

AGENDA

Ordinary meeting of the

Nelson City Council

**Thursday 17 July 2014
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership: Her Worship the Mayor Rachel Reese, Councillors Luke Acland, Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton, Matt Lawrey, Brian McGurk, Paul Matheson (Deputy Mayor), Gaile Noonan, Pete Rainey, Tim Skinner, and Mike Ward

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 Brook Sanctuary
Ren Kempthorne will speak about the Brook Sanctuary.

4. Confirmation of Minutes

- 4.1 19 June 2014 **12-29**

Document number A1206918

Recommendation

THAT the minutes of the meeting of the Nelson City Council, held on 19 June 2014, be confirmed as a true and correct record.

- 4.2 26 June 2014 **30-37**

Document number A1211652

Recommendation

THAT the minutes of the meeting of the Nelson City Council, held on 26 June 2014, be confirmed as a true and correct record.

5. Status Report – Council 17 July 2014 38-39

Document number A1168168

Recommendation

THAT the Status Report – Council 17 July 2014 (A1168168) be received.

6. Mayor’s Report 40-41

Document number A1217527

Recommendation

THAT the Mayor’s Report (A1217257) be received.

7. Rocks Road Community Engagement 42-79

Document number A1205859

Recommendation

THAT the report Rocks Road Walking and Cycling Project Engagement Plan (A1205859), and its attachments (A1216891 and A1216937) be received;

AND THAT the Engagement Plan (A1216891) be approved for use subject to minor amendments as approved by the Mayor, Chair of Works and Infrastructure Committee and the Chief Executive;

AND THAT the engagement period runs from 24 July 2014 to 25 August 2014.

8. Local Government New Zealand Remit – Direction on Voting 80-95

Document number A1216741

Recommendation

THAT the report Local Government New Zealand Remit – Direction on Voting (A1216741) and its attachments (A1217196, A1217197 and A1217199) be received;

AND THAT Council vote in support of the Earthquake Prone Building remit put forward by Wellington City Council at the Local Government New Zealand 2014 Annual General Meeting.

REPORTS FROM COMMITTEES

9. Nelson Regional Transport Committee – 6 June 2014

96-102

Document number A1206257

Recommendation

THAT the unconfirmed minutes of a meeting of the Nelson City Council Nelson Regional Transport Committee, held on 6 June 2014, be received.

9.1 Joint Nelson Tasman Regional Transport Committee

Recommendation to Council

THAT Council approve that a formal approach be made to Tasman District Council with a view to establishing a Joint Nelson Tasman Regional Transport Committee;

AND THAT Council authorises the Mayor, Chair of the Works and Infrastructure Committee and Chief Executive along with the NZ Transport Agency to finalise Terms of Reference with their Tasman District Council counterparts;

AND THAT the Draft Terms of Reference be endorsed as a basis for that discussion;

AND THAT once the Terms of Reference have been finalised, that the Chair of the Works and Infrastructure Committee be delegated to form a Joint Nelson Tasman Regional Transport Committee comprising Councillors Davy, Copeland and McGurk;

AND THAT once formed that the Nelson Regional Transport Committee be disbanded.

Note: The Terms of Reference for the proposed Joint Regional Transport Committee can be found on the Regional

Transport Committee agenda for the meeting on 6 June 2014.

- 9.2 Three Roundabouts – Saxton Fields (for items containing recommendations to Council)

Recommendation to Council

THAT the Three Roundabouts – Saxton Field investigation project be removed from the 2012-2015 Regional Land Transport Programme.

10. Works and Infrastructure Committee – 12 June 2014

103-111

Document number A1205282

Recommendation

THAT the unconfirmed minutes of a meeting of the Nelson City Council Works and Infrastructure Committee, held on 12 June 2014, be received.

- 10.1 Rocks Road Walking and Cycling Project (for items containing recommendations to Council)

Recommendation to Council

THAT the Council confirm it does wish to proceed to the next steps with the Rocks Road walking and cycling project;

AND THAT Council approve each concept plan separately;

AND THAT concept plan one (\$9-13M) be approved;

AND THAT concept plan two (\$11-14M) be approved,

AND THAT engagement on concept plan three (\$33-47M) occur only for the purposes of disclosure and that all messaging on this concept reflect its lack of value as compared with the required investment;

AND THAT the engagement plan be presented to Council for approval at its meeting on 17 July 2014;

AND THAT the outcome of the engagement be presented to Council to guide consideration of any future investment.

**11. Planning and Regulatory Committee –
19 June 2014**

112-119

Document number A1209551

Recommendation

THAT the unconfirmed minutes of a meeting of the Nelson City Council Planning and Regulatory Committee, held on 19 June 2014, be received.

11.1 Consolidation of Bylaws (for items containing recommendations to Council)

Recommendation to Council

THAT Council confirms the consolidation of 14 bylaws into five groups as set out in report A1197587;

AND THAT the Planning & Regulatory Committee be delegated to oversee consultation and approval of the consolidated bylaw.

Note: Report A1197587 (Consolidation of Bylaws) can be found on the Planning and Regulatory Committee Agenda for the meeting on 19 June 2014

12. Planning and Regulatory Committee to continue deliberations on submissions to the draft Reserves Bylaw – 19 June 2014

120-122

Document number A1209677

Recommendation

THAT the unconfirmed minutes of a meeting of the Nelson City Council Planning and Regulatory Committee to continue deliberations on submission to the draft Reserves Bylaw, held on 19 June 2014, be received.

12.1 Analysis of Submissions on the Draft Reserves Bylaw

Recommendation to Council

THAT the Reserves Bylaw (No. 222), as amended to reflect the Planning and Regulatory Committee's decisions on submissions, be adopted.

Note: A copy of the Reserves Bylaw (No. 222) as amended to reflect the Planning and Regulatory Committee's decisions on submissions, is included at pages 123-128 of this agenda.

13. Nelson Regional Sewerage Business Unit 129-136

Document number A1212937

Recommendation

THAT the unconfirmed minutes of a meeting of the Nelson City Council Nelson Regional Business Unit, held on 20 June 2014, be received.

14. Community Services Committee – 26 June 2014 137-143

Document number A1213275

Recommendation

THAT the unconfirmed minutes of a meeting of the Nelson City Council Community Services Committee, held on 26 June 2014, be received.

15. Extraordinary meeting of the Planning and Regulatory Committee– 26 June 2014 144-145

Document number A1210639

Recommendation

THAT the unconfirmed minutes of a extraordinary meeting of the Nelson City Council Planning and Regulatory Committee, held on 26 June 2014, be received.

16. Resource Management Act Procedures Committee – 1 July 2014 146-147

Document number A1212833

Recommendation

THAT the unconfirmed minutes of a meeting of the Nelson City Council Resource Management Act Procedures Committee, held on 1 July 2014, be received.

17. Hearings Panel – 2 July 2014 148-150

Document number A1213832

Recommendation

THAT the unconfirmed minutes of a meeting of the Nelson City Council Hearings Panel, held on 2 July 2014, be received.

18. Governance Committee – 3 July 2014 151-155

Document number A1214808

Recommendation

THAT the unconfirmed minutes of a meeting of the Nelson City Council Governance Committee, held on 3 July 2014, be received.

19. Chief Executive Employment Committee – 7 July 2014 156-159

Document number A1215393

Recommendation

THAT the unconfirmed minutes of a meeting of the Nelson City Council Chief Executive Employment Committee, held on 7 July 2014, be received.

PUBLIC EXCLUDED BUSINESS

20. 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>Public Excluded Status Report – 17 July 2014</p> <p>This report contains information regarding:</p> <p>Regional Landfill Proposal - Update</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
2	<p>Mayor’s Report</p> <p>This is a verbal update in relation to the proposed Joint Regional Landfill</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
3	<p>Port Nelson Ltd – Appointment of Directors</p> <p>This report contains information relating to the potential appointment of a director to the Port Nelson Board</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons
4	<p>Works and Infrastructure Committee – Public Excluded – 12 June 2014</p> <p>These minutes confirm the minutes of 1 May 2014.</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</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations

		section 7	
5	<p>Community Services Committee – Public Excluded – 26 June 2014</p> <p>These minutes confirm the minutes of 26 June 2014.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations
6	<p>RMA Procedures Committee – Public Excluded – 1 July 2014</p> <p>These minutes record the first meeting of the Committee of the triennium and do not confirm any previous minutes, and contain information relating to:</p> <ul style="list-style-type: none"> • Plan Change 18 Appeals 	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
7	<p>Governance Committee - Public Excluded Minutes – 3 July 2014</p> <p>These minutes confirm the minutes of 3 July 2014.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person
8	<p>Chief Executive Employment Committee – 7 July 2014</p> <p>These minutes record the first meeting of the Committee of the triennium and do not confirm any previous minutes, and contain information relating to:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>

	Chief Executive's Employment Agreement 2014/2015		<ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons
	Chief Executive's Performance Review		<ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons

21. 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.**
- **Youth Councillors Chi-Wei Jao and Daniel Leaper will be in attendance at this meeting.**

Minutes of a meeting of the Nelson City Council

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

On Thursday 19 June 2014, commencing at 9.04am

Present: Her Worship the Mayor (R Reese), Councillors L Acland, I Barker, R Copeland, E Davy, K Fulton, M Lawrey, B McGurk, P Matheson, G Noonan, P Rainey, T Skinner, and M Ward

In Attendance: Chief Executive (C Hadley), Group Manager Corporate Services (N Harrison), Group Manager Infrastructure (A Louverdis), Acting Group Manager Strategy (N McDonald), and Administration Adviser (L Laird), and Youth Councillors (C Lindley and S Ross)

Opening Prayer

Councillor Copeland gave the opening prayer.

1. Apologies

Resolved

THAT apologies be received and accepted from Councillor Davy for early departure.

Her Worship the Mayor/Matheson

Carried

2. Interests

No updates to the Interests Register were made, and no conflicts with items of the agenda were declared.

3. Confirmation of Order of Business

Resolved

THAT the item regarding Setting of Rates for 2014/15 Financial Year be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and

Meetings Act 1987, to enable the rates to be set in a timely manner.

Her Worship the Mayor/Ward

Carried

4. Public Forum

There was no public forum.

5. Confirmation of Minutes – 27, 28 and 29 May 2014

Document number A1197671, agenda pages 6-45 refer.

It was noted that the minutes be confirmed subject to the following changes:

- That the sentence 'It was agreed to leave further consideration of this until later in the meeting' be removed from page 36 of the agenda
- That the sentence 'The Mayor asked the Council to re-consider submission 61' be added to page 39 of the agenda
- That the division on page 26 of the agenda record Councillor Barker as being absent, and not an apology
- That the attendance line for Councillor Matheson on page 37 of the agenda be removed
- That the words 'enhancing the floor of the lane with wooden decking' be removed and replaced with 'enhancements' on page 33 of the agenda.

Resolved

THAT the minutes of a meeting of the Nelson City Council – to deliberate on submissions to the draft Annual Plan 2014/15, held on 27, 28 and 29 May 2014, be confirmed as a true and correct record, subject to edits.

Davy/Barker

Carried

6. Mayor's Report

Document number A1204249, agenda pages 46-51 refer.

Attendance: the meeting adjourned from 9.18 to 9.21am.

Her Worship the Mayor spoke to the report. It was noted that Councillor Skinner had been added to the Working Party. She also noted that the terms of reference would be amended to include further detail in the purpose section, 'This will include consideration of

woodburner use and technology, airshed boundaries and community education’.

Resolved

THAT the Mayor’s Report (A1204249) and its attachment (A1204269) be received;

AND THAT the membership of the Working Party be Councillors Acland (chair), McGurk, Fulton, Skinner, and Barker;

AND THAT the draft Terms of Reference for the review of the Nelson Air Quality Plan in relation to wood burners (otherwise known as the Woodburner Working Party) (A1204269) be adopted.

Her Worship the Mayor/Davy

Carried

7. Adoption of Final Annual Plan 2014/15

Document number A1205057, agenda pages 52-53 refer.

The Acting Group Manager Strategy, Nicky McDonald, and the Group Manager Corporate Services, Nikki Harrison, joined the meeting and outlined further proposed amendments to the Annual Plan as set out in the tabled document (A1206945).

Ms Harrison explained Simpson Grierson had been engaged to review the Annual Plan and advised that the ‘Separately Used or Inhabited Parts’ of the rating unit was not consistent with the Rating Act, resulting in changes to the Annual Plan.

In response to questions, Ms Harrison confirmed that this change would not result in a difference to the overall rates increase. In response to further questions, the Chief Executive said the Office of Auditor General was not the last point of defence in the Annual Plan process.

It was further noted that any changes to the rating system must occur with the Long Term Plan 2015-2025, and the work programme to effect this change was required in 2014.

Referring back to Council’s original intention for the discount, Ms Harrison said high commercial users incurred additional Tradewaste charges, and small businesses would still benefit by avoiding these charges.

7.1 Theatre Royal

Ms McDonald outlined proposed changes to the wording for the Theatre Royal on pages 8 and 44 of the Annual Plan to include further

information, "After reviewing financial information Council is of the view that the Theatre Royal is a key community asset and makes a valuable contribution that is worthy of additional Council funding. For this reason the Council has increased the operational grant to the Theatre in 2014/2015 by \$115,000 to a total of \$220,000." It was agreed that further information was required as to why the Theatre Royal would receive an increased operational grant, and this provided sufficient reason.

Resolved

THAT the final Annual Plan 2014/15 (A1205451) be adopted.

Davy/Skinner

Carried

8. Setting of the Rates for the Financial Year 2014/15

Document number A1142643, late item refers.

Resolved

THAT the final Annual Plan 2014/15 (A1205451) be adopted;

AND THAT the Nelson City Council set and assess the following rates under the Local Government (Rating) Act 2002, on rating units in the district for the financial year commencing on 1 July 2014 and ending on 30 June 2015. All figures are GST inclusive.

The revenue approved below will be raised by the following rates:

General Rate	\$31,612,496
Uniform Annual General Charge	\$7,575,500
Separate General Charge	\$4,322,731
Waste Water Charge	\$6,992,607
Water Charge	\$11,926,609
Clean Heat Warm Homes and Solar Saver	\$562,293
Rates and Charges	\$62,992,236
Goods and Services Tax (at the prevailing rates)	\$9,448,835

Total Rates and Charges

\$72,441,071

(1) General Rate

A general rate set under section 13 of the Local Government (Rating) Act 2002, assessed on a differential land value basis as described below:

- a rate of 0.61754 cents in the dollar of land value on every rating unit in the "residential – single unit" category.**
- a rate of 0.61754 cents in the dollar of land value on every rating unit in the "residential empty section" category.**
- a rate of 0.67929 cents in the dollar of land value on every rating unit in the "single residential unit forming part of a parent valuation, the remainder of which is non-rateable" category. This represents a 10% differential on land value.**
- a rate of 0.67929 cents in the dollar of land value on every rating unit in the "multi residential" category. This represents a 10% differential on land value.**
- a rate of 1.58090 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 100% commercial and industrial (occupied and empty) category. This represents a 156% differential on land value.**
- a rate of 1.34006 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 25% residential and 75% commercial" category. This represents a 117% differential on land value.**
- a rate of 1.09922 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 50% residential and 50% commercial" category.**

This represents a 78% differential on land value.

- ***a rate of 0.85838 cents in the dollar of land value on every rating unit in the "commercial – excluding inner city and Stoke commercial" subject to 75% residential and 25% commercial" category. This represents a 39% differential on land value.***
- ***a rate of 2.11816 cents in the dollar of land value on every rating unit in the "commercial – inner city and Stoke commercial" subject to 100% commercial and industrial (occupied and empty) category. This represents a 243% differential on land value.***
- ***a rate of 1.74331 cents in the dollar of land value on every rating unit in the "commercial – inner city and Stoke commercial subject to 25% residential and 75% commercial" category. This represents a 182.3% differential on land value.***
- ***a rate of 1.36785 cents in the dollar of land value on every rating unit in the "commercial – inner city and Stoke commercial subject to 50% residential and 50% commercial" category. This represents a 121.5% differential on land value.***
- ***a rate of 0.99300 cents in the dollar of land value on every rating unit in the "commercial – inner city and Stoke commercial subject to 75% residential and 25% commercial" category. This represents a 60.8% differential on land value.***
- ***a rate of 0.40140 cents in the dollar of land value on every rating unit in the "rural" category. This represents a minus 35% differential on land value.***
- ***a rate of 0.55579 cents in the dollar of land value on every rating unit in the "small holding" category. This represents a minus 10% differential on land value.***

(2) Uniform Annual General Charge

A uniform annual general charge under section 15 of the Local Government (Rating) Act 2002 of \$385.70 per separately used or inhabited portion of a rating unit, (excluding properties subject to statutory declarations for unoccupied or second residential units not being used as separate units).

(3) Separate General Charge – Stormwater and Flood Protection

A targeted rate under section 16 of the Local Government (Rating Act) 2002 of \$242.60 per rating unit, (excluding rural category, small holding category and residential properties east of Gentle Annie saddle and Saxton’s Island).

(4) Waste Water Charge

A targeted rate for waste water disposal under section 16 of the Local Government (Rating) Act 2002 of:

- \$406.10 per separately used or inhabited portion of a residential, multi residential, rural and small holding rating units (excluding properties subject to statutory declarations for unoccupied or second residential units not being used as separate units), that is connected either directly or through a private drain to a public waste water drain.***
- For commercial rating units, a waste water charge of \$101.50 per separately used or inhabited portion of a rating unit that is connected either directly or through a private drain to a public waste water drain and a "trade" waste charge will be levied.***

(5) Water Charges

A targeted rate for water supply under Section 16 of the Local Government (Rating) Act 2002, of:

Water supply charge (per connection) \$202.20

A targeted rate for water consumed under Section 19 of the Local Government (Rating) Act 2002, of:

Price of water:

0 – 10,000 cu.m/year	\$2.086 per m³
10,001 – 100,000 cu.m/year	\$1.555 per m³
> 100,000 cu.m/year	\$1.226 per m³
Summer irrigation	\$1.820 per m³

(6) Clean Heat Warm Homes

A targeted rate per separately used or inhabited portion of a rating unit that has been provided with home insulation and/or a heater to replace a non-complying solid fuel burner under Section 16 of the Local Government (Rating) Act 2002 in accordance with agreement of the original ratepayer, of:

- For properties levied the Clean Heat Warm Homes as a result of agreements entered into after 1 July 2011, the targeted rate for each year for 10 years will be the total cost of the installed works excluding GST, divided by 10, plus GST.**
- For properties levied the Clean Heat Warm Homes as a result of agreements entered into prior to 1 July 2011 the targeted rate of:**

Loan Assistance Range	Installation after 30 Sept 2010	Completed prior to 30 Sept 2010
\$1,400 to \$1,599	\$140.00	\$143.11
\$1,600 to \$1,799	\$160.00	\$163.56
\$1,800 to \$1,999	\$180.00	\$184.00
\$2,000 to \$2,199	\$200.00	\$204.44
\$2,200 to \$2,399	\$220.00	\$224.89
\$2,400 to \$2,599	\$240.00	\$245.34
\$2,600 to \$2,799	\$260.00	\$265.78

<i>Loan Assistance Range</i>	<i>Installation after 30 Sept 2010</i>	<i>Completed prior to 30 Sept 2010</i>
<i>\$2,800 to \$2,999</i>	<i>\$280.00</i>	<i>\$286.22</i>
<i>\$3,000 to \$3,199</i>	<i>\$300.00</i>	<i>\$306.67</i>
<i>\$3,200 to \$3,399</i>	<i>\$320.00</i>	<i>\$327.11</i>
<i>\$3,400 to \$3,599</i>	<i>\$340.00</i>	<i>\$347.56</i>
<i>\$3,600 to \$3,799</i>	<i>\$360.00</i>	<i>\$368.00</i>
<i>\$3,800 to \$3,999</i>	<i>\$380.00</i>	<i>\$388.44</i>
<i>\$4,000 to \$4,199</i>	<i>\$400.00</i>	<i>\$408.89</i>
<i>\$4,200 to \$4,399</i>	<i>\$420.00</i>	<i>\$429.34</i>
<i>\$4,400 to \$4,599</i>	<i>\$440.00</i>	<i>\$449.78</i>
<i>\$4,600 to \$4,799</i>	<i>\$460.00</i>	<i>\$470.22</i>
<i>\$4,800 to \$4,999</i>	<i>\$480.00</i>	<i>\$490.67</i>

(7) Solar Hot Water Systems

A targeted rate per separately used or inhabited portion of a rating unit that has been provided with financial assistance to install a solar hot water system under Section 16 of the Local Government (Rating) Act 2002 in accordance with agreement of the original ratepayer, of:

- 0.14964 (including GST) for agreements entered into prior to 1 July 2011, multiplied by the Net Cost of the Work adjusted for any increased GST.*
- 0.13847 (including GST) for agreements entered into after 1 July 2011 multiplied by the Net Cost of the Work.*

Other Rating Information:

Differential Categories

The Nelson City Council adopts the following as its definition for its differential categories for the 2014/15 financial year:

General Rate

- **Residential – all rating units that are used primarily for residential purposes.**
- **Multi Residential – all rating units that contain more than one residential dwelling that are capable of being used primarily for residential purposes.**
- **Commercial – any rating unit which is used primarily for commercial use. Properties that have a portion of residential use shall have a reduced commercial differential.**
- **Commercial Inner City Zone – any rating unit which is used primarily for commercial use that is located within the Inner City Zone. Properties that have a portion of residential use shall have a reduced inner city commercial differential.**
- **Rural – any rating unit having an area greater than 15 hectares which is used primarily for dairy, fattening and grazing, quarries, forestry or horticultural use and is recorded as rural on the District Valuation Roll.**
- **Small Holding – any rating unit which is primarily used as a small holding and having an area greater than 0.5 hectares but is less than 15 hectares and is recorded as a small holding on the District Valuation Roll.**

Due Dates for Payment of Rates

The above rates (excluding water charges) are payable at the Nelson City Council office, 110 Trafalgar Street, Nelson and shall be payable in four instalments on the following dates:

Instalment Number	Instalment Due Date	Last Date for Payment	Penalty Date
Instalment 1	1 August 2014	27 August 2014	2 September 2014

<i>Instalment 2</i>	<i>1 November 2014</i>	<i>27 November 2014</i>	<i>3 December 2014</i>
<i>Instalment 3</i>	<i>1 February 2015</i>	<i>27 February 2015</i>	<i>4 March 2015</i>
<i>Instalment 4</i>	<i>1 May 2015</i>	<i>27 May 2015</i>	<i>2 June 2015</i>

Rates instalments not paid by the Last Date for payment above will incur penalties as detailed in the section "Penalty on Rates".

Due Dates for Payment of Water Rates

Residential water rates are payable at the Nelson City Council office, 110 Trafalgar Street, Nelson and shall be payable on the following dates:

<i>Billing Month</i>	<i>Last Date for Payment</i>	<i>Penalty Date</i>
<i>July 2014</i>	<i>15 September 2014</i>	<i>19 September 2014</i>
<i>August 2014</i>	<i>15 September 2014</i>	<i>19 September 2014</i>
<i>September 2014</i>	<i>15 October 2014</i>	<i>20 October 2014</i>
<i>October 2014</i>	<i>15 December 2014</i>	<i>19 December 2014</i>
<i>November 2014</i>	<i>15 December 2014</i>	<i>19 December 2014</i>
<i>December 2014</i>	<i>15 January 2015</i>	<i>19 January 2015</i>
<i>January 2015</i>	<i>16 March 2015</i>	<i>20 March 2015</i>
<i>February 2015</i>	<i>16 March 2015</i>	<i>20 March 2015</i>
<i>March 2015</i>	<i>15 April 2015</i>	<i>20 April 2015</i>
<i>April 2015</i>	<i>16 June 2015</i>	<i>19 June 2015</i>
<i>May 2015</i>	<i>16 June 2015</i>	<i>19 June 2015</i>
<i>June 2015</i>	<i>15 July 2015</i>	<i>21 July 2015</i>

Special (final) water rates will be payable 14 days from the invoice date of the special (final) water reading as shown on the water invoice.

Commercial water rates last date for payment will be the 20th of the month following the

invoice date as shown on the water invoice. The penalty date will be the fourth business day after the Last Date for Payment.

