 This proposal seeks to add additional variable speed limit zones by amending Schedules A and M of the Bylaw: Schedule A provides maps of the city's speed limit zones and Schedule M contains the register of the city's variable speed limits. In order to enable the new variable speed signs to be installed in the 2013/14 financial year it is recommended that the special consultative procedure be initiated now rather than waiting for background work on Cable Bay Road and Waimea Road to be completed.
- 4.2 Schools were prioritised based on their eligibility in terms of the New Zealand Transport Authority (NZTA) criteria for variable speed limit school zones and safety assessments by officers. The following additional schools are proposed to have variable speed zones:
- St Josephs School
 - Hampden Street School
 - Nelson College
 - Nelson College for Girls
 - Nelson Intermediate School
 - Victory School (extension of existing zone)
 - Tahunanui School (extension of existing zone, process would also involve the NZTA)
- 4.3 The actual locations of the variable speed limit zones around these schools are as recommended by Traffic Design Group (see Attachment 3).
- 4.4 The NZTA has published a guidance document relating to variable speed limit school zones (Traffic Note 37) which sets out the objectives, best practice guidelines and implementation conditions and criteria for variable speed limit school zones. A variable speed school zone may not be progressed if the conditions in the warrant are not met (see Attachment 4).
- 4.5 Efforts were made to include Auckland Point School who have specifically requested a variable speed limit, however the school does not meet the conditions of the warrant as it has insufficient school-related pedestrian or cycle activity outside the school. The NZTA's warrant criteria requires that approximately 50 children are crossing the road or entering or leaving vehicles at the roadside during the proposed times of operation. Officers are currently looking into other alternatives for Auckland Point School such as active school warning signs.

- 4.6 With regards to Tahunanui Drive, the NZTA have indicated their support for a variable speed limit outside Tahunanui School and, as the road controlling authority, will need to consult with stakeholders and the community to change the speed limit on this section of road accordingly.

5. Special Consultative Procedure

- 5.1 Section 156 of the LGA requires Council to use the special consultative procedure when amending a bylaw. This means:

- Preparing a Statement of Proposal which includes Council's determination under s155 of the LGA (Attachment 1) and a summary of that information (Attachment 2), making it available for public inspection and distributing the summary of information in accordance with s89(c) of the LGA.
- Giving public notice of the proposal and consultation being undertaken.
- Including notice of the period within which submissions on the proposal may be made to the local authority (which must not be less than one month).
- Giving submitters reasonable opportunity to be heard by the local authority.

- 5.2 It is proposed that the submission period commence on 16 May 2013 and close at 5.00pm on 17 June 2013. This would allow the Council to hear submitters on 9 July 2013 with deliberations being held on 30 July 2013.

- 5.3 The Land Transport Rule: Setting of Speed Limits 2003 (the Rule), allows road controlling authorities, including this Council, to set variable speed limits providing the consultation set out in section 7.1 of the Rule (see Attachment 5) is fulfilled and the appropriate bylaw is amended. It is proposed that the consultation specified in section 7.1 of the Rule be carried out at the same time as the special consultative procedure.

6. Formatting Improvements to Schedule M of the Bylaw

- 6.1 The existing format of Schedule M groups roads by the school they are related to, which is inconsistent with the rest of the Bylaw and makes the addition of new roads problematic. It is proposed that the list in this schedule be separated out into individual roads (this would have no effect on the application of the Bylaw). This would be done at the time the additional variable speed zones, as determined through the special consultative procedure, are included.

7. Conclusion

- 7.1 Council has allocated \$360,000 towards additional variable speed limit signs which forms part of the R-funded walk/cycle/school package.

- 7.2 This report seeks Council approval to undertake public consultation on an amendment to the Speed Limits Bylaw 2011 (No. 210), in accordance with the special consultative procedure, to provide for additional variable speed school zones.

Paul Harrington
Policy Adviser

Attachments

- Attachment 1: Statement of Proposal including draft Amendment to Speed Limits Bylaw 2011 (No. 210) [1493126](#)
- Attachment 2: Summary of Information [1493542](#)
- Attachment 3: Traffic Design Group report [1503276](#)
- Attachment 4: Excerpt from Traffic Note 37 - 40km/hr variable speed limits in school zones (Section 4 - Warrant) [1496862](#)
- Attachment 5: Excerpt from Land Transport Rule: Setting Speed Limits 2007 (Section 7.1 - Consultation) [1177010](#)

Supporting information follows.

