



# AGENDA

**Ordinary meeting of the  
Nelson City Council**

**Governance and Policy and Planning**

**Tuesday 4 June 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, Ruth Copeland (Co-Portfolio Holder), Eric Davy, Kate Fulton (Co-Portfolio Holder), Paul Matheson, Jeff Rackley, Pete Rainey, Rachel Reese, Derek Shaw (Co-Portfolio Holder) and Mike Ward (Co-Portfolio Holder)

**4 June 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 Princes Drive Water Reservoir

Mr John Emery and Mr Matthew Taylor will speak about the Princes Drive water reservoir construction.

- 3.2 Riverside Murals Proposal

Mr Richard King will speak about a possible addition to the proposed Riverside Murals project.

### **GOVERNANCE ITEMS**

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

#### **4. Confirmation of Minutes – 23 April 2013**

**14-32**

Document number 1498813

Recommendation

***THAT the minutes of the meeting of the Nelson City Council – Governance and Policy and Planning, held on 23 April 2013, be confirmed as a true and correct record.***

## 5. Mayor's Report

33-35

Document number 1508024

Recommendation

**THAT the Mayor's report for June 2013 (1508024) be received;**

**AND THAT Council retrospectively approves travel and accommodation costs of \$533 plus disbursements for Councillor Reese to attend a meeting with the Minister of the Environment to discuss improvements to the implementation of the Resource Management Act 1991;**

**AND THAT Council retrospectively approves travel and accommodation costs of \$679 (and \$298 travel for the Mayoress) plus disbursements for the Mayor and Mayoress to attend the Suter Art Gallery charity auction and cocktail party hosted by the Governor General in Wellington on Friday 19 April 2013;**

**AND THAT Council retrospectively approves registration costs of \$1,000 for Councillors Barker, Matheson, Copeland, Fulton, Davy and Reese to attend a half day District Licencing Agency Workshop on 31 May 2013 at Tasman District Council;**

**AND THAT Council approves conference registration, travel and accommodation costs of \$7,000 plus disbursements for the Mayor and Councillors Rackley and Ward to attend the Local Government New Zealand 2013 conference in Hamilton on 21-23 July 2013;**

**AND THAT Council confirms the Mayor and Councillor Ward and the Chief Executive as delegates to officiate at the Local Government New Zealand Annual General meeting on 21 July 2013;**

**AND THAT Councillor Collingwood be appointed to represent the Mayor on the Whakatu Marae Komiti;**

**AND THAT the Delegations Register be updated accordingly.**

**6. Status Report - Governance 36-37**

Document number 1034743 v9

Recommendation

***THAT the Status Report - Governance (1034743 v9) be received.***

**7. Portfolio Holder's Report**

**8. Uniquely Nelson Business Plan 2013/14 38-60**

Document number 1513589

Recommendation

***THAT the Uniquely Nelson Business Plan 2013/14 be received.***

**9. Nelson Tasman Business Trust Strategic Plan and Business Plan 2013/14 61-90**

Document number 1517669

Recommendation

***THAT the Nelson Tasman Business Trust Strategic Plan and Business Plan 2013/14 be received.***

**10. Events Resource Consents: Return on Investment 91-97**

Document number 1520219

Recommendation

***THAT the Council confirm that the consents (RM115245 and RM125012) are a Council investment for which a return should be sought;***

***AND THAT a fee of \$250 be charged for special events, where the event will be using the Council's Resource Consent RM125012 and Site Noise Management Plans;***

***AND THAT this charging regime be reviewed and reported back to the Audit, Risk and Finance Committee in 12 months.***

## REPORTS FROM COMMITTEES

### 11. Audit, Risk and Finance Committee – 23 May 2013 98-102

Document number 1520245

Recommendation

***THAT the minutes of a meeting of the Audit, Risk and Finance Committee, held on 23 May 2013, be received.***

Recommendation to Council

***THAT the overspend on the budget for the festival activity be covered from budget savings within the District and Regional Plan activity, and the Social Heritage activity.***

## POLICY AND PLANNING ITEMS

During this part of the meeting the Mayor will be joined by the Policy and Planning Portfolio Holder, Councillor Fulton.

### 12. Status Report – Policy and Planning 103-105

Document number 1034725 v10

Recommendation

***THAT the Status Report – Policy and Planning (1034725 v10) be received.***

### 13. Portfolio Holder's Report

### 14. Freedom Camping Bylaw Review 106-115

Document number 1466833

Recommendation

***THAT Nelson City Council uses the existing suite of statutory, regulatory, operational and public awareness tools to manage the effects of freedom camping in Nelson;***

***AND THAT Nelson City Council does not make new bylaws under the Freedom Camping Act 2011 at this time;***

**AND THAT the Nelson City Council Camping Bylaw 2011 (Bylaw 220) be revoked using the Special Consultative Procedure as required by Section 156 of the Local Government Act 2002;**

**AND THAT a Statement of Proposal be brought back to Council for approval;**

**AND THAT the public is informed of the proposed approach to providing for and managing freedom camping as outlined in this report (1466833).**

**15. Public Transport – Report on First 12 Months of NBus Service 116-123**

Document number 1506785

Recommendation

**THAT the Public Transport – Report on First 12 Months of NBus Service be received.**

**16. Adoption of Nelson 2060 Strategy 124-128**

Document number 1501399

Recommendation

**THAT the Nelson 2060 Strategy (1513594) be adopted.**

Note: Attachment 1 to this report, the Nelson 2060 Strategy (document number 1513594) is circulated as a separate document.

**17. Remit Proposal: Local Government – A Place in our Constitution 129-142**

Document number 1520141

Recommendation

**THAT Council confirms its support for the Wellington City Council Remit Proposal 'Local Government – A Place in our Constitution' (1520131).**

**18. Council Submission on Making Pool Safety Easier 143-158**

Document number 1511627

Recommendation

***THAT the submission (1507218) on the Ministry of Business, Innovation and Employment discussion document "Making Pool Safety Easier" is confirmed, subject to any changes agreed by Council.***

**19. Freshwater Reform 2013 and Beyond Submission 159-168**

Document number 1491207

Recommendation

***THAT the Nelson City Council submission (1483322) on the Government's 'Freshwater Reform 2013 and Beyond' discussion document is confirmed.***

**REPORTS FROM COMMITTEES**

**20. Resource Management Act Procedures Committee –  
20 March 2013 and 30 April 2013 169-174**

Document numbers 1479050 and 1507995

Recommendation

***THAT the minutes of a meeting of the Resource Management Act Procedures Committee, held and adjourned on 20 March 2013 and reconvened on 30 April 2013, be received.***

**21. Framing Our Future Committee**

**21.1 Deliberations on Submissions to the draft Nelson 2060 Strategy –  
30 April 2013 175-180**

Document number 1502401

Recommendation

***THAT the minutes of a meeting of the Framing Our Future Committee – to deliberate on submissions to the draft Nelson 2060 Strategy, held on 30 April 2013, be received.***

- 21.2 Hearing of Submissions to the draft Nelson 2060 Strategy – 9 April 2013 **181-186**

Document number 1489736

Recommendation

***THAT the minutes of a meeting of the Framing Our Future Committee – hearing of submissions to the draft Nelson 2060 Strategy, held on 9 April 2013, be received.***

- 22. Hearings Panel – 15 March 2013 **187-194****

22.1 Document number 1477379

Recommendation

***THAT the minutes of a meeting of the Hearings Panel, held on 15 March 2013, be received.***

## **CROSS COUNCIL ITEMS**

- 23. Princes Drive Reservoir and associated works **195-204****

Document number 1508115

***THAT Council note that the tender for a concrete reservoir tank is the preferred option and that the tender from Donaldson Civil is the preferred tender;***

***AND THAT for the reasons given in this report (1508115) Council do not approve the addition of a viewing platform on either the existing or the new concrete reservoir.***

## **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)
1	<p><b>Public Excluded Minutes – Governance – 23 April 2013</b></p> <p>These minutes confirmed the public excluded minutes of the 12 March 2013 Governance meeting and the public excluded minutes of the 14 March 2013 Infrastructure meeting, 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>The Statement of Intent and Half Yearly report provided by Ridgeways Joint Venture to Council.</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> </ul>
	<p>The final list of candidates for the Nelmac directorship role.</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	<p>The Statement of Intent and Half Yearly report provided by Nelmac to Council.</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> </ul>
	<p>Joint Shareholders Committee – Unconfirmed Public Excluded Minutes – 5 April 2013, including information regarding statements of intent and half yearly reports for joint Council Controlled Trading Organisations and commercial trading enterprises, and the appointment of a Director Nelson Airport Limited.</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i)</li> </ul>

			To carry out negotiations
	The negotiation of a Nelson Regional Sewerage Business Unit contract.		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	The transfer of assets to Nelson City Council, under the Theatre Royal Trust Deed.		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
<b>2</b>	<p><b>Public Excluded Status Report – Governance</b></p> <p>This report contains 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>	The withholding of the information is necessary:
	Nelson City Council Tasman District Council Engineering Services Agreement		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Governance Options for, and commercially sensitive information regarding, the Nelson Regional Sewerage Business Unit		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Recommendations to Council on Directors' rotation and fees for Council Controlled Organisations and Council Controlled Trading Organisations.		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
	Proposed Leases of Maitahi (Maitai) whenua (land) between Nelson City Council and Wakatu Incorporation for the Maitai Shared Path		<ul style="list-style-type: none"> <li>Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> <li>Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> </ul>

		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
The proposed transfer of assets, and negotiation of a lease and contract with the Theatre Royal and Nelson School of Music.		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
Potential Exit from Ridgeway's Joint Venture		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
Theatre Royal Trust Deed		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
The Statement of Intent and Half Yearly report provided by Ridgeways Joint Venture to Council.		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
The final list of candidates for the Nelmac directorship role.		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
The Statement of Intent and Half Yearly report provided by Nelmac to Council.		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
The Nelson Airport Limited Statement of Intent and Half Yearly report		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
The Nelson Tasman Tourism Statement of Intent and Half Yearly Report 2013/2014		<ul style="list-style-type: none"> <li>Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
The appointment of Director Nelson Airport Limited 2013		<ul style="list-style-type: none"> <li>Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> </ul>

			<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
<b>3</b>	<b>Public Excluded Status Report – Policy and Planning</b>  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:
	A decision to withdraw and re-draft a Statement of Proposal, including an update that this decision has now been released to the public.		<ul style="list-style-type: none"> <li>Section 7(2)(g) To maintain legal professional privilege</li> </ul>
	The classifications of certain heritage precincts, including references to specific addresses.		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
	A proposal for a lease on Council land		<ul style="list-style-type: none"> <li>Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> <li>Section 7(2)(i) To carry out negotiations</li> <li>Section 7(2)(j) To prevent improper gain or advantage</li> </ul>
<b>4</b>	<b>Public Excluded Minutes – Resource Management Act Procedures Committee 20 March 2013 and 30 April 2013.</b>  These minutes confirmed the minutes of the public excluded part of the meeting on 13 December 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:

	Plan Change 14 Appeal on the Front Yard Rule		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Plan Change 17 and 18 Appeals Update		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
<b>5</b>	<p><b>Rates Remission for Land Affected by the December 2011 Rainfall Event</b></p> <p>This report contains information regarding an approach to rates for land which continues to be affected by the December 2011 Rainfall Event.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> </ul>
<b>6</b>	<p><b>Buxton Toilet Upgrade</b></p> <p>This report contains information regarding the method and negotiations for the tender to upgrade the Buxton Toilets</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> <li>Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> </ul>

## 25. Re-admittance of the public

Recommendation

***THAT the public be re-admitted to the meeting.***

### Note:

- This meeting is expected to continue beyond lunchtime.**
- Lunch will be provided at 12.30pm.**

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## **Minutes of a meeting of the Nelson City Council – Governance and Policy and Planning**

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

**On Tuesday 23 April 2013, commencing at 9.04am**

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

**In Attendance:** Chief Executive (C Hadley), Executive Manager Support Services (H Kettlewell), Executive Manager Strategy and Planning (M Schruer), Executive Manager Regulatory (R Johnson), Executive Manager Community Relations/Kaihautuu (G Mullen), Senior Accountant (T Hughes), Manager Community Relations (A Ricker), Manager Human Resource (S Gully), Manager Administration (P Langley), Policy Adviser (S Yarrow), and Administration Adviser (L Laird)

**Apologies:** Councillors K Fulton and J Rackley

For early departure: G Collingwood, P Matheson and His Worship the Mayor A Miccio

For lateness: Councillor P Rainey

### **Opening Prayer**

Councillor Davy gave the opening prayer.

#### **1. Apologies**

The apologies were noted.

#### **2. Interests**

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

### 3. Confirmation of Order of Business

#### 3.1 Public Forum

His Worship the Mayor advised that since the agenda had been distributed, three extra public forums had been arranged and would be heard during item 4.

#### 3.2 Late Items

Document number 1498253, late item refer.

##### 3.2.1 His Worship the Mayor noted that there were additional public late items regarding Audit, Risk and Finance matters to be considered at this meeting.

Resolved

***THAT the items regarding:***

- ***Audit, Risk and Finance Committee - 16 April 2013; and***
- ***Response to Mr Chris Fitchett's Questions at Audit, Risk and Finance Committee***

***be considered at this meeting as major items not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the matters to be dealt with before the consultation period of the draft Annual Plan closes.***

His Worship the Mayor/Davy

Carried

##### 3.2.2 His Worship the Mayor also noted that there were two additional public excluded items to be considered at this meeting.

Resolved

***THAT the public excluded items regarding:***

- ***Nelson Regional Sewerage Business Unit Operations and Maintenance Contract; and***
- ***Theatre Royal Trust Deed***

***be considered at this meeting as a major items not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable negotiations relating to the Nelson Regional Sewerage Business Unit matter to be concluded prior to the end of the current financial year and to enable the Theatre Royal Trust Deed matter to meet the High Court timetable.***

His Worship the Mayor/Boswijk

Carried

#### **4. Public Forum**

##### **4.1 Proposed Pedestrian Refuge on Rocks Road at Days Track**

Mr Tim Gladstone, a local Tahunanui resident, spoke to Council in opposition to the proposed pedestrian refuge on Rocks Road opposite Days Track. Mr Gladstone emphasised that a refuge may increase traffic accidents on that part of the road and was of the opinion that the road could be crossed safely without a refuge. Mr Gladstone said a refuge would compromise the safety of cyclists using the road.

##### **4.2 Rates Remission Policy for Land Affected by Natural Calamity**

Ms Caroline Wheeler gave a presentation about the impacts of the 2011 rainfall event on her property (1502081). She said the event had resulted in a serious landslip that had caused a significant proportion of her property to slip down the cliff. Ms Wheeler explained that all she had been able to achieve was a small payout from the Earthquake Commission totalling one sixth of the value of her land.

In response to questions, Ms Wheeler confirmed that she sought support from Council. She requested that Councillors represent her interests with central government officials to see an appropriate remedy for her circumstance, as had happened for people affected by the 2011 Christchurch earthquake. She also requested the Council provide her with a full rates rebate for the period beginning from when she first received a section 124 notice requiring her to vacate the property.

His Worship the Mayor said he would provide an update about this issue during the Mayor's Report at item 5.

##### **4.3 Nelson School of Music**

Mr Ken Beckett spoke about the proposed transfer of assets, and negotiation of a lease and contract with the Nelson School of Music. He offered his advice to the Council and encouraged it to avoid taking-over the current mortgage incurred by the School. He asserted that councillors might find themselves personally liable for the debt.



#### 4.4 Trans-Pacific Partnership Agreement

Mr Graeme O'Brien spoke about the Trans-Pacific Partnership Agreement (TPPA). He said there was a large public interest on this issue and requested an extraordinary Council meeting, at a time convenient to the public, to consider this issue.

During questions, it was noted that an item regarding the TPPA was on the agenda for this Council meeting. The Chief Executive also explained that the Framing Our Future Committee, where submissions on the TPPA had been heard, had recommended to the Council that this issue be considered at this meeting.

### 5. Mayor's Report

His Worship the Mayor said that since meeting with Ms Wheeler, he had met with Hon Dr Nick Smith about the issues regarding her property and the damage to it as a result of the 2011 rainfall event.

His Worship the Mayor said the outcome of this meeting was that a letter would be sent to Hon Gerry Brownlee informing him of the section 124 notice placed on Ms Wheeler's property. He added that this was possibly information Hon Gerry Brownlee was not aware of and may assist to instigate a 'red zoning' of her property, which would grant her the same rights as people affected by the 2011 Christchurch earthquake.

It was noted that a report about Ms Wheeler's property would come back to Council, with options for granting a full rates rebate, and that this report would include information on all properties affected by the 2011 rainfall event that officers were aware of.

### 6. GOVERNANCE ITEMS

#### 7. Confirmation of Minutes

##### 7.1 Council – Governance – 12 March 2013

Document number 1474549, agenda pages 15-27 refer.

Resolved

***THAT the minutes of the meeting of the Nelson City Council - Governance, held on 12 March 2013, be confirmed as a true and correct record.***

Shaw/Ward

Carried

- 7.2 Council – to Approve the draft Annual Plan 2013/14 for Public Consultation – 21 March 2013

Document number 1480846, agenda pages 28-30 refer.

Resolved

***THAT the minutes of the meeting of the Nelson City Council – to Approve the draft Annual Plan 2013/14 for Public Consultation, held on 21 March 2013, be confirmed as a true and correct record.***

Shaw/Boswijk

Carried

## **8. Status Report - Governance**

Document number 1034743 v8, agenda page 31 refers.

Resolved

***THAT the Status Report – Governance (1034743 v8) be received.***

Shaw/Copeland

Carried

## **9. Portfolio Holder’s Report**

There was no Portfolio Holder’s report.

Attendance: Councillor Collingwood left the meeting at 9.50am and returned at 12.40pm, during the public excluded part of the meeting.

## **10. Nelson Regional Economic Development Agency Statement of Intent and Half Yearly Reports 2013**

Document number 1482286, agenda pages 32-70 refer.

Mr Bill Findlater, Chief Executive, Mr Ropata Taylor and Ifor Ffowcs-Williams, Trustees, from the Nelson Regional Economic Development Agency (EDA), were in attendance during this item and spoke to the report. The presenters mentioned the importance of ensuring the priorities for the EDA were aligned with the Regional Economic Development Strategy (REDS).

There was a discussion about the Events Strategy and Mr Findlater commented on the importance of encouraging events that were unique to Nelson, and were not transferable to another venue. He said an event of this calibre would take a long time to develop.

Mr Findlater updated the Council on developments in the Aquaculture industry in Nelson and said there were wide ranging initiatives currently in progress to strengthen the industry. The Councillors encouraged the

EDA representatives to keep the Council informed of these success stories.

Resolved

***THAT the Nelson Regional Economic Development Agency Statement of Intent 2013/14 be approved for signing subject to minor edits;***

***AND THAT the Nelson Regional Economic Development Agency half yearly report for the period ending 31 December 2012 be received.***

Davy/His Worship the Mayor

Carried

**11. The Bishop Suter Trust Statement of Intent and Half Yearly Report**

Document number 1482282, agenda pages 71-118 refer.

Attendance: His Worship the Mayor left the meeting at 10.17am to undertake Council business. The Deputy Mayor, Councillor Boswijk, assumed the Chair of the meeting.

Attendance: Councillor Shaw declared a conflict of interest and left the meeting for this item.

Mr Craig Potton, Chairperson of the Board and Julie Catchpole, Director, were in attendance during this item. Mr Potton spoke to the report and said the Trust was on budget to raise the additional funds toward the re-development of the Gallery.

Attendance: Councillor Reese left the meeting at 10.21 am, at which time the meeting was briefly adjourned for lack of quorum, and returned at 10.23am, at which time the meeting reconvened.

Resolved

***THAT the Bishop Suter Trust Statement of Intent 2013/14 be approved for signing;***

***AND THAT the Bishop Suter Trust half yearly report for the period ending 31 December 2012 be received.***

Boswijk/Davy

Carried

Attendance: The meeting adjourned for morning tea from 10.24 to 10.40am.

**12. Trans-Pacific Partnership Agreement – Submissions made to the Nelson 2060 Consultation**

Document number 1493677, agenda pages 119-125 refer.

There was general agreement that a decision on this item would require a thorough discussion and that deferring it to a later Council meeting would better allow this. It was also agreed that no extraordinary Council meeting was required.

The Council discussed the process to make a decision on this issue. It was noted that there were submissions on the TPPA to the draft Annual Plan 2013-14, and therefore these would be heard as a part of that process where a decision could be made at a later meeting.

It was also noted that additional information would assist the Council with this decision. It was requested that such information include details around subsequent implications (if any) for Auckland City since passing their resolution against the TPPA, and how this decision would fit with the purpose of local government versus that of central government.

Resolved

***THAT the item regarding the Trans-Pacific Partnership Agreement be deferred to a full Council meeting at a time to be decided by the Chief Executive, in line with the draft Annual Plan 2013-14 timeframe.***

Ward/Reese

Carried

**13. Building Act 2004: Delegation to Approve or Withdraw Independently Qualified Persons**

Document number 1486430, agenda pages 126-130 refer.

Resolved

***THAT the Council delegates the authority to approve or withdraw registration of Independently Qualified Persons under the Building Act 2004 to the following officers:***

- ***Executive Manager Regulatory; and***
- ***Manager Building.***

Davy/Shaw

Carried

**14. Council Communications**

Document number 1469016, agenda pages 131-163 refer.

Policy Adviser, Sarah Yarrow, and Manager Community Relations, Angela Ricker, joined the meeting and presented the report.

The Council discussed principles 10 and 12 (page 133 of the agenda refers) of The Office of the Auditor General's guide 'Good Practice for

Managing Public Communications by Local Authorities'. Of concern was the use of Council officer's discretion in relation to politically motivated criticism by elected member's in Council-funded communications. It was agreed that the Chief Executive be the final arbiter of 'politically motivated criticism'.

It was therefore noted that the Live Nelson Policy would be amended to include the Chief Executive into the review process for each edition of Live Nelson before it was issued to the public.

Resolved

***THAT the Elected Members Code of Conduct is used to provide guidance to Councillors on appropriate communications;***

***AND THAT at the time of the next review, the Elected Members Code of Conduct be updated to reflect the additions outlined in this report (1469016) that will give additional effect to the relevant principles of the Office of the Auditor General's 'Good Practice for Managing Public Communications by Local Authorities'.***

Reese/Davy

Carried

**15. Schedule of Documents Sealed: 1 November 2012-8 March 2013**

Document number 1472060, agenda pages 164-167 refer.

Attendance: Councillor Ward declared an interest with discussions about the Nelson Market and sat back from the table.

In response to a question, the Chief Executive said she would find out the details around the renewal of the Deed of License for the Nelson Market and inform Councillors by email.

Resolved

***THAT the Schedule of Documents Sealed: 1 November 2012-28 March 2013, be received.***

Shaw/Matheson

Carried

**16. Council Attendance Register 1 July 2012 to 31 March 2013**

Document number 1483276, agenda pages 168-169 refer.

In response to questions, the Chief Executive said this item presented the opportunity for elected members to review their attendance at meetings and correct any errors.

Resolved

***THAT the Council Attendance Register 1 July 2012 to 31 March 2013, be received.***

Boswijk/Shaw

Carried

## REPORTS FROM COMMITTEES

### 17. Audit, Risk and Finance Committee – 19 March 2013

Document number 1477687, agenda pages 170-173 refer.

Resolved

***THAT the minutes of the meeting of the Nelson City Council - Audit, Risk and Finance Committee, held on 19 March 2013, be received.***

Barker/Copeland

Carried

#### 17.1 Review of Financial Reserves

Resolved

***THAT the funds held in the following reserves or on behalf of the following trusts be transferred to the activity that they relate to as set out in document 1452534:***

- ***New Book Reserve***
- ***City Library Donations Reserve***
- ***Children’s Library Donations Reserve***
- ***Stoke Library Donations Reserve***
- ***Nightingale Donations Reserve***
- ***Marsden Valley Cemetery Maintenance Trust***
- ***Wakapuaka Cemetery Maintenance Trust***
- ***Cafe Asset/Civic House Reserve***
- ***Festival Reserve***
- ***Loan Repayment Reserve***
- ***Tahunanui Dunes Restoration***
- ***Aldinga Park Donation Fund***
- ***Maitai Valley Trust***
- ***Kain Bequest***
- ***RB Jackson Bequest***
- ***FM Knight Bequest***

- **Millar Bequest**
- **Good Driving Incentive Reserve**
- **Marsden Recreation Trust;**

**AND THAT the Plunket Land Sale Fund be used to fund the new toilet development on the 1903 site;**

**AND THAT the balance of the Hamilton and Jean Rudman bequests be transferred to the City of Nelson Civic Trust on trust and the income to be used for beautifying the city;**

**AND THAT the Walker bequest be used to fund outdoor seating at the Stoke Community housing complexes with the balance being transferred to the Play Facilities activity;**

**AND THAT the Bartell Bequest and the Tui Endowment Trust be combined as the Nelson Institute Fund Reserve with the income to be transferred to the Library activity.**

Barker/Copeland

Carried

#### **18. Audit Risk and Finance Committee – 16 April 2013**

Document number 1494361, late item 1495917 refer.

Councillor Barker clarified that he had not engaged Mr Fitchett to make the deputation referred to in the minutes but advised him that the opportunity did exist if he would like to present to the Committee.

Resolved

**THAT the minutes of the meeting of the Nelson City Council - Audit, Risk and Finance Committee, held on 16 April 2013, be received.**

Barker/Copeland

Carried

#### **19. Response to Mr Chris Fitchett's Questions at Audit, Risk and Finance Committee**

Document number 1496797, late item 1495917 refer.

Resolved

**THAT the information in the report (1496797) be received and noted.**

Barker/Davy

Carried

## 20. Joint Shareholders Committee – 5 April 2013

Document number 1488174, agenda pages 174-180 refer.

Resolved

***THAT the unconfirmed minutes of the meeting of the Nelson City Council/Tasman District Council Joint Shareholders Committee, held on 5 April 2013, be received.***

Shaw/Boswijk

Carried

- 20.1 Nelson Regional Sewerage Annual Report 2011/12 and Business Plan 2013/14

Resolved

***THAT the Nelson Regional Sewerage Business Unit Annual Report 2011/12 (1448078) be received;***

***AND THAT the Nelson Regional Sewerage Business Unit Business Plan 2013/14 (1464617) be adopted.***

Shaw/Boswijk

Carried

- 20.2 Tasman Bays Heritage Trust Draft Statement of Intent and Half Yearly Report 2013/14

Resolved

***THAT the Tasman Bays Heritage Trust Half Yearly Report to 31 December 2012 be received;***

***AND THAT the Tasman Bays Heritage Trust Statement of Intent and Strategic Plan 2013/14 (noting the amendment) be approved for signing.***

Shaw/Boswijk

Carried

## 21. Civil Defence Emergency Management Group – 5 April 2013

Document number 1488471, agenda pages 181-182 refer.

Resolved

***THAT the unconfirmed minutes of the meeting of the Nelson City Council/Tasman District Council Civil Defence Emergency Management Group, held on 5 April 2013, be received.***



**POLICY AND PLANNING ITEMS**

**22. Confirmation of Minutes – 14 March 2013**

Document number 1477258, agenda pages 183-189 refer.

Resolved

***THAT the minutes of the meeting of the Nelson City Council – Policy and Planning, held on 14 March 2013, be confirmed as a true and correct record.***

**23. Status Report – Policy and Planning**

Document number 1034725 v9, agenda page 190-194 refer.

Resolved

***THAT the Status Report – Policy and Planning (1034725 v9) be received.***

**24. Portfolio Holder’s Report**

24.1 Inner City Noise

Councillor Ward updated the Council on deliberations by the Inner City Noise Working Group. He said it was important to maintain a balance between ‘night-life’ and the interests of inner city residents.

24.2 Recent rainfall event

The Council discussed the flood damage from the heavy rain over the weekend. It was mentioned that the Council should take a role in highlighting to the community the need to adapt to the onset of such frequent events.

**25. Scoping of Trading in Public Places Bylaw Review**

Document number 1479603, agenda pages 195-200 refer.

The Principal Adviser City Development, David Jackson, joined the meeting and presented the report.

The Council discussed the proposed process for the review of this bylaw. It was agreed that it was important the process was clear about the points at which consultation would take place with the community and

when direction was sought from the Council. It was noted that the Council would see the bylaw at each point of its development.

Resolved

**THAT Council confirms the Trading in Public Places Bylaw #213 be reviewed;**

**AND THAT all parts of the bylaw are part of the review;**

**AND THAT after preliminary consultation with the community and interested organisations, their feedback is advised to Council for its direction on drafting a bylaw, and that draft is used for informal consultation;**

**AND THAT on the basis of feedback on the informal draft, a draft bylaw be prepared for Council approval for formal consultation via the Special Consultative Procedure of the Local Government Act 2002.**

Boswijk/Reese

Carried

## **26. Council Submission on Funding Assistance Rates (FAR) Review**

Document number 1485255, agenda page 201-211 refer.

The Manager Strategic Response, Chris Ward, joined the meeting and presented the report.

It was agreed that the submission must encourage a greater amount of financial assistance (noting that Council currently receives the lowest base FAR available) owing to the heavy traffic, particularly trucks, on local roads due to the lack of a railway.

It was noted that the changes to the submission would be confirmed by the Mayor and the Chair of the Regional Transport Committee before it was submitted.

Resolved

**THAT the submission (1485379) on the Funding Assistance Rates (FAR) Review is confirmed, subject to any changes agreed by Council.**

Davy/Shaw

Carried

**27. Council Submission on Resource Management Act Reforms April 2013**

Document number 1486831, agenda pages 212-227 refer.

Attendance: Councillor Reese declared an interest and left the meeting for this item.

Resolved

***THAT the submission (1475724) on the Ministry for the Environment 2013 discussion document 'Improving our Resource Management System' is confirmed.***

Shaw/Copeland

Carried

**28. Exclusion of the Public**

28.1 Resolved

***THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, the following people remain for the following items after the public has been excluded, as they have knowledge that will assist the Committee:***

- ***Mr Richard Jenkins and Mr Lee Babe, for the item "Nelmac Statement of Intent and Half Yearly Report 2013";***
- ***Mr Seddon Marshall, for the item "Ridgeways Joint Venture Statement of Intent and Half Yearly Report 2013";***

***AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that the above-named people possess relates to:***

- ***Mr Richard Jenkins and Mr Lee Babe – knowledge of the commercial activities and half yearly results for Nelmac Limited;***
- ***Mr Seddon Marshall – knowledge of the commercial activities and half yearly results for Ridgeways Joint Venture.***

***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:**

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	<p><b>Ridgeways Joint Venture Statement of Intent and Half Yearly Report 2013</b></p> <p>This report contains information relating to the Statement of Intent and Half Yearly report provided by Ridgeways Joint Venture to Council.</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 this information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> </ul>
<b>2</b>	<p><b>Public Excluded Minutes – Governance – 12 March 2013</b></p> <p>These minutes confirmed the public excluded minutes of the Governance meeting of 11 December 2012 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>
	Potential Exit from Ridgeway's Joint Venture		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	Remuneration Review Committee Public Excluded Minutes – 22 February 2013, including information regarding the assessment of Chief Executive performance and measures for the remainder of 2012/13.		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
<b>2</b>	<b>Public Excluded Status Report – Governance</b>	Section 48(1)(a)	The withholding of the information is necessary:

	This report contains information regarding:	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	
	Nelson City Council Tasman District Council Engineering Services Agreement		<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	Governance Options for, and commercially sensitive information regarding, the Nelson Regional Sewerage Business Unit		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	Recommendations to Council on Directors' rotation and fees for Council Controlled Organisations and Council Controlled Trading Organisations.		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(h) To carry out commercial activities</li> </ul>
	Proposed Leases of Maitahi (Maitai) whenua (land) between Nelson City Council and Wakatu Incorporation for the Maitai Shared Path		<ul style="list-style-type: none"> <li>• Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> <li>• Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> <li>• Section 7(2)(h) To carry out commercial activities</li> </ul>
	The proposed transfer of assets, and negotiation of a lease and contract with the Theatre Royal and Nelson School of Music.		<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	Consideration of individuals for the role of Director for Nelmac.		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
	Potential Exit from Ridgeway's Joint Venture		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
<b>3</b>	<b>Nelmac Appointment of Director 2013</b>	Section 48(1)(a)	The withholding of this information is necessary:

	This report contains information relating to the final list of candidates for the Nelmac directorship role.	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
4	<p><b>Nelmac Statement of Intent and Half Yearly Report 2013</b></p> <p>This report contains information relating to the Statement of Intent and Half Yearly report provided by Nelmac to Council.</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 this information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
6	<p><b>Nelson Regional Sewerage Business Unit Operations and Maintenance Contract</b></p> <p>This report contains information regarding the 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"> <li>Section 7(2)(h) To carry out commercial activities</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
7	<p><b>Theatre Royal Trust Deed</b></p> <p>This report contains information regarding the transfer of assets to Nelson City Council.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
6	<p><b>Joint Shareholders Committee – Unconfirmed Public Excluded Minutes – 5 April 2013</b></p> <p>These minutes confirmed the minutes of 23 November 2012 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 this information is necessary:</p>
	Nelson Airport Limited Statement of Intent and		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out</li> </ul>

	Half Yearly report		commercial activities
	Port Nelson Limited Half Year Report to 31 December 2012		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
	Nelson Tasman Tourism Statement of Intent and Half Yearly Report 2013/2014		<ul style="list-style-type: none"> <li>Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
	Appointment of Director Nelson Airport Limited 2013		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
<b>7</b>	<b>Public Excluded Minutes – Policy and Planning – 14 March 2013</b> These minutes confirmed the public excluded minutes of the Policy and Planning meeting of 13 December 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 this information is necessary:
	Contract with Cawthron Institute: City Water Supply Resource Consents		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
<b>8</b>	<b>Public Excluded Status Report – Policy and Planning</b>  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 this information is necessary:
	A decision to withdraw and re-draft a Statement of Proposal, including an update that this decision has now been released to the public.		<ul style="list-style-type: none"> <li>Section 7(2)(g) To maintain legal professional privilege</li> </ul>
	The classifications of certain heritage precincts, including references to specific addresses.		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
	A proposal for a lease on Council land		<ul style="list-style-type: none"> <li>Section 7(2)(b) To protect information</li> </ul>

			<p>that may disclose a trade secret or the commercial position of a person</p> <ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> <li>• Section 7(2)(j) To prevent improper gain or advantage</li> </ul>
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Boswijk/Davy

Carried

The meeting went into public excluded session at 12.00pm and resumed in public session at 2.15pm. During this time His Worship the Mayor and Councillor Collingwood returned to the meeting and Councillor Matheson left the meeting.