Penalty on Rates

Pursuant to Sections 57 and 58 of the Local Government (Rating) Act 2002, the council delegates authority to the Group Manager Corporate Services to apply the following penalties on unpaid rates (excluding water accounts):

- a first additional charge of 10% of the amount of each rate instalment remaining unpaid on the penalty date as shown in the above table and also shown on each rate instalment notice.*
- a second additional charge of 10% will be added to any balance remaining outstanding from a previous rating year (including penalties previously charged) as at 31st December 2014.*
- a further additional charge of 10% will be added to any balance remaining outstanding from a previous rating year (including penalties previously charged) as at 30 June 2015.*

Penalty on Water Rates

Pursuant to Sections 57 and 58 of the Local Government (Rating) Act 2002, the council delegates authority to the Group Manager Corporate Services to apply the following penalties on unpaid water rates:

- an additional charge of 10% of the amount of each water rate account remaining unpaid on the penalty date as shown in the above table and also shown on each water rate account.*

Penalty Remission

In accordance with Council's rate remission policy, the council will approve the remission of the penalty levied on instalment one due to late payment provided the total annual rates are paid in full by 27 November 2014. If full

payment of the annual rates is not paid by 27 November 2014 the penalties relating to the first instalment outlined above will apply.

The above penalties will not be charged where Council has agreed to a programme for payment of outstanding rates.

The Group Manager Corporate Services is given discretion to remit rates penalties either in whole or part in accordance with Council's approved rates remission policy, as may be amended from time to time.

Discount on Rates

Pursuant to Section 55 of the Local Government (Rating) Act 2002, the Council will allow a discount of 2.0 percent of the total rates (excluding water charges) where a ratepayer pays the year's rates in full on or before the due date for instalment one being 27 August 2014.

Payment of Rates

The rates shall be payable at the Council offices, Civic House, 110 Trafalgar Street, Nelson between the hours of 8.30am to 5.00pm Monday, Tuesday, Wednesday and Friday and 9.00am to 5.00pm Thursday. Where any payment is made by a ratepayer that is less than the amount now payable, the Council will apply the payment firstly to any rates outstanding from previous rating years and then proportionately across all current year rates due.

Barker/Acland

Carried

9. Trafalgar Centre – Way Forward to Reopening

Document number A1176948, agenda pages 54-58 refer.

The Group Manager Infrastructure, Alec Louverdis joined the meeting and noted that the fourth clause of the recommendation had been changed to include the Deputy Mayor.

Councillor Davy, seconded by Councillor Noonan moved the recommendation in the report.

With agreement of the mover and seconder, the fourth clause of the motion was further amended to include the Chair of the Community Services Committee.

A number of councillors expressed concern that the project to develop the brief for the project manager was not to be considered by full Council. Her Worship the Mayor said to aid efficiency and practicality the project had been delegated to the elected members named in the motion. It was agreed that once the project brief for the potential project manager had been developed the details would be circulated to councillors.

It was further noted that this project referred to the project brief for the project manager only, and was not the design brief for the building.

Resolved

THAT the report Trafalgar Centre – Way Forward to Reopening (A1176948) be received;

AND THAT Council confirm that any plans for a Northern end extension will not progress to the scale indicated in the 2012/22 LTP;

AND THAT Council approve up to \$450,000 to appoint a project manager, who will drive the investigation process necessary to inform the preparation of concept design and deliver first iteration plans to Council;

AND THAT the brief for this project manager to manage this project from this point to reopening of the Trafalgar Centre be approved by the Mayor, Deputy Mayor, Chair and Deputy Chair of Works and Infrastructure Committee, and the Chair of the Community Services Committee, and tendered publicly;

AND THAT the project manager work within the ambit of Council's procurement policy (noting that this allows for exceptional circumstances such as specialist skill, or knowledge already gained to obviate public tendering of consultancy services);

AND THAT expenditure be funded from existing provisions in the current 2013/14 and 2014/15 capital budgets.

Davy/Noonan

Carried

Attendance: the meeting adjourned for morning tea from 10.37 to 10.59am, and during this time Councillor Davy left the meeting.

10. Delivery of Projects – Internal Review

Document number A1205287, agenda pages 65-66 refer.

The Chief Executive said the review would focus on developing better processes for project management within the organisation. She said this would include improvements to the scoping and managing of projects during the course of their implementation, and developing better processes for projects that required cross-team collaboration.

Resolved

THAT the report Delivery of Projects – Internal Review (A1205287) be received;

AND THAT Council note the Chief Executive is commissioning a review of internal project management capability by an external consultant with a view to ensuring the successful delivery of projects.

Noonan/Davy

Carried

11. Maitai Walkway Project – Variance Update

Document number A1205072, agenda pages 59-64 refer.

Group Manager Infrastructure, Alec Louverdis, joined the meeting and spoke to the report.

In response to a question, Mr Louverdis said if the Council decided on option 2, it would face the full cost as the New Zealand Transport Agency (NZTA) contribution would be removed because the project would be deemed to not achieve its original scope.

In response to further questions, Mr Louverdis said the overall design and implementation of the project was mostly the same as the original plans of the landscape architect. He clarified that there were minor changes made to certain elements of the project that had resulted in additional costs, yet the essence of the original plans had remained. Mr Louverdis said the plans from the landscape architect were not of the usual engineering standards, and that this was a significant factor in the cost over-runs. He said officers sought additional schedules from engineering consultants to assist the construction process, however to minimise over expenditure some changes to the project had to be made.

Manager Capital Projects, Phil Hamblin, joined the meeting. He clarified that the scope for the landscape architect was for the design phase

only and that their contract had not been extended for the construction phase.

Some councillors expressed concern that some of the features of the original plan may not be realised due to the need for cost savings, in particular, the final finishing and landscaping features. Mr Louverdis said much of this would be completed internally however noted that some of the finishing and landscaping features would not be fully achieved.

It was agreed that a decision around the finishing and landscaping features was not for a decision at this meeting. The Council further agreed that these elements should be reconsidered at a Council workshop, and that officers reflect on the finishing and landscaping elements that would differ from the original plans to report back to the Council.

In response to a question about the Rutherford Park Management Plan (the Plan), Mr Louverdis said the Plan included the Maitai Walkway as one of its projects. He said further implementation of the Plan would take many years in which time issues with the Highland Pipe Band Rooms would be resolved, however issues with the Maitai Walkway required an immediate decision.

Her Worship the Mayor and Councillor Ward moved

THAT the report Maitai Walkway Project – Variance Update (A1205072) and its attachment (A1205436) be received;

AND THAT Council note the reasons for the variance in expenditure;

AND THAT Council provide a clear direction as to how to proceed with this project, i.e.:

- *Continue to complete the physical works at additional funding of \$526,680, noting a higher provision of \$587,000 in the 2014/15 Annual Plan and restricting expenditure to the \$526,680.*

Councillors further expressed their preference to ensure that the landscaping components were achieved as close to the original plans as possible, and favoured having a workshop to consider these components at a later point. It was further agreed that \$526,680 should be committed at this stage to reflect the advice from officers, however the remaining budget should be reserved for finishing and landscaping components, subject to further Council consideration.

The mover and seconder agreed to these changes in the motion.

Resolved

THAT the motion under debate be now put.

Her Worship the Mayor/Rainey

Carried

Resolved

THAT the report Maitai Walkway Project – Variance Update (A1205072) and its attachment (A1205436) be received;

AND THAT Council note the reasons for the variance in expenditure;

AND THAT Council provide a clear direction as to how to proceed with this project:

- **That officers continue to complete the physical works at additional funding of \$526,680;**
- **That the additional funding of \$60,000 in the 2014/15 Annual Plan be noted;**
- **That councillors participate in a workshop to understand the details of the project as it is now, and the Chair and Deputy Chair of both the Works and Infrastructure and Community Services Committees be delegated authority to expend from that additional \$60,000.**

Ward/Barker

Carried

12. Budget Funding for External Advice for Chief Executive’s Employment Committee

Document number A1204687, agenda pages 67-68 refer.

Resolved

THAT the report Budget Funding for External Advice for Chief Executive’s Employment Committee (A1204687) be received;

AND THAT expenditure of up to \$10,000 (from within existing budgets) be approved for the engagement of an external advisor to assist the Chief Executive’s Employment Committee for the 2014/15 year.

Matheson/Acland

Carried

13. Civic Assurance Annual General Meeting 2014

Document number A1198607, agenda pages 69-70 refer.

Resolved

THAT Council votes against the proposed increase in directors' Fees at the Civic Assurance Annual General Meeting on 23 June 2014.

Rainey/Barker

Carried

14. Schedule of Documents Sealed

Document number A1152020, agenda pages 71-71 refer.

Resolved

THAT the Schedule of Documents Sealed (A1152020) be received.

Barker/Her Worship the Mayor

Carried

There being no further business the meeting ended at 12.24pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Nelson City Council

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

On Thursday 26 June 2014, commencing at 9.06am

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

In Attendance: Chief Executive (C Hadley), Group Manager Corporate Services (N Harrison), Acting Group Manager Strategy (N McDonald), Acting Group Manager Community Services (H Kettlewell), Manager Administration (P Langley), Administration Adviser (E-J Ruthven), and Youth Councillors (J Cotton and S Mackay-Wright)

Apology: Councillor E Davy

Opening Prayer

Councillor Skinner gave the opening prayer.

1. Apologies

Resolved

THAT the apology from Councillor Davy be received and accepted.

Her Worship the Mayor/Acland

Carried

2. Interests

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

3. Confirmation of Order of Business

Her Worship the Mayor advised that there were changes to the public forum presentation identified on the agenda, and two additional public forums for the meeting.

With regards to the public forum presentation noted on the agenda face, Her Worship the Mayor explained that, rather than Rob Stevenson, Scott Gibbons and Renata Mijatovic-Schrader would be addressing Council.

She added that Cathy Madigan, of Uniquely Nelson, and Mr Graeme O'Brien would also make public forum presentations regarding Winter Parking Initiatives.

Attendance: Councillor Fulton joined the meeting at 9.10am.

4. Public Forum

4.1 Parking Strategy

Scott Gibbons and Renata Mijatovic-Schrader, representing inner city landlords and retailers, spoke about the proposed Parking Strategy.

Mr Gibbons tabled a document (A1211350), which he spoke to. He said that inner city developers, landlords and retailers wished to work alongside Council to create a healthy and vibrant CBD for Nelson. He acknowledged that free car-parking would not be a 'silver bullet' for retailers, and that inner city businesses also needed to work together to create a vibrant retail environment.

Renata Mijatovic-Schrader tabled a document (A1211320), which she spoke to. She said that, in her opinion, stricter enforcement of parking was driving customers towards shopping in Richmond rather than in the Nelson CBD. She added that free parking in the Nelson CBD would not be a solution to all issues that retailers faced, and she encouraged Council to carry out focus group sessions with inner city retailers.

In response to questions, Ms Mijatovic-Schrader suggested that two hours' free parking each day in Nelson would be sufficient. She said that the previous 'free Tuesday' parking initiative had unwittingly reinforced the message that parking was not free for the remainder of the week. She further noted that retailers and Uniquely Nelson would need to work together, especially around upcoming events such as Light Nelson and the Winter Music Festival.

4.2 Winter Parking Initiatives

Cathy Madigan, of Uniquely Nelson, tabled a document (A1211298) and spoke about winter parking initiatives.

She spoke about the previous 'free Tuesday' winter parking initiative, and the concerns that Uniquely Nelson held regarding this initiative. She suggested that it was important to have some level of free parking daily in the Nelson CBD through the winter period, in order to remove this point of difference between Nelson and Richmond. She spoke about promotional activities that Uniquely Nelson would undertake to

promote any free parking initiative, and about other activities promoting Nelson City through the winter period.

In response to question, Ms Madigan said that Uniquely Nelson would send a strong message to inner city businesses that any free parking initiative was intended to be used by customers, and should not be misused by inner city workers. She said that regional paymark and eftpos statistics, along with year on year sales comparisons by core city businesses could be used to measure the success of any free parking initiative.

4.3 Winter Parking Initiatives

Mr Graeme O'Brien spoke about the proposed winter parking initiatives. He noted the proposed cost of the initiative, and explained his concerns that the burden of covering the cost would fall to ratepayers.

5. Mayor's Report

Document number A1207979, agenda pages 4-5 refer.

Her Worship the Mayor noted the rainfall event of the previous day.

She also spoke about Trevor Wilson's service to Whakatu Marae, and outlined the Top Shop initiative.

Resolved

THAT the Mayor's Report (A1207979) be received.

Her Worship the Mayor/Matheson

Carried

6. Support for Nelson CBD – Winter Incentives

Document number A1207119, agenda pages 6-65 refer.

The Chief Executive presented the report.

She emphasised that parking in Nelson CBD was governed by Council's Parking and Vehicle Control Bylaw 2011, and that any decision of Council regarding parking charges needed to be made in accordance with the bylaw. She outlined the various options presented in the report, and emphasised that any trialled changes must be easy to implement and communicate.

Her Worship the Mayor, seconded by Councillor Ward moved

THAT the report Support for Nelson CBD – Winter Incentives (A1207119) be received;

AND THAT Council note the parking study will be reported back to the Planning & Regulatory Committee and be the basis for any change in parking strategy long term;

AND THAT Council demonstrate its support for Nelson CBD businesses, by the introduction of a 12 week trial period of free parking in the CBD, from 1 July 2014 to 30 September 2014, on the basis of free parking to the time limit as signed in the different areas of the Nelson CBD (and set out in the Nelson City Council Parking and Vehicle Control Bylaw 2011), to a maximum of three hours (noting that the central area of Wakatu Square will remain all day, paid parking);

AND THAT this be available six days' per week;

AND THAT Council note the introduction of reminders for soon to expire Warrants of Fitness and Vehicle Registrations;

AND THAT Council indicate that as a result of this initiative, it anticipates businesses will implement complementary programmes to attract shoppers;

AND THAT monitoring of the impact of this initiative on parking occupancy and duration of stay be undertaken by officers;

AND THAT authority be delegated to the Chief Executive to investigate the feasibility of providing a coupon for a return trip into the Nelson CBD on NBus, for two, and implement this if practical for inclusion in a rates mail out;

AND THAT the Chief Executive work with SBL to vary the contract to allow for 'wrapping' of the NBus for promotion of Nelson attractions;

AND THAT the financial impact of these initiatives on parking revenue and bus fares be reported on to the Governance Committee at the end of the period;

AND THAT a focus group with CBD businesses be undertaken by officers at the end of the period to understand the value of and issues with the initiative.

6.1 Cost of Initiative

In response to questions, the Chief Executive explained that parking meter revenue was approximately \$95,000 per month, and that this would be likely to drop throughout the trial period. She said that there would still be some parking meter revenue incoming, for example, from people choosing to pay for all-day parking in Wakatu Square.

In response to further questions, the Chief Executive explained that the figure of \$95,000 did not take into account any revenue gathered through enforcement measures, although Council would still receive any revenue generated this way throughout the trial. She said that any shortfall in parking meter revenue would need to be funded from general rates.

In response to additional questions, she explained that it was not possible to include central Wakatu Square within the trial on Saturdays only, as this would likely lead to confusion. She added that the Parking Study would likely be reported back to Council during the trial period.

6.2 Enforcement Activities

In response to a question, the Chief Executive explained that parking wardens would continue to enforce time limits, including the customary 10-minute 'grace period'. She gave examples of other New Zealand cities where free CBD parking had been trialled, and said that enforcement of time limits had been an integral part of the success of such trials.

In response to further questions, she said that parking wardens carried out their jobs in a fair manner.

6.3 NBus Initiatives

In response to questions, the Chief Executive explained that there were a number of technical issues to consider with regards to providing free return NBus passes with a future rates mail-out, and that it may be appropriate to take this step as spring approached. She said that the proposed 9am start time for free NBus passes was linked to current retail and enforcement hours, as well as attracting new NBus travellers.

In response to further questions, the Chief Executive said that inclusion of free NBus passes in a rates mail-out had limitations, but was being considered as a first step towards demonstrating value for money for ratepayers, and encouraging new users of the NBus.

In response to additional questions, the Chief Executive advised that currently there was no provision within the NBus contract for busses to be 'wrapped' with advertising, and that the officer recommendation proposed to initiate this discussion with SBL.

Councillor Fulton, seconded by Councillor Copeland moved an amendment to add as the ninth clause to the motion

AND THAT further initiatives to promote the NBus are investigated and reported to the appropriate committee

The mover and seconder agreed to incorporate this clause into the motion.

Attendance: The meeting adjourned from 11.04am to 11.17am.

Councillors debated the motion. There was general agreement that it was important to support inner city retailers in this manner, however several councillors emphasised that initiatives to increase the use of NBus in bringing people into the CBD should also be encouraged.

Several councillors also noted the need for inner city businesses to support the trial by developing other initiatives to draw people into the inner city, by recognising the need for enforcement of parking time limits throughout the trial, and by ensuring that the free parking initiative was not abused by workers taking advantage of free parking to park within the city.

Councillor Lawrey, seconded by Councillor Rainey, moved an amendment to substitute clause three of the motion with the following clause:

AND THAT Council demonstrates its support for Nelson CBD businesses by introducing a 12 week trial period of free parking in Montgomery and Buxton Squares for a maximum of 3 hours, and in Millers Acre to the time limit signed, to a maximum of three hours.

Councillors debated the amendment.

Those in support noted that free parking in these carparks would encourage a small amount of walking to take shoppers past different retailers, and would prevent a negative reaction should free parking be withdrawn at the end of the winter trial period. Those against the amendment suggested that this option could be considered at the conclusion of the trial, and that it was preferable to await the results of the Parking Study first.

The amendment was put and lost, and the meeting returned to consider the substantive motion.

Resolved

THAT the report Support for Nelson CBD – Winter Incentives (A1207119) be received;

AND THAT Council note the parking study will be reported back to the Planning & Regulatory Committee and be the basis for any change in parking strategy long term;

AND THAT Council demonstrate its support for Nelson CBD businesses, by the introduction of a 12 week trial period of free parking in the CBD, from 1 July 2014 to 30 September 2014, on the basis of free parking to the time limit as signed in the different areas of the Nelson CBD (and set out in the Nelson City Council Parking and Vehicle Control Bylaw 2011), to a maximum of three hours (noting that the central area of Wakatu Square will remain all day, paid parking);

AND THAT this be available six days' per week;

AND THAT Council note the introduction of reminders for soon to expire Warrants of Fitness and Vehicle Registrations;

AND THAT Council indicate that as a result of this initiative, it anticipates businesses will implement complementary programmes to attract shoppers;

AND THAT monitoring of the impact of this initiative on parking occupancy and duration of stay be undertaken by officers;

AND THAT authority be delegated to the Chief Executive to investigate the feasibility of providing a coupon for a return trip into the Nelson CBD on NBus, for two, and implement this if practical for inclusion in a rates mail out;

AND THAT further initiatives to promote the NBus are investigated and reported to the appropriate committee;

AND THAT the Chief Executive work with SBL to vary the contract to allow for 'wrapping' of the NBus for promotion of Nelson attractions;

AND THAT the financial impact of these initiatives on parking revenue and bus fares be reported on to the Governance Committee at the end of the period;

AND THAT a focus group with CBD businesses be undertaken by officers at the end of the period to understand the value of and issues with the initiative.

Her Worship the Mayor/Ward

Carried

Resolved

THAT Pursuant to clause 6 of the Nelson City Council Parking and Vehicle Control Bylaw 2011 the Council resolves that for the months of July, August and September 2014:

- (i) there shall be free parking in all metered and pay and display parking areas within the Nelson CBD, up to the maximum time allowed and displayed for continuous parking in the parking space used;**
- (ii) except that this free parking dispensation shall not apply to the Wakatu Square pay and display area.**

Noonan/Barker

Carried

There being no further business the meeting ended at 11.47am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Public Status Report – Council 17 July 2014

Date of meeting/Item	Action Resolution	Officer	Status
<p>2/4/2013 - Council</p> <p>Nelson Gondola and Adventure Park: Feasibility Study</p>	<p><u>THAT</u> the Nelson Cycle Lift Society Incorporated be granted \$15,000 towards a feasibility study for the establishment of a gondola and adventure park, subject to the Cycle Lift Society:</p> <ul style="list-style-type: none"> • funding the remaining costs of the feasibility study; • undertaking to provide Council with the results of the feasibility study by 31 December 2013; <p><u>AND THAT</u> it be noted that Council has neither considered nor taken a position on, the proposal for a gondola and adventure park in either of its roles as landowner and/or regulator.</p>	<p>Chief Executive</p>	<p>17/7/2014 – Report to come to future Community Services Committee.</p> <p>Underway</p>
<p>19/6/2014 – Council</p> <p>Trafalgar Centre – Way Forward to Reopening</p>	<p><u>AND THAT</u> Council approve up to \$450,000 to appoint a project manager, who will drive the investigation process necessary to inform the preparation of concept design and deliver first iteration plans to Council;</p> <p><u>AND THAT</u> the brief for this project manager to manage this project from this point to reopening of the Trafalgar Centre be approved by the Mayor, Deputy Mayor, Chair and Deputy Chair of Works and Infrastructure Committee, and the Chair of the Community Services Committee, and tendered publicly;</p>	<p>Alec Louverdis</p>	<p>17/7/2014</p> <p>First draft of brief prepared and with the Mayor and Chief Executive for review. Discussions with Chairs and Deputy Chairs to follow – once approved tender will be advertised publicly.</p> <p>Underway</p>

Date of meeting/Item	Action Resolution	Officer	Status
	<p><u>AND THAT</u> the project manager work within the ambit of Council's procurement policy (noting that this allows for exceptional circumstances such as specialist skill, or knowledge already gained to obviate public tendering of consultancy services);</p> <p><u>AND THAT</u> expenditure be funded from existing provisions in the current 2013/14 and 2014/15 capital budgets.</p>		
26/6/2014 – Council Support for Nelson CBD – Winter Incentives	<p><u>AND THAT</u> the Chief Executive work with SBL to vary the contract to allow for 'wrapping' of the NBus for promotion of Nelson attractions;</p> <p><u>AND THAT</u> a focus group with CBD businesses be undertaken by officers at the end of the period to understand the value of and issues with the initiative.</p>	Chief Executive	17/7/2014 - Discussions with SBL commenced. Underway

Mayor's Report

1. Purpose of Report

- 1.1 To bring to Council's attention the draft Health Bill currently on the government's legislative agenda, to regulate health and hygiene risks from commercial activities.

2. Recommendation

THAT the Mayor's Report (A1217257) be received.

3. Discussion

- 3.1 There is a matter arising from the minutes of the Planning and Regulatory Committee of 19 June 2014, on our agenda today, that I would like to highlight. The decision of the Planning and Regulatory Committee was to task officers to investigate the possibility of a new bylaw to regulate health and hygiene risks from commercial activities providing personal services such as tattooing, beauty treatments, sun beds, and acupuncture.
- 3.2 I am pleased that the Planning and Regulatory Committee has raised this issue, because I agree that it is important that the community have confidence that there are clear and consistent rules around any health risks that might arise from these activities.
- 3.3 However, I would also like to bring to Council's attention that a draft Health Bill on the government's legislative agenda may provide an alternative method by which health and hygiene risks from commercial activities providing personal services may be regulated. The government has indicated that it believes it is a matter for national legislation as the draft Health Bill would set codes of practice, guidelines and regulations around these sorts of public health issues. This may provide a more consistent solution than every local authority in the country individually considering and regulating these issues.
- 3.4 I would suggest that the Planning and Regulatory Committee consider advocating with central government to raise the priority of the draft Health Bill to ensure activities like tattooing, and other commercial activities with health and hygiene risks, are included.

- 3.5 Local authorities have frequently taken issue with the transfer of responsibility from central to local government on a range of issues, and the costs that are imposed on communities as a result. Where there is a matter of national relevance, or where it is desirable to have consistent national standards regarding an issue, such as this one, local authorities should consider insisting that central government shoulder the burden of such issues.
- 3.6 The Local Government New Zealand Conference takes place in Nelson from 20-22 July 2014, and I expect this issue to be the subject of some discussion throughout the conference.

4. Conclusion

- 4.1 That Council note the update provided in this report.

Rachel Reese
Mayor of Nelson

There are no attachments.

Rocks Road Walking and Cycling Project Engagement Plan

1. Purpose of Report

- 1.1 To adopt the engagement plan to be used to gain community feedback on the Rocks Road Walking and Cycling project.

2. Delegations

- 2.1 This is a decision of the Works and Infrastructure Committee; in order to progress the public engagement phase over a compact timeframe the Works and Infrastructure Committee resolved on 12 June 2014 that the Engagement Plan be presented direct to Council at its 17 July meeting.

3. Recommendation

THAT the report Rocks Road Walking and Cycling Project Engagement Plan (A1205859), and its attachments (A1216891 and A1216937) be received;

AND THAT the Engagement Plan (A1216891) be approved for use subject to minor amendments as approved by the Mayor, Chair of Works and Infrastructure Committee and the Chief Executive;

AND THAT the engagement period runs from 24 July 2014 to 25 August 2014.