Supporting Information	
1. Fit with Purpose of Local Government	Controlling speed limits through a Bylaw fits the purpose of Council performing its regulatory functions.
2. Fit with Community Outcomes and Council Priorities	Reviewing the Bylaw helps achieve the following Community Outcome: Kind Healthy People by ensuring speed limits are current and operable.
3. Fit with Strategic Documents	The Bylaw is aligned with the strategic direction of the Regional Land Transport Strategy 2009.
4. Sustainability	The Bylaw ensures the risk to public safety is minimised and that vehicle travel speeds are reasonable and appropriate.
5. Consistency with other Council policies	The proposal does not raise any known consequential inconsistencies with any other Council policies.
6. Long Term Plan/Annual Plan reference and financial impact	A total of \$360,000 has been allocated for the installation of variable speed signs. This is split between the 2012/13 and 2013/14 financial years, with the majority projected for 2013/14.
7. Decision-making significance	This is not a significant decision in terms of the Council's Significance Policy.
8. Consultation	The special consultative procedure is required under the Local Government Act 2002, which would provide the opportunity for public participation in the decision.
9. Inclusion of Māori in the decision making process	Consultation with Māori has not been specifically included during the review of this Bylaw, but would be provided through the special consultative procedure.
10. Delegation register reference	This is a decision of Council.



**STATEMENT OF PROPOSAL
AMENDMENT TO THE SPEED LIMITS BYLAW 2011 (210)**

16 May 2013

1. Background

The Speed Limits Bylaw 2011 (210) (the Bylaw) came into force on 24 November 2011.

The Bylaw includes provision for variable speed limit school zones through Schedule M. This Statement of Proposal proposes to add further variable speed limit school zones to this schedule. Schedules M and A (which includes maps of the city's speed limits) are the only parts of the Bylaw proposed to be amended.

2. Statement of Proposal

This Statement of Proposal includes:

- (i) the draft amended Schedule A and M of the Speed Limits Bylaw 2011 (210); and
- (ii) Council's consideration under the Local Government Act 2002 (LGA).

With regard to the sections above:

Draft amended Schedules A and M of the Bylaw

The draft amended Schedules A and M of the Speed Limits Bylaw 2011 (210) are provided in Attachment 1.

The reason for this proposal is to provide more of Nelson's schools with variable speed limit zones.

Consideration under the Local Government Act 2002

Section 156(1)(b) of the LGA provides for Council to amend a Bylaw and consultation will be undertaken on this proposal using the LGA (section 83) special consultative procedure.

Imposing reasonable and appropriate speed limits around schools contributes to a safe and efficient road network and the LGA provides for Councils to use bylaws for the purpose of protecting, promoting and maintaining public health.

This Bylaw is considered the most appropriate way of regulating variable speed limit school zones (section 155(2)(a) LGA) as it:

- is authorised by a statutory authority, by the Land Transport Rule: Setting of Speed Limits (section 1.2(c)) and section 145 of the LGA;
- is not considered to be in conflict with or incompatible with the general laws of New Zealand
- is certain, enforceable and provides clear direction
- is reasonable
- is not overly restrictive, onerous on any person, or impractical
- does not give rise to any implications under, nor is it inconsistent with, the New Zealand Bill of Rights Act 1990 (refer LGA section 155 (2)(b) and (3)).

The Land Transport Act 1998

Consultation is also required under section 7.1 of the Land Transport Rule: Setting of Speed Limits 2003 (the Rule), and this will be carried out within the same timeframe as the special consultative procedure, as provided for by clause 7.1(8) of the Rule.

3. Making a submission

Submissions are to be in writing and forwarded to:

Amendment to Speed Limits Bylaw 2011 (210)
Nelson City Council
PO Box 645
Nelson 7040

Or emailed to submissions@ncc.govt.nz

Submissions must be received no later than **5pm Monday 17 June 2013**.