**29. Re-admittance of the Public**

Resolved

***THAT the public be re-admitted to the meeting.***

His Worship the Mayor/Copeland

Carried

There being no further business the meeting ended at 2.16pm.

Confirmed as a correct record of proceedings:

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



## Mayor's Report

### 1. Purpose of Report

- 1.1 To obtain Council approval for the Mayor and Councillors' travel and attendance at events and seminars.
- 1.2 The annual budget for Councillors' travel and conference attendance for 2012/13 year is \$54,900. Council has pre-approved \$41,573 for the 2012/13 financial year.
- 1.3 To obtain Council approval for Councillor Collingwood to be appointed to represent the Mayor at the Whakatu Marae Komiti meetings.

### 2. Recommendation

***THAT the Mayor's report for June 2013 (1508024) be received;***

***AND THAT Council retrospectively approves travel and accommodation costs of \$533 plus disbursements for Councillor Reese to attend a meeting with the Minister of the Environment to discuss improvements to the implementation of the Resource Management Act 1991;***

***AND THAT Council retrospectively approves travel and accommodation costs of \$679 (and \$298 travel for the Mayoress) plus disbursements for the Mayor and Mayoress to attend the Suter Art Gallery charity auction and cocktail party hosted by the Governor General in Wellington on Friday 19 April 2013;***

***AND THAT Council retrospectively approves registration costs of \$1,000 for Councillors Barker, Matheson, Copeland, Fulton, Davy and Reese to attend a half day District Licencing Agency Workshop on 31 May 2013 at Tasman District Council;***

**AND THAT Council approves conference registration, travel and accommodation costs of \$7,000 plus disbursements for the Mayor and Councillors Rackley and Ward to attend the Local Government New Zealand 2013 conference in Hamilton on 21-23 July 2013;**

**AND THAT Council confirms the Mayor and Councillor Ward and the Chief Executive as delegates to officiate at the Local Government New Zealand Annual General meeting on 21 July 2013;**

**AND THAT Councillor Collingwood be appointed to represent the Mayor on the Whakatu Marae Komiti;**

**AND THAT the Delegations Register be updated accordingly.**

### **3. Background**

- 3.1 Councillor Reese was invited to a follow up meeting with Minister Adams and representatives of Local Government in Wellington on 6 May 2013 to discuss improvements to the implementation of the Resource Management Act 1991. Councillor Reese's attended the meeting on business for Local Government New Zealand and they were not covering the costs.
- 3.2 Their Excellencies, Lieutenant General The Right Honourable Sir Jerry Mateparae, Governor General of New Zealand and Lady Mateparae hosted the "Great Art, Great Adventures" charity auction and cocktail party at Government House in Wellington on 19 April 2013. The function was held in support of the Suter Art Gallery Redevelopment Project and the Mayor and Mayoress were expected to attend the function.
- 3.3 KnowHow Professional Development from Local Government New Zealand provided a workshop in partnership with the Ministry of Justice. The objective of the workshop was to assist District Licensing Agencies to understand the new licensing criteria and transitional provisions. They are specifically targeted at the processes and requirements that the Act requires of District Licensing Agencies over the period 18 June 2013– 18 December 2013. Councillors Barker, Matheson, Copeland, Fulton, Davy and Reese asked to attend.

3.4 The Local Government New Zealand Conference is on 21-23 July 2013 in Hamilton. In August 2012 Council approved \$7,000 for myself and three Councillors to attend the Conference. I am nominating Councillors Rackley and Ward and myself to attend this year's conference. The following budget is required:

• Conference registration - \$1,485 each	\$4,455
• Accommodation – estimate	\$1,020
• Travel – estimate	<u>\$1,515</u>
Total	<u>\$6,990</u>

3.5 Nelson City Council is entitled to three votes at the 2013 Annual General Meeting of Local Government New Zealand on 21 July 2013. If the presiding delegate is absent from the Annual General Meeting 'other delegates' may vote on behalf of the local authority. I am proposing the Mayor is the presiding delegate and the other delegates are nominated as Councillor Mike Ward and Chief Executive Clare Hadley.

3.6 The Mayor's civic duties are not allowing him to attend all the monthly Whakatu Marae Komiti meetings. Whakatu Marae have confirmed that they have a komiti resolution to allow the Mayor to appoint a representative in his stead. This will ensure consistency of Council representation at komiti meetings. Councillor Collingwood has agreed to undertake this role until the 2013 election.



Aldo Miccio

## **Mayor of Nelson**

### **Attachments**

None.

No supporting information follows.

## GOVERNANCE STATUS REPORT – 4 JUNE 2013

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
1	13/10/2011	1172883	Policy on Directors Rotation	Hugh Kettlewell	<p><u>AND THAT</u> a policy on Directors' rotation be written for consideration by the Joint Shareholders Committee;</p> <p><u>AND THAT</u> the Joint Shareholder's Committee, in amending the Director's policy, include an upper limit on the number of terms that a director may serve.</p>	<p><b>4/6/13</b> Reinstated</p> <p>TDC resolved not to adopt this policy. An updated version will come to Council in the new year for consideration. In the interim the old policy continues. Matter for discussion with TDC</p> <p>No progress since last report</p>
2	20/11/2012	1398180	Updated Expenses Policy for Elected Members	Penny Langley	<p><u>THAT</u> the Nelson City Council Expenses Policy for Elected Representatives (document number 1385969, Attachment 3), as amended, be forwarded to the Remuneration Authority for approval.</p>	<p><b>4/6/13</b> Policy has been forwarded, now awaiting a response from Remuneration Authority.</p>
3	11/12/2012	1415934	Tasman Bays Heritage Trust Draft Statement of Intent 2012/13 Resubmit	Hugh Kettlewell	<p><u>THAT</u> the Tasman Bays Heritage Trust Statement of Intent and Strategic Plan 2012/13 be approved for signing.</p>	<p><b>4/6/13</b> complete</p>
4	23/04/2013	1482286	Nelson Regional Economic Development Agency Statement of Intent and Half Yearly Reports 2013	Hugh Kettlewell	<p><u>THAT</u> the Nelson Regional Economic Development Agency Statement of Intent 2013/14 be approved for signing subject to minor edits;</p> <p><u>AND THAT</u> the Nelson Regional Economic Development Agency half yearly report for the period ending 31 December 2012 be received.</p>	<p><b>4/6/13</b> complete</p>

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
5	23/04/2013	1482282	The Bishop Suter Trust Statement of Intent and Half Yearly Report	Hugh Kettlewell	<u>THAT</u> the Bishop Suter Trust Statement of Intent 2013/14 be approved for signing; <u>AND THAT</u> the Bishop Suter Trust half yearly report for the period ending 31 December 2012 be received.	<b>4/6/13</b> complete
6	23/04/2013	1488174	Joint Shareholders Committee – 5 April 2013: Tasman Bays Heritage Trust Draft Statement of Intent and Half Yearly Report 2013/14	Hugh Kettlewell	<u>THAT</u> the Tasman Bays Heritage Trust Half Yearly Report to 31 December 2012 be received; <u>AND THAT</u> the Tasman Bays Heritage Trust Statement of Intent and Strategic Plan 2013/14 (noting the amendment) be approved for signing.	<b>4/6/13</b> complete

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## **Uniquely Nelson Business Plan 2013/14**

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

- 1.1 To present to Council the Uniquely Nelson Business Plan for 2013/14.

### **2. Recommendation**

***THAT the Uniquely Nelson Business Plan 2013/14 be received.***

### **3. Background**

- 3.1 The Uniquely Nelson Business Plan 2013/14 is attached to this report as Attachment 1.
- 3.2 The Memorandum of Understanding with Uniquely Nelson (Attachment 2) requires them to report on their intentions for the following year in much the same way as Council Controlled Organisations provide a Statement of Intent.
- 3.3 Cathy Madigan, Manager of Uniquely Nelson and a representative from the Board, will be in attendance at the meeting to present the information and answer questions.

### **4. Discussion**

- 4.1 The funding level for the 2013/2014 year for Uniquely Nelson in relation to this business plan is \$136.745
- 4.2 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."*

- 4.3 This test needs to be applied to everything that Council does regardless of the method of delivery.

- 4.4 Uniquely Nelson has for some years been providing Nelson City Council with a business plan and has sought funding on the basis of services provided rather than being a worthy organisation.
- 4.5 Uniquely Nelson is delivering local public services as shown by the business plan and in a cost effective way. There is always the possibility of generating a greater contribution from the member businesses and thus be more cost effective. This has proved difficult in the past but nonetheless opportunities need to be constantly pursued.

## **5. Conclusion**

- 5.1 The information provided meets the requirements of the Memorandum of Understanding and is strong evidence that this organisation is delivering these services and is compliant with the new purpose of Local Government.

Hugh Kettlewell

### **Executive Manager Support Services**

#### **Attachments**

Attachment 1: Uniquely Nelson Business Plan 2013/14 [1513680](#)

Attachment 2: Uniquely Nelson Memorandum of Understanding [1377737](#)

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

The Economic activity section of the Long Term Plan 2012-22 states that Council has a role in creating a successful, sustainable city. Funding Uniquely Nelson delivers a local public service by encouraging more visitors to the Nelson Central Business District, increasing retail spending and contributing to inner city vitality.

Funding Uniquely Nelson to carry out this promotional work is a cost effective option because the organisation delivers a large number and range of activities with a relatively small budget, as identified on page 16 of its business plan.

### 2. Fit with Community Outcomes and Council Priorities

People-friendly places – Uniquely Nelson contributes to a vibrant inner city by promoting the diversity of City businesses, services, arts & culture, and hospitality

A strong economy – Uniquely Nelson’s activities are business-friendly and promote a wide range of business activity. Eight local business representatives are on the Board of this Incorporated Society.

A fun, creative culture – one of the goals in this year’s business plan is to provide an umbrella to market Nelson’s iconic arts, crafts, festivals and events. The business plan states that Uniquely Nelson will promote dinner and show packages with Nelson’s entertainment venues, as well as self-guided tours of artist studios and galleries in Nelson. It will work with major festivals to ensure cross-promotional opportunities are maximised.

Uniquely Nelson activities are also well aligned with the Council priority of “championing our edge”.

### 3. Fit with Strategic Documents

Heart of Nelson – Central City Strategy: Uniquely Nelson’s activities contribute to the goal of this Strategy which is that the central city will be a vibrant, attractive place in which people can live, work and plan, and in which businesses operate.

### 4. Sustainability

Funding Uniquely Nelson contributes to a resilient local economy, and supports business growth.

### 5. Consistency with other Council policies

n/a

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

Uniquely Nelson is not referred to in the Long Term Plan. However, in the Memorandum of Understanding with Uniquely Nelson, the Council has



<p>committed to fund Uniquely Nelson at a base level of \$135,943 (plus Consumer Price Index) per annum for three years (July 2012 – June 2015).</p>
<p><b>7. Decision-making significance</b>  This is not a significant decision in terms of the Council’s Significance Policy.</p>
<p><b>8. Consultation</b>  Consideration of this report is an opportunity for the Council to discuss any desired changes to the business plan for the 2013-14 year.</p>
<p><b>9. Inclusion of Māori in the decision making process</b>  Māori were not specifically consulted on the Uniquely Nelson business plan.</p>
<p><b>10. Delegation register reference</b>  This is a Council decision.</p>

# **UNIQUELY NELSON**

## **BUSINESS PLAN**

### **2013-2014**



## 1. Introduction

Uniquely Nelson's primary role is to promote the Nelson Central Business District (CBD) to encourage greater visitation, thereby increasing retail spend into the Nelson economy. Whilst retail remains the key focus, Uniquely Nelson also promotes the diversity of City businesses, services, arts & culture and hospitality.

Nelson City remains the heart of the Nelson-Tasman region and attracts customers from the entire region, as well as visitors from other parts of New Zealand and internationally.

Uniquely Nelson has identified there are a number of drivers that bring people into the City; everything from employment to shopping, dining, being entertained, doing business and using professional and recreational services. Our challenge is to continue to encourage multiple reasons to visit the City, thus increasing the amount of time, and the amount of spend, in the City.

On a business to business level, Uniquely Nelson works to develop and maintain close relationships with the significant organisations and key stakeholders influencing the Nelson retail/business environment, and recognizes its role to assist and support these. Uniquely Nelson is the ideal conduit to facilitate communications between the CBD retail/business community and other stakeholders.

Uniquely Nelson appreciates the support of Nelson City Council and recognises our responsibility to demonstrate professionalism and business excellence in our operational practices. We are continuously reviewing our business activities and implementing changes to financial management systems, reporting and planning processes and employee relations.

## 2. Uniquely Nelson's Vision and Mission Statement

Uniquely Nelson aims to promote Nelson City as a vibrant and unique destination with a diversity of offerings including retail, hospitality, arts & culture, business and services.

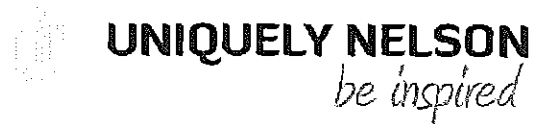
### ***Uniquely Nelson's Mission is to:***

1. Develop promotions and activities around the unique offerings of Nelson City;
2. Encourage visitation for the 'Nelson City Experience' – the atmosphere, social cohesion and cultural identity;
3. Drive foot traffic within the City, thus generating spend across all sectors;
4. Position Nelson City as the heart of the region's arts, culture and heritage;
5. Work with retailers to develop a culture of service excellence – Be Local, Be Proud;
6. Act as the communications between Nelson City businesses, Council and other stakeholders on issues impacting business in the CBD.

### 3. Uniquely Nelson's Achievements

The Uniquely Nelson Board is pleased to report that over the last twelve months Uniquely Nelson has continued to strengthen its performance in many key areas:

- The Nelson City Guide 2012/13 underwent a major facelift, resulting in a simpler layout with more effective maps and visitor information. 50,000 copies have been distributed through the region and to visitor centres throughout New Zealand.
- The Uniquely Nelson website continues to double its visitation over the past 12 months and Google Analytics shows that more than 28% of visitors to our website are now finding us on a mobile device.
- Uniquely Nelson's on-line marketing is well integrated with our traditional marketing channels, with Facebook, Twitter, e-newsletters and database communications an essential part of everything we do.
- Uniquely Nelson continues to work with The Nelson School of Music, The Theatre Royal and The Nelson Arts Festival to cross-promote dining packages and retail offers alongside ticketed shows. This is proving to be very popular, especially around key festivals and events.
- In addition, Uniquely Nelson works closely with many other organisations and events that are beneficial to the City. These include the Top Shop Awards (Nelson Tasman Chamber of Commerce), The Nelson Jazz & Blues Festival, Marchfest, the South Island Masters Games, Adam Chamber Music Festival, The Santa Parade Trust and Nelson City Council's events marketing team, including the Summer Events Program.
- Uniquely Nelson is working with Nelson Tasman Tourism to facilitate boutique shopping experiences in Nelson City for visitors from cruise ships and conference groups.
- Uniquely Nelson is an active participant on various committees and industry groups with regard to key issues such as earthquake strengthening, Bridge Street redevelopment, redevelopment of Rutherford & Trafalgar Parks & Maitai walkway and the Heart of Nelson strategy. Where appropriate, Uniquely Nelson acts as a communication conduit with retailers on these issues.
- Uniquely Nelson has established five key promotions which are well-supported by the retailers of Nelson City, with major sponsorship from retailers and the media. These promotions are:
  - Arts in Windows
  - Christmas Shop & Win / Who's Your Christmas Star?
  - Trafalgar Street Market Day
  - Winter Free Parking / Winter Retail Promotion
  - Spring Fashion Fortnight



## 4. Uniquely Nelson Objectives 2013 – 2014

Uniquely Nelson will continue to build on its key achievements, as outlined above. In addition, Uniquely Nelson has a number of new initiatives planned for the 2013-14 year.

***In summary Uniquely Nelson's objectives for 2013-14 are:***

1. Develop promotions and activities around the unique offerings of Nelson City;
  - Focus our marketing campaigns on particular categories of retail or areas of interest and develop targeted marketing activities that appeal to the target audience
  - Build Nelson City's profile as an exciting and unique destination with many one-off and unusual offerings. This is particularly relevant to the visitor, cruise ship and conference market.
  - Work more closely with categories of retail and encourage 'buy-in' from those retailers, rather than trying to attract general support from all city retailers for all promotions.
  
2. Encourage visitation for the 'Nelson City Experience' – the atmosphere, social cohesion and cultural identity;
  - Our unique point of difference is the experience of visiting the City. Whilst retail remains the key economic driver in the City, customers are attracted to the City to enjoy the experience. This can mean many different things to many different people. Our goal is to position the City as a diverse, vibrant environment, the 'pulse' of the region, the place to be.
  - Uniquely Nelson aims to use its social media channels as the 'pulse' of the City, a daily bulletin of what's happening, where to get the best deals, what's new etc.
  - In addition, the Nelson City Guide will evolve to become the essential visitor guide to what's in the City, how to get around, special interest categories and a driver to our on-line activities (website, Facebook etc.).
  
3. Drive foot traffic within the City, thus generating spend across all sectors
  - Foot traffic is undoubtedly a key indicator of the health of a retail community. As well as the 8,000-plus people who are employed in and around the city, we aim to attract visitors from the local, tourism and conference group sectors.
  - The Nelson City Experience will be a cornerstone factor in attracting tourists and conference delegates to enjoy more of our City. We will promote the City using 'experiential' shopping packages that showcase unique offerings and specific retail categories.

4. Position Nelson City as the heart of the region's arts, culture and heritage

- Work with Nelson City's entertainment venues (The Theatre Royal, Nelson School of Music, Suter Gallery, State Cinemas) to promote dinner and show packages, thus encouraging show patrons to stay in the city to enjoy dining out pre- or post-show.
- There are more than 17 artists studios and galleries in Nelson City. We will work with these artists to promote self-guided walking around the city to see these galleries and studios.
- Work with major festivals and events that are occurring in and around the City to maximise patron spill-over and promote retail / hospitality offerings to the event audience.

5. Work with retailers to develop a culture of service excellence – Be Local, Be Proud.

- Work with Nelson Tasman Chamber of Commerce to ensure Nelson City businesses are well represented in the annual Top Shop Awards and Nelson Business Awards.
- Liaise closely with other relevant organisations such as Nelson Tasman Business Trust, Service IQ and the Business Development Company to promote appropriate retail customer service training and courses to Nelson City retailers.
- Develop a marketing campaign that recognises excellent retail customer service. Have fun with it – "Have You had your 10 Smiles Today?".

6. Act as the communications conduit between Nelson City businesses, Council and other stakeholders on issues impacting business in the CBD

- Participate on steering committees such as the Bridge Street Redevelopment Committee, the Trafalgar/Rutherford Parks & Maitai Walkway Redevelopment Project, the Heart of Nelson strategy and other Council working groups as appropriate
- Using e-newsletters and other communications tools, provide information to retailers and businesses about key issues impacting on the City and refer them to appropriate networking, support and advice services
- Seek feedback from retailers and business to assist with forming Council policies and determining action on specific projects

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Objective	Goals	Activity	Measures / Timelines
1. Develop promotions and activities around the unique offerings of Nelson City	Focus our marketing campaigns on particular categories of retail or areas of interest and develop targeted marketing activities that appeal to the target audience.	Five cornerstone promotional periods are established: <ul style="list-style-type: none"> <li>• Winter Promotion / Free Parking</li> <li>• Spring Fashion Fortnight</li> <li>• Art in Windows</li> <li>• Christmas promotion</li> <li>• Market Day</li> </ul>	Further develop these cornerstone promotions to better suit specific retail categories e.g. fashion, health & wellness, food & wine, arts & culture etc.
	Build Nelson City's profile as an exciting and unique destination with many one-off and unusual offerings. This is particularly relevant to the visitor, cruise ship and conference market.	Development of boutique shopping and experiential tours of the City. These can be marketed to the visitor, cruise ship and conference market.	Work with Nelson Tasman Tourism, On Cue and other relevant bodies to develop and promote Nelson City's unique offerings to the visitor market during 2013/14.
	Work more closely with categories of retail and encourage 'buy-in' from those retailers, rather than trying to attract general support from all city retailers for all promotions.	Identifying key retail periods relevant to specific categories of retail/hospitality and developing promotions around these themes e.g. Mother's Day, Spring Fashion, food & wine promotions etc.	Number of retailers participating in each specific promotion.  Identification and segmenting of target audience.
	Provide an umbrella to market Nelson's iconic arts, crafts, festivals and events.	Work with all major arts & cultural organisations to promote their events and look for opportunities to promote retailers/hospitality through these events.	Promotions underway with Winter Music Festival, Nelson Arts Festival, Light Nelson, Santa Parade, Nelson Jazz & Blues Festival, Marchfest, South Island Masters Games.

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Objective	Goals	Activity	Measures / Timelines
	Social Media – Build upon the recently launched social media programs and stimulate customer engagement and feedback.	Build database of customers who 'follow' us on Facebook & Twitter and provide retailers with the opportunity to feature in our social media activities.	Promote daily deals and specials on our Facebook & Twitter pages, profiling specific retailers.  E-newsletters to database of 10,000 subscribers.
	Off shoulder season promotions increasing year round CBD spend.	Number of off shoulder season programs.	50% of activity programmes are in the off shoulder season.
	CBD event activities meet the guiding principles of the Events Strategy.	Number of referrals of the CBD activity organisers to the guiding principles of the Events Strategy.  Number of U.N. events that meet the guiding principles of the Events Strategy.	All event organiser enquiries are referred to the events strategy guiding principles.  50% of activity programmes are in the off shoulder season.



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Objective	Goals	Activity	Measures / Timelines
2. Encourage visitation for the 'Nelson City Experience' – the atmosphere, social cohesion and cultural identity.	Our unique point of difference is the experience of visiting the City. Whilst retail remains the key economic driver in the City, customers are attracted to the City to enjoy the experience. This can mean many different things to many different people. Our goal is to position the City as a diverse, vibrant environment, the 'pulse' of the region, the place to be.	<p>Uniquely Nelson's marketing activities will emphasise the Nelson City Experience – not just the shopping.</p> <p>Through our traditional and on-line marketing channels we will promote the many and diverse activities and events in the City.</p> <p>Marketing activities will drive visitation to Uniquely Nelson's website, the definitive guide to the City.</p>	<p>Using Google Analytics, we will closely monitor the visitation to the Uniquely Nelson website and adapt to meet trends that are revealed (e.g.: increase in use of mobile devices to visit the website).</p> <p>Increase the number of businesses listed on the Uniquely Nelson website, either as a standard (free) listing or as a premium (paid) listing.</p>
	Uniquely Nelson aims to use its social media channels as the 'pulse' of the City, a daily bulletin of what's happening, where to get the best deals, what's new etc.	Promote Uniquely Nelson's social media as a great way to know what's happening around the City and retail specials/offers.	Use traditional media to drive visitation to Uniquely Nelson's social media offerings. Feature competitions and giveaways to encourage visitors to subscribe to UN on-line & social media communications.
	Uniquely Nelson will continue to market the City to the visitor market with an annual visitor guide.	The Nelson City Guide will evolve to become the essential visitor guide to what's in the City, how to get around, special interest categories and a driver to our on-line activities (website, Facebook etc.).	<p>Produce the 2013/14 Nelson City Guide, for release in November 2013. Timed to capitalise on the summer tourism market.</p> <p>The Guide will be more segmented and feature special interest maps – e.g.: fashion map, arts &amp; galleries map, food &amp; wine map etc.</p>

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Objective	Goals	Activity	Measures / Timelines
3. Drive foot traffic within the City, thus generating spend across all sectors.	Foot traffic is undoubtedly a key indicator of the health of a retail community. As well as the 8,000-plus people who are employed in and around the city, we aim to attract visitors from the local, tourism and conference group sectors.	Promotions and events in the city designed to attract foot traffic.	Street based activities including Uniquely Nelson's own cornerstone events, plus providing marketing support for other events and activities in the city.
	The Nelson City Experience will be a cornerstone factor in attracting tourists and conference delegates to enjoy more of our City. We will promote the City using 'experiential' shopping packages that showcase unique offerings and specific retail categories.	Development of experiential shopping packages that appeal to the visitor and conference market.  These will be marketed through Nelson Tasman Tourism and On Cue.	Number of people who participate in experiential shopping packages.
	Free parking initiatives in the winter months.	Promote Free Parking Tuesdays for the winter period, as a driver for locals to plan their City visits around the days when free parking is available.	Agreement with Council to implement free parking in the CBD from July 2 to September 3 2013.
4. Position Nelson City as the heart of the region's arts, culture and heritage	Work with Nelson City's entertainment venues (The Theatre Royal, Nelson School of Music, Suter Gallery, State Cinemas) to promote dinner and show packages, thus encouraging show patrons to stay in the city to enjoy dining out pre- or post-show.	<ul style="list-style-type: none"> <li>• Winter Music festival Dinner &amp; Show packages confirmed.</li> <li>• Nelson Arts Festival Dinner &amp; Show packages underway.</li> <li>• Dinner &amp; show packages organised with other key shows.</li> </ul>	Number of patrons who participate in dinner & show packages.

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Objective	Goals	Activity	Measures / Timelines
	There are more than 17 artists studios and galleries in Nelson City. We will work with these artists to promote self-guided walking around the city to see these galleries and studios.	Capitalise on Nelson's reputation as the arts capital of New Zealand by showcasing the diversity of artists and galleries in the City.	Production of collateral and marketing materials to promote the arts offerings of the city.  Increase in foot traffic to art galleries and studios, particularly from the visitor market.
	Work with major festivals and events that are occurring in and around the City to maximise patron spill-over and promote retail / hospitality offerings to the event audience.	Continue to build relationships with other events and festivals to ensure cross-promotional opportunities are maximised.  Act as the conduit between the festival organisers and various retailers/hospitality venues to develop promotions.	Cross-promotional activities underway with: <ul style="list-style-type: none"> <li>• Winter Music Festival</li> <li>• Light Nelson</li> <li>• Nelson Arts Festival</li> <li>• Nelson Jazz &amp; Blues Festival</li> <li>• Marchfest</li> </ul> Explore and develop further opportunities with other festivals and events.
	Nelson CBD heritage sites are well recognised and promoted.	Initiatives in conjunction with Nelson Provincial Museum, Nelson School of Music and other heritage sites.  Work with Heritage Week to promote festival events.	Uniquely Nelson's marketing channels should highlight the heritage significance of Nelson City where appropriate.

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Objective	Goals	Activity	Measures / Timelines
5. Work with retailers to develop a culture of service excellence – Be Local, Be Proud.	Work with Nelson Tasman Chamber of Commerce to ensure Nelson City businesses are well represented in the annual Top Shop Awards and Nelson Business Awards.	Uniquely Nelson is a major sponsor and supporter of Top Shop.  This year a record 60 Nelson City businesses are nominated.  Work with these businesses to encourage public voting.	60 Nelson City businesses nominated.  Encourage voting of the Nelson City nominees.  Publicise and promote the Nelson City businesses who have success with winning a Top Shop Award.
	Liaise closely with other relevant organisations such as Nelson Tasman Business Trust, Service IQ and the Business Development Company to promote appropriate retail customer service training and courses to Nelson City retailers.	Use e-newsletters to communicate with retailers about seminars and workshops run by Nelson Tasman Business Trust, Nelson Tasman Chamber of Commerce, Service IQ, Business Development Company and other retail training organisations.	Nelson City retailers who participate in ongoing training.  Adoption of customer service standards in-store.
	Develop a marketing campaign that recognises excellent retail customer service.	Have fun with it – “Have You had your 10 Smiles Today?”  Target retailers to encourage friendly customer service.  Target the public to seek feedback on excellent customer service they have experienced.	Winter ‘Smiles’ campaign to be developed.  Feedback from customers will indicate how well the campaign is working, and will recognise individual retailers who are providing friendly customer service.

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Objective	Goals	Activity	Measures / Timelines
6. Act as the communications conduit between Nelson City businesses, Council and other stakeholders on issues impacting business in the CBD.	Play an active role in the consultation process for the redevelopment of Council assets in and around the CBD	Participate on steering committees such as the Bridge Street Redevelopment Committee, the Trafalgar/Rutherford Parks & Maitai Walkway Redevelopment Project, the Heart of Nelson strategy and other working groups as appropriate	Be an active participant in Council forums and provide feedback on the impact the redevelopment will have on the CBD.  Uniquely Nelson's voice continues to represent the interests of the retail and business community of Nelson City.
	Using e-newsletters and other communications tools, provide information to retailers and businesses about key issues impacting on the City and refer them to appropriate networking, support and advice services.	Uniquely Nelson has a number of communications tools including e-newsletters (database of nearly 600 business contacts), leaflet drops, one-on-one consultation and presentations at our AGM and other forums.	Number of communications that are directed at retailers and businesses informing them about key issues impacting on the City.
	Seek feedback from retailers and business to assist with forming Council policies and determining action on specific projects.	One-on-one liaison with retailers who may be impacted by a specific project or Council policy. Work with Council and affected retailers to develop best-case outcomes.	Uniquely Nelson is well informed and involved in all issues impacting on the retail and business community of Nelson City.
	Cooperative communications with Richmond Unlimited, Our Town Motueka.	Regular activities with Richmond Unlimited & Our Town Motueka.	At least two meetings/joint activities per year.
	The benefits of a conference centre are understood and supported by CBD businesses.	Conference opportunities are communicated to CBD businesses.	CBD businesses are made aware of the majority of large conferences coming into the CBD.

Objective	Goals	Activity	Measures / Timelines
7. Demonstrate high standards of governance and operational best practice	Uniquely Nelson recognised as a good employer.  Review governance structure to operate with balanced skill base.	Staff performance conducted.  Review Governance and operational structure.	Staff performance conducted within time frames.  Continue to review Governance and operational structure by June 2014.
	Maintain effective accounting, monitoring and management processes.	Up to date records maintained and reported on.	Monthly P & L documents presented to board each month.  Accounts prepared by Uniquely Nelson with assistance and approval of accountant.
	Uniquely Nelson Board will demonstrate high standards of governance practice.	Annual board evaluation processes are conducted.  Board attendance at governance training and development seminars.  Membership of the Institute of Directors.	Annual Board evaluation completed by June 2014.  Board attendance at governance training and development seminars.  At least two board members are current members of the Institute of Directors.

## Operating Framework

### Background

Uniquely Nelson was set up in June 2002 and as an incorporated society, in June 2005. Formed by a group within the Nelson Chamber of Commerce, they believed that Nelson City needed the services of a coordinator with an objective of enhancing the CBD by working with businesses and promoting Nelson City. The Council agreed to fund \$45,000 pa from the Inner City Parking & Development fund to enable a coordinator to be employed and cover administration costs.

Early in 2008, Uniquely Nelson obtained signatures from 140 businesses that would be prepared to support a targeted rate set by Nelson City Council to fund Uniquely Nelson. It was considered that all businesses in the CBD should pay towards the running of Uniquely Nelson, not just some.

Nelson City Council agreed to fund Uniquely Nelson totally from the parking and development account, with an increase to \$120,000 pa from the parking & development account. Businesses in the CBD pay a targeted rate into the parking and development account which was originally set up to purchase Montgomery and Buxton car parks.

Since 2010, Council funding has increased to \$135,000 pa.

### Governance and staffing

As an Incorporated Society Uniquely Nelson has a Board of eight members, representing businesses, owner/operators, managers and stakeholders of the Nelson CBD. Current Board members are:

<b>Duncan Gray (Chair)</b>	Health 2000	<b>Howie Timms</b>	NBS
<b>David Moir (Deputy Chair)</b>	Paper Plus	<b>John Hogan</b>	Hogeys Surf
<b>Justine Kennard</b>	WHK	<b>Alison Rutt</b>	Pascoes
<b>Jack Martin</b>	Wild Tomato	<b>Ian Williams</b>	The Vic Brew Bar

Duncan Gray, the current Board Chair has completed governance training through the Institute of Directors (IOD) and Jack Martin has also completed this training.

Board meetings are held monthly with agendas and minutes formally recorded.

The Board employs one full-time Manager whose primary role is to undertake activities to promote the Nelson CBD along with working alongside key stakeholders to enhance the CBD. The Manager has significant experience in all areas of management, operations, project management, recruitment, marketing and administration.



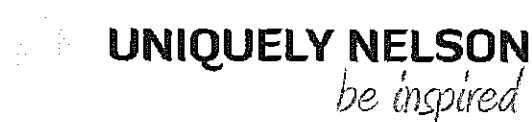
## **Accountability**

An Annual General Meeting is held in October each year where the Annual Report and Accounts are reported to Uniquely Nelson's key stakeholder Nelson City Council. The 2012 Annual General Meeting had 38 people in attendance and Ian Williams from The Vic Brew Bar was elected as a member to represent the hospitality sector.

