

Notice is given that an ordinary meeting of the Full Council will be held on:

Date: Thursday 28 June 2018
Time: 9.30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Full Council

AGENDA

MEMBERSHIP

Mayor	Mayor Kempthorne	
Deputy Mayor	Cr King	
Councillors	Cr Brown	Cr McNamara
	Cr Bryant	Cr Ogilvie
	Cr Canton	Cr Sangster
	Cr Greening	Cr Tuffnell
	Cr Hawkes	Cr Turley
	Cr Maling	Cr Wensley

(Quorum 7 members)

Contact Telephone: 03 543 8400
Email: hannah.simpson@tasman.govt.nz
Website: www.tasman.govt.nz

AGENDA

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 PUBLIC FORUM

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 CONFIRMATION OF MINUTES

That the minutes of the Full Council meeting held on Thursday, 24 May 2018, be confirmed as a true and correct record of the meeting.

That the minutes of the meeting of the Joint Committee of Tasman District and Nelson City Councils held on Tuesday, 27 March 2018, be received.

In line with the recommendation from the Joint Committee as resolved at their meeting on 27 March 2018, and with the resolution passed by Nelson City Council a meeting of their Full Council held on 3 May 2018, the following motion is put:

That the Tasman District Council

1. confirms the process to appoint an Iwi representative is instigated as a priority; and
2. confirms that an independent member be appointed to the Nelson Regional Sewerage Business Unit Committee; and
3. a recruitment and remuneration process be undertaken to appoint an independent member to the NRSBU in accordance with the Joint Councils Policy for the Appointment of Directors/Trustees of CCO's and CCTO's.

7 PRESENTATIONS

Nil

8 REPORTS

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8 REPORTS

8.1 NOTICE OF MOTION - GOLDEN BAY GRANDSTAND

Decision Required

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Janine Dowding, Chief Executive Officer
Report Number:	RCN18-06-01

NOTICE OF MOTION

A Notice of Motion (see Attachment 1) has been received from Cr Sangster who intends to move the following motion:

That the Full Council:

1. agrees to rescind Part 2. Of Resolution CN18-05-40; and
2. agrees to the removal of the Grandstand squash courts and rear lean-to by 30 September 2018; and
3. agrees that the Grandstand stairs be re-instated to allow use of the facility by 30 September 2018; and
4. agrees that the Grandstand remain in situ for 12 months (to 30 September 2019) following the removal of the squash courts, rear lean-to and reinstatement of stairs as provided for in parts 2 and 3 above; and
5. approves the Golden Bay Restoration Society to prepare a restoration plan for the Grandstand during the 12 months period, with funding details, and supply this to Council by 30 September 2019.

The Notice of Motion includes a provision requesting the Chief Executive prepare a report for consideration with the Notice of Motion to address the decision-making requirements of sections 77 to 82 of the Local Government Act 2002 (LGA).

This report is in line with that request and is for consideration with the Notice of Motion to address the decision-making requirements of sections 77 to 82 of the LGA.

A copy of resolution CN18-05-40 is reproduced as Attachment 2 to this report, for ease of reference. This is lifted from the unconfirmed minutes of Council's meeting on 24 May 2018.

DRAFT RESOLUTION

That the Tasman District Council

- 1. agrees to rescind Part 2. Of Resolution CN18-05-40; and**
- 2. agrees to the removal of the Grandstand squash courts and rear lean-to by 30 September 2018; and**
- 3. agrees that the Grandstand stairs be re-instated to allow use of the facility by 30 September 2018; and**
- 4. agrees that the Grandstand remain in situ for 12 months (to 30 September 2019) following the removal of the squash courts, rear lean-to and reinstatement of stairs as provided for in parts 2 and 3 above; and**
- 5. approves the Golden Bay Restoration Society to prepare a restoration plan for the Grandstand during the 12 months period, with funding details, and supply this to Council by 30 September 2019.**

BACKGROUND

- 1.1 Standing Order 23.1 provides that a member can move a Notice of Motion (NOM) to revoke or alter a Council decision. The notice must set out:
- (a) The resolution or part of the resolution which the member proposes to revoke or alter
 - (b) The meeting date when the resolution was passed
 - (c) The motion, if any, which the member proposes to replace it with; and
 - (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the Local Government Act 2002 (LGA).
- 1.2 While the NOM submitted by Cr Sangster has been accepted, it did not adequately cover the matters addressed in paragraph (d) outlined above, that is, it did not contain sufficient information to satisfy the decision-making provisions of ss 77-82 of the LGA. However, SO 23.1 also provides:
- “If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.”*
- 1.3 Cr Sangster’s original NOM was subsequently amended (with the agreement of all signatories) to provide for the proposal to be referred to the Chief Executive for consideration and report.
- 1.4 This report outlines the matters to be addressed to satisfy the decision-making provisions of the LGA. Such matters include the options open to the Council, the views and preferences of the community, the benefits and the costs, the extent to which a decision will impact on the local authority’s resources, the significance of the decision, including whether any inconsistency will arise and whether anything else needs to be done to accommodate the decision if the inconsistency is accepted.

Relevant matters to be considered

- 1.5 Matters to be considered by the Council in deciding on the NOM include:

Consultation

- 1.5.1 The NOM is counter to the outcomes of public consultation that took place between 2010 and 2016 when the need for, and design of, the new Shared Recreation Facility was discussed. The expected removal of the Grandstand and other ancillary buildings made way for the new facility. Much discussion took place and agreements were entered into with parties that had proprietary interests in the affected buildings.
- 1.5.2 The Council will have to consider whether it needs to re-consult under section 82 of the LGA given the NOM seeks to achieve a different outcome. If you think that you know the views of the wider Tasman District on the matter, then further consultation may not be necessary.
- 1.5.3 Consultation is likely to be needed across the whole Tasman District if the funding for retaining the Grandstand is to come from the District Facilities Rate or the General Rate. The Council may, however, decide to impose a targeted rate on the Golden Bay Ward to pay for the work on the Grandstand, in which case the consultation could be confined to the Golden Bay Ward. Consultation will be needed to introduce a new rate in the community. As part of this process, the Council will need to model the financial costs of retaining the Grandstand into the rating model to identify likely rating implications for consultation.

Building Consent

- 1.5.4 The NOM, if passed as is, would require a building consent to be applied for as it contemplates an alteration to an existing building rather than its demolition. The NOM does not say who will be responsible for this or who will pay, and how much. This is important as removal of the rear lean-to and squash courts, and reinstating the stairs would constitute building work to a structure that would need to be assessed for accommodating a live load. Because the rear lean-to and the squash courts are attached to the balance of the Grandstand, even if at just the roof line in respect of the latter, a building consent would invoke consideration of section 112 of the Building Act (Alterations to Existing Buildings). In particular, there would be a need to assess means of escape from fire, and access and facilities for people with disabilities. The structural competence of the building would also have to be demonstrated through the building consent process. Demolishing the building as a whole does not give rise to these matters. Reinstating the stairs with no other works would not require a building consent provided the Council was satisfied such work would otherwise comply with the Building Code.
- 1.5.5 For Council to grant a building consent, a proper application would need to be submitted. There has been debate over the structural competence of the building. The Grand Stand Trust's engineer assessed the building as an IL2 building meaning it would be at 45% of National Building Standard (NBS). However, the Grandstand has the capacity to hold over 300 people, which means it needs to be assessed as an IL3 building, not IL2. An IL3 building needs to be able to cope with the live load of over 300 people. An assessment Council received for the Grandstand building based on it being an IL3 building, gave it a rating of only 31% of NBS, which is classed as earthquake prone. The structural integrity of the Grandstand may be reduced if the squash court and rear lean-to are removed. The minimum standard required is 34% of NBS. Therefore, there would be risks and liability issues for Council if it allows the stairs to be reinstated and the Grandstand to be used without demonstrating structural competence.

Financial considerations

- 1.5.6 Council set aside a budget of \$100,000 for the removal of the Grandstand. To date, Council has spent \$37,000 of that budget on removal of the asbestos in the squash court and clubrooms parts of the Grandstand building and on obtaining various quotes related to the relocation proposal. This leaves a budget of \$63,000. Demolition costs are likely to be in the order of \$73,000.
- 1.5.7 Council also has a budget of \$138,000 for carparking, drainage and lighting left over from the original budget for constructing the new facility. Council will need this money to undertake the work to obtain a Code Compliance Certificate for the new facility. The contractor has not been able to undertake the work due to the location of the grandstand building. Staff will be requesting that the funding be carried forward into the next financial year.

Impact on new Recreation Facility

- 1.5.8 The NOM does not address the impact of retention of the grandstand on the new facility. The Council has advice from the Golden Bay Shared Recreation Facility Board (GBSRFB) that its preference is for relocation of the grandstand from its present location and for a full

heritage restoration of the building in a new location. GBSRFB has expressed to Council its frustration at not being able to complete the new facility in accordance with the expectations placed on it by the Council.

- 1.5.9 The complex was designed to have parking and lighting where the Grandstand currently sits. This has been a fundamental part of the design of the new facility. Retention of the grandstand, in whatever form and time period, will impact differently on functionality, pedestrian flow, outlook, and amenity than was originally envisaged; Councillors should consider this and if making a decision to support the NOM know that there will be a change from what was previously proposed.
- 1.5.10 A Code Completion Certificate for the new Rec facility has yet to be issued. Parking, lighting, and drainage works remain to be completed. Council has issued a Certificate of Public Use (CPU) to allow use of the building but that expires 30 September 2018. We will need to reissue it to permit on-going use and to allow GBSRFB to plan with some certainty on accommodating future uses of the building. We have fenced off an extra parking area at the end of the rugby field while the grandstand building remains in place. However, this is a temporary situation and will be unsatisfactory when the grassed area gets wet and boggy. We will also face reinstatement costs for the area when it is no longer required for temporary carparking.
- 1.5.11 The Council would need to consider whether to continue this situation through until 30 September 2019 or whether steps will be taken issue a further CPU and to finish off the groundworks as best as possible. This will not be straight forward as there is a height difference between the existing grandstand floor level and the ground level around the new facility. Recontouring the land would have occurred after removal of the buildings. There will also be less sealed carparks for a time and more use of the grassed area by the rugby fields.

Contractual implications

- 1.5.12 A decision to halt the demolition will have contractual consequences. Given that the contractor finished the majority of building works in early 2017, to hold the contractor for another year would be unreasonable. The contractor has already shown considerable tolerance over the delays. To discuss the basis of releasing the contractor, if required, should be dealt with in “public excluded” business so as not to disadvantage Council’s negotiating position.
- 1.5.13 Depending on who was to be responsible for any approved alteration and when groundworks were to be completed, Council would need to engage a new contractor unless we can secure agreement with the existing contractor. This process would involve further tendering and contract preparation costs to Council.

Reputational risk

- 1.5.14 There is reputational risk to Council whatever the decision on the NOM is to be. The NOM contemplates another opportunity to come up with a fundable restoration proposal. The Council has not been able to accept the previous two attempts, albeit for different reasons, but there is no guarantee that a successful proposal will come forward. The NOM presumes that the Society will be accepting of another opportunity to prepare a restoration proposal.
- 1.5.15 If the passion for retention is anything to go by, and funding is not an issue, and the siting of the grandstand for restoration can be decided, we could expect a successful restoration

proposal but if it falls through again, what is the risk to the Council? This risk could be minimised by requiring the Restoration Society to enter a lease arrangement under the Reserve Act, by transferring ownership of the structure so as to relieve the Council of responsibility as building owner, and asking for a bond to cover removal and remediation costs if no adequate restoration proposal emerges.

Scope of restoration proposal

- 1.5.16 The likely scope of a restoration proposal is unclear. It appears as though proponents now want to keep the rugby club rooms intact, not just because of the structural support they provide to the upper portion of the Grandstand, but so they too may be used for activities not currently provided on site. This is a shift away from just restoring the more historic upper portion of the Grandstand and enlarges the range of activities potentially in competition to the new facility, which the community has already paid for. Yet it would provide income to the group responsible for restoration.
- 1.5.17 There is a risk that if the Council allows a further opportunity for restoration of the Grandstand, that no agreement will be reached with a suitable party to undertake the work or that such a party may not be able to fund the proposal.
- 1.5.18 Any restoration proposal will likely require a new Archaeological Authority to be obtained from Heritage New Zealand/Pouhere Taonga now that it is accepted there are features which predate 1900. There is also the issue around car parking provision as the Grandstand will attract a different calculation under the TRMP than what the new Recreation Facility has had to provide, but it is possible to seek approval for a shared parking arrangement but this would have to be addressed in any proposal.

Physical condition

- 1.5.19 The Environment Court, in 2017 when the previous proceedings were lodged, was in the same position as the Council is now – what are the costs and implications if the Grandstand is to be retained. Attachment 3 to this report is an extract of sections from the Court's decision which are relevant to the consideration of the NOM.
- 1.5.20 In the October 2017 Restoration Proposal received by Council the Trust did obtain additional advice from a structural engineer but this was qualified as to what would be needed to ensure a successful restoration. There is nothing fatal to restoration – it is still a matter of scope and cost a full conditions assessment will be needed.

Matters to be resolved in any resolution

- 1.5.21 The NOM gives the Restoration Society until 30 September 2019 to submit a fundable restoration proposal. Consideration/clarification of the following is recommended:
- What is the expected scope of that plan?
 - Is to restore an authentic covered Grandstand displaying its historic heritage value or is it acceptable to propose a building alteration which includes the rugby clubrooms?
 - Is it expected that the Society report to Council on progress towards completing a restoration plan and obtaining the funding to complete the restoration or is the Council happy to set the challenge and await a proposal?
 - There is still the issue defining responsibility for the building in the meantime (as well as post-restoration).

- What happens in the event that an acceptable proposal isn't submitted? Will the Council be in the same situation it is at now?

New information

1.5.22 The Council should consider what information it now has that would justify reversing its earlier decisions to remove the Grandstand made on 9 June 2016, 15 December 2016, 16 November 2017, 14 December 2017, and 24 May 2018.

<h3>CONCLUSION</h3>

- 2.1 Council must consider the information in this report in order to decide upon a complete and practical course of action that fulfils the decision-making requirements of sections 77 to 82 of the LGA. The motion as currently drafted does not do this.
- 2.2 If a motion to revoke the previous decision to demolish the grandstand is to represent a feasible and effective way forward for relocation and restoration, Councillors must turn their mind to the following considerations:
- the issues around structural strength of the building, including safety and access and whether the stairs should be reinstated;
 - the building consents that are necessary to give effect to what is proposed
 - funding implications, including the cost of consents and who should pay;
 - the ability of the Golden Bay Restoration Society (or an alternative group) to put forward a proposal, in terms of resources available to them;
 - reporting requirements from the Society on progress with the restoration plan, keeping it on track, relevant and to contain accurate and feasible funding details;
 - the development of a relocation proposal that is realistic and achievable;
 - formalities of a Lease at the site where the grandstand is to be relocated;
 - satisfactory foundations at the new site;
 - whether a bond should be required to cover removal and remediation costs in the event an acceptable restoration proposal does not eventuate;
 - the cost of temporary groundworks to recontour and tidy up the area around the new Recreation facility and the Grandstand structure following removal of the squash courts and lean-to;
 - responsibility for funding final site works once the grandstand has been removed;
 - the impact on the existing building consent for the Recreation facility in relation to carparking, drainage works and measures to achieve either temporary or permanent compliance;
 - a decision on whether further consultation is necessary on retaining the grandstand or its effect on the new Recreation facility based on Council being satisfied they have sufficient appreciation of the issues involved for all parties; and
 - termination or amendment of the contract with Gibbons Construction as principal contractor to the Golden Bay Shared Recreation Facility project in relation to the outstanding elements of that contract.

Appendices

- | | | |
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| 2. | Resolution CN18-05-40 | 15 |
| 3. | Extract from Environment Court Decision 2017 | 17 |



TO: Janine Dowding
FROM: Cr Paul Sangster
DATE:
RE: GOLDEN BAY GRANDSTAND

Dear Ms Dowding

At its meeting of 24 May 2018, the Full Council carried resolution CN18-05-40 to 'remove the Golden Bay Grandstand, including the associated structures, and directs staff to proceed with the work as soon as practicable'.

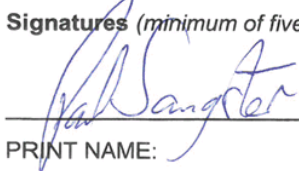
In accordance with Part 23.1 of the Tasman District Council Standing Orders, I hereby put forward a notice of motion for the revocation of Part 2 of resolution CN18-05-40 at the Full Council meeting of 28 June 2018.

I give notice that I will move that part 2 of the resolution CN18-05-40 be revoked and will also move that the following resolutions be passed in substitution:

That the Full Council:

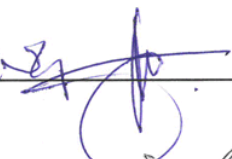
1. agrees to rescind Part 2. Of Resolution CN18-05-40; and
2. agrees to the removal of the Grandstand squash courts and rear lean-to by 30 September 2018; and
3. agrees that the Grandstand stairs be re-instated to allow use of the facility by 30 September 2018; and
4. agrees that the Grandstand remain in situ for 12 months (to 30 September 2019)? following the removal of the squash courts, rear lean-to and reinstatement of stairs as provided for in parts 2 and 3 above; and
5. approves the Golden Bay Restoration Society to prepare a restoration plan for the Grandstand during the 12 months period, with funding details, and supply this to Council by 30 September 2019.

Signatures (minimum of five required):

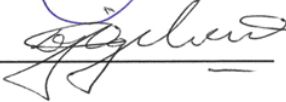


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MARK GREENING 


PRINT NAME:

DAVID OGILVIE 

PRINT NAME:

DEAN MCNAMARA 

PRINT NAME:

DANA WENSLAY 

PRINT NAME:

Moved Cr Brown/Cr Hawkes

[CN18-05-40]

That the Full Council

- 1. receives the Golden Bay Grandstand CRN18-05- report; and**
- 2. confirms, as previously resolved at meetings on 9 June 2016, 15 December 2016, 16 November 2017, and 14 December 2017, the decision to remove the Golden Bay Grandstand including the associated structures and directs staff to proceed with the work as soon as practicable.**

[Cr Greening called for a division.