ATTACHMENTS

Attachment 1: Draft amendment to the Speed Limits Bylaw 2011 (210)

**Attachment 1:
Draft amendment to the Speed Limits Bylaw 2011 (210)**

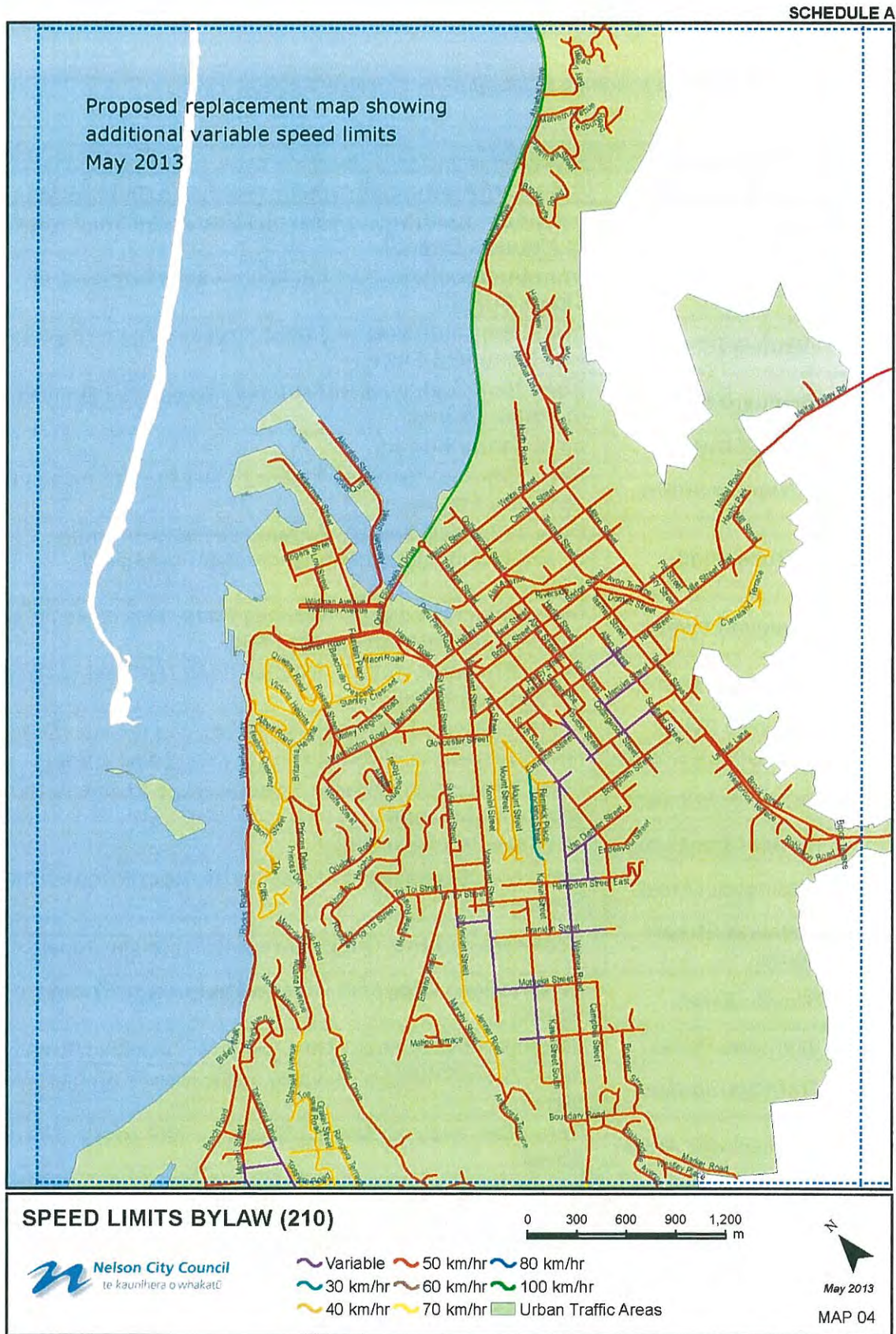
Proposed amendment to Schedule M – Variable Speed Limits