4. Background

- 4.1 The Arterial Traffic Study in 2011 resulted in Council resolving to support further investigation into a walk way/cycle way around the waterfront¹.
- 4.2 The 2012/15 Regional Land Transport Plan included a number of projects to enhance walking and cycling in and around Nelson. The Rocks Road walking and cycling project was one of these.

¹ Council, 11 August 2011, Document 1050802

- 4.3 The Rocks Road Walking and Cycling Project is a joint Nelson City Council and New Zealand Transport Agency (NZTA) initiative. This partnership recognises that whilst Rocks Road is a state highway, controlled by NZTA as part of its network, Council, on behalf of the community, wishes to see improvement in the amenity offered on the road.
- 4.4 A Rocks Road Steering Group was established at the commencement of this triennium comprising the Deputy Mayor, Cr Rainey, NZTA representatives, Council officers and consultants. The steering group has met with councillors in workshops twice, as they have sought to advance a number of concepts that could be used for public engagement.
- 4.5 In developing concepts, the steering group has worked to ensure each concept considered the following key principles:
- Increase in walking and cycling use;
 - Reduction in walking and cycling crashes;
 - Increased attractiveness of the City.
- 4.6 The first workshop on 11 March 2014 considered the consultant's report², and five options were discussed. Councillors asked that the steering group work on more options, and that options be assessed against additional criteria:
- Attractiveness for commuter cyclists;
 - Tourism;
 - Residential and space amenity along the route;
 - On-road loss in carparks;
 - Attractive facility for recreational users, eg those swimming and/or fishing;
 - Green spaces;
 - Heritage, especially the chain and stanchion fence;
 - Crossing points for pedestrians;
 - Linkages at each end of the project.
- 4.7 Three revised concepts were considered by the steering group, and presented to councillors on 15 May 2014. They were then formally considered at the Works and Infrastructure Committee on 12 June 2014. The Committee has recommended to Council:

THAT the Council confirm it does wish to proceed to the next steps with the Rocks Road walking and cycling project;

AND THAT Council approve each concept plan separately;

² Rocks Road Walking & Cycling Project Report, March 2014, Opus Consultants

AND THAT concept plan one (\$9-13M) be approved;

AND THAT concept plan two (\$11-14M) be approved;

AND THAT engagement on concept plan three (\$33-47M) occur only for the purposes of disclosure and that all messaging on this concept reflect its lack of value as compared with the required investment;

AND THAT the engagement plan be presented to Council for approval at its meeting on 17 July 2014;

AND THAT the outcome of the engagement be presented to Council to guide consideration of any future investment.

5. Discussion

Process

- 5.1 It may be useful for Council to appreciate the background, sequencing and rationale behind this project.
- 5.2 Firstly, the project was identified within the Regional Land Transport Plan 2012/15 (Rocks Road 4 metre wide shared path project), with a budget of \$5.7 million. That funding was also included in the 2012/22 LTP.³
- 5.3 To give effect to that project, Opus Consultants was contracted to investigate options. Their first draft of that report was used to inform workshop 1 in March 2014.⁴ The second draft of the report informed workshop 2 in May 2014, before the report was finalised in July 2014. The second draft of the report is the basis for the attached executive summary - Attachment 2 (A1216937).
- 5.4 The purpose of this report is to present an engagement plan to share with the public the concept options that Council would like feedback on.

Changes to Concept Plans

- 5.5 The concept plans as presented to councillors have had a small but significant change in that the number of signalised crossings ('pelican crossings') has been reduced. Councillors may recall that 4-5 additional pelican crossings were proposed along the route: at the northern end (by Plant and Food), the Boathouse/Poynters Crescent, Richardson Street, the Basin Reserve, and Days Track.
- 5.6 This has now been reduced to one, at the northern end of the project, by the Plant & Food building on Wakefield Quay. Identified mid block crossing points would be served with central refuges that can

³ Pgs 61 and 71, 2012/22 LTP

⁴ Rocks Road Walking & Cycling Project Report, March 2014, Opus Consultants

accommodate cycles and prams, allowing the user to cross one direction of traffic separately and safely. Additional widening will be required at these locations.

- 5.7 Under concept 2 the shared path is on the seaward side and a signalised crossing at the northern end (Plant and Food) remains necessary to accommodate the needs of commuter cyclists. This would be required until an enhanced city link from Wakefield Quay to Halifax Street is created. Commuter cyclists and walkers would be served by existing signals at the southern end.
- 5.8 The change does not result in any alteration to proposed car park numbers or estimated total costs.
- 5.9 This change is a reflection of the multiple uses and users of the road, and the partners in the project. NZTA do not support the provision of so many signalised crossing points on a state highway.

Engagement

- 5.10 The engagement objectives are:
- To communicate details of proposed concepts to the community;
 - To gain information that will help with the development and refinement of the project;
 - To receive public feedback on the concepts;
 - To engage with Iwi on the project;
 - To engage with key stakeholders and potentially affected parties;
 - To seek early identification of potential mitigation measures that may alleviate stakeholder concerns;
 - To maintain good relations with stakeholders and directly affected parties;
 - To achieve a high level of public engagement;
 - At the end of the investigation and reporting phase, to advise those consulted of Council's and NZTA's responses, and any future investment decisions.
- 5.11 The proposed engagement is described in the Engagement Plan - Attachment 1 (A1216891).
- 5.12 The Investigation Report Executive Summary can be found in Attachment 2 (A1216937).

Financials

- 5.13 The 2013/14 Annual Plan stated the feasibility study on the proposed shared walkway/cycleway around Rocks Road was delayed while the terms of reference were agreed with NZTA, and would now take place in this financial year⁵. \$105,000 was provided for this, a difference of \$145,000 from that forecast for in the LTP⁶.
- 5.14 The 2014/15 Annual Plan highlights the project being phased over three financial years:
- 2014/15 – resource consents;
 - 2015/16 – detailed design;
 - 2016/17 – commencement of construction.
- 5.15 The 2014/15 Annual Plan also alerts ratepayers that the project budget of \$5.7M will be insufficient⁷.
- 5.16 The three concepts are detailed in the table below with indicative rough order costs:

Concept	Detail	Benefits	Cost range	Likely NCC Rates	Likely NZTA 'R' funds
One	On road cycle lanes and widened footpath	Safety benefits; some growth in numbers of commuter cyclists	\$9-13 Million	\$2.2-3.1M	\$6.8-9.8M
Two	Shared path arrangement	Similar safety benefits as (1); growth in patronage greater	\$11-14 Million	\$2.6-3.4M	\$8.4-10.6M
Three	Separated footpath and cycle lanes on seaward side	Walking, cycling numbers increased Greatest safety and amenity gains	\$33-47 Million	\$22.4-36.4M	Up to \$10.6 M

- 5.17 The Committee recommended to Council that for reasons of return on investment, it should indicate option three is not a concept Council supports.

⁵ P9, final Annual Plan 2013/14

⁶ P67, final Annual Plan 2013/14

⁷ P10 Statement of Proposal, draft Annual Plan 2014/15

- 5.18 The costs shown above reflect the total estimated costs for the project, and the breakdown of rates contribution and 'R' funding. The likely investment shown from NZTA is based on forecast potential user benefits – the equivalent of rough order costs – and until detailed design is undertaken, are difficult to define. These have not been agreed or audited by NZTA.
- 5.19 NZTA's investment is based on the recognition that this corridor serves many purposes; it is a key route not just as highway but also as part of the walking and cycling strategy. Their funding is for transport purposes and seeks to return transport benefits. A number of the desired outcomes of this project are beyond transport and would therefore be Council's cost.
- 5.20 However, the financial consequences of any choice must be considered by Council. Council's debt profile is currently at \$68M. The 2012 LTP suggested debt would be \$127M (including \$2.9M for Rocks Road) by end 2014/15 financial year, increasing to in excess of \$110M by end of 2014/15 (including \$200,000 for Rocks Road). There are significant other projects before Council and the calls on Council's funding are significant.
- 5.21 Once a concept plan is identified as a preferred option – and after Council approval for that has been given – the project would be referred to the Regional Transport Committee (RTC) for consideration within the 2015/18 Regional Land Transport Programme.

6. Options

- 6.1 This report covers the matter of engaging with the public on possible concept designs for Rocks Road walking and cycling facilities. An option of not engaging would effectively be choosing not to proceed with the project at this time. The Committee's recommendation to Council is to proceed with the next steps in the project.
- 6.2 To engage with the public on possible concept designs is the alternative option, as set out in this report.
- 6.3 It is not an option to proceed with the project, without seeking feedback from the community.

7. Assessment of Significance against Council's Significance Policy

- 7.1 Rocks Road is not a Council-owned asset but facilities outside the kerb line are financed and managed by Council. They arguably are subject to the 'Strategic Assets' provisions of the Council's Significance Policy. Even if they were not, under the wider provisions of the Policy, such as the 'current and future social, economic, environmental, or cultural wellbeing of the city or region' criterion, and the 'persons like to be affected, or interested', the proposals are considered to meet the Significance Policy.

- 7.2 Being 'significant' in terms of the Policy in itself does not mean the Special Consultative Procedure must be used. The Significance Policy refers to the decision making requirements under section 76 of the Local Government Act, not to section 83, Special Consultative Procedure. It is considered that the engagement proposed under this Plan meets the requirements of section 82 and of section 76.

8. Consultation

- 8.1 The Engagement Plan is to get feedback from the community. This feedback will be shared with Council, before being considered for inclusion in the 2015/18 Regional Land Transport Programme (RLTP). Any funding would come through the RTC - as it develops the RLTP - as it is through this committee that NZTA funds Council projects.

9. Alignment with relevant Council policy

- 9.1 The Heart of Nelson Strategy (HONS) sought to improve major walking, cycling and road connections to the central city. It also sought to make better connections between the City, the river and sea.
- 9.2 This project aligns with the Transport Activity Management Plan 2012, Regional Land Transport Strategy 2009 and the Regional Land Transport Programme 2012-2015. It also aligns with Nelson 2060, as it will seek to enhance active modes of transport.
- 9.3 The recommendation to engage with the community is consistent with Council Policy and the Committee's recommendation to Council.
- 9.4 This engagement phase is included in the project budget.

10. Inclusion of Māori in the decision making process

- 10.1 An initial project Hui has already taken place where it was suggested by Iwi that opportunities exist to tell the rich cultural connection and history Iwi have along this waterfront. Maori groups will continue to be specifically engaged in this project as outlined in the Engagement Plan.

Rhys Palmer

Senior Asset Engineer Transport and Roading

Attachments

Attachment 1: Rocks Road Walking and Cycling Facility Engagement Plan [A1216891](#)

Attachment 2: Rocks Road Investigation Report Executive Summary [A1216937](#)



Community Engagement Plan

**Rocks Road Walking and Cycling
Facility**

Phase 1 - Investigation & Reporting

A1216891

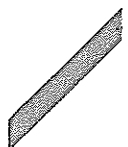


Community Engagement Plan Rocks Road Walking and Cycling Facility Investigation & Reporting

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1 Introduction

As part of the Rocks Road Walking and Cycling Facility Engagement, Council seeks:

Satisfactory engagement with the community to

- i. *Provide the public the opportunity to provide input into the options.*
- ii. *Provide concise, substantiated justifications for the preferred option that are transparent and understandable to the general public.*

2 Engagement Objectives

2.1 Engagement Objectives and Methods

Engagement Objectives:

- To communicate details of proposed concepts to the community;
- To gain information that will help with the development and refinement of the project;
- To receive public feedback on the concepts;
- To engage with Iwi on the project;
- To engage with key stakeholders and potentially affected parties;
- To seek early identification of potential mitigation measures that may alleviate stakeholder concerns;
- To maintain good relations with stakeholders and directly affected parties;
- To achieve a high level of public engagement;
- At the end of the investigation and reporting phase, to advise those consulted of the Council and the Transport Agency's response, and any future investment decisions.

2.2 Key Messages

For completeness the key messages from the Communication Plan are repeated here:

1. Relevant Nelson City Council organisational key messages:
 - *Council strives to make Nelson a better place*
 - *Welcomes and will listen to the views and opinions of members of the community*
 - *Ensures communications channels are accessible and relevant to all people*
 - *Respects everyone's right to clear, honest, factual information*
2. Additional key messages for this project:
 - *We seek to improve the safety for walkers, cyclists and recreation users on a road that is iconic and has some unique transport challenges. [engagement decision statement]*
 - *Rocks Road is an attractive route that has significant amenity value to tourists and residents; any update to the road needs to enhance the attractiveness of the route and the City.*
 - *Council is eager to increase recreation opportunities in our city.*
 - *Walking and cycling are important to life in Nelson.*

- *Rocks Road, is a strategic transport corridor that links together large communities reliant on all modes of transportation.*
 - *This is a joint ownership project between Council and NZ Transport Agency, with Council as lead partner.*
3. This stage of the investigation is not about **if** the project should proceed or not, but about the community's preferences for the concepts being looked at. The decision about the project proceeding is a funding one that is determined through the process of the Regional Land Transport Programme and Council's Long Term Plan. Recent Government announcements about roading priorities may impact on the detail. However, that can be addressed further down the line in the project, most likely at the 'detailed design' phase.

2.3 Engagement Timing

2.3.1 Stages

The Scope of Service (section 5.8.1) states:

- All stakeholders should be consulted on the shortlisted options
- On completion of the 'investigation and reporting phase' those engaged with should be notified of the outcomes and the reasons for any decisions.

The community engagement is focused on receiving feedback on the short list of options adopted by Council. At the end of this project all stakeholders and people who put forward their views will be communicated with.

Exceptions to this are:

- Iwi, where a separate parallel process involving three hui is taking place. One hui at the start of the project has occurred, one prior to release of the options document, and one at the end of the process. The initial hui provided very useful background information for the Investigation Report.
- Heritage New Zealand (formerly Historic Places Trust). Heritage NZ has two statutory roles – one in terms of archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014, and the other as an affected party under the RMA. Developing any options that affect the Rocks Road chain fence needs Heritage NZ input and advice prior to the options engagement phase. An onsite meeting with Heritage NZ clarified the statutory requirements that would apply and the values associated with the stanchions and chains and with parts of the seawall. That helped refine the development of concepts.
- Department of Conservation. Similarly, DOC is a key player with respect to the coastal marine area, although the Minister no longer is decision-maker for any reclamations or significant structures in the seabed. Discussion with DOC indicated that the department is comfortable being treated as any other stakeholder i.e. to receive information in the proposed mailouts.
- Targeted engagement. During the refinement of the short list options to a preferred option, some targeted engagement with directly affected parties or groups with specific knowledge or needs may be necessary, as options are tweaked.

The Scope of Service brief talks about special attention being paid to owners and occupiers where the level of service for existing accesses may reduce and where on-street parking may reduce or disappear.

We will focus the targeted engagement with adversely affected residents and businesses on the short list of options; the rationale being these are the most realistic options Council has considered and agreed to seek public feedback on.

A four week engagement period is proposed, with options released Thursday 24 July and comments closing Monday 25 August 2014.

See Appendix A for review of LGA requirements and Council's Significance Policy.

3 Engagement - Stakeholders

Stakeholders are set out in the Communications Plan, and Appendix B in this plan. Other stakeholders may become apparent as the project progresses.

4 Methods of Communication

4.1 General

- If possible all face to face interactions should involve an NCC and Transport Agency representative. Also divide up – e.g. different people to different meetings.
- An exception can be one-on-one meetings with directly affected parties. However, this should be reviewed if necessary, depending on the feedback from early meetings.
- Engagement will occur on a short list of options, and not any one preferred option. A preferred option, if any, may only be apparent at the end of the Phase 1 process.

4.2 'Live Nelson'

'Live Nelson' will be available for stories on the project as needed. It will have a lift out feature when the options are consulted on in July / August, with part of it being a comments / feedback form.

Deadlines for Live Nelson are in Appendix C. Material needs to be submitted to the Council two weeks before the publication deadline.

Tasman District Council has indicated they could advise in 'NewsLine' when comments are being invited.

4.3 Media releases

Council to decide when to feed information to the public, and via what means. A Press Release would be recommended at the start of the public engagement period (24th July) to get information and Open Day dates to the public.

4.4 Brochure

A brochure, e.g. 2-sided A4 with options and comments form, will be available as a hand-out at Council, libraries and displays. Same text as Live Nelson feature.

4.5 Information for Stakeholders

All stakeholders will be written to. The letter will:

- Tell them about the investigation phase
- Contain the options brochure and feedback form
- Encourage them to place feedback
- Explain what happens next in the process, including decision making
- Direct them to where they can get further information and about open days.
- Direct them to a NCC number if they have questions.
- For key stakeholders, offer to meet with them if they'd like to discuss/get further information (see 4.6 below).

Specific stakeholder feedback will be documented in the Communication Register. More general public feedback (e.g. from the website) will be collated by Opus and included in the Engagement Summary to be appended to the final documentation.

4.6 Meetings

There will be two group meetings (open days are discussed below).

It is proposed to meet with directly affected businesses individually, specifically the Boat Shed Café, The Boathouse and the Nelson Yacht Club, in case they have development plans they wish to share with us. Similarly, residents whose level of service for access or parking may change will be offered the opportunity for face-to-face if they wish. A representative from either (or both) NCC and the Transport Agency will be present at all meetings.

4.7 Displays, Public Information sites

NCC window and libraries to have displays. NCC Customer Services Area and Libraries (including TDC's Richmond library) to also have hard copies of brochures and any other information needed for Local Government Act requirements.

During the engagement period there will be information boards with the options along Rocks Road. Possible site or sites include: near Fishermen's Platform (could be beside the existing historic information board), swimmers wall opposite Days Track, beside footpath near Seafarers Memorial, or near Settlers Memorial (Guytons/Styx cafe).

4.8 Statutory Organisations

Heritage New Zealand has been consulted before the July release of options, given it has statutory roles under the Heritage New Zealand Pouhere Taonga Act. A site visit with Heritage NZ occurred during the week of 10-14 March 2014. The Department of Conservation have indicated they will provide any comment as part of the normal engagement process.

4.9 Open Days

Two Open Days will be held over the engagement period. These are proposed for the evening of Wednesday 6 August and the afternoon of Sunday 10 August. The exact timing and location is to be confirmed (The Boathouse is the preferred venue if available).

4.10 Information needs for enquiries

Brochure and web link. A Frequently Asked Question sheet will be prepared by Opus, with Council and the Transport Agency providing financial and political input, and having final sign-off.

4.11 Responses to specific individuals and enquiries

Questions will be directed to NCC for response as appropriate – e.g. answer questions or might need to send more information or to meet if directly affected property owner. Log in Communication Register.

4.12 Web page

The web page will define the project; explain options and reasons and have an online comments/feedback form. Also needs to cover all the information for Local Government Act requirements (see section 2.3). <http://www.nelson.govt.nz/services/transport/creating-travel-choices/rocks-road-walking-cycling-study/>

All documentation (e.g. brochure, public displays) will encourage the use of the website to submit comments.

There will be scope for the public to submit comments on the Council's Facebook and Twitter pages, and to link to the on-line comments form on the website.

Feedback from the web page and the brochure feedback form will be collated and analysed by NCC and the Transport Agency and included in the Engagement Summary.

4.13 Hearings

No hearings are proposed in relation to public feedback on this project. This phase involves 'Investigation and Reporting' with advice back to the Council and the Transport Agency as to the preferred option. They will then refer the project to the Regional Transport Committee, for consideration in the Regional Land Transport Programme, and to Council for consideration in its Long Term Plan 2015/25.

5 Appendix A: Local Government Act 2002, Consultation Principles and Significance Policy

The New Zealand Transport Agency and Government have their own legislation and drivers for decision-making.

The procedures and processes that apply to the Nelson City Council however derive from the Local Government Act 2002 (LGA). This sets the principles and procedures that must be followed in making decisions, including consulting with its community.

A qualification to this is that under sections, 76(2), 79 and 82(3) Council has discretion as to how to apply the decision making and consultation principles given the facts and circumstances that apply in particular cases. In other words, they are principles requiring the exercise by the Council of judgement, as opposed to mandatory directions where there is no scope for discretion.

In addition, certain other legislation, for example the Resource Management Act, contain more specific decision-making and consultation provisions, and these prevail over the Local Government Act if there are inconsistencies.

Section 77 of the Local Government Act states that a local authority's decision-making process must:

- Seek to identify all reasonably practicable options
- Assess those options, considering benefits and costs of each, support of community outcomes, impact on present and future statutory responsibilities, and any other matter the local authority considers relevant.

Sections 81 addresses processes for involving Maori in decision-making processes, while section 82(2) addresses consultation with Maori. A parallel process of hui with Iwi is occurring for this project.

Section 82 sets out the principles of consultation that apply to local authorities. Section 82(3) states it is up to the local authority to decide how the principles are applied "in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance". Section 82(4) covers the matters that must be considered in exercising that discretion. They include things such as how much the authority already knows of people's views, the significance of the decision, if the matter is confidential, and the costs and the benefits of any consultation process.

Table 1 below sets out of principles of consultation from section 82 of the Local Government Act 2002, along with a brief analysis of the process being adopted for Rocks Road and the degree to which it meets these principles.

Table 1:

Summary of s82 Principle	LGA wording, s82(1) 'Principles of Consultation'	Compliance with Principle
'Reasonable access to information'	a) Persons should be provided with reasonable access to information in a manner and format that is appropriate to the preferences and needs of those persons.	Yes. Engagement on options will provide good, clear information to interested people.
'Encouraged to present views'	b) Persons should be encouraged to present their views to the local authority.	Yes. This concerns promoting the opportunity for people to make their views known. This is to be well publicised in Live Nelson, on the Council's website and by writing to directly affected parties.
'Purpose and scope of consultation'	c) Persons should be given clear information concerning the purpose of the consultation and the decisions to be taken following the consideration of views presented.	Yes. This will be made clear in the information made available.
'Presenting views to local authority'	d) Persons who wish to have their views considered should be provided with reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons.	Yes. Under b) people were encouraged to give their views. This clause addresses how those views can be made known. It is for the Council to decide what manner and format is appropriate to the needs and preferences of the community. A range of methods will be used including: <ul style="list-style-type: none"> • Written comment • Online comments • Face to face meetings • Meetings with key stakeholder • Hut
'Open mind'	e) Views presented to the local authority should be received by the local authority with an open mind and should be given due consideration.	Yes

Feedback on final decision	a) Persons who present views should be provided with information concerning both the relevant decisions and the reasons for those decisions.	Yes. It is proposed that all people who made their views known will be written to at the end of this process, to advise them of what decision has been made and the reasons for it. There will also be information in Live Nelson and other media, a final Hui, and meetings with key stakeholders if necessary.
Consultation with the	Māori local authority measures if any in place processes for consulting with Māori in accordance with subsection (a) (the above principles)	Yes. A separate and parallel engagement process with Tei has been established, recognising Tei as Treaty partner, and the cultural and resource management values of the area.

In terms of the matters of discretion to consider under section 82(4):

The first matter of discretion relates to community views, including whether just directly affected parties are impacted or whether there are others who have an interest in the matter. The Act makes it clear that consideration must be given to the views of 'persons likely to have an interest in the matter' as well as persons likely to be affected by the proposal. The proposal for a Rocks Road cycling and walking facility is likely to be of interest to a wide range of people and organisations, including non-residents, tourists and visitors. Wide engagement therefore is proposed.

A second matter of discretion relates to the extent to which current views and preferences of interested people and groups are already known. A number of individuals and groups have made their views known about a cycling and walking facility – both for and against it. However, there was not a specific proposal or specific options available at that stage for people to respond to. Nor has the wider community been invited to put forward their views. Hence it is suggested that more needs to be known about people's views.

The Council can also exercise its discretion after having regard to the nature and significance of the matter and decision to be made, including the likely impact on affected persons. Rocks Road is very iconic and important to Nelson. The issue is also significant to businesses and residents who live along the route, as well as cyclists, walkers and others who might recreate in this area. Therefore it is suggested the importance of the matter warrants full engagement.

The fourth matter of discretion relates to the Local Government Official Information and Meetings Act 1987, including the circumstances in which there is good reason for withholding local authority information. There is considered to be no reason to withhold information so as to limit engagement in this instance.

Finally, a Council needs to turn its mind to the costs and benefits of any engagement. In this case the costs of engagement are not high, and the potential benefits are significant. The engagement process is important in gaining a better understanding of the issues, what people value or are concerned about, to refine and identify preferred options (if any) and to understand the

community's views as to the future of Rocks Road. In summary, the benefits will outweigh the costs, and warrant the engagement process proposed.

Section 82 relate back to other sections of the Act, specifically section 76. Section 76 states that any decision by a local authority “must be made in accordance with sections 77, 78, 79, 80, 81 and 82 as are applicable”.