Brown	For
Bryant	For
Canton	For
Greening	Against
Hawkes	For
Kempthorne	For
King	For
Maling	For
McNamara	Against
Ogilvie	Against
Sangster	Against
Tuffnell	For
Turley	Against
Wensley	Against

[CARRIED]

[73] Ms Coats' assessment of the physical condition of the building was easily the most in-depth of any of the witnesses or reports. Paragraphs 6.3 - 6.19 of her evidence contain a detailed summary of the possible extent of work required to preserve the Grandstand.

Ms Coats concluded that "The building as a whole requires extensive maintenance if it or any part of it is to be retained. When I looked at options to retain/rebuild the 1899/1911 portion of the Grandstand I examined the implications of the deteriorating state of the building, the age of the materiality, and requirements for bringing it up to current day and found that the cost was prohibitive as I record on page 41 of Coats (2016), *it is difficult to recommend*".

[74] Mr Blackburne challenged Ms Coats' assessment as to the extent to which the ground floor might need rebuilding and the costs of doing so. He made the point that Ms Coats was not an engineer. However it must be said that Mr Blackburne offered no convincing counter evidence to Ms Coats other than the contention that a number of the issues identified by her required detailed structural analysis, consideration by a qualified engineer and a quantity surveyor and the preparation of a full Conservation Plan in order to identify what needs to be done to preserve the Grandstand and the costs of doing so.

[88] Insofar as historic heritage factors are concerned, we find that the historic heritage values of the Grandstand have been substantially diminished by the various unsympathetic additions which have been made to it over the years. The difference between the experts in that regard revolved around the extent of diminution in terms of their assessment of historic heritage values and what might be required to restore those values.

[89] While we acknowledge that the building remains of historic heritage significance, we concur with Ms Coats' view that the 1968, 1977 and 1992 additions to the Grandstand (including the squash courts, although they are separate to the Grandstand itself) have seriously diminished its visual amenity and architectural values and its aesthetic integrity or authenticity in an historic heritage sense. She recommended that these additions should be demolished if the Grandstand is to be retained. We agree that demolition of the rugby clubrooms would be necessary to restore a further degree of authenticity to the Grandstand if it is to be retained for its historic heritage values.

[90] As we observed previously, the building comprises an eclectic combination of old and more recent elements with no apparent attempt to blend old and new. The squash courts and rugby clubrooms are utilitarian features of no architectural merit. Removal of the squash courts will expose the southern wall of the Grandstand, which will presumably need recladding if the building is to remain. The only purpose of retaining the clubrooms would be to support the historic upper floor viewing area but that support is provided at the expense of authenticity.

[91] Those observations raise the factor of the structural integrity of the building in its present configuration and what is actually required to preserve it as sought by the Trust. Paragraphs 6.9 - 6.19 of Ms Coats evidence in chief raise questions as to the condition of the older components of the Grandstand, whether they comply with current building code

requirements and whether the building continues to be suitable for use as a public building. We note the various observations which she has made.

[92] Although Ms Coats is not an engineer, she is an experienced architect with a high degree of familiarity with building standards and codes. She testified that she is familiar with the general principles of load transfer and bracing requirements in NZS3604:2011 Timber-framed buildings. She was the only witness to have undertaken a detailed technical analysis of what might be required to preserve the Grandstand. Subsequent intrusive investigation by a builder confirmed at least some of the assumptions which she had made as part of her initial investigation of the building. Her conclusion "that significant parts of the Grandstand would need to be reconstructed if it was going to continue to be used, was not challenged in cross examination, nor was it directly contradicted by any other expert witness. We accept that conclusion.

[93] The position of both Messrs Blackburne and Bowman appeared to be that further investigations by way of engineering reports and a Conservation Plan were required to ascertain precisely what was required to enable reconstruction and how much it would cost. That is consistent with Ms Coats' evidence and the views expressed in the JWS.

[94] It is apparent from the form of the application, the evidence of the Trust's expert witnesses and the Trust's submissions that the purpose of these proceedings is to retain the Grandstand to enable a detailed analysis to be undertaken by way of Conservation Plan and engineering calculations as to what might be required to enable not merely its retention but also its reconstruction and possible relocation forward to restore sightlines and the practicality and costs of doing so. Although Mr Heal did not use the word reconstruction in his closing submissions, but rather the terms "repairing, renovation, restoring or rehabilitating, we consider that what is being sought is the ability to investigate reconstruction as identified in the evidence of Ms Coats.

[95] We understand reconstruction to mean the restoration of a building by the use of new material to the same design and that reconstruction can be an appropriate response to preserve historic heritage. Reconstruction of the Grandstand on its present site would preserve both the amenity and historic heritage values which we have identified.

[96] However, the Court does not have power to order the Council to undertake reconstruction or relocation of the Grandstand even if investigation establishes that it is practically feasible (in both the technical and financial senses). Mr Heal acknowledged that. The current condition of the Grandstand which requires its reconstruction is not something which has been caused by the Council but arises out of the age of the building, the methods of and materials used in its construction and the unsympathetic alterations which have been legally made to it over the years. We can certainly make an order prohibiting demolition of the Grandstand, but we ask to what end if the outcome which the Trust ultimately seeks is not one which is open to us to direct?

[97] A further factor in our considerations is the advanced state of development of the Facility at the time these proceedings were commenced. As we have observed, final plans for development of the Facility were drawn on the basis that the area occupied by the Grandstand would be used to provide car parking necessary for the Facility and construction was commenced and has been completed accordingly. A significant and related factor is that the Council was fully entitled to proceed on that basis as construction of the Facility and

demolition of the Grandstand are both permitted activities which the Council could legally undertake without resource consent.

[98] If the Trust had sought the orders which it now does at commencement of construction of the Facility instead of when it was near completion, we may have been more open to exercising our discretion to make an enforcement order rather than in the situation where the Council and community have legally expended some millions of dollars in constructing a complex which sits discordantly with the nearby Grandstand and which currently cannot be used. Even if proceedings had been commenced earlier however, we would still have been confronted with the factors which we have identified in paragraphs [94] - [96] (above).

Conclusion

[99] In determining whether or not to exercise our discretion to make the orders sought by the Trust, we are obliged to recognise and provide for the protection of historic heritage from inappropriate use and development as a matter of national importance and to have particular regard to the maintenance and enhancement of amenity values.

[100] The first of those obligations has been to the forefront of our considerations in this case. After extensive debate amongst the members of the Court, we have reached the conclusion that the factors which we have identified in paragraphs [88] - [98] (above) make it inappropriate to grant this application for enforcement orders, notwithstanding the national importance aspect of the historic heritage issue.

[101] We have acknowledged the amenity value of the Grandstand as a site for viewing the annual A&P show but consider that there is a counter balancing factor arising from the provision of a modern community recreational complex for use 12 months of the year which we must also take into account in considering the amenity values aspect of these proceedings.

[102] Having regard to all of these matters we decline to exercise our discretion to make the enforcement orders sought by the Trust. The application is declined.

8.2 ADOPTION OF LONG TERM PLAN 2018-2028**Decision Required**

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Sharon Flood, Strategic Policy Manager
Report Number:	RCN18-06-02

1 Summary

- 1.1 The report asks Council to adopt the LTP 2018-2028 (LTP).
- 1.2 The Financial Strategy sets a limit of 3% increase in rates income in any one year of the LTP, and a borrowing limit of \$200 million. These limits are not breached in the LTP. The final LTP contains a total rates income increase for 2018/2019 of 2.3% (after an allowance for growth). We forecast the Council's debt to be \$160 million as at 30 June 2018. Debt is expected to peak at \$199 million in 2020/2021 before reducing to \$144 million in 2027/2028.
- 1.3 Council publicly notified the LTP Consultation Document and related consultations on 1 March 2018, with submissions closing on 5 April 2018. Council received 484 submissions, and heard over 100 submitters in support of their submissions.
- 1.4 The final LTP 2018-2028, the Schedule of Charges, the Development and Financial Contributions Policy and the activity management plans reflect the decisions made at the Council Deliberations meetings on 4, 7 and 10 May, and Council's 24 May 2018 meeting.
- 1.5 The final LTP needs to be audited and adopted by 30 June 2018 in order to meet the statutory deadlines, and in order to strike the rates for the 2018/2019 year.
- 1.6 Audit New Zealand undertook its final review of the LTP 2018-2028 from 5 to 15 June. The Audit Report will be tabled at the meeting.

2 Draft Resolution

That the Full Council

- 1. receives the Adoption of Long Term Plan 2018-2028 report RCN18-06-02; and**
- 2. adopts the Audit Report dated xxx tabled at the meeting for inclusion in the Long Term Plan 2018-2028; and**
- 3. adopts the Long Term Plan 2018-2028 pursuant to Section 93 of the Local Government Act 2002 including the Audit Report in 2 above; and**
- 4. adopts the Schedule of Charges, the Development and Financial Contributions Policy, and the various activity management plans; and**
- 5. authorises the Mayor, Deputy Mayor, and the Chief Executive Officer to approve any minor edits or changes to the document, prior to publication; and**
- 6. notes that the Long Term Plan 2018-2028 includes the Annual Plan for 2018/2019.**

3 Purpose of the Report

- 3.1 The purpose of this report is for Council to adopt its final Long Term Plan 2018-2028 (LTP), including the Annual Plan for 2018/2019, and to adopt the Schedule of Charges, the Development and Financial Contributions Policy, and the various activity management plans.

4 Background and Discussion

- 4.1 Council publicly notified the LTP Consultation Document, supporting information and related consultations on 1 March 2018, with submissions closing on 5 April 2018. We publicised the availability of the Consultation Document and related consultations online, on the radio, through public notices, at 13 community meetings, the Motueka Market, a special edition of Council's Newslite, and in several further editions of Newslite.
- 4.2 Council received 484 submissions on the Consultation Document or related consultations, and heard from over 100 submitters in support of their submissions. The hearings took place over three days between the 18 and 24 April 2018 in Richmond, Golden Bay and Motueka.
- 4.3 Council deliberated on the 4, 7, and 10 May 2018 to consider the information and opinions expressed through the submissions, receive advice from staff, and make decisions about changes to include in the final LTP, Schedule of Charges, Development and Financial Contributions Policy, and activity management plans (AMPs).
- 4.4 At the Council meeting on 24 May 2018, Council agreed to staff making appropriate changes to transform the LTP Consultation Document, supporting information, and concurrent consultation documents into the final LTP for adoption, and to make any consequential changes necessary to the document. Council also agreed to revoke the Policy on Early Payment of Rates in the Current Financial Year, and the inclusion of draft wording in a number of policies and the final LTP document to give effect to the directions indicated through its decisions at the deliberation meetings and 24 May 2018 meeting.
- 4.5 The Financial Strategy sets a limit of 3% increase in rates income in any one year of the LTP (excluding growth), and a borrowing limit of \$200 million. We have not breached these limits in the LTP. The final LTP contains a total rates income increase of 2.3% (after an allowance for growth) for 2018/2019. We forecast the Council's debt to be \$160 million as at 30 June 2018. Debt is expected to peak at \$199 million in 2020/2021 before reducing to \$144 million in 2027/2028.
- 4.6 Volume 1 of the final LTP 2018-2028 includes:
- 4.6.1 The Mayor's Foreword
 - 4.6.2 Introduction and Summary
 - 4.6.3 Council's Vision, Mission and Community Outcomes
 - 4.6.4 Council Activity Summary
 - 4.6.5 Accounting Information
 - 4.6.6 Appendix – Glossary of Terms

- 4.7 Volume 2 contains the supporting policies and strategies for the LTP:
- 4.7.1 Introduction
 - 4.7.2 Funding Impact Statement (rates) including rating maps
 - 4.7.3 Financial Strategy
 - 4.7.4 Infrastructure Strategy
 - 4.7.5 Revenue and Financing Policy
 - 4.7.6 Rates Remission Policy
 - 4.7.7 Policy on Remission and Postponement of Rates on Māori Freehold Land
 - 4.7.8 Significance and Engagement Policy
 - 4.7.9 Statement on Fostering Māori Participation in Council Decision Making
 - 4.7.10 Water and Sanitary Services Assessment and Waste Management and Minimisation Plan.
- 4.8 Council consulted on the Development and Financial Contributions Policy and the Schedule of Charges for 2018/2019 concurrently with the LTP Consultation Document, and they will remain as standalone documents. The activity management plans will also remain as standalone documents.
- 4.9 Audit New Zealand undertook its final review of the LTP 2018-2028 from 5 to 15 June. The Audit Report will be tabled at the meeting.

Waimea Community Dam

- 4.10 At the 24 May 2018 Council meeting, Council decided not to include the recommended text regarding the future potential transfer of shares to Nelson City Council for their contribution to the Waimea Community Dam project. Staff advice was that the text should be included to avoid a potential future amendment to the LTP should this situation arise.
- 4.11 As discussed at the 24 May 2018 Council meeting, if Council agrees to transfer shares to Nelson City Council, we will need to go through a public consultation process. If Council's shareholding in the Dam is listed as a strategic asset, we will consult using the Special Consultative Procedure. If shares are to be transferred, we will need to consult and amend our LTP 2018-2028 to reflect this change, at an anticipated cost of \$80,000.

5 Options

- 5.1 At the 4, 7 and 10 May Deliberation meetings, and the 24 May 2018 Council meeting, Council considered submissions and made final decisions for inclusion in the final LTP 2018-2028. We have given effect to those decisions and we are asking Council to adopt the final LTP 2018-2028.
- 5.2 Council is required by the Local Government Act 2002 to adopt its final LTP 2018-2028 and set the rates prior to commencement of the new financial year on 1 July 2018. At this stage, Council can only make minor wording changes to the final LTP if it wants to meet its statutory deadline. Any changes would still be subject to Audit review and approval.

6 Strategy and Risks

- 6.1 Anything more than minor wording changes to the final LTP 2018-2028 would mean that Council would not meet its statutory obligations. If Council misses the 30 June deadline, we will be unable to set and assess rates in a straightforward manner for the 2018/2019 year.
- 6.2 Council has addressed the strategic challenges and risks associated with the matters contained in the final LTP through numerous workshops and previous reports.

7 Policy / Legal Requirements / Plan

- 7.1 Sections 93-97 and Schedule 10 of the Local Government Act 2002 set out the procedures to be followed and required content for Council LTPs and Annual Plans. We have met these requirements.
- 7.2 Section 96 of the Local Government Act 2002 makes it clear that the effect of a LTP is to provide a formal and public statement of Council's intentions in relation to the matters covered by the plan. A resolution to adopt the LTP does not constitute a decision to act on any specific matter included within the plan and (subject to following the required procedure) Council may make decisions that are inconsistent with the contents of the LTP. No person is entitled to require Council to implement the provisions of its LTP.

8 Consideration of Financial or Budgetary Implications

- 8.1 If Council agrees to adopt the final LTP 2018-2028, the total rates income increase for 2018/2019 (after an allowance for growth) will be 2.3%, which equates to an actual increase of \$2.85 million.
- 8.2 We forecast the Council's debt to be close to \$160 million as at 30 June 2018. Debt is expected to peak at \$199 million in 2020/2021 before reducing to \$144 million in 2027/2028.

9 Significance and Engagement

- 9.1 There were several proposals within the LTP Consultation Document, supporting information and concurrent consultations that were of high public interest to specific communities and others that were of high public interest to the wider community and/or have major budgetary implications. As required by section 93 of the Local Government Act, we consulted on the LTP Consultation Document using the Special Consultative Procedure. We also used this process to consult on the LTP supporting information and concurrent consultation documents
- 9.2 Council made decisions on the submissions during their Deliberation meetings on the 4, 7 and 10 May 2018. Council determined the final wording of several policies and confirmation of Council's direction for the development of the final LTP 2018-2028 at its 24 May 2018 meeting. Council does not need to consult further prior to making the decisions sought in this report.

- 9.3 The substantive decisions for Council to make at this meeting are whether to adopt the:
- 9.3.1 final LTP 2018-2028 and thereby comply with the statutory deadline; and
 - 9.3.2 Schedule of Charges; and
 - 9.3.3 Development and Financial Contributions Policy; and
 - 9.3.4 various activity management plans.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	High	The decision in the final LTP will be of high public interest. We have consulted on the issues and proposals using the Special Consultative Procedure (SCP).
Is there a significant impact arising from duration of the effects from the decision?	Low	<p>A resolution to adopt the LTP does not constitute a decision to act on any specific matter included within the LTP and (subject to following the required procedure) Council may make decisions that are inconsistent with its contents.</p> <p>The LTP has a ten year time horizon (except for the Infrastructure Strategy which has a 30 year plus time horizon) and is reviewed every three years. The Annual Plan can be used to notify and consult with the community on changes to the LTP. Council may need to amend its LTP if making large-scale or significant changes.</p>
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	Low	The decisions involved relate to a number of strategic assets. However, there is no proposal to change the ownership arrangements of any of the strategic assets.
Does the decision create a substantial change in Council's levels of service ?	High	A number of changes to levels of service are proposed and we have already consulted on them using the SCP process.
Does the decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	High	The documents set out Council's financial strategy, budgets and funding sources for the next ten years 2018 to 2028. We have already consulted on these documents.

Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N/A	
Does the decision involve entry into a private sector partnership or contract to carry out the delivery of any Council group of activities?	N/A	
Does the decision involve Council exiting or entering into a group of activities?	N/A	

10 Conclusion

- 10.1 Council has met the requirements of the Local Government Act 2002 in preparing and consulting on the LTP Consultation Document, supporting information, and concurrent consultation documents. The final LTP 2018-2028 was audited during 5 to 15 June 2018. Adopting the final LTP 2018-2028, and the Rating Resolutions (in a separate report on this agenda), concludes this part of the three year cycle.
- 10.2 Council has similarly met the requirements of the Local Government Act 2002 in the preparation and consultation on the Schedule of Charges, Development and Financial Contributions Policy, and the various activity management plans.