Accounts and financial reporting are conducted through a Chartered Accountant as required for an Incorporated Society. Monthly financial position and performance statements are presented to the Board for each meeting.

Uniquely Nelson formally reports to Council on a six and twelve month basis and provides project-specific reports to the Executive Manager Support Services Nelson City Council.





## Finances

### PROFIT & LOSS FORECAST FOR THE YEAR ENDING 30 JUNE 2014

	Total \$
<b>INCOME</b>	
Income - Market Day	2,511
Income - Website	5,220
NCC Funding	137,160
Nelson City Guide	29,000
	<u>173,891</u>
<b>MARKETING EXPENDITURE</b>	
Advertising - Radio - Fixed Contract	20,040
Advertising - Radio - Casual Contract	4,200
NTT Subscription Costs	1,410
Nelson City Guide	19,500
Promotions - Art in Windows	1,100
Promotions - Autumn Hospitality	9,000
Promotions - Christmas	5,500
Promotions - Jazz Festival	2,250
Promotions - Market Day Expenses	3,200
Promotions - Spring Fashion	3,000
Promotions - Winter	11,500
	<u>80,700</u>
<b>GROSS PROFIT</b>	<b>93,191</b>
<b>OPERATING EXPENSES</b>	
Accident Compensation Levy	370
Accountancy Fees	3,593
Board Expenses	900
Function Expenses	1,600
General Expenses	900
Insurance	600
Newsletters	2,000
Parking/Vehicle Expenses	1,260
Printing, Stationery & Offices Supplies	1,800
Rent	7,200
Repairs & Maintenance	540
Staff Training including Seminars	2,040

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Subscriptions	120
Wages & Salaries - Manager	53,580
Wages & Salaries - Contract Wages	8,400
Website	<u>1,800</u>
	86,703
OTHER COSTS	
Depreciation	<u>5,928</u>
	5,928
<b>NET PROFIT</b>	<u><u>560</u></u>



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### Non-Monetary contribution to Uniquely Nelson

- Business support in the form of donated vouchers for the use of prizes and promotions. For the 2012/13 year businesses donated over \$30,000 of prizes and vouchers.
- Media partners provided extensive bonus airtime, promotional space or editorial coverage for our campaigns. For the year 1 May 2012 – 31 April 2013 this has amounted to approximately \$92,620.
- Uniquely Nelson also raises income from the sale of Market Day stalls - in February 2013 this amounted to \$2,500.
- Uniquely Nelson's board of 8 members donate their time and energy. **The amount of time put in by board members is immeasurable and its value priceless.**

Details			Value
<b>Contributions towards promotional campaigns</b>			
Date	Promotions	Number Business Participating	\$ Value Gift Vouchers
July 2012	Winter Shop & Win	70	\$7,000
Oct 2012	Art in Windows	93	\$2,500
Nov/Dec 2012	Christmas Star / Santa Giveaways	74	\$6,000
Feb 2013	Market Day (Stall Holders)	77 stalls	\$2,500
Bonus radio advertising airtime (1 <sup>st</sup> May 2012 – 30 April 2013)			
Radio Network – 2,714 bonus 30 sec adverts			\$54,280
Mediaworks – 1,292 bonus 30 sec adverts			\$25,840
➤ Both networks also gave extensive bonus airtime as promotional crosses, live announcer ad-libs and promotional 'street' activity			
Who's Your Christmas Star? – Bonus promotional space with Nelson Mail			\$12,500
<b>Overall total</b>			<b>\$110,620</b>

## **Memorandum of Understanding between Uniquely Nelson and the Nelson City Council**

The Nelson City Council agrees to fund Uniquely Nelson at a base level of \$135,943 (plus Consumer Price Index) per annum for three years (July 2012 – June 2015). From time to time either party may present an option for the provision of additional services and/or funding on a project by project basis.

The funding will be increased annually by Consumer Price Index based on the December quarter figures from the previous year.

Uniquely Nelson will work with Nelson city businesses and key stakeholders to create added value, excellent service delivery that builds on Nelson's history, arts, and natural environment with the primary focus on the Nelson Central Business District.

Uniquely Nelson will:

1. Promote the Central Business District to potential and current customers through:
  - added value initiatives;
  - physical enhancement of the Central Business District;
  - excellent service delivery;
  - strategic marketing through both traditional and emerging communications channels, in particular through on-line marketing.
2. Act as the communication conduit between Nelson businesses, Council and other stakeholders on issues impacting business in the Central Business District;
3. Refer Nelson city businesses to appropriate networking, support and advice agencies;
4. Gain continued commitment and participation from businesses towards a positive profile of the Central Business District;
5. Promote and demonstrate a commitment to sustainability initiatives;
6. Demonstrate high standards of governance and operational best practice;
7. Continue to build and enhance relationships to ensure value for money;
8. Develop other opportunities as agreed that support the enhancement of the Central Business District.
9. Acknowledge Nelson City Council's support for Uniquely Nelson in all publicity material and advertising;
10. Provide Council with an annual business plan each February for the following financial year showing core services and any additional opportunities for Council to consider;
11. Provide Council with an annual report on Uniquely Nelson's activities, including a summary of performance against the objectives of the business plan.

Payment will be quarterly in advance.

Signed for and on behalf of:  
NELSON CITY COUNCIL

Signed for and on behalf of:  
Uniquely Nelson

Chief Executive \_\_\_\_\_

\_\_\_\_\_

Date:

Date:

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## **Nelson Tasman Business Trust Strategic Plan and Business Plan 2013/14**

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

- 1.1 To present the Nelson Tasman Business Trust Strategic Plan and Business Plan 2013/14.

### **2. Recommendation**

***THAT the Nelson Tasman Business Trust Strategic Plan and Business Plan 2013/14 be received.***

### **3. Background**

- 3.1 The Nelson Tasman Business Trust Strategic Plan and Business Plan are attached to this report as Attachments 1 and 2.
- 3.2 The Agreement with Nelson Tasman Business Trust (Attachment 3) requires them to report on their intentions for the following year in much the same way as Council Controlled Organisations provide a Statement of Intent.
- 3.3 Sarah Holmes, Manager of Nelson Tasman Business Trust and a representative from the Board, will be in attendance at the meeting to present the information and answer questions.

### **4. Discussion**

- 4.1 The funding level for the 2013/2014 year for NTBT in relation to this business plan is \$33,594.
- 4.2 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."*

- 4.3 This test needs to be applied to everything that Council does regardless of the method of delivery.
- 4.4 Nelson Tasman Business Trust has for some years been providing Nelson City with a business plan and has sought funding on the basis of services provided rather than being a worthy organisation.
- 4.5 Nelson Tasman Business Trust is delivering local public services as shown by the business plan and in a cost effective way. There is always the possibility of generating greater contribution from the member businesses and thus be more cost effective. The non cash contributions to NTBT are considerable, however all opportunities need to be explored as they arise.

## **5. Conclusion**

- 5.1 The information provided meets the requirements of the Agreement and is strong evidence that this organisation is delivering these services in compliance with the new purpose of Local Government.

Hugh Kettlewell

### **Executive Manager Support Services**

#### **Attachments**

Attachment 1: Nelson Tasman Business Trust Strategic Plan 2013/14 [1515497](#)

Attachment 2: Nelson Tasman Business Trust Business Plan 2013/14 [1515366](#)

Attachment 3: Nelson Tasman Business Trust Agreement [1229798](#)

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

The Economic activity section of the Long Term Plan 2012-22 states that Council has a role in creating a successful, sustainable city. Funding Nelson Tasman Business Trust delivers a local public service by providing free, confidential, independent assistance to new and existing businesses in Nelson.

This is a cost effective option to deliver support to businesses because the combined funding from Nelson City Council and Tasman District Council (of \$106,000 in the 2013/14 year) is augmented by non-monetary contributions by business mentors. They provide advice estimated to be worth at least \$190,000. A Talent Team also provides free advice estimated to be worth \$30,000. In addition, the eight Trustees donate their time to attend board meetings. This contribution equates to \$7000 annually.

### 2. Fit with Community Outcomes and Council Priorities

A strong economy – Nelson Tasman Business Trust’s activities are business-friendly and promote a wide range of business activity.

Kind, healthy people – Funding the Nelson Tasman Business Trust promotes a supportive community by co-ordinating access to business mentors who volunteer their time and are committed to sharing their skills, knowledge and experience.

The Nelson Tasman Business Trust activities are well aligned with the Council priority of “championing our edge”, which includes nurturing and promoting the skills and knowledge held in the community, and to build expertise and prosperity.

### 3. Fit with Strategic Documents

Nelson Tasman Business Trust Strategic Plan 2013-2014.

### 4. Sustainability

Funding Nelson Tasman Business Trust contributes to a resilient local economy, and supports business growth.

### 5. Consistency with other Council policies

n/a

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

Nelson Tasman Business Trust is not referred to in the Long Term Plan. However, the Council’s current agreement with the Trust is listed on pages 8-9 of the Nelson Tasman Business Trust Strategic Plan 2013-2014. This outlines the Council’s current agreement with the Trust, which runs from July 2011 to June 2015.

### 7. Decision-making significance

This is not a significant decision in terms of the Council’s Significance

Policy.
<p><b>8. Consultation</b></p> <p>Consideration of this report is an opportunity for the Council to discuss any desired changes to the business plan for the 2013-14 year.</p>
<p><b>9. Inclusion of Māori in the decision making process</b></p> <p>Māori were not specifically consulted on the Uniquely Nelson business plan.</p>
<p><b>10. Delegation register reference</b></p> <p>This is a Council decision.</p>



# NELSON TASMAN BUSINESS TRUST

# STRATEGIC PLAN

# 2013 - 2014

NTBT has been in existence for over twenty years, providing support to Start Up and Small Medium Enterprises (SMEs) across Nelson and Tasman. The key focus has continued to be around neutrality, access to free support, confidentiality and professionalism of the individuals and the assistance provided.

The NTBT Trustees and staff have taken into account the external environment and their own internal operations, strengths and weaknesses to confirm the 2013 – 2014 Business Strategy. This Strategy covers the period from February 2013 through until 31 January 2014 at which time it will be reviewed and revised accordingly.

#### Context

Nelson Tasman Business Trust is more commonly referred to as NTBT.

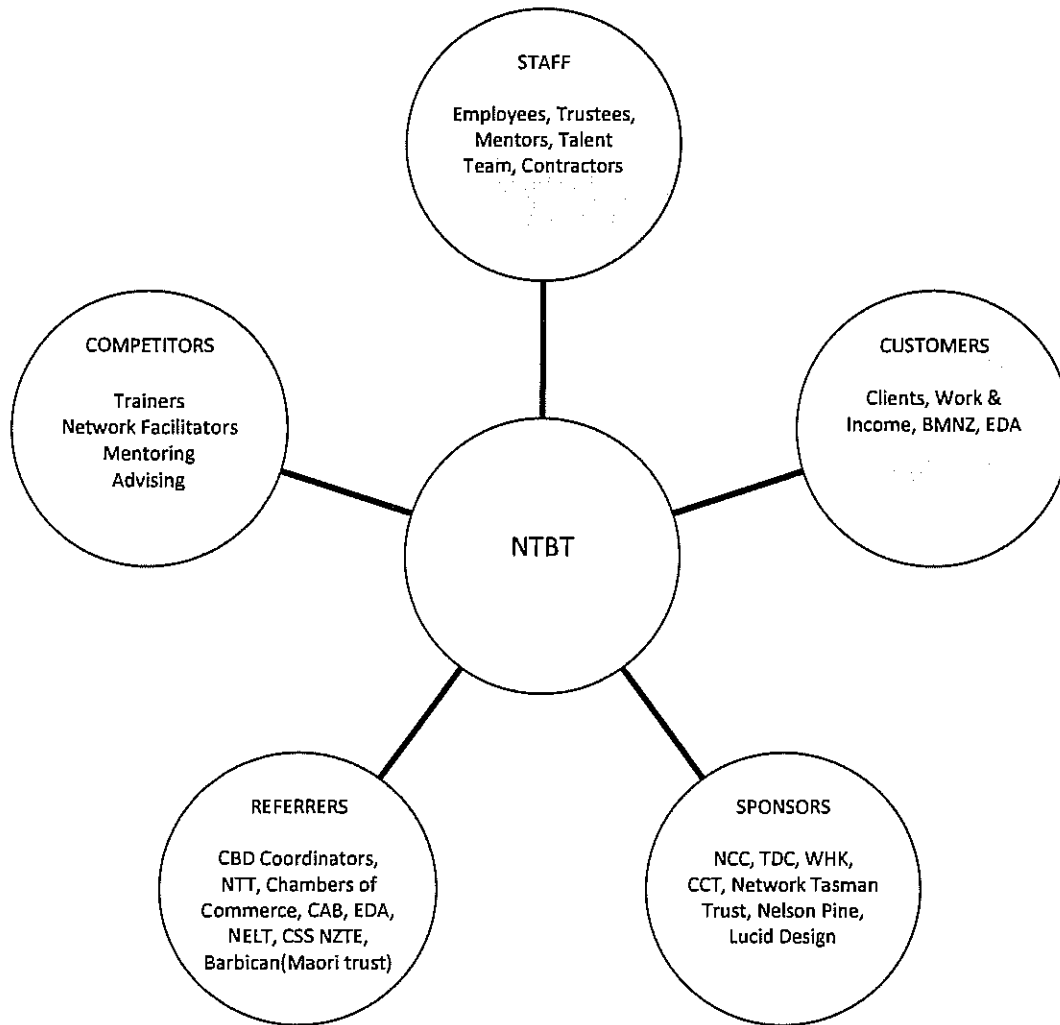
NTBT is a non-profit Incorporated Society formerly under the name "Nelson Small Business Trust". In 2002 the name was changed to Nelson Tasman Business Trust to better reflect the regions served by the Trust. The Trust was registered as a Charitable Trust in 1998. In October 2011 Trustees decided to voluntarily remove the Trust from the Charities Register following legislative changes initiated by the Charities Commission. NTBT remains a not for profit incorporated Society with tax exemption status with IRD.

The key elements of NTBT's activities have historically focused on providing free, confidential, independent assistance to new and existing start up and small to medium business in the Nelson region. The Trust Deed identifies objectives that include, providing activities for the relief of poverty through employment opportunities or provision of training and other assistance, providing advice and assistance on the establishment and operating of enterprises and training opportunities for the unemployed.

NTBT is significantly supported by Nelson City Council, Tasman District Council, other funders and contract purchasers to provide business assistance to Start Up and SMEs in the Nelson region. Whilst currently holding adequate reserves to operate for up to one financial year, ongoing access to funding is a key objective. Because one of NTBT's key aims has been to provide free assistance the opportunity to charge clients is not considered appropriate.

NTBT staff liaise regularly with other key business support agencies and monthly formal meetings are also held. Currently there are a number of agencies providing complimentary services. Whilst NTBT operates within the Nelson Tasman region the influence of both regional and national stakeholders such as Business Mentors New Zealand (BMNZ) is significant.

NTBT also provides a service in the Marlborough region, as an agency for BMNZ and also for WINZ clients accessing Enterprise Allowance to support them while becoming self-employed.



Similarly a number of regional strategies and initiatives have an influence on NTBT's mission and operations. These include, but are not limited to the following.

- Nelson Tasman Regional Economic Development Strategy
- Arts Strategy
- Health and Wellbeing Strategy
- Nelson Tasman Tourism Strategy
- Sustainability Action Plan

## Stakeholders

As identified in NTBT's operating context a number of stakeholders have significant influence on objectives and activities of NTBT.

<b>Stakeholders</b>	
<b>Competitors:</b>	
<p>Advisors:</p> <ul style="list-style-type: none"> <li>• Business.govt.nz</li>   <li>• Private sector business advisors</li>   <li>• Government agency resources</li> </ul>	<p>This is the main government Business Information Portal providing detailed information and resources for all stages and areas of business</p> <p>This information largely replaces the Biz service. The Nelson Tasman and Marlborough Chamber of Commerce provide a limited service for business startup enquiries. They are mainly involved in the Regional Partnership with NZTE and EDA to provide business assessments and training for Capability Development</p> <p>There are many business advisory service providers both long standing and more recently established. Currently there are 15 listed in the Yellow Pages. There is no one industry standard setting body ensuring an appropriate level of professionalism and expertise.</p> <p>Many government agencies are providing business advice such as IRD, NZTE, DOL and other website information sources.</p>
<p>Mentoring:</p> <ul style="list-style-type: none"> <li>• Private business mentors/advisors</li>   <li>• Te Puni Kokiri</li>   <li>• Institute of Accredited Business Consultants (NZ)</li>   <li>• NTBT</li> </ul>	<p>Many private sector business advisors deliver business mentoring. Business mentors are included in "Coaches" in the Yellow Pages and there are currently 8 Coaches who appear to also be able to provide business mentoring within the Nelson region.</p> <p>Te Puni Kokiri offers information and services to assist with developing and strengthening capacity within Maori communities. Its Business Facilitation Service is a free service for Maori interested in starting up a business or wanting to improve an existing business. Susan Piket of Barbican Training Centre is the regional contact.</p> <p>The Institute provides leadership in the professional development and accreditation of business consultants. Its accredited mentors have been through a rigorous evaluation and approval process. Currently the presence in the Nelson region is not high.</p> <p><i>Currently NTBT has 101 accredited BMNZ mentors and is the sole BMNZ agency in the top of the South with an area covering Tasman, Nelson and Marlborough. NTBT holds a BMNZ A rating and has continually achieved very high client satisfaction feedback responses in the quarterly KPMG surveys. In the 12 month period ending 30<sup>th</sup> June 2012, 133 businesses were assisted by a mentor.</i></p>

<p>Network facilitating:</p> <ul style="list-style-type: none"> <li>• Her Business network</li> <li>• Business Networks International (BNI)</li> <li>• NTCC After Fives</li> <li>• IOD</li> <li>• Maori Business Network</li> <li>• BNZ Networking</li> <li>• <i>NTBT</i></li> </ul>	<p>This group has been put on hold. Regular meetings for women in business. Membership plus event fees apply. High profile speakers.</p> <p>An international network with a well established group in Nelson who meets weekly to network and refer fellow member businesses. A second group has recently been established due to demand. A significant membership fee applies.</p> <p>NTCC facilitates monthly both After Fives and Women's After Fives which are held in member business premises providing promotional opportunity. These are generally well attended and there is no cost to attend (non members are invited to 2 or 3 before invited to consider NTCC membership)</p> <p>The Nelson Marlborough IOD branch facilitates speaker/network meetings in Nelson and in Marlborough about every 6 weeks. High profile speakers presenting information relevant to directors. IOD membership fees are significant. Members and non-members are invited to functions at a cost.</p> <p>A significant number of Maori business owners are members and network regularly through the Maori Business Network which has a high profile in the region. This network also provides mentoring for its members.</p> <p>BNZ organize a series of monthly network meetings, Tuesday evening and a Women's group on a Wednesday am. These are free and open to all, with similar format to NTBT meetings.</p> <p><i>540 clients attended the monthly NTBT network meetings throughout 2011-12. The Biz Net Monday evening meetings (343 attendees) have relevant local volunteer business people speaking on relevant topics. The Tuesday morning meetings (101 attendees) are for people starting out in business. NTBT launched the Lunch &amp; Learn series – a one hour lunchtime session featuring a local speaker.</i></p>
<p>Training:</p> <ul style="list-style-type: none"> <li>• Barbican Training Centre</li> <li>• NTCC</li> <li>• BDC</li> <li>• NMIT</li> </ul>	<p>Barbican Training Centre specialise in business planning, mentoring, and training and support services to small-medium sized businesses across the Nelson Marlborough region (Te Tau Ihu). Barbican holds contracts with a number of government agencies to deliver free courses in the region.</p> <p>NTCC facilitate training such as the annual Aspire day to which many new and existing business owners attend. As part of the regional partnership, they provide Capability Business assessments and Where to Workshops to access government funding for SME training.(50% discount). Training options and providers are accredited to deliver approved courses and individual mentoring.</p> <p>BDC provides fee paying Business Skills Training and management assistance.</p> <p>A range of qualifications covering business, business administration and business IT are delivered in Nelson and Marlborough.</p>

<ul style="list-style-type: none"> <li>• Community Education</li>   <li>• WHK</li>   <li>• NTBT</li> </ul>	<p>Evening community education courses through Nayland, Waimea and Motueka colleges regularly cover business, bookkeeping and marketing subjects. These are inexpensive to attend and usually run in the evenings for several weeks.</p> <p>Training seminars are facilitated for WHK clients and for non-members. The client courses are low or no cost whilst the non-client courses have higher attendance costs. These cover a wide range of business topics and are well advertised and attended.</p> <p><i>NTBT delivers a Startup course for people considering going into business and self employment. Historically these have been funded through NZTE who contracted BDC as their Lead Provider. When this funding ceased NTBT committed to fund these courses and continue to provide them free to clients. NTBT fund 4 courses a year, facilitated by Barbican Training Center.</i></p> <p><i>NTBT also delivers the Work and Income's "Be Your Own Boss" courses for their clients.</i></p>
<p><b>Customers:</b></p>	
<p>Business Mentors New Zealand</p>	<p>Business Mentors New Zealand draws on the skills and experience of business people from a diverse range of fields including sales and marketing, general management, finance and accounting, administration, manufacturing, production and distribution, human resources, legal, international trade and export, and technology. The Mentors volunteer their time and are committed to sharing their skills, knowledge and experience. Businesses employing less than 25 full-time employees and providing the owner's primary source of income are eligible to apply for a business mentor. There is no longer a minimum time of operation.</p> <p><i>NTBT is the only BMNZ agency for the Nelson Marlborough region</i></p>
<p>Clients</p>	<p><i>NTBT assisted 316 clients in 2011-12 with 574 referrals, and over 133 mentor matches. The demand for services has increased steadily. The number of business clients from Tasman and Marlborough continues to increase.</i></p>
<p>EDA</p>	<p>The EDA contracts the ongoing administration of the Nelson Business Directory to NTBT on an annual basis. This database has existed for a number of years; it is updated monthly. Due to competing online search engines, the database is now limited in its value, and the contract will be terminated after 30<sup>th</sup> June 2013, with a loss of \$2 500 income.</p>
<p>Work and Income</p>	<p>For people receiving government assistance, or with special needs or ill, Work and Income may provide help with business training, advice or start-up funding.</p> <p>NTBT is contracted to provide the Getting Into Self Employment and Be Your Own Boss training courses in the Nelson Tasman region. Marlborough clients are also referred to NTBT for face to face and telephone support.</p> <p><i>51 meetings were organized with WINZ clients in 2011-12. The number of referrals from WINZ has been gradually reducing each year to their slow processes in dealing with applications.</i></p>

<b>Referrers:</b>	
<p>CBD Coordinators:</p> <ul style="list-style-type: none"> <li>• Our Town Motueka</li> <li>• Richmond Unlimited</li> <li>• Uniquely Nelson</li> </ul>	<p>Our Town Motueka is the representative organisation for events and activities within the Motueka township. They are the voice of non-tourism businesses within the Motueka town boundaries.</p> <p>Richmond Unlimited is the business voice for all businesses in the central business area of Richmond. Its objective is to promote Richmond as the most convenient and appealing destination – for shopping, service, or to establish a new business</p> <p>Uniquely Nelson promotes the Nelson CBD to current and potential customers, thereby increasing retail spend in the Nelson economy. Uniquely Nelson works closely with other stakeholders to assist them in promoting the wider region and providing specialised business support and mentoring. Uniquely Nelson is the communication conduit to effectively relay key messages between the CBD and other stakeholders.</p>
Maori Business Network	The active Maori Business Network refers clients to NTBT for assistance and receives referrals of Maori business owners who seek networking and or mentoring assistance
Nelson Enterprise Loan Trust	NELT assists new and emerging businesses by giving them access to capital. They support socially and environmentally responsible enterprises that generate employment and allow skills and profit be retained in the region.
Nelson Regional Economic Development Agency	The Nelson Regional Economic Development Agency (EDA) was established in 2004 to develop a strategy for economic growth in the Nelson region at the top of the South Island of New Zealand. The EDA works to develop the regional economy and to coordinate, promote, facilitate, investigate, develop, implement, support and fund initiatives relating to economic development, employment growth and improved average incomes.
Nelson Tasman Chamber of Commerce (NTCC)	<p>The role of the Nelson Tasman Chamber of Commerce is to inspire and influence business vitality in the Nelson Tasman Region. This help comes in the form of five business boosters, a collection of services that will help improve the vitality of business.</p> <p><i>NTBT is a member of NTCC and sits on the Nelson Business Group.</i></p>
Marlborough Chamber of Commerce (MCOC)	<p>The Marlborough Chamber is an active provider of business support, networking and education for businesses in the region, through networking, featured speakers and regular newsletters.</p> <p><i>NTBT is a member of MCOC.</i></p>
Nelson Tasman Tourism	The mission of Nelson Tasman Tourism is to market and develop the Nelson Tasman region as a visitor

	destination, providing a quality experience to visitors, achieving economic and social benefits for suppliers, businesses and the community and ensuring the integrity of the region's environment is maintained
New Zealand Trade & Enterprise	NZTE supports business in New Zealand through a range of programmes that include training, exporter guidelines, the Industry Capability Network (Australia and New Zealand), funding, resources, and sector targeted programs. The Nelson Marlborough regional office provides NZTE presence in the region and the staff work primarily with exporting and sector specific businesses. Direct support to SME's and Start Ups has become less of a priority.
The Regional Partnership	Includes the Nelson Regional EDA, NZTE, Nelson Tasman Chamber and Marlborough Chamber of Commerce. They provide Capability Development, Global Experts and R&D Funding through TechNZ.
Government Agencies	IRD, DOL, ACC, CAB, NCC, TDC, MDC provide mostly online resources, and some training (IRD)
<b>Sponsors:</b>	
Canterbury Community Trust (CCT)	The CCT has the purpose of providing charitable, cultural, philanthropic and recreational benefits to the community. The CCT has provided annual grants to NTBT for some time and the relationship is positive. NTBT attends and at times features as a speaker at the CCT funders' forum.
Nelson Pine	Nelson Pine are acknowledged national sponsors of BMNZ but provide no direct sponsorship to NTBT.
Lucid Design	Lucid provide a database management system at no charge.
Nelson City Council (NCC)	NCC has been the significant funder of NTBT since its establishment. The current agreement covers July 2011 to June 2015. The agreed service delivery for this funding covers: <ul style="list-style-type: none"> <li>• Providing a Shop Front service for access to information on services for start up and small business in the Nelson region</li> <li>• Offering confidential one to one consultation at no charge to discuss business needs, opportunities and resources</li> <li>• Providing an integrated package of support services for start up and small businesses in the Nelson region incorporating Be Your Own Boss, Business Startup Workshops, Business Mentoring, Business Network Meetings and other business support services</li> <li>• Provide support to at least 400 SMEs in the Nelson Region annually and: <ul style="list-style-type: none"> <li>○ Provide referrals to other business support services</li> <li>○ Match local businesses with Mentors</li> <li>○ Assist people to learn about best business practice</li> <li>○ Arrange monthly meetings which provide a forum for business owners to meet and exchange ideas and benefit from the opportunity to network</li> </ul> </li> </ul> <p>Acknowledge NCC's support for the Trust in all publicity material and advertising</p>



	<p>Provide council with an annual business plan each February for the following financial year Provide council with an annual report on the Trust's activities, including a summary of performance against the objectives of the business plan</p> <p>NCC's long Term Council Community Plan has identified a number of Community Outcomes and goals for Nelson and in particular:</p> <ul style="list-style-type: none"> <li>• A strong economy – We all benefit from a sustainable innovative and diversified economy.</li> </ul> <p>Council's Priorities</p> <ol style="list-style-type: none"> <li>1. Putting Nelson's regional identity on the radar</li> <li>2. Sustainability, particularly environmental sustainability</li> <li>3. Sustainable economic development</li> <li>4. Nelson as a centre for arts creativity</li> <li>5. Building and maintain strong relationships with Maori</li> <li>6. Safeguarding and promoting our heritage</li> <li>7. Regional programs, working co-operatively with Tasman District Council</li> <li>8. Development of community facilities</li> </ol> <p><i>NTBT contributes to these priorities and in particular towards the goal of building a strong economy</i></p>
Network Tasman Trust	Funding towards specific projects has been provided by NTT .
Tasman District Council (TDC)	<p>TDC has supported NTBT over a number of years: <i>NTBT contributes to the TDC's LTCCP, specifically to:</i></p> <ul style="list-style-type: none"> <li>• <i>Outcome 6: Our diverse community enjoys access to a range of spiritual, cultural, social, educational and recreational services</i></li> <li>• <i>Outcome 7: Our participatory community contributes to district decision making and development.</i></li> <li>• <i>Outcome 8: Our growing and sustainable economy provides opportunities for us all</i></li> </ul> <p><i>39% of the 316 NTBT clients are based in the Tasman region and 39 of the Mentors are TDC ratepayers. The monthly Business Network meetings attract attendees from throughout the district including Golden Bay. As a region recognised as one of the fastest growing economies in New Zealand NTBT's service will continue to need support for the high number of business referrals assisted annually from Tasman.</i></p>
WHK	WHK have provided accountancy and payroll assistance to NTBT for a number of years. In addition a number of WHK staff have been Mentors, Talent Team members and attend network meetings.
<b>Staff:</b>	

Contractors	Work & Income training in Motueka is contracted to Carol Maxwell, the Enterprise facilitator Start Up courses are contracted to Barbican Consulting, and funded from NTBT reserves.
Employees	Two part time staff are employed by NTBT, a Manager and an Administrator
Mentors	There are 101 registered BMNZ Mentors. All have been assessed as suitable and skilled and approved by BMNZ. The majority have attended accreditation.
Talent Team	There are 45 business professionals on the Talent Team.
Trustees	Eight Trustees make up the NTBT board; all are in business or have had significant business experience. Trustees include Councillor representation from Nelson City Council and Tasman District Council.

## **Wider External Analysis – PESTEL**

### **Political**

- Central government influencing support resources and regulations for businesses
- Local government changes to priority focus
- Nelson City Council and Tasman District Council interactions – two councils

### **Economic**

- Current challenging economic climate and struggling businesses
- Effect of Earthquake, natural disaster on the local and NZ economy
- Increased number of people pursuing self employment and starting up in business

### **Social**

- Ageing population
- Increasing levels of unemployment
- Strong arts and historic culture, and the Arts Strategy
- Increased customer service expectations
- Skilled migrants and retired experienced business people attracted to the region

### **Technological**

- Many government funded SME support programs now provided online only
- ICT development through the Nelson Marlborough info Region initiative
- Increased number of ICT enterprises
- Increased business uptake of technology advances

### **Environmental**

- Sustainability of natural resources
- Carbon reduction scheme
- Climate protection program

### **Legal**

- Business obligations and regulations
- Increased consumer litigation

## **Internal Analysis - McKinsey's 7 S's**

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## **Strategy**

NTBT has always focused on key activities of providing free, confidential, independent assistance to new and existing start up and small to medium business in the Nelson region.

## **Systems**

NTBT has streamlined well established systems since its inception. Administration is well managed and a highly competent Administrator being employed. Financial reporting and accounting systems are in place with the engagement of WHK accounting firm managing payroll and accountancy services. Annual audit reviews are undertaken by a third party to align with annual reporting to key stakeholders. The Board meets monthly as in line with the constitution.

## **Style**

NTBT operates in a flexible, adaptive style where the Board and Manager communicate regularly and openly. Board meetings are relatively informal whilst following appropriate governance practice. There is an open door culture between staff and Mentors and Talent Team members. Clients are made to feel welcome within a professional business environment that reflects appropriate business operational practice.

## **Shared values**

NTBT has maintained a commitment to valuing independence, assurance of confidentiality, access to free individualised consultations, business advice and support, and to the value of Start Up and SME's within the Nelson region. Staff and Trustees maintain standards that reflect these values and ensure all Mentors and Talent Team members reflect the same values. Mentors and Talent Team members must confirm adhering to strong confidentiality practices in all dealing with NTBT clients

## **Structure**

NTBT is a very small entity with a flat structure with flexibility due to the part time nature of the employees, and close reporting between the Manager directly to the Chairman.

Located in the Nelson CBD and in modern premises alongside complementary business support agencies (EDA, NZTE, NTT) positions NTBT well to meet with clients.

Administration is well managed in a small two person office, with access to a confidential interview room and a larger well resourced meeting room for Board meetings.

## **Staff**

NTBT employs two part time staff (a Manager and an Administrator). Delivery of courses contracted with Work and Income are subcontracted out and there is a long standing relationship with Barbican Consulting who delivers the Start Up courses.

101 Business Mentors are engaged and there are 45 professional Talent Team members. A number of these are located in Marlborough which is under the jurisdiction of the NTBT agency area.

The board is made up of eight experienced business people representing a cross section of business sectors. All have a strong commitment to the objectives of NTBT and volunteer their time and skills to meet at monthly Board meetings and other NTBT functions.

## **Skills**

NTBT staff are experienced and professional, and undertake training and development for their roles. All Trustees are in or have been in business themselves and come from a well informed perspective. Their experience covers a wide range of industries and roles from management and governance. Mentors and Talent Team members are carefully selected for their appropriate skills, experience and professionalism.

NTBT Business Mentors are taken through a rigorous recruitment process to ensure they have the expertise, professionalism and experience to act in their role. Mentors have or will be required to complete the comprehensive training provided by BMNZ to become accredited Mentors.

All Talent Team members are highly experienced professionals recognised in their own fields.