- Section 77 relates to consideration of options
- Section 78 to consideration of community views
- Section 79 relates to making judgements as about how to comply with sections 77 and 78
- Section 80 relates to the process to be followed if a decision is likely to be ‘significantly with any adopted Council policy or plan
- Section 81 relates to decision making by Maori, and
- Section 82 relates to the principles of consultation already discussed.

Council’s Significance Policy

Under section 90 of the Local Government Act a local authority must have a policy on the significance of proposals and decisions, including any thresholds, criteria or procedures to be used to assess significance.

Nelson City Council has a ‘Significance Policy’ in its 2012-2024 Long Term Plan. The policy sets out a general approach to deciding the significance of proposals and decisions. It recognises that a judgement is involved in each case, having regard to the likely impact on:

- i) The current and future social, economic, environmental, or cultural wellbeing of the city or region
- ii) The impact of the decision on the Council’s ability to achieve the objectives set out in its current Financial Strategy, Long Term Plan and Annual Plan
- iii) Any persons who are likely to be particularly affected by, or interested, in the issue, proposal, decision or matter
- iv) The capacity of the local authority to perform its role and carry out its activities, now and in the future
- v) The financial, resource and other costs of the decision to the Council and community
- vi) The benefits of the decision to the Council or community.

In addition to the above, the significance policy states that the guidelines in the Council’s community engagement toolkit will be considered:

- Consideration of officer, or other professional, advice on significance and the various impacts of the decision to be made, and all available options

- Council consideration and final decision making on the degree of significance of the issue and the appropriate level and type of consultation
- Costs to Council or the community.

Finally, the policy lists, as required by the Act, those Council-owned assets deemed by the Council to be 'strategic'. This list includes "land transport network including cycle ways". Rocks Road is not a council-owned asset, but there is agreement that facilities outside the kerb line of the road are financed and managed by the Council. Thus the footpaths, chain fence etc. can be a 'strategic assets' owned by the Council under the policy or the Act.

Notwithstanding this, Rocks Road and possible changes to it are still likely to be considered 'significant' under the other provisions of the policy. Under the 'current and future social, economic, environmental, or cultural wellbeing of the city or region' criterion, and the 'persons like to be affected, or interested', the proposals are considered to meet the significance test.

Being 'significant' however does **not** mean that the Special Consultative Procedure under LGA section 83 have to be used.

The Significance Policy simply states that "the Decision Making provisions in section 76 of the Local Government Act must apply. Section 76 says every decision "must be made in accordance with sections 77, 78, 79, 80, 81 and 82 as are applicable". Section 83, the Special Consultative Procedure, is not explicitly referred to.

It is important to remember that this is Phase 1 of a potentially longer process, and is only the Investigation and Reporting Stage. It is looking at potential options and their feasibility, and the most favoured options the public and affected parties will be consulted on. At the end of that process the Council and the NZTA will make decisions whether or not to proceed further.

At that later stage the Council might decide (or not) that the significance of the decision warrants use of the Special Consultative Procedure, but if that were the case that consultation might be able to occur as part of the Long Term Planning process if funds, including R-funds, were proposed to be expended.

Conclusions

1. Having regard to the matters of discretion in section 82(4) of the Local Government Act 2002 and the analysis in Table 1, the engagement proposed under this Community Engagement Plan is considered to be consistent with the principles set out in Section 82 of the Act and other relevant provisions including sections 76 to 81.
2. Rocks Road is not a Council-owned asset but facilities outside the kerb line are financed and managed by Council. They arguably are subject to the 'Strategic Assets' provisions of the Council's Significance Policy. Even if they were not, under the wider provisions of the Policy, such as the 'current and future social, economic, environmental, or cultural wellbeing of the city or region' criterion, and the 'persons like to be affected, or interested', the proposals are consider to meet the Significance Policy.
3. Being 'Significant' in terms of the Policy in itself does **not** mean that the Special Consultative Procedure must be used. The Significance Policy refers to the decision making requirements under section 76 of the Local Government Act, not to section 83, Special

Consultative Procedure. As noted under 1) above, it is considered that the engagement proposed under this Plan meets the requirements of section 82 and of section 76.

6 Appendix B: Engagement Register

Engagement Register and list of Potentially Affected Parties with Whom Engagement May Occur

KEY STAKEHOLDERS (note all letters offer the opportunity to meet/discuss)				
Who	What	How	When	Outcome
Community of Nelson	Inform & Consult	Live Nelson articles, press releases, website, notice board along footpath, open days, displays	Option phase – July/August	
	Inform	Live Nelson, media releases	End of Phase 1	
Visitors and tourists	Inform & Consult	Live Nelson articles, press releases, website, notice board along footpath, open days, displays	Option phase - July/August	
	Inform	Live Nelson, media releases	End of Phase 1	
Adjoining Residences	Inform & Consult	Written correspondence with plans attached, open days	Option phase - July/August	
	Consult	Face to face where access/parking affected	July/August	
	Inform	Written correspondence with plans attached	End of Phase 1	
Adjoining Businesses	Inform & Consult	Written correspondence with plans attached, open days	Option phase - July/August	
	Consult	Face to face where access/parking affected	July/August	
	Inform	Written correspondence with plans attached	End of Phase 1	
Tasman District Council and Marlborough	Inform & Consult	Individual discussions with key stakeholders. Written correspondence with plans attached.	Option phase - July/August	
	Inform	Written correspondence	End of Phase 1	

Who	What	How	When	Outcome
Police, Fire and Ambulance Services	Inform & Consult	Written correspondence with plans attached and combined meeting (Road Safety Nelson Bays)	Option phase - July/August	
	Inform	Written correspondence	End of Phase 1	
Iwi	Inform & Consult	Hui	Project initiation	Initial Hui held 13 December 2013.
	Inform & Consult	Hui	Option Phase - July/August	
	Inform	Hui	End of Phase 1	
Accident Compensation Corporation	Inform & Consult	Written correspondence with plans attached. Part of Road Safety Nelson Bays meeting	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Nelson Marlborough DHB	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Department of Conservation (has responsibilities under RMA for coastal marine area)	Consult	Meeting	Prior to Council workshop	
	Inform & Consult	Written correspondence with plans attached	Project design phase and prior to commencement of construction as appropriate	
	Inform	Letter. Note: additional engagement may be required if a coastal consent is required under the RMA.	End of Phase 1	
Heritage NZ	Consult	Meeting	March 11	
	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	

Who	What	How	When	Outcome
Automobile Association	Inform & Consult	Written correspondence with plans attached. Part of Road Safety Nelson Bays meeting	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Road Safety Nelson Bays Incorporated	Inform & Consult	Written correspondence with plans attached. Umbrella meeting for range of road user and safety organisations.	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Bicycle Nelson Bays	Inform & Consult	Written correspondence with plans attached. Part of Road Safety Nelson Bays meeting	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Nelson Cycle Trails Trust	Inform & Consult	Written correspondence with plans attached. Involve in Road Safety Nelson Bays meeting	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Nelson Residents Association	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Road Transport Forum NZ	Inform & Consult	Written correspondence with plans attached		
	Inform	Letter	End of Phase 1	

Who	What	How	When	Outcome
Accessibility for All	Inform & Consult	Written correspondence with plans attached. Attend 9 May meeting.	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Nelson Regional Economic Development Agency	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
	Inform	Letter	End of Phase 1	
Nelson Tasman Chamber of Commerce	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Port Nelson Limited	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Ministry of Education	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Nelson Tasman Tourism	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Nelson Heritage Advisory Group (NHAG)	Inform & Consult	Written correspondence with plans attached. Note umbrella group for	Option phase - July/August	

Who	What	How	When	Outcome
(including Nelson Historical Society)		heritage organisations.		
	Inform	Letter	End of Phase 1	
Nelson Motel Association	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Nelson Forests Limited	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
SBL Group Limited	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Friends of Nelson Haven	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Positive Aging Forum	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Youth Council	Inform & Consult	Written correspondence with plans attached. Attend 6 May meeting.	Option phase - July/August	
	Inform	Letter	End of Phase 1	

Who	What	How	When	Outcome
Nelson Airport Ltd	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Bus and Coach Association	Inform & Consult	Written correspondence with plans attached (note Tony Cummings SBL is contact)	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Early childhood, Primary, Intermediate and Secondary schools and colleges	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	

AREA SPECIFIC USER GROUPS				
Who	What	How	When	Outcome
Port Hills residents group	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Boathouse Society	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Tahunanui Business Association	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter + meet with John Gilbertson (at request of NCC)	End of Phase 1	
Tahunanui Community Centre	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
The Waterfront Association	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	
Waterfront Events	Inform & Consult	Written correspondence with plans attached	Option phase - July/August	
	Inform	Letter	End of Phase 1	

7 Appendix C: ‘Live Nelson’ deadlines

Issue	Publish Date	Last possible date to Council for sign-off by NCC and NZTA
374	19.4.14	27.3.14 (publication deadline 10.4.14)
375	3.5.14	9.3.14 (publication deadline 23.4.14)
376	17.5.14	24.4.14 (publication deadline 8.5.14)
377	31.5.14	8.5.14 (publication deadline 22.5.14)
378	14.6.14	22.5.14 (publication deadline 5.6.14)
379	28.6.14	5.6.14 (publication deadline 19.6.14)
380	12.7.14	19.6.14 (publication deadline 3.7.14)
381	26.7.14	3.6.14 (publication deadline 17.7.14)
382	9.8.14	17.7.14 (publication deadline 31.7.14)
383	23.8.14	31.8.14 (publication deadline 14.8.14)
384	6.9.14	14.8.14 (publication deadline 28.8.14)
385	20.9.14	28.8.14 (publication deadline 11.9.14)



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Executive Summary

1.1 Introduction

Nelson is often described as the walking and cycling capital of New Zealand. With its great climate and relatively flat landscape, it's an ideal place to get out and about on foot or on two wheels. Nelson has a network of quality walkways and cycleways making much of our city safe and easy to navigate. Rocks Road is one of the city's most popular and busy stretches of road, and there is a great opportunity to make the most of this iconic community asset.

Nelson City Council (Council) and the New Zealand Transport Agency (Transport Agency) want to improve the current cycling and pedestrian facilities along Rocks Road, between Tahunanui Beach and Wakefield Quay. This joint study investigates ways to improve the walking and cycling experience along Rocks Road. This report summarises the investigation findings and the details of the selected three concepts for public engagement.

1.2 Rocks Road

Rocks Road is an integral part of Nelson's history. Opened in 1899, the road and seawall provides Nelson with a direct link between the city and Tahunanui. Since its opening, there have been a number of modifications to the road and seawall. The Rocks Road waterfront esplanade is an iconic and popular recreational and tourist destination.

Rocks Road is the regional strategic State Highway and is used every day by vehicles, freight, cyclists and pedestrians. The current Annual Average Daily Traffic is 19,500 vehicles/day, with an average mix of 6% freight. There are also 600 cyclist/day and 300 pedestrians/day on average, measured between December 2013 to May 2014.

1.3 Heritage

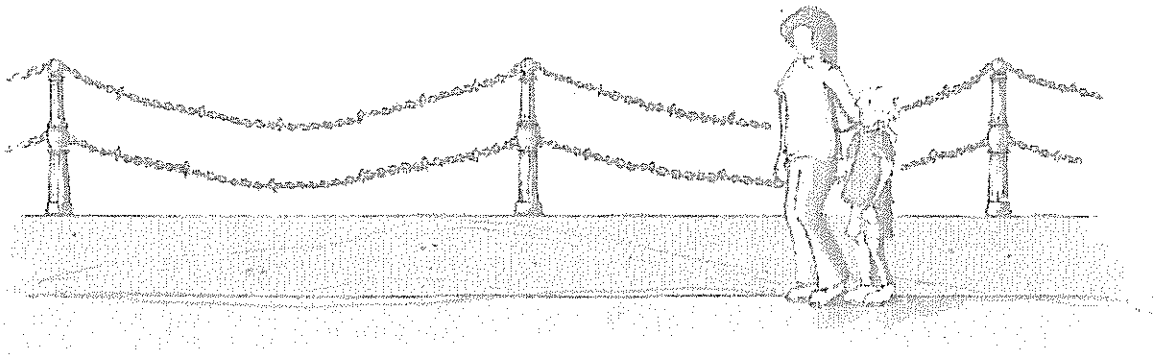
The seawall, the chain and stanchion fence and the Boathouse have all been identified as important historic features. These historic features will require permission from Heritage New Zealand (formerly the Historic Places Trust of New Zealand) if they are modified or relocated. Any work on these items would also require resource consent. There is one Heritage Tree located on the inland berm of Rocks Road near Richardson Street. This would require a resource consent if work was undertaken within the drip line.

#A1216937



1.4 Chain & Stanchion Fence

The existing chain and stanchion fence is an important landscape and heritage item. The fence's current condition requires some considerable rehabilitation, if it is to be preserved. It has been determined that it is possible to relocate and raise the historic fence on a 0.53m concrete plinth. This would achieve a mid-span chain height of 1.1m, which would meet the current Building Act safety rail minimum requirements. This is also Heritage NZ's preferred option for preservation of this historic feature, as its location and function is maintained. This work would require Heritage NZ approval and Nelson City Council resource and building consent.



1.5 Planning

The existing State Highway designation and legal road boundary generally has sufficient width to permit widening to create an enhanced cycle and walking facility. Some extensions of the State Highway designation boundary over the existing seabed adjacent to Tahunanui Beach may be required. Within the State Highway designation the road controlling authority can move the traffic lanes and remove parking, without any consent process or legal permissions. Having said that, the Transport Agency noise policy requires consideration of noise effects and possible noise mitigation for adjacent properties, if the road layout is altered on the State Highways and permitted noise levels are exceeded. Noise consideration may be required along Rocks Road if the traffic lanes are moved closer to the adjoining properties. At this stage no detailed noise investigation has been undertaken as the final preferred concept has not been identified. Widening over the coastal marine area or any impact on the seabed will require a regional resource consent process and a full environmental impact assessment. All three concepts identified by this study involve disturbance or extension over the coastal marine area.



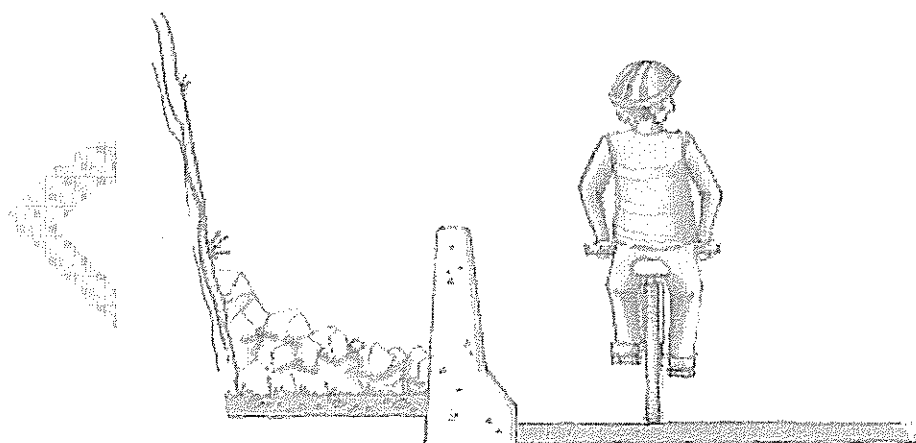
1.6 Seawall

The Transport Agency is confident it can maintain the structural integrity of the seawall with ongoing maintenance. It is feasible to widen over or beside the existing wall. Three options for widening the existing seawall have been identified.

- * **Widening of 0 to 1.0m:** A reinforced concrete cantilever structure
- * **Widening of 1.0 to 2.0m:** Either a simply supported or separate independent timber structure with columns or piles attached to the existing seawall or embedded into the seabed.
- * **Widening of 2.0m plus:** A new seawall built in front of the existing seawall.

1.7 Cliff Stability

The existing Rocks Road Cliff section stretches from the Basin Reserve to Magazine Point. The Transport Agency over the last 3 years has invested significantly in rock bolting and concrete facing the cliffs to improve stability. It is recommended that the current cliff face is kept unchanged, between the Basin Reserve to Magazine Point as any cutting would create further ongoing instability. The investigation recommends creating a 1m bench at the cliff base, with a solid debris catch fence, to prevent fitter, rock and silt entering the highway shoulder. A 1.5m shoulder is proposed to be maintained along the cliffs to keep traffic a safe distance from the cliff face.



1.8 Sea Level Rise

Currently Rocks Road is closed on average once a year due to storm waves. This assessment indicates that flooding of Rocks Road will become more frequent, due to the continuing effects of climate change and sea-level rise. The uncertainty in the probability of flooding of Rocks Road is the wave impact. It is predicted that the storm frequency will increase in the future and Rocks Road will continue to be vulnerable to storm wave closure.



1.9 Mid-Block Crossing Points

Four mid-block crossing points have been identified as important public access points. These are at The Boathouse/Poynters Crescent, Richardson Street, Basin Reserve and Days Track. The crossing facility recommended at these locations is a central island refuge, with appropriate lighting and protection that could accommodate a cycle or pram allowing the user to cross one direction of traffic separately and safely. Additional widening will be required at these locations.

1.10 Parking

A survey of parking, between the Crop and Food building to Tahunanui identified 279 public park spaces are provided; with 220 on-road and 59 off-road. No mobility parking spaces are currently provided along the project length.

Parking occupancy surveys have been undertaken and have generally shown that parking demand and occupancy is high from the Plant and Food building through to Victoria Road during the restaurant evening peak. Capacity is exceeded when events at The Boathouse coincide with high restaurant patronage. It was also noted that the Seafarers Memorial car park is used for all day parking by employees of nearby businesses. Generally the on-road parking, between Victoria Street to Richardson Street and on-road parking on the seaward side, between Tahunanui Beach to Days Track, has a low parking demand and low occupancy.

However the parking areas adjacent to Days Track and Connelly's Quay Fishing Platform are well utilised by recreational users. The width of both these parking areas are below the standard 2m width resulting in parked vehicles projecting into the existing cycle lanes.

1.11 Design Philosophy Statement

The investigation and development of concepts was based on a Design Philosophy Statement. This details the design standards the concepts should provide for users. The Design Philosophy Statement aligns with current Nelson City Council and the Transport Agency design guides and national standards as follows:

- 3.5m traffic lanes
- 1.5m minimum on-road cycle lanes, widened to 1.8m minimum beside parallel on-road parking to allow for car door opening.
- Separated cycle lane widths of 1.5m in each direction. This is a cycle path for exclusive use of cyclists with a small kerb or barrier providing protection from the vehicle lane and footpath.
- A shared path width of 4m (free of obstructions, seats and vegetation) for use of both cyclist and pedestrians.
- Along the cliff section; rock fall shoulder of 1m, debris fence of 0.8m height and a road shoulder of 1.5m.
- An inland footpath width of 1.5m and a seaward footpath width of 2.4m (free of obstructions, seats and vegetation).



1.12 Long List of Options

The study team has prepared a long list of 18 concept designs. This long list of options has been divided into three key groups:

- Group 1: Upgraded on-road cycle lanes, with a footpath widened to 2.4m
- Group 2: Separated cycle lanes with a footpath widened to 2.4m
- Group 3: A shared space along the waterfront of 4m, termed a promenade

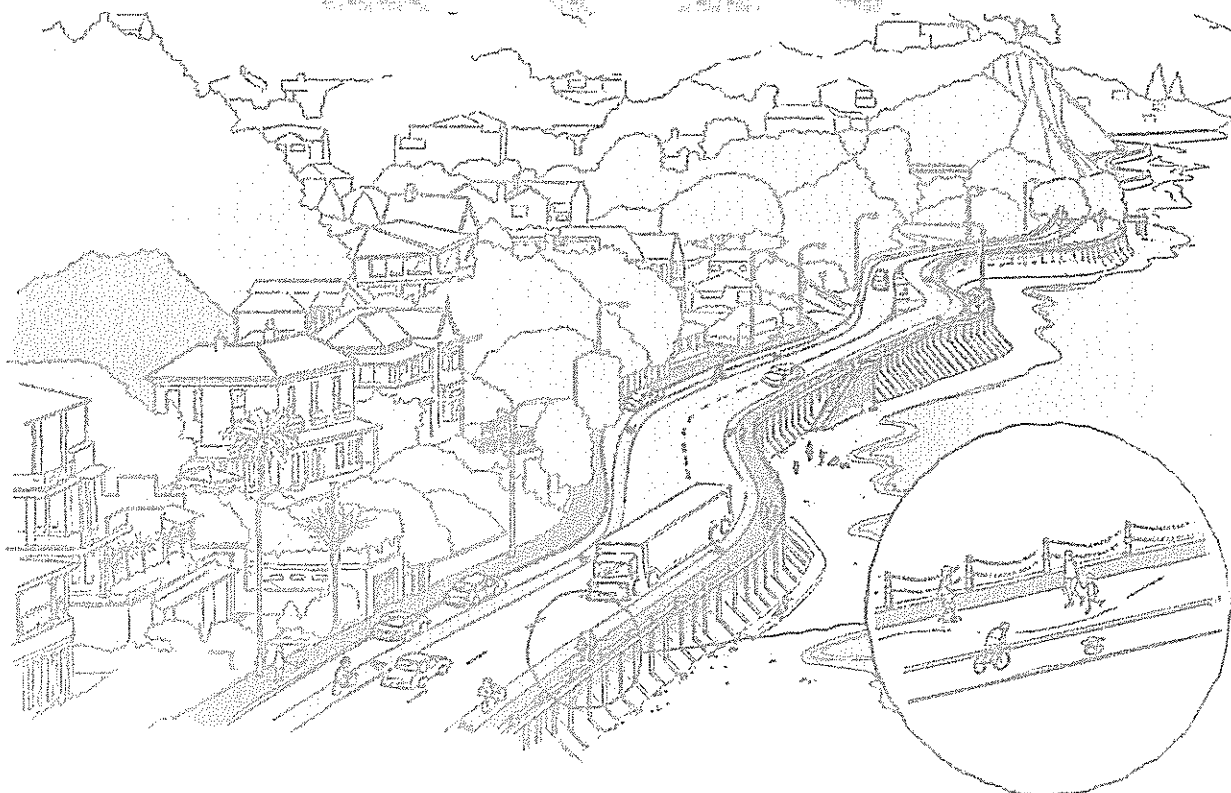
A full set of drawings of all 18 options have been prepared.

The study steering group, Nelson City Council and the Transport Agency has narrowed this long list down to two concepts (Concept 1 and Concept 2), which were considered the most appropriate and cost efficient to be distributed for public engagement. A third concept (Concept 3) is provided for the purpose of disclosure only and is not favoured by the Council or the Transport Agency due to its high capital cost and low incremental benefits.

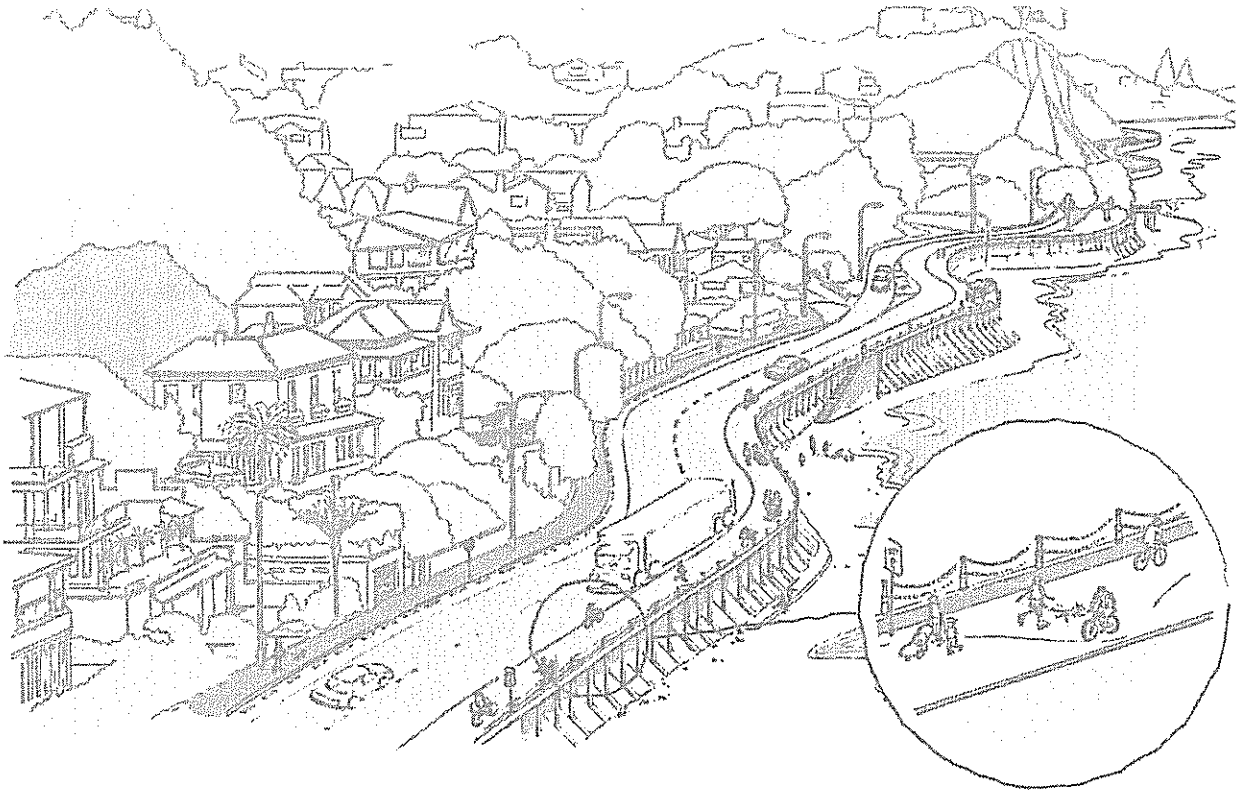
1.13 Recommended Concepts

1.13.1 Two Concepts for Public Engagement

Concept 1: Upgraded on-road cycle lanes, 1.5m width, (1.8m past parked cars), and a 2.4m footpath for pedestrians. This concept involves widening over the seabed, removal of 37 public car parks and has a cost range of \$9 to \$13 Million.