11 Next Steps / Timeline

- 11.1 Upon adoption of the LTP 2018-2028, this document will come into effect on 1 July 2018 and will be in force until 30 June 2021, unless there is a subsequent amendment.
- 11.2 The LTP document (under separate cover) will be professionally designed, reviewed again by Audit NZ (to ensure no material changes have taken place), and published prior to 28 July 2018.
- 11.3 Council staff will send copies of the final LTP 2018-2028 to the organisations required under the Local Government Act 2002, and will make copies available in all of our Council offices, libraries, and on our website.
- 11.4 Staff will also provide responses to all submitters, advising them of Council's decisions on the matters they raised and reasons for those decisions.

12 Attachments

Nil

8.3 2018-2019 RATE SETTING**Decision Required**

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Kelly Kivimaa-Schouten, Revenue Accountant
Report Number:	RCN18-06-03

1 Summary

- 1.1 The approval of the Council's work programme through the adoption of the Long Term Plan 2018-2028 determines the amount of rates funding required to complete that programme.
- 1.2 The Local Government (Rating) Act 2002 sets out the procedure for setting rates, due dates, and penalties.
- 1.3 Council is required to pass a resolution on an annual basis to set the rates, due dates and penalties for the forthcoming rating year.
- 1.4 This report is for setting the rates, due dates and penalties for Council's 2018/2019 financial year.
- 1.5 The rates in this report are GST inclusive.
- 1.6 As is the practice, this Rates Resolution has been reviewed for compliance by a legal consultant.

2 Draft Resolution**That the Full Council**

1. receives the 2018-2019 Rate Setting RCN18-06-03 report; and
2. sets the following rates under the Local Government (Rating) Act 2002 for the financial year commencing on 1 July 2018 and ending on 30 June 2019;

Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
General Rate		Every rateable rating unit in the District	Rate in the \$ of Capital Value	0.2208 cents

A portion of the general rate is used to replenish the Council's General Disaster Fund.

Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
Uniform Annual General Charge (UAGC)		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 290.00

Targeted Rates

	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
1	Stormwater Rate		Every rateable rating unit in the District which has a land value		
		Urban Drainage Area- Stormwater Differential	Where the land is situated being rateable rating units in the Stormwater Urban Drainage Rating Area	Rate in the \$ of Capital Value	0.0586 cents
		Balance of the District- General Drainage Stormwater Differential	Where the land is situated being rateable rating units with land value, that are not in the Stormwater Urban Drainage Rating Area	Rate in the \$ of Capital Value	0.0062 cents
2	Water Supply Rates				
2.1	Water Supply Rates – Urban Water Supply Metered Connections and Rural Water Extensions to Urban Water Schemes (“The Club”)				
2.1(a)	Water Supply – Urban Water Supply Metered Connections (excluding Motueka Water Supply & Industrial Water Supply Agreement Holders): Volumetric charge		Provision of service being the supply of metered water to those rating units in the District, which have metered water connections, excluding those connected to the Motueka Water Supply because they have a different targeted rate, and excluding the industrial water supply users who have a commercial water supply agreement with the Council	Per m ³ of water supplied	\$ 2.17
2.1(b)	Water Supply – Urban Water Supply Metered Connections (excluding Motueka Water Supply & Industrial Water Supply Agreement Holders): Service Charge		Provision of a service being a connection to a metered water supply by rating units in the District, excluding those connected to the Motueka Water Supply, and excluding the industrial water supply users who have a commercial water supply agreement with the Council	Fixed amount \$ per connection (meter)	\$ 332.74
	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
2.1(c)	Water Supply- Rural Water Extensions to Urban Water Schemes		Provision of a service being a connection to a supply of water via a rural extension to urban schemes through a lowflow restricted water connection	Extent of provision of service: 1m ³ /day (based on size of water restrictor volume). E.g. 2m ³ /day restrictor volume will be charged at two times the listed annual rate	\$ 633.62

The extensions that will be charged this rate are: Best Island Water Supply, Mapua/ Ruby Bay Water Supply, Brightwater/Hope Water Supply, Richmond Water Supply, Wakefield Water Supply, and any others which are referred to as the Other Rural Water Supply Extensions.

	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
2.2	Water Supply Rates – Motueka Water Supply Metered Connections				
2.2(a)	Water Supply – Motueka Water Supply Metered Connections: Volumetric charge		Provision of service being the supply of metered water to rating units connected to the Motueka Water Supply	Per m ³ of water supplied	\$ 2.07
2.2(b)	Water Supply – Motueka Water Supply Metered Connections: Service charge		Provision of a service being a connection to the Motueka Water Supply	Fixed amount \$ per connection (meter)	\$ 39.42
2.3	Water Supply – Rural Connections				
2.3(a)	Water Supply- Dovedale Rural Water Supply		Provision of a service being a connection to the Dovedale Rural Water Supply through a lowflow restricted water connection		
		Dovedale Differential A*		Extent of provision of service: 1m ³ /day (based on size of water restrictor volume). For example, users with a 2m ³ per day restrictor volume will be billed two of the Differential A charge	\$ 655.15
		Dovedale Differential B*		Extent of provision of service: 1m ³ /day (based on size of water restrictor volume). For example, users with a 3m ³ per day restrictor volume will be billed two of the Differential A charge and one of the Differential B charge	\$ 504.47

The Council has determined that a differential charge will be applied:

*Dovedale Differential A- includes the supply of water for up to and including the first 2m³ per day. This rate is charged based on the extent of provision of service using the size of restrictor volume, with a base of 1m³ per day. A differential of 1 per 1m³ per day will apply.

*Dovedale Differential B- includes the supply of water greater than 2m³ per day. This rate is charged based on the extent of provision of service using the size of restrictor volume, with a base of 1m³ per day. A differential of 0.77 per 1m³ per day will apply.

	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
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2.3(b)	Water Supply- Redwood Valley Rural Water Supply		Provision of a service being a connection to the Redwood Valley Rural Water Supply through a lowflow restricted water connection	Extent of provision of service: 1m ³ /day (based on size of water restrictor volume). E.g. 2m ³ /day restrictor volume will be charged at two times the listed annual rate	\$ 391.36
2.3(c)	Water Supply- Eighty Eight Valley Rural Water Supply - Variable Charge		Provision of a service being a connection to the Eighty Eight Valley Rural Water Supply through a lowflow restricted water connection	Extent of provision of service: 1m ³ /day (based on size of water restrictor volume). E.g. 2m ³ /day restrictor volume will be charged at two times the listed annual rate	\$ 218.89
2.3(d)	Water Supply- Eighty Eight Valley Rural Water Supply- Service Charge		Provision of a service being a connection to the Eighty Eight Valley Rural Water Supply through a lowflow restricted water connection	Extent of provision of service: Fixed amount \$ per connected rating unit	\$ 244.81
2.3(e)	Water Supply- Hamama Rural Water Supply- Variable Charge		Provision of a service being a connection to the Hamama Rural Water Supply	Rate in the \$ of Land Value	0.043 cents
2.3(f)	Water Supply- Hamama Rural Water Supply- Service Charge		Provision of a service being a connection to the Hamama Rural Water Supply	Extent of provision of service: Fixed amount \$ per connected rating unit	\$ 218.53
2.3(g)	Water Supply- Hamama Rural Water Supply- Fixed Charge based on set land value		Where the land is situated being rating units in the Hamama Rural Water Supply Rating Area	Rate in the \$ of set land value (which is the land value at the time capital works were completed in 2005)	0.165 cents
2.4	Water Supply Firefighting				
2.4(a)	Water Supply: Motueka Firefighting		Where the land is situated being rating units in the Motueka Firefighting Water Supply Rating Area	Fixed amount \$ per Rating Unit	\$ 16.39
2.4(b)	Water Supply: Takaka Firefighting- Capital		Every Rating Unit in the Golden Bay Ward		
		Takaka CBD Differential	Where the land is situated being rating units in the Takaka Firefighting Water Supply Commercial CBD Rating Area	Rate in the \$ of Capital Value	0.0963 cents

		Takaka Residential Differential	Where the land is situated being rating units in the Takaka Firefighting Water Supply Residential Rating Area	Fixed amount \$ per Rating Unit	\$ 52.13
		Takaka Balance of Golden Bay Ward Differential	Where the land is situated being rating units in the Takaka Firefighting Water Supply Rest of Golden Bay Rating Area	Fixed amount \$ per Rating Unit	\$ 15.33
2.4(c)	Water Supply: Takaka Firefighting- Operating		Where the land is situated being those in the Takaka Firefighting Water Supply Commercial CBD Rating Area and Takaka Firefighting Water Supply Residential Rating Area	Fixed amount \$ per Rating Unit	\$ 46.00
2.5	Water Supply- Dams				
2.5(a)	Water Supply- Dams: Wai-iti Valley Community Dam		Where land is situated and the provision of service and the activities controlled under the Tasman Resource Management Plan under the Resource Management Act 1991. This rate will apply to those rating units in the Wai-iti Dam Rating Area that are permit holders under the Resource Management Act 1991 because they are able to use the amount of augmented water as permitted by their resource consent and apply it to the land in accordance with the amount and rate specified in the resource consent	Extent of provision of service: charged at \$ per hectare as authorised by water permits granted under the Resource Management Act 1991	\$ 334.45

Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
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3	Wastewater Rate		Provision of a service. The provision of service is measured by the number of toilets and/or urinals ("pans") connected either directly or by private drain to a public wastewater system with a minimum of one pan being charged per connected rating unit		
		First toilet or urinal ("pan")		Uniform charge in the \$ for each toilet or urinal (pan)	\$ 699.08
		2-10 toilets or urinals ("pans")		Uniform charge in the \$ for each toilet or urinal (pan)	\$ 524.31
		11 or more toilets or urinals ("pans")		Uniform charge in the \$ for each toilet or urinal (pan)	\$ 349.54
4	Regional River Works Rate		Every rateable rating unit in the District.		
		River Rating Area X Differential	Where the land is situated being rateable rating units in the River Rating Area X	Rate in the \$ of Land Value	0.0941 cents
		River Rating Area Y Differential	Where the land is situated being rateable rating units in the River Rating Area Y	Rate in the \$ of Land Value	0.0941 cents
		River Rating Area Z Differential	Where the land is situated being rateable rating units in the River Rating Area Z	Rate in the \$ of Land Value	0.0202 cents

Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
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5	Motueka Business Rate		Where the land is situated being rateable rating units in the Motueka Business Rating Area A and B and the use to which the land is put. The land usage categories as set out in the Rating Valuations Rules 2008 for actual property use that will be charged for this rate include: Commercial, Industrial, Multi use commercial/ industrial, Residential- public communal/ multi use, Lifestyle- multi use, Transport, Utility services- communications, Community services- Medical and allied, and Recreational		
		Motueka Business Area A Differential	This will apply to properties with land use categories as listed above for rateable rating units in Motueka Business Rating Area A	Rate in the \$ of Capital Value	0.0442 cents
		Motueka Business Area B Differential	This will apply to properties with land use categories as listed above for rateable rating units in Motueka Business Rating Area B	Rate in the \$ of Capital Value	0.0276 cents
6	Richmond Business Rate		Where the land is situated being rateable rating units in the Richmond Business Rating Area and the use to which the land is put. The land usage categories as set out in the Rating Valuations Rules 2008 for actual property use that will be charged for this rate include: Commercial, Industrial, Multi use commercial/ industrial, Residential- public communal/ multi use, Lifestyle- multi use, Transport, Utility services- communications, Community services- Medical and allied, and Recreational	Rate in the \$ of Capital Value	0.0442 cents
7	Ruby Bay Stopbank Rate		Where the land is situated being rateable rating units in the Ruby Bay Stopbank Rating Area	Fixed amount \$ per Rating Unit	\$ 1,072.38

Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
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8	Mapua Stopbank Rate		Where the land is situated being rateable rating units in the Mapua Stopbank Rating Area	Fixed amount \$ per Rating Unit	\$ 62.79
9	Motueka Flood Control Rate		Where the land is situated being rateable rating units in the Motueka Flood Control Rating Area A and B		
		Motueka Flood Control Area A Differential	Where the land is situated being rateable rating units in the Motueka Flood Control Rating Area A	Rate in the \$ of Capital Value	0.0085 cents
		Motueka Flood Control Area B Differential	Where the land is situated being rateable rating units in the Motueka Flood Control Rating Area B	Rate in the \$ of Capital Value	0.0011 cents
10	Torrent Bay Replenishment Rate		Where the land is situated being rateable rating units in the Torrent Bay Rating Area A and B		
		Torrent Bay Area A Differential	Where the land is situated being rateable rating units in the Torrent Bay Rating Area A	Fixed amount \$ per Rating Unit	\$ 935.47
		Torrent Bay Area B Differential	Where the land is situated being rateable rating units in the Torrent Bay Rating Area B	Fixed amount \$ per Rating Unit	\$ 263.85
11	District Facilities Rate		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 49.67
12	Shared Facilities Rate		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 70.68
13	Facilities Operations Rate		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 53.66
14	Museums Facilities Rate		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 61.16
15	Refuse/ Recycling Rate		Where the land is situated being rating units in the Refuse- Recycling Rating Area	Fixed amount \$ per Rating Unit	\$ 118.16
16	Mapua Rehabilitation Rate		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 6.50

	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
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17	Golden Bay Community Board Rate		Where the land is situated being rateable rating units in the Golden Bay Community Board Rating Area, which is the Golden Bay Ward	Fixed amount \$ per Rating Unit	\$ 19.08
18	Motueka Community Board Rate		Where the land is situated being rateable rating units in the Motueka Community Board Rating Area, which is the Motueka Ward	Fixed amount \$ per Rating Unit	\$ 18.85
19	Warm Tasman Rate		Provision of service which occurs when homeowners apply and are approved into the scheme which results in the installation of a wood burner and/or insulation into their property	Extent of provision of service: calculated per \$ of the total cost of the installed works and the administration fee charged over a 9 year period including GST and interest	\$ 0.1585
20	Waimea Community Dam- Environmental and Community Benefits Districtwide Rate		Every rateable rating unit in the district	Fixed amount \$ per rating unit	\$14.33
21	Waimea Community Dam- Environmental and Community Benefits ZOB Rate		Where the land is situated being rateable rating units in the Waimea Community Dam Zone of Benefit Rating Area	Rate in the \$ of Capital Value	0.0020 cents

And;

3. sets the dates and amounts for payment of rates instalments in 2018/2019 as follows;

For rates other than volumetric metered water rates, rates are set as at 1 July and the Council invoices rates quarterly, with the instalment dates being 1 August, 1 November, 1 February, and 1 May. Each instalment is one quarter of the total annual rates payable for the year. Rates are due and payable to the Tasman District Council. The 2018/2019 rates instalments due dates are:

Instalment 1	20-August-18
Instalment 2	20-November-18
Instalment 3	20-February-19
Instalment 4	20-May-19

Volumetric metered water rates are invoiced separately from other rates. Invoices for the majority of users are issued six monthly and invoices for larger industrial users are issued monthly.

The 2018/2019 due dates are as follows:

Meters invoiced in June (may include but is not limited to meters in Richmond West, Murchison, Upper Takaka, Pohara, Collingwood & meters W00898, W00897, W00906, W45268)	20-July-18
Meters invoiced in July (may include but is not limited to meters in Hope, Brightwater, Wakefield, Tapawera, meters W00898, W00897, W00906, W45268)	20-August-18
Meters invoiced in August (may include but is not limited to meters in Mapua, Motueka, Kaiteriteri, Riwaka, meters W00898, W00897, W00906, W45268)	20-September-18
Meters invoiced in September (may include but is not limited to meters in Richmond North, meters W00898, W00897, W00906, W45268)	23-October-18
Meters invoiced in October (may include but is not limited to meters in Richmond East, meters W00898, W00897, W00906, W45268)	20-November-18
Meters invoiced in November (may include but is not limited to meters in Richmond South, meters W00898, W00897, W00906, W45268)	20-December-18
Meters invoiced in December (may include, but not limited to meters in Richmond West, Murchison, Upper Takaka, Pohara, Collingwood, meters W00898, W00897, W00906, W45268)	21-January-19
Meters invoiced in January (may include but is not limited to meters in Hope, Brightwater, Wakefield, Tapawera, meters W00898, W00897, W00906, W45268)	20-February-19
Meters invoiced in February (may include but is not limited to meters in Mapua, Motueka, Kaiteriteri, Riwaka, meters W00898, W00897, W00906, W45268)	20-March-19
Meters invoiced in March (may include but is not limited to meters in Richmond North, meters W00898, W00897, W00906, W45268)	23-April-19
Meters invoiced in April (may include but is not limited to meters in Richmond East, meters W00898, W00897, W00906, W45268)	20-May-19
Meters invoiced in May (may include but is not limited to meters in Richmond South, meters W00898, W00897, W00906, W45268)	20-June-19

Payments received will be applied to the oldest outstanding amounts first; and

4. authorises penalties to be added to rates that are not paid by the due date as follows;

For rates other than volumetric metered water rates, under Section 57 and 58 of the Local Government (Rating) Act 2002 Council prescribes a penalty of ten percent (10%) of the amount of rate instalments remaining unpaid by the due date to be added on the following dates:

Instalment 1	21-August-18
Instalment 2	21-November-18
Instalment 3	21-February-19
Instalment 4	21-May-19

For volumetric metered water rates, a penalty of 10 percent (10%) will be added to the amount of metered water rates remaining unpaid by the due date to be added on the following dates:

Meters invoiced in June	23-July-18
Meters invoiced in July	21-August-18
Meters invoiced in August	21-September-18
Meters invoiced in September	24-October-18
Meters invoiced in October	21-November-18
Meters invoiced in November	21-December-18
Meters invoiced in December	22-January-19
Meters invoiced in January	21-February-19
Meters invoiced in February	21-March-19
Meters invoiced in March	24-April-19
Meters invoiced in April	21-May-19
Meters invoiced in May	21-June-19

On 9 July 2018, a further penalty of five percent (5%) will be added to rates (including previously applied penalties) that remain unpaid from previous years on 5 July 2018. On 11 January 2019, a further penalty of five percent (5%) will be added to any portion of previous years rates (including previously applied penalties) still remaining unpaid on 9 January 2019.