## **SWOT**

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### **Strengths**

- Small and flexible entity
- Excellent office facilities and location
- Upgraded NTBT website and services
- Significant volunteer contribution from Trustees, Mentors, Talent Team, speakers and sponsors
- Strongly committed staff
- Trustees all experienced business professionals
- Accredited Business Mentors
- Excellent A rating as BMNZ Agency for Nelson Marlborough
- Non-profit organization for the good of the community
- Positive support and sponsor relationships
- Ability to provide neutral, personalised free advice

### **Weaknesses**

- Limited resources
- Ongoing confirmation of funding
- Maintaining an effective Business Mentoring profile and service in Marlborough
- Keeping up to date with new technology, social media etc.

### **Opportunities**

- Nelson region as an attractive place to live and operate a business
- Tourism and Arts strategies providing opportunities for businesses within these sectors
- Working closely with referral agencies
- Regular networking with other business support agencies.
- Increased unemployment and number of individuals going into business
- Greater demand for services in Tasman and Marlborough
- More businesses seeking advice and support during this economically challenging time
- Enhance business operations through technology.

### **Threats**

- Economic climate and greater difficulty accessing operating funding
- Numerous organisations existing in the region and roles and points of difference confusing for clients
- Competing business advisors, mentors and network providers
- Competing business databases with the Nelson Business Directory
- Increasing level of business support resource going into websites rather than one to one consultation services
- Change of Council Policy
- Contracted course delivery could bypass NTBT and go directly between BDC or Work and Income with the course deliverer
- Competitors wishing to secure the BMNZ Nelson agency contract
- NTBT personnel and volunteers leaving the entity

## **NTBT Strategy**

Building on key strengths and opportunities and recognising its role to work with other organisations, initiatives, policies and procedures, NTBT will focus on the provision of professional, objective, accessible

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confidential assistance and support to Start Up and SMEs. These will be primarily around consultations, training, mentoring and networking. Clients will also be made aware of opportunities arising through the Economic Development Strategy, Tourism Strategy, Health and Wellness and Sustainability awareness.

Key points of difference will be clearly communicated through an ongoing promotional strategy. These will highlight the professionalism and accreditation of those volunteering their skills to NTBT clients.

## NTBT Vision

Startup and SME's in Nelson Tasman and Marlborough regions accessing appropriate assistance to operate profitably, effectively and sustainably. NTBT clients will be informed, motivated and connected.

## NTBT Mission

NTBT will provide independent, professional, confidential, objective, accessible, effective assistance to Start Up and SMEs in Nelson Tasman and Marlborough – individual meetings, business mentoring and regular network meetings.

## NTBT Objectives 2013 - 2014

With a priority focus on Start Up and SMEs, NTBT will:

1. Provide a one to one, confidential advice service to business owners to include:
  - a. Referrals to appropriate support and resources
  - b. Business plan development assistance
  - c. Opportunities to network with other SME owners.
  - d. Awareness of opportunities through economic, tourism, and service excellence strategies, health and wellbeing and sustainability awareness
2. Provide professional business startup training courses
  - a. Increase the number of courses provided
3. Provide networking opportunities for startup and existing SME business owners
  - a. Increase the number of networking opportunities
4. Provide professional Business Mentoring and Talent Team expertise
  - a. Recruit and maintain a pool of professional experienced Business Mentors and Talent Team members
  - b. Provide networking and professional development opportunities for Mentors
  - c. Raise the profile and uptake of the Business Mentoring service.
5. Liaise with other business support agencies and stakeholders
6. Build and maintain positive relationships with sponsors
  - a. Monitor and report on demand for services
7. Promote the NTBT brand
  - a. Develop and implement an ongoing promotional strategy
8. Secure ongoing financial resources
  - a. Access additional funding through new opportunities and funders
  - b. Maintain satisfaction with current funding bodies
9. Demonstrate high standards of governance and operational best practice.
10. Develop our service to accommodate an increase in demand due to the challenging economic climate.

## Glossary

ACC

Accident Compensation Cover

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BDC	Business Development Company
BNI	Business Network International
CAB	Citizens Advice Bureau
CBD	Central Business District
CCT	Canterbury Community Trust
DOL	Department of Labour
EDA	Nelson Regional Economic Development Agency
EDANZ	Economic Development Association of New Zealand
IOD	Institute of Directors
IRD	Inland Revenue Dept.
MCOC	Marlborough Chamber of Commerce
NCC	Nelson City Council
NELT	Nelson Enterprise Loan Trust
NTBT	Nelson Tasman Business Trust
NTCC	Nelson Tasman Chamber of Commerce
NTT	Nelson Tasman Tourism
NZTE	New Zealand Trade & Enterprise
SMEs	Small and Medium Enterprises
TDC	Tasman District Council
WHK	WHK



# NELSON TASMAN BUSINESS TRUST

## BUSINESS PLAN

2013 - 2014



# NELSON TASMAN BUSINESS TRUST (NTBT)

## BUSINESS PLAN 2013 – 2014

NTBT has been in existence for over twenty years, providing support to Start Up and Small Medium Enterprises (SMEs) across Nelson and Tasman. The key focus has continued to be around neutrality, access to free support, confidentiality and professionalism of the individuals and the assistance provided.

The NTBT Trustees and staff have taken into account the external environment and their own internal operations, strengths and weaknesses to confirm the 2013 – 2014 Business Strategy. This Strategy covers the period from February 2013 through until 31 January 2014 at which time it will be reviewed and revised accordingly.

### Context

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NTBT is significantly supported by Nelson City Council, Tasman District Council, other funders and contract purchasers to provide business assistance to Start Up and SMEs in the Nelson region. Whilst currently holding adequate reserves to operate for up to one financial year, ongoing access to funding is a key objective. Because one of NTBT's key aims has been to provide free assistance the opportunity to charge clients is not considered appropriate.

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NTBT also provides a service in the Marlborough region, as an agency for BMNZ and also for WINZ clients accessing Enterprise Allowance to support them while becoming self-employed.

### NTBT Strategy

Building on key strengths and opportunities and recognising its role to work with other organisations, initiatives, policies and procedures, NTBT will focus on the provision of professional, objective, accessible confidential assistance and support to Start Up and SMEs. These will be primarily around consultations, training, mentoring and networking. Clients will also be made aware of opportunities arising through the Economic Development Strategy, Tourism Strategy, Health and Wellness and Sustainability awareness.

The NTBT brand will be clearly communicated through relevant promotional material. These will highlight the professionalism and accreditation of those volunteering their skills to NTBT clients.

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## NTBT Vision

Start up and SME's in Nelson Tasman and Marlborough regions accessing appropriate assistance to operate profitably, effectively and sustainably. NTBT clients will be informed, motivated and connected.

## NTBT Mission

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2. Provide professional business start up training courses
  - a. Increase the number of courses provided
3. Provide networking opportunities for start up and existing SME business owners
  - a. Increase the number of networking opportunities
4. Provide professional Business Mentoring and Talent Team expertise
  - a. Recruit and maintain a pool of professional experienced Business Mentors and Talent Team members
  - b. Provide networking and professional development opportunities for Mentors
  - c. Raise the profile and uptake of the Business Mentoring service.
5. Liaise with other business support agencies and stakeholders
6. Build and maintain positive relationships with sponsors
  - a. Monitor and report on demand for services
7. Promote the NTBT brand and mission
  - a. Develop and implement relevant promotional material
8. Secure ongoing financial resources
  - a. Access additional funding through new opportunities and funders
  - b. Maintain satisfaction with current funding bodies
9. Demonstrate high standards of governance and operational best practice.
10. Develop our service to accommodate an increase in demand due to the challenging economic climate.

## Objectives:

Objective	Goals	Measures
<p>1. Provide a one to one confidential advice service to business owners to include:</p> <p>a. Referrals to appropriate support and resources</p> <p>b. Business plan development assistance</p> <p>c. Opportunities to network with other SME owners</p> <p>d. Awareness of opportunities through economic, tourism, and service excellence strategies, health and wellbeing and sustainability awareness</p>	<ul style="list-style-type: none"> <li>• Clients referred to appropriate agencies and support</li> <li>• Clients developing effective business plans</li> <li>• SME owners have effective network opportunities</li> <li>• SMEs in arts, tourism, service, accommodation, retail and other sectors have plans to utilise potential opportunities within their sector</li> </ul>	<ul style="list-style-type: none"> <li>• Benchmark numbers of referrals per month</li> <li>• Benchmark numbers of clients provided with business planning assistances per month: <ul style="list-style-type: none"> <li>○ New clients</li> <li>○ Repeat clients</li> <li>○ Start up businesses</li> <li>○ Existing businesses</li> </ul> </li> <li>• Benchmark numbers of meetings and attendees</li> <li>• Benchmark attendees evaluations at each meeting</li> <li>• Benchmark numbers of referrals to relevant opportunities</li> <li>• Feedback from other stakeholders regarding referrals</li> </ul>
<p>2. Provide professional business Start Up training courses</p> <p>a. Increase the number of courses provided</p>	<ul style="list-style-type: none"> <li>• Clients attend courses and made aware of appropriate steps required to start up business.</li> <li>• Nelson Tasman clients considering business start ups able to attend courses and be made aware of appropriate steps required to start up business.</li> </ul>	<ul style="list-style-type: none"> <li>• Benchmark numbers of training courses and attendees per year</li> <li>• Benchmark numbers of training courses and attendees per year in Nelson Tasman</li> <li>• Benchmark attendee evaluations at each course</li> <li>• Feedback from course funders (Work and Income)</li> <li>• Feedback and ongoing commitment from NCC and TDC</li> </ul>

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<p>3. Provide networking opportunities for start up and existing SME business owners</p> <ul style="list-style-type: none"> <li>a. Increase the number of networking opportunities</li> <li>b. Increase the number of local presenters</li> </ul>	<ul style="list-style-type: none"> <li>• Clients able to attend networking opportunities with other SME business owners.</li> <li>• Locals able to attend networking opportunities with other SME business owners.</li> <li>• Local speakers able to practice their skills and network with local businesses</li> </ul>	<ul style="list-style-type: none"> <li>• Benchmark numbers of networking opportunities and attendees per year</li> <li>• Benchmark attendee evaluations at each meeting, and annually</li> </ul>
<p>4. Provide professional Business Mentoring and Talent Team expertise in Nelson, Tasman and Marlborough</p> <ul style="list-style-type: none"> <li>a. Recruit and maintain a pool of professional experienced Business Mentors and encourage assistance from Talent Team members</li> <li>b. Provide networking and professional development opportunities for Mentors and Talent Team members</li> <li>c. Raise the profile and uptake of the Business Mentoring service</li> </ul>	<ul style="list-style-type: none"> <li>• Clients able to access appropriate Business Mentor assistance</li> <li>• A wide ranging pool of professional business mentors available to work with Clients</li> <li>• Mentors supported and up skilled through networking, training and accreditation</li> <li>• SME owners able to access appropriate Business Mentor assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Benchmark number of Client Mentor matches</li> <li>• Benchmark and monitor client satisfaction KPMG ratings</li> <li>• Maintenance of high BMNZ ratings</li> <li>• Benchmark number of active and on hold Business Mentors</li> <li>• Benchmark number of accredited Business Mentors</li> <li>• Benchmark numbers of <ul style="list-style-type: none"> <li>○ Business Mentors network opportunities and attendees</li> <li>○ Business Mentors training opportunities and attendees</li> <li>○</li> </ul> </li> <li>• Monitor feedback from Business Mentors and Talent Team</li> <li>• Benchmark numbers of Business Mentors, Client – Mentor matches.</li> </ul>

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<p>5. Liaise with other business support agencies and stakeholders</p>	<ul style="list-style-type: none"> <li>• Effective communication and collaboration with other business support agencies</li> <li>• Minimisation of duplication of services provided</li> <li>• Clarity of points of difference to enable Clients to readily identify and access appropriate support</li> </ul>	<ul style="list-style-type: none"> <li>• Number of meetings with identified parties</li> <li>• Number of joint initiatives with identified parties</li> <li>• Feedback from Clients regarding ease and clarity of access to support</li> </ul>
<p>6. Build and maintain positive relationships with sponsors a. Monitor and report on demand for services</p>	<ul style="list-style-type: none"> <li>• Effective relationship established and maintained with current and new sponsors</li> <li>• Sponsors kept well informed on NTBT achievements, developments and future opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• Benchmark number of sponsors and level of sponsorship per year</li> <li>• Benchmark length of sponsorship relationships</li> <li>• Benchmark number of communications with each stakeholder</li> <li>• Evaluate sponsors feedback</li> </ul>
<p>7. Promote the NTBT brand and mission a. Develop and implement relevant promotional material</p>	<ul style="list-style-type: none"> <li>• Clients made aware of and accessing services of NTBT</li> </ul>	<ul style="list-style-type: none"> <li>• Benchmark numbers of Clients per month and annually</li> <li>• Feedback from Clients on how they were made aware of NTBT services</li> <li>• Number of promotional campaigns and activities</li> <li>• Number of networking events which NTBT is represented at each year</li> <li>• Annual expenditure levels on advertising and promotions</li> </ul>
<p>8. Secure ongoing financial resources  a. Access additional funding through new opportunities and funders</p>	<ul style="list-style-type: none"> <li>• Ability to operate effectively based on sustainable revenue sources</li> <li>• New funding streams secured</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly and annual financial positions</li> <li>• Ability to remain solvent at all times</li> <li>• Operating within approved annual budget</li> <li>• Unqualified opinions on annual audit reports</li> <li>• Benchmark levels of new revenue streams each year</li> </ul>

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<p>b. Maintain satisfaction with current funding bodies</p>	<ul style="list-style-type: none"> <li>Ongoing funding commitments from current funders</li> </ul>	<ul style="list-style-type: none"> <li>Benchmark level and term of commitment with current funding bodies</li> <li>Feedback from funding bodies</li> </ul>
<p>9. Demonstrate high standards of governance and operational best practice</p>	<ul style="list-style-type: none"> <li>NTBT recognised as a good employer.</li> <li>NTBT staff remain committed to objectives</li> <li>NTBT will demonstrate high standards of governance practice.</li> </ul>	<ul style="list-style-type: none"> <li>Staff performance conducted.</li> <li>Staff turnover levels</li> <li>Staff satisfaction feedback</li> <li>Regularity of staff meetings</li> <li>Unqualified opinion on annual audit reports</li> <li>annual budgets set, approved and operated within</li> <li>Annual board evaluation processes</li> </ul>
<p>10. Develop our service to accommodate an increase in demand due to the challenging economic climate.</p>	<ul style="list-style-type: none"> <li>Mentors and Staff made aware of information, resources and training</li> </ul>	<ul style="list-style-type: none"> <li>Appropriate services developed</li> <li>Feedback from business community and other agencies.</li> </ul>

# Operating Framework

## Background

NTBT, formerly the Nelson Small Business Trust is a well-established non-profit organisation. Those associated with the Trust have believed there exists a need for confidential, objective, individual, free support and assistance to those wanting to establish and/or continue operating a Small Medium Enterprise (SME).

Significant demand for services has always existed, fluctuating at times in line with economic and social trends.

Primary funding support has been provided by Nelson City Council (NCC) and other funding has been obtained from Tasman District Council and Canterbury Community Trust. Despite this generous support NTBT has continually needed to focus on securing revenue from funding bodies to ensure it remains solvent and can continue to provide a free service

NTBT has utilised the volunteer commitment of many individuals who also recognised this need, such as Business Mentors, Talent Team professionals and others. This has included much in-kind support from other businesses providing free services towards the operations such as website, meeting facilities, Network speakers etc.

Governance expertise from experienced business Trustees has always been volunteers and staff have been employed primarily on a part time basis to keep overheads minimal.

NTBT Trustees update the Trust's Strategic and Business plans annually.

## Governance and staffing

NTBT has a Board of eight members, all with significant business experience and expertise. Current Board members are:

Ian Kearney (Chairman)	Cathy Knight
Lynne Harrison	Trevor Tuffnell
Gillian Williams QSM	Rochelle Selby-Neal
Cr. Rachel Reese (NCC)	Cr. Kit Maling (TDC)

The Board Chairman is a Fellow of the Institute of Directors (IOD) and a number of the Board are IOD members. Board meetings are held monthly with an agenda, management report, financial report and minutes formally recorded.

The Board employs a part time Manager and Administrator who are both highly experienced and professional in their roles.

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## Accountability

One meeting per year is deemed the Annual Meeting where the Annual Report and audited Accounts are reported to NTBT Trustees.

Accounts and financial reporting are provided free of charge through a Chartered Accountancy firm (WHK) and audited by a third party each year.

NTBT reports to Council through the Executive Manager, Support Services, Nelson City Council.

Monthly financial position and performance statements are presented to the Board at each meeting.

## Finances

Forecast Budgets –2012/13, 2013/14, 2014/15

<b>INCOME</b>	<b><u>2012/13</u></b>	<b><u>2013/14</u></b>	<b><u>2014/15</u></b>
Operational Funding	\$ 32 936	\$ 30 000	\$ 30 000
Overhead Funding	\$ 72 649	\$ 76 000	\$ 78 000
<b>Total Income</b>	<b>\$105 585</b>	<b>\$106 000</b>	<b>\$109 000</b>
<b>EXPENDITURE</b>			
Operational	\$ 13 700	\$ 16 000	\$17 000
Administration Overheads	\$ 90 008	\$ 90 000	\$91 000
<b>TOTAL EXPENSES</b>	<b>\$105 519</b>	<b>\$106 000</b>	<b>\$108 000</b>
<b>Cash Surplus (Deficit)</b>	<b>\$ 66</b>	<b>\$ -</b>	<b>\$ -</b>

Notes: This budget has been derived using the expected budget for funding for the 2012-13 year.

Non-Monetary contribution to NTBT

- a) Business Mentors contribute well over 1900 hours per annum which would have a value of at least \$190 000 if charging \$100 per hour. (Professional mentors charge up to \$280 per hour)
- b) Talent Team professionals provide free advice estimated to have a value of over \$30 000 per annum
- c) NTBT has eight Trustees who donate their time and energy. There are 11 board meetings a year lasting 1.5 hrs long with at least 5 board members attending. With other meetings relating to NTBT, if you consider their time conservatively at \$50.00 a meeting that contribution equates to \$7000 annually.

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**RECEIVED**

31 JAN 2012

NELSON CITY COUNCIL  
Records

Hugh Kettlewell  
Executive Manager Support Services  
Nelson City Council  
PO Box 645  
Nelson 7040

January 26, 2012

Re: Agreement between the Nelson Tasman Business Trust and the  
Nelson City Council

Dear Hugh

Proudly supported by:



**Nelson City Council**  
*te kaunihera o whakatū*



**NetworkTasman TRUST**

Local Agency for



**Business Mentors**  
New Zealand

Please find attached a signed copy of this agreement.

We greatly appreciate the support from the Nelson City Council and will continue to provide a valuable service for people wishing to learn more about starting and operating a successful business in the Nelson region.

Kind Regards

Sarah Holmes  
Manager  
Nelson Tasman Business Trust

Millers Acre Centre, Taha o te Awa • 2/39 Halifax Street, Nelson • PO Box 1278 Nelson  
Phone: 03 539 0824 • Fax: 03 539 0825 • Email: info@ntbt.co.nz

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## Agreement between the Nelson Tasman Business Trust and the Nelson City Council

- A. The Nelson City Council agrees to fund the Nelson Tasman Business Trust at a level of \$32,282 (plus CPI) per annum for four years (July 2011–June 2015).
- B. The funding will be increased annually by CPI based on the December quarter figures from the previous year.
- C. The Nelson Tasman Business Trust offers free, confidential, independent assistance to small to medium size businesses in the Nelson Region.
- D. The Nelson Tasman Business Trust will:
  - 1. Provide a "shop front" service where people can access information on the support services for start up and small businesses in the Nelson Region.
  - 2. Offer any local business a confidential one-to-one consultation, at no charge, to discuss individual business needs, opportunities and resources.
  - 3. Provide an integrated package of support services for start up and small businesses in the Nelson Region which incorporates the "Be Your Own Boss", "Business Start up Workshops", "Business Mentoring", "Business Network Meetings" and other business support services.
  - 4. Provide support for at least 400 small and medium sized businesses in the Nelson Region each year and:
    - Provide referrals to other business support services
    - Match local businesses with mentors
    - Assist people to learn about best business practice
    - Arrange monthly meetings which provide a forum for business owners to meet and exchange ideas and benefit from the opportunity to Network
  - 5. Acknowledge Nelson City Council's support for the Trust in all publicity material and advertising.
  - 6. Provide Council with an annual business plan each February for the following financial year.
  - 7. Provide Council with an annual report on the Trust's activities, including a summary of performance against the objectives the business plan.
- E. Payment will be quarterly in advance.

Signed for and on behalf of:

NELSON CITY COUNCIL

Signed for and on behalf of:

NELSON TASMAN BUSINESS TRUST

Chief Executive \_\_\_\_\_

**RECEIVED**  
31 JAN 2012  
NELSON CITY COUNCIL  
records

Chairperson \_\_\_\_\_

Date 20/1/12

Date 25/1/12

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## **Events Resource Consents: Return on Investment**

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

- 1.1 For Council to confirm options considered by the Audit, Risk and Finance Committee for obtaining a return on investment made in Resource Consents RM115245 and RM125012.

### **2. Recommendation**

***THAT the Council confirm that the consents (RM115245 and RM125012) are a Council investment for which a return should be sought;***

***AND THAT a fee of \$250 be charged for special events, where the event will be using the Council's Resource Consent RM125012 and Site Noise Management Plans;***

***AND THAT this charging regime be reviewed and reported back to the Audit, Risk and Finance Committee in 12 months.***

### **3. Background**

- 3.1 Report 1507232 was presented to the Audit, Risk and Finance Committee on 23 May and a copy is provided as Attachment 1.

### **4. Conclusion**

- 4.1 Following consideration of report 1507232 by the Audit, Risk and Finance Committee, the above recommendations are provided to Council.

Kath Inwood  
**Manager Community Development**

### **Attachments**

Attachment 1: Events Resource Consents: Return on Investment [1507232](#)

No supporting information follows.

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## Events Resource Consents: Return on Investment

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### 1. Purpose of Report

- 1.1 To consider options for obtaining a return on the investment made in Resource Consents RM115245 and RM125012.

### 2. Recommendation

***THAT the Committee confirm that the consents (RM115245 and RM125012) are a Council investment for which a return should be sought;***

***AND THAT a fee of \$250 be charged for special events, where the event will be using the Council's Resource Consent RM125012 and Site Noise Management Plans;***

***AND THAT this charging regime be reviewed and reported back to the Audit, Risk and Finance Committee in 12 months;***

***AND THAT this report, including its recommendations, be forwarded to Council - Governance.***

### 3. Background

- 3.1 Council has invested time and funding in obtaining two resource consents for amplified sound at events in the Open Space and Recreation Zone.
- 3.2 Consent RM115245 is a global consent to allow amplified sound in parks, for events held in the Open Space and Recreation Zone, which do not exceed the hours or noise limit rules for the Nelson Resource Management Plan.
- 3.3 Consent RM125012 is to allow special events on nominated public reserves and open spaces, and on limited occasions per year, where noise levels (relating to electrically amplified sound) breach specified rules in the Nelson Resource Management Plan. This special events consent applies to Trafalgar Park, Tahunanui Reserve, Fairfield Park,

Church Steps/1903/Upper Trafalgar Street, the Botanic, Saxton Field and Trafalgar Centre.

- 3.4 Report 1431189 was presented to the Audit Risk and Finance Committee meeting of 26 February 2013, providing an update on Resource Consent applications RM115245 and RM125012. A follow-up report (1499012) is included on the Committee's agenda for this meeting, and contains further background and updates.
- 3.5 The Council has incurred expenditure in obtaining these resource consents that will be of benefit to external parties. The resource consents will have a 10-year lifespan.

#### **4. Discussion**

- 4.1 These consents provide for events that do not comply with the Resource Management Plan across all Open Space and Recreation sites, and for more special events than permitted under the 1998 Resource Consent RM985339. Council will no longer be required to gain individual resource consents for events which are outside the numbers and locations provided for by RM985339.
- 4.2 Use of these consents by external event organisers will enable them to run events and comply with Resource Management Plan requirements without the need to obtain their own resource consent.

#### **Return on Investment**

- 4.3 There are a number of ways in which Council can obtain a return on its investment.

#### **Hire Fees**

- 4.4 An option for long-term return on investment would be to raise fees for events on Council land and facilities. The level of fee rise required to obtain a 100% return on investment over **five years** would incur an **8%** year-on-year increase in fees over and above the Consumer Price Index (CPI) increases that are already applied across all open space and recreation sites. Over **ten years** this would be an increase of **4%** year-on-year over and above CPI.
- 4.5 However setting higher rental fees indiscriminately across all parks is not favoured by officers, as many Council park users do not use amplified sound.
- 4.6 Additionally, fees and charges are based on a variety of factors including market forces, and what the competition is offering. This level of increase in charges would be likely to run the risk of putting off event organisers from running events in Nelson.

## Event Application Fee

- 4.7 Another option would be to charge a fee for event organisers who are specifically benefitting from the consents. This would be a separate fee from the booking fee to use the venue, but administered through a co-ordinated park hire process.
- 4.8 Use of the global event consent RM115245 would apply to a range of events including school sports days, community fairs, small community events, and daytime activities. These events comply with hours of operation and noise limits within the Resource Management Plan, but may wish to use amplified sound. Because of the community nature of these events, officers do not recommend charging a fee to use the event consent RM115245.
- 4.9 Event organisers using the Council's Resource Consent for special events (RM125012) are more likely to be running larger scale events, such as provincial or national rugby games, sports tournaments, concerts, and festivals. These type of events are more likely to have a noise impact, and organisers could be charged an application fee to use the Council's Consent.
- 4.10 A maximum of 52 events per year is permitted under consent RM125012. Within these 52 possible events, there are two different types of noise management plans required, depending on the specific noise levels and hours at different sites:
- 4.10.1 For 17 possible events, the event organisers will be required to submit an Event Noise Management Plan prepared by an acoustic specialist. Considering the cost to obtain an Event Noise Management Plan from an acoustic specialist is approximately \$3,000, it is suggested that imposing a new fee on these event organisers could be a barrier to events occurring. Therefore charging a fee for this category of events is not recommended.
- 4.10.2 Thirty-five events can operate under a Site Noise Management Plan, which will be prepared at Council expense for the seven sites included under the consent. To charge a fee for these 35 possible events would be appropriate as these event organisers would be operating under (a) the Council's consent and (b) Council's Site Noise Management Plan.
- 4.11 Should Council wish to pursue this option of a fee, an amount of \$250 per event is proposed. This would generate up to a maximum of \$8,750 per annum, meaning a maximum of \$87,500 over the ten-year life of the consent.
- 4.12 In order to gain a higher return, other options would be to apply a higher fee, or to apply the fee to other events.
- 4.13 This charging regime, because it is untested in the market, may need to be refined based on actual results. It is therefore recommended that a

review be carried out in 12 months, and reported back to the Audit Risk and Finance Committee.

## **5. Conclusion**

- 5.1 Council has invested in obtaining two resource consents for amplified sound at events in the Open Space and Recreations Zone. The cost of obtaining these consents is estimated to be \$160,000. The consents will benefit external event organisers as well as Council.
- 5.2 In order to gain a return on this investment, consideration has been given to charging a fee to event organisers for use of the consents. Officers recommend an event consent application fee of \$250 be charged for special events, where the event will be using the Council's Resource Consent and Site Noise Management Plans.

Kath Inwood  
**Manager Community Development**

### **Attachments**

None.

Supporting information follows.

PREVIOUS REPORT

## Supporting Information

### 1. Fit with Purpose of Local Government

The Resource Consents are being obtained to ensure compliance with Resource Management regulations in the provision of festivals and events, which are local public services.

Obtaining broad longer term consents would reduce the need for event organisers to apply for resource consent for individual events, or annual events to apply every year, therefore improving cost efficiencies. The ownership of the consents benefits Council and external parties.

### 2. Fit with Community Outcomes and Council Priorities

A fun, creative culture – we are proud of our creative local culture and regional identity. We understand that our heritage contributes to our distinctive identity, so we protect, interpret and celebrate our human heritage and historic places – Māori and more recent. We value and support those things that make Nelson special and unique – our people, art and crafts, the café culture, the outdoors, local food and wines, boutique shops and the relaxed atmosphere.

Council Priorities:

4. Nelson as a centre for arts creativity.

### 3. Fit with Strategic Documents

#### Social Wellbeing Policy 2010:

Culture: Support opportunities for Nelson's culture to be expressed eg through art or at events.

Leisure: Council planning for events and activities will take into account the diversity of our community.

Connectedness: To provide events and activities that bring together diverse participation from the community.

Older Residents: Council events and activities will be planned and delivered giving due consideration to the needs and diversity of older residents.

Youth: Provide and support recreation and leisure opportunities and events for youth in Nelson.

#### Arts Policy 2010:

Resourcing: Council will continue to prioritise art in its facilities and services and will actively collaborate with partners to ensure adequate resourcing.

Marketing and Tourism: Council will continue to support the development of arts events including through the Nelson Events Strategy.

### 4. Sustainability

The Resource Consents meet an identified local need; provides for longer-term use (10 years) than individual event consents; and contributes to community wellbeing.



<p><b>5. Consistency with other Council policies</b></p> <p>The Resource Consents are required for compliance with the Nelson Resource Management Plan requirements.</p>
<p><b>6. Long Term Plan/Annual Plan reference and financial impact</b></p> <p>3850 2634 1136 Resource Consent Park Events. 3850 2634 Resource Consent.</p> <p>A return on the investment of obtaining the resource consents may be gained by charging a fee to the event organisers who will be using these consents.</p>
<p><b>7. Decision-making significance</b></p> <p>This is not a significant decision in terms of the Council's Significance Policy.</p>
<p><b>8. Consultation</b></p> <p>N/A</p>
<p><b>9. Inclusion of Māori in the decision making process</b></p> <p>N/A</p>
<p><b>10. Delegation register reference</b></p> <p>Audit Risk and Finance Committee:</p> <p>To ensure appropriate procedures are being complied with in relation to the financial and statutory requirements for the Council and to review the Council's financial statements.</p> <p>Decision to be recommended to the Council – Governance meeting.</p>

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**Minutes of a meeting of the Audit, Risk and Finance Committee**  
**Held in the Council Chamber, Civic House, Trafalgar Street, Nelson**  
**On Thursday 23 May 2013, commencing at 9.04am**

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Present: Councillor I Barker (Chairperson), His Worship the Mayor A Miccio, Councillors R Copeland (Deputy Chairperson), G Collingwood, P Matheson, and Mr G Thomas

In Attendance: Councillor E Davy, Chief Executive (C Hadley), Senior Accountant (T Hughes), Executive Manager Network Services (A Louverdis), Acting Executive Manager Community Services (R Ball), Executive Manager Regulatory (R Johnson), Executive Manager Kaihautu/Community Services (G Mullen), Manager Policy and Planning (N McDonald), Manager Community Relations (A Ricker), Manager Community Development (K Inwood), Manager Resource Consents (M Bishop), Acting Manager Building (Chris Wood), Administration Adviser (L Canton)

**1. Interests**

Councillor Copeland declared an interest regarding items relating to events.

Mr Thomas declared an interest regarding items relating to earthquake prone buildings.

**2. Confirmation of Order of Business**

There was no change to the order of business.

**3. Confirmation of Minutes – 16 April 2013**

Document number 1494361, agenda pages 4-7 refer.

Resolved

***THAT the minutes of a meeting of the Audit, Risk and Finance Committee, held on 16 April 2013, be confirmed as a true and correct record.***

Thomas/Matheson

Carried

#### 4. **Status Report – Audit, Risk and Finance Committee**

Document number 1374515 v6, agenda page 8 refers.

Resolved

***THAT the Status Report – Audit, Risk and Finance Committee (1374515 v6) be received.***

His Worship the Mayor/Thomas

Carried

#### 5. **Finance Report for the Period Ending 31 March 2013**

Document number 1502301, agenda pages 9-28 refer.

In response to a question, the Chief Executive advised that resource for the storm water activity would be considered in a report to the Council meeting to deliberate on submissions to the draft Annual Plan 2013/14 on 29 and 30 May. With regard to sewerage issues, she said that there was sufficient budget allocated to undertake all necessary activities.

During a discussion, it was agreed that the capital grant for the Suter Gallery was an operational expense for the Council and should therefore be referred to as a grant to the Suter for capital expenditure.

In response to a question about the programmed maintenance budget, the Chief Executive advised that Council Officers had been asked to exercise prudence with operational expenditure to ensure Council achieved the rates rise it had proposed in the draft Annual Plan 2013/14.

It was noted that, once the Nelson North Waste Water Treatment Plant issue was fully resolved, Council would receive an update on the matter.

The Committee noted that Total Rates Outstanding figure for March 2013 represented a significant increase on March 2012. It was agreed that the Council needed to be mindful of the erosion of economic drivers for Nelson City, and the impact of this on commercial activity.

With regard to the Abbreviated Balance Sheet (Attachment 6), the Chief Executive advised that the Chief Financial Officer would provide an explanation to all Councillors by email of why the Ratepayers Equity figure and the Fixed Assets figure had decreased while the Reserves figures and the Bank Term Loans figure had increased.

Resolved

***THAT the Finance Report for the Period Ending 31 March 2013 (1502301) be received and the variations noted.***

Copeland/Collingwood

Carried

## 6. Events Resource Consent Update May 2013

Document number 1499012, agenda pages 29-33 refer.

Manager Community Development, Kath Inwood, joined the meeting and presented the report. She said that since the report (1499012) had been distributed, the Memorandum of Appeal had been lodged with the Environment Court.

Ms Hughes noted a correction to 4.7 of the report (1499012), replacing the reference to the Suter Gallery with the Nelson School of Music.

In response to questions, Ms Hughes explained that rather than altering the budgets, the reallocation of funding would be reflected in actual expenditure figures, which would ensure transparency.