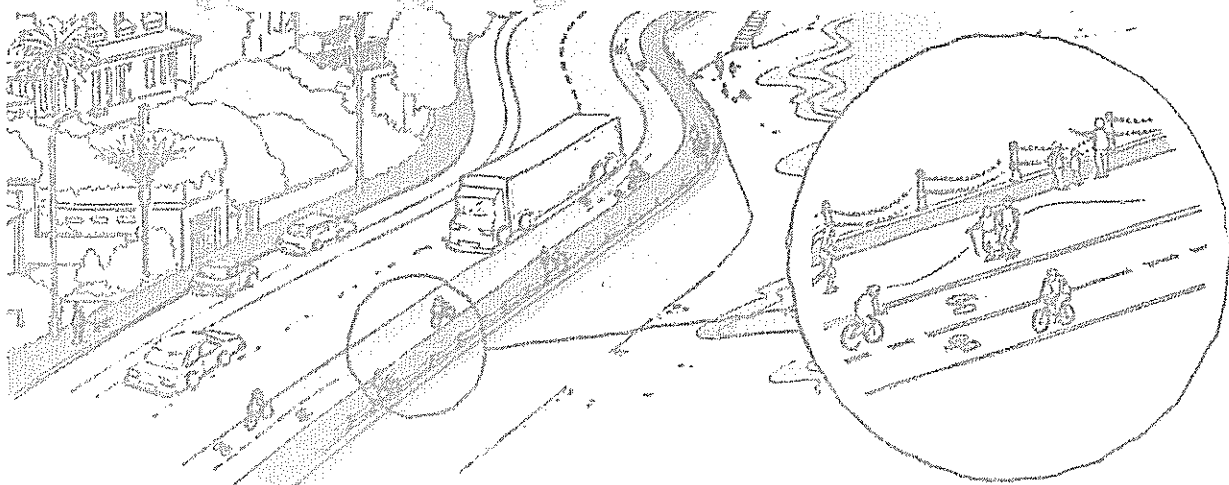


Concept 2: A 4m wide off-road shared cycling/walking path on the seaward side, with a separated 3m cycle path and 2.4m pedestrian footpath through the restaurant precinct; between the Plant and Food building and the Boat Shed Cafe. This concept involves widening over the seabed, removal of 83 public car parks with a cost range of \$11 to \$15 Million.



1.13.2 Concept for Disclosure Purposes Only

Concept 3: Separated cycle lanes and footpath on the seaward side. This consists of a 3m cycle lane and a new 2.4m improved footpath. This concept involves the construction of a new seawall, removes 23 public car parks and has a cost range of \$34 to \$47 Million.



1.14 Start and End Crossing Points

Both Concept 2 and 3 have cycle facilities only on the seaward side of Rocks Road. This would require Tahunanui bound cyclists to cross Rocks Road at the Plant and Food building and at Tahunanui Beach if proceeding along Tahunanui Drive. To make these crossing manoeuvres as attractive, efficient and as safe as possible, new crossing facilities would be required at both the Plant and Food building and Tahunanui Beach.

At the Plant and Food building starting point for the seaward side concepts, a signalised crossing facility is proposed to provide efficient and attractive access for cyclists and pedestrians. This could be controlled by video detection with the green cross phase timing adjusted to match speed of users crossing the road. This will create additional delays to highway traffic.

At the Tahunanui Beach end point it is proposed to extend the seaward side concepts to the Tahunanui traffic signals and upgrade the existing pedestrian crossing phase to accommodate cyclists. This will create additional delays to highway traffic.

Detailed analysis of traffic delay costs have not been undertaken at this stage.

1.15 Opportunities for Public Spaces and Amenity Enhancement

All three concepts have opportunities to create enhanced public amenity and public open spaces along the waterfront. Through public perception surveys it has been identified that improved recreational access to the water is desired. The key public spaces for enhancement were identified as:

- The swimming steps opposite Days Track
- Connelly's Quay fishing platform
- The Basin Reserve
- Richardson Street Intersection
- The waterfront between the Boat Shed Café and Boathouse
- The Plant and Food building (former Power House)

Possible public space enhancement could include decking or widening over the water, decorative lighting, additional seating, space for venter carts, linger nodes, steps to the water or rocks, possible swimming decks or pontoons. There is also a need for public toilet facilities near the fishing platform. It was suggested by Iwi that opportunities exist to tell the rich cultural connection and history Iwi have along this waterfront.



1.16 Concept Estimates

The estimates have been prepared for each concept using the standard Transport Agency process with a base estimate (cost without any risk added) through to a 95% estimate (cost with risk factors added having a 95% confidence of covering all unknowns). All estimates include property costs, Transport Agency costs, consultancy costs, consent costs, construction costs, landscaping and refurbishment of the chain and stanchion fence.

1.17 Concept Attractiveness and Predicted New Users

In order to prepare the initial economic assessment for each concept, a prediction of each concept's potential attractiveness and number of new users, has been undertaken. The common methods available are based on formulas developed for urban areas, surrounded by residential housing, without geographic barriers. Rocks Road is unique in many ways, bordered by sea and cliffs and connecting the city with the recreational attractions of Tahunanui Beach and the Haven. To this end, our initial estimates are based on similar facilities in New Zealand and will require further scrutiny through peer review. Our base estimates are as follows:

Existing users: 500 cyclists/day and 250 pedestrian/day (conservative annual average)

New users increases after opening:

- Concept 1: +300 Cyclist/day and +400 pedestrian/day
- Concept 2: +400 Cyclist/day and +500 pedestrian/day
- Concept 3: +500 Cyclist/day and +500 pedestrian/day

The annual growth of users was estimated to be 2.5% annually.

1.18 Concept Economic Evaluation

Transport projects are required to consider the economic return from the investment over a 30 year time period. At this stage in the investigation for concept selection reasons, we have undertaken a simplified economic analysis. Any capital project over \$1 million requires a full procedures economic analysis, which will be completed for the preferred concept. This initial analysis does not consider maintenance costs or delay costs due to traffic signals. The preliminary economic analysis indicates a medium to high economic benefit return for concepts 1 and 2 and a low economic return for concept 3.

1.19 Summary

Based on the findings of this preliminary investigation report, Nelson City Council and the Transport Agency plan to proceed to key stakeholder and public engagement on Concept 1 and Concept 2.



Local Government New Zealand Remit – Direction on Voting

1. Purpose of Report

- 1.1 To decide Council's position in advance of voting for the Earthquake Prone Building (EPB) remit at the Local Government New Zealand (LGNZ) 2014 Annual General Meeting (AGM).

2. Delegations

- 2.1 Her Worship the Mayor will be the Council's presiding delegate at the LGNZ 2014 AGM and as such will be entitled to vote on behalf of Council. It is therefore appropriate that Council provide direction on how to vote.

3. Recommendation

THAT the report Local Government New Zealand Remit – Direction on Voting (A1216741) and its attachments (A1217196, A1217197 and A1217199) be received;

AND THAT Council vote in support of the Earthquake Prone Building remit put forward by Wellington City Council at the Local Government New Zealand 2014 Annual General Meeting.

4. Background

- 4.1 At the Council Meeting on 15 May 2014, it was resolved that Council would support the draft EPB remit application prepared by Wellington City Council which was being put forward to the LGNZ 2014 AGM.
- 4.2 It was resolved at the Council Meeting on 5 June 2014 that Her Worship the Mayor would be Council's presiding delegate, that the other delegates would be Councillor Davy and Fulton and Councillors Matheson, Barker, Rainey and Skinner would be observers.
- 4.3 Her Worship the Mayor and Chief Executive have received the AGM agenda along with business papers and a copy of the LGNZ 2013/14 Annual Report.
- 4.4 Along with other business, the agenda includes three remits. These are on the matters of EPB Legislation, Fluoride to Drinking Water and

Reorganisation of Local Authorities. Copies of these remits are included here as Attachments 1, 2 and 3.

5. Discussion

- 5.1 Her Worship the Mayor has indicated that as presiding delegate she wishes to engage in a discussion with Council in advance of voting on behalf of Council at the AGM.
- 5.2 Her Worship the Mayor is seeking direction only on the EPB Legislation remit as Council is one of the supporters of this remit.
- 5.3 The other remits are provided for information to Council but direction is not sought. Her Worship the Mayor will listen to the debate at the AGM on these remits, form a view and vote accordingly.

6. Options

- 6.1 The options are to vote in support of the remit, vote against the remit, propose an amendment to a motion or propose a new motion.
- 6.2 The preferred option would be to vote in support of the remit as this would be most consistent with Council's previous resolution to support the remit.
- 6.3 To propose an amendment or a new motion must be submitted in writing to the Chief Executive of LGNZ prior to consideration of such motion or amendment. Any oral amendments proposed during debate will be accepted only at the discretion of the Chair. As a result, this option is less desirable due to time constraints.

7. Assessment of Significance against the Council's Significance Policy

- 7.1 This is not considered to be significant decision for Council.

8. Consultation

- 8.1 This section is not applicable.

9. Alignment with relevant Council Policy

- 9.1 The recommendation to support the EPB Remit put forward by Wellington City Council, aligns with Council's Earthquake Prone Dangerous Buildings Policy 2006, as it considers the economic impact on property owners. In 2006 there was insufficient information available on economic impacts. The remit is an extension of Council's current Policy.
- 9.2 In addition it aligns with Councils Long Term Plan 2012-2022 outcomes, in particular community wellbeing, economy and the environment.

10. Inclusion of Māori in the decision making process

10.1 This section is not applicable.

11. Conclusion

11.1 That Council vote in support of the Wellington City Council EPB Legislation remit at the LGNZ 2014 AGM.

Penny Langley
Administration Manager

Attachments

Attachment 1: Remit 1 – Earthquake Prone Building Legislation – Wellington City Council – [A1217196](#)

Attachment 2: Remit 2 – Fluoride to Drinking Water – Kapiti Coast District Council – [A1217197](#)

Attachment 3: Remit 3 – Reorganisation of Local Authorities – Hutt City Council – [A1217199](#)

REMIT 1: EARTHQUAKE PRONE BUILDING LEGISLATION

Council Proposing Remit:	Wellington City Council
Contact Name:	Andy Foster: Councillor
Phone:	021 227 8537
Email:	andy.foster@wcc.govt.nz
Fax:	
Remit passed by: (zone/sector meeting and/or list 5 councils as per policy)	Wellington City Council; Dunedin City Council; Hastings District Council; Nelson City Council; Timaru District Council; Selwyn District Council.
<p>Remit: That, due to the high costs on communities and building owners created by the need to be earthquake resilient, and comply with the new earthquake prone building legislation, LGNZ advocate to the Government to consider introducing a variety of financial incentives for strengthening earthquake prone buildings and tools for meeting the challenge of relatively high insurance costs. This would recognise the public and national benefit of earthquake strengthening and increased community resilience, noting that councils are already employing a number of tools, such as rate rebates, grants, and provision of advice.</p> <p>These options could include:</p> <ul style="list-style-type: none"> • allowing tax deductions for expenditure by building owners on earthquake strengthening. • providing additional grant funding for heritage buildings in private ownership. • addressing issues with accessing insurance and/or finance including tools such as loan guarantees. • providing enabling tools such as targeted rates to be used by local government to assist in earthquake strengthening repayments. 	

Background Information

<p>The nature of the issue</p>	<p>Many councils support the changes to earthquake prone buildings that enhance life safety but they have raised a number of issues around the implementation of the Earthquake Prone regulatory changes in discussions with the Government.</p> <p>The current focus is on the regulations surrounding earthquake prone building assessment. The barriers to undertaking the strengthening work also need to be considered to ensure that those buildings assessed as earthquake prone are strengthened, and the risk to local economies and communities is mitigated. In particular, the costs to strengthen buildings needs to be carefully considered and solutions found to support some owners who will struggle to meet the new standards.</p>
<p>Costs and benefits of greater resilience</p>	<p>Many of these issues and options concern the whole sector and need to be addressed jointly by local government.</p> <p>As there are national public benefits from having resilient buildings so Central Government should share in the implementation costs of the regulatory framework.</p> <ul style="list-style-type: none"> • The direct and indirect costs of the Christchurch earthquake to Government and the country have been and continue to be enormous (i.e. the financial, economic, social and human costs). The country has lost two cities in earthquakes over the last 80 years, and has suffered 12 earthquakes of sufficient magnitude to cause fatalities since 1840. There is little doubt that there will be serious earthquakes in future and that these will affect the whole of New Zealand society. These will also financially affect the Government both directly and indirectly. • Without a proactive strengthening stance, the Government is likely to be called on to stand alongside other Councils in the instance of similar disasters in the future. There is national value in having earthquake resilient communities which protect human life and mitigate other economic and social costs. • If policy options are not offered, some strengthening may not happen and this will result in increased economic risk and less economic activity in the interim associated with this building activity. There is additional economic value from buildings being used rather than unused or underused.

<p>New or confirming existing policy</p>	<p>This is an extension of existing policy work being undertaken by LGNZ and the sector.</p> <p>The current focus is on the Earthquake prone regulations however the successful implementation of the legislation needs to be considered i.e. ensuring that buildings are strengthened and the earthquake risk to the economy and communities is mitigated.</p>
<p>How does the issue relates to objectives in the Current Work Programme</p>	<p>The National Council has set the following strategic policy themes for LGNZ work over the next three years.</p> <p>This includes developing a proactive agenda of regulatory reform concerning legislation affecting local government which imposes high and unnecessary costs on local communities. The regulatory reform agenda is to be progressed hand in hand with building a stronger relationship with central government policy setters to ensure that new initiatives are appropriate and able to be implemented without raising costs to communities.</p> <p>Earthquake Prone Building legislation has been identified as a key regulatory change that is impacting on local government and local communities.</p>
<p>What work or action on the issue has been done, and what was the outcome</p>	<p>A number of Councils have developed their own responses and tools to respond to this in their local area.</p> <p>Wellington City Council has raised with the Government the need for seismic strengthening costs to be deductible for tax purposes. The Council's position supports others who are lobbying the Government to get a change in legislation to this effect, but increased advocacy will add more weight noting that Councils cannot gain any financial benefit from these changes.</p> <p>At this point, there has been no assurance from the Government that concrete solutions are being considered around the affordability of earthquake strengthening for owners. The focus has been on revising the earthquake prone building provisions of the Building Act 2004. This focus is in response to the findings of the Royal Commission Enquiry into the Christchurch earthquake.</p>

<p>Any existing relevant legislation, policy or practice</p>	<p>The primary legislation is contained in the Building Act 2004 and the Building (Earthquake-prone Buildings) Amendment Bill.</p> <p>Associated legislation includes the</p> <ul style="list-style-type: none"> • Local Government Act 2002 • Income Tax Act 2007 • Local Government Rating Act 2002 <p>A number of local councils have developed initiatives and policies that could be shared to benefit all.</p>
<p>Outcome of any prior discussion at a Zone or Sector meeting;</p>	
<p>Evidence of support from Zone/Sector meeting or five councils</p>	<p>Supporting resolutions from Wellington City Council and the following councils are attached:</p> <p>Dunedin City Council, Hastings District Council, Nelson City Council, Timaru District Council, and Selwyn District Council.</p> <p>Support is also expected from Central Otago District Council, Southland District Council and Tasman District Council who have yet to formally pass a resolution of support.</p>
<p>Suggested course of action envisaged.</p>	<p>This could include the establishment of a working group set up through Local Government New Zealand of elected members and officials to make jointly agreed recommendations to the Government and the Ministry of Business, Innovation and Employment.</p>

**We are.
LGNZ.**

REMIT 2: FLUORIDE TO DRINKING WATER

Council Proposing Remit:	Kapiti Coast District Council
Contact Name:	Sean Mallon, Group Manager Infrastructure Services
Phone:	04 296 4690
Email	Sean.mallon@kapiticoast.govt.nz
Fax:	04 296 4830
Remit passed by:	Zone 4 on 5 th March 2014
Remit: That LGNZ urges the Government to amend the appropriate legislation so that the addition of fluoride to drinking water supplies is a decision made by the Director General of Health rather than a local authority.	

20 May 2014
The Remit Screening Committee
Local Government New Zealand
PO Box 1214
Wellington 6140
New Zealand

To the President, Vice President and Chief Executive

I am writing to you with this proposed remit on behalf of Kapiti Coast District Council.

The remit requests:

That LGNZ urges the Government to amend the appropriate legislation so that the addition of fluoride to drinking water supplies is a decision made by the Director General of Health rather than a local authority.

Nature of Issue

Water fluoridation is a public health intervention undertaken by water suppliers at their discretion. There is no regulation that requires the addition of fluoride to a water supply.

The Ministry of Health (MoH) public information on Water Fluoridation states that: "Water fluoridation is a proven public health measure to reduce dental caries." The MoH Drinking Water Standards 2005 (Revised 2008) recommends that for oral health reasons, the fluoride content for drinking-water in New Zealand should be in the range of 0.7 to 1.0 mg/L. This figure was based on advice from the World Health Organisation.

The amended Health Act 1956 No 65 (as at 26 June 2009), Section 690, 3C states that: Standards issued or adopted (under that section) "must not include any requirement that fluoride be added to drinking water." This clause then leaves the decision on the use of fluoride up to each individual water supplier.

The background to it being raised

Kapiti Coast District Council is responsible for providing treated drinking water to its community and does this via several water treatment plants located across the district. The Council undertakes this activity in compliance with the Health Act 1956 and associated New Zealand Drinking Water Standards. This involves the addition of fluoride to the water supplied to the Waikanae, Paraparaumu and Raumati communities.

The Council was first approached in 2010 by the Fluoride Action Network who oppose the addition of fluoride to any drinking water supplies. There then followed a formal Annual Plan (2010/11) consultation process where both advocates for and against the use of fluoride presented information to Council. This included presentations from medical practitioners, scientists, community health professionals, community members and representatives from the MoH and DHB all presenting views on the use of fluoride. Ultimately, the Council made a decision to reduce the amount of fluoride used but to continue with its use. In 2014 an application was lodged for a judicial review of this decision.

In 2013, Council received a number of submissions from the Fluoride Action Network to cease the use of fluoride and Council resolved to again formally consult as part of the 2014/15 Annual Plan process. Councillors have spent nearly two full days considering opinions and expert evidence on fluoride.

Rationale

There is a significant amount of both positive and negative literature available and numerous experts with medical credentials willing to present the case in opposition and in support of the addition of fluoride to drinking water supplies. Council staff have minimal expertise in this area.

This issue is not specific to the Kapiti Coast District Council and there are currently several other Local Authorities heavily involved in the debate on the continued use of fluoride in drinking water supplies. It is also an issue that has been continually raised by anti-fluoride proponents over the last several years across the country. There are numerous Councils who have incurred costs and spent time on considering an issue that by its own admission, the MoH considers to be an issue of national importance.

This Council has incurred costs and expended a significant amount of staff time on the issue of fluoride over the last four years and it is an issue that continues to be debated across the country.

The MoH and local DHBs strongly advocate for the addition of fluoride to drinking water supplies and yet there is no mandatory requirement within the drinking water standards to require its use. This then leaves the decision on what is supported by the MoH as a National Public Health issue to be made by elected officials, who are reliant on conflicting advice and opinions.

Zone 4 Discussions

The proposed remit was presented to the Zone 4 meeting of 5 March 2014 by Kapiti Coast District Council where the attendees voted in support of the remit going forward for consideration. The attendees at the meeting made it clear that they were not necessarily supporting the remit itself but felt it was worthy of consideration and debate at the Local Government New Zealand Annual General Conference.

Those councils in attendance at the Zone 4 meeting were; Kapiti Coast District Council, South Wairarapa District Council, Greater Wellington Regional Council, Masterton District Council, Porirua City Council, Carterton District Council, Hutt City Council and Wellington City Council (only Upper Hutt City Council did not attend that day).

**We are.
LGNZ.**

Local Government New Zealand is asked to support the remit:

That LGNZ urges the Government to amend the appropriate legislation so that the addition of fluoride to drinking water supplies is a decision made by the Director General of Health rather than a local authority.



Ross Church
MAYOR, KAPITI COAST DISTRICT

REMIT 3: REORGANISATION OF LOCAL AUTHORITIES

Remit Proposal

1. That Local Government New Zealand promptly forms and then maintains a comprehensive policy position in relation to legislation and process governing the reorganisation of local authorities.
 2. That the policy position taken be based on the following principles:
 - a. The current legislation and its application are fundamentally flawed and need to change so that:
 - i. No reorganisation can occur against the wishes of a majority of potential voters within the boundaries of any substantially affected council;
 - ii. Independent expert evidence is required to demonstrate that any amalgamation proposal by the Local Government Commission has benefits that substantially exceed the costs;
 - iii. The Local Government Commission be subject to the Official Information Act.
 - b. All current and potential amalgamation proposals be postponed until:
 - i. The above legislation amendment occurs;
 - ii. The lessons learned from Auckland are comprehensively assessed, including a full analysis of the costs of transition, and reflected in future structural decisions.
 3. That advocating for the above policy position be the most urgent priority for Local Government New Zealand.
-

Support

This remit proposal is made by Hutt City Council and has the formal support of the following councils:

Central Hawkes Bay District Council

Hutt City Council

Napier City Council

Rotorua District Council

Wairoa District Council

Nature of the issue

Many communities are at imminent risk of having their preferred local governance arrangements removed against the wishes of a majority. This is inconsistent with the position publically expressed by the prime minister and senior ministers of government. For example:

- In a mid-2012 speech at a Local Government New Zealand (LGNZ) conference the Prime Minister stated: "I have made it quite clear the Government will not force any amalgamations".
- Minister of Local Government, Paula Bennett, reiterated the Prime Minister's promise in a letter to Central Hawke's Bay Mayor Peter Butler earlier this year: "The Government will not force any amalgamations...I feel strongly that [structural change] is a community decision and not one for central government".

If a Local Government Commission (LGC) amalgamation proposal proceeds to a referendum, the outcome is determined by votes across the entire region. Communities that are strongly against amalgamation can be overcome by votes from other districts. The likelihood of this occurring is increased for smaller communities and those in good financial positions that are attractive takeover targets.

So the current law means structural change is no longer a community decision. The unelected LGC determines a single structural option and the region decides whether or not this is imposed on all communities.

This is not just a theoretical risk. Many members of LGNZ will cease to exist before the next local government elections if LGC proposals succeed.

The LGC apparently has a preferred model that it is rolling out around the country without being required to subject its proposals to a robust cost-benefit analysis. The Supercity (large unitary council with local boards) model implemented in Auckland by central government has now been proposed for Northland and also Hawkes Bay in a similar form.

The LGC is not subject to the Official Information Act. Therefore, the LGC is not subject to the same standards of transparency and accountability as the organisations it seeks to disestablish. It is difficult to analyse the robustness of their research and decision making processes because their related documentation is not available to review.

These are all serious matters. It is therefore frustrating that they are not being debated thoroughly by LGNZ, who has adopted a neutral stance on all matters relating to amalgamation.

The remit proposal puts this issue as the highest priority for LGNZ. This is because:

- A large number of LGNZ's members may soon cease to exist, contrary to the preference of their communities; and
- This potential change is contrary to the purpose of local government as it defeats democratic local decision-making and action by, and on behalf of, communities.