The above penalties will not be charged on a rating unit where Council has agreed to a programme for payment of rate arrears or where a direct debit programme is in place and payments are being honoured.

3 Purpose of the Report

- 3.1 To set the rates for the 2018/2019 rating year.

4 Background and Discussion

- 4.1 The Council is required to pass a resolution on an annual basis to set the rates, due dates, and penalties for the forthcoming rating year.
- 4.2 This resolution must be passed after the Long Term Plan or Annual Plan is adopted (2018/2019 is the first year of the Long Term Plan) and the resolution must be consistent with the Council's Revenue and Financing Policy and the Funding Impact Statement contained in the Long Term Plan.

5 Options

- 5.1 The Local Government (Rating) Act 2002 (LGRA) requires the Council to resolve to set the rates and penalties each rating year.
- 5.2 Exercising the option to not pass this rate setting resolution would mean that assessments and invoices for rates could not be issued for the 2018/2019 rating year, unless or until the rates for the year were set.

6 Strategy and Risks

- 6.1 There are significant risks that would arise from not correctly following the legislated rate setting process or not setting the rates.
- 6.2 There would also be significant risks arising if the rates set were not consistent with the Funding Impact Statement in the Long Term Plan 2018-2028.

7 Policy / Legal Requirements / Plan

- 7.1 The LGRA sets out the procedures local authorities need to use to set and assess rates.
- 7.2 Section 23 of the LGRA states that rates must be set by resolution; must relate to a financial year; and must be set in accordance with the relevant provisions of the local authority's Long Term Plan and Funding Impact Statement for the financial year.
- 7.2.1 The resolution states that the rates apply to the financial year commencing on 1 July 2018 and ending on 30 June 2019.
- 7.2.2 The rates are consistent with the provisions in the Funding Impact Statement contained in the first year of Long Term Plan 2018-2028.
- 7.3 Section 23 of the LGRA also states that within 20 working days of making the resolution, a copy must be sent to the Secretary of Local Government.
- 7.3.1 This action item has been added to this report.

- 7.4 Section 24 of the LGRA states that the local authority must state the financial year to which the rate applies and the dates by which the specified amounts must be paid in the resolution for setting a rate.
- 7.4.1 The resolution states the financial year and the due dates for the rates.
- 7.5 Section 57 of the LGRA states that a local authority may, by resolution, authorise penalties to be added to rates that are not paid by the due date. The resolution must be made not later than the date when the local authority sets the rates and must state how the penalty is calculated and the date it is to be added to the unpaid rates. The penalty must not exceed 10% of the amount of the unpaid rates.
- 7.5.1 The resolution is being made on the same date the rates are set, states the percentage of the rates amounts owing that the penalty will be, and states the date it is to be added to the unpaid rates. The penalties to be set do not exceed 10% of the unpaid rates.
- 7.6 Section 58 of the LGRA states that different types of penalties may be applied including a penalty on rates assessed in the financial year for which the resolution is made that are unpaid after the date specified, and a further penalty on rates assessed in a prior financial year that are unpaid on the later of a) the first day of the financial year for which the resolution is made, or b) 5 working days after the date on which the resolution is made. A further penalty can be added on the rates from prior years if the rates are still unpaid six months after that penalty was added.
- 7.6.1 All permitted types of penalties are proposed to be set to encourage the timely payment of rates, and to reduce the risk that the general ratepayer is funding collection costs due to late payments by the remainder of the ratepayer base.
- 7.6.2 The penalty dates have been set taking into account these legislative requirements.
- 7.7 As is the practice, this Rates Resolution has been reviewed for compliance by a legal consultant.
- 7.8 The Funding Impact Statement contained in the Long Term Plan 2018-2028 includes rating maps that apply to the rates that are set based on location. The Funding Impact Statement also includes differential definitions that are relevant for ratepayers to understand how the rates will be applied. The maps and differential definitions are adopted as part of the Long Term Plan, rather than as part of the rate setting process.
- 7.9 Section 93 of The Local Government Act 2002 (the LGA) states that a local authority must have adopted a Long Term Plan before the commencement of the first year to which it relates. Section 95 of the LGA states that for the first year of a Long Term Plan, the Funding Impact Statement included must be regarded as the Annual Plan of the authority for the year, and that one of the purposes of the Annual Plan is to contain the proposed annual budget and Funding Impact Statement for the year to which the Annual Plan relates.
- 7.9.1 The Funding Impact Statement contained in the Long Term Plan 2018-2028 for year one is consistent with the funding mechanisms specified in the draft rates resolution.

8 Consideration of Financial or Budgetary Implications

- 8.1 The total value of rates (excluding rates penalties) planned to be collected for the 2018-2019 financial year is \$73.06 million, (GST exclusive).

- 8.2 The rates have been set to meet the Council's budget requirements in a manner consistent with the Funding Impact Statement contained in the Long Term Plan 2018-2028.

9 Significance and Engagement

- 9.1 Ratepayers will have a high degree of interest in the rates they will be charged which are influenced by this resolution. However the resolution is bringing into effect the rates that were included in Council's Long Term Plan 2018-2028, and consultation on the level of rates occurs as part of the Long Term Plan 2018-2028, rather than as part of the rates setting process.
- 9.2 The rates resolution is the mechanism by which the planned rates for year one of the Long Term Plan are set.
- 9.3 The rates resolution is consistent with the final Funding Impact Statement included in year one of the Long Term Plan 2018-2028.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low	All ratepayers have an interest in the level of rates they will be charged, however the level of rates and how they are set are considered as part of the Long Term plan process.
Is there a significant impact arising from duration of the effects from the decision?	Low	Rates are set annually
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	N/A	
Does the decision create a substantial change in the level of service provided by Council?	N/A	
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	This decision enables the rates that have been budgeted for year one of the LTP to be set and collected
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N/A	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	N/A	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	N/A	

10 Conclusion

10.1 Staff recommend that the Council resolve to set and assess the rates, as required by the LGRA and as set out in this report.

11 Next Steps / Timeline

11.1 Rates staff will verify the rates are correctly entered into the Council's rates module so they can be used for the 2018/2019 rate setting process.

- 11.2 Rates staff will forward a copy of the rates setting resolution to the Secretary of Local Government within 20 working days.
- 11.3 Rates assessments will be issued with the first instalment by early August 2018.

12 Attachments

Nil

8.4 WAIMEA COMMUNITY DAM TERM SHEET DISCLOSURE TO COUNCILLORS**Information Only - No Decision Required**

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Mike Drummond, Corporate Services Manager
Report Number:	RCN18-06-04

1 Summary

- 1.1 At the Council meeting on 24 May 2018, Councillors requested access to the Waimea Community Dam funding and governance proposal term sheets. The Chief Executive gave an undertaking to provide the documents in a confidential report to this meeting, subject to legal advice on disclosure.
- 1.2 Discussion has since occurred with our Joint Venture (JV) partners and with Council's legal advisors. The other partners need to be assured that they can rely on the integrity of Council's process to prevent deliberate or accidental disclosure.
- 1.3 We have now determined an appropriate release approach that protects Council, Councillor's and the other parties to this arrangement. Those arrangements are set out in this report, and give Councillors the option to access the documents in a secure and controlled environment.
- 1.4 The deliberate or accidental disclosure of the term sheets, or matters covered in the term sheets, without the express approval of Council's Joint Venture partners could give rise to a claim against Council and or an individual Councillor for damages for breach of confidentiality. Unauthorised disclosures would also cause considerable damage to Council's reputation.
- 1.5 Councillors were provided with a summary of each term sheet and the conditions within these, in the confidential "Waimea Community Dam – Joint Venture Funding Proposal" report to the Full Council meeting dated 7 September 2017. While the report remains confidential, it is a good reference for Councillors wanting to refresh themselves on the terms of the proposal.
- 1.6 The conclusion reached is that the term sheets can be released to Councillors for inspection, provided that no copy (including digital copies or images) are made of the term sheets and each of those Councillors who wish to access the term sheets sign an individual non-disclosure agreement. These conditions address the concerns raised by our JV partners.

2 Draft Resolution

That the Full Council

- 1. receives the Waimea Community Dam Term Sheet Disclosure to Councillors RCN18-06-04report RCN18-06-04; and**
- 2. notes the process for Councillor access to the Waimea Community Dam Term Sheets including the need for individual Councillors to sign a non-disclosure agreement prior to inspection of the term sheets as set out in section 4.8 of this report.**

3 Purpose of the Report

- 3.1 This report provides a response to the request at the Full Council meeting on 24 May 2018, for the Waimea Community Dam Project term sheets to be released to Councillors.

4 Background and Discussion

- 4.1 In 2017, Council, Waimea Irrigators Ltd (WIL) and Crown Irrigation Investments Ltd (CIIL) entered into negotiations over the proposal to fund and operate the Waimea Community Dam. The negotiations ended in a proposed investment and funding structure for the project, with the proposal being subject to a number of pre-conditions including:
- 4.1.1 A successful WIL capital raising
 - 4.1.2 Consultation on the Funding and Governance arrangements
 - 4.1.3 The construction price being determined
 - 4.1.4 Council credit support for the CIIL lending to the project
- 4.2 The key agreed terms for funding and governance were set out in a series of “term sheets” that document the agreed approach and the basis for the actual project documents currently being drafted and negotiated. Agreement on the final documents needs to be obtained from all parties prior to financial close. In that regard, the term sheets will cease to have any effect once the final documents are brought to Council for consideration and approval.
- 4.3 Councillors were provided with a summary of the term sheets in a confidential report to the Full Council meeting dated 7 September 2017. The paper was titled “Waimea Community Dam – Joint Venture Funding Proposal” with pages 17 – 20 being the relevant pages in the report. Council then approved the proposals becoming the basis for the inclusion of the dam in the draft Long Term Plan 2018-28 (including the terms in the term sheets).
- 4.4 The term sheets have always been considered highly sensitive from a commercial perspective and are subject to strict confidentiality agreements. Their disclosure deliberately or accidentally would have commercial impacts well outside of the Waimea Community dam project itself, as CIIL are involved in a number of other initiatives.
- 4.5 Some conditions in the term sheets have been released when required by law as part of other processes, notably the issue of the Product Disclosure Statement for the WIL capital raising. As noted above, Councillors have also previously been made aware of the key conditions in the term sheets.
- 4.6 At the Full Council meeting on 24 May 2018 it was noted that:
- 4.6.1 The Corporate Services Manager responded to a request for copies of the term sheets documenting the agreement between the joint venture partners. With the support of the Chief Executive, he confirmed that any release of the term sheets would be through an associated in committee staff report, subject to legal advice on their release, and there being no breach of the confidentiality agreements.
 - 4.6.2 The meeting heard that the term sheets will be the basis for legal agreements that have yet to be finalised. The first draft is currently being reviewed and will be sent to the respective parties’ legal advisors for consideration. The majority of Councillors

indicated that they wished to see the term sheets ahead of the agreement being finalised.

4.6.3 It was also noted that not all Councillors wished to examine the full term sheets, and they were of the view that Councillors can place considerable reliance on the Council management team's assurances.

4.7 The Waimea Dam JV Partners have been advised of the Councillor request to access the full term sheets. Their position can be summarised as follows:

4.7.1 The term sheets are confidential to the parties, although disclosed to the small project/negotiating group directly involved in the negotiations. The parties have responsibility to ensure that the confidentiality is preserved at all times. This includes the use of individual non-disclosure agreements where appropriate.

4.7.2 If Council were to distribute copies wider than the small group with detailed direct involvement in their production, then WIL/CIIL would expect the Council to use accepted processes to ensure the undertakings given to the other counter parties can be relied on. This would normally take a process of numbered (or named) copies for each recipient, with undertakings on no copy or disclosure and return of the numbered copy intact.

4.7.3 It was assumed by WIL that CIIL would also expect to redact the specific sensitive pieces that could jeopardise their normal operating business and negotiations over other schemes. CIIL have now advised, subject to the process for inspection being agreed, there will be no specific redaction required.

4.7.4 The other parties need to be assured that they can rely on the integrity of the Council process to prevent deliberate or accidental disclosure.

4.8 Russell McVeagh have provided legal advice over the release of the term sheets to Councillors including how we can meet the realistic expectations of the JV partners and manage the risks to both Council and Councillors. This advice and discussions with the other parties have led to the release regime outlined below. The intention is to balance the requirement to disclose to Councillors, the need to preserve confidentiality and the need to manage risk.

- The term sheets will be made available for Councillors to inspect at our main Richmond office during normal business hours.
- Prior to access, a Councillor will need to sign an individual non-disclosure agreement (NDA). The agreement covers Council, WIL and CIIL, who will each be a beneficiary to the confidentiality undertakings.
- Councillors are personally liable for any breach by them of their non-disclosure agreement.
- The documents will have individual security features incorporated into them, meaning that Councillors will need to give (relatively brief) prior notice to allow their document set to be prepared.
- Councillors will not be permitted to copy the documents or take them away from the building.

4.9 Providing individual access at the Councillor's request allows those Councillors who are comfortable with the officer assurances, and/or are prepared to wait for the final proposals to

come to Council, the option of waiting. This approach would also assist Councillors avoid undue pressure to disclose confidential matters.

5 Strategy and Risks

- 5.1 In determining the approach to releasing the term sheets, there has been a need to balance the disclosure and the very sensitive nature of the conditions set out in the term sheets.
- 5.2 Whether a disclosure is conscious or accidental, the negative impact on Council's reputation and the trust and confidence that our JV partners can have in Councillors and staff, would be significant. Trust and confidence is at the heart of any business relationship.
- 5.3 In order to manage the risks to Council, Councillors and officers, we have implemented a tighter than usual disclosure regime. This regime protects both Council and our partners in equal measure, and includes ensuring that pressure on Councillors and staff to disclose is appropriately managed and safeguards are in place.
- 5.4 An unauthorised disclosure would open Council and an individual Councillor (if they were responsible) to a contractual claim for damages.

6 Policy / Legal Requirements / Plan

- 6.1 The disclosure approach being proposed is not inconsistent the legislative requirements. There are no considerations required in terms of the LTP, bylaws or other Council policies.
- 6.2 Liability for breach of the NDA - Councillors are indemnified by the local authority for costs and damages from civil liability where they are "acting in good faith and in pursuance (or intended pursuance) of the responsibilities or powers of the local authority" (LGA, s 43(1).) However, a blatant breach of confidentiality (e.g. posting confidential and commercially sensitive information on social media or failing to take reasonable steps to keep the commercially sensitive and confidential material confidential) is unlikely to meet that good faith test. In that case Councillors become personally liable.
- 6.3 The Councillor Code of Conduct also sets an expectation in general that confidential information received by Councillors in the pursuance of exercising their powers as Councillors should be kept confidential.
- 6.4 Councillors who have signed the NDA may have open and transparent conversations between themselves on the detail of the term sheets but may not discuss the provisions of the term sheets with councillors who have not signed a NDA.

7 Consideration of Financial or Budgetary Implications

- 7.1 The costs of professional advice around the considerations for disclosure and the drafting of the non-disclosure agreement are being met from existing Corporate Services budgets.
- 7.2 An unauthorised disclosure (deliberate or accidental) of the provisions in the term sheets would open Council to a contractual claim for damages. Such a claim could be substantial, however it is not possible to quantify any potential claim at this time.

8 Significance and Engagement

- 8.1 The decision to disclose the term sheets to Councillors is considered to be of low significance. No formal engagement is necessary over the decision to disclose or the manner of that disclosure.

9 Conclusion

- 9.1 The expectation of Councillors for disclosure of the full terms as set out in the Waimea Community Dam term sheets, and meeting the confidentiality requirements of our JV partners, can be met by a rigorous process. This process also minimises the financial and reputational risk to Council of accidental or deliberate disclosure.

10 Next Steps / Timeline

- 10.1 Post this Council meeting, those Councillors wanting to inspect the term sheets will need to advise the Executive Assistant to the Chief Executive (Hannah Simpson). She will then prepare a NDA for signing by each Councillor requiring such access; an individual set of documents for that Councillor; arrange a time with them for signing the NDA; and after that, inspection of the term sheets at this office.

11 Attachments

- | | |
|------------------------------|----|
| 1. Confidentiality Agreement | 51 |
|------------------------------|----|

CONFIDENTIALITY AGREEMENT

AGREEMENT between Tasman District Council, Waimea Irrigators Limited and Crown Irrigation Investments Limited ("**Disclosing Parties**") and the councillor of the Tasman District Council named below ("**Councillor**").

INTRODUCTION

- A. The Disclosing Parties have entered into a process letter and term sheets (together "**Term Sheets**") in connection with the proposed financing and construction of the Waimea Community Dam ("**Dam Project**"), the existence and contents of which are confidential.
- B. The Councillor has requested access to the Confidential Information to enable the Councillor to undertake his or her responsibility to consider, evaluate and make decisions in relation to the Dam Project, in his or her capacity as a councillor of the Tasman District Council ("**Specified Purpose**").
- C. Unauthorised disclosure of the Confidential Information will be detrimental to the interests of the Disclosing Parties, and the Councillor has accordingly agreed to enter into this agreement in consideration of the Disclosing Parties' agreement to disclose the Term Sheets to the Councillor on the terms of this agreement.

COVENANTS

- 1. **Definitions:** In this agreement, unless the context otherwise requires:

"**Authorised Personnel**" means the other councillors of the Tasman District Council, members of senior management at the Tasman District Council, and/or advisers to the Tasman District Council.

"**Confidential Information**" means:

- (a) the contents of any or all of the Term Sheets;
- (b) all notes, records, or copies of or in respect of information referred in paragraph (a), created by, or in the possession of, the Councillor;
- (c) all information regarding the existence and status of any negotiations between any of the Disclosing Parties in respect of the Term Sheets;
- (d) the contents of this agreement; and
- (e) any other information of a confidential or sensitive nature disclosed directly or indirectly by any of the Disclosing Parties to the Councillor in relation to the Dam Project which may not otherwise fall within paragraphs (a) to (d) above.

"**Representative**" means each director, employer, adviser or agent of each of the Disclosing Parties.