Add the following roads to Schedule M - Variable Speed Limits

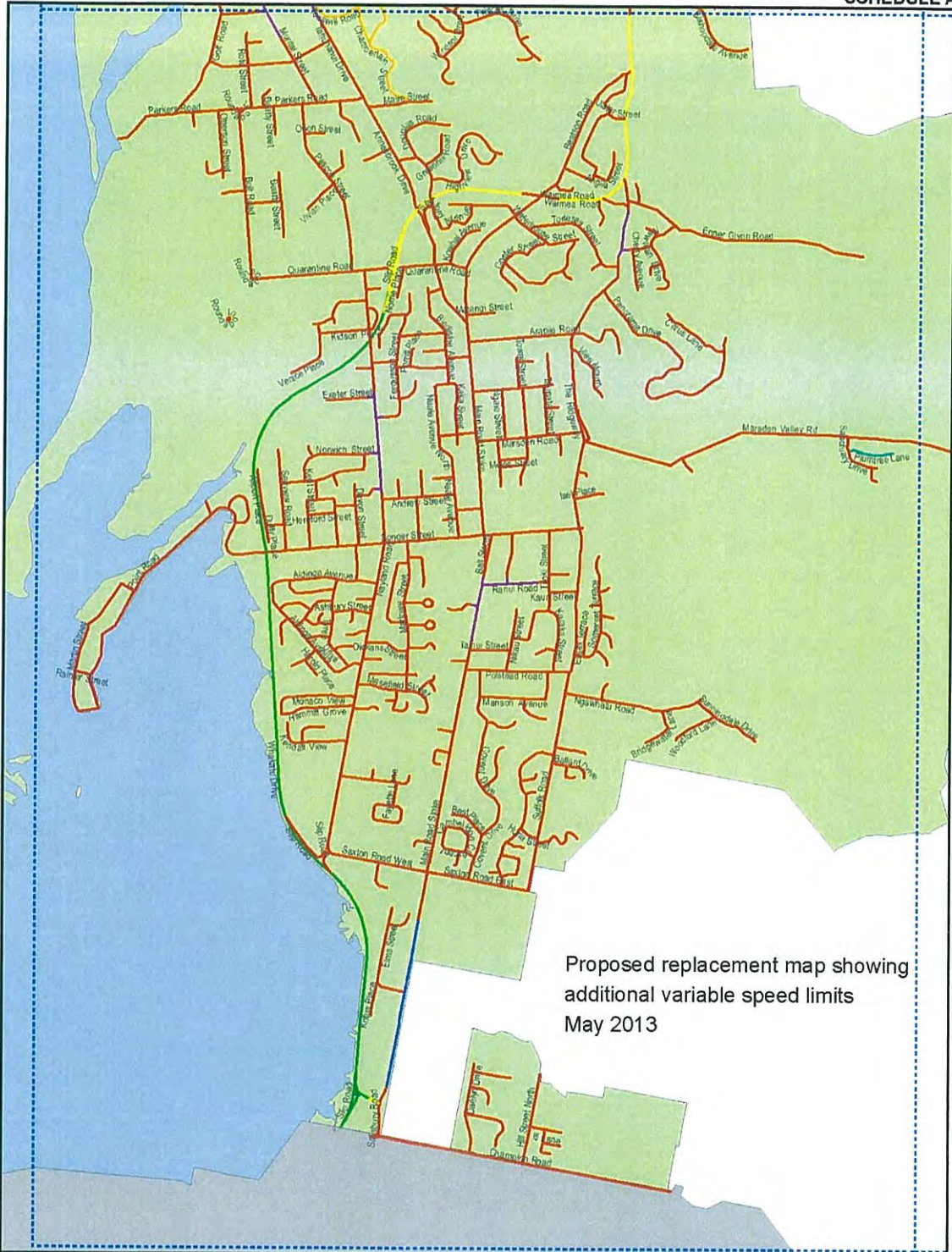
Road name	Length
Scotland Street	from 25m north of Seymour Avenue to Bronte Street
Tipahi Street	from 42m south west of Tukuka Street to 70m north east of Motueka Street
Tukuka Street	from the north west cul-de-sac to 44m south east of Tipahi Street
Motueka Street	from 56m south east of Tipahi Street to its intersection with Vanguard Street
Vanguard Street	from 36m south west of Motueka Street to 51m north east of Totara Street
Totara Street	all of Totara Street
St Vincent Street	from 25m south west of Totara Street to 40m north east of Totara Street
Waimea Road	from 112m south west of Franklyn Street through to and including its intersection with Rutherford Street
Franklyn Street	from 60m north west of Waimea Road through to its end, 210m south east of Waimea Road
Hampden Street	from 48m north west of Waimea Road to 73m south east of Ngatiawa Street
Ngatiawa Street	full length from Hampden Street to Van Diemen Street
Van Diemen Street	from Waimea Road to 82m east of Ngatiawa Street
Rutherford Street	from 78m south of Bronte Street west to 160m north of Bronte Street west
Bronte Street West	all of Bronte Street West
Wellington Street	first 10m of Wellington Street north west of Rutherford Street
Trafalgar Street South	from 45m south of Bronte Street to Trafalgar Square
Bronte Street	from Nelson College for Girls to 36m east of Trafalgar Street
Examiner Street	first 65m of Examiner Street west of Trafalgar Street south
Trafalgar Square	first 77m of Trafalgar Square, north west from Examiner Street
Collingwood Street	from 48m north of Manuka Street to 60m south of Bronte Street
Bronte Street	from 47m west of Collingwood Street to Scotland Street
Manuka Street	from Collingwood Street to 55m west of Tasman Street (measured along Manuka Street southern boundary)
Rui Street	first 36m of west of Tahunanui Drive
Rawhiti Street	all of Rawhiti Street

Proposed amendment to Schedule A – Speed Limit Maps

Replace maps 4 and 6 in Schedule A with the following maps 4 and 6.