If LGNZ fails to act on this issue it would be failing on the organisation's first two objectives, which are to:

- To promote the national interests of local government;
- To lobby on matters affecting the national interests of local government.

Background and work already undertaken by the proposer

Hutt City Council initially adopted a neutral stance on local government amalgamation in the Wellington region. The council decided to wait for communities' views to be expressed on options. Then the results of an independent survey across the region were received showing very strong opposition to amalgamation with the other councils. The same views were expressed in submissions and public meetings.

Since that time Hutt City Council has advocated strongly for the retention of local democracy. A compromise option was provided to the LGC involving amalgamation of Upper Hutt and Hutt City councils, but recognising this was not the preferred outcome of either community.

Hutt City Council engaged TDB Advisory to provide an independent expert view on the financial benefits of amalgamating councils. Their report can be accessed on

<http://www.tdb.co.nz/documents/reports/050813-TDB-assessing-regional-governance-options.pdf>

In brief, the report concludes there is no evidence to show that large councils are more efficient or provide better value to ratepayers overall than medium sized councils. The report identified that there were some specific activities of local government that may be more efficiently delivered in larger organisations. Notably, road and water services were in this category.

Hutt City Council modified its submission to the LGC to reflect this advice. Essentially retaining real local democracy (not the local board proxy), while delivering some services regionally where research indicates efficiencies are possible.

In recent times Hutt City Council became increasingly concerned that majority views of communities are being ignored and that the LGC had a preference for rolling out the Supercity model across the country.

The ultimate outcome being a small number of very large unitary councils providing local government services across the country.

The mayor of Hutt City Council decided to discuss his council's concerns with some other mayors to ascertain whether they shared similar views and experiences. When it was apparent concerns were shared, a group was established under the banner "Local Democracy Coalition" (LDC).

While initially a small group, there has been growing interest. A set of principles were agreed. These can be seen on the following website localdemocracy.org.nz.

Members of the LDC all experienced examples of an apparent preference by the LGC for the Supercity model. For example, the LGC decided to circulate comments about the performance of the Auckland Council in their recent newsletter. While the Auckland Council appears to be doing an excellent job with the huge task of bringing together the former councils and operating the merged organisation efficiently, the LGC shows bias to selectively circulate comments:

- About nearly doubling capital expenditure - without also commenting on the large increase in debt that is occurring;
- About rates increases being below that previously forecast by the merged councils – without noting that it is common practice for non-amalgamated councils to deliver rates increases below LTP forecasts - and without noting that rates increases remain higher than inflation;
- About savings being achieved - without also commenting on the costs of the amalgamation – and without also noting that many of the initiatives behind the savings were not dependent on amalgamation and are similar to initiatives being adopted by many councils across the country.

Members of the LDC have sought to highlight the issues identified in this paper in a number of ways including meeting with government representatives and supporting this remit.

Relationship to LGNZ's current work programme

It is a challenging and busy time for local government. We are facing many issues and changes. LGNZ has a busy work programme supporting us through all of this and are generally doing an excellent job.

However, the matters covered by this remit proposal are not included in LGNZ's current work programme. This is because LGNZ has adopted a "neutral stance" on amalgamation of its members. We understand this is because members have differing views on the merits of amalgamation. Some members are advocating for amalgamation with their neighbouring councils even if those communities oppose such a merger.

The fact that a policy on reorganisations of local authorities would not be unanimously supported is not sufficient justification for LGNZ ignoring the issue. There are many other matters that LGNZ acts on without unanimous support.

In recommending this issue be the top priority for LGNZ, we are supporting LGNZ either:

- Dropping lower priority items on their work programme; or
- Increasing funding and resourcing to accommodate the additional workload.

The approach taken from these two options could be decided by email responses from members.

Outcomes of Zone or Sector meetings

These remits have not been debated at any Zone or Sector meetings.

There has been some resistance to having the issues raised in this paper included on agendas.

Suggested actions by LGNZ

The remit requires LGNZ to promptly work on a comprehensive policy position based on certain specified principles. This might take several months to prepare and finalise.

In the interim it is imperative that advocacy work commences immediately based on the principles outlined in the remit. This is due to the imminent threat to local democracy in many communities serviced by LGNZ members.

That advocacy work should be extensive; taking all reasonable opportunities to highlight the concerns expressed in this paper, the reasons for them, and what should change to safeguard local democracy.

These matters should be raised with members of parliament, particularly those in best positions to influence government policy both before and after the elections. They should be raised with other organisations that are influential in government circles. They should also raise the concerns with the LGC, highlighting the importance of local democracy.

In preparing the comprehensive policy position, LGNZ will have to undertake some additional analysis. For example, a study should be conducted into the powers of Local Boards compared with Territorial Local Authorities. This should conclude in a report highlighting the differences between the two when it comes to ultimate decision making. Of specific interest is what percentage of total rates from an area are set and then expended at the sole discretion of Local Boards given experience to date. This is important because the LGC appears to have taken a liking to Local Boards as an apparent way of supporting local democracy. Members of the LDC are concerned that their powers have been oversold.

Conclusion

This is not a remit against amalgamations. It is a remit that seeks to protect communities from having their preferred local government arrangements overthrown by minority interests or interests outside their current boundaries.

We strongly urge members to support the remit to safeguard local democracy in New Zealand.

Minutes of a meeting of the Nelson Regional Transport Committee

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

On Friday 6 June 2014, commencing at 1.02pm

Present: Councillor E Davy (Chairperson), Her Worship the Mayor R Reese, Councillors R Copeland and B McGurk, and J Chetwynd (NZTA)

In Attendance: Tasman District Councillor P Sangster, Nelson City Councillors I Barker and P Matheson, P Hookham, Lyndon Hammond, and A James (NZTA), Group Manager Infrastructure (A Louverdis), Senior Asset Engineer – Transport and Roding (R Palmer), Engineering Adviser (S McAuley), and Administration Adviser (E-J Ruthven)

Apology: Her Worship the Mayor R Reese for lateness

1. Apologies

Resolved

THAT the apology from Her Worship the Mayor for lateness be received and accepted.

Davy/Copeland

Carried

2. Interests

There were no updates to the Interests Register, and no interests were declared in relation to any agenda items.

3. Confirmation of Order of Business

It was noted that the item 'Chairperson's Report' had inadvertently been left off the agenda, and accordingly a procedural resolution was required for this item to be addressed at the meeting.

Resolved

THAT the Chairperson's Report be considered at this meeting as a major item not on the

agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the Chairperson's Report to be received in a timely manner.

Davy/McGurk

Carried

4. Regional Transport Committee Purpose and Function

Senior Asset Engineer – Transport and Roading, Rhys Palmer, spoke about the Regional Transport Committee purpose and function, and gave a Power Point presentation (A1180381). He explained the Committee's responsibilities regarding preparation of the Regional Land Transport Programme (RLTP) and outlined development of this document.

NZTA Planning and Investment Manager, Peter Hookham, noted the need for the committee to maintain a strategic view. He spoke about optimised programming, and noted the need to consider the various different types of transport when balancing transport interventions.

5. Joint Nelson Tasman Regional Transport Committee

Document number A1168034, agenda pages 5-12 refer.

Mr Palmer presented the report. He noted work undertaken to date towards a joint Nelson Tasman Regional Transport Committee, and suggested that this progress further once each Council had established their RLTP.

Attendance: Her Worship the Mayor joined the meeting at 1.15pm.

NZTA Regional Director, Jenny Chetwynd, encouraged the committee to consider regional objectives during the process of developing Nelson's RLTP.

There was a discussion regarding development of the RLTP. In response to a question, Mr Hookham explained that Technical Advisory Group (TAG) meetings were underway between Nelson City Council, Tasman District Council and Marlborough District Council officers and NZTA staff. He said that the TAG group was currently utilising the Regional Land Transport Strategy (RLTS) to develop a framework for each Council's RLTP, and suggested that each Council's committee should hold a workshop to consider this further.

Resolved

THAT the report Joint Nelson Tasman Regional Transport Committee (A1168034) and its attachment (A1168673) be received.

McGurk/Copeland

Carried

Nelson Regional Transport Committee
6 June 2014

There was a discussion regarding additional advisors to the Regional Transport Committee. In response to a question, Mr Palmer explained that the 2013 amendments to the Land Transport Management Act had removed the statutory requirement for external advisors on Regional Transport Committees.

It was suggested it could be difficult for external advisors to contribute to the Committee unless their roles and delegations were clearly stated, and sufficient information was provided. It was noted that many other Regional Transport Committee had community representatives as observers at meetings, although it was also suggested that having a Police advisor to the committee could be useful.

Recommendation to Council

THAT Council approve that a formal approach be made to Tasman District Council with a view to establishing a Joint Nelson Tasman Regional Transport Committee;

AND THAT Council authorises the Mayor, Chair of the Works and Infrastructure Committee and Chief Executive along with the NZ Transport Agency to finalise Terms of Reference with their Tasman District Council counterparts;

AND THAT the Draft Terms of Reference be endorsed as a basis for that discussion;

AND THAT once the Terms of Reference have been finalised, that the Chair of the Works and Infrastructure Committee be delegated to form a Joint Nelson Tasman Regional Transport Committee comprising Councillors Davy, Copeland and McGurk;

AND THAT once formed that the Nelson Regional Transport Committee be disbanded.

Davy/McGurk

Carried

6. 2012/13 Annual Monitoring Report on the Regional Land Transport Strategy

Document number A1181240, agenda pages 13-91 refer.

Mr Palmer presented the report, and noted that the data in the report was current to the end of the 2012/13 financial year.

In response to questions, he noted that the active transport goals were to achieve 25% of commuters walking or cycling to work by 2018. He

said that the report suggested that approximately 18%-20% of commuters were currently using active transport modes, and that a large amount of investment was currently underway through the walk/cycle/school package, which should increase the trend towards 25%.

There was a discussion regarding the traffic demand goals within the RLTS. In response to a question, Mr Palmer noted that the RLTS was developed in 2009, and consequently some of the goals could benefit from being updated. Committee members noted the need to take a regional view when considering transport strategies, and to link transport planning to land use planning was also noted in this regard.

Resolved

THAT the report 2012/13 Annual Monitoring Report on the Regional Land Transport Strategy (A1181240) and its attachment (A478601) be received.

Her Worship the Mayor/Davy

Carried

7. **Three Roundabouts – Saxton Field**

Document number A1180401, agenda pages 92-96 refer.

Mr Palmer presented the report. He noted that further investigation into the issues regarding the three roundabouts had established that the Richmond ring route through Gladstone Road was not operating efficiently, thereby creating weaving, congestion and arterial traffic use of the local road network at the three roundabouts. He added that Tasman District Council and NZTA were currently considering how to improve efficiency through Gladstone Road, and that Nelson City Council could consider additional double-laning of Wakatu Drive through the RLTP.

Committee members discussed the Richmond-Nelson roading network. It was noted that large amounts of traffic utilising local roads was inefficient, and led to an unbalanced network. In particular, concerns were expressed regarding the level of traffic from Richmond on Main Road Stoke.

Attendance: Her Worship the Mayor left the meeting at 2.06pm.

Resolved

THAT the report Three Roundabouts – Saxton Field (A1140401) and its attachment (A1181941) be received.

Davy/Copeland

Carried

Committee members further discussed whether the three roundabouts project should be retained within the RLTP. It was noted that the project would not be removed in its entirety, but that it would not be able to occur within the 2012-2015 work programme, and would be considered in the RLTP for the 2015-2025 period.

Recommendation to Council

THAT the Three Roundabouts – Saxton Field investigation project be removed from the 2012-2015 Regional Land Transport Programme.

Davy/Copeland

Carried

8. Funding Assistance Rate Review – Joint Submission

Document number A1180382, agenda pages 97-102 refer.

Resolved

THAT the report Funding Assistance Rate Review (A1180382) and its attachment (A1156816) be received.

McGurk/Davy

Carried

Attendance: The meeting adjourned from 2.11 to 2.18pm.

9. New Zealand Transport Agency Report

Document number A1193489, agenda pages 103-111 refer.

Ms Chetwynd gave a Power Point presentation (A1203041), outlining the building blocks of the National Land Transport Programme, the outcomes of the Funding Assistance Rate (FAR) review and the One Network Road Classification (ONRC).

9.1 Building Blocks of the National Land Transport Programme

Ms Chetwynd outlined the outcomes and priorities, investment and optimised programming that fed into each region's RLTP, and how these in turn drove the National Land Transport Programme. She outlined the 'journey approach' being utilised with regards to optimised programming, and noted that this provided a wider-than-regional approach to regional planning.

9.2 FAR Review

Ms Chetwynd explained that the FAR review considered the appropriate split of ratepayer funding and road user funding for each region in New Zealand. She noted that the national average split had been confirmed as 53% road users, and 47% ratepayer funding, and that in

the future, no Council would receive a FAR less than 52%. She added that one FAR would now be applied to each Council for all transport activities, rather than different FARs for different types of transport activity.

Ms Chetwynd said that, for Nelson, this generally represented an increase from an average of approximately 46% at present. She added that each Council would transition to the new FAR by 1% each year until the new levels were reached.

Committee members discussed the new FARs. It was noted that capital works in Nelson are currently funded at 53%, and it was noted that with the move to one FAR, this would drop to 47% in the 2015/16 financial year, before gradually rising again to 52%. Despite this, there was general agreement that the FAR review was positive for Nelson.

9.3 One Network Road Classification (ONRC)

Ms Chetwynd outlined the ONRC. She said that, currently, different construction standards applied on local roads throughout the country, and that the ONRC moved to make construction standards consistent. She said that the state highway network had already been classified under the ONRC, and that Councils were now being asked to classify their local roading networks, to see whether standards were currently higher or lower than the identified standards.

In response to a question, Mr Palmer explained that officers had completed an audit of Nelson's local road network, which suggested that roads were being constructed and maintained to a level likely to be commensurate with the ONRC standard. He noted that several local roads, such as Waimea Road achieved the same classification as the state highways in terms of road usage, and accordingly should be maintained to a similar standard.

Attendance: Her Worship the Mayor returned to the meeting at 2.57pm.

Committee members discussed the ONRC. It was noted that the FAR linked with the ONRC with regards to construction and maintenance of roads, but that the ONRC related to the roading asset only, rather than to all transport activities.

There was a further discussion regarding activities of the Top of the South TAG, and when governance input would feed into the outcomes and priorities identified by the TAG. Mr Hookham explained that Terms of Reference for the Top of the South TAG had recently been signed off by the Chief Executives of the three Councils. He said that it was expected that the TAG would identify regional strategic priorities in the near future, and that these would be brought back to a future Committee meeting.

It was suggested that 'TAG Activities' be included as a standing item on future Committee meeting agendas.

Resolved

THAT the New Zealand Transport Agency Report (A1193489) be received.

McGurk/Copeland

Carried

10. Building Blocks for the 15/18 National Land Transport Programme

It was noted that this item had been covered through the discussion regarding the previous item, New Zealand Transport Agency Report.

11. Funding Assistance Rate Review

It was noted that this item had been covered through the discussion regarding the previous item, New Zealand Transport Agency Report.

12. Chairperson's Report

The Chairperson said that he would ask officers to prepare a report for a future meeting, regarding any additional appropriate advisors to the committee.

He added that he had requested Councillors McGurk and Copeland to ascertain the views of the road transport industry and the aging population with regards to transport priorities. Councillor McGurk explained that the priority for the road transport industry was securing routes for freight in and out of Nelson. It was noted that Councillor Copeland would report back at the next meeting.

The Committee noted that Ms Chetwynd was moving to a different role within NZTA. They thanked her for her constructive work with the Nelson Regional Transport Committee and wished her well for her new role.

There being no further business the meeting ended at 3.25 pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Works and Infrastructure Committee

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

On Thursday 12 June 2014, commencing at 9.02am

Present: Councillors E Davy (Chairperson), L Acland, I Barker, R Copeland, M Lawrey, G Noonan and T Skinner

In Attendance: Councillors K Fulton, B McGurk, P Rainey and M Ward, Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Chief Financial Officer (N Harrison), Senior Asset Engineer – Transport and Roading (R Palmer), and Administration Adviser (E-J Ruthven)

Apology: Her Worship the Mayor (R Reese)

1. Apologies

Resolved

THAT the apology from Her Worship the Mayor be received and accepted.

Noonan/Acland

Carried

2. Interests

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

3. Confirmation of Order of Business

There was no change to the order of business.

4. Public Forum

4.1 Fifeshire Crescent

Mr David Smythe spoke about stormwater provision in Fifeshire Crescent, and tabled a document (A1205275).

He said that, in his opinion, had the stormwater drain in Fifeshire Crescent North been replaced earlier, the road would not have slumped and no damage to property would have occurred.

He said that Council's view that the slump occurred as a result of failure of a retaining wall was incorrect. He said that stormwater from the road surface had caused the wall to move, due to failure of the stormwater drain, and added that one house was now uninhabitable due to damage from the slump.

Mr Smythe suggested that the Fifeshire Crescent North stormwater drain should be a priority in the Annual Plan 2014/15.

The Chairperson advised the committee that a meeting between officers and relevant parties would take place next week regarding stormwater issues in Fifeshire Crescent.

5. **Confirmation of Minutes – 1 May 2014**

Document number A1179538, agenda pages 8-17 refer.

In response to a question, it was clarified that Standing Order 3.21.6 prevented debate on any matter raised at public forum, however allowed members to pass a motion to seek a report on the matter raised to a subsequent meeting.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Works and Infrastructure Committee, held on 1 May 2014, be confirmed as a true and correct record.

Barker/Davy

Carried

6. **Status Report – Works and Infrastructure 12 June 2014**

Document number A1150321, agenda pages 18-19 refer.

In response to a question regarding the item 'Bata Building Way Forward', Group Manager Infrastructure, Alec Louverdis, explained that the relevant Council resolution stated that the carpark on the Bata Building site would be finished to a pavement seal, and that there was no resolution to include plantings.

Resolved

THAT the Status Report – Works and Infrastructure Committee 12 June 2014 (A1150321) be received.

Barker/Noonan

Carried

Works and Infrastructure Committee
12 June 2014

representing the community against potentially increasing Council's debt level when making decisions on the items before the committee at the meeting.

TRANSPORT AND ROADING

8. Rocks Road Walking and Cycling Project

Document number A1201952, agenda pages 20-77 refer.

Senior Asset Engineer – Transport and Roading, Rhys Palmer, presented the report. He said that investigation into Rocks Road walking and cycling options had progressed to a point where it was appropriate to seek the community's views, and outlined the time constraints on the project.

There was a discussion regarding the availability of Council's R Funding for the Rocks Road project. Mr Palmer gave a Power Point presentation regarding Council's available R Funds and the projects that currently qualified for such funding from NZTA (A1205410).

In response to questions, Mr Palmer confirmed that NZTA had indicated that it would be able to fund Rocks Road concepts 1 and 2 75% from R funding, and potentially up to 100%, as Rocks Road was designated as a State Highway. However, he cautioned that NZTA funding would apply to transport solutions only, and that local funding would be necessary for any additional amenity items within the project, such as planting or seating along the road.

In response to questions, Mr Palmer clarified that, if the State Highway designation were removed from Rocks Road, it would lower the level to which NZTA could fund the project, to a maximum of 53%.

Mr Palmer further clarified that R funds had to be substantially committed, with road works starting on each project no later than 30 June 2018, otherwise the funding would be lost.

In response to further questions, Mr Palmer advised that there were not many other good quality projects with regards to local roads that would qualify for R funding from NZTA, although it was likely that other state highway projects may qualify. He added that discussions had not yet taken place with NZTA regarding responsibility for on-going maintenance of the Rocks Road walkway/cycleway once built.

Resolved

THAT the report Rocks Road Walking and Cycling Project (A1201952) and its attachments (A1189936 and A264415) be received.

Lawrey/Acland

Carried

Works and Infrastructure Committee
12 June 2014

The Chair advised that the recommendation to Council would be taken in parts.

Recommendation to Council

THAT the Council confirm it does wish to proceed to the next steps with the Rocks Road walking and cycling project;

Davy/Lawrey

Carried

Recommendation to Council

AND THAT Council approve each concept plan separately;

Davy/Lawrey

Carried

Councillor Davy, seconded by Councillor Noonan, moved

AND THAT concept plan one (\$9-13M) be approved;

AND THAT concept plan two (\$11-14M) be approved;

AND THAT concept plan three (\$33-47M) be approved;

Councillors discussed the motion. There was general agreement that concept plans one and two should be approved for community engagement, however a variety of views were expressed regarding concept plan three.

Councillors in favour of concept plan three being approved for community engagement noted that all three concepts were already in the public arena, and that it was important to seek community feedback on all three options.

Councillors against approving option three for community engagement noted that the cost of concept three was such that Council was unlikely ever to commit to this option, and that the benefit of engagement was to ascertain the community's feedback regarding concept one (on-road cycle lanes) and concept two (shared path arrangement).

Following extensive discussion, the mover and seconder withdrew the motion, with the leave of the meeting.

Councillor Davy, seconded by Councillor Lawrey moved

AND THAT concept plan one (\$9-13M) be approved;

AND THAT concept plan two (\$11-14M) be approved;

AND THAT engagement on concept plan three (\$33-47M) occur only for the purposes of disclosure and that all messaging on this concept reflect its lack of value as compared with the required investment.

Councillors discussed the motion.

In response to a question, Mr Palmer explained that the officer recommendation regarding concept three was worded to reflect that there were similar transport outcomes as between concepts two and three, however a large variation in cost.

The majority of councillors expressed support, noting that it was useful for concept three to be utilised in community engagement in order to provide context and promote an understanding of the costs involved, alongside messaging that the costs of concept three outweighed the value to be gained from this option.

Recommendation to Council

AND THAT concept plan one (\$9-13M) be approved;

AND THAT concept plan two (\$11-14M) be approved,

AND THAT engagement on concept plan three (\$33-47M) occur only for the purposes of disclosure and that all messaging on this concept reflect its lack of value as compared with the required investment;

Davy/Lawrey

Carried

Recommendation to Council

AND THAT the engagement plan be presented to Council for approval at its meeting on 17 July 2014;

AND THAT the outcome of the engagement be presented to Council to guide consideration of any future investment.

Davy/Barker

Carried

Attendance: The meeting adjourned for morning tea from 10.42am to 10.56am

9. Auckland Point Pedestrian Crossing Safety Improvements

Document number A1106535, agenda pages 75-85 refer.

Senior Asset Engineer – Transport and Roading, Rhys Palmer, presented the report, and gave a Power Point presentation (A1205413). He said that the two-laning of this stretch of road encouraged 'jostling' behaviour by motorists, leading to high speeds in the area, and creating safety risks for pedestrians using the crossing.

Mr Palmer outlined the options investigated for the road, and explained the reasons for the recommended option of one-laning the road.

Councillors discussed the proposal. In response to questions, Mr Palmer advised that modelling suggested that one-laning would have no effect on the operation of the QEII Drive/Haven Road roundabout.

In response to further questions, he explained that activity outside Auckland Point School did not meet NZTA thresholds for installation of a variable speed zone. He said that the school preferred the option of a signalised crossing, but that the cost of installing one was significant, and this option would have little effect on the speed issues in the area.

There was a further discussion regarding the Halifax Street/Haven Road roundabout. In response to a question, Mr Palmer said that one-laning this roundabout would likely lead to significant vehicle tailbacks, but that other options for this intersection were still being investigated.

Councillors were generally in favour of one-laning this section of the road, particularly if it resulted in a reduction in average speeds and an increase in pedestrian safety in the area.

Resolved

THAT the report Auckland Point Pedestrian Crossing Safety Improvements (A1106535) and its attachments (A663472) be received;

AND THAT the zebra crossing on Haven Road at Auckland Point be reconfigured during the 2014/15 financial year to have a single lane in each direction.

Lawrey/Acland

Carried

WATER, WASTEWATER, STORMWATER

10. Water Supply and Wastewater Bylaws

Document number A1181459, agenda pages 86-182 refer.

Senior Asset Engineer – Utilities, Phil Ruffell, presented the report.

Resolved

THAT the report Water Supply and Wastewater Bylaws (A1181459) and its attachments (A1181512, A1181471, A1181533, A1181535, A1181600 and A1181552) be received;

AND THAT in accordance with section 155 of the Local Government Act 2002 Council determines that making the proposed Water Supply Bylaw is the most appropriate way of addressing the safety and security of supply issues for the Nelson City water supply network;

AND THAT in accordance with section 156 of the Local Government Act 2002 Council agrees to revoke the Nelson City Council Water Supply Bylaw No. 217, such revocation to come into effect upon the adoption of the proposed Water Supply Bylaw 2014 (No. 223);

AND THAT the Statements of Proposal dated June 2014 and the summary of information contained in the Statements of Proposal (documents A1181512, A1181533, A1181600 and A1181552 be approved and advertised using the Special Consultative Procedure (section 83 of the Local Government Act 2002);

AND THAT the Works & Infrastructure Committee hear and deliberate on submissions on the proposed water supply and wastewater bylaws in documents A1181471 and A1181535.