- 2. **Consideration:** In consideration for the Disclosing Parties disclosing Confidential Information to the Councillor, the Councillor agrees to be bound by the provisions of this agreement.
- 3. **Non-disclosure obligation:** The Councillor will keep all Confidential Information strictly confidential and will not, except as permitted by clauses 4 or 5:
 - (a) disclose Confidential Information, or permit it to be disclosed, or do or omit to do anything which might lead to Confidential Information being disclosed, to any person other than any Authorised Person;

- (b) to the extent that the Councillor discloses any Confidential Information to an Authorised Person, advise that Authorised Person that the information being disclosed is subject to confidentiality restrictions and may not be disclosed to any person other than an Authorised Person;
 - (c) reproduce or copy any Confidential Information; or
 - (d) use or refer to the Confidential Information for any purpose other than the Specified Purpose.
4. **Exceptions:** Clause 3 does not apply to Confidential Information which:
- (a) already is, or becomes, public knowledge other than as a result of breach of this agreement by the Councillor or any other councillors of the Tasman District Council; or
 - (b) is lawfully received by the Councillor from a third party not owing any obligation to any of the Disclosing Parties.
5. **Disclosure required by law:** The Councillor may disclose the Confidential Information where required to do so by law, provided the Councillor must, before disclosing any Confidential Information on this basis:
- (a) give the Disclosing Parties the maximum notice reasonably practicable in the circumstances, specifying the legal requirement under which the Councillor is required to disclose the Confidential Information; and
 - (b) comply with all reasonable directions by the Disclosing Parties to contest or resist the requirement to disclose Confidential Information.
6. **Ownership:** The Confidential Information is, and will at all times remain, the property of Disclosing Parties and any copies must be returned to the Disclosing Parties, or destroyed, immediately upon request by the Disclosing Parties.
7. **Notice of breach:** The Councillor will notify the Disclosing Parties as soon as reasonably practicable after becoming aware of a breach or threatened breach of this agreement.
8. **Remedies:** Any unauthorised disclosure or use of Confidential Information will cause irreparable harm to Disclosing Parties, for which monetary damages may not be sufficient compensation, and the Disclosing Parties will be entitled to seek equitable relief for a breach of this agreement (including an injunction) in addition to damages.
9. **No warranty:** The Disclosing Parties make no representation or warranty as to any contents of the Term Sheets.
10. **Entire understanding:** This agreement constitutes the entire understanding between the parties with respect to its subject matter and may be amended only in writing signed by all parties.

Full name of Councillor: _____ (*print name*)

Signed by the Councillor: _____ (*signature*)

Date: _____ 2018

8.5 WAIMEA COMMUNITY DAM - HYDROELECTRIC POWER GENERATION**Decision Required**

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Richard Kirby, Engineering Services Manager
Report Number:	RCN18-06-05

1 Summary

- 1.1 In late 2017, the Council requested that an updated business case for the hydroelectric power option on the Waimea Dam be prepared. Price Waterhouse Cooper (PWC) and Tonkin and Taylor were engaged in January 2018 to complete this.
- 1.2 PWC submitted its final report in April 2018. The following section outlines the outcomes of the PWC report.
- 1.3 The key finding of the PWC indicative business case is that the hydro returns compare reasonably to industry benchmarks. However a number of cost and commercial items have been identified for further investigation.
- 1.4 The estimated costs of constructing hydro generation plant are in the order of \$5.68-\$6.54 million.
- 1.5 The current forecast mid and high potential financial returns for the hydro generation are above New Zealand's industry benchmark. It has an Internal Rate of Return of 5.7% to 11.0% and a midpoint of 8.3%. Using a typical generator industry discount rate of 7.6% the indicative Net Present Value (NPV) for the project is in the range of (-\$1.50m) and \$2.44m with a mid-case estimate of \$0.57m.
- 1.6 The current dam design includes future-proofing for hydro to be added at a later date. Therefore any decision around the hydro option does not need to be made as part of the current construction programme for the Waimea Dam. However there would be efficiency gains if it was undertaken as part of the dam construction.
- 1.7 The business case assumes that a 22kV power line is installed as part of the construction of the dam. The dam only needs an 11kV power line, however for an additional \$70-\$80,000 a 22kV power line can be installed. Replacing the 11kV power line to a 22kV power line at a later date would cost \$700-\$800,000. It is proposed that Council invest \$70-80,000 to upgrade to a 22kV power line as part of the dam project.

2 Draft Resolution

- 1. That the Full Council receives the Waimea Community Dam - Hydroelectric Power Generation report RCN18-06-05; and**
- 2. instructs staff to negotiate a separate agreement with the Joint Venture Partners for the provision of hydro generation in association with the proposed Waimea Community Dam; and**
- 3. notes that the Council does not expect there to be any compensation or facilitation payments to the Joint Venture Partners or any adjustment to the previously agreed allocation of operating costs as a result of any agreement on the provision of hydro generation in association with the proposed Waimea Community Dam; and**
- 4. notes that progressing with detailed design and marketing scenario assessments for the hydro generation option will be delayed until the dam project is approaching financial close; and**
- 5. approves Council funding of up to \$80,000 to ensure that a 22kV power line is installed as part of the dam construction.**

3 Purpose of the Report

- 3.1 The purpose of this report is to outline the proposal to add a hydroelectric power station to the Waimea Community Dam.

4 Background and Discussion

- 4.1 The option of including a hydroelectric (hydro) power station to the Waimea Community Dam was originally considered by the Waimea Water Augmentation Committee (WWAC) in 2011.
- 4.2 WWAC undertook preliminary investigation into the feasibility of this option. In February 2010 WWAC engaged Tonkin and Taylor (T&T) to complete a feasibility design for the hydro power option.
- 4.3 In its report of 7 August 2012, T&T concluded that the hydro power option was likely to be economically viable for a cost estimate of \$5.0 million. The report confirmed that a twin unit Francis arrangement of two different sized turbines was able to cover the range of flows and up to a maximum 1.2 megawatt output. It concluded that up to 5.8GWh p.a. could be generated. This was based in the indicative flows required to be discharged from the dam for the purposes of maintaining minimum flows in the Waimea River.
- 4.4 The Net Present Benefit of between \$6.0 million and \$7.2 million was calculated and consequently the cost/benefit ratio was estimated as being between 1.20 and 1.40.
- 4.5 The August 2012 T&T report recommended that WWAC progress with the detailed design and to confirm the estimated costs prior to committing to the hydro option.
- 4.6 No further work has been undertaken on the hydro option since 2012.
- 4.7 In late 2017, the Council requested that an updated business case for the hydro option be prepared. PWC and T&T were engaged in January 2018 to review and assimilate the necessary information to complete the business case. T&T updated the cost estimates for the civil works and PWC completed the business case analysis.
- 4.8 PWC submitted its final report in April 2018.

5 Waimea Hydro Generation - Indicative Business Case

- 5.1 The key finding of the PWC indicative business case is that the hydro returns compare reasonably to industry benchmarks. However a number of cost and commercial items have been identified for further investigation. It is recommended that these be progressed to provide more certainty on the viability of the hydro generation option.
- 5.2 The current dam design includes future-proofing to allow hydro to be added at a later date. Therefore any decision around the hydro option is not required to be included as part of the construction of the dam. However there would be efficiency gains if it was undertaken as part of the construction of the dam. Any decision to include it as part of the current construction programme would need to be on the condition that there was no delay to the commissioning of the dam so that it could meet its objective of maintaining flows in the Waimea River as soon as practicable.

- 5.3 The indicative business case assumes that the power line to the dam site is constructed as a 22kV power line. The assessment of power supply options undertaken during the early contract involvement (ECI) process has confirmed that the most cost-effective option to supply power to the dam during and post construction is an 11kV power line. This option has been priced within the ECI process for the dam itself.
- 5.4 The cost of increasing the 11kV to 22kV prior to construction is around \$70-\$80,000. The costs of retrofitting 22kV power lines to replace the 11kV power lines is around \$700-\$800,000. It is therefore considered prudent to future-proof the hydro option by installing 22kV power lines as part of the dam construction.
- 5.5 The estimated costs of constructing hydro are outlined as follows. The civil, electrical and mechanical estimates include a 30% contingency as they are based on preliminary designs.
- | | |
|--|-------------------------------------|
| • Civil Costs | \$1.5-\$2.1m |
| • Electrical & Mechanical (powerhouse) | \$1.6-\$1.8m |
| • Incremental 22kV power line | \$70-\$80,000 |
| • Transmission Upgrades | \$2.36-\$2.4m |
| • Additional Penstock | <u>\$150-\$160,000</u> |
| Total Estimate | \$5.68–\$6.54m excluding GST |
- 5.6 The \$5.68-\$6.54m estimate is based on constructing the hydro power station as part of the current construction contract. The estimate would likely increase by \$200-\$500,000 if hydro generation was added at a later date.
- 5.7 The indicative business case has estimated annual revenue ranging between \$485,000 and \$624,000 per annum in 2023. The midpoint annual revenue is \$556,000 p.a. This is based on generation of around 6,100 GWH.
- 5.8 The current forecast mid and high potential financial returns for hydro are above New Zealand's industry benchmark, with an Internal Rate of Return of 5.7% to 11.0% and a midpoint of 8.3%. Using a typical generator industry discount rate of 7.6% the indicative Net Present Value (NPV) for the project is in the range of -\$1.50m and \$2.44m with a mid-case estimate of \$0.57m.
- 5.9 For the civil, electrical and mechanical costs, further design work is required to provide more certainty. The construction estimate also includes around \$2.4m for upgrading the electrical connections and line network. Although these estimates have been given as indicative, there is an opportunity to undertake further interrogation to ascertain if they can be reduced either in scope or price.
- 5.10 Although the indicative business case has assessed potential revenue it does recommend obtaining more certainty by undertaking a market assessment with potential operators to refine the operating model options. This could include the option of offsetting Council's current power use. In 2017 the Council used approximately 6,300 GWH of electricity (excluding joint venture operations such as the Bell Island wastewater treatment plant). This cost the Council around \$1.09m.
- 5.11 It would be prudent to have a single operator for the dam and for the hydro. This may limit the single operator options, however in order to protect the primary function of the dam it is important that any potential conflict between the demands of retaining storage to maintain river flow and the potential desire to maximise hydro generation, are managed. This aspect of the proposal will need to be agreed by the joint venture partners.

- 5.12 The indicative business case suggests that the size and scale of the proposed hydro will be too small to justify a specific sales and management team. The Council's likely option could be to outsource operations to a third party which could manage the hydro generation, schedule and oversee maintenance, sell electricity to the market and optimise sales revenue as part of a larger generation portfolio. This and other options would need to be assessed further.
- 5.13 The indicative business case includes key assumptions and forecasts. These are:
- Hydrology (water flow) which affects generation volumes. These have been assessed utilising the flow data over several years to determine likely flow scenarios;
 - Electricity prices which are affected by legislation, competition, weather events and technology;
 - Construction costs;
 - That the hydro-construction would occur as part of the construction contract for the dam;
 - The size and scale of the proposed hydro is allowed under the current consent for the dam;
 - Electricity easements and lines are permitted activities under the powers available to Network Tasman (as grid operator). However Network Tasman may need to obtain easements where infrastructure crosses private land.
 - The cost of an 11kV power line is included as part of the construction of the dam, with an additional \$70-\$80,000 to ensure a 22kV power line is installed.
- 5.14 The inclusion of the dam will require a separate agreement with Council's Joint Venture Partners. The Council does not expect there to be any compensation or facilitation payments to the Joint Venture Partners or any adjustment to the previously agreed allocation of operating costs as a result of any agreement on the provision of hydro generation in association with the proposed Waimea Community Dam.

6 Options

- 6.1 **Option 1** – To progress the hydro generation option. This could be incorporated in the construction of the dam or added to the dam at some future date. Progressing with the hydro generation option would require the commissioning of detailed design work with the objective of better understanding the programme timing and construction costs. It would also require assessing the market and sounding out potential operators to determine interest in operating hydro generation and marketing the sale of power. Assessing the market could also consider incorporating the operation of the dam so that there was one operator for both the dam and the hydro generation. This information would be used to update the business case to provide more certainty before implementing hydro generation. This is the preferred option.
- 6.2 **Option 2** – to not progress with the hydro option. This includes not future-proofing the dam for the addition of hydro generation. This is not preferred at this stage.

Option 1: Preferred – To progress with Hydro Generation	
Advantages	<ul style="list-style-type: none"> • Utilises energy installed in water as it is released to maintain river flows. • Could operate without compromising the primary objectives of the dam. • Provides revenue from sale of electricity. • Future proofing the dam to install hydro at any time in the future.
Risks and Disadvantages	<ul style="list-style-type: none"> • Requires an additional investment of around \$5.68 – \$6.54 million. • Negotiating the addition of hydro generation into the agreements with joint venture partners. • Deferring the addition of hydro generation to a future date could cost \$200-\$500,000 in additional costs.
Option 2: Not to progress with Hydro Generation	
Advantages	<ul style="list-style-type: none"> • No additional investment required. • No need to negotiate the hydro option into the agreement with joint venture partners. • The primary objective of the dam would not be compromised.
Risks and Disadvantages	<ul style="list-style-type: none"> • The opportunity of utilising energy stored in the water storage behind the dam is lost. • The loss of a business opportunity and a source of revenue and/or electrical energy for Council.

7 Strategy and Risks

- 7.1 The construction costs and the revenue from power generation may prove that the hydro option is too risky and therefore not viable. Although this is a risk, it is more likely that the business case will become more favourable after the further detailed design and market assessment work has been completed.
- 7.2 The addition of hydro generation will require explicit approval from Council's Joint Venture Partners. However it is staff's view that provided certain guarantees are given that the hydro generation will not compromise the primary objective of the dam, then the inclusion of hydro should not require any adjustment to the previously agreed allocation of operating costs.
- 7.3 The timing of the construction of the hydro option would need to be considered carefully. Ideally it would be more cost-effective to include it in the construction contract currently being developed through the ECI process. However this could compromise the timing and commissioning of the project. It would be preferable to incorporate it in such a way that it was not on the critical path of the project. Installing the hydro post commissioning and under a separate contract could add an additional \$200-\$500,000 to the cost.

8 Policy / Legal Requirements / Plan

- 8.1 The Council has included the Waimea Community Dam in several Long Term Plans and has currently included it in its 2018-28 Long Term Plan. The hydro generation option has been referred to in the LTP but no funding has been allocated to it.
- 8.2 The dam has a resource consent with conditions and these are being incorporated into the ECI process and it is intended that they be complied with during the construction, commissioning and operating phases of the dam. The inclusion of hydro generation can be accommodated within the resource consent.

9 Consideration of Financial or Budgetary Implications

- 9.1 Although the Council has indicated a desire to include the hydro generation option, it has not included specific funding in its Long Term Plan.
- 9.2 The funding required and who is making the investment is still to be determined. The Council would be in a position to make a decision on this once the detailed design and marketing options are completed. Although the Council could choose to invest in the hydro generation and receive the revenue, there may be other entities willing to invest instead. There are several investment and revenue models that could be pursued.

10 Significance and Engagement

- 10.1 The consideration and inclusion of hydro generation is considered to be of medium significance and probably does not need further public engagement.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Medium	The dam itself has a high level of public interest. The addition of hydro in itself is probably of low interest but the fact that it is connected to the dam project potentially adds more public interest. The decision is not likely to be controversial as it will be a pure business decision that involves a return on investment.
Is there a significant impact arising from duration of the effects from the decision?	No	Once the decision is made to install and commission hydro then its effects are minimal.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	Yes	The Council has decided that should the dam progress it will be listed as a significant asset. Incorporating the hydro may classify it as significant as well.
Does the decision create a substantial change in the level of service provided by Council?	No	The levels of service will not change with this decision.
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Maybe	Should the Council decide to fund the hydro directly it would impact on debt but not likely to impact rates or any other Council finances.
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	Maybe	One of the options the Council could consider entering into a partnership with the private sector to invest, operate and manage the hydro generation. This will be a decision made at a later date.
Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	If anything it could involve the Council entering into a new activity – owning and operating a hydro generation plant.

11 Conclusion

- 11.1 The Council has indicated a desire to add hydro generation to the Waimea Community Dam.
- 11.2 The indicative business case confirms that the financial returns for the hydro option compare reasonably to industry benchmarks. However a number of cost and commercial items have been identified for further investigation.

- 11.3 Investing an additional \$70-\$80,000 to install a 22Kv power line instead of an 11Kv power line as part of the construction of the dam would future-proof the option of adding hydro generation at a future date. Not investing would require an investment of \$700-\$800,000 upgrading the 11Kv power line to a 22Kv power line.
- 11.4 The Council needs to negotiate with Waimea Irrigators Limited and Crown Irrigation Investments Ltd to have the hydro option included in the agreements on the basis of no compensation in return.
- 11.5 The indicative business case recommends commissioning detailed design work with the objective of better understanding the programme timing and construction costs of adding hydro to the dam. This would provide more certainty to the business case.
- 11.6 The need to undertake a market sounding with potential operators of the hydro to determine interest in operating hydro generation and marketing the sale of power. This would also need to include the operation of the dam itself. The preference is for one operator of the dam and the hydro if possible.
- 11.7 It is necessary that Council updates the financial returns and preferred commercial option in a detailed business case for further consideration before it commits to implementing the hydro generation option.

12 Next Steps / Timeline

- 12.1 The Council negotiates a separate agreement with the Joint Venture Partners for the provision of hydro generation in association with the proposed Waimea Community Dam.
- 12.2 The Council approves the investment of \$70-\$80,000 to install a 22Kv power line instead of an 11Kv power line as part of the construction of the dam.
- 12.3 After finalising the separate agreement with the Joint venture Partners and approving the investment in a 22kV power line, it is proposed that further detailed assessments on the hydro option be delayed until the project is approaching financial close. The next steps to progress the hydro generation option would be;
- Commissioning detailed design work with the objective of better understanding the programme timing and construction costs of adding hydro to the construction contract for the dam;
 - Undertaking a market assessment and sounding with potential operators to determine interest in operating hydro generation and marketing the sale of power. This would also need to consider incorporating the operation of the dam itself.
 - Updating the financial returns and preferred commercial option in a detailed business case prior to committing to hydro generation.
 - Report back to the Council for approval or otherwise to proceed with hydro generation.