She added that, if the consents were treated as intangible assets and expensed over their 10 year lifespan, it would be likely that Council would be required to write off a considerable portion of the cost of the consents at the end of the 10 years. The issue was discussed with Audit New Zealand, and Council Officers considered it prudent to treat the entire cost as an expense in the first year, Ms Hughes said.

Attendance: Councillor Copeland left the room at 10.00am.

Resolved

***THAT this update on the Events Resource Consents RM115245 and RM125012 be received.***

Recommendation to Council

***THAT the overspend on the budget for the festival activity be covered from budget savings within the District and Regional Plan activity, and the Social Heritage activity.***

His Worship the Mayor/Collingwood

Carried

## 7. Events Resource Consents: Return on Investment

Document number 1507232, agenda pages 34-39 refer.

Manager Community Development, Kath Inwood, presented the report.

During a discussion, the Committee noted that the proposed fees were a cost effective way for event organisers to utilise the Resource Consents.

Attendance: His Worship the Mayor, A Miccio, left the meeting at 10.04am.

Resolved

***THAT the Committee confirm that the consents (RM115245 and RM125012) are a Council investment for which a return should be sought;***

***AND THAT a fee of \$250 be charged for special events, where the event will be using the Council's Resource Consent RM125012 and Site Noise Management Plans;***

***AND THAT this charging regime be reviewed and reported back to the Audit, Risk and Finance Committee in 12 months;***

***AND THAT this report, including its recommendations, be forwarded to Council – Governance.***

Matheson/Collingwood

Carried

## **8. Regulatory Report for 1 January to 31 March 2013**

Document number 1479310, agenda pages 40-47 refer.

Manager Resource Consents, Mandy Bishop, and Acting Manager Building, Chris Wood, joined the meeting. Ms Bishop presented the report.

Attendance: Councillor Copeland returned to the meeting at 10.10am. Councillor Davy sat back from the table and did not participate in the discussion.

During a discussion about Parking Unit Performance, the Executive Manager Regulatory advised that recruitment for one Officer, and a review of how the Unit's resource was focussed, was currently underway.

In response to a further question, Mr Wood said it was anticipated that the Slope Failure Register would be complete by 31 July 2013.

It was noted that details of any street names approved should be included in future reports relating to Hearing Panel Activities.

Resolved

***THAT the Regulatory Report for 1 January to 31 March 2013 (1479310) be received.***

Thomas/Copeland

Carried

There being no further business the meeting ended at 10.30am.

Confirmed as a correct record of proceedings:

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

## POLICY AND PLANNING STATUS REPORT – 4 JUNE 2013

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
1	22/9/2011	1144640	Pedestrian Malls	Debra Bradley	<p><u>THAT</u> a pedestrian mall declaration for Morrison Street be developed in 2011/12, to allow street closure every Wednesday of the year;</p> <p><u>AND THAT</u> the road closure provisions in schedule 10 of the Local Government Act 1974 continue to be applied for street closures in Upper Trafalgar Street in 2011/12;</p> <p><u>AND THAT</u> a community engagement plan including pedestrian mall options be prepared to enhance the Council relationship with Upper Trafalgar Street businesses over the 2011/12 year and to improve understanding of the impacts of different events on foot traffic and local businesses;</p> <p><u>AND THAT</u> staff work with the affected parties to make suitable alternative arrangements for the Christmas Carols and the New Year's Eve celebrations if required.</p>	<p><b>4/6/13</b> The draft Morrison Street pedestrian mall declaration was amended to reflect the Hearing Panel's decisions, and reported back to Council for adoption on 14 May 2013.</p> <p>Complete.</p>
2	1/11/2012	1403703	Rocks Road Shared Path	Rhys Palmer	<p><u>THAT</u> Council approves the Terms of Reference (1375150) and Multi-party funding agreement (1375750) for the Rocks Road Shared Path investigation phase;</p> <p><u>AND THAT</u> New Zealand Transport Agency is advised that Nelson City Council will not consider clearways on, or three-laning of, Rocks Road as part of the options in its Terms of Reference for the Rocks Road Shared Path investigation phase, as decided in the Council resolution of 11 August 2011;</p>	<p><b>4/6/13</b> NZTA &amp; NCC agreed to move forward under original ToR at meeting on 1/5/13.</p> <p>Report no longer needed</p>

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
					AND THAT the Council confirm the resolution dated 11 August 2011 declaring that this Council does not support clearways as referred to in 4.3 of the report (1374486) and inform the New Zealand Transport Agency.	
3	13/12/2012	1430971	Nelson Stock Effluent Disposal Facility	Rhys Palmer	<p>THAT Council reconfirms its support for the provision of a Stock Effluent Disposal Facility for the Nelson region and informs New Zealand Transport Agency of its support for a site in the Tasman District Council area;</p> <p>AND THAT the Chief Executive be delegated authority to commence discussions with private landowners regarding the construction and operating cost options for establishing the facility and report back to Council.</p>	<p><b>4/6/13</b> Staff waiting for a proposal from NZTA to construct a disposal facility on private land.</p>
4	19/02/2013	1439024	Local Alcohol Policy	Jenny Hawes	<p>THAT a draft Local Alcohol Policy be developed on the basis of the significant benefits, including:</p> <ul style="list-style-type: none"> <li>• communities having a greater say on local alcohol licensing policy</li> <li>• guidance and greater certainty for all those involved in the liquor licensing process</li> <li>• a fit for purpose policy on the sale and supply of alcohol</li> </ul> <p>AND THAT the scope of the draft Local Alcohol Policy should cover all of the matters permitted under s77 of the Sale and Supply of Alcohol Act 2012;</p> <p>AND THAT Nelson City Council indicates a desire to work with other Councils on the development of local alcohol policy(ies) and the Mayor be requested</p>	<p><b>4/6/13</b> The 3 Councils have used the same survey questions to obtain the views of their communities on the sale of alcohol. NCC and TDC have surveys underway. NCC People's Panel survey closes on 31 May 2013. Views also being sought from key stakeholders over coming weeks.</p> <p>NCC and TDC looking to align timeframes for consulting on their draft</p>



No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
					to seek agreement from the Mayors of Tasman District Council and Marlborough District Council to work collaboratively to develop local alcohol policy(ies) for the Top of the South Councils.	local policies to support a consistent approach where possible.
5	21/02/2013	1454773	Annual Plan 2013/14 Workshop Discussion Summary	Nicky McDonald	<u>THAT</u> funding for the Holiday Programme Grants, After School Programme, Youth Programme, Preschool Recreation Programme, Enviro education schools, Enviroschool facilitation, Enviroschools 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; <u>AND THAT</u> the groups that will be affected by the review be advised of the process and the reasons for it.  <u>THAT</u> the criteria for grants from the Community Assistance Programme be reviewed before the next application round.	<b>4/6/13</b> Complete.
6	14/03/2013	1370161	Nelson Resource Management Plan: Draft Efficiency and Effectiveness Review	Matt Heale	<u>AND THAT</u> targeted feedback be sought from plan users and iwi;	<b>4/6/13</b> Minor edits finalised and feedback sought from plan users and iwi from early April.

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## **Freedom Camping Bylaw Review**

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

- 1.1 To approve the recommendations of the Freedom Camping Bylaw Review Working Party.

### **2. Recommendation**

***THAT Nelson City Council uses the existing suite of statutory, regulatory, operational and public awareness tools to manage the effects of freedom camping in Nelson;***

***AND THAT Nelson City Council does not make new bylaws under the Freedom Camping Act 2011 at this time;***

***AND THAT the Nelson City Council Camping Bylaw 2011 (Bylaw 220) be revoked using the Special Consultative Procedure as required by Section 156 of the Local Government Act 2002;***

***AND THAT a Statement of Proposal be brought back to Council for approval;***

***AND THAT the public is informed of the proposed approach to providing for and managing freedom camping as outlined in this report (1466833).***

### **3. Background**

- 3.1 At its meeting of 5 June 2012 Council resolved

***THAT 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;***

***AND THAT a working party comprising Councillors Davy, Fulton, Shaw, and Ward be established to consider the draft Nelson City Camping Bylaw 2012 (Bylaw 220) and the draft Statement of Proposal and make recommendations back to Council.***

3.2 Due to the introduction of the Freedom Camping Act 2011 (FCA), the Working Party agreed that a return to 'first principles' for the review was necessary with the aim of establishing:

- If the current Nelson City Council Camping Bylaw was still legal and if so, whether it was still appropriate.
- What policy or regulations that restrict freedom camping due to other enactments would remain in place regardless of the introduction of the FCA.
- A preferred approach to managing freedom camping in Nelson, taking into account the intent of the FCA.
- The tools that would best support the preferred approach, and if one of those tools should be a new bylaw made under the FCA.

3.3 The Working Party sought and reviewed information from a variety of sources (other councils, Local Government New Zealand, Motor Caravan Association, legal information) and obtained independent legal advice in order to review the Council's current Camping Bylaw ([1080757](#)), and consider the options for managing freedom camping in Nelson following the introduction of the FCA.

3.4 The Working Party also requested an update from Council officers on the management of freedom camping over the 2012/13 summer camping season.

#### **4. Discussion**

##### **Nelson City Council Camping Bylaw 2011 (Bylaw 220)**

4.1 Nelson City Council's current Camping Bylaw 2011 (Bylaw 220) was made under the general bylaw-making powers of the Local Government Act 2002 (LGA) and adopted in May 2011. The Bylaw was adopted in advance of the Rugby World Cup 2011 in order to have in place a management regime for freedom camping and to access the transitional enforcement provisions (instant fines) of the FCA.

4.2 The Camping Bylaw allows for camping in licensed campgrounds only, unless a permit has been issued from the Council to camp somewhere else. This means freedom camping is effectively banned in Nelson.

4.3 In August 2011 the Government introduced the Freedom Camping Act 2011 (FCA). Nelson City Council's current Camping Bylaw is inconsistent with the FCA as the FCA does not allow district-wide bans to be placed on freedom camping (Section 12 of the FCA).

4.4 Legal advice sought by Local Government New Zealand confirms that a bylaw may not be repugnant to the general laws of New Zealand and it must be reasonable.

- 4.5 Council's current Camping Bylaw effectively provides for blanket bans which are not permitted by Section 12 of the FCA and would therefore be considered repugnant to the general laws of New Zealand and not reasonable.
- 4.6 Given this, options for dealing with the current Camping Bylaw include:
- 4.6.1 Reviewing the Bylaw in order to make it consistent with the Freedom Camping Act 2011.
- Legal advice is that if the Council wants to make bylaws to manage freedom camping, these should be made under the relevant legislation for the activity, which in this case would be the FCA, rather than reviewing and making changes to the current Camping Bylaw which was made under the LGA.
- 4.6.2 Keeping the current Camping Bylaw but not enforcing it.
- This is not seen as an option as Council would not be meeting its regulatory responsibilities.
- 4.6.3 Revoking the Camping Bylaw under section 156 of the LGA.
- This requires a Special Consultative Procedure to be carried out.

### **Existing Regulations that Apply to Freedom Camping in Nelson**

- 4.7 The introduction of the FCA does not limit or affect the powers of local authorities under the Local Government Act 2002, or any other enactment that confers powers on a local authority (Section 10(b) of the FCA). Two key enactments that give local authorities powers in respect of freedom camping are the Resource Management Act 1991 and the Reserves Act 1977.
- 4.8 The Nelson Resource Management Plan (NRMP) does not provide for freedom camping as a permitted activity within the Residential Zone. The NRMP provides for Residential Activity as a permitted activity. The definition for Residential Activity requires that the accommodation activity extends for a period of one month or more. This does not include camping which is typically temporary in nature.
- 4.9 The Nelson Resource Management Plan (NRMP) does not provide for freedom camping as a permitted activity within the Open Space and Recreation Zones of Nelson as the schedules covering these areas do not include camping as a permitted activity, unless it is allowed for through a Reserve Management Plan<sup>1</sup>.
- 4.10 Camping is a permitted activity in all other zones in the NRMP.

<sup>1</sup> Council's current reserve management plans (which cover Council's Conservation and Landscape Reserves, Esplanade and Foreshore Reserves, Tahunanui Reserve, Saxton Field, Rutherford and Trafalgar Parks and Haven Holes), generally prohibit camping, except at specific locations where it is permitted (Paremata Flats Esplanade Reserve, Oyster Island, Haulashore Island, Dun Mountain Shelter and self-contained campers at Rutherford and Trafalgar Parks in designated areas) or unless the reserve management plan allows for camping through a permit obtained from the Council.

- 4.11 The Reserves Act 1977 does not permit camping in reserves classified under the Reserves Act 1977 unless this is allowed for through a Reserve Management Plan or where the Minister of Conservation has granted permission. Council's parks and reserves are made of various land titles, some of which are classified under the Reserves Act 1977.
- 4.12 The FCA provides Council with a number of tools to address the effects of freedom camping without having to make a bylaw. This includes being able to issue instant fines of \$200 for some offences, including:
- Causing damage to an area, its flora or fauna, or any structure in the area.
  - Depositing waste other than into an appropriate waste receptacle.
  - Failing to leave an area when required to do so by an enforcement officer.

### **Approach to Enforcement for the 2012/13 Summer Camping Season**

- 4.13 The general approach taken this year has been consistent with the intent of the FCA rather than on enforcing Council's Camping Bylaw. The FCA has a strong focus on controlling freedom camping only at locations where negative effects can result, so this has been the enforcement priority for this summer season.
- 4.14 Fully self-contained campers are not asked to move on unless they are parked within an area with signage indicating that camping is not allowed (e.g. Tahunanui Reserve).
- 4.15 Non self-contained campers are not asked to move on where they are within a short walking distance of public toilets, providing they are causing no adverse affects on the environment, health and safety, or access, and providing they are not camping within an area with signage indicating that camping is not allowed.
- 4.16 Council's security services contractor carries out routine patrols and locks gates at a number of popular Nelson reserves that may have appeal for freedom camping. These include reserves such as Tahunanui Reserve, Saxton Field, Neale Park, Haven Foreshore Reserve, Basin Reserve, Miyazu Gardens, the Nelson Marina, Rutherford Park, Trafalgar Park, the Botanical Reserve, Pioneers Park, and Miller's Acre Car Park. These reserves are visited at least once per night by security staff (and in the case of Tahunanui Reserve, three times per night).
- 4.17 In addition, the Council contractor will carry out checks on campers in any location in response to valid complaints made by members of the public.
- 4.18 In all cases where Council requires a vehicle to move on, Council's contractor has been asked to do so firstly by 'encouragement'.

- 4.19 However, where the camper is causing adverse effects, warnings and infringement notices will follow for documented instances of offences under the FCA (e.g. littering or defecating).

### **Review of 2012/13 Summer Camping Season**

- 4.20 Council's security services contractor has found the management of freedom campers easier than the previous 2011/12 season. All security guards were made familiar with the three purposes of the FCA that can prevent people from camping in a particular area. This was useful for moving campers on who may have resisted or argued the point, as enforcement staff were able to quote directly from the FCA.
- 4.21 Public complaints regarding freedom camper behaviour were lower than last year (89 complaints, down from 151). Campers have been very compliant this season with one trespass notice being served on two vans parked in Betsy Eyre Park and no infringement notices (instant fines) being issued.
- 4.22 Overall it has been easier to deal with individuals camping in different parts of the city rather than dealing with a large number of campers in one area - as was the case with the Sovereign Street site in 2010/11. The visual impact of one or two camper vans is far less than a large number congregating in one place.

### **Options for Managing Freedom Camping**

- 4.23 The Working Party considered the following options for managing freedom camping in Nelson:

<b>Options</b>	<b>Comment</b>
Do nothing – keep current Camping Bylaw	<p>Council cannot enforce its current Camping Bylaw as it is inconsistent with the intent of the FCA.</p> <p>Effectively the same as having no bylaw in place.</p> <p>Freedom camping would essentially be permitted everywhere in Nelson except where it is not permitted under the NRMP (Residential and Open Space and Recreation Zones) and the Reserves Act 1977.</p> <p>Council can use the provisions of the FCA to manage the effects of freedom camping and can issue instant fines of \$200 for some offences under the FCA.</p>

Options	Comment
Revoke the current Camping Bylaw	<p>Freedom camping would be permitted everywhere in Nelson except where it is not permitted under the NRMP (Residential and Open Space and Recreation Zones) and the Reserves Act 1977.</p> <p>Council can use the provisions of the FCA to manage the effects of freedom camping and can issue instant fines of \$200 for some offences under the FCA.</p>
Make a new bylaw under the FCA	<p>Council is able to prohibit and/or restrict where freedom camping can occur and can issue instant fines of \$200 for breaches of the Camping Bylaw.</p> <p>The reasons for prohibiting or restricting freedom camping must meet the purposes of the FCA.</p> <p>The Working Party considered additional areas where Council might want to prohibit and/or restrict camping and tested those against the purposes of the FCA. It determined that existing statutory and regulatory controls adequately provide for the management of freedom camping in Nelson without the need for a new Camping Bylaw.</p>

### **Recommended Approach to Managing Freedom Camping in Nelson**

- 4.24 Following the Working Party's review of relevant information and consideration of options, it has determined that a more permissive approach to freedom camping in Nelson is preferred rather than what is provided for through the current Camping Bylaw.
- 4.25 This aligns with the Government's intent through the introduction of the FCA, which has a permissive presumption of freedom camping within a district, and expresses the Working Party's desire that Nelson is welcoming of visitors to the city.
- 4.26 The recent summer camping season has satisfied the Working Party that Council has sufficient powers through existing statutes and regulations, and through its current operational procedures, to manage freedom camping effectively in Nelson without the need for a new Camping Bylaw.

4.27 In order to support this approach the Working Party has determined that:

- The emphasis should be on awareness raising and the provision of information and education, especially at key entry points to Nelson, as well as through current public awareness channels such as the Council website, the i-SITE and tourism operators. Freedom camping signage around Nelson will be reviewed to align with the FCA and the proposed approach.
- Using the existing statutory, regulatory and operational approaches rather than developing a new bylaw under the FCA. This includes:
  - Using the provisions of the FCA for those offences where a bylaw is not required. This includes access to instant fines of \$200 for some offences.
  - Recognising that while regulation is already in place that does not permit freedom camping in the Residential and Open Space and Recreation Zones of Nelson under the NRMP, and on land classified under the Reserves Act 1977, that the enforcement options under the NRMP and Reserve Act 1977 are weaker than those available under a bylaw, but that enforcement options (e.g. an Abatement Notice or Trespass Notice) do still exist that can be used to move people on if required.
  - Continuing routine patrol of areas that have appeal for freedom camping.
  - Carrying out checks on campers in any location in response to valid complaints from the public.
- The need for a Camping Bylaw can be considered at any time in the future.
  - The freedom camping situation can be reviewed by officers following each summer season to determine if the management regime is sufficient or whether a bylaw is required.

4.28 Council's current Camping Bylaw does not fit with the preferred approach to providing for freedom camping in Nelson, is unenforceable following the introduction of the FCA and could be considered repugnant to the general laws of New Zealand.

4.29 To ensure Council fulfils its regulatory responsibilities it is recommended that the current Camping Bylaw be revoked using the Special Consultative Procedure.

4.30 With respect to Mr Lewis Stanton's continued camping in and around Nelson, Council officers advise that, as required by Council resolution, a follow up report on this matter will be brought to Council in the new financial year, taking into account any resolution by Council with respect to the Camping Bylaw review.



## **5. Conclusion**

- 5.1 A Working Party has reviewed the Council's current Camping Bylaw and considered options for managing freedom camping in Nelson in light of the introduction of the Freedom Camping Act 2011.
- 5.2 The Working Party has developed a preferred approach which is the basis of the recommendations in this report. This approach proposes the use of existing statutory and regulatory tools and enhancing the use of public information and awareness tools to provide for and manage the effects of freedom camping in Nelson.
- 5.3 This approach means that Council's current Camping Bylaw would be revoked and that no new Camping Bylaw would be made under the Freedom Camping Act 2011 at this time. A Special Consultative Procedure will need to be carried out to formally revoke the current Camping Bylaw.

Sarah Yarrow  
**Policy Adviser**

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

Consideration of Council's current position and the making of bylaws under the Freedom Camping Act 2011 fits the purpose of Council performing its regulatory functions effectively and efficiently.

Not developing a Camping Bylaw is considered the most cost effective option. The 2012/13 summer season has seen a change in freedom camping behaviour with minimal need for enforcement action.

### 2. Fit with Community Outcomes and Council Priorities

Appropriately providing for and managing freedom camping helps achieve the following Community Outcomes:

- Healthy land, sea, air and water (by protecting the city from environmental degradation caused by uncontrolled camping).
- People friendly places (by ensuring freedom camping does not cause a nuisance in public places).

### 3. Fit with Strategic Documents

The Tahunanui Reserve Management Plan 2004 does not allow camping except in the camping ground.

The Saxton Field Reserve Management Plan 2008 is silent on camping but as it has not been specifically allowed for through the Plan camping is not permitted due to the reserve being gazetted under the Reserves Act 1977.

The Esplanade and Foreshore Reserves Management Plan 2008 allows short term camping on a permit basis, in specific areas (Paremata Flats, Oyster Island and Haulashore Island).

The Conservation and Landscape Reserves Management Plan 2009 provides for overnight camping by arrangement with the Council. This provision is intended for organised groups.

### 4. Sustainability

This approach will maintain the Council's ability to mitigate the amenity effects of freedom camping, and to ensure unavoidable waste is disposed of safely, avoiding soil and water pollution. The ability to manage the effects of freedom camping with infringement provisions ensures the Council can respond to complaints about unauthorised freedom camping.

### 5. Consistency with other Council policies

The proposed approach is consistent with the Nelson Resource Management Plan, Reserves Act 1977 and Council's various Reserves Management Plans.

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

The proposed approach does not result in any financial impact – freedom camping will continue to be managed and enforced within current budgets.

**7. Decision-making significance**

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

**8. Consultation**

The Working Party considered submissions from the 2011 Camping Bylaw review and feedback from subsequent consultation. There will be an opportunity for relevant parties to give formal feedback through the Special Consultative Procedure.

**9. Inclusion of Māori in the decision making process**

Māori were not specifically consulted during the development of this report, but will have an opportunity to comment through the Special Consultative Procedure.

**10. Delegation register reference**

This is a decision of Council.

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## **Public Transport – Report on First 12 Months of NBus Service**

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

- 1.1 To receive information on patronage, revenue and expenses for the NBus service from May 2012 to April 2013.

### **2. Recommendation**

***THAT report 1506785 be received.***

### **3. Background**

- 3.1 Prior to March 2012, the Council contracted SBL to run 'The Bus' services on four local routes. Feedback was that these routes were considered to offer a low level of service to the transport disadvantaged with only limited services available at times suitable for commuters. SBL was also contracted to run the Late Late Bus service on Friday and Saturday nights. SBL operated the Nelson/Richmond service as a commercial operation as well as a connecting Stoke Loop service aimed at the transport disadvantaged.
- 3.2 In the Annual Plan 2011/12, Council confirmed it would proceed to improve public transport services with a view to making it more suitable for commuters. The improvements to the public transport service established an integrated network which increased the frequency of the weekday bus services between Nelson and Richmond while maintaining the level of service on routes within Nelson city at a similar level. It also improved the accessibility, attractiveness, and environmental performance of public transport vehicles and allowed bikes to be transported. Service improvements are focussed on commuters and tertiary students as these groups have the greatest potential to grow.
- 3.3 The provision of a public transport service and a reduction in vehicle volumes also contributes to targets set in the Regional Land Transport Strategy:
- Reduce average peak hour travel delays
  - Increase share of weekday journey to work trips by public transport
  - Reduce the number of single occupant vehicles in the peak period

- 80 percent of households are within 400 metres of a bus route
- 3.4 The lack of a frequent public transport service in Nelson featured regularly as the greatest source of dissatisfaction with the Transport activity in residents' surveys. Following the introduction of the improved NBus service, resident satisfaction with public transport increased significantly, from 21% who were satisfied in 2011 to 52% in 2012. The percentage satisfied with the general Transport activity increased from 40% to 57%.
- 3.5 The NBus service was contracted to SBL Group for a term of 6+2+2 years and consists of six different routes plus a Friday and Saturday night service.
- 3.6 The NBus service between Nelson and Richmond started early March 2012, and the four local routes, which service Nelson, started early April 2012. This report covers the first 12 full months of the whole service, from May 2012 to April 2013.

## 4. Discussion

### Patronage

- 4.1 There were a total of 341,729 passenger trips on the buses over the first full 12 months (May 2012 to April 2013). Table 1 below shows patronage by month and by route and Figure 1 shows total patronage and bike numbers, including the trend in total patronage.
- 4.2 Although there has been an upward trend in total patronage, seasonal factors such as weather and the timing of public and school holidays make it difficult to interpret changes over the first 12 months. From May 2013 officers will be able to compare with the same month of the previous year for all routes.

### Contract Change from Gross to Net

- 4.3 The contract for the NBus service contained an agreement that the first year would be a gross contract and would switch to a net contract for the remaining years.
- 4.4 Under a gross contract, Council paid SBL an agreed monthly fee and all fare revenue was returned to Council. Under a gross contract, the risk is mostly with Council.
- 4.5 From 1 May 2013, a net contract applies. The monthly fee paid to SBL is reduced (based on the monthly fees in Year 1 less monthly revenue) and SBL will retain the fare revenue. Under a net contract, there is less risk for Council and more incentive for SBL to increase patronage (within the terms of the contract).

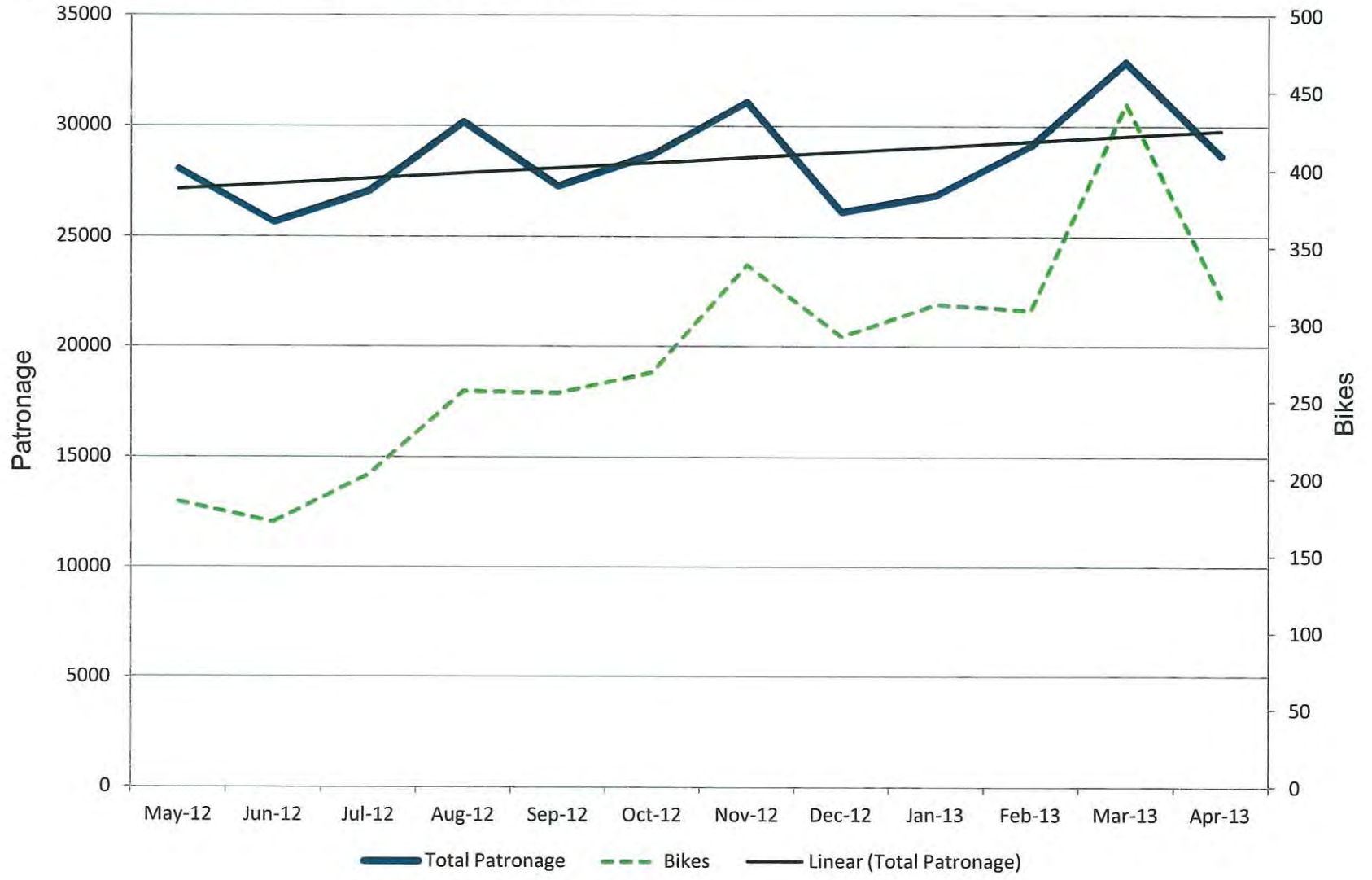
**Table 1: NBus Patronage April 2012-April 2013**

Route	2012									2013			
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
1 via Bishopdale	6876	10456	9116	9671	11173	9738	9810	10858	8161	8611	10226	11813	10525
2 via Tahunanui	9215	13409	12405	13241	14234	13119	14269	15388	13383	13874	14558	16247	13739
3 Atawhai		1523	1437	1654	1761	1597	1607	1566	1674	1851	1522	1663	1581
4 The Brook		434	471	646	777	714	788	825	559	663	719	804	720
5 Hospital		1363	1187	1256	1429	1349	1256	1336	1138	1142	1151	1316	1215
6 Washington		182	120	120	178	153	190	182	153	259	201	212	145
Late Late		686	920	465	616	634	810	923	1075	505	737	822	743
<b>Total</b>	<b>18447</b>	<b>28053</b>	<b>25656</b>	<b>27053</b>	<b>30168</b>	<b>27304</b>	<b>28730</b>	<b>31078</b>	<b>26143</b>	<b>26905</b>	<b>29114</b>	<b>32877</b>	<b>28668</b>

Bikes	124	185	172	203	257	256	269	339	292	313	309	443	318
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Public Transport – First 12 Months of NBus Service

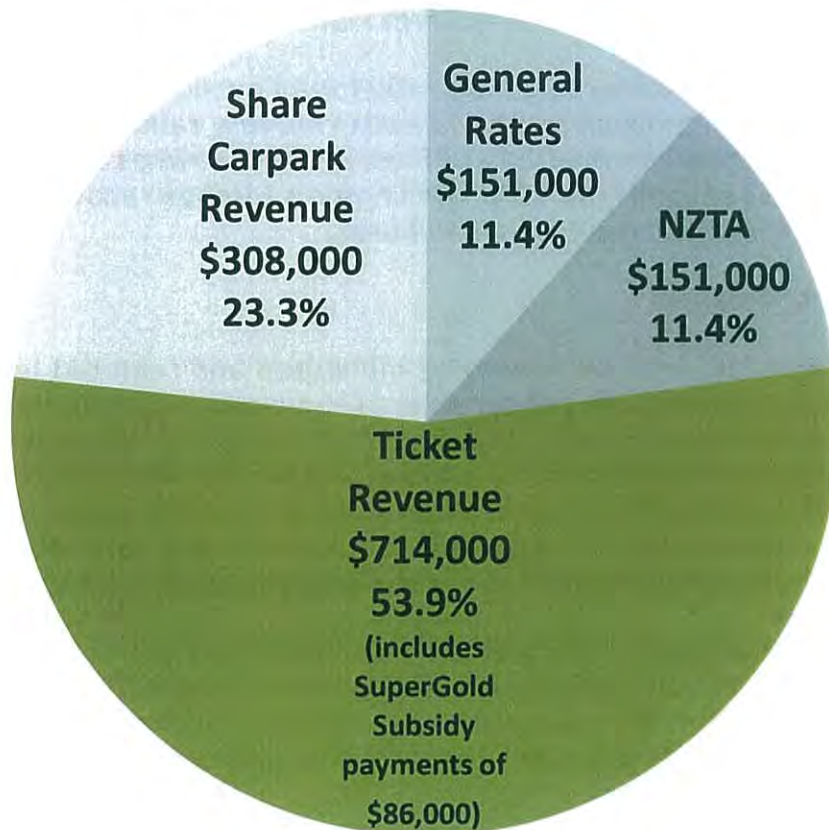
**Figure 1: NBus Patronage and Bike Numbers**



## Financials (Revenue and Expenses)

- 4.6 The NBus contract has cost \$1,324,000 (excluding GST) over the first 12 months of full service. This has been funded from ticket revenue, rates, New Zealand Transport Agency (NZTA) subsidy and a share of the parking revenue. As a gross contract, all the fare revenue has been returned to Council.

**Figure 2: Funding Sources for the NBus Service, May 2012-April 2013**



- 4.7 NZTA normally fund 60% of public transport costs but as the NBus service was unproven in 2012, the funding from NZTA remained at the inflation-adjusted value set for the original levels of service delivered by 'The Bus' service. The funding from parking revenue was used to fund the improvements to the service.
- 4.8 The NBus contract for 2013/14 is projected to be \$535,000. As a net contract, SBL will retain the fare revenue. Funding from rates and NZTA is projected to be \$310,000 leaving \$225,000 as the requirement from parking revenue, under the current policy.