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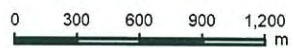


Proposed replacement map showing additional variable speed limits May 2013

SPEED LIMITS BYLAW (210)



- Variable
- 30 km/hr
- 40 km/hr
- 50 km/hr
- 60 km/hr
- 70 km/hr
- 80 km/hr
- 100 km/hr
- Urban Traffic Areas



May 2013

MAP 06

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File Ref: 1064633
 M/C Original map size A4



Summary of Statement of Proposal
AMENDMENT TO SPEED LIMITS BYLAW 2011 (210)
16 May 2013

This statement is made for the purposes of section 89 of the Local Government Act 2002.

The Statement of Proposal to which this summary relates proposes to add additional variable speed limit zones to Schedules A and M of the Speed Limits Bylaw 2011 (210) (the Bylaw). The reason for this proposal is to provide more of Nelson's schools with variable speed limit zones. Schedules A (maps of the city's speed limits) and M (variable speed zones) are the only parts of the Bylaw affected.

Proposed additional variable speed limit zones:

The additional roads proposed to have variable speed limits are listed in Attachment 1 to this summary.

Viewing the Statement of Proposal

The Statement of Proposal may be inspected at the following locations:

- Nelson City Council Customer Service Centre, Ground Floor, Civic House, 110 Trafalgar Street, Nelson
- Elma Turner Library, Halifax Street, Nelson;
- Nightingale Library Memorial, Tahunanui;
- Stoke Library, Putaitai Street, Stoke; and
- Online at: www.nelsoncitycouncil.co.nz (search phrase = Speed Limit Bylaw amendment)

A copy of the Statement of Proposal may also be obtained by contacting Paul Harrington by telephone on (03) 546 0388 or by email at paul.harrington@ncc.govt.nz

Submissions

Submissions must be received by Nelson City Council by 5pm Monday 17 June 2013.

Attachment 1: Roads proposed to be added to Schedule M – Variable Speed Limits (and shown in Schedule A - maps)

Road name	Length
Scotland Street	from 25m north of Seymour Avenue to Bronte Street
Tipahi Street	from 42m south west of Tukuka Street to 70m north east of Motueka Street
Tukuka Street	from the north west cul-de-sac to 44m south east of Tipahi Street
Motueka Street	from 56m south east of Tipahi Street to its intersection with Vanguard Street
Vanguard Street	from 36m south west of Motueka Street to 51m north east of Totara Street
Totara Street	all of Totara Street
St Vincent Street	from 25m south west of Totara Street to 40m north east of Totara Street
Waimea Road	from 112m south west of Franklyn Street through to and including its intersection with Rutherford Street
Franklyn Street	from 60m north west of Waimea Road through to its end, 210m south east of Waimea Road
Hampden Street	from 48m north west of Waimea Road to 73m south east of Ngatiawa Street
Ngatiawa Street	full length from Hampden Street to Van Diemen Street
Van Diemen Street	from Waimea Road to 82m east of Ngatiawa Street
Rutherford Street	from 78m south of Bronte Street west to 160m north of Bronte Street west
Bronte Street West	all of Bronte Street West
Wellington Street	first 10m of Wellington Street north west of Rutherford Street
Trafalgar Street South	from 45m south of Bronte Street to Trafalgar Square
Bronte Street	from Nelson College for Girls to 36m east of Trafalgar Street
Examiner Street	first 65m of Examiner Street west of Trafalgar Street south
Trafalgar Square	first 77m of Trafalgar Square, north west from Examiner Street
Collingwood Street	from 48m north of Manuka Street to 60m south of Bronte Street
Bronte Street	from 47m west of Collingwood Street to Scotland Street
Manuka Street	from Collingwood Street to 55m west of Tasman Street (measured along Manuka Street southern boundary)
Rui Street	first 36m of west of Tahunanui Drive
Rawhiti Street	all of Rawhiti Street

Excerpt from Traffic Note 37 (Revision 2)