13 Attachments

Nil

8.6 AMENDED MEMORANDUM OF UNDERSTANDING OF THE NELSON REGIONAL SEWERAGE BUSINESS UNIT AND AMENDED TERMS OF REFERENCE OF THE NELSON-TASMAN REGIONAL LANDFILL BUSINESS UNIT

Decision Required

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Richard Kirby, Engineering Services Manager
Report Number:	RCN18-06-06

1 Summary

- 1.1 At its meeting on 27 March 2018, the Joint Committee meeting of Tasman District Council and Nelson City Council, discussed the importance of voting rights and fair remuneration for any iwi representatives appointed to the two business units; Nelson Regional Sewerage Business Unit (NRSBU) and the Nelson-Tasman Regional Landfill Business Unit (NTRLBU).
- 1.2 The Memorandum of Understanding (MOU) for the NRSBU and the Terms of Reference (TOR) for the NTRLBU already provide for the inclusion of an iwi representative on these Committees and that the representative shall be remunerated in accordance with the Nelson City Council's protocol on meeting fees.
- 1.3 The report proposes that the MOU and the TOR be amended so that iwi representatives will have voting rights and the remuneration for iwi representatives will be set in accordance with the joint council policy for the remuneration of independent persons appointed to joint committees and business units.
- 1.4 The report also proposes amending the clause related to a quorum. The quorum for a meeting shall be half of the members if the number of members (including vacancies) is an even number, or a majority if the number of members (including vacancies) is an uneven number.
- 1.5 The above-mentioned policy is still being developed and therefore it is proposed that in the interim, the remuneration for iwi representatives be set at \$8000 per annum for the first term of appointment.
- 1.6 This report also proposes that processes in the MOU and the TOR be aligned for the appointment of iwi representatives and the term of appointment.

2 Draft Resolution**That the Full Council**

- 1. receives the Amended Memorandum of Understanding of the Nelson Regional Sewerage Business Unit and amended Terms of Reference of the Nelson-Tasman Regional Landfill Business Unit report RCN18-06-06; and**
- 2. approves in principle, subject to support from iwi and equivalent approval by Nelson City Council, the amended Memorandum of Understanding (MOU) for the Nelson Regional Sewerage Business Unit (NRSBU) and the amended Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) to provide voting rights for the iwi representatives; and**
- 3. approves in principle, subject to support from iwi and equivalent approval by Nelson City Council, the amended Memorandum of Understanding (MOU) for the Nelson Regional Sewerage Business Unit (NRSBU) and the amended Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) to provide that iwi representatives be remunerated in accordance with the joint policy for the remuneration of independent persons appointed to joint committees and business units; and**
- 4. approves in principle, subject to support from iwi and equivalent approval by Nelson City Council, that the remuneration for iwi representatives be set at \$8000 per annum for the first term of appointment; and**
- 5. approves in principle, subject to support from iwi and equivalent approval by Nelson City Council, that the Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) be amended to state that a quorum for a meeting shall be half of the members if the number of members (including vacancies) is an even number, or a majority if the number of members (including vacancies) is an uneven number; and**
- 6. approves in principle, subject to support from iwi and equivalent approval by Nelson City Council, the amended Memorandum of Understanding (MOU) for the Nelson Regional Sewerage Business Unit (NRSBU) and the amended Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) as set out in attachments A1983271 and A1983272; and**
- 7. notes that iwi will be consulted on the proposed remuneration and the amended Memorandum of Understanding (MOU) for the Nelson Regional Sewerage Business Unit (NRSBU) and the amended Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) as set out in attachments A1983271 and A1983272; and**
- 8. notes that once it is completed, the draft joint policy for the remuneration of independent persons appointed to joint committees and business units, will be brought to Council for adoption.**

3 Purpose of the Report

- 3.1 To approve the amended Memorandum of Understanding (MOU) for the Nelson Regional Sewerage Business Unit (NRSBU) (**Attachment 1**) and the amended Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) (**Attachment 2**) to provide for the following:
- voting rights for iwi representatives appointed to these business units; and
 - remuneration of the appointee to be in accordance with the joint council policy for the remuneration of independent persons to committees and business units.
- 3.2 To approve remuneration for iwi representatives to be set at \$8000 per annum for the first three year term of appointment.

4 Background and Discussion

Nelson Tasman Regional Landfill Business Unit

- 4.1 The NTRLBU and its governance structure, a Joint Committee of Nelson City Council and Tasman District Council was established in April 2017.
- 4.2 In relation to iwi representation, the TOR states:
- *The NTRLBU will include one iwi advisor, nominated by, local iwi with mana whenua at either landfill site, and appointed by both Councils. This iwi advisor shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. For clarity, the advisor shall not hold voting rights in the NTRLBU. Remuneration will be in accordance with the administering Council's protocol on meeting fees. (p.3, par. 7)*

Nelson Regional Sewerage Business Unit

- 4.3 In July 2000, the NRSBU and its governance structure, a Joint Committee of NCC and TDC was established.
- 4.4 In relation to iwi representation, the MOU provides as follows:
- *One non-voting member representing, and appointed by, local iwi and remunerated in accordance with the Nelson City Council protocol on meeting fees. (p.2, par 4.2, v)*
- 4.5 The MOU may be amended through a resolution adopted by both councils and the TOR may be varied by joint agreement of the councils.

Discussion

Voting rights

- 4.6 An iwi representative position is currently vacant on both the NRSBU and NTRLBU. The NRSBU did have an iwi representative up until September 2016, however an iwi representative has not been appointed to the NTRLBU since its inception in 2017.

- 4.7 The Nelson City Council and Tasman District Council have noted that in order to properly engage in and influence the business of the NRSBU and the NTRLBU, the iwi representatives on these Business Units should have voting rights.
- 4.8 Copies of the amended TOR and MOU, with track changes, are Attachments 1 and 2 respectively. The recommended amendments align with Council's commitments in relation to building closer relationships with iwi and will support the discussions in relation to the above-mentioned appointment process.

Appointment process and term of appointment

- 4.9 In relation to the appointment of an iwi representative, the TOR states in paragraph seven that the iwi representative will be nominated by local iwi and appointed by both councils. For the term of appointment, the TOR states that the iwi representative "*shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period*".
- 4.10 The MOU includes no detail in relation to the term of appointment for iwi representatives and in paragraph 4.2(v) states that the Board would include one member "representing and appointed by local iwi".
- 4.11 It is proposed that the TOR be amended so that the iwi representative will be nominated by iwi and confirmed, rather than appointed, by Council. The MOU is proposed to be amended to align with the TOR for both the appointment of the iwi representative, and the term of appointment.

Remuneration

- 4.12 The iwi representatives are expected to contribute towards governance and strategy and provide cultural input on the operation of the business units. In addition, the representatives provide a valuable liaison role and would assist Tasman District Council, and the Nelson City Council, in building effective partnerships with iwi.
- 4.13 Regular attendance at meetings is considered essential in developing the background knowledge required to fulfil this role effectively. Preparing for, attending and participating in the meetings requires a significant time commitment. The iwi representative would also spend a considerable amount of time liaising with the eight iwi.
- 4.14 The TOR and the MOU currently specify that the iwi representative be remunerated in accordance with Nelson City Council's "protocol on meeting fees". (In the past, the iwi representative on the Board of the NRSBU was paid \$160 per meeting, in accordance with the Nelson City Council protocol on meeting fees.)
- 4.15 The remuneration to iwi representatives should be fair and recognise the contribution appointees are expected to make to the governance of the business unit.
- 4.16 It is proposed that the MOU and the TOR be amended so that the remuneration of the iwi representative is calculated using the remuneration of an independent member as the basis.
- 4.17 The TOR for the NTRLBU states that the independent member shall be remunerated in accordance with the councils' joint policy for the remuneration of independent persons to joint committees. The joint policy will need to be developed and agreed between Tasman District Council and Nelson City Council.
- 4.18 A likely starting point for this policy will be the process for determining remuneration for directors to Council Controlled Trading Organisations which is set out in the joint Tasman District Council and Nelson City Council procedure "Jointly setting remuneration for directors

of Council Controlled Trading Organisations” (this procedure is based on the Strategic Pay New Zealand Director’s fees reports).

- 4.19 Applying the criteria set out in the above procedure to the business units and adjusting purely for variation in meeting frequency, results in a per annum rate of \$6000 - \$10,000 for independent members appointed to the business units.
- 4.20 Flexibility will be built into the policy in order to ensure the fees reflect other factors including:
- the time and skill required to carry out the role
 - the public service nature of the appointment and the practices of other Councils
 - whether the role is considered a technical appointment where professional fees apply
 - the size, nature and turnover of the organisation (if applicable)
 - the ability to attract members who have the necessary expertise.
- 4.21 In order to ensure the appointment of iwi representatives is progressed efficiently and not delayed while the above-mentioned policy is developed, it is recommended that the remuneration of iwi representative be set at \$8000 per annum for the first term of appointment. This will be an initial figure, which will be revised to align with the Nelson City Council protocols on the remuneration once it has been finalised and adopted.

Quorum

- 4.22 Paragraph 19 of the TOR of the NTRLBU which deals with quorum for meetings is proposed to be amended to take account of the possible change in the number of members. The proposed amendment, set out below, will bring the TOR into alignment with the MOU.

19. The Quorum for a meeting shall be half of the members if the number of members (including vacancies) is an even number, or a majority if the number of members (including vacancies) is an uneven number.

5 Options

- 5.1 **Option 1** - Council can decide to approve the amended MOU and TOR and put in place voting rights and aligned remuneration for iwi representatives. This is the recommended option.
- 5.2 **Option 2** - Council can decide to only approve the amendment in relation to voting rights.
- 5.3 **Option 3** – Council can decide to only amend the remuneration for iwi representatives.
- 5.4 **Option 4** - Council can decide to maintain the status quo.

Option 1: Preferred - Approve amendments in relation to voting rights and remuneration	
Advantages	<ul style="list-style-type: none"> • Importance of role is recognised • Business units receive the full benefits of having iwi appointees • Opportunity to build relationship and strengthen partnership with iwi • Treats independent members equally • Brings the MOU and the TOR into alignment
Risks and Disadvantages	<ul style="list-style-type: none"> • Will increase the operating costs of the business unit
Option 2: Approve amendment in relation to voting rights only	
Advantages	<ul style="list-style-type: none"> • No increase in the operating costs of the business unit
Risks and Disadvantages	<ul style="list-style-type: none"> • Importance of role and contribution of iwi representatives is not fully recognised • Business units may not receive the full benefits of having iwi appointees • Lost opportunity to build relationship and strengthen partnership with iwi • Treats independent members and iwi representatives differently
Option 3: Approve amendment in relation to remuneration only	
Advantages	<ul style="list-style-type: none"> • Demonstrates that the time contributed by the iwi representative has value
Risks and Disadvantages	<ul style="list-style-type: none"> • Will increase the operating costs of the business unit • Importance of role is not fully recognised • Business units may not receive the full benefits of having iwi appointees • Lost opportunity to build relationship and strengthen partnership with iwi • Treats independent members and iwi representatives differently
Option 4: Status quo – amendments not approved	
Advantages	<ul style="list-style-type: none"> • No additional costs in relation to remuneration
Risks and Disadvantages	<ul style="list-style-type: none"> • Does not recognise the contribution expected from the iwi representatives • Business units will not receive the full benefits of having iwi appointees • Lost opportunity to build relationship and strengthen partnership with iwi • The MOU and TOR will continue to be out of alignment with each other

6 Strategy and Risks

- 6.1 The recommended Option 1 amending the MOU and TOR poses no significant risk to the Tasman District Council.
- 6.2 It also is aligned with Council's strategy by providing enhanced governance to the NRSBU and the NTRLBU.

7 Policy / Legal Requirements / Plan

- 7.1 The recommended Option 1 proposing the amended MOU and TOR to establish voting rights and aligned remuneration for iwi representatives is consistent with:
- Council's 'Procedure for Joint Appointment of Directors/Trustees of Council Controlled Organisations (CCOs) and Council Controlled Trading Organisations (CCTOs)'
 - Council's policy on the 'Procedure for Appointment of Directors and Trustees', and the
 - Joint Nelson City Council and Tasman District Council procedure on 'Jointly Setting Remuneration for Directors of Council Controlled Trading Organisations'.
- 7.2 There are no specific legal requirements with the proposals. The NRSBU and NTRLBU have already been established and the proposed amendments to the MOU and TOR do not require specific legal review or public consultation.

8 Consideration of Financial or Budgetary Implications

- 8.1 The option of adopting voting rights for iwi representatives will not have any budgetary implications. However the remuneration of \$8,000 per annum will increase the operating costs of the business units.

9 Significance and Engagement

- 9.1 Assessed against the Council's Significance and Engagement Policy, the decision is of low significance - there is no change to levels of service, the financial impact is low, the decision does not impact Council's ownership of a strategic asset, it does not impact Council debt or rates, the decision is reversible and the decision aligns with Council commitments as outlined in the Long Term Plan consultation document.
- 9.2 Staff consider that consultation with the community is not required.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low	The level of public interest in this is low, as it is primarily focused around the minor amendments to governance aspects of two business units.
Is there a significant impact arising from duration of the effects from the decision?	Low	The decision can be amended at any time in the future so it does not have a significant impact.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	Low	This does not impact on strategic assets in a material way.
Does the decision create a substantial change in the level of service provided by Council?	None	The amendments to the MoU and TOR would not affect levels of service at all.
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	The cost of the iwi advisor will have a minor impact on the operational budgets of both business units.
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	Low	This decision does not substantially affect the controlling interest in the business units.
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	

10 Conclusion

- 10.1 At its meeting on 27 March 2018, the Joint Committee meeting of Tasman District Council and Nelson City Council made some recommendations and this report puts those recommendations to Council for consideration.
- 10.2 It is proposed that the MOU and the TOR be amended so that iwi representatives will have voting rights and their remuneration will be set in accordance with the joint council policy for the remuneration of independent persons appointed to joint committees and business units.
- 10.3 The policy on remuneration of independent persons appointed to joint committees and business units is still being developed and therefore it is proposed that in the interim, the

remuneration for iwi representatives be set at \$8000 per annum per business unit for the first term of appointment.

- 10.4 It is proposed to amend the clause related to a quorum. The quorum for a meeting shall be half of the members if the number of members (including vacancies) is an even number, or a majority if the number of members (including vacancies) is an uneven number.
- 10.5 It is proposed that processes in the MOU and the TOR be aligned for the appointment of iwi representatives and the term of appointment.

11 Next Steps / Timeline

- 11.1 The next steps will be to amend the MOU and the TOR and work with iwi to facilitate the appointment of iwi representatives to both the NRSBU and the NTRLBU.

12 Attachments

- | | | |
|----|--|----|
| 1. | Draft MoU - Nelson Regional Sewerage Business Unit | 73 |
| 2. | Draft Terms of Reference - Nelson Tasman Regional Landfill Business Unit | 81 |

Nelson Regional Sewerage Business Unit

Memorandum of Understanding

1. Parties

The Tasman District Council and the Nelson City Council (the councils).

2. Term

- 2.1. This memorandum of understanding shall commence on 1 July 2015 and shall terminate on 30 June 2025 unless terminated earlier by resolution of both councils.

3. Preamble

- 3.1. The Nelson Regional Sewerage Business Unit (NRSBU) was established in July 2000, to replace the former Nelson Regional Sewerage Authority established in the 1970s.
- 3.2. This Memorandum of Understanding replaces the Memorandum of Understanding which established the NRSBU on 1 July 2000 and the subsequent amendment established 9 March 2010.
- 3.3. This Memorandum of Understanding shall constitute the ‘terms of reference’ as required under Section 30A (2) (c) of the Local Government Act 2002.
- 3.4. The purpose of the NRSBU is to manage and operate the wastewater treatment facilities at Bells Island and the associated reticulation network efficiently and in accordance with resource consent conditions to meet the needs of its customers. The NRSBU shall plan for the future needs of the community in a cost efficient and environmentally sustainable manner rather than entirely focusing making a financial return. The NRSBU has designated itself as a public benefit entity for the purposes of New Zealand Equivalents to International Financial Reporting Standards (NZIFRS).
- 3.5. The Bells Island treatment plant and associated reticulation network, and any additions or improvements to these assets are owned in equal parts by the councils and are strategic assets of the councils.
- 3.6. The NRSBU is intended to be a self-funding body which provides a service to its customers, which include the councils, under a contractual relationship independent of its ownership.

4. Structure of NRSBU

- 4.1. The Nelson Regional Sewerage Business Unit is hereby constituted a Joint Committee of the Nelson City Council and the Tasman District Council pursuant to the provisions of the 7th Schedule to the Local Government Act 2002.
- 4.2. The NRSBU Board (the Board) shall comprise either six or seven members appointed as follows:

- i) Two members appointed by the Tasman District Council (at least one of whom will be an elected member of the Tasman District Council);
- ii) Two members appointed by the Nelson City Council (at least one of whom will be an elected member of the Nelson City Council);
- iii) May include one member independent of either Council and not involved in any business related to the NRSBU activities. This member is discretionary and would only be appointed if mutually agreed to by both the councils and in accordance with the councils 'Procedure for Joint Appointment of Directors/Trustees of Council Controlled Organisations and Council Controlled Trading Organisations' (2015 version, or its replacement). This member shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. The member shall be remunerated in accordance with the councils' joint policy for the remuneration of independent persons to joint committees and business units; ;
- iv) One non-voting member representing, and appointed by, the NRSBU Major Industrial Customers.
- v) One member representing and nominated by local iwi and confirmed by both councils. This iwi advisor shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. The member shall be remunerated in accordance with the councils' joint policy for the remuneration of independent persons to joint committees and business units.

4.3. In appointing members to the Board, the councils will consult with the Board on the skills and experience required so that an appropriate mix of skills is maintained.