Noonan/Copeland

Carried

11. 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>Works and Infrastructure Committee – Public Excluded – 1 May 2014</p> <p>These minutes confirm certain information regarding the public excluded status report</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"> Trafalgar Centre Follow Up Report - Start Team Actions, including a resolution that this item is moved to the status report on the public agenda of the Works and Infrastructure Committee meeting of 1 May 2014 		<ul style="list-style-type: none"> Section 7(2)(1) To carry out commercial activities Section 7(2)(1) To carry out negotiations
	<ul style="list-style-type: none"> Trafalgar Centre - Update Report, including a resolution that this item is moved to the status report on the public agenda of the Works and Infrastructure Committee meeting of 1 May 2014 		<ul style="list-style-type: none"> Section 7(2)(1) To carry out commercial activities Section 7(2)(1) To carry out negotiations
	<ul style="list-style-type: none"> Washington Valley Property Disposal 		<ul style="list-style-type: none"> Section 7(2)(1) To carry out negotiations

2	Public Excluded Status Report – Works and Infrastructure Committee 12 June 2014 This report contains information regarding the Washington Valley Property Disposal.	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
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Noonan/Lawrey

Carried

The meeting went into public excluded session at 11.41am and resumed in public session at 11.46am.

12. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Davy/Lawrey

Carried

There being no further business the meeting ended at 11.46am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 19 June 2014, commencing at 1.00pm

Present: Councillors B McGurk (Chairperson), Councillors I Barker, R Copeland, K Fulton (Deputy Chairperson), M Lawrey and M Ward

In Attendance: Councillor G Noonan, Acting Group Manager Strategy (N McDonald), Manager Environmental Programmes (C Ward), Administration Manager (P Langley), Acting Group Manager Environment (G Carlyon), Administration Adviser (G Brown), and Youth Councillors (C Lindley and S Ross)

Apologies: Councillor E Davy

1. Apologies

The apology was noted.

2. Interests

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

3. Confirmation of Order of Business

The Chairperson advised that there would be a public forum from Sharon Salmon who would be speaking about the proposed Tattoo Bylaw.

He also advised that Jo Martin, Project Manager Hazards would be providing a five minute presentation on the Hazardous Activities and Industries List (HAIL), during the Chairperson's Report.

4. Public Forum

4.1 Tattoo Bylaw

Sharon Salmon tabled a document (A1206266), and spoke about the New Zealand body piercing and tattooing industry which she had been involved in for 25 years. She advised that it was not just the tattoo

industry, but many other areas such as body piercing or pedicures which had no laws or requirements to be registered, and said that she had been advocating for this for many years.

Ms Salmon said that she believed there were health risks due to the fact that Nelson did not have a bylaw in place for these industries.

In response to a question, Ms Salmon said that she had not been in contact with Council Officers in Auckland in relation to their Tattooing bylaw, but advised that there were issues with individuals providing tattoos and piercings without proper training and work ethics.

In response to a further question, Ms Salmon said that if there was a registration process for companies under the umbrella of a Council bylaw then it would give companies an advantage as the preferred suppliers.

She noted that currently it was possible to walk in and get a tattoo without any consultation process. She added that a code of ethics existing requiring consent forms to be signed for those aged under 16, but that there was no compulsion to follow this.

Councillors noted that currently there was no licensing or legal age restrictions for this industry, and that Ms Salmon was advocating for Nelson City Council to adopt a bylaw based on the Auckland model.

5. Confirmation of Minutes

5.1 Planning and Regulatory Committee – 8 May 2014

Document number A1184830, agenda pages 6-16 refer.

Resolved

THAT the minutes of a meeting of the Planning and Regulatory Committee, held on 8 May 2014, be confirmed as a true and correct record.

McGurk/Lawrey

Carried

6. Status Report – Planning and Regulatory Committee 19 June 2014

Document number A1155974, agenda pages 17-18 refer.

Manager Environmental Programmes, Chris Ward, spoke about the two expressions of interest received for the delivery of the Ecofest at Founder Heritage Park in 2014. Mr Ward advised that a contract had been sent to the preferred tenderer.

Resolved

THAT the Status Report – Planning and Regulatory Committee 19 June 2014 (A1155974) be received.

McGurk/Ward

Carried

7. Chairperson's Report

Document number A1204552, agenda pages 19-21 refer.

The Chairperson spoke about the proposed Policy to restrict the sale or supply of sugar sweetened beverages from Council properties. In response to a question, the Chairperson clarified that this did not include the sale of beer and wine, and that Council would be basing the policy on the Nelson Marlborough District Health Board (NMDHB) model.

Concerns were expressed as to whether a policy would actually work with events being sponsored by companies such as Pepsi. The Chairperson indicated that Council would be looking at Council facilities such as Riverside Pool. It was noted that mixed messages were displayed with regards to advertising and sponsorship.

Resolved

THAT the Chairperson's report be received;

AND THAT officers provide a report to the next scheduled meeting of the Planning and Regulatory Committee of options available to Council to implement a policy that only beverages that are not sugar sweetened pre-point of sale are offered for sale or supplied at any Council owned properties and Council events.

McGurk/Fulton

Carried

7.1 Tasman Bay

Manager Environmental Programmes, Chris Ward, advised that the Terms of Reference would be brought back to the Biodiversity Forum and that there would be an opportunity for Councillors to review these items. He advised that the Biodiversity Forum had about 15 to 20 pieces of work programmed and a range of organisations needed to be contacted so that their feedback could influence the Long Term Plan 2015-2025.

7.2 Tattoo Bylaw

Acting Group Manager Strategy, Nicky McDonald said that Council Officers had spoken to the NMDHB, Auckland Council and enforcement officers, and noted that Council was considering a possible bylaw. She advised that legislation required there to be a threshold of issues identified for Nelson City before a bylaw was required, and that a bylaw needed to be the most appropriate way to deal with the identified issues. Ms McDonald advised that few such issues had been identified in Nelson, and that this threshold may not be met.

Ms McDonald said that there were other paths Council could consider to address these issues. She indicated that extra resource would be required to compile bylaw on this issue.

It was noted that Council could write to the Minister of Health, local MP and Prime Minister to give some precedence to the Health Bill, currently before Parliament so that there would be standard regulations throughout New Zealand. Others felt that Nelson should lead by example and that Central Government would take too long to deal with these issues.

Ms McDonald advised that it could be a possibility to include a potential bylaw in the proposed bylaw review, to consolidate a number of existing bylaws, however this would depend on timelines.

It was suggested that Council survey the community to identify if there was a problem before a report be compiled, possibly through local media.

Councillor Ward, seconded by Councillor Copeland moved clause 3 of the recommendations set out in the Chairperson's Report.

Councillor Lawrey, seconded by Councillor Fulton moved the following amendment to include additional clause.

AND THAT Council seeks information from the public through the media as to the scale of any problems arising from commercial activities providing personal services.

Following discussion the amendment was withdrawn.

Resolved

AND THAT officers report on the options available to Council to develop and implement a comprehensive bylaw and code of conduct to manage health and hygiene risks from commercial activities providing personal services.

7.3 Hazardous Activities and Industries List

Project Hazards Manager, Jo Martin, spoke about the hazards project which started in October 2013. She advised that there was now a Hazardous Activities and Industries List (HAIL) site database which was compiled in response to the National Environmental Standards which were introduced in 2012. Ms Martin said that, in order to comply with these standards, Nelson City Council needed to identify where activities on the HAIL had taken or are taking place.

She advised that the database would be used by Nelson City Council as landowner, and for consents processing, and that property information could be accessed by residents.

In response to a question, Ms Martin advised that the effect of the HAIL list on property values had been a cause for concern for the public but that she was not aware of any evidence that this information had resulted in any reduction in property prices since the database was published in October 2013.

In response to another question, Ms Martin advised how to obtain a soil sample test, and said that Council had a list of suitably qualified practitioners available on its website.

Manager Environmental Programmes, Chris Ward, said that the list of activities were identified at a national level by the Ministry for the Environment from land use activities where contamination had been found, for example orchards.

Mr Ward advised that the intent of the NES was to protect human health and that developers could use the resource consent process to show how they would mitigate the effects of contamination.

In response to further questions, Ms Martin confirmed that the information shown in NMap was the full information Council held on HAIL activities on residential properties. She said that, if residents had more information, they could provide this to Council. She added that, if residential land was tested and met the standard, the property would remain on the database but it would say it had met the NES standard.

Attendance: Councillor Noonan left the meeting at 2.35pm

POLICY AND PLANNING

8. Bylaw Controls on the Keeping of Poultry

Document number A1181422, agenda pages 22-30 refer.

Acting Group Manager Strategy, Ms McDonald discussed the report and a previous public forum item relating to the noise from a neighbour's poultry house.

Concerns were raised around the restrictions in the distance to neighbouring properties and it was suggested that a prescribed distance of six metres would be adequate.

It was felt that guidance from Council Officers should be sought as to what was an appropriate distance from the coup to the neighbouring property.

Resolved

THAT the report Bylaw Controls on the Keeping of Poultry (A1181422) and its attachment (A1181434) be received;

AND THAT Council review its provisions on poultry when it reviews the Miscellaneous Matters Bylaw 2008 (No 215) later in 2014;

AND THAT guidance is provided to officers on preferred options for dealing with poultry provisions, to assist with the review of the Miscellaneous Matters Bylaw 2008.

Barker/Copeland

Carried

Attendance: The meeting adjourned from at 2.49pm to 2.50pm.

9. Consolidation of Bylaws

Document number A1197587, agenda pages 31-40 refer.

Acting Group Manager Strategy, Ms McDonald discussed that there was a significant amount of work conducted in reviewing bylaws, and that consolidating a number of them should make for a more effective process.

Ms McDonald said that the Control of Drinking in Public Places Bylaw was enforced by a third party however this was not a barrier to including it within a consolidated bylaw.

In response to a question, she advised that there was no disadvantage to consolidating the Bylaws. She said that Council could include the Dog Control Bylaw, however this bylaw had a high level of public interest and it was proposed that this be kept separate.

Resolved

THAT the report Consolidation of Bylaws (A1197587) and its attachment (A1197591) be received;

AND THAT Council carries out the review and consolidation of the following bylaws in the 2014/15 year:

- **Miscellaneous Matters Bylaw 2008 (No. 215);**
- **Burial and Cremation Bylaw 2008 (No. 216);**
- **Numbering of Buildings Bylaw 2009 (No. 219);**
- **Trading in Public Places Bylaw 2007 (No. 213);**
- **Control of Drinking in Public Places Bylaw 2009 (No. 206);**
- **Advertising of Commercial Sexual Services Bylaw 2011 (No. 208);**
- **Draft Reserves Bylaw 2014 (No. 222);**

AND THAT a draft Statement of Proposal and draft consolidated bylaw be prepared for approval by the Planning & Regulatory Committee, for formal consultation via the Special Consultative Procedure of the Local Government Act 2002.

Barker/Lawrey

Carried

Recommendation to Council

THAT Council confirms the consolidation of 14 bylaws into five groups as set out in report A1197587;

AND THAT the Planning & Regulatory Committee be delegated to oversee consultation and approval of the consolidated bylaw.

Barker/Lawrey

Carried

There being no further business the meeting ended at 3.01pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Unconfirmed

**Minutes of a meeting of the Planning and Regulatory Committee,
to continue deliberations on submissions to the draft Reserves
Bylaw**

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

On Thursday 19 June 2014, commencing at 3.01pm

Present: Councillor B McGurk (Chairperson), Councillors I Barker, R Copeland, K Fulton (Deputy Chairperson), M Lawrey and M Ward.

In Attendance: Councillor G Noonan, Acting Group Manager Strategy (N McDonald), Manager Environmental Programmes (C Ward), Administration Manager (P Langley), Administration Adviser (G Brown)

Apologies: Councillor E Davy

1. Apologies

The apology was noted.

2. Interests

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

3. Confirmation of Order of Business

There was no change to the order of business.

4. Analysis of Submissions on the Draft Reserves Bylaw

Document number A1198273, agenda pages 4-41 refer.

The Chairperson said that the key issues raised were managing conflict between cyclists and walkers, memorials in parks, and golf practice in Neale Park.

There was general agreement that the recommendations and the reasons for the recommendations noted in the report by Council Officers were accepted.

There was a discussion regarding practicing golf. Some Committee members indicated that individuals should be encouraged to practice within golf courses and not Neale Park, whereas others considered that Neale Park was a large playing area which was relatively unused.

Attendance: The meeting adjourned from 3.20pm to 3.26pm

Team Leader Parks and Recreation, Gary Alsop joined the meeting and spoke about the signage at Neale Park as a sportsground reserve. He said that the current sign indicated that golf could be played during certain times, however indicated that the best place to practice golf was on a golf course.

In response to a question, Mr Alsop indicated that he was not aware of any instances where people had been injured by golf balls.

Several committee members indicated that golf should be permitted at Neale Park and for the words to be included "no person shall practice or play golf on any reserve other than at Neale park at the designated area".

Mr Ward suggested that Council Officers would consider the direction from the Committee in relation to golf practice at Neale Park, and would amend the draft Bylaw to reflect the Committee's comments.

There was a discussion regarding conflict between cyclists and walkers. In response to a question, Environmental Programmes Manager, Chris Ward said that there was a recognised mountain bike association, but that it was not as easy to consult with walkers.

In response to a further question, Mr Ward said that there was a hierarchy of statutes in relation to mining, the Resource Management Act 1991 and the Nelson Resource Management Plan were the key documents. It would be unlikely that someone intending to prospect on reserves would look to the Reserves Bylaw for guidance.

Resolved

THAT the report Analysis of Submissions on the Draft Reserves Bylaw (A1198273) and its attachments (A1151054 and A1198272) be received;

AND THAT the draft Reserves Bylaw (No. 222) be amended to reflect the Committee's decisions on submissions

AND THAT a list of walking and cycling only tracks be reported to the Committee for consideration at a future date.

McGurk/Copeland

Carried

Deliberations on the draft Reserves Bylaw
19 June 2014

Recommendation to Council

THAT the Reserves Bylaw (No. 222), as amended to reflect the Planning and Regulatory Committee's decisions on submissions, be adopted.

McGurk/Copeland

Carried

There being no further business the meeting ended at 3.38pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Unconfirmed

**DRAFT RESERVES BYLAW
(NO. 222)**

July 2014

CONTENTS

- 1. Title**
- 2. Commencement**
- 3. Purpose**
- 4. Other relevant legislation, bylaws and related documents**
- 5. Definitions**
- 6. Motor vehicle use**
- 7. Hazard or damage**
- 8. Golf**
- 9. Activities requiring permission**
- 10. Respect for other users**
- 11. Public access to reserves**
- 12. Exemptions**
- 13. Breach of bylaw**
- 14. Penalties**

1 TITLE

1.1 The title of this bylaw is the 'Reserves Bylaw 2014'.

2 COMMENCEMENT AND REVIEW DATE

2.1 The bylaw came into effect on 17 July 2014 and will be reviewed by 17 July 2019.

3 PURPOSE

3.1 The purpose of the bylaw is to manage activities which may impact on other users of reserves, to ensure public safety and to avoid damage to reserves.

4 OTHER RELEVANT LEGISLATION, BYLAWS AND RELATED DOCUMENTS

- 4.1 The legislation, bylaws and management plans listed below are also relevant to the management of reserves.
- Reserves Act 1977
 - Local Government Act 2002
 - Freedom Camping Act 2011
 - Litter Act 1979
 - Land Transport Act 1998
 - Resource Management Act 1991
 - Nelson Resource Management Plan
 - Nelson City Council Land Development Manual 2010 (section 12)
 - Control of Dogs Bylaw 2013 (No. 221)
 - Trading in Public Places Bylaw 2007
 - Control of Drinking in Public Places Bylaw 2003 (No. 206)
 - Parking and Vehicle Control Bylaw 2011 (No. 207)
 - Conservation and Landscape Reserves Management Plan
 - Esplanade and Foreshore Reserves Management Plan
 - Saxton Field Reserve Management Plan
 - Rutherford and Trafalgar Parks Reserves Management Plan

- Tahunanui Reserves Management Plan
- Haven Holes Esplanade Reserve Management Plan

5 DEFINITIONS

Authorised officer means any member of the staff of the Council, a Police Officer or any other person appointed by the Council to act on its behalf and with its authority.

Council means Nelson City Council.

Motor vehicle has the same meaning as in the Land Transport Act 1998.

Network utility has the same meaning as in the Resource Management Act 1991.

Reserve means any land which is owned by or under the control of the Council and which is set aside for public enjoyment as a reserve, park, garden or open space. It does not include road reserve.

6 MOTOR VEHICLE USE

- 6.1 No person shall, without the prior permission of an authorised officer, drive a motor vehicle in excess of 20km/h in a reserve.
- 6.2 No person shall drive, ride or park any motor vehicle on any area of any reserve except:
- on those areas developed and/or set aside specifically for that purpose, or
 - where signs or markings indicate that motor vehicles are permitted, or
 - at the direction or with the permission of any authorised officer.

7 HAZARD OR DAMAGE

- 7.1 No person is permitted to undertake any activity in any reserve which causes, or is likely to cause, a hazard to users of the reserve or damage to any part of the reserve or any structure on a reserve.

8 GOLF

- 8.1 No person shall practice or play golf on any area of any reserve other than on the Waahi Takaroa Golf Course and the designated area in Neale Park. Where permitted, the activity should not cause hazard or alarm to any other person.

9 ACTIVITIES REQUIRING PERMISSION

- 9.1 Permission to undertake the following activities in reserves can be granted, but they do require the written permission of Council:
- use of chainsaws or other tree felling implements
 - taking of rocks, minerals and sand
 - possession of firearms of any kind or the killing of any animals, including shooting of game birds and control of animal pests. This includes the use of traps and toxins
 - planting, spraying or removal of vegetation
 - grazing of livestock
 - landing of recreational motorised aircraft
 - placing or erection of memorials including plaques.
- 9.2 Any permission given under this Bylaw may be subject to such terms and conditions as Council sees fit, and may be revoked at any time where those terms and conditions are not complied with.

10 RESPECT FOR OTHER USERS

- 10.1 No user of any reserve shall impact on the safety and legitimate enjoyment of the reserve by others. In addition to any other action which may be initiated, anyone who does not comply with this requirement may be requested by an authorised officer to leave the reserve.

11 PUBLIC ACCESS TO RESERVES

- 11.1 No person shall enter or remain in any reserve during any time that the Council has determined that the reserve should be closed to the public. Reasons for access restrictions include fire risk, health and safety, and ecological restoration.

12 EXEMPTIONS

- 12.1 Nothing in this bylaw shall prevent authorised officers from carrying out activities in reserves.
- 12.2 Nothing in this bylaw shall prevent Iwi from carrying out activities in reserves which are provided for in any Deeds of Settlement between Iwi and the Crown.
- 12.3 Nothing in this bylaw shall prevent the operation, maintenance, development, and upgrading of network utilities where this is otherwise permitted or approved by the Council or other legislation.

13 BREACH OF BYLAW

- 13.1 Any person who breaches this Bylaw must, on request by an authorised officer, immediately stop the activity, and leave the reserve if requested by the authorised officer to do so.
- 13.2 Any person failing to promptly comply with a request under sub clause 12.1 commits a further offence against this Bylaw.

14 PENALTIES

- 14.1 Any person convicted of an offence against this bylaw is liable to a fine not exceeding \$20,000.

Minutes of a meeting of the Nelson Regional Sewerage Business Unit

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

On Friday 20 June 2014, commencing at 1.08pm

Present: Councillor R Copeland and Mr D Shaw (Nelson City Council),
Councillors B Dowler and M Higgins (Tasman District
Council)

In Attendance: M Hippolite (Iwi Representative), P Wilson (Industry
Customers' Representative), Nelson Regional Sewerage
Business Unit General Manager (R Kirby), Senior Asset
Engineer – Solid Waste (J Thiart), and Administration
Adviser (E-J Ruthven)

1. Apologies

There were no apologies.

2. Interests

Members provided updates to the Interests Register, and no conflicts
of interest with agenda items were declared.

3. Receipt of Independent Chairperson Resignation

Nelson Regional Sewerage Business Unit General Manager, Richard
Kirby, noted that Donna Hiser had resigned as the independent
member and Chairperson of the Nelson Regional Sewerage Business
Unit, due to ill health.

Resolved

***THAT that the Nelson Regional Sewerage
Business Unit receive the resignation of Donna
Hiser with regret;***

***AND THAT the Nelson Regional Sewerage
Business Unit acknowledge the efforts of
Donna Hiser for the Nelson Regional Sewerage
Business Unit and a number of other council
activities over the past 10 years.***

Higgins/Shaw

Carried

4. Election of Interim Chairperson

Councillor Dowler nominated Michael Higgins to be interim Chairperson, and this was seconded by Mr Shaw.

Resolved

THAT Councillor Michael Higgins be elected interim Chairperson of the Nelson Regional Sewerage Business Unit until such a time as a permanent replacement has been made.

Dowler/Shaw

Carried

5. Confirmation of Minutes – 14 March 2014

Document number A1163334, agenda pages 6-12 refer.

There was a discussion regarding item 7.7 in the previous minutes. It was noted that, subsequent to the previous meeting, information had come to light indicating that Mr Wilks had been asked to attend the conference on behalf of the Nelson Regional Sewerage Business Unit. It was further noted that the costs of attending the conference had been adequately covered by both the Nelson Regional Sewerage Business Unit and Tasman District Council.

Resolved

THAT the minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 14 March 2014, be confirmed as a true and correct record.

Copeland/Shaw

Carried

6. Status Report – 20 June 2014

Document number A452094, agenda pages 13-14 refer.

There was a discussion regarding items on the Status Report.

In response to questions, Mr Kirby explained that items B, J and 1 were programmed for the 2014/15 work programme. He added that item I would be attended to with the Customer Group meeting scheduled for the following week, and that item 3 was due for completion at the end of June 2014.

With regards to item G, it was noted that Tasman District Council was reviewing the Reserves Management Plan with regards to Rabbit Island, and it was agreed that the Business Unit needed to take part in this process. Competing pressures from other groups wishing to use Rabbit Island for recreational purposes were noted.

There was a discussion regarding item H. In response to a question, Senior Asset Engineer – Solid Waste, Johan Thiant, explained that the cost of landfilling biosolids currently sprayed would be over \$700,000, although a formal report on this issue was still to be developed.

There was a further discussion regarding item 6. In response to a question, Mr Kirby explained that charging mechanism modelling was expected to be completed shortly, and would be reported on in September 2014. He said a workshop would take place shortly, focusing on growth in the two Council areas over the next 30 years, which would feed into the capacity review of the plant. It was noted that plant capacity had a significant impact on the customer charging regime, and the importance of ensuring that the capacity figures arrived at through the review were realistic was emphasised. It was further noted that the contributors be consulted after the review had been completed.

There was a brief discussion regarding item 7, during which Mr Thiant offered to take any interested members to the Bell Island Spit to observe plantings undertaken by volunteers. He said that a sign regarding plantings on the spit was due to be erected shortly.

Resolved

THAT the Status Report – 20 June 2014 (A452094) be received.

Copeland/Dowler

Carried

7. Checklist (Board Work Plan)

It was clarified that the expectation was still that four committee meetings be held each year.

8. General Manager's Report

Document number A1203249, agenda pages 15-21 refer.

The Chairperson formally welcomed Mr Kirby to his first meeting as General Manager of the Business Unit.

8.1 Recent Actions

Mr Kirby provided an update regarding recent activities. He said that a constructive meeting had been held between Nelmac and Nelson City Council senior staff regarding contract 3458, and that there was a clear understanding between the parties that all actions were to be based on agreements reached verbally in the first instance.

8.2 Contract 3458 – Operations and Maintenance

In response to a question, Mr Kirby advised that utilising the facultative ponds rather than the activated sludge area for much of the year would lead to energy savings. He added that the plant's activated sludge capacity was required to address peaks throughout the year, and that this was a major benefit of having a dual capacity treatment plant.

8.3 Key Performance Indicators

It was noted that 100% compliance had been reached for all key performance indicators for the three months to 30 April 2014, and it was clarified that the table in paragraph 8.2 covered the 12 months to 30 April 2014.

8.4 Health and Safety

A briefing was suggested on the implications of new Health and Safety legislation, and assurances that health and safety obligations were being met through Nelson City Council's management processes.

8.5 Biosolids Contract

Mr Kirby explained that the only compliant tender was from the existing contractor. He said that negotiations were underway regarding the contract price, and that the current contract was likely to roll over until the new contract was finalised.