40km/h Variable Speed Limits in School Zones - Guidelines

4 Warrant

A road controlling authority may set a 40km/h variable speed limit in a school zone under the following conditions:

- (a) there is school-related pedestrian or cycle activity on the road outside the school, which exceeds approximately 50 children crossing the road or entering or leaving vehicles at the roadside, and the traffic on the road outside the school meets at least one of the following conditions:
 - (i) the mean speed of free-running vehicles is greater than 45km/h (measured when the 40km/h variable speed limit is not operating), or
 - (ii) the 85th percentile speed of free-running vehicles is greater than 50km/h (measured when the 40km/h variable speed limit is not operating), or
 - (iii) there have been pedestrian, cycle or speed-related crashes near the school in the previous five years, or
 - (iv) the school-related activity occurs on a main traffic route, or
- (b) there is school-related pedestrian or cycle activity on the road outside the school, with children crossing the road or entering or leaving vehicles at the roadside, and safe and appropriate traffic engineering measures are installed so that the mean operating speed of free-running vehicles on the road outside the school does not exceed 40km/h when the 40km/h variable speed limit is operating.

Evaluations in Christchurch found locations most likely to benefit from a variable speed limit in a school zone are those where there is a high level of school-related activity on the road outside the school and:

- are on arterial routes or multi-lane roads or high speed environments, and
- have on-road, school-related activity at an obscured school frontage (ie where the presence of the school is not immediately obvious to approaching traffic).

Excerpt from Land Transport Rule: Setting Speed Limits 2007

Section 7.1 Consultation

7.1 Consultation

- 7.1(1) Before setting a speed limit, or designating or changing an urban traffic area, a road controlling authority must consult with persons that may be affected by the proposed speed limit, in accordance with this section, unless *section 4*, *section 5* or *section 10* applies.
- 7.1(2) The persons that must be consulted in accordance with 7.1(1) are:
- (a) road controlling authorities that are responsible for roads that join, or are near, the road on which the speed limit is to be set or changed; and
 - (b) a territorial authority that is affected by the existing or proposed speed limit; and
 - (c) any local community that the road controlling authority considers to be affected by the proposed speed limit; and
 - (d) the Commissioner; and
 - (e) the Chief Executive Officer of the New Zealand Automobile Association Incorporated; and
 - (f) the Chief Executive Officer of the Road Transport Forum New Zealand; and
 - (g) any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit; and
 - (h) the [Agency].
- 7.1(3) A road controlling authority must consult by writing to the persons in 7.1(2) advising them of the proposed speed limit and giving them a reasonable time, which must be specified in the letter, to make submissions on the proposal.
- Additional information to be provided for particular speed limits*
- 7.1(4) If a proposed speed limit is a holiday speed limit, the road controlling authority must write to those persons in 7.1(2) specifying the periods during which the proposed speed limit is to apply.
- 7.1(5) If a proposed speed limit is to designate a new urban traffic area or change an existing urban traffic area, the road controlling authority must write to those persons in 7.1(2) specifying relevant details including:
- (a) a description of the proposed area; and
 - (b) details of roads with a speed limit other than 50 km/h within a proposed new or extended urban traffic area; and
 - (c) details of roads with a speed limit other than 100 km/h within an area that the road controlling authority proposes to change from an urban traffic area to a rural area.
- 7.1(6) If a proposed speed limit is 50 km/h or more, and the proposed speed limit is not the calculated speed limit, the road controlling authority must provide the [Agency] with written evidence that the proposed speed limit complies with 3.2(5) unless *section 4* applies.
- 7.1(7) A road controlling authority must provide the [Agency] with any information requested by the [Agency] that is relevant to a proposed speed limit of less than 50 km/h.
- 7.1(8) When a road controlling authority proposes to set a speed limit under 7.2(1) by making a bylaw in accordance with any enactment, the consultation required by 7.1 may be carried out at the same time as, or as part of, any consultative procedure in that enactment.

Minutes of a meeting of the panel delegated to deliberate on the draft Morrison Street Pedestrian Mall Declaration

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

On 15 April 2013, commencing at 9.04am

Present: Councillors G Collingwood (Chairperson), R Copeland, and E Davy

In Attendance: Planning Adviser (D Bradley), Administration Adviser (L Canton)

1. Election of Chairperson

Resolved

THAT Councillor Collingwood chair the meeting.

Davy/Copeland

Carried

2. Interests

There were no updates to the Interests Register, and no conflicts of interest were declared.

3. Copy of Submissions

Document numbers 1485843 and 1485843, agenda pages 3-12 refer.