## **Farebox Recovery Ratio**

- 4.9 The farebox recovery ratio measures the contribution fares make to the operating cost of providing public transport services, and is typically expressed as a percentage. Few public transport systems costs are completely covered by fare revenue, so subsidies (and other revenue such as advertising, parking fees and contributions from businesses/organisations) are usually required to cover the shortfall.
- 4.10 The farebox recovery ratio for NBus' first year is 54%.
- 4.11 The draft Annual Plan 2013/14 included the fare recovery ratio as the performance measure for public transport services and set a target of 30-35% for Year 2 of the Long Term Plan 2012-2022.
- 4.12 Nationally, the farebox recovery ratio for all public transport was 46% in 2011/12. For comparison, the farebox recovery ratios for similar public transport networks were: Bay of Plenty, 34%, Hawkes Bay, 30%, Otago, 43% and Southland was 15%. Wellington's farebox recovery ratio was 55% but includes both trains and buses.

## **Service Review**

- 4.13 Patronage data will continue to be monitored and reported to Council. NZTA are working with the provider of the electronic ticketing system to improve the data provision to include patronage by trip. This is a nation-wide issue that is affecting a number of bus operators and councils. Trip data will enable officers to measure the effect of the bus service on peak travel volumes which is necessary to determine the contribution of the NBus service to the targets set in the Regional Land Transport Strategy.
- 4.14 NZTA have advised officers that their funding contribution will not be reviewed until the 2015-2018 National Land Transport Programme. A business case will be prepared using data on patronage, travel time benefits, and a benefit-cost ratio. NZTA suggest two to three years of data is required.

## **5. Conclusion**

- 5.1 The farebox recovery ratio of 54% is higher than the target of 30-35% set as a performance measure in the Long Term Plan 2012-2022. The farebox recovery ratio is also higher than the national ratio and other similar networks.
- 5.2 There has been an upward trend in passenger and bike numbers over the first 12 months of the NBus service.
- 5.3 A calculation of benefits and costs is programmed for 2013/14 to support the business case for increased NZTA funding in the 2015-2018 National Land Transport Programme and to inform the 2015-2025 Long Term Plan.

Rhys Palmer  
**Principal Adviser Transport and Roading**

**Attachments**

None.

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

Good quality local infrastructure and local public services.

### 2. Fit with Community Outcomes and Council Priorities

A public transport service contributes to the outcome of Nelson being a people-friendly place by providing a sustainable and affordable transport options, helping people connect easily. It contributes to the priorities of Nelson's leading lifestyle and preserving the natural environment.

### 3. Fit with Strategic Documents

The bus service helps to achieve targets set in the 2009 Regional Land Transport Strategy.

### 4. Sustainability

The bus service with energy efficient vehicles contributes to minimising air pollution and decreasing the community's greenhouse gas emissions.

### 5. Consistency with other Council policies

A bus service and the SuperGold subsidy provides a transport option for Nelson's ageing population.

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

The draft Annual Plan 2013/14 says Council will provide Public Transport Services that meet the transport needs of the community with an equitable sharing of costs. The performance measure is the fare recovery ratio with a target of 30-35% for Year 2 of the Long Term Plan 2012-2022.

### 7. Decision-making significance

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

### 8. Consultation

N/A.

### 9. Inclusion of Māori in the decision making process

N/A.

### 10. Delegation register reference

No decision required of the Council.

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## **Adoption of Nelson 2060 Strategy**

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

- 1.1 To adopt the Nelson 2060 Strategy.

### **2. Recommendation**

***THAT the Nelson 2060 Strategy (1513594) be adopted.***

### **3. Background**

- 3.1 In 2010 the Council resolved to lead the development of a sustainability strategy for the Nelson community using The Natural Step strategic planning framework. This process has been called "Framing Our Future" and the resulting strategy is the Nelson 2060 Strategy.
- 3.2 Over the last two years several phases have been completed to develop a draft Strategy including:
- an initial stocktake of sustainability for Nelson,
  - a community visioning exercise,
  - an expert review,
  - further community engagement activities to develop priorities for action, and
  - a public consultation on a draft Strategy.
- 3.3 A Mayoral Taskforce of business and community leaders was also established to oversee the development of the Strategy.
- 3.4 The Framing Our Future Committee heard public submissions on the draft Strategy on 9 April 2013 and at a deliberations meeting on 30 April 2013 provided guidance to finalise the document.

## 4. Discussion

### Nelson 2060 – A Community Strategy

- 4.1 Nelson 2060 is a community strategy focused on the sustainable development of Nelson over the next fifty years. It sets out a vision and priority goals and is underpinned by a set of sustainability principles and a decision making framework. The Strategy is a map, toolkit and call to action for everyone in the Nelson community.
- 4.2 The Strategy is a living document and will be subject to review as progress is made towards each of the identified goals. Monitoring and reporting of progress will be covered in the implementation plan.
- 4.3 The Nelson 2060 Strategy is not a statutory planning document, but it will be used to inform Council's planning, through strategic documents such as the asset management plans and Long Term Plans. The decision making framework contained within the Nelson 2060 Strategy also offers the opportunity to consider Council activities through a sustainability lens.
- 4.4 Council's implementation plan for the Strategy will demonstrate its commitment to working towards the vision. It will also help guide decisions during the development of the Long Term Plan 2015-2025.

### Changes made to the Draft

- 4.5 Following the deliberation meeting on 30 April 2013 the main changes that have been made are:
- making specific reference to young people in the background section and goal 9,
  - re-wording of text under Goal 3 to include land and air,
  - re-wording of text under Goal 4 to clarify what is meant by local, and to acknowledge the role commercial growers make to the economy, and
  - the addition of a glossary.
- 4.6 Other minor changes include additional references to landscape, heritage and safety.

### Next Steps for Council

- 4.7 If Nelson 2060 is to be successfully implemented it will require changes in how the Council makes decisions. This could have cost implications which at this stage are unknown. Activities in future years that require funding will follow the Council process for consideration through the Annual and Long Term Plans.

- 4.8 As a start, funding of \$45,000 is being considered through the Annual Plan 2013/14 to support the Council's implementation of the Strategy and to hold a public launch of the Strategy.
- 4.9 A draft Implementation Plan for 2013/14 will be brought to a Framing Our Future Committee meeting for discussion in June 2013, once the Nelson 2060 Strategy has been adopted.
- 4.10 The draft Implementation Plan 2013/14 will focus on activities that will embed sustainability into Council's planning and decision making and ways that Council can support the community to use the Strategy.
- 4.11 A range of activities that support the Strategy will also be delivered through existing Council works programmes and budgets.

## **5. Conclusion**

- 5.1 Following extensive community engagement over the past two years and a public consultation process a final version of the Nelson 2060 Strategy is now ready for adoption.

Sarah Yarrow  
**Policy Adviser**

### **Attachments**

Attachment 1: Nelson 2060 Strategy	<a href="#"><u>1513594</u></a>
Screen version	<a href="#"><u>1518497</u></a>

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

The Nelson 2060 Strategy provides a planning and decision making framework that will help Council to make decisions on how best to deliver infrastructure and public services that meet the current and future needs of the Nelson community. It will do this by asking specific questions that directly ensure Council is meeting the purpose of Local Government in relation to good quality and cost effectiveness.

### 2. Fit with Community Outcomes and Council Priorities

The Nelson 2060 Strategy is consistent with all of Nelson's community outcomes. Council priorities in the Long Term Plan 2012-2022 were aligned with the Nelson 2060 vision.

### 3. Fit with Strategic Documents

The Nelson 2060 Strategy will be one of Council's guiding strategic documents. It provides an overarching framework for Council decision making. It is expected that as Council's other strategic documents are reviewed, that they will align their direction and activities to also ensure that they are working towards the Nelson 2060 vision.

### 4. Sustainability

The Nelson 2060 Strategy is aimed at creating a sustainable future for Nelson, looking 50 years out.

### 5. Consistency with other Council policies

Over time, Council's policies and asset/activity management plans will need to be reviewed and aligned with the vision and direction set in the Nelson 2060 Strategy.

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

The Council adopted the Nelson 2060 Vision in the Long Term Plan 2012-2022 and Council has advised that a Nelson 2060 Strategy will be produced in 2012/13. The priorities in the Long Term Plan 2012-2022 were also aligned with the Vision. Funding of \$45,000 is being sought through the Annual Plan 2013/14 to initiate Nelson 2060 implementation actions. There may be future cost implications for implementing Nelson 2060 but at this stage these are not known.

### 7. Decision-making significance

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

### 8. Consultation

The contents of the draft Nelson 2060 Strategy is the culmination of an extensive community engagement process over two years.

**9. Inclusion of Māori in the decision making process**

There is iwi representation on the Mayoral Taskforce. Kotahitanga nominated Kerensa Johnston to provide expert review from a Te Ao Māori perspective.

**10. Delegation register reference**

This is a Council decision.



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## **Remit Proposal: Local Government – A Place in our Constitution**

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

- 1.1 To consider supporting a remit proposal made by Wellington City Council to the Local Government New Zealand (LGNZ) Annual General Meeting.

### **2. Recommendation**

***THAT Council confirms its support for the Wellington City Council Remit Proposal 'Local Government – A Place in our Constitution' (1520131).***

### **3. Background**

- 3.1 The Government has established the Constitutional Advisory Panel to consider the potential opportunities for constitutional reform in New Zealand. It is currently undertaking a significant programme of consultation and engagement (the 'Constitution Conversation').
- 3.2 Currently there is no reference to the role of Local Government within the Constitution Act 1986. Wellington City Council proposes that delegates to the LGNZ AGM support the following remit:

*'That Local Government New Zealand will seek to promote an amendment to the Constitution Act 1986 that gives constitutional expression to Local Government within New Zealand's democratic governance arrangements.*

*'That Local Government – it's essential place and significance – be reflected in any constitutional arrangements for New Zealand that may emerge out of the current constitutional review process'.*

### **4. Discussion**

- 4.1 The remit proposal (Attachment 1) seeks to give constitutional expression to Local Government as a reflection of our values of enabling local decision-making through locally and democratically elected representatives.

- 4.2 The reason for this is to recognise that Local Government is fundamental to the democratic governance arrangements of New Zealand.
- 4.3 The proposal acknowledges that the Local Government Act 2002 is a key piece of legislation that determines the scope of activities that Local Government is empowered to undertake. The proposal does not seek change to that legislation.
- 4.4 However, inclusion of Local Government in the Constitution Act 1986 would confirm the contribution and status of Local Government as an integral part of our democracy.
- 4.5 Wellington City Council has invited Nelson City Council to support this proposal. The proposal supports Council interests in advocating for the role of Local Government both locally and nationally.
- 4.6 The formal vote will take place at the LGNZ AGM on 21-23 July 2013.

## **5. Conclusion**

- 5.1 Wellington City Council has submitted a remit proposal to LGNZ on constitutional reform. Council officers recommend that Council supports this proposal to recognise the importance of Local Government in New Zealand.

Chris Ward  
**Manager Strategic Response**

### **Attachments**

Attachment 1: Remit Proposal: Local Government - A Place in our Constitution 1520131

No supporting information follows.

## Local Government – A Place in our Constitution

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*Remit Proposal – Wellington City Council  
Local Government New Zealand Annual General Meeting  
July 2013*

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Ahead of the Local Government New Zealand Annual General Meeting in Hamilton in July this year, Wellington City Council proposes a policy remit for consideration by delegates. The remit proposes the addition of a statement that “there shall be local government” in the Constitution Act 1986.

Wellington is the home of New Zealand’s democracy and it is fitting and proper that Wellington City Council should propose a simple but symbolically significant amendment to the Constitution Act.

This White Paper presents for discussion a proposal to amend the Constitution Act to give local government a place in New Zealand’s democratic governance arrangements. This paper proposes that regardless of the extent to which local government is responsible for delivering services and activities, the nature of local government as a crucial part of our constitutional framework is undeniable.

Local government is addressing change in the environment in which it operates. Changes in how Auckland’s local government arrangements are organised, amended legislation opening the door to more change, the *Better Local Government* framework all set out new horizons for the local government sector.

These challenges will be met and local government will continue to be responsible for billions of dollars worth of activity in our economy. Local government will continue to build our towns and cities and work constructively to reflect the aspirations New Zealanders have for the kinds of towns, cities and regions we wish to live in and leave for generations to follow.

This paper proposes that an amendment to the Constitution Act is a hugely symbolic gesture towards reflecting the kind of democracy that New Zealand is, a place where free and open elections allow us to elect our leaders and to make decisions directly affecting the things we can touch, see and feel in our daily lives.

New Zealanders are currently engaging in a conversation about the future of our constitution. This is the appropriate time to have fully reflected the structures that support and protect our democratic traditions.

This approach aims to have local government reflected in the current framework. It leaves open the opportunity to have the essential nature and significance of local government reflected in any ‘written constitution’ that may emerge out of the current *Constitution Conversation* or future processes.

## Remit Proposal

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1. Wellington City Council (WCC) proposes that delegates to the Local Government New Zealand (LGNZ) Annual General Meeting support the following remit:
  - i. *That Local Government New Zealand will seek to promote an amendment to the Constitution Act 1986 that gives constitutional expression to local government within New Zealand's democratic governance arrangements.*
  - ii. *That local government – its essential place and significance – be reflected in any constitutional arrangements for New Zealand that may emerge out of the current constitutional review process.*
2. The detail for how this remit may be translated through our constitutional arrangements can then be developed following successful adoption by the AGM. In addition, this remit will form the basis of future work to that will allow the local government sector to engage with the *Constitutional Conversation*.

## Background

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### **Constitutions**

3. A constitution, in whatever form it takes, is a moral covenant between a government and its people. Regardless of the form of any constitutional arrangements, the protection of certain rights, freedoms, and obligations are the terms of agreement between a people, who delegate power and a government who may execute those delegations.
4. The Cabinet Manual says:

*A constitution is about public power, the power of the state. It describes and establishes the major institutions of government, states their principal powers, and regulates the existence of those powers in a broad way. While all constitutions have these general characteristics, each constitution is affected by the national character of the state it services.<sup>1</sup>*

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<sup>1</sup> Cabinet Manual, Introduction, "On the Constitution of New Zealand: An introduction to the foundations of the current form of government", Rt Hon Sir Kenneth Keith, 1990, updated 2008 - <http://cabinetmanual.cabinetoffice.govt.nz/node/68>

5. Perhaps the most famous written constitution, establishing the tradition of a true agreement between a people and their government and the ascribing of certain powers, rights and freedoms, is that of the United States:

*We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.<sup>2</sup>*

6. That constitution, while arguably imperfect, does exemplify the very nature of constitutions. That they are enduring, they are principled and importantly, they set out the nature of the democracies they define. Constitutions form a trust and set out the principled expectations by citizens for those they elect as leaders.
7. The form and function of government is also legally entrenched. Constitutional amendments are not only rare and significant, but require a “super-majority vote”. The process of amending the US Constitution requires the House of Representatives and the Senate by a two-thirds majority, a joint resolution, to amend the constitution that is then ratified directly by each state in the Union.

### ***The New Zealand Context***

8. Unlike most modern democracies, New Zealand does not retain a codified constitution. In both countries, constitutional arrangements are found within a range of legal documents, the decisions of the court and enduring constitutional conventions. While there is a view that New Zealand must form a written constitution, it is clear that a constitution can exist, and endure, without necessarily being written in a single place.
9. In New Zealand, the documents in which our constitutional arrangements are considered to be vested are not superior law, no super-majority is required to amend and there are no special requirements for amendment to those legislative Acts other than simple majority.
10. The major sources making up the constitutional arrangements of New Zealand include:
  - Constitution Act 1986
  - Electoral Act 1993
  - New Zealand Bill of Rights Act 1990
  - State Sector Act 1988
  - Judicature Act 1908

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<sup>2</sup> Preamble to the Constitution of the United States of America

- Official Information Act 1982
  - Ombudsmen Act 1975
  - Public Finance Act 1989
  - Treaty of Waitangi
  - The Prerogative Powers of the Queen.
11. Some important decisions by New Zealand courts and conventions of the constitution which in practice regulate, control and in some cases transform the use of legal powers arising from the prerogative powers help to protect and enhance the democratic character of our constitution.
  12. This paper doesn't seek to expose a view on whether New Zealand should have a single written constitution or not. Rather, this paper seeks to address the position of local government has within the constitutional framework New Zealand has now and may have in future.
  13. Those things said, it is crucial to be clear about the way in which New Zealand's constitution is arranged and the tenor of those arrangements. It is that New Zealand will be democratic, that it will be incorrupt and that leaders will act in the best interests of citizens.

### ***The Nature of Democracy in New Zealand***

14. The quality of New Zealand's democratic arrangements is the aspect this paper is concerned with. While a democracy is largely identifiable by free and open elections, a democracy must also give citizens opportunities to participate in decision-making.
15. The quality of New Zealand's democracy is strengthened by the checks and balances that empower citizens with tools to act against abuses of power and against decision-making that are over extensions of executive or other powers.
16. New Zealand's democracy is punctuated by a tradition of the exercise of power through an elected Parliament, an impartial and independent judiciary, a free press, access to government information, protection of individual rights and freedom from corruption.
17. The exercise of decision-making power in New Zealand is on the basis of making decisions as close as possible to the communities those decisions may affect and that decisions should be made by the most competent body with sufficient mandate.

18. The existence and function of local government contributes to New Zealand's robust democratic tradition. In its submission to the Constitutional Arrangements Committee in 2005, Local Government New Zealand had cause to quote Richard Mulgan who states:

*...if democracy is to do with self government, the control of one's own life and environment, then the most important area of control is the most immediate environment, the locality in which one lives. Home and neighbourhood should take precedence over the wider and more remote units of region, state or nation.<sup>3</sup>*

19. New Zealanders enjoy high quality representation from elected Members of Parliament with 1 representative to around every 55,000 New Zealanders. In addition, New Zealanders elect non-electorate-based MPs who contribute to representation that is further reflective of New Zealand's ethnic and demographic diversity.
20. The existence of local government is in the nature of establishing democratic representation closer to the point of impact and influence. It is reflective of an enduring desire of those in free and democratic societies to influence decision-making that has a real and direct impact on the environment in which they live.

### *Government that is Local*

21. The provision of local governance and civil society mechanisms through which citizens can then have their concerns and values expressed is fundamental to the way New Zealanders expect their democracy to operate. Regardless of the scope of activities for which local government has upon which to focus, that it is part of the democratic apparatus is key:

*...local government is the prime element in democracy and has an intrinsic value regardless of the functions it may carry out.<sup>4</sup>*

22. That it makes decisions exerting some control on "ones own life and environment", that it is truly government which is *local*, it possesses the virtues of being fundamental to the make up of our democratic governance. Undeniably, democratic governance is the ultimate system to ensure citizen participation in decision-making, it demands participation by virtue of electing leaders and then holding them to account.

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<sup>3</sup> Mulgan, "Democratic Theory, Devolution and Accountability" ed Martin and Harper, 1988.

<sup>4</sup> "Representative Government", John Stewart Mill, 1861

23. By providing local government structures that distribute their resources in an equitable, transparent and accountable way, democratic governance increases access to services by citizens<sup>5</sup>. In addition to that access, citizens are also afforded a system that allows them to tailor those services to suit the needs of the home and neighbourhood in addition to or even in spite of the views of a central government.
24. In this respect, local government acts as a check and balance against the priorities of an elected central government which, in New Zealand, is subject to party politics. The nature of local government in New Zealand, to be driven largely in a committee style, enables a truer reflection of local preferences and aspirations.
25. The extent to which local government in New Zealand is empowered through decentralization of function, creates local structures that can make decisions and distribute services and resources independent of a central government and more responsively. This is most especially so given local government's ability to raise its own revenue.
26. Clearly, the advantage of democratic governance more broadly is in its ability to reduce disparity and provide equality of opportunity away from the "tyranny of the majority"<sup>6</sup> as James Madison wrote. That is keenly enabled by the existence local government with its connections to both the area over which there is jurisdiction but similarly its ability to distribute resources to reflect much more local preferences.

## **The Nature of Local Government**

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### *The Constitution Act*

27. The principal statement of New Zealand's constitutional framework is the Constitution Act 1986. The Act itself is stunning in simplicity and sets out the establishment of:
  - The Sovereign as Head of State
  - That there shall be a Parliament with an executive and a legislature
  - That there shall be an independent Judiciary.
28. Each of the institutions has a role to play and core functions that can overlap, but they also provide a check and balance upon each other. The question of the place of Local Government arises here. Local Government is not set out in the Constitution Act, but should it be?

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<sup>5</sup> "Democracy, Governance and Development: A Conceptual Framework", Cheema and Maguire, United Nations Development Programme

<sup>6</sup> "The Federalist" (No.10), James Madison, 1787



## *The Nature of Parliament*

29. At its most fundamental, Parliament can be described by the following key characteristics:
- Its Members are elected
  - It may pass law
  - It may raise revenue.
30. While, more broadly, the characteristics of Parliament can be far more exhaustively defined, the true nature of Parliament is defined by these key elements. It is fitting, of course, that Parliament's place in our constitutional arrangements is clearly set out in our principal constitutional Act.
31. When reviewing the basest elements of Parliament, we consider now the core characteristics of local government:
- Its Members are elected
  - It may pass regulation
  - It may raise revenue.
32. This paper considers that the core characteristics of both Parliament and Local Government are the same. The mandate to act according to the legislative provisions that define the functions of local government on the basis of free and democratic elections is the same.
33. The ability to impose rates is accepted in return for the appropriate delivery of services where measures of public consultation, consideration and transparency are the same. And, that citizens delegate the power of representative decision-making and the creation of regulations that are both abided by and/or enforced, are the same.
34. There is no other apparatus of New Zealand's framework of government that shares these core characteristics with Parliament. The very name *Local Government* is an indication of its status in our communities. It is a form of government consistent with the traditions of New Zealand's robust representative democracy. It is truly government that is local.

## The Place of Local Government

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### *The Local Government Environment – The Challenge of Change*

#### *Auckland*

35. On 9 December 2009, the government introduced the Local Government (Auckland) Act. For the first time in its history, Auckland was about to be governed by one council.
36. When the Auckland Act became law in 2010, 8 councils would become one, Auckland was to have one Mayor and Auckland would be set to elect 20 Councillors to a new Auckland Council.
37. This is the most significant change to the local government landscape since large scale reforms were undertaken in 1989. There were and continue to be a wide range of views about whether reform was necessary to the structure of Auckland's local government arrangements to address a range of apparent issues, most importantly Auckland's transport challenges.

#### *Better Local Government*

38. In March 2012, the government sent strong signals that reforms in Auckland were to be viewed as a compass for the local government sector. The government's broad strategy is called *Better Local Government*.
39. Better Local Government makes reorganisations easier and encourages a more strategic regional view. Better Local Government asks local government to be more effective with its resources and to think about the long term with clear, simple and easily accessible plans.
40. The first four points were part of a work programme which culminated in the first piece of legislation which was passed in December 2012. The Act provides for:
  - A new purpose statement
  - New financial prudence requirements
  - Changes to the way councils are governed
  - Changes to the process for reorganising local government.

41. The new purpose statement and the changes to the reorganisation process came into effect as soon as the Act was passed. The changes to the governance arrangements also came into effect with the passing of the Act, except for new mayoral powers which apply from the October 2013 elections.
42. The financial prudence requirements are to be set by regulation. The work to develop those regulations is underway, in consultation with Local Government New Zealand.
43. Work is also underway on the second phase of the reform programme which now consists of six streams of work after Government added points five and six since the announcement was made in March.
  - An efficiency taskforce
  - An expert advisory group on local government infrastructure efficiency
  - A review of development contributions
  - A framework to guide the allocation of regulatory roles between local and central government
  - Investigation of a dual or two-tiered governance model for local government
  - Development of options for a performance framework for local government.
44. Following Auckland and the release of Better Local Government, the Local Government Act 2002 Amendment Bill was released. Government then passed new law that changed the local government sector in line with what has happened in Auckland.
45. Importantly, the Local Government Commission who makes decisions about whether reorganisations should happen or not will have more scope. This means anyone with strong community support will be able to apply to reorganise local government in their area. In addition, the Local Government Commission has new criteria that encourage a regional view, a regional voice and simplified strategic regional planning.

## *Lingering Question*

46. So, while the functions of local government may be applied with some flexibility, the nature has, does and will continue to endure. It is not proposed in this paper that local government is under threat. This paper doesn't propose that the changing focus or drive towards what local government should *do* is diminishing its role within our constitutional arrangements.
47. Rather, as discussed earlier and while important, the extent to which local government is empowered to make decisions and be government that is local is perhaps irrelevant to the question of whether or not it is reflected within our constitutional arrangements in the first place.
48. However, while significant reform is being undertaken throughout the local government sector, the importance of local government, the constitutional importance of local government to the nature of New Zealand's democratic arrangements remains largely unstated.
49. With that said, it is the position of this paper that it is the character of local government rather than its function that gives rise to its importance to our constitutional arrangements and the nature of our democracy.
50. The local government sector is predominantly guided by the Local Government Act 2002 (the LGA). It is not the position of this paper to propose amendments to the scope of activities that local government is empowered to undertake, more it is the simple recognition that local government is fundamental to the democratic governance arrangements of New Zealand.
51. As is the case with all legislation in New Zealand, the LGA is neither superior nor entrenched legislation; it is a piece of legislation that remains open to reform by a simple majority in New Zealand. This paper does not advocate the entrenchment or otherwise of the LGA or any other Act of Parliament, again the focus here is to ask whether New Zealanders would expect a key aspect of its democratic governance arrangements to be reflected in legislation addressing the form of those arrangements.
52. The manner in how local government works, the systems and structures that support it, the mechanisms drawn upon to ensure the necessary transparency and accountability are arguably important and necessarily open to change by Parliament.
53. With that being said, there is an important and lingering question about the place of local government in New Zealand and whether local government as a fundamental aspect of New Zealand's democratic arrangements should be more clearly defined as part of our constitutional arrangements.

54. The Constitution Act 1986 does not currently include a reference to there being local government in New Zealand. While the Constitution Act, like other significant Acts considered to be part of New Zealand's constitutional arrangements is not entrenched or considered superior law, they are Acts to which our courts and Parliament pay deference to.
55. While it is reasonable to conclude that New Zealanders would vehemently oppose any apparent political will to disestablish local government, it is likewise not sufficiently recognised in our constitutional arrangements and we believe that it should be.

### *Change to the Constitution Act – What it means*

56. The current structure of the Constitution Act is as follows:
  - Part 1 – The Sovereign
  - Part 2 – The Executive
  - Part 3 – The Legislature
  - Part 4 – The Judiciary
  - Part 5 – Miscellaneous Provisions
57. In simple terms, the Constitution Act sets out what apparatus will be in place, the fundamental mechanisms that are designed to deliver, protect, and maintain our democratic governance.
58. The Act provides that, for example, there shall be a Parliament of New Zealand, not the way in which its Members will be elected, the way in which it will conduct its business, or the Officers it will establish the rules under which law will be made.
59. The Act provides that, for example, there shall be an independent judiciary, not the way in which judges are appointed, the rules for conducting the courts over which they preside or the manner in which courts will consider the matters before them.
60. As discussed in this paper, the nature of local government is that it empowers citizens to engage in democracy, it is a tool through which democracy is delivered, strengthened and protected. Its absence from our constitutional framework is conspicuous.

61. An amendment to the Constitution Act is a hugely symbolic recognition of the fact that New Zealand's long tradition of democracy is comprised not only of a strong and stable central government but also of local government that has built our towns and cities and continues to represent our local preferences.

### Conclusion

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62. Local government provides an avenue for popular participation in representative decision-making. It is in our nature to want our homes and neighbourhoods to reflect our aspirations for the kind of New Zealand in which we wish to live.
63. Local government allows us to exert control over the aspects of democratic governance we can see and touch on a daily basis, those things in our lives that we see, touch and feel every day.
64. Local government, regardless of the extent to which it is empowered to undertake activities and to make decisions is fundamental to the kind of democratic governance we wish for ourselves.
65. We believe that recognition of the place of local government is vital to protecting its enduring importance as a fundamental characteristic to how New Zealanders wish to govern ourselves.
66. We support Government's establishment of a Constitutional Review Panel to consider such matters and urge the local government sector to support this remit. Further, we urge Wellingtonians and other New Zealanders to support this initiative in order to fully reflect the nature of our democratic governance.

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## **Council Submission on Making Pool Safety Easier**

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

- 1.1 To confirm Council's submission to the Ministry of Business, Innovation and Employment discussion document "Making Pool Safety Easier".

### **2. Recommendation**

***THAT the submission (1507218) on the Ministry of Business, Innovation and Employment discussion document "Making Pool Safety Easier" is confirmed, subject to any changes agreed by Council.***

### **3. Background**

- 3.1 The Fencing of Swimming Pools Act 1987 controls design of safety measures for home pools and spa pools and delegates monitoring and enforcement responsibilities on Councils.
- 3.2 The Government commenced a review of the Fencing of Swimming Pools Act 1987 in 2008 with a discussion document around the administration and implementation of the Act. It is seeking to find a balance between protecting young children from drowning and the practicalities of rules and standards for pool owners and Councils.
- 3.3 The Council made a staff submission (676688) on the technical administration issues with the present Act.
- 3.4 The Ministry of Business, Innovation and Employment released a second discussion document in March 2013 seeking views on a number of new approaches to promoting and regulating for pool safety, and on a range of possible solutions that address those issues.
- 3.5 Staff prepared a draft submission on the discussion document. This draft was reviewed by members of the Council's Hearings Panel who have some experience with the administration of the Fencing of Swimming Pools Act 1987 through applicants seeking exemptions from its standards. The draft was amended to reflect the advice of Panel members.
- 3.6 The closing date for submissions was 10 May 2013. The submission was lodged on the basis that it had yet to be confirmed by the Council.

## 4. Discussion

4.1 The Council's submission agreed with some key propositions in the discussion document:

- That the new Act be called the Home Pools Act (and therefore reflects its new focus).
- That the purpose of the Act be to "prevent children aged under five years from drowning as a result of unrestricted access to a home swimming pool".
- That there is a need for a stand-alone Act rather than add Fencing of Home Pools into the already complex Building Act 2004.
- That responsibility for pool safety is shifted from the Council to pool owners and retailers. The present system is based on the Council maintaining a register of all pools and carrying out mandatory three yearly inspection regime. The proposed system is that the Council will still issue building consents for pools but that it implements an audit regime based on risk; retailers have an obligation to inform buyers of their responsibilities and owners are required to provide maintenance checks to the Council.

4.2 The submission also supports the creation of an infringement regime and a simplified means of compliance through the acceptable solutions process already within the Building Act 2004 i.e. rather than have prescription in the Act with one standard for compliance in making a pool safe with a hearing process for site/pool specific exemptions, it is proposed that a number of ways of achieving compliance is provided.

4.3 The Council submission reflected mixed views around the approach to be taken for "child-proof" pools especially spa pools and the issue of lockable lids.

## 5. Conclusion

5.1 In March 2013 the Ministry of Business, Innovation and Employment invited submissions on its discussion document "Making Pool Safety Easier".

5.2 The Council prepared a submission and lodged it with the Ministry by 10 May 2013 noting the submission had not been confirmed by the Council.

5.3 The submission needs to be confirmed by the Council.

Richard Johnson  
**Executive Manager Regulatory**



## **Attachments**

Attachment 1: Submission on "Making Pool Safety Easier" [1507218](#)

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

Responding to proposals on behalf of the Nelson Community is part of Council's democratic function.

### 2. Fit with Community Outcomes and Council Priorities

Submitting on proposals of relevance to Council and the community demonstrates Good Leadership.

### 3. Fit with Strategic Documents

There is no strategic framework for Councils role in administering the Fencing of Swimming Pools act 1987. It is a function delegated by Government.

### 4. Sustainability

Helps create a safe environment for young children.

### 5. Consistency with other Council policies

Not inconsistent with the Well-being Policy.

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

None from the submission. Potential impacts depending on Regulations that follow around infringement regimes (revenue) and obligations around monitoring, education and enforcement (costs).

### 7. Decision-making significance

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

### 8. Consultation

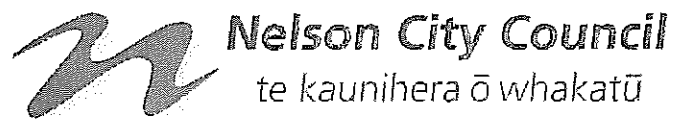
No external consultation has been carried out.

### 9. Inclusion of Māori in the decision making process

No specific Māori consultation has been carried out.

### 10. Delegation register reference

A Council decision to confirm the submission.



**Ministry of Business, Innovation and Employment  
Making Pool Safety Easier**

**SUBMISSION FROM NELSON CITY COUNCIL**

To: Making Pool Safety Easier  
Ministry of Business, Innovation and Employment  
PO Box 10729  
Wellington 6143

**10 May 2013**

**This submission is made by:** Nelson City Council

**Address for Service:**

**Postal:** Nelson City Council  
PO Box 645  
Nelson 7040  
Attn: Executive Manager Regulatory

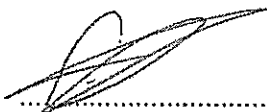
**Email:** richard.johnson@ncc.govt.nz

**Fax:** (03) 546 0239

**Contact Person:** Richard Johnson, Executive Manager Regulatory

**Direct Phone:** (03) 545 0235

Signed



Date: 01.5.13

Aldo Miccio  
Mayor of Nelson City Council

UNCONFIRMED

## Introduction

Nelson City Council (the Council) thanks the Minister for Business, Innovation and Employment for the opportunity to make a submission on the proposed changes to the Fencing of Swimming Pools Act 1987.

This submission has been prepared jointly by members of the Council's Hearing Panel and staff. It has yet to be confirmed by the Council because of timing issues with Council meetings.

The Council will advise the Ministry when this submission is confirmed by the Council.