4.4. The Board will elect a chair from its voting members at its first meeting of the triennium.

5. Meetings

5.1. For the avoidance of doubt the Board shall comply with the provisions of the Local Government Official Information and Meetings Act 1987 and the standing orders of the administering Council in respect of its meetings.

5.2. The Quorum for a meeting of the Board shall be half of the members if the number of members (including vacancies) is an even number, or a majority if the number of members (including vacancies) is an uneven number. There shall also be at least one member from each council represented in the quorum.

5.3. The Board shall meet at least 3 times per year (currently 4 times) at intervals decided by the Board in order to meet its obligations under this Memorandum of Understanding.

6. Management and Support Services

Management and support services are provided as follows,

- i) The administering Council shall be the Nelson City Council.
- ii) The General Manager is appointed by the councils and employed or contracted by the administering Council and may or may not be on the recommendation of the Board. The councils may choose to appoint an independent General Manager instead of appointing an independent member (as outlined in 4.2 (iii)).
- iii) The administering Council shall provide the following services as appropriate to enable the Board to fulfil its obligations under this Memorandum of Understanding;
 - Engineering services;
 - Accounting and Administration Services;
 - Treasury Services.

7. Powers and Responsibilities Delegated to the NRSBU

7.1. The councils are agreed that the responsibility for all management and administrative matters associated with the NRSBU operation shall be with the Board, and in particular the Board shall without the need to seek any further authority from the councils:

- i) Operate a bank account for the Business Unit.
- ii) Comply with the Procurement Policy of the administering Council.
- iii) Enter into all contracts necessary for the operation and management of the Business Unit in accordance with the approved budgets and intent of the Business Plan.
- iv) Authorise all payments necessary for the operation and management of the Business Unit within the approved budgets and intent of the Business Plan.
- v) Do all other things, other than those things explicitly prohibited by this Memorandum of Understanding or relevant statutes, that are necessary to achieve the objectives as stated in the Strategic Plan, Asset Management Plan or Business Plan approved by the councils.
- vi) Comply with the Health and Safety Policy and requirements of the administering Council.

7.2. Contribute to the sanitary services assessment process of the councils.

7.3. Contribute to and comply with the waste management plans of the councils.

7.4. Contribute to the development of the councils' Development and Financial Contribution policies.

7.5. Contribute to the councils' Regional Policy Statement and Regional Plan Reviews.

7.6. Develop and keep under review an appropriate contract for the delivery of waste collection and disposal services with each of its customers.

7.7. Follow generally accepted accounting practices.

7.8. Follow good employment practices.

8. Limitations

The NRSBU may not borrow money or purchase or dispose of significant assets other than with the approval of the councils.

9. Operational Funding

9.1. The Board shall budget to repay loans for new capital expenditure over 30 years from Net Surplus Income. Any Net Surplus Income before extraordinary items over budget shall be returned to the councils on an equal share basis.

9.2. It is agreed that where any contribution is required to be made by the councils to the ongoing operational costs of the NRSBU, apart from the charges the councils agree to pay as customers of the scheme, each Council shall pay an equal share of any contribution required.

10. Capital expenditure.

10.1. The NRSBU shall ensure that all capital assets are appropriately depreciated to enable a fund to be established for the replacement of such assets.

10.2. The NRSBU shall have the sole authority to determine what expenditure is made from the depreciation fund so accumulated.

10.3. Any capital expenditure that is required which exceeds the amount held in any depreciation fund or account and is in the way of expansion or major upgrade shall require approval of the councils.

11. Planning and reporting

The NRSBU shall produce the following plans in respect of its operations.

11.1. Strategic Plan

The Strategic Plan shall describe the long term objectives of the Board in relation to its operations. This will include consideration of new technologies, environmental sustainability, climate change, changes in legislation/policy and any other issues which the NRSBU might face in providing services for its customers.

The Board shall prepare its Strategic Plan prior to the drafting of the Asset Management Plan.

The Board shall review its Strategic Plan on an annual basis.

11.2. Asset Management Plan

The Asset Management Plan shall provide an analysis of the assets controlled by the NRSBU in relation to the current levels of service required by the customers and their likely future demands. It will also provide a financial analysis of the NRSBU operations and indicate how the assets should be managed to ensure the most cost effective and efficient service. It will also outline the manner in which the NRSBU will provide for appropriate risk management.

The Asset Management Plan shall be reviewed annually and revised at least every three years at which time it will be submitted to the councils for approval.

11.3. Business Plan

The business plan should state the activities and intentions of the Business Unit. It should outline how those activities relate to the objectives of the Business Unit as documented in the current strategic plan, the financial forecasts for the following three years, the performance targets for the coming year and any variations to charges proposed for that financial year.

A draft of the business plan for the coming year shall be presented to the councils annually by 31 December.

After the councils have had an opportunity to discuss and comment on the draft Plan the Board shall finalise the business plan, incorporating any changes agreed between the councils and the Board and present the final business plan to the councils by 20 March.

11.4. Annual Report and Audited Accounts

The Board shall prepare an Annual Report at the end of each financial year which shall include reporting against the performance targets and financial forecasts in the approved Business Plan.

The annual accounts and financial statements, included in the Annual Report, shall be in a manner and form approved by the Business Unit's auditor, fairly showing the operating and financial position of the NRSBU for the financial year, including a statement of financial performance, a statement of financial position, a statement of cash flows, and all information necessary to enable an informed assessment of the operation of the Business Unit. The audited financial statements must be prepared in accordance with generally accepted accounting practice.

The Annual Report and Audited Accounts will be presented to councils by 30 September in each year.

11.5. Agendas for all meetings of the Board will be forwarded to the Chief Executive of the administering Council, and/or such staff as they might nominate to represent the owners of the scheme, at the same time as they are forwarded to Board Members.

11.6. Minutes of all meetings of the Board will be forwarded to the Chief Executives of the councils and to all Board members as draft minutes once they have been reviewed for accuracy by the General Manager and/or the Chairperson.

12. Customer Group

12.1. A Customer Group shall be maintained to provide a forum for consultation and liaison with major users of the scheme. The Board shall determine who shall be members of the group.

12.2. The Customer Group shall be chaired by the General Manager of the NRSBU.

13. Termination

13.1. Subject to clause 13.2, the members of the Board appointed under clause 4.2(i) and 4.2(ii) will be discharged on the coming into office of the members of the councils elected at the triennial local body

elections. The new Board members appointed under clause 4.2(i) and 4.2(ii) shall be appointed by resolution of the councils at the earliest opportunity post the said election.

13.2. Prior to the election, the NRSBU may recommend to the councils that they approve a transitional arrangement through the triennial election process for representation on the NRSBU. For clarity, this provision only applies where both councils have approved a transitional arrangement.

13.3. The councils may at any time replace their appointed members or by mutual agreement remove/replace the independent member of the Board. No action to replace any member will be taken without the councils first consulting with the Board except where the replacement is part of a triennial election process referred to in clause 13.1.

13.4. Iwi may nominate at any time a replacement for the appointed iwi advisor. The replacement iwi advisor shall be confirmed by both councils.

14. Variations and Disputes

14.1. Notwithstanding the above, this Memorandum of Understanding may be amended pursuant to a resolution adopted by the councils at any time during its term.

14.2. In the event of any dispute arising between the parties to this Memorandum of Understanding the parties shall, without prejudice to any other right, immediately explore in good faith whether the dispute can be resolved by agreement between them using informal dispute resolution techniques such as negotiation, mediation, independent expert appraisal, or any other alternative dispute resolution technique.

14.3. In the event the dispute is not resolved by such agreement within 21 days of written notice by one party to the other of the dispute (or such further period agreed in writing between the parties) either party may refer the dispute to arbitration by a single arbitrator pursuant to the Arbitration Act 1996.

14.4. The arbitrator shall be agreed between the parties within 10 days of written notice of the referral by the referring party to the other, or failing agreement appointed by the President of the Nelson District Law Society.

14.5. In either case the arbitrator shall not be a person who has participated in an informal dispute resolution procedure in respect of the dispute.

14.6. The arbitrator so appointed shall be obliged to proceed with maximum expedition to deliver a decision within two months of the appointment.

The parties agree to co-operate fully in every respect with the arbitration and further agree that any decision made by the arbitrator shall be final and binding and hereby waive any right to appeal against the decision or seek judicial review of it in any court.

Mayor
Nelson City Council

Mayor
Tasman District Council

Chief Executive
Nelson City Council

Chief Executive
Tasman District Council

Date: ____/____/____

Date: ____/____/____

**Terms of Reference for the
Nelson Tasman Regional Landfill Business Unit
established as a joint committee of Tasman District and
Nelson City Councils**

NELSON CITY COUNCIL

and

TASMAN DISTRICT COUNCIL

Draft

Dated xxx

I Parties

- (1) **NELSON CITY COUNCIL**, Civic House, 110 Trafalgar Street, Nelson
- (2) **TASMAN DISTRICT COUNCIL**, 189 Queen Street, Richmond

II Background

- A. Nelson City Council (**Nelson**) and Tasman District Council (**Tasman**) are unitary authorities (jointly **the councils**) under the Local Government Act 2002 (**the LGA**) with territorial responsibilities for promoting effective and efficient waste management and minimisation within their respective territorial boundaries (jointly **the Nelson Tasman region**) under Part 4 of the Waste Minimisation Act 2008 (**the WMA**).
- B. Nelson owns and operates the York Valley landfill at 34 Market Road, Bishopdale, Nelson. The site includes the current operational area (Gully 1) and two other areas potentially suitable for landfill operations (Gully 3 and Gully 4) (**York Valley landfill**). The legal description of the land and the location and extent of these areas are shown in [Attachment 1].
- C. Tasman owns and operates the Eves Valley landfill at 214 Eves Valley Road, Waimea West, Tasman. The site includes a closed landfill (Stage 1), the current operational area (Stage 2) and a further area potentially suitable for landfill operations (Stage 3) (**Eves Valley landfill**). The legal description of the land and the location and extent of these areas are shown in [Attachment 2].
- D. The councils acknowledge their respective roles and responsibilities under the LGA and the WMA.
- E. Nelson and Tasman have prepared and adopted a Joint Waste Management and Minimisation Plan dated April 2012 (**the Joint Waste Plan**) pursuant to sections 43 and 45 of the WMA.
- F. The councils have agreed to jointly make the most effective and efficient use of York Valley and Eves Valley landfill space.
- G. The councils have reviewed options for the provision of landfill capacity in the Nelson Tasman region. They intend to jointly share in the management of the two landfills, through a Joint Committee of the councils appointed pursuant to schedule 7 of the LGA (**the Joint Committee**).
- H. The councils intend to enable the joint governance, management and use of York Valley Gully 1 and Eves Valley Stages 1, 2 and 3 as regional landfill facilities to accept all municipal solid waste (**waste**) generated in the Nelson Tasman region.
- I. The councils also intend the following:

- (i) That the York Valley landfill will be the primary regional landfill facility from 1 July 2017, to accept all waste generated within the Nelson Tasman region until Gully 1 is at capacity (anticipated to be in approximately 2031), or until expiry of the existing resource consents for the York Valley landfill (being 31 December 2034), whichever occurs first.
 - (ii) That Stage 2 of the Eves Valley landfill to have all necessary consents and approvals to accept up to one years' waste from the Nelson Tasman region in case of unforeseen temporary closure of the York Valley landfill, and that Stage 3 be retained for future use as a regional landfill facility.
 - (iii) Once the Joint Committee is established, it shall have responsibility for making decisions as per Part 3 clause 10 of these terms of reference.
- J. These terms of reference accompany a deed of agreement between the councils and set out the membership, responsibilities, operating parameters and reporting requirements of the Joint Committee, to be known as the Nelson Tasman Regional Landfill Business Unit (**NTRLBU**).

III Terms of Reference

Purpose

1. The purpose of the NTRLBU is to manage and operate a regional landfill facility or facilities efficiently and in accordance with:
 - the Joint Waste Plan;
 - the Long Term Plans and Annual Plans of each council;
 - the NTRLBU Activity [Asset] Management Plan;
 - the NTRLBU Business Plan;
 - resource consent conditions for each landfill; and
 - and the councils' Solid Waste Activity Management Plans.
2. The NTRLBU shall plan for the future needs of the community in a cost efficient and environmentally sustainable manner in accordance with the objectives of the Joint Waste Plan.
3. The NTRLBU will designate itself as a public benefit entity (PBE) for financial reporting purposes.
4. The NTRLBU is intended to be a self-funding body which provides a service to its customers, (which include the councils under a contractual relationship independent of its establishment as

a Joint Committee of the councils) and provides income to the councils to implement the Joint Waste Plan.

Structure of NTRLBU

5. The NTRLBU will be established as a Joint Committee of Nelson and Tasman pursuant to schedule 7 to the LGA.
6. The NTRLBU shall comprise four or five members appointed as follows:
 - (i) Two members appointed by Tasman (at least one of whom will be an elected member of the Tasman District Council);
 - (ii) Two members appointed by the Nelson (at least one of whom will be an elected member of the Nelson City Council);
 - (iii) May include one jointly appointed/independent member, who is not involved in any business related to the NTRLBU activities. This member would only be appointed if mutually agreed to by both councils and in accordance with the councils' 'Procedure for Joint Appointment of Directors/Trustees of Council Controlled Organisations and Council Controlled Trading Organisations' (2015 version, or its replacement). This member shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. The member shall be remunerated in accordance with the councils' joint policy for the remuneration of independent persons to joint committees and business units.
7. The NTRLBU will include one iwi advisor, nominated by local iwi with mana whenua at either landfill site, and confirmed by both councils. This iwi advisor shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. The advisor shall hold voting rights in the NTRLBU. The member shall be remunerated in accordance with the councils' joint policy for the remuneration of independent persons to joint committees and business units.
8. In appointing members to the NTRLBU, the councils will have regard to the criteria, skills and experience required so that an appropriate mix of skills is maintained.
9. The NTRLBU will elect a Chair and Deputy Chair from its voting members at its first meeting of the triennium.

Powers and responsibilities delegated to the NTRLBU

10. The NTRLBU may without the need to seek any further authority from the councils:

- (i) Set fees and charges for waste disposal at the regional landfill facilities by 30 June each year; including the power to apply discounted fees and charges for the disposal of waste in bulk; and may determine other circumstances where discounted fees and charges may be applied. For clarity, the fees and charges shall be included in the draft annual Business Plan that is submitted for Council approval each year.
 - (ii) Make decisions to accept (or not accept) waste that is generated outside the Nelson Tasman region.
11. The NTRLBU may recommend the purchase of additional land for landfill facilities to the councils.
 12. The NTRLBU shall contribute to the Long Term Plan planning processes of the councils in a timely manner, including activity management plans and infrastructure strategies. Information is to be provided in sufficient time to enable the councils to carry out and complete their statutory planning and reporting.
 13. The NTRLBU shall contribute to and comply with the Joint Waste Plan of the councils.
 14. The NTRLBU shall contribute to the development of the councils' Development Contribution and Financial Contribution policies, where these relate to solid waste activities or planning.
 15. The NTRLBU shall contribute to the councils' Regional Policy Statement and Regional Plan reviews, where these may relate to solid waste activities or planning.
 16. The NTRLBU shall contribute to Solid Waste Service Delivery reviews in accordance with section 17A of the LGA, as necessary.
 17. The NTRLBU shall follow generally accepted accounting practices and comply with the accounting policies of the Administering Council.

Meetings

18. For the avoidance of doubt, the NTRLBU shall comply with the provisions of the Local Government Official Information and Meetings Act 1987 and the standing orders of the Administering Council in respect of its meetings.
19. The Quorum for a meeting shall be half of the members if the number of members (including vacancies) is an even number, or a majority if the number of members (including vacancies) is an uneven number. There shall also be at least one member from each council represented in the quorum.
20. The NTRLBU should aim to meet at least 4 times per year at intervals decided by it in order to meet its obligations under these terms of reference.

Planning and reporting

21. The NTRLBU will produce the following plans in respect of its operations.

1. Business Plan

The Business Plan should state the activities and intentions of the NTRLBU. It shall outline how those activities relate to the objectives of the NTRLBU as documented in the current strategic plan, the financial forecasts for the following three years, the performance targets for the coming year and any variations to fees and charges proposed for that financial year.

A draft of the Business Plan for the coming year shall be presented to the councils annually by 31 October.

After the councils have had an opportunity to discuss and comment on the draft Business Plan the NTRLBU shall finalise the Business Plan, incorporating any changes agreed between the councils and the NTRLBU and present the final Business Plan to the councils by 31 May for inclusion in each council's draft Annual Plan.

Any changes to the draft Business Plan arising out of consultation on the draft Annual Plan shall require joint agreement of the two councils.

2. Activity Management Plan

The NTRLBU Activity Management Plan shall provide an analysis of the assets controlled and services delivered by the NTRLBU in relation to the current levels of service required by its customers, and their likely future demands. It will also provide a financial analysis of the NTRLBU operations and indicate how the assets should be managed to ensure the most cost effective and efficient service. It will also outline the manner in which the NTRLBU will provide for appropriate risk management.

The NTRLBU Activity Management Plan shall be reviewed annually and revised at least every three years in time to meet the timeframes for each councils Long Term Plan development and Solid Waste Activity Management Plan preparation.

The NTRLBU Activity Management Plan will be submitted to the councils for approval.

3. **Annual Report**

The NTRLBU shall prepare an Annual Report at the end of each financial year which shall include reporting against the performance targets and financial forecasts in the approved Business Plan.

The annual accounts and financial statements, included in the Annual Report, shall be in a manner and form approved by the NTRLBU's auditor, fairly showing the operating and financial position of the NTRLBU for the financial year, including a statement of financial performance, a statement of financial position, a statement of cash flows, and all information necessary to enable an informed assessment of the operation of the NTRLBU. The audited financial statements must be prepared in accordance with generally accepted accounting practice and in compliance with the accounting policies of the Administering Council.

The draft Annual Report will be presented to the councils by 15 September in each year.