The Chairperson welcomed the meeting and explained that the Hearing Panel would consider and deliberate on all submissions received on the draft Morrison Street Pedestrian Mall Declaration.

It was noted that no submitters were in opposition to the draft Declaration.

4. Submissions on the Draft Morrison Street Pedestrian Mall Declaration

Document number 1469024 v5, agenda pages 13-19 refer.

The Panel considered the Submissions Table line by line. They agreed with the officer's advice and recommendations with the exception of Item 6.

With regard to Item 6, the Panel discussed whether stall holders' vehicles should be allowed egress from the market before 4.00pm. It was suggested that the purpose of the road closure was to prevent people driving through Morrison Street during the market, rather than stopping stall holders leaving early and, if egress was done carefully, it would not cause any inconvenience. The Panel agreed that the wording of the Declaration be altered to reflect that stall holders may drive both on and off Morrison Street during the road closure.

The Panel noted that the Declaration would formalise an activity that has been occurring to the betterment of the community and would overcome the limitations of the temporary road closure provisions of the Local Government Act 1974.

Resolved

THAT the Hearing Panel consider and deliberate on all submissions received on the Draft Morrison Street Pedestrian Mall Declaration;

AND THAT the Hearing Panel make decisions and give reasons for those decisions on all submissions received on the Draft Morrison Street Pedestrian Mall Declaration;

AND THAT the Draft Morrison Street Pedestrian Mall Declaration (1469117) is amended to reflect the Hearing Panel's decisions on submissions made at this meeting, and be reported back to the Council for adoption.

Davy/Copeland

Carried

There being no further business the meeting ended at 9.18am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Meeting of the panel delegated to deliberate on submissions to the draft Morrison Street Pedestrian Mall Declaration – 15 April 2013

Morrison Street Pedestrian Mall Declaration

1. Purpose of Report

- 1.1 To adopt the amended draft Morrison Street Pedestrian Mall Declaration.

2. Recommendation

THAT the amended draft Morrison Street Pedestrian Mall Declaration (1469117) be adopted, to take effect from 18 May 2013.

3. Background

- 3.1 A special consultative procedure has been carried out, following the development of the Draft Morrison Street Pedestrian Mall Declaration.
- 3.2 The statement of proposal was advertised in January 2013 and submissions closed on 26 February 2013. Eight submissions were received and no one wished to speak to their submission.
- 3.3 A Hearing Panel of three Councillors (Councillors Collingwood, Copeland and Davy) met on 15 April 2013 to make decisions on the submissions and to make recommendations on the draft Morrison Street Pedestrian Mall Declaration.
- 3.4 The Declaration (Attachment 1) has been amended to give effect to the Hearing Panel's decisions.

4. Discussion

Summary of Submissions

- 4.1 Five submissions supported the proposed declaration and did not seek any changes to it.
- 4.2 Two submissions, one from the Nelson Farmers' Market and the other one from the Fashion Island Centre manager supported the proposed declaration, but sought some changes to the proposed Declaration.
- 4.3 A letter from RA Warwick, which was treated as a submission, did not support or oppose the Declaration, but sought confirmation that existing

access arrangements would be able to continue for a nearby building, at 254 Hardy Street.

Hearing Panel Decisions

- 4.4 The Hearing Panel accepted all of the submissions. In response to the submissions from the Nelson Farmers' Market and the Fashion Island Centre manager, the Panel added the following two conditions to the draft Declaration:
- 4.4.1 "Stall holders may drive on and off, and park in, Morrison Street during the road closure."
- 4.4.2 "Bicycles may be wheeled in to the Farmers' Market site via Morrison Street and parked on the Fashion Island car park for the duration of the road closure."
- 4.5 The Hearing Panel recognised that the access issue raised by RA Warwick had been resolved without the need to amend the draft Declaration.

Hearing Panel reasons for their decisions

- 4.6 The Hearing Panel accepted the submissions in support of the Morrison Street Pedestrian Mall Declaration because this formalises an activity that has been occurring in the city for the betterment of the community. The Declaration overcomes the limitations of the temporary road closure provisions in Schedule 10, Clause 11 of the Local Government Act 1974.
- 4.7 The reasons for the two changes to the Declaration are:
- To allow Farmers' Market stall holders to drive in and out of Morrison Street, and to park there, during the road closure;
 - To allow people to access the Farmers' Market by wheeling their bicycles along Morrison Street during the closure.