UNCONFIRMED

Proposal	Questions:	Nelson City Council Comments
<b>1. Proposal 1: Reduce the types of pool that are subject to the Act</b>		
1.1. Proposal 1: Define "swimming pool" to mean an excavation or structure deeper than 400 mm intended for swimming or other human aquatic activity	Do you agree with Proposal 1?	Clarification needed about how "intended" is to be used. From a compliance viewpoint we need clear definitions or guidance on assessing the possible/intended use of a "pool". It will create enforcement issues if a difficult owner simply says he/she "does not intend" to use say a Para pool for swimming but use it as a water feature! General agreement with proposal.
1.2. Additional option: Make indoor pools subject to the Act	Do you agree with the additional option?	Agree
<b>2. Proposal 2: Clarify the requirements for restricting access to the pool</b>		
2.1. Proposal 2: Clarify the requirements for restricting access to the pool by removing the following from the Act: <ul style="list-style-type: none"> <li>• the Schedule</li> <li>• the power to grant exemptions</li> </ul>	Do you agree with Proposal 2	Accept there is a duty of care for pool owners to provide a safe environment for children under five years of age. Who is developing the acceptable

Proposal	Questions:	Nelson City Council Comments
<ul style="list-style-type: none"> <li>the requirement for a fence, and</li> <li>the obligation to comply with the Building Code at all times, (although there will still be a maintenance obligation – see proposal 5).</li> <li>amending the Building Code so that the performance standard for home swimming pools is: pools shall have a means to restrict unsupervised access by young children, and;</li> <li>developing acceptable solutions.</li> </ul>		<p>solutions? They should be prepared in close consultation with the local government sector. Need to have these available when this proposal becomes law.</p> <p>Council supports the need for the new Act to specifically provide for or 'save' approvals and exemptions granted under the present Act. Any physical changes to the pool area after the enactment of the new Act need to comply with the new requirements. Consideration should be given to those physical changes voiding any prior approvals and the entire pool being required to comply with the new Act.</p>
<p><b>3. Proposal 3: Relax the requirements about where access must be restricted</b></p>		
<p>3.1. Proposal 3: Remove the term "immediate pool area" and include in the Building Code a requirement to restrict access to the pool from the house and from other properties.</p>	<p>Do you agree with Proposal 3?</p>	<p>Disagree. The area normally accessed either from the house or other properties and used as part of the pool area should be self defined by the owner depending on how the pool is used in relation to the</p>

Proposal	Questions:	Nelson City Council Comments
		property.
3.2. Alternative Option – restrict the access to an area people normally only enter to use the pool.	Do you agree with the alternative option?	Agree
<b>4. Proposal 4: Continue to allow childproof doors opening to the pool area.</b>		
4.1. Proposal 4: continue to allow childproof doors opening to the pool area.	Do you agree with Proposal 4?	Agree subject to definition of child proof door meaning self closing and self latching.
4.2. Alternative Option: Do not allow doors opening to the pool area.	Do you agree with the alternative option?	No, subject to the above being accepted
<b>5. Proposal 5: Require owners to do a maintenance check</b>		
<p>5.1. Proposal 5: Require pool owners to complete a simple maintenance check and submit it to their council every three years.</p> <p>Require councils to support the maintenance check regime by:</p> <ul style="list-style-type: none"> <li>• Undertaking risk-based audits: the council may randomly audit any pool, but pools the council assesses as high risk must</li> </ul>	Do you agree with Proposal 5?	Agree. Responsibility should belong to the owner as they need to own the risks associated with having a home pool and need to be pro-active in ensuring compliance with the Act. The fundamental proposition is that owners should have safe pools and in that regard is not unlike the owner responsibility of having a safe motor vehicle as confirmed by regular



Proposal	Questions:	Nelson City Council Comments
<p>have a higher chance of being audited</p> <ul style="list-style-type: none"> <li>Publicly reporting the estimated level of compliance annually.</li> </ul>		<p>WoF checks.</p> <p>"High Risk" should be defined or limited by legislative criteria within the Act. The Council requests that guidance be provided on what Government deems "high risk". It would be helpful for consistency across the country if there is an agreed basis for assessing risk. The Council does not support the annual public reporting of compliance. Inevitably it will be a report of aggregated results so actually will tell the public and any monitoring agency little other than over time providing time series trend data.</p> <p>The proposal is similar to the need to report annually on activity under the Dog Control Act or the Sale of Liquor Act. The Council is not aware of any use being made of that aggregated data and it certainly does not help measure whether the outcomes sought by the regulation within those Acts is promoting achievement of any outcomes.</p> <p>This sort of reporting was examined by</p>

CONFIRMED

Proposal	Questions:	Nelson City Council Comments
		<p>the Productivity Commission in its Better Regulation discussion document and found to not serve any useful purpose.</p> <p>The proposal for an annual report incurs a cost to the community with no benefit to the public.</p> <p>The Council presumes Government will prepare a standard maintenance check list for pool owners so it is standardised across the country</p>
<p>5.2. Alternative Option – No requirement for owners to do a check, but require councils to inspect all pools every three years</p>	<p>Do you agree with the alternative option?</p>	<p>This alternative is very much a fallback position if Option 5.1 is not adopted and it will be a regime at odds with the proposition of pool owners, and retailers of pools, owning the risks of pool ownership.</p> <p>Option 5.1 does not prevent a Council, having considered the risks and liabilities of doing so, offering to provide an inspection service for a fee for those owners who might find it difficult to undertake the maintenance check described in 5.1 above.</p>

Proposal	Questions:	Nelson City Council Comments
<b>6. Proposal 6: Give councils more cost-effective enforcement tools?</b>		
<p>6.1. Proposal 6: replace the power to impose court fines with:</p> <ul style="list-style-type: none"> <li>• A notice requiring an owner to remedy a maintenance issue</li> <li>• Infringement offences up to a maximum of \$500 for: <ul style="list-style-type: none"> <li>○ Gate or door being left open</li> <li>○ Not submitting a maintenance check</li> <li>○ A notice not being complied with.</li> </ul> </li> </ul>	<p>Do you agree with Proposal 6?</p>	<p>Agree. An infringement regime is a most useful mid range enforcement/penalty tool backed by the Building Act 2004 Notice to Fix process.</p> <p>There is a need to retain the power to prosecute recurring offenders or where there are significant risks or uncooperative pool owners.</p>
<b>7. Proposal 7: Exempt child-proof spa pools</b>		
<p>7.1. Proposal 7: Exempt childproof spa pools from requiring a building consent and maintenance checks (see proposal 5).</p> <ul style="list-style-type: none"> <li>• Create an infringement offence for any spa pool that is not kept childproof (unless the owner has restricted access as required for other pools).</li> <li>• Require spa pool retailers to give buyers a checklist setting out their obligations</li> <li>• Create an infringement offence for retailers who fail to give a checklist to a</li> </ul>	<p>Do you agree with Proposal 7?</p>	<p>The Council has no preferred view on this matter; there are pros and cons for both options.</p> <p>The proposal requires specificity around what is deemed to be "child-proof". Perhaps it is sufficient for spa pools to be certified by manufacturers that the pool is childproof whether that be by reference to a NZ standard or other independent certification.</p>

Proposal	Questions:	Nelson City Council Comments
<p>buyer.</p>		<p>If this option is taken up how is the Council to know where these spas are?? How is a Council to know where to go if a three-year inspection regime is adopted as an obligation on the Council? We cannot know what is not known to us.</p> <p>A building consent is a costly way to give notice to the Council that one now exists on the property but what other mechanism is available? If the issue is around proving a spa is child-proof then how do we know that even new out of a show room the spas comply? This Council has experience with clean air burning wood burners that even after independent testing and verification some makes and models of wood burners were modified before sale to the extent they were no longer clean air compliant!!</p>
<p>7.2. Alternative option: Maintenance checks for spas.</p> <p>Same as proposal 7 except:</p> <ul style="list-style-type: none"> <li>owners must notify the council when they</li> </ul>	<p>Do you agree with the alternative option?</p>	<p>The issue with this option is that it is not the direct opposite of 7.1 in that it does not require an owner to get a building consent. So how can the Council be sure that it will be advised...how will it know</p>

Proposal	Questions:	Nelson City Council Comments
<p>acquire a spa pool, and</p> <ul style="list-style-type: none"> <li>owners must complete maintenance checks every three years.</li> </ul>		<p>about a spa if it not advised??</p> <p>The Council supports spa pool retailers providing checklists.</p> <p>Owners need to be subject to an infringement regime. Consistency should apply to pools and spas for maintenance checks.</p> <p>NZS85000 should be recognised as an acceptable solution for complying with the Act</p>
<p><b>8. Proposal 8: Add specific provisions for portable pools deeper than 400mm</b></p>		
<p>8.1. Proposal 8: Require retailers of portable pools deeper than 400mm to give a checklist to buyers setting out their obligations under the Act.</p> <ul style="list-style-type: none"> <li>Create an infringement offence for failing to give a checklist to a buyer.</li> <li>Create an infringement offence with a maximum fee of \$500 for having a portable pool left filled with more than 400mm water without restricting the access of young children, and the power for the council to remove the pool if there</li> </ul>	<p>Do you agree with Proposal 8?</p>	<p>Agree. Owners of portable pools should be subject to same rules as permanent pools or spa pools. Specify the requirement for owners to submit a maintenance checklist to the Council every 3 years.</p>

Proposal	Questions:	Nelson City Council Comments
is subsequent offending (after the council has given the owner an opportunity to remedy the situation).		
<b>9. Proposal 9: Include a purpose statement in the Act</b>		
9.1. Proposal 9: Add a purpose statement to the Act saying "to prevent children aged under five years from drowning as a result of unrestricted access to a home swimming pool".	Do you agree with Proposal 9?	Agree.
<b>10. Proposal 10: Put the legislative provisions in a new Act</b>		
10.1. Proposal 10: repeal the current Act and create a stand-alone Act called the Home Pools Act.	Do you agree with Proposal 10?	Agree.
10.2. Alternative Option: Add new sections to Building Act 2004 concerning child safety in home pools.	Do you agree with the alternative option?	No – the Building Act is a large document. A stand-alone Act will be better able to emphasise and address requirements concerning child safety in home pools/spas.

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## **Freshwater Reform 2013 and Beyond Submission**

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

- 1.1 To approve Council's submission on the Government's proposals contained in 'Freshwater Reform 2013 and Beyond'.

### **2. Recommendation**

***THAT the Nelson City Council submission (1483322) on the Government's 'Freshwater Reform 2013 and Beyond' discussion document is confirmed.***

### **3. Background**

- 3.1 On 8 March 2013 the Government released a paper outlining the Government's proposed approach to reforming New Zealand's freshwater management system, and invited comments on the document, to be received by 8 April 2013.
- 3.2 A Council workshop was held on 27 March 2013 to consider the Government's proposed freshwater reforms and to identify aspects on which the Council wished to comment.
- 3.3 A submission was subsequently drafted, circulated to Councillors for further input, and sent to the Ministry for the Environment on 8 April 2013.

### **4. Discussion**

#### **Council Submission**

- 4.1 The main focus of Council's submission (Attachment 1) was on the proposal to enable councils to follow a collaborative planning process, as an alternative to the current process outlined in the First Schedule of the Resource Management Act 1991 (RMA). Council's submission generally supported this approach, but sought clarity about the roles of councillors, council officers and iwi in this process.
- 4.2 The submission supported the setting of a consistent water quality classification process, to be included in the National Policy Statement for Freshwater Management (NPS). This will provide more certainty about

water quality limits, and will be a much more efficient approach for New Zealand as a whole. Regional and unitary councils will be able to focus community discussions on *how* to meet water quality standards, rather than on what the standards should be.

## **5. Conclusion**

- 5.1 Council's submission supports the general approach of the 'Freshwater Reform 2013 and Beyond' discussion document.

Debra Bradley  
**Planning Adviser**

### **Attachments**

Attachment 1: Freshwater Reform 2013 and Beyond - Draft submission from Nelson City Council [1483322](#)

Supporting information follows.



## Supporting Information

### 1. Fit with Purpose of Local Government

Making a submission on the proposed freshwater reforms fits with the purpose of Local Government because it relates to the performance of regulatory functions.

### 2. Fit with Community Outcomes and Council Priorities

Healthy land, sea, air and water – we protect the natural environment.

### 3. Fit with Strategic Documents

The Nelson Resource Management Plan includes freshwater objectives, policies, rules and other methods.

### 4. Sustainability

Goal Three of Nelson 2060 is that “all our coastal and freshwater habitats are healthy”.

### 5. Consistency with other Council policies

Not applicable.

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

The Environment section of the Long Term Plan 2012-22 (page 120) states that over the next three years Council is proposing to focus on improving the quality of Nelson’s waterways. Implementation of the NPS for Freshwater Management is one aspect of this work.

### 7. Decision-making significance

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

### 8. Consultation

The submission was informed by the Council workshop to consider the Government’s freshwater reform discussion document.

### 9. Inclusion of Māori in the decision making process

Māori were not specifically consulted on the submission.

### 10. Delegation register reference

This is a decision of Council.



**Ministry for the Environment  
Freshwater Reform 2013 and beyond**

**DRAFT SUBMISSION FROM NELSON CITY COUNCIL**

To: Freshwater Reform  
Ministry for the Environment  
PO Box 10362  
Wellington 6143

**8 April 2013**

**This submission is made by:** Nelson City Council

**Address for Service:**

**Postal:** Nelson City Council  
PO Box 645  
Nelson 7040  
Attn: Executive Manager Regulatory

**Email:** richard.johnson@ncc.govt.nz

**Fax:** (03) 546 0239

**Contact Person:** Richard Johnson, Executive Manager Regulatory

**Direct Phone:** (03) 545 0235

Signed

..... Date.../...../.....

Aldo Miccio  
Mayor of Nelson City Council

## **1. Introduction**

Nelson City Council (the Council) thanks the Minister for the Environment and the Minister for Primary Industries for the opportunity to make a submission on the proposed reforms to the freshwater management system.

The Council agrees with the Ministers that the reforms signal comprehensive and positive changes, and that freshwater is crucial to our way of life and economy.

The Council appreciates the Government's modelling of a collaborative process through the formation of the Water Directorate to consider the recommendations of the Land and Water Forum.

## **2. General Comments**

In many cases, scientific and cultural information about specific freshwater environments is currently unavailable or incomplete. Until this information is available, it is important that councils have the right to apply the precautionary principle when making decisions about freshwater management, including water takes.

The Council supports the general approach and clearer guidance about the guidelines. We note that these reforms will affect the timeframes of the Council's programme to implement the National Policy Statement for Freshwater Management. We will need to wait for the national objectives framework to be established before making further progress.

The timeframes of the National Policy Statement implementation programmes of other regional and unitary councils, which were required to be publicly notified by November 2012, are also likely to be affected by the proposed changes.

While Nelson City Council has provided limited specific comment on the broad range of national guidance proposed for managing quantity and quality limits there is general support for improved national guidance and information sharing between councils.

Collaborative work will need to match the scale of the issues to be addressed. In some cases where the risk of appeals is low, it may be more appropriate and cost effective to use a working group and follow the First Schedule process rather than undertake a full collaborative process. The degree of collaboration required will need to be considered alongside the extent of the changes required.

Some aspects of how councils achieve implementation of the National Policy Statement are likely to be delivered through Local Government Act documents such as the Long Term Plan and Activity Management Plans, rather than through resource management plans. The inter-relationship of Resource Management Act processes and Local Government Act requirements will be an important element of implementing the National Policy Statement for Freshwater Management.

### 3. Discussion – The Proposed Reforms

#### Planning as a Community

Immediate Reforms	Nelson City Council Comments
<p>Quality decision making. Include an optional collaborative planning process in the RMA, covering plan development, independent hearing panels, and limited appeal rights</p>	<p>The Council generally supports the option of a collaborative approach to plan development alongside the present First Schedule process.</p> <p>The definition of “collaboration” needs to be explicitly stated. Councils need to know what actions and resources are required to meet the criteria for a collaborative planning process before they decide between a collaborative or a traditional First Schedule planning process.</p> <p>The definition for collaboration developed by the International Association for Public Participation is: “To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.”</p> <p>Given the nature of collaborative processes, and the intention to form ongoing partnerships and agree on enduring solutions, the Council suggests that the changes to the Resource Management Act should not include time limits for completion of the collaborative planning process.</p> <p>The collaborative planning process outlined on page 25 of the discussion document includes a number of defined stages. While there is significant value in people having ongoing involvement and ownership of the process, councils will need clarity on managing potential conflicts of interest at each stage. For example, guidance will be needed on the following issues:</p> <ul style="list-style-type: none"> <li>- Whether it will be appropriate for the chair or other members of the collaborative group to also be involved in the independent hearing panel? If not, would there be a risk of loss of continuity and understanding about the reasons for the agreed approach?</li> <li>- Whether a councillor’s involvement in a collaborative group should preclude them from taking part in the decision to notify a plan change, or being on the independent hearing panel. Whether that councillor should or should not take part in Council’s later decision making on submissions and consequential changes to the proposed plan.</li> <li>- Whether it would be appropriate for a planner involved in supporting a collaborative group process to also be writing the section 42A report for an Independent Hearing Panel.</li> </ul> <p>Clarity is also required about the link between preparation of a plan change by the collaborative group and the notification by a council of the plan change. Consideration should also be given to whether there scope for a council to make changes to the recommended plan change after it is received from the collaborative group and before it is notified.</p>

Immediate Reforms	Nelson City Council Comments
	<p>Although many councillors around New Zealand are MfE accredited hearing commissioners, it is unclear what level of involvement councillors are intended to have in the collaborative planning process. It is also not clear what a council's role is in making decisions on submissions (as listed on page 25), when it is the independent hearings panel that will be considering the public submissions.</p> <p>This is further complicated by the fact that Iwi/Maori will be providing advice and formal recommendations to council, rather than to the hearing panel (as listed on page 26). More guidance will be needed on how councils are to manage this potentially contrary advice.</p>
<p>Iwi/Maori involvement in freshwater planning. Formalise a role for iwi in providing advice and formal recommendations, with a requirement for a council to consider that advice before making decisions on submissions, both for the new collaborative process and on Schedule 1 decisions relating to fresh water in a proposed plan</p>	<p>The need for Iwi involvement in freshwater planning is recognised in recent Top of the South Treaty settlements, through the requirement to establish a Freshwater Advisory Group. This group will be involved in collaborative engagement with Marlborough, Nelson and Tasman unitary councils. The Council supports a strong voice for Iwi/Maori at all stages of the plan making process, including at the hearing stage. Council recognises this could include: involvement in a collaborative group, representation on a hearings panel, being a submitter, providing advice to council on the hearing panel recommendations, being a decision maker alongside the council, and being an appellant to the Environment Court. In some areas, the same person is likely to be carrying out many of these different roles.</p> <p>Clarity around Iwi/Maori roles at each stage in the process will be very important, as well as keeping the processes as simple as possible.</p>

Next Step Reforms	Nelson City Council Comments
<p>Provide national guidance and a support package on implementing the collaborative planning process</p>	<p>The discussion document (page 27) acknowledges that planning as a community will be challenging and complex. Successful implementation of this new approach will require support and guidance for councils, including by sharing of good practice for selection of collaborative group members and facilitators, and terms of references for collaborative groups.</p> <p>The Council has some concerns about the potential costs of a collaborative process, including: facilitator fees, payment for people involved in collaborative groups, scientific and other support requested by the collaborative group, and commissioner fees for the Independent Hearing Panel. In saying this, the Council accepts that similar significant costs can occur using the First Schedule process.</p>

## A National Objectives Framework

Immediate Reforms	Nelson City Council Comments
<p>Freshwater national objectives framework. Make consequential changes to the National Policy Statement and/or other regulation making powers to facilitate a National Objectives Framework and consequential amendments to section 69 and schedule 3 of the RMA</p>	<p>Council supports the setting of this national framework, with standard attributes to be managed for particular values.</p> <p>The discussion document is silent on state of the environment monitoring requirements and on any external auditing to be associated with the framework. The Council notes the discussion in the Productivity Commission report on providing a whole of policy cycle approach to regulation, which is aimed at important and necessary environmental outcomes for significant public benefit. It is important that, for the framework to contribute usefully to better, sustainable freshwater management, that the Government commit to ensuring that the framework is regularly, independently checked that it is fit for purpose, and achieving the outcomes for freshwater that these reforms are aimed at.</p> <p>The focus of this document is clearly on freshwater environments, but the council also notes the linkages with tidal and estuarine environments, and the need for integrated planning.</p> <p>Council supports the removal of the freshwater classifications from Schedule 3 of the RMA but notes the marine classifications will need to be retained.</p>
<p>Develop regulation to implement the National Objectives Framework including national bottom lines</p>	<p>Use of a national environmental standard (NES) to achieve national consistency for air quality and contaminated land management has been a successful approach. It is also likely to be the most efficient way to require the minimum standard for the two values (on page 30) to apply for all water bodies (ecosystem health and human health for secondary contact). The NES could also be extended to coastal water quality.</p>

## Managing Within Quality and Quantity Limits

Immediate Reforms	Nelson City Council Comments
<p>Amend the RMA to ensure that councils can obtain information needed for accounting systems</p>	<p>The Council generally supports the need to gather more information provided that data collection is targeted at specific national and regional needs. There could be some tension between the national need for consistent information and councils' need for information to address specific regional issues. The Government will not need reminding that such data collection exercises will inevitably fall to local ratepayers, who may or may not get benefit from the collection of that data.</p>

Immediate Reforms	Nelson City Council Comments
	An example would be collecting information on water takes in a catchment for which there were no allocation issues. For this reason, the Council supports the proposed flexibility to gather more accurate information where over-allocation issues are occurring, and to rely on estimates where there is not an allocation issue.
To account for all freshwater takes: make amendments to ensure the Government can require councils to collect data from all water users and share data with central government; use any standard accounting system developed; and adopt defined methods for estimating water takes	More clarity about the purpose of the accounting system would be valuable. Councils will not want to spend time and resources collecting information that is not going to be used for a practical purpose.  Including a standard approach to estimate the takes that are not measured is a pragmatic approach. However, it is not yet clear how all the unmeasured and unauthorised takes can be accounted for, and therefore how reliable the resulting data would be.
To account for all contaminants (for regional decision-making): make amendments to ensure the Government can require councils to collect data on all sources of contaminants and share data with central government; and adopt defined methods for estimating discharges	As above.
Develop sector good management practice toolkits	Council supports the development and sharing of best practice guidance. This centralised approach will be far more cost effective and consistent than each council developing this type of information. Having specific Government audited and sector supported good management practices to include as externally referenced documents to a plan would be valuable.



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**Minutes of a meeting of the Resource Management Act Procedures Committee**

**Held in Ruma Ana, Civic House, Trafalgar Street, Nelson**

**On Wednesday 20 March 2013, commencing at 9.05am**

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Present: Councillor R Reese (Chairperson), and His Worship the Mayor (A Miccio)

In Attendance: Chief Executive (C Hadley), Manager Resource Consents (M Bishop), Principal Adviser Resource Management Planning (M Heale), Planning Adviser (L Gibellini), and Administration Adviser (E-J Ryan)

Apologies: Councillor D Shaw

**1. Apologies**

Resolved

***THAT the apology from Councillor Shaw be accepted.***

Reese/His Worship the Mayor

Carried

**2. Interests**

There were no updates to the Interests Register, and no conflicts of interest with any agenda items were noted.

**3. Confirmation of Minutes**

13 December 2012

Document number 1424583, agenda pages 4-6 refer.

Resolved

***THAT the minutes of a meeting of the Resource Management Act Procedures Committee, held on 13 December 2012, be confirmed as a true and correct record.***

Reese/His Worship the Mayor

Carried

#### 4. 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	<p>Resource Management Act Procedures Committee Public Excluded Minutes 13 December 2012</p> <p>These minutes include discussions related to Environment Court appeals in respect of Plan Change 14.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
2	<p>Plan Change 14 Appeal on the Front Yard Rule</p> <p>This report contains information regarding discussions with appellants.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>

His Worship the Mayor/Reese

Carried

The meeting went into public excluded session at 9.07am and resumed in public session at 10.14am.

**5. Re-admittance of the Public**

Resolved

***THAT the public be re-admitted to the meeting.***

Reese/His Worship the Mayor

Carried

The meeting was adjourned at 10.14am, to be reconvened within six weeks at a time and place to be specified.

Confirmed as a correct record of proceedings:

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

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**Minutes of a reconvened meeting of the Resource Management Act  
Procedures Committee**

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

**On Tuesday 30 April 2013, commencing at 1.30PM**

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Present: Councillor R Reese (Chairperson), His Worship the Mayor, A Miccio, and Councillor D Shaw

In Attendance: Chief Executive (C Hadley), Principal Adviser Resource Management Plan (M Heale), Planning Adviser (L Gibellini), Planning Adviser (R Peterson), Planning Adviser (P Rawson), Administration Adviser (L Canton), and Julian Ironside (Fletcher Vautier Moore)

**1. Interests**

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

**2. Confirmation of Order of Business**

The Chairperson advised that a procedural resolution was required to allow Julian Ironside, of Fletcher Vautier Moore, to remain for the public excluded part of the meeting.

**3. Minutes – 20 March 2013**

Document number 1479050, agenda pages 5-7 refer.

It was noted that the minutes of the adjourned meeting of 20 March 2013 were provided for information.

**4. Exclusion of the Public**

The Committee noted that Mr Julian Ironside, the Council's legal counsel of Fletcher Vautier Moore, would attend during the public excluded part of the meeting to answer questions and to provide advice.

Resolved

***THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Mr Julian Ironside remains after the public has been excluded, for Item 3 of***

***the Public Excluded agenda (Plan Changes 14 17 and 18 Appeal), as he has knowledge that will assist the Council;***

***AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Mr Ironside possesses relates to litigation and mediation strategy and the procedures of the Environment Court, with relation to the appeals lodged against Plan Changes 14, 17 and 18.***

Reese/Shaw

Carried

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:***

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	Resource Management Act Procedures Committee Public Excluded Minutes 20 March 2013 (adjourned)  These minutes contain information regarding Plan Change 14 Appeal on the Front Yard Rule	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: • Section 7(2)(i) To carry out negotiations
<b>2</b>	Resource Management Act Procedures Committee Public Excluded Minutes 13 December 2012  These minutes confirm the public excluded minutes of 10	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: • Section 7(2)(i) To carry out negotiations

Resource Management Act Procedures Committee  
30 April 2013

	September 2012 and include discussions related to Environment Court appeals in respect of Plan Change 14.		
<b>3</b>	<p>Plan Change 17 and 18 Appeals Update</p> <p>This report contains information regarding appeals to Plan Change 17 and 18.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
<b>4</b>	<p>Plan Change 14 Appeal</p> <p>This report contains information regarding discussions with appellants.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>

His Worship the Mayor/Shaw

Carried

The meeting went into public excluded session at 1.35pm and resumed in public session at 4.08pm.

## 5. Re-admittance of the Public

Resolved

***THAT the public be re-admitted to the meeting.***

Reese/Shaw

Carried

There being no further business the meeting ended at 4.08pm.

Confirmed as a correct record of proceedings:

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

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**Minutes of a Meeting of the Framing Our Future Committee – To Deliberate on Submissions to the draft Nelson 2060 Strategy**

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

**On Tuesday 30 April 2013, commencing at 9.05am**

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Present: Councillor D Shaw (Chairperson), His Worship the Mayor A Miccio, Councillors I Barker, G Collingwood, R Copeland, P Matheson, P Rainey, R Reese, and M Ward

In Attendance: The Chief Executive (C Hadley), Executive Manager Strategy and Planning (M Schruer), Manager Strategic Response (C Ward), Manager Administration (P Langley), and Administration Adviser (L Laird)

Apologies: Councillors A Boswijk and K Fulton, and for lateness His Worship the Mayor A Miccio

**1. Apologies**

Resolved

***THAT apologies be received and accepted from Councillors Boswijk and Fulton, and His Worship the Mayor A Miccio for lateness.***

Rainey/Collingwood

Carried

**2. Interests**

There were no updates to the Interests Register. In relation to the agenda, Councillor Shaw declared an interest with the Nelson Environment Centre, and Councillor Collingwood with the National Council of Women.

**3. Submissions to the Draft Nelson 2060 Strategy**

Document number 1473905, agenda pages 3-30 refer.

The Committee discussed the report. The Manager Strategic Response informed the Committee that measures for targets would be part of the development of the implementation plan. It was noted that the Strategy was a high level document and its implementation would involve ongoing

discussions with the community through work plans, including asset management plans and the Long Term Plan.

The Committee progressed through the 'Summary of Requests for Changes' based on the submissions received (agenda pages 9 – 16 refer).

Attendance: His Worship the Mayor A Miccio joined the meeting at 9.23am.

There was agreement that the Nelson 2060 Strategy would be a 'living document' and would be adaptable to changes in the coming years, and therefore updated at various points.

3.1 Submission L7 Carl Horn, document pages 9 and 10

It was agreed to replace 'or' with 'and' in the second sentence of the 'Keeping people here and attracting new people' section. It was also agreed to keep the reference to 'unique' in the vision.

3.2 Submission 19 Mary Ellen O'Conner, document page 14 Goal 1

It was agreed that there should be no change.

3.3 Submission 14, Stephen Zanetti, document page 16 Goal 2

It was agreed officers were to include words about the Council's advocacy role on behalf of the community.

3.4 Submission L8 Peter Lawless, document page 18 Biodiversity and Sustainability Principles

There was an in-depth discussion about biodiversity and landscapes, and how they should be integrated into the draft Strategy. The Committee encouraged officers to increase reference to biodiversity specific to Nelson in the document.

It was agreed that Goal 3 would be broadened in line with the recommendations of the Mayor's Taskforce. The Committee was cautioned to only broaden the goal in line with the submissions and to be careful not to introduce new information.

The Manager Strategic Response said that officers were working on the wording of Goal 3 with the submitter, Peter Lawless.

It was also agreed to include references in Goal 3, 5 and 8 to the value of landscapes.

3.5 Submission 71 Lynn Cadenhead and submission 75 Debs Martin, document page 18 Biodiversity

It was agreed the changes requested in these submissions were in line with that agreed to in item 3.4 above.



3.6 Submission L7 Carl Horn, document page 19 Goal 3

The Committee agreed to the suggested amendment.

3.7 Submission 26 Steve Cross, document pages 20 and 24, Goal 4 and 6

There was an in depth discussion about the production of food (Goal 4). It was agreed that the targets on page 21 of the document would be broadened to include further references to how food was produced in the Nelson area.

The Committee discussed how to provide for young people within this document. It was agreed that further references to support the provision of opportunities for young people should be added to page 31 and to the background section on page 9 of the document, and other sections as officers saw appropriate.

3.8 Submission 74 Federated Farmers, Youth and Housing

In relation to the youth issues raised in this submission, the Committee noted that the same decision as that for submission 26 (item 3.7 above) applied.

As for housing affordability, the Committee agreed this was an issue to be discussed during the development of the implementation plan. It was further agreed that any wording relating to housing affordability in the document should be strengthened.

3.9 Submission L16 Britta Hietz, document page 21 Goal 4

The Committee agreed to the suggested amendment.

3.10 Submission 8 Jenny Easton, document page 24 Goal 6

It was agreed to add the content regarding car pooling. However, the Committee felt the request for adding fossil fuel targets would be something that would be looked at during the development of the implementation plan.

3.11 Submission 12 Lindsay Jamieson, document page 24 Goal 6

It was agreed that there should be no change to this goal, as advised by staff and the Mayor's Taskforce.

3.12 Submission 41 Chris Allison, document page 24 Goal 6

It was agreed that there should be no change to this goal, as advised by staff and the Mayor's Taskforce.

3.13 Submission 74 Federated Farmers, document page 26 Goal 7

The Committee agreed to add reference to 'vibrant' in Goal 7. It was also agreed that a further bullet point should be added on page 27 of the document as recommended by the Mayor's Taskforce.

3.14 Submission 6 Sharyn Black, document page 37

It was agreed to add the additional comment as stated in the staff advice.

3.15 Submission L7 Carl Horn, document page 43

The Committee agreed with the staff advice.

3.16 Submission 17 David Watt and submission 71 Lynn Cadenhead, document page 49 Heritage

There was agreement that the draft document was light on built heritage and that officers should strengthen the references to historic heritage in the document.

It was noted that the Council has statutory responsibilities under the Resource Management Act 1991 to recognise and provide for the protection of the historic heritage of Nelson.

3.17 Submission L7 Carl Horn, document page 58 and 60

The Committee discussed the 'Nelson 2060 at a Glance' table and whether it should be at the back or front of the document. The Committee agreed with the staff advice to leave it at the back.

The Committee agreed with the submitter that a glossary should be added to the document.

The Committee discussed the importance of including the principles of the Treaty of Waitangi and agreed that officers should insert references to these principles where appropriate.

3.18 Submission L4 Zachary Domike, document page 60

Attendance: Councillor Shaw declared a conflict of interest with discussions relating to the Nelson Environment Centre and withdrew from the table.

It was agreed that a resource should be developed in line with the advice in the report.

3.19 Submission 70 Barbara Graves, Safe at the Top

The Committee agreed that officers should include reference to community safety in Goal 9.

3.20 Submission 74 Federated Farmers

The Committee agreed with the staff advice.

3.21 Submission L7 Carl Horn, Population

There was a thorough discussion about whether the document should include information regarding Nelson's optimal population. It was acknowledged that such information would require further community consultation.

Attendance: Councillor Ward left the meeting at 11.00am.

The Committee discussed the value of monitoring Nelson's population trends and patterns to assist future planning. It was noted that the Nelson Regional Economic Development Agency was currently working on a population strategy. The Committee agreed the document should reference monitoring the population. The Committee also agreed to the other additions requested by the submitter.