Mr Thiart added that improving pre-treatment of the biosolids was likely to decrease the actual amount of biosolids sprayed, which would affect the total cost of the contract.

In response to a question, it was clarified that there was currently adequate capacity on Bell Island and Rabbit Island, with no need to pursue biosolids application at Rough Island at this stage, although competing recreational uses of Rabbit Island may lead to Rough Island being considered further in the future.

8.6 Financial

It was noted that electricity use appeared to be dropping. In response to a question, Mr Thiart explained that running two of the ATAD trains, rather than all three, saved approximately one third of electricity costs, although the quality of biosolids was compromised to a certain extent by doing so.

Resolved

***THAT the General Manager's Report
(A1203249) be received.***

Shaw/Copeland

Carried

9. Financial Report

Document number A1111020, agenda pages 22-23 refer.

Mr Kirby explained that the fluctuation between the budgeted and actual contract and general maintenance reflected the shift in contractors. He said that the decrease in actual contract maintenance figures reflected that it was more cost-effective for the Business Unit to carry this risk.

Resolved

THAT the Nelson Regional Sewerage Business Unit Financial Statement for the period ended 30 April 2014 (A1111020) be received.

Shaw/Copeland

Carried

10. Review of Strategic Plan 2013-2016

Document number A1203715, agenda pages 24-27 refer.

Mr Kirby explained that the Strategic Plan 2013-2016 was current, but could be reviewed if necessary.

There was a discussion regarding load management policies, and whether the Business Unit could create an incentive for both Councils to address this issue and reduce loads where possible.

In response to a question, Mr Thiart advised that Nelson City Council had noted a large increase in loads in the Stoke area. He said that investigations were underway as to where the increased loads were coming from, and that where appropriate, trade waste charges could be applied against users transferring high loads to the system.

Resolved

THAT the Nelson Regional Sewerage Business Unit Strategic Plan 2013-2016 (A1203715) be received.

Dowler/Higgins

Carried

11. Nelson Regional Sewerage Business Unit Business Continuity Plan

Document number A1203712, agenda pages 28-44 refer.

Mr Kirby advised that the draft business continuity plan recognised that the Bell Island plant formed a part of both Councils' emergency response systems. He said it was important for the Business Unit to consider the role of the plant in a regional emergency event, and to be

able to ensure continuity both from a contract management, and contractors' perspective.

There was a discussion regarding the priorities in the event of a serious emergency, and whether minimisation of threats to the environment, or minimisation of damage to historic sites on Bell Island should also be considered as a priority as well.

It was noted that the business continuity plan was most likely to apply in the event of a significant natural disaster, and a variety of views were expressed regarding whether it was appropriate to include minimisation of threats to the environment as a priority in this type of scenario, as this may not be able to be realistically achieved.

It was further noted that the two councils were likely to have emergency provisions within their Resource Management Plans that would take account of threats to the environment.

There was a brief discussion about whether the Business Continuity Plan needed to address the potential for bird strikes at Nelson Airport, from birds nesting at Bell Island. In response to a question, Mr Thiart explained how bird numbers at Bell Island are managed.

In response to a question, Mr Thiart advised that, with regards to Appendix 1 and mitigation activities for typical disruption events, 'redundancy' referred to having back up equipment available to take over in the event of equipment failure. He said that an example of this was pump stations having stand-by pumps, so that if one failed, the second could start up, although he acknowledged that not all pump stations were equipped to this level.

Resolved

THAT the Nelson Regional Sewerage Business Unit Business Continuity Plan (A1203712) be received.

Copeland/Dowler

Carried

12. Exclusion of the Public

Resolved

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

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

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	<p>Nelson Regional Sewerage Business Unit – Public Excluded – 14 March 2014</p> <p>These minutes confirm the minutes of 14 March 2014 and also contain information regarding:</p> <ul style="list-style-type: none"> Chairperson's Report, including information relating to actions taken by Council officers. 	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons

Dowler/Copeland

Carried

The meeting went into public excluded session at 2.29pm and resumed in public session at 2.30pm.

During the public excluded part of the meeting, the committee considered the public excluded minutes of the meeting of 14 March 2014.

Resolved

THAT the minutes of part of the meeting of the Nelson Regional Sewerage Business Unit, held on 14 March 2014, be confirmed as a true and correct record.

Shaw/Copeland

Carried

13. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Higgins/Copeland

Carried

Nelson Regional Sewerage Business Unit
20 June 2014

There being no further business the meeting ended at 2.30pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Unconfirmed

Minutes of a meeting of the Community Services Committee

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

On Thursday 26 June 2014, commencing at 11.58am

Present: Councillor P Rainey (Chairperson), Councillors R Copeland, M Lawrey, P Matheson, G Noonan, (Deputy Chairperson), T Skinner, M Ward and Her Worship the Mayor

In Attendance: Councillors L Acland, I Barker, K Fulton, B McGurk, Acting Group Manager Community Services (H Kettlewell), Acting Group Manager Strategy (N McDonald), Group Manager Corporate Services (N Harrison), Manager Administration (P Langley), Administration Adviser (G Brown), and Youth Councillors (J Cotton and S Mackay-Wright)

Apologies: Her Worship the Mayor (R Reese) for lateness

1. Apologies

The apology was noted.

2. Interests

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

3. Confirmation of Order of Business

3.1 Public Forum

The Chairperson advised that Jo Rainey from the Nelson Cycle Lift Society had advised that he would not be attending the Public Forum.

3.2 Late Item – Burial and Cremation Bylaw 2008 – Consolidation of Bylaws

The Chairperson advised that there was one late item, which would be considered immediately.

Resolved

THAT the item regarding Burial and Cremation Bylaw 2008 – Consolidation of Bylaws be considered at this meeting as a major item not on

the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable Council to consider at its next scheduled meeting a recommendation from the Planning and Regulatory Committee to develop a consolidated bylaw.

Ward/Copeland

Carried

Manager Administration, Penny Langley presented the report.

Resolved

THAT the report Burial and Cremation Bylaw 2008 – Consolidation of Bylaws (A1210066) be received;

AND THAT the Community Services Committee transfer its delegations regarding the provision of cemeteries and crematoria to the Planning and Regulatory Committee, for the purposes of development of a consolidated 'place-based' bylaw.

Ward/Copeland

Carried

4. Confirmation of Minutes

4.1 Community Services Committee – 15 May 2014

Document number A1191096, agenda pages 7-12 refer.

Resolved

THAT the minutes of the meeting of the Nelson City Council – Community Services Committee, held on 15 May 2014, be confirmed as a true and correct record.

Rainey/Copeland

Carried

5. Status Report – Community Services Committee 26 June 2014

Document number A1157454, agenda pages 13 refer.

Resolved

THAT the Status Report – Community Services Committee 26 June 2014 (A1157454) be received.

Ward/Copeland

Carried

Community Services Committee
26 June 2014

6. Chairperson's Report

The Chairperson advised committee members that this would be the last committee meeting for Acting Group Manager Community Services, Hugh Kettlewell. On behalf of the Committee the Chair thanked Mr Kettlewell for his efforts and wished him well.

RECREATION AND LEISURE

7. Reconsideration of the Statement of Proposal to Close Brook Camp

Document number A1183472, agenda pages 14-19 refer.

Senior Planning Adviser, Lisa Gibellini spoke about the Brook Conservation Reserve map (A212637), and clarified that the campground was located within the Recreation Reserve. She said that the freehold land titles adjoining the reserve were currently managed as part of the campground, but were not covered in the Conservation and Landscape Reserves Management Plan. She added that the proposed management plan would include the entire Recreation Reserve.

In response to a question, Ms Gibellini confirmed that the sanctuary building was within the Recreation Reserve.

In response to a question, Acting Group Manager Strategy, Nicky McDonald, explained that there were a number of reserve management plans which included Council reserves and freehold land, and the proposed management plan would be no different. Ms Gibellini added that parts of the Recreation Reserve land had been leased by the Sanctuary.

A map of the land parcel details was tabled (A1173275) for the committee members information. It was noted that a management plan would clarify the activities and status of parcels of land.

In response to further questions, Ms Gibellini said that the Recreation Reserve adjoined the Wildlife Reserve and that the Conservation and Landscape Reserves Management Plan included the Wildlife Sanctuary and part of the Recreation Reserve. She advised that Council land ownership extended to outside the Conservation and Landscape Reserves Management Plan area.

There was a discussion about the management of the Brook Camp and it was noted that the management of the camp would be unchanged until the management plan was in place.

Concerns were raised about not having sufficient accommodation for casual campers.

Councillor Ward, seconded by Councillor Noonan moved the recommendation in the Officers report.

Councillor Copeland, seconded by Councillor Skinner, moved an amendment to add a fourth clause

AND THAT a Council report detailing the requirements to open for casual bookings be brought to the Community Services Committee at its next meeting.

The motion was put and lost

Attendance: The meeting adjourned from 1.10pm to 1.15pm.

Councillors Matheson, seconded by Councillor Noonan, moved a further amendment to add a fourth clause

AND THAT unless special accommodation needs are required

The motion was put and carried.

Following further discussion the mover and seconder agreed to combine the third and fourth clauses of the motion to read;

AND THAT the camp remains closed to casual bookings until the Management Plan is complete unless special accommodation needs are required.

Resolved

THAT the report Reconsideration of the Statement of Proposal to Close Brook Camp (A1191767) be received;

AND THAT a Management Plan is prepared under the Reserves Act 1977 to provide for the protection and future development of the Recreation Reserve (Section 47 Brook Street And Maitai District) that contains the Brook Campground;

AND THAT the camp remains closed to casual bookings until the Management Plan is complete unless special accommodation needs are required.

Ward/Noonan

Carried

8. Saxton Cricket Oval Drainage

Document number A1196060, agenda pages 20-24 refer.

Resolved

THAT the report Saxton Cricket Oval Drainage (A1196060) be received.

Noonan/Rainey

Carried

REPORTS FROM COMMITTEES

9. Nelson Youth Council

Document number A1181621, agenda pages 25-29 refer.

Resolved

THAT the minutes of a meeting of the Nelson Youth Council, held on 6 May 2014, be received.

Lawrey/Rainey

Carried

Joseph Cotton and Sam Mackay-Wright gave an update regarding Youth Council activities. They spoke about Youth Week, the Youth Council Conference and recent activities which the Youth Council had undertaken including the tree planting at Tahunanui.

10. 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)
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1	<p>Community Services Committee – Public Excluded – 15 May 2014</p> <p>These minutes confirm the minutes of 15 May 2014 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>Brook Waimarama Sanctuary Lease</p> <p>This report contains information regarding Brook Waimarama Lease and Funding.</p>		<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations
	<p>Founders Leases 2014 Reconsideration</p>		<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons Section 7(2)(i) To carry out negotiations
2	<p>Public Excluded Status Report – Community Services – 26 June 2014</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>	<p>The withholding of the information is necessary:</p>
	<p>Brook Waimarama Sanctuary Lease</p>		<ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations
3	<p>Land Purchase – Grampians Extension, Havik</p> <p>This report contains information regarding negotiations for the purchase of a strategic piece of land.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations

4	ProKart Lease – Tahunanui Recreation Reserve	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
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Lawrey/Ward

Carried

The meeting went into public excluded session at 1.20pm, during which time Her Worship the Mayor joined the meeting. The public session resumed at 1.41pm.

11. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Rainey/Noonan

Carried

There being no further business the meeting ended at 1.41pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Minutes of an extraordinary meeting of the Planning and Regulatory Committee

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

On Thursday 26 June 2014, commencing at 9.02am

Present: Councillor B McGurk (Chairperson), Her Worship the Mayor R Reese, Councillors I Barker, R Copeland, M Lawrey and M Ward

In Attendance: Councillors L Acland, P Matheson, G Noonan and P Rainey, Chief Executive (C Hadley), Group Manager Corporate Services (N Harrison), Acting Group Manager Strategy (N McDonald), Acting Group Manager Community Services (H Kettlewell), Manager Administration (P Langley), Administration Adviser (E-J Ruthven), and Youth Councillors (J Cotton and S Mackay-Wright)

Apology: Councillor E Davy

1. Apologies

Resolved

THAT the apology from Councillor Davy be received and accepted.

McGurk/Barker

Carried

2. Interests

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

Attendance: Councillor Lawrey joined the meeting at 9.03am.

3. Confirmation of Order of Business

There was no change to the order of business.

4. Consideration of Parking in Nelson CBD – Winter Initiatives

Document number A1207593, agenda pages 4-5 refer.

The Chairperson explained that the Planning and Regulatory Committee had the delegated authority to consider matters relating to parking. He said that, due to the high level of public interest in parking initiatives in the Nelson CBD through the winter period, it was appropriate in this case that the matter be referred to full Council for consideration.

Resolved

THAT the report Consideration of Parking in Nelson CBD – Winter Initiatives (A1207593) and be received;

AND THAT the matter of Parking in Nelson CBD – Winter Initiatives be considered by full Council.

Her Worship the Mayor/Barker

Carried

There being no further business the meeting ended at 9.04am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

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

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

On Tuesday 1 July 2014, commencing at 2.06pm

Present: Her Worship the Mayor (R Reese), Councillors K Fulton and P Matheson

In Attendance: Group Manager Infrastructure (A Louverdis), Acting Group Manager Environment (G Carlyon), Principal Planner (M Heale), Senior Engineering Officer (J Large), and Administration Adviser (L Laird)

1. Apologies

There were no apologies.

2. Interests

2.1 There were no updates to the Interests Register, and no conflicts with items of the agenda were declared.

3. Confirmation of Order of Business

There was no change to the order of business.

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>Plan Change 18 Appeals</p> <p>This report contains information regarding progress of the appeals to Plan Change 18 (Nelson South) and the strategy to be followed for Environment Court appeals.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations

Her Worship the Mayor/Fulton

Carried

The meeting went into public excluded session at 2.07pm and resumed in public session at 5.13pm.

5. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Matheson

Carried

There being no further business the meeting ended at 5.13pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

MINUTES AND DECISION OF THE HEARINGS PANEL, NELSON CITY COUNCIL

Held in Nelson City Council Chamber, Floor 2A, Civic House, Trafalgar Street, Nelson, on 2 July 2014, starting at 9.00am

Hearings Panel:

Chair: Commissioner I Barker

Panel: Commissioner B McGurk

In Attendance:

Reporting Officer: Marie Albertson, Pool Compliance Officer

Minutes Secretaries: Chrystal Watson, Kathryn Lewis

Mr Paul Anderson (applicant)

1.0 Applications for Exemption under Fencing of Swimming Pools Act 1987

1.1 Applicant: Paul Anderson
Location: 26 Waimea Road, Nelson
Report Number: A12015474

The Reporting Officer summarised the report.
Commissioner McGurk questioned if the gate could be moved. The Reporting Officer stated that this would increase the risk to pool users from the carpark and that having the gate outward opening would be in breach of the Building Code, clause D1 - Access routes.
Commissioner McGurk asked Mr Anderson how long the gate had been there. Mr Anderson thought it predated the Fencing of Swimming Pools Act, possibly 1979-1980.

Resolution:

THAT exemption be granted in accordance with Section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the three yearly inspection programme operated by the council.

BARKER / MCGURK

CARRIED

1.2 Applicant: Wayne Logan
Location: 822 Atawhai Drive, Nelson
Report Number: A1142591

The Reporting Officer summarised the report.

Commissioner McGurk questioned if the dwelling was units or a single dwelling. The Reporting Officer stated it was a single dwelling, currently no children are living there.

Resolution:

THAT exemption be granted in accordance with Section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the three yearly inspection programme operated by the council.

BARKER / MCGURK

CARRIED

1.3 Applicant: Peter Bone
Location: 28 Allan Street, Nelson
Report Number: A1205472

The Reporting Officer summarised the report.

Chair Barker questioned the step cut back which the Reporting Officer stated has been done and is to be paved (attachment 5 no. 3).

Resolution:

THAT exemption be granted in accordance with Section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the three yearly inspection programme operated by the council.

Condition: The signage to the spa and door is to be completed.

MCGURK / BARKER

CARRIED

1.4 Applicant: George Hilgeholt
Location: 838 Atawhai Drive, Nelson
Report Number: A1205471

The Reporting Officer summarised the report

Chair Barker questioned the distance from the planter/seat to the pool. The Reporting Officer stated 800mm with fencing and landscaping to be completed.

Commissioner McGurk questioned the boundary fence. The Reporting Officer stated that it would be at least 1.8-2m high with railings on the inside.

There were questions regarding the proposed plantings on the slope below the spa pool and a planting plan with plants to discourage climbing will be required.

Resolution:

THAT exemption be granted in accordance with Section 6(1) of the Fencing of Swimming Pools Act 1987. Future compliance will be monitored by the three yearly inspection programme operated by the council.

- Conditions:
- a. The pool is not to be filled until completion of the boundary fence.
 - b. The planter box is to be 1.2m from the pool or lowered to the lawn level.

These items are to be provided to the commissioners by the Reporting Officer prior to the spa pool being filled.

BARKER / MCGURK

CARRIED

Meeting closed at 9.30

Minutes of a meeting of the Governance Committee

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

On Thursday 3 July 2014, commencing at 9.00am

Present: Councillors I Barker (Chairperson), L Acland (Deputy Chairperson), K Fulton, B McGurk, P Matheson, G Noonan, P Rainey, and J Murray and J Peters (external appointees)

In Attendance: Councillor T Skinner, Chief Executive (C Hadley), Group Manager Corporate Services (N Harrison), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (C Ward), Acting Group Manager Strategy (N McDonald), Manager Administration (P Langley), and Administration Adviser (G Brown)

Apologies: Her Worship the Mayor, R Reese, and Councillor E Davy

1. Apologies

Resolved

***THAT apologies be received and accepted from
Her Worship the Mayor and Councillor Davy.***

Noonan/McGurk

Carried

2. Interests

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

3. Confirmation of Order of Business

The Chairperson introduced the new external appointees to the Committee, John Peters and John Murray. He said that Council looked forward to their participation at the Governance Committee meetings.

4. Public Forum

There was no public forum.

5. Confirmation of Minutes – 22 May 2014

Document number A1190855, agenda pages 6-14 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Governance Committee, held on 22 May 2014, be confirmed as a true and correct record.

Acland/Matheson

Carried

Attendance: Councillor Fulton joined the meeting at 9.07am

6. Status Report – Governance 3 July 2014

Document number A1160658

Resolved

THAT the Status Report – Governance 3 July 2014 (A1160658) be received.

Peters/Murray

Carried

7. Chairperson’s Report

The Chairperson once again welcomed the new external appointees.

FINANCE

8. Finance Report for the Period Ending 30 April 2014

Document number A1192537, agenda pages 16-31 refer.

Group Manager, Corporate Services, Nikki Harrison presented the report. She said that at the Governance Committee in August, the Finance report would provide the year-end position to 30 June 2014.

She said that, since the report was written, the projections for recovery from storm events had changed due to the June 2014 weather event, and that there was a further expenditure of \$180,000 which needed to be included. She informed the committee that there was a contingency fund of \$150,000 available which would negate some of this cost.

Group Manager Infrastructure, Alec Louverdis clarified that the intent was that storm events were in the first instance absorbed under the operations budget, however if these costs affected Councils’ daily activities then the costs would be discussed at Council. He confirmed that recent events had not affected the work programme going forward (2014/15).

Governance Committee
3 July 2014

In response to a question, Mr Louverdis advised that the Velodrome project was being conducted primarily by Tasman District Council, with Nelson City Council taking a secondary role, but that progress was delayed.

It was discussed that the Brook Sanctuary Grant for capital expenditure had been paid in June and that the remaining funds would be paid on completion of the required conditions.

In response to questions, Ms Harrison explained that the outstanding rates for the end of June were 0.09% of the total rates levied, 0.01% higher than last year, and that this was not an issue. She explained that the peak in the debtors' graph on page 31, last April/May was likely due to the timing of the administration of water invoices.

In response to further questions, Mr Louverdis said that potential tenants could approach Council in relation to buildings owned by Council, however he expressed that consideration needed to be taken for those buildings with earthquake prone status, and any decision for leases relating to earthquake prone buildings would come to Council. He explained that the Hunting and Fishing and Mediterranean Food Warehouse buildings were currently being used for storage, and that the Four Seasons building was being used by the Festivals team.

In response to a question, the Chief Executive explained that the under-spend for Environmental Management was that there was a discontinuation of work streams so that a review could be conducted of the Nelson Resource Management Plan.

Resolved

THAT the Finance Report for the Period ending 30 April 2014 (A1192537) and its attachments (A1191122, A1204110, A1203888 and A793514) be received and the variations noted;

AND THAT changes to the property insurance schedule cover for the 2014/15 financial year be noted by the Committee.

Rainey/Noonan

Carried

GOVERNANCE

9. Officer Support for Sister City Trip to Miyazu

Document number A1211496, agenda pages 32-33 refer.

Ms Hadley explained that it was best practice for the Mayor to be accompanied by a Council Officer for international visits.

Resolved

THAT the report Officer Support for Sister City Trip to Miyazu (A1211496) be received;

AND THAT Nicky McDonald travel to Miyazu with Her Worship the Mayor in October 2014.

Noonan/Fulton

Carried

10. 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	Governance Committee – Public Excluded Minutes – 22 May 2014 These minutes confirm the minutes of 3 April 2014 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:
	Ridgeways Joint Venture Statement of Intent and half Yearly Report 2014		<ul style="list-style-type: none">Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person

Matheson/Fulton

Carried

Governance Committee
3 July 2014

The meeting went into public excluded session at 9.37am and resumed in public session at 9.46am.

11. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Noonan/McGurk

Carried

There being no further business the meeting ended at 9.46am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Unconfirmed

Minutes of a meeting of the Chief Executive Employment Committee

Held in Ruma Ana, Civic House, 110 Trafalgar Street, Nelson

On Monday 7 July 2014, commencing at 12.07pm

Present: Her Worship the Mayor, R Reese, Councillors L Acland and P Matheson

In Attendance: External Adviser to the Chief Executive Employment Committee (P Bell), Chief Executive (C Hadley), Manager Human Resources (S Gully) and Administration Adviser (E-J Ruthven)

1. Apologies

There were no apologies.

2. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

3. Confirmation of Order of Business

Her Worship the Mayor advised that two public excluded reports titled Chief Executive's Performance Agreement 2014/2015 and Chief Executive's Performance Review were to be considered as late items at the meeting, and accordingly, a procedural resolution was required to be passed.

Resolved

THAT the public excluded items regarding the Chief Executive's Performance Agreement 2014/2015 and Chief Executive's Performance Review 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 Chief Executive Performance Review for 2013/2014 and Chief Executive's Performance Agreement for 2014/2015 to be attended to in a timely manner.

Acland/Matheson

Carried

Chief Executive Employment Committee
7 July 2014

4. Confirmation of Minutes – 5 and 17 March 2014

Document number A1150670, agenda pages 5-7 refer.

Resolved

THAT the minutes of a meeting of the Chief Executive Employment Committee, held and adjourned on 5 and 17 March 2014, be confirmed as a true and correct record.

Her Worship the Mayor/Acland

Carried

PUBLIC EXCLUDED BUSINESS

5. Exclusion of the Public

Her Worship the Mayor explained that Paul Bell, of Intepeople, would be in attendance for the items on the Public Excluded agenda to provide advice to the Committee and, accordingly, a procedural resolution was required to be passed.

Resolved

THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Paul Bell remain after the public has been excluded, for Items 4 and 5 of the Public Excluded agenda (Chief Executive's Performance Agreement 2014-2015 and Chief Executive's Performance Review), as he has knowledge that will assist the Committee;

AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Paul Bell and possesses relates to the development of a draft 2014/2015 Performance Agreement for the Chief Executive and performance review methods, which is relevant to the Chief Executive Employment Committee's responsibility to recommend to Council a performance agreement between the Chief Executive and Council, and to undertake the Chief Executive's performance review.

Her Worship the Mayor/Acland

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:

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>Chief Executive Employment Committee Minutes – Public Excluded – 17 March 2014</p> <p>These minutes confirm the minutes of 17 March 2014 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> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations
2	<p>Chief Executive’s Performance Agreement 2014 - 2015</p> <p>This report contains information regarding the negotiation of the Chief Executive’s Performance Agreement.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations
3	<p>Chief Executive’s Performance Review</p> <p>This report contains information regarding the review of the Chief Executive’s performance.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons

Matheson/Acland

Carried

Chief Executive Employment Committee
7 July 2014

The meeting went into public excluded session at 12.10pm and resumed in public session at 1.50pm.

6. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Acland

Carried

There being no further business the meeting ended at 1.50pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Unconfirmed