5. Conclusion

- 5.1 Adoption of the amended draft Morrison Street Pedestrian Mall Declaration concludes the Council's consideration of the January 2013 proposal.

Debra Bradley
Planning Adviser

Attachments

Attachment 1: Morrison Street Pedestrian Mall Declaration - [1469117](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

The pedestrian mall declaration fits the purpose because it relates to the performance of regulatory functions.

A pedestrian mall declaration is the most cost-effective option to manage the weekly closure of Morrison Street for the Farmers' Market because it entails less administrative time and costs than would be required for ongoing consideration of temporary road closure applications.

2. Fit with Community Outcomes and Council Priorities

Formalising the weekly closure of Morrison Street provides certainty that the Farmers' Market can continue in this area over the long term. This contributes to the achievement of all of the following Community Outcomes:

- People-friendly places;
- A strong economy;
- Kind, healthy people; and
- A fun, creative culture.

It also contributes to the Council priorities of:

- A rich diverse community (a place where old and young, and people with diverse interests and diverse backgrounds have opportunities to interact with each other); and
- Developing community hubs (physical spaces where people can gather and engage with each other).

3. Fit with Strategic Documents

A Pedestrian Mall Declaration for Morrison Street helps to achieve the Heart of Nelson activity objectives, particularly: "To achieve an engaging, activity filled central city, with activities that encourage people into the central city and to spend more time once there".

4. Sustainability

Ensuring the Farmers' market continues to operate on a weekly basis supports economic and social sustainability. It also provides access to local sources of food.

5. Consistency with other Council policies

A Pedestrian Mall Declaration is consistent with the following objectives and policies in the Nelson Resource Management Plan:

- **Objective IC1** - A compact and convenient pedestrian oriented environment within the City Centre, which is supported and complemented by a predominantly vehicle oriented City Fringe of self-contained sites.
- **Objective IC2** - Streets and public areas which are pleasant and attractive for people to visit and use.

<ul style="list-style-type: none"> • Policy IC4.3 - The Inner City, and sites used for residential activity, should provide a reasonable standard of residential amenity, but recognising that the fundamental character of the area is non-residential. <p>A Pedestrian Mall Declaration is also consistent with the vision in the Nelson City Council Pedestrian Strategy 2005, which is "to increase walking in Nelson".</p>
<p>6. Long Term Plan/Annual Plan reference and financial impact Not applicable.</p>
<p>7. Decision-making significance This is not a significant decision in terms of the Council's Significance Policy.</p>
<p>8. Consultation Public consultation has been carried out in accordance with the special consultative procedure. This included a month long submission period, publicised through a public notice, an article in Live Nelson, and letters/emails delivered to: Morrison Street and Fashion Island businesses, Fashion Island Centre Manager, Farmers' Market Chairperson, courier companies and the Nelson Police.</p>
<p>9. Inclusion of Māori in the decision making process Māori have not been specifically consulted during the development of this report due to its lack of particular relevance to Māori.</p>
<p>10. Delegation register reference Decision of Council.</p>

Morrison Street Pedestrian Mall Declaration

Pursuant to section 336 of the Local Government Act 1974, Nelson City Council declares that Morrison Street is a pedestrian mall from 10am to 5pm on every Wednesday of the year.

Description of activity: Full road closure of Morrison Street, from Hardy Street to Selwyn Place. Pedestrians may use the road.

Period of closure: Every Wednesday.

Proposed/restricted hours: Road closes 10am, road opens 5pm.

Road closure conditions:

1. An approved Traffic Management Plan must be in place at all times. The Traffic Management Plan for this road closure must be submitted to the Council for approval on an annual basis.
2. Nelson Farmers' Market must provide proof to the Council on an annual basis that it has adequate Public Liability Insurance to cover any risks of damage from or associated with the road closure.
3. Morrison Street must be useable for emergency service vehicles at all times.
4. Stall holders may drive on and off, and park in, Morrison Street during the road closure.
5. Bicycles may be wheeled in to the Farmers' Market site via Morrison Street and parked on the Fashion Island car park for the duration of the road closure.
6. Full provision must be made for public safety throughout the event.
7. Any damage or cleaning required following the road closure will be charged to the Nelson Farmers' Market. The Nelson Farmers' Market is responsible for ensuring the area is left in a clean and tidy condition, and for providing litter bins where appropriate.
8. Any noise associated with the Nelson Farmers' Market must be within the limits specified in the Nelson Resource Management Plan.
9. Council reserves the right to close down any activity where there is or could be a threat to public safety or property, or where Council's property may be damaged.