The Committee discussed other issues raised by the submissions. It was mentioned that a submitter had noted some linkage problems in the document and that at some points it was unclear how the ten goals related to the four themes.

The Committee discussed ageing issues in relation to the document and that this should be further outlined in Goal 9.

The Committee agreed that any decision in relation to the Mayor's Taskforce should be left until the document has been adopted and the implementation plan phase has been scoped to best decide what future role they could have.

In summary, the Committee was advised that the Nelson 2060 Strategy would be a tool to help guide how decisions were made and that it would sit beneath the Long Term Plan.

Resolved

***THAT the Framing our Future Committee includes feedback from the Mayor's Taskforce on Sustainability, in relation to the submissions received on the draft Nelson 2060 Strategy (in document 1494342), in its consideration and deliberations;***

***AND THAT the draft Nelson 2060 Strategy be amended to reflect the Framing our Future Committee's decisions on submissions made at this meeting, and be reported back to the Council for adoption.***

Copeland/Matheson

Carried

There being no further business the meeting ended at 11.23am.

Confirmed as a correct record of proceedings:

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

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**Minutes of a meeting of the Framing Our Future Committee –  
Hearing of Submissions to the draft Nelson 2060 Strategy**

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

**On Tuesday 9 April 2013, commencing at 9.02am**

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

In Attendance: The Chief Executive (C Hadley), Executive Manager Strategy and Planning (M Schruer), Executive Manager Community Relations/Kaihautuu (G Mullen), Manager Administration (P Langley), Manager Strategic Response (C Ward), Policy Adviser (S Yarrow), and Administration Adviser (L Laird)

Apologies: Councillors A Boswijk and E Davy

**1. Apologies**

Resolved

***THAT apologies be received and accepted from  
Councillors Boswijk and Davy.***

Collingwood/Matheson

Carried

**2. Interests**

Councillor Collingwood declared an association with the National Council of Women of New Zealand and Councillor Reese mentioned she was the Chair of the Nelson Biodiversity Forum. It was agreed that these did not constitute a conflict of interest with the discussions at this meeting.

**3. Confirmation of Order of Business**

The Chairperson, Councillor Shaw, reminded the meeting that additional submissions (1486100) had been received and would be heard at the meeting.

Resolved

***THAT Council accept the additional submissions  
to the Draft Nelson 2060 Strategy.***

Shaw/Rainey

Carried

#### **4. Introduction**

Attendance: Councillor Fulton joined the meeting at 9.05am

The Chairperson said that the scope of the meeting was to hear submissions and Councillors should not deliberate on the information provided.

#### **5. Hearing of Submissions to the draft Nelson 2060 Strategy**

##### **5.1 Nelson Youth Council, submission 61**

Nine members of the Youth Council spoke to the submission. They emphasised recycling and a more regular bus service on weekends, and encouraged the Committee to promote cycling as a means of transport to reduce the number of cars on the road.

##### **5.2 Mary Ellen O'Connor, submission 44**

Ms O'Connor spoke about the corporate nature of the governance model of local government and encouraged the Committee to make sure this top down corporate model was not encapsulated in the Nelson 2060 Strategy.

The submitter encouraged the Committee to work in a collaborative and efficient manner whilst drafting the Strategy.

##### **5.3 Brendan Santorini, submission 47**

Mr Santorini spoke about the Trans-Pacific Partnership Agreement (TPPA) and encouraged the Committee to take a similar approach to that of Auckland City Council. The submitter asked the Committee to foster a legacy of conserving public money and to improve the safety on roads for users other than cars.

##### **5.4 Christine Grove, submission 65**

In response to a question, the Chairperson informed the submitter that the next stage (the development plan) will work out how the goals in the draft Nelson 2060 Strategy will be achieved.

Ms Grove mentioned her support for a Council position against the TPPA. She also asked that the Committee consider the safety of cyclists when designing roads and to encourage more people to use bicycles as a means of transport.

##### **5.5 Steve Cross, submission 67**

Mr Cross questioned the Council's ability to be self-sufficient in renewable energy. He also questioned the ability of the Council to enable the community to produce more of its own food. Mr Cross said he perceived this as a means to introduce further restrictions to planning regulations.

5.6 Kay Hunter, submission 118

Ms Hunter expressed her approval of the vision and said she recognised it as a simple expression of what we want Nelson to become. Ms Hunter said she represented the University of the 3<sup>rd</sup> Age and would speak to their submission.

She spoke about education for elderly people and said they require opportunities to learn new activities to keep them engaged in the community.

5.7 Janet Whittington, submission 88

Ms Whittington spoke to the submission from the Stoke Sunday Market and tabled a document with additional information (1490658). She encouraged the Committee to consider world issues whilst formulating the draft Nelson 2060 Strategy. She also asked the Committee to acknowledge potential risks to local producers should the TPPA be ratified.

5.8 Helen Black, submission 91

Ms Black spoke about the vision and the importance of democracy. In relation to the Strategy she said the lack of heating and cleanliness of facilities in some public infrastructure was of a poor standard.

She asked the Committee to consider creating more medium grade scenic walking tracks as most were flat or too steep. She encouraged the Committee to foster healthier waterways and create more places to exercise with dogs and promote responsible dog ownership.

Ms Black said that many partnerships and business deals were conducted 'behind closed doors' and urged the Committee to discourage this. She also asked that the Council improve their service by not using leading and unclear questions when talking with the community.

Attendance: the meeting adjourned for morning tea from 10.07am to 10.20am

5.9 Sharyn Black, submission 10

The submitter said the references to the empowerment of people and transparent democratic processes should be brought to the front of the document and that references to leadership should be removed.

In response to questions, Ms Black said the section on representation should appear at the start of the draft Strategy and that it was not realistic about lifestyle. Ms Black reminded the Committee of the poorer sector of the community that need to be brought along with this Strategy as they would struggle to achieve this lifestyle.

When asked for ideas as to achieve good representation, the submitter said the Committee should consider telephone polling and surveying with

a broad base of interviewees. Ms Black emphasised collaboration with the community through either public or private partnerships.

5.10 Jacqueline Gibson, submission 156

The submitter commented on goal 3 of the draft Strategy and said that it missed the need to protect coastal waterways from oil exploration. She added that to achieve goal 5 will require a change in culture.

Further to her submission, Ms Gibson said the TPPA must be opposed and would make it impossible to achieve the vision in the draft Strategy.

5.11 Graeme O'Brien, submission 56

Mr O'Brien said the Council needed to take the proposed TPPA seriously and take action similar to that of Auckland City Council. Mr O'Brien spoke in depth about the implications for Nelson and New Zealand of the TPPA and provided detail about the agreement.

5.12 Lindsay Hunter, submission 120

Mr Hunter said he spoke on behalf of the submission from SeniorNet and provided a detailed summary of the role and function of SeniorNet. Mr Hunter emphasised that it was difficult for elderly people to keep up with technology. He said the Committee needed to ensure community engagement stretched to include this demographic, in a way that enabled them to participate.

5.13 Carl Horn, submission 206

Mr Horn spoke in support of the draft Strategy and positively commented on the 'unconstrained' vision. He added that the goals provided a standard against which decisions could be made and that they had been formulated with regard to human nature and the global environment.

Mr Horn said the key terms like 'socially balanced' should be better defined and that references to the Treaty of Waitangi should provide guidance as to how it should be applied.

Mr Horn discouraged the Committee from using the term 'unique' as the document should encourage the sharing of good ideas and practises. In response to questions, Mr Horn said the document had a sound understanding of the ecological basis of the Nelson region.

5.14 Debs Martin, submission 190

Ms Martin spoke about the significance of the natural environment to the region and encouraged the Committee to ensure it was as well represented within the document as possible. Ms Martin said the draft Strategy should be expanded with an additional goal to better incorporate the many biodiversity aspects of the Nelson region.

5.15 Gwendolyn Bray, submission 79



Ms Bray spoke about the TPPA and said if it was ratified it would limit the ability for Nelson to have its own future. Ms Bray said the Council should ban trawling and dredging in the area of the Haven within the Nelson precinct.

The submitter questioned the need for leadership as illustrated in goal 1 and said the Council should instead consider facilitators and encourage individual responsibility in its place.

5.16 Roger Bray, submission 81

Mr Bray encouraged the Council to adopt a similar stance to the TPPA as Auckland City Council.

5.17 Gwendolyn Bray for Helmut Janssen, submission 100

Ms Bray tabled (1490661) and presented to a submission on behalf of Helmut Janssen.

5.18 Zachary Domike, submission 198

The submitter suggested the Council consider a 'time bank' or complementary currency system to assist in times of economic hardship. He encouraged the Council to look at the Lyttleton system as an example.

Mr Domike also spoke against the TPPA.

5.19 Debs Martin & Bradley Myers, submission 215

Ms Martin and Mr Myers presented the submission from the Nelson Biodiversity Forum. The submitters emphasised the importance of the natural environment to the region and the significance the unique landscape has for residents.

Mr Myers said the draft Strategy was a sound approach to a future vision but the framework has some gaps, relating particularly to the natural environment as outlined in their written submission.

Ms Martin spoke about landscapes like the Boulder Bank, estuary, beach, Rocks Road, Haven, City backdrop, mineral belt and the Maitai River (further outlined in the written submission) and encouraged the Council to make sure the draft Strategy established a framework for how these features will be preserved. She urged the Committee to add another goal to the document to this effect.

In response to a question the submitters said, in their opinion, these landscapes require incorporation in the highest level of policy possible, hence it would be appropriate in the draft Strategy.

## 6. Conclusion

It was agreed that the submissions regarding the TPPA should be forwarded to the 23 April 2013 Council – Governance and Policy and Planning meeting for discussion. It was further agreed that after the discussion at this meeting, and the subsequent discussion on 23 April, the 16 May meeting to hear public concerns about the TPPA would not be required.

Attendance: Councillor Rainey and His Worship the Mayor left the meeting at 12.10pm

Resolved

***THAT the Nelson City Council sends it condolences to the British High Commission on the recent passing of the Baroness Margaret Thatcher.***

Barker/Collingwood

Carried

The Policy Adviser, Sarah Yarrow, advised that the Committee would deliberate on submissions at the 30 April 2013 Framing Our Future Committee meeting. She said a summary of submissions would be presented at this meeting highlighting where changes have been requested by submitters. She said the Committee would be presented with staff comment and recommendations at this meeting.

It was noted that the status of the draft Strategy would be discussed at a future Committee meeting.

There being no further business the meeting ended at 12.29pm.

Confirmed as a correct record of proceedings:

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

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## Minutes of a meeting of the Hearings Panel

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

On Friday 15 March 2013, commencing at 9.11am

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Present: Councillor R Reese (Chairperson) and Councillors K Fulton and M Ward

In Attendance: Shailey McLean (Administration Adviser)

### 1. Application for Naming of Private Right of Way

Document No. 1462376, agenda pages 87-90 refer.

Kathy Mardon, Consents Administration Coordinator, Stephen Lawrence, Manager Environmental Inspections and Jeff Welch, Animal Control Officer, joined the meeting. The Panel agreed that the name was appropriate.

Resolved

***THAT the Hearings Panel accept the name of "Martello Way" for the private Right of Way servicing Lots 2 to 20 of LT 451692***

Fulton/Ward

Carried

### 2. Objection to Dangerous Dog Classification

Document No. 1465402, agenda pages 1-14 refer.

#### Appearance

- The objector and owner of the dog: Damian Richards
- The complainant: Elaine McDonald

Mr Lawrence presented the report and added that Mr Richards had a responsible attitude and had taken action to minimise further risk.

Ms McDonald confirmed that the Affidavit explained the event clearly and that she had nothing further to add.

Councillor Reese mentioned that the second page of the affidavit was missing, and this was tabled by Mr Lawrence (1398836).

Mr Richards advised that his property had been fenced for a long time and that the vet bill for the poodle, mentioned in the report attachments, was under \$1,000 as opposed to \$2,000. He added that he did not feel it justified to raise the matter about the poodle as it was unrelated to the incident with Ms McDonald.

Mr Richards confirmed that both of his dogs were now chipped, and that he always carries a muzzle when they leave the house. He added that he felt the event was a one-off incident and that it only happened because Holden was startled.

It was then confirmed by both parties that there was no dispute that Ms McDonald had been bitten. Mr Richards added that it was in the nature of Holden's breed to be protective.

Mr Lawrence summarised that he felt the dangerous dog classification should stand due to the protective nature of the dog.

Councillor Reese advised that each party would receive written notice and a phone call stating the outcome of the Hearing.

### **3. Objection to Menacing Dog Classification**

Document No. 1464237, agenda pages 15-44 refer.

Sandy Vale, Environmental Officer, joined the meeting.

#### **Appearance**

- The objector and owner of the dog: Scott Stiefel
- The complainant: Owen Roddis
- Witnesses: Nina Roddis, Katie Roddis and Judy Pittman

Mr Lawrence presented the report and confirmed that he had no further additions. He added that Mr Stiefel had taken additional steps to minimise risk since the incident and had a responsible attitude to dog ownership.

Mr Roddis summarised his account of the incident and added that there had been no further incidents with Mr Stiefel's dogs.

Mr Stiefel spoke about his history of dog ownership and the protective measures he had taken, such as the building of a dog pen and obedience courses. He confirmed that the dogs had been chipped and neutered. Mr Stiefel added that he accepted full responsibility for the incident.

Mr Stiefel tabled letters received from members of the neighbourhood (1480331) regarding the behaviour of his dogs. Councillor Reese clarified that these would be given little weight in the decision making process as they were public opinion and not related to the incident.

Ms Pittman spoke about an occasion where Mr Stiefel's dogs had run at them and explained that she had felt scared at the time. Councillor Reese added that this would also have little weight as it was not part of the incident at hand.

Mrs Roddis said she was upset that no action to reduce the likelihood of this type of event had been taken earlier by Mr Stiefel.

Mr Lawrence confirmed that the menacing dog classification should be upheld. He added that the evidence was close to warranting a higher classification.

Ms Vale spoke about meeting Baldrick and how he was very territorial and barked at her. She said that this type of breed was naturally inclined to guard and suggested that muzzling the dog would be beneficial.

Councillor Reese summarised the information presented and informed attendees that they should expect notification of the result of the hearing by phone and a written notice.

Attendance: The meeting adjourned at 10.19am for the Panel to consider its decision and the meeting resumed at 10.30am.

#### **4. Decision Regarding the Objection to Dangerous Dog Classification**

Resolved

***THAT the classification of "Holden" as a Dangerous Dog under Section 31 of the Dog Control Act 1996 is upheld.***

Reese/Fulton

Carried

Reasons:

1. The Hearings Panel was satisfied from the evidence provided that Holden displayed an innate protective, territorial tendency and considers there are reasonable grounds to believe that this tendency could cause incidents in the future, should the opportunity arise.
2. The Panel acknowledged that the owner keeps Holden muzzled while off the property, and while the Panel can accept this undertaking, it considers it will be more appropriate to put in place a formal enforcement regime which will ensure that all persons who accept responsibility for Holden have no doubt as to their obligations.
3. Council must classify a dog as dangerous if it has reasonable grounds to believe that a dog constitutes a threat to the safety of people and animals. The Panel considers that the appropriate level

of prevention and protection in this case is to classify Holden as a Dangerous Dog.

4. The Panel would point out that the Dog Control Act 1996 views dog attacks on humans as serious, and that the opportunity exists under Section 57 of the Act for a prosecution to be brought against the owner of any such dog which could result in the dog being destroyed. The Panel considered that by imposing a Dangerous Dog classification on Holden the chances of such a prosecution being brought were considerably reduced, and that the certainty which the classification provides for all persons involved would in the long run be the best option.

## 5. **Decision Regarding the Objection to Menacing Dog Classification**

Resolved

***THAT the classification of "Baldrick" as a Menacing Dog under Section 33A of the Dog Control Act 1996 is upheld.***

Ward/Fulton

Carried

Reasons:

1. The Panel is satisfied from the evidence provided that Baldrick displayed an innate protective, territorial tendency and considers there are reasonable grounds to believe that this tendency could cause incidents in the future, should the opportunity arise.
2. The Panel acknowledges that the owner is remorseful and has taken steps to address behavioural issues, and while the Panel can accept this undertaking, it considers it will be more appropriate to put in place a formal enforcement regime which will ensure that all persons who accept responsibility for Baldrick have no doubt as to their obligations.
3. Council must classify a dog as menacing if it has reasonable grounds to believe that a dog constitutes a threat to the safety of people and animals. The Panel considers that the appropriate level of prevention and protection in this case is to classify Baldrick as a Menacing Dog.
4. The Panel would point out that the Dog Control Act 1996 views dog attacks on humans as serious, and that the opportunity exists under Section 57 of the Act for a prosecution to be brought against the owner of any such dog which could result in the dog being destroyed. The Panel considers that by imposing a Menacing Dog classification on Baldrick the chances of such a prosecution being brought are considerably reduced, and that the certainty which the

classification provides for all persons involved will in the long run be the best option.

Attendance: The meeting adjourned for morning tea at 10.38am and resumed at 10.48am.

## **6. Application for exemption pursuant to Section 6 of the Fencing of Swimming Pools Act 1987**

Carol and Keith Ecolona, 894 Atawhai Drive, Nelson

Document No. 1439117, agenda pages 45-76 refer.

Chris Wood, Acting Manager Building, and Marie Albertson, Pool Compliance Officer joined the meeting.

### **Appearance**

- The objector: Carol Ecolona
- Witness: David Curl

Ms Albertson summarised that the application did not follow guidelines in the Fencing of Swimming Pools Act 1987 (the Act) or New Zealand Standard 8500:2006 (NZS 8500) so could not be supported.

Mr Wood added that David Curl was currently a Building Consent Officer for Tasman District Council, and part contracted to the Nelson City Council, which was a potential conflict of interest. Mr Curl clarified that he was only there in a support role in his private capacity.

In response to a question, Mr Wood pointed out that the key relevant area of the Building Industry Authority 2002/10 Determination (the Determination) was item 8.2.10 regarding supervision.

Mrs Ecolona summarised their application for an exemption, stressing that the Panel should consider if there was an increased risk to children based on their property and the way they managed it. She spoke about the use of the spa for health reasons and said that the spa was always locked when not in use. Mrs Ecolona suggested that their circumstances were exceptional and tabled photos (1480309) in support of their application.

Mrs Ecolona proposed that they would adhere to conditions of removing the spa once they had difficulty managing the spa lid, and removing the spa if the property was to go up for sale.

In response to a question, Mrs Ecolona confirmed that they would be prepared to put up a warning notice and add locks to their gates.

Mr Curl spoke in support of the application and proposed that the special characteristics of the pool or property included the way in which it was

managed by the owners. He added that he firmly believed there was no increased risk of danger to any children in this situation.

Ms Albertson spoke about the need to prepare for the worst case scenario, as per clause 8.2.6, and the likelihood of a child visiting the property, as per clause 8.2.12 of the Determination.

Ms Albertson stated that the Ercolona's application did not meet NZS 8500 guidelines in Clause 3.10, (a), (k) and (j). She added that in the photos tabled by Ms Ercolona, photo (c) showed a gate which was actually very low, and photo (d) showed a gate that was irrelevant due to its location.

Councillor Reese spoke about the need to determine the definition of a 'significant increase' in risk and its application in this instance.

Mr Wood advised that previous determinations had considered other lines of defence with regards to pools, and that this could have a cumulative effect on reducing risk.

In response to a question, Mr Wood clarified that the existing boundary fence would not meet the requirements of the Act, and that the window above the spa would need a bolt that stopped it opening further than 100mm.

Mr Curl spoke about the current three-yearly check on pools and his interpretation of the definition of a 'significant increase' in risk. Mr Wood added that it would be a fair position to say that the monitoring of the spa lid would not need to be any more onerous than a three yearly review.

## **7. Application for exemption pursuant to Section 6 of the Fencing of Swimming Pools Act 1987**

Michael Simpson, 71 Tresillian Avenue, Atawhai

Document No. 1463670, agenda pages 77-86 refer.

Ms Albertson tabled an additional image of the property in question (1478942) and summarised that she supported the application as it met the relevant criteria and guidelines of the Act and NZS 8500.

Attendance: The meeting adjourned at 12.03pm for the Panel to consider its decision and the meeting resumed at 12.33pm.

## **8. Decision Regarding the Application for exemption pursuant to Section 6 of the Fencing of Swimming Pools Act 1987**

Carol and Keith Ercolona, 894 Atawhai Drive, Nelson

Resolved



***THAT the application for exemption in accordance with Section 6(1) of the Fencing of Swimming Pools Act 1987 be approved subject to compliance with the following conditions by 15 September 2013:***

- i. Removal of the permanent steps in the decking; and***
- ii. Bolting of the window above the spa to ensure it opens no further than 100mm; and***
- iii. A warning sign/sticker being placed on the cover to advise that it shall be locked in place when the spa pool is unsupervised.***

Ward/Reese

Carried

It was agreed that if these conditions were not met by the required date, the exemption would lapse and the spa pool would need to be fenced appropriately as per the Act.

Reasons:

1. The Hearings Panel assessed the application against the requirements of the Act, guidance given in NZS 8500:2006 Safety Barriers and Fences Around Pools Spas and Hot Tubs, and relevant determinations made by the Department of Building and Housing. It was agreed that the spa pool did not meet the requirements in either the Act or NZS 8500.
2. The Hearings Panel agreed that the spa pool did not comply with Section 3.10 of NZS 8500, which is a guidance document used to formulate an opinion to assess exemptions. The top of the spa pool was less than 760 mm above surrounding deck and there were climbable objects closer than 1.2 meters that were not removable.
3. The Hearings Panel agreed that granting an exemption from the requirement to fence this spa pool would significantly increase the danger to young children if they happened to be unsupervised on the property.
4. The Hearings Panel acknowledged the infrequency of children on the property, the safe way in which the spa pool was currently managed, and the sincerity of the owners. Despite these points, the Panel could not take into account the way in which the property was managed by the existing owners, and the decision was made based on the worst case scenario as per the Deliberation clause 8.2.6.

5. The Hearings Panel took into account that the spa pool did not meet Clause 8.2.10 of the Determination regarding supervision requirements.

**9. Decision Regarding the Application for exemption pursuant to Section 6 of the Fencing of Swimming Pools Act 1987**

Michael Simpson, 71 Tresillian Avenue, Atawhai

Resolved

***THAT exemption be granted in accordance with Section 6(1) of the Fencing of Swimming Pools Act 1987;***

***AND THAT no conditions be attached to the exemption in accordance with Section 6(2) of the Fencing of Swimming Pools Act 1987.***

Reese/Fulton

Carried

Reason:

1. The spa pool was sited within an enclosed section to the rear of a residential property, on a paved area which is accessed from the accommodation via sliding doors. As such the Hearings Panel was satisfied that granting an exemption from the requirement to fence this spa pool, and relying on current compliance with NZS 8500, would not significantly increase the danger to young children.

There being no further business the meeting ended at 12.41pm.

Confirmed as a correct record of proceedings:

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

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## **Princes Drive Reservoir and associated works**

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

- 1.1 To report the outcome of the tender evaluation of the Princes Drive reservoir and pump station project;
- 1.2 To consider costs associated with incorporating a viewing platform on the proposed reservoir at Princes Drive and to advise Council as to a preferred option.

### **2. Recommendation**

***THAT Council note that the tender for a concrete reservoir tank is the preferred option and that the tender from Donaldson Civil is the preferred tender;***

***AND THAT for the reasons given in this report (1508115) Council do not approve the addition of a viewing platform on either the existing or the new concrete reservoir.***

### **3. Background**

- 3.1 When the first concrete reservoir (capacity 282 m<sup>3</sup>) was constructed on Princes Drive in 1990 it was located on the Princes Drive Lookout Reserve on the understanding that the reservoir would incorporate a viewing platform. This was an internal agreement between the Parks and Facilities and Infrastructural Assets departments at the time.
- 3.2 In 2010, following an annual health and safety review the viewing platform was closed to the public due to concerns over the capacity of the roof to withstand crowd loading and the steel access way was removed for safety reasons. Council officers have since 2010 received one letter complaining about the loss of the viewing platform.
- 3.3 The Water Asset Management Plan identified the need for an additional reservoir with a capacity of 440 m<sup>3</sup>, to supplement the existing reservoir.
- 3.4 Following detailed design and finalisation of the physical costs, officers advised Council that additional funding was required and Council resolved on the 21 February 2013 as follows:

*"THAT the observatory Hill Water Reservoir and Pump Station project progresses, with the allocation of an additional \$600,000; noting however that the project will be tendered and referred to Council for comparison of costs with or without the public viewing platform"*

- 3.5 This additional \$600,000 as resolved by Council towards this project brought the total budget to complete this project to \$1,058,000.
- 3.6 For completeness, the Princes Drive (Observatory Hill) reservoir project includes a new concrete reservoir, pump station and pumps and ancillary works (chambers, pipes and valves) and is referred to as the Princes Drive reservoir upgrade.

#### **4. Tenders**

- 4.1 Tenders closed on 2 May 2013 and three tenders were received.
- 4.2 Following a detailed evaluation in accordance with NZTA procurement policy and based on whole of life costs, the tender from Donaldson Civil in the amount of \$999,652 for a concrete tank was selected as the preferred tender.

#### **5. Consultation**

- 5.1 Consultation was undertaken with sixty surrounding residents in March 2013 with regard the location and installation of the new reservoir with no objections.
- 5.2 Only the two most affected residents were consulted with regard to the installation of a viewing platform. Both opposed the installation of a viewing platform due to their close proximity to the reservoir. The letters are attached as Attachment 1 and 2.
- 5.3 Refer also to Attachment 3 for the location plan.

#### **6. Discussion on viewing platform**

##### **Amenity Value - Existing site**

- 6.1 The existing site does provide panoramic views over Nelson and is on reserve land. There is already a lookout overlooking the bay at this location, but this does not provide a view back across Nelson. Whilst it is feasible to reinstate the access ladder to the existing reservoir and to again allow public access, there will need to be a limit imposed on the number of people who can access the reservoir at any one time.
- 6.2 Signage in itself provides no guarantee that the general public will adhere to this limitation and because this cannot be safely controlled and is a genuine health and safety issue, access to the existing reservoir is not recommended by officers.

### **Amenity Value – Proposed site**

- 6.3 The new reservoir is situated 9m from the closest property (337 Princes Drive). The previous viewing platform on the existing reservoir was 28m from this property.
- 6.4 Two properties have expressed their concerns about a proposed viewing platform, with respect to it firstly overlooking their properties and subsequent loss of privacy, and secondly the potential for noise with people gathering on the platform at night.
- 6.5 Whilst it is feasible to control/limit access to the new reservoir to mitigate the concerns from the closest residents (ie loss of privacy and night noise) between, for example, certain hours, this would require daily visits at additional cost to the reservoir to ensure that access is closed off to achieve compliance.
- 6.6 Having a viewing platform on either the existing or new reservoir also increases the potential for general vandalism to both the reservoir and pump stations and if Council were of the mind to approve this then additional regular inspections of both the assets would be required. The reservoirs are an integral part of the City's reticulation system and critical to the City retaining their A,b grading and officers would need certainty that these assets are not damaged or compromised.

### **Financial**

- 6.7 It was anticipated that a steel reservoir would be the cheaper option, and to provide a viewing platform on a steel reservoir would increase the cost by approximately \$100,000.
- 6.8 The lowest tender was however for a concrete tank which is preferred by officers. The cost to provide a viewing platform on a concrete reservoir would add in the region of \$35,000 as the structure already has sufficient strength.
- 6.9 Having a viewing platform would increase the whole life cost of the structure as annual inspections and regular maintenance would be required on the access steps and safety barriers. It is estimated that this would average \$1,000 a year.
- 6.10 The table over the page summarises the cost implications of the two options.

Description	Tender amount	Total cost including admin fees	Budget	Implication
Concrete reservoir <b>without</b> viewing platform	\$999,652	\$1,042,424	\$1,058,000	Within budget
Concrete reservoir <b>with</b> viewing platform	\$1,034,652	\$1,077,424	\$1,058,000	Budget shortfall

## 7. Conclusion

- 7.1 The budget of \$1,058,000 delivers the total project as detailed in section 3.6 and the concrete reservoir option is preferred by officers.
- 7.2 The question as to whether a viewing platform should or should not be added to the reservoir is one Councillors requested feedback on.
- 7.3 An annual audit of the existing reservoir in 2010 revealed health and safety issues on the reservoir loading and while re-opening this to the public is possible a limit on access numbers would be required. This would be almost impossible to control and as a result of this, officers do not support reinstating the viewing platform on the existing reservoir.
- 7.4 With respect to the new reservoir and any proposed viewing platform, two closest residents have expressed objections to the provision of a viewing platform citing privacy and noise issues and these in the view of officers are valid concerns.
- 7.5 The existing budget is insufficient to accommodate the additional costs of a viewing platform on either the existing reservoir or the new reservoir.
- 7.6 Whilst it is possible to mitigate the concerns of the two closest residents by for example limiting access between certain hours, this would require daily visits to the site to ensure that this is complied with and would attract additional cost.
- 7.7 Based on concerns from those affected residents close to the new reservoir, officers recommend that no viewing platform be provided or included in the tender as it is not seen as adding value to ratepayers.

Philip Hamblin  
**Manager Capital Projects**

**Attachments**

Attachment 1: Resident letter number 1 – Against the viewing platform  
1478413

Attachment 2: Resident letter number 2 – Against the viewing platform  
1504596

Attachment 3: Location Plan 1521960

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

This new reservoir will meet the increasing demand for water supply in the area and improve the resilience of the water network.

The reservoir provides good quality local infrastructure and provides public service

### 2. Fit with Community Outcomes and Council Priorities

Providing new essential water infrastructure contributes to a strong economy, safe community and good leadership

### 3. Fit with Strategic Documents

Utilities Asset Management Plan

### 4. Sustainability

Creating strong infrastructure contributes to a sustainable community

### 5. Consistency with other Council policies

Asset management plans and water grading

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

Funding has been provided in the 2012-2013 Long term plan

### 7. Decision-making significance

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

### 8. Consultation

Consultation has been undertaken through the LTP for the reservoir with residents and with regard to the viewing platform for the residents directly affected.

### 9. Inclusion of Māori in the decision making process

Maori have not specifically contacted on the reservoir

### 10. Delegation register reference

This is a Council decision.



RECEIVED

18 MAR 2013

NELSON CITY COUNCIL  
Customer Service

Attachment 1

337, Princes Drive,  
Britannia Heights,  
Nelson, 7010.

18th March, 2013.

Dear Mel,

As per our recent conversation re. the construction of a second tank on 339, Princes Drive and a possible viewing platform, as you suggested, I wish to make known to the council our grave concerns regarding establishing a viewing platform on the second tank to be constructed by our boundary. We have long accepted that another tank, if needed, would be built very close to us, as an aerial photograph, we have, of our house and the land that the original tank sits on clearly shows that it was originally laid out for a second tank to be erected.

We accept completely the importance of adding this second tank and that it would be unreasonable (and a complete waste of time) for us to object.

Establishing a viewing platform on the second tank is of great concern and dismay to us as it will look straight down not only into our very private garden, but also our private bedroom balcony and all the windows facing south.

Before the original platform was closed the daytime visitors were far enough away to be little problem at all. Unfortunately, the young visitors at night, often at 3 or 4 o'clock in the morning, disturbed us and all the houses in the immediate vicinity and putting up with the noise and retrieving empty drink cans etc. next day became the norm and on at least two occasions our property was vandalised. We also realised that as the view from the platform was so spectacular, especially at night, it would be a pity if it remained closed indefinitely, so would probably reopen at some time.

If a viewing platform is opened on the second tank we are probably the only property to be so badly affected any more than before, but we will be affected dramatically.

Is it possible that at least some of the councillors making the decision could come onto our property and see for themselves the affect it will have on our life? Then at least they can make an informed decision.

Yours faithfully,



John Emery.

1478413



RECEIVED

02 MAY 2013

NELSON CITY COUNCIL  
Records

335 Princes Drive

Britannia Heights

Nelson 7010

29 April 2013

Mel Large

Nelson City Council

PO Box 645

Nelson 7040

Dear Mel

**Re Proposed Reservoir No 2 at Princes Drive**

As discussed with you today, we have received your letter regarding the proposed new reservoir at 339 Princes Drive. We understand the need for the new reservoir, and we are not opposed to its construction. We are very concerned however, and strongly opposed to the proposal to construct a viewing platform on the top of the new reservoir.

In previous years when the viewing platform was open on the existing reservoir, the daytime visitors were generally no problem. At night however we were constantly woken by visitors to the viewing platform, usually in the small hours of the morning. Often at night there was alcohol involved because the night time visitors were very noisy, shouting and sometimes singing loudly. In the morning there were usually bottles and cans left lying around. Fireworks have also been let off from the old viewing platform, which creates a very real fire risk with the amount of bush and scrub nearby. I am also aware that our neighbours at 337 Princes Drive had to endure vandalism on their property as well as cleaning up cans and bottles thrown onto their back yard.

If the new reservoir is to have a viewing platform, then we can look forward to a return of the above night-time noise, disruption, mess, and fire risk, only this time it will be much closer to our boundary. It will be bad enough for us, but our neighbours will be severely affected, with the top of the reservoir looking straight into their second story windows and deck.

In addition to the night-time disruption, a viewing platform on the new reservoir will result in an extreme loss of privacy to our back yard during the day. This will be far worse than the old viewing platform with its closer proximity to our property.

If the decision is to reinstate a viewing platform, then we ask can you please do so on the existing reservoir rather than the new reservoir. I am happy to meet with you and/or the Councillors on site to show you our concerns.

Yours sincerely



Matt and Kathie Taylor

1504596

# Location Plan of Proposed Princes Drive Reservoir