4. Agendas for all meetings of the NTRLBU will be forwarded to the Chief Executives of the councils.
5. Minutes of all meetings of the NTRLBU will be forwarded to the Chief Executives of the councils and to all NTRLBU members as draft minutes once they have been reviewed for accuracy by the General Manager and/or the Chairperson.

Management and support services

22. Management and support services will be provided as follows:

- (i) The Administering Council shall carry out operational, financial, secretarial and administrative activities as necessary for the NTRLBU to fulfil its purpose and responsibilities under these terms of reference and shall report to the NTRLBU. The Administering Council will be Nelson.
- (ii) A General Manager of the NTRLBU will be appointed by joint agreement of the Chief Executives of the councils and may or may not be on the recommendation of the NTRLBU. The councils may choose to appoint an independent General Manager instead of appointing an independent member as outlined in clause 6 (iii). The General Manager shall be employed or contracted by the Administering Council.
- (iii) The Chief Executives of each council will establish and maintain a Management Group, comprising the General Manager, and at least one staff member (or representative) with either engineering and/or financial expertise. The Management Group will meet as necessary and report four times a year to the NTRLBU on the matters referred to it under this agreement, or on any other relevant matter requested by the NTRLBU.

-
- (iv) The Management Group shall receive all operational and financial information concerning operation of the landfills and the operating account and shall have the following tasks:
- (a) reporting the financial position of the NTRLBU on a monthly basis to the Chief Executive of each council, and quarterly to the NTRLBU;
 - (b) reporting operational performance;
 - (c) reporting compliance with resource consent conditions;
 - (d) making recommendations concerning the setting of fees and charges for the disposal of waste at the regional landfill facilities;
 - (e) making recommendations concerning the setting of discounted fees and charges for disposal of waste in bulk and other circumstances where discounted fees and charges may be applied;
 - (f) making recommendations on the awarding of operational contracts;
 - (g) making recommendations concerning any proposal to accept out-of-district waste for disposal at the regional landfill facilities, and the setting of fees and charges for the disposal of such waste;
 - (h) making recommendations concerning the setting of the waste management rebate for any operating year and carrying out a review of the operating account and waste management rebate during the year;
 - (i) the review of financial modelling information concerning operation of the York Valley landfill and Eves Valley landfill over the life of this agreement and any future agreement;
 - (j) making recommendations concerning any dispute that may be referred to it;
 - (k) making recommendations for waste acceptance criteria;
 - (l) the carrying out of and reporting on any other tasks identified in the Joint Waste Plan concerning regional waste management and minimisation referred to it jointly by the councils; and
 - (m) providing advice or recommendations on any other matters relevant to the NTRLBU.

Discharge of members

23. Subject to clause 24, the members of the NTRLBU appointed under clause 6(i) and 6(ii) will be discharged on the coming into office of the members of the Councils elected at the triennial local body elections. The new NTRLBU members appointed under clause 6(i) and 6(ii) shall be appointed by resolution of the councils at the earliest opportunity after each election.
24. Prior to the election, the NTRLBU may recommend to the councils that they approve a transitional arrangement through the triennial election process for representation on the NTRLBU. For clarity, this provision only applies where both councils have approved a transitional arrangement.
25. The councils may at any time replace their appointed members, or by joint agreement remove/replace the independent member of the NTRLBU. No action to replace any member will be taken without the councils first consulting with the NTRLBU, except where the replacement is part of a triennial election process referred to in clause 23.
26. Iwi may nominate at any time a replacement for the appointed iwi advisor. The replacement iwi advisor shall be confirmed by both councils..

Variations

27. These terms of reference may be varied by joint agreement of the two councils to enable the NTRLBU to perform in such a manner as to give effect to its purpose, and to carry out its functions and duties effectively, provided that such variation is in accordance with the accompanying agreement and meets the requirements of the LGA.

Limitations

28. The NTRLBU may not borrow money or undertake major financial transactions other than with the approval of both councils.

Media

29. The councils shall endeavour to agree all public or media statements concerning the activities of the NTRLBU prior to release. However this clause shall not be construed as restricting the right of each council to discuss any aspect of the accompanying agreement or these terms of reference in open council meetings, and to have such deliberations reported in the media, or to make statements in relation to them as each council reasonably considers is necessary or desirable in the performance of its role as a territorial authority, or in the interests of full public debate of all issues relevant to a territorial authority, its community and its ratepayers.

Executed and delivered as a deed the _____ day of _____ 2017

Signed by

NELSON CITY COUNCIL:

Mayor

Councillor

Signed by

TASMAN DISTRICT COUNCIL:

Mayor

Councillor

8.7 PUBLIC CONSULTATION - PROPOSED NEW SPEED LIMITS**Decision Required**

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Jamie McPherson, Transportation Manager; Robyn Scherer, Executive Assistant - Engineering
Report Number:	RCN18-06-07

1 Summary

- 1.1 At its meeting on 19 March 2018, the Tasman Regional Transport Committee recommended to the New Zealand Transport Agency (NZTA) that they urgently review the speed limit on State Highway 60 from the Three Brothers roundabout to Collingwood and that priority be given to lowering the speed limit on the section of State Highway 60 from the Three Brothers roundabout to Maisey Road. The Committee suggested that the speed limit on this section of the state highway should be 80 km/h.
- 1.2 Since that meeting, staff have met with NZTA staff, the Police, and representatives from the Automobile Association and Road Transport Association. At that meeting staff proposed that as well as lowering the speed limit on SH60, Tasman District Council should also lower the speed limit on local roads that feed into SH60 between the Three Brothers roundabout and Maisey Road. The proposal was unanimously supported by all agencies.
- 1.3 Under the Land Transport - Setting of Speed Limits Rule 2017, NZTA is required to carry out consultation regarding the proposal to lower the speed limit along the section of State Highway from the Three Brothers roundabout to Maisey Road.
- 1.4 Tasman District Council is required to carry out consultation on any proposal to lower speed limits under Section 83 of the Local Government Act 2002, and also under the Setting of Speed Limits Rule 2017.
- 1.5 Staff propose to carry out consultation jointly with NZTA on proposals for lowering the speed limit both on the State Highway and the associated and nearby local roads. The local roads affected are Lower Queen Street, Lansdowne Road, Best Island Road, Barnett Avenue, Blackbyre Road, River Road (Appleby), Redwood Road, Research Orchard Road and Pukeko Lane.
- 1.6 This report requests that the Council approves the proposal to carry out consultation jointly with NZTA on the proposal to lower speed limits on SH60 from the Three Brothers roundabout to Maisey Road and the associated and nearby local roads.
- 1.7 The statement of proposal is included in this report (**Attachment 1**).

2 Draft Resolution**That the Full Council**

- 1. receives the Public Consultation - Proposed New Speed Limits report RCN18-06-07; and**
- 2. approves joint public consultation with the New Zealand Transport Agency on the proposal to lower the speed limit on SH60 between the Three Brothers roundabout and Maisey Road, including lowering the speed limit on local roads (Lower Queen Street, Lansdowne Road, Best Island Road, Blackbyre Road, Redwood Road, Research Orchard Road and Pukeko Lane to 80km/h, with Barnett Avenue and River Road (Appleby) to 60km/h); and**
- 3. approves the Statement of Proposal (Attachment 1) and using the Special Consultative Procedure outlined in sections 83 of the Local Government Act 2002 and the consultation requirements under the Land Transport Rule: Setting of Speed Limits 2017; and**
- 4. notes that the proposal does not give rise to any implications under the New Zealand Bill of Rights 1990; and**
- 5. agrees that the most appropriate method for distribution for public consultation is by public notice; and making copies of the Statement of Proposal available for viewing on the Council website, in its offices, and libraries from 2 July 2018; and**
- 6. appoints Councillor XX, Councillor XXX and Councillor XXXX to hear submissions and deliberate on the proposal to lower the speed limit on local roads including Lower Queen Street, Lansdowne Road, Best Island Road, Barnett Avenue, Blackbyre Road, River Road (Appleby), Redwood Road, Research Orchard Road and Pukeko Lane.**

3 Purpose of the Report

- 3.1 This report requests that the Council approve a joint public consultation process with the New Zealand Transport Agency (NZTA) to lower the speed limit to 80 kmh on SH60 between the Three Brothers roundabout and Maisey Road, including lowering the speed limit on our local roads that feed into this section of State Highway – Lower Queen Street, Lansdowne Road, Best Island Road, Barnett Avenue, Blackbyre Road, River Road (Appleby), Redwood Road, Research Orchard Road and Pukeko Lane.

4 Background and Discussion

- 4.1 Through the consultation process for the Draft Regional Land Transport Plan Mid-Term Review, the Council received significant feedback supporting lower speed limits on SH60 and in particular from Richmond to Mapua and in Golden Bay.
- 4.2 At its meeting on 19 March 2018, the Tasman Regional Transport Committee recommended to the NZTA that they urgently review the speed limit on State Highway 60 from the Three Brothers roundabout to Collingwood and that priority be given to lowering the speed limit on the section of State Highway 60 from the Three Brothers roundabout to Maisey Road.
- 4.3 At a subsequent meeting between Council staff, NZTA, the Police, representatives of the Automobile Association and representatives of the Road Transport Association, it was unanimously agreed that the Council should also consider lowering the speed limit on roads that feed into SH60 between the Three Brothers roundabout and Maisey Road. This would ensure consistency of speed limits between both local roads and the state highway and minimise negative outcomes such as drivers 'rat-running' onto local roads and/or being faced with 100 km/h speed limit signs when they exit the state highway onto local roads.
- 4.4 The affected local roads are Lower Queen Street, Lansdowne Road, Best Island Road, Barnett Avenue, Blackbyre Road, River Road (Appleby), Redwood Road, Research Orchard Road and Pukeko Lane. See map (**Attachment 1**).
- 4.5 Lower Queen Street, Lansdowne Road, Best Island Road, Barnett Avenue, Blackbyre Road and River Road (Appleby) all feature in the top 20% high risk opportunities for speed management using the NZTA risk tool. Therefore they would be near the top of the priority list for considering speed limit changes by the Council regardless of whether NZTA were reviewing the speed limit on SH60.
- 4.6 Currently Bartlett Road, Swamp Road, McShane Road, Pugh Road, Cotterell Road, Maisey Road, Westdale Road and a short section of Moutere Highway which also feed into this section of SH60, have an existing speed limit of 80 kmh.

5 Options

- 5.1 The Council has two options to consider.

Option A

- 5.2 Approve the proposal to jointly consult with NZTA on the proposal to lower speed limits on SH60 from the Three Brothers roundabout to Maisey Road and the associated local roads that connect to this section of state highway, Lower Queen Street, Lansdowne Road, Best

Island Road, Barnett Avenue, Blackbyre Road, River Road (Appleby), Redwood Road, Research Orchard Road and Pukeko Lane. This is the recommended option as it is the most likely option to achieve an outcome of speed limits that are consistent and make sense to road users.

Option B

- 5.3 Decline the proposal outlined in this report. NZTA will still proceed with consultation regarding the proposal to lower speed limit on SH60, but there will be no consultation or further consideration at this time regarding lower speed limits on local roads adjoining the State Highway.

6 Strategy and Risks

- 6.1 Joint consultation with the NZTA is considered a “seamless” way to consult on a proposal that overlaps between the State Highway and local roads. In general terms, road safety improves as consistency improves and a joint consultation process will help achieve consistency across the entire road network.
- 6.2 A similar and successful joint consultation process was recently carried out between NZTA and Porirua City Council.
- 6.3 All submissions regarding the joint proposal will be received by NZTA and the Council jointly.
- 6.4 NZTA and the Council then each have their own respective decision-making process to follow regarding speed limits on roads under their respective control. The Council will hold a hearing where submitters who wish to be heard can speak. It is expected that some submitters will present views on both State Highway and local roads, and although the Council Hearing Panel will only be able to deliberate on the local road submissions, it is expected that an NZTA representative will attend and observe the hearing. NZTA do not usually incorporate hearings into their speed limit decision-making process.

7 Policy / Legal Requirements / Plan

- 7.1 This proposed consultation meets the requirements of both Section 83 of the Local Government Act 2002 and the Land Transport: Setting of Speed Limits Rule: 2017.

8 Consideration of Financial or Budgetary Implications

- 8.1 This consultation process will be undertaken using existing staff budgets and resources.
- 8.2 If the speed limit changes go ahead, there will be some minor expense to install or replace signage on local roads. This expense can be met from existing budgets.

9 Significance and Engagement

- 9.1 This consultation is of moderate significance to people who use the section of SH60 from the Three Brothers roundabout to Maisey Road. It is especially significant to those residents who submitted to the draft Regional Land Transport Plan Mid-Term Review asking that the speed limit on this section of road be lowered to 80 kmh.

- 9.2 The proposal to lower the speed limit on the local roads that feed into SH60 between the Three Brothers roundabout to Maisey Road is of moderate significance.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Moderate	Will be of more significance to those who use these roads on a regular basis. The SCP is being used with wide consultation.
Is there a significant impact arising from duration of the effects from the decision?	Low	Speed limits can change over time.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	Low	
Does the decision create a substantial change in the level of service provided by Council?	Low	

10 Conclusion

- 10.1 Following public consultation on the draft Regional Land Transport Plan – Mid Term Review, the Tasman Regional Transport Committee recommended that the New Zealand Transport Agency review the speed limit on SH60 from the Three Brothers roundabout to Collingwood. In particular the Committee recommended that the Agency urgently review the speed limit on the section of SH60 from the Three Brothers roundabout to Maisey Road.
- 10.2 Council staff recommend that concurrently with the speed limit reduction proposal on SH60, that speed limit reductions on local roads that feed into this section of state highway should also be consulted on.

11 Next Steps / Timeline

- 11.1 Staff will finalise the joint consultation arrangements with NZTA.
- 11.2 Following the receipt of submissions, the Hearing Panel will meet to hear submissions and deliberate on the proposal.
- 11.3 Note that there are separate decision-making processes for each of NZTA (state highways) and Council (local roads) with regards to speed limits.
- 11.4 If the proposal to lower the speed limit on SH60 from the Three Brothers roundabout to Maisey Road and the associated local roads that connect to this section of state highway, Blackbyre Road, Redwood Road, Research Orchard Road, Pukeko Land, Barnett Avenue and River Road (Appleby) is accepted, staff will amend the Speed Limit Bylaw and install the necessary speed signage on local roads.

12 Attachments

1. Statement of Proposal

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Joint recommendation

Described in the table below and shown in figure xx, are the roads/sections of roads that we are recommending lower speed limits be applied to:

NAME	FROM	TO	CURRENT SPEED LIMIT (KM/H)	RECOMMENDED SPEED LIMIT	EXISTING TYPICAL TRAVEL SPEEDS	REASON
SH60	Three Brothers roundabout	Maisey Road	Mostly 100, 80 in sections	80	80-84km/h	High crash history, roadside hazards, challenging intersections, numerous access ways.
Lower Queen Street	Existing 80km/h	End at river	100	80	85km/h	Increasing traffic from commercial and residential development. More access ways. High cyclist usage. Section includes a 30kph 90-degree bend with a four-way intersection.
Lansdowne Road	All		100	80	84km/h	Section includes a 30km/h 90 degree bend with a four-way intersection onto Lower Queen Street. Increasing traffic from commercial development and increasing number of access ways.
Best Island Road	All		100	80		A lack of shoulder width with sharp, out of context curves. Crash history confirms high-risk area. Speed limit should be consistent with Lower Queen Street and Lansdowne Road.
Barnett Avenue	All		100	60		Lack of shoulder width with sharp, out of context curves. The alignment doesn't allow for safe travel at 100km/h. Road approaches residential area.
Blackbyre Road	All		100	80		This road primarily provides access to industrial properties and is used by a large number of heavy commercial vehicles (20%). The relatively short road length (900m) means speeds are generally low. Speed limit should be consistent with SH60.
River Road (Appleby)	All		100	60		Lack of lane and shoulder width with a number of sharp, out of context curves. Crash history confirms high-risk area.
Redwood Road	All		100	80	91km/h	Used by a large number of tourists and recreational users. Speed limit should be consistent with SH60.
Research Orchard Road	All		100	80		Access visibility onto this residential cul-de-sac is limited due to vertical curves. The short length (400m) and narrow width means speeds are generally low. Speed limit should be consistent with SH60.
Pukeko Lane	All		100	80		The short length (220m) and alignment of this cul-de-sac means speeds are generally low. Speed limit should be consistent with SH60.

*The measured 85 percentile travel speed, which is the speed exceeded by only 15% of drivers. The majority of drivers are travelling slower than this.

TRAVEL TIMES

These proposed changes will not greatly affect travel times. For example, it will only take 1 minute and 11 seconds of additional travel time to drive SH60 from Three Brothers to Maisey Road at the new proposed limit of 80km/h.

Investigation and evidence

Reductions in speed limits are able to reduce the harm associated with crashes. In 2017, the Transport Agency conducted a review of the roads within the Tasman District where speed management was likely to have the greatest effect. Due to its crash history, the presence of roadside hazards and the number of challenging intersections and driveways, the section of SH60, between Three Brothers and Maisey Road was identified as being a high-risk route which would benefit from a speed management review.

Crash history* for SH60 9km long corridor from Three Brothers to Maisey Road:

THREE YEAR CRASH RECORD (2015 TO 2017)

- 4 fatal crashes resulting in 11 casualties (deaths and serious injuries)
- 2 serious crashes resulting in 2 casualties (serious injuries)

TEN YEAR CRASH RECORD (2008 TO 2017)

- 6 fatal crashes resulting in 13 casualties (deaths and serious injuries)
- 6 serious crashes resulting in 9 casualties (serious injuries)

Crash history* for local road sections included in this review:

THREE YEAR CRASH RECORD (2015 TO 2017)

- 0 fatal crashes resulting in 0 casualties (deaths and serious injuries)
- 2 serious crash resulting in 2 casualty (serious injuries)

TEN YEAR CRASH RECORD (2008 TO 2017)

- 1 fatal crash resulting in 1 casualty (death)
- 6 serious crashes resulting in 6 (serious injuries)

*Crash Analysis System (CAS)

More about the local roads

New speed limits are being proposed for nine local roads that connect to SH60. This is because:

- these roads are assessed under the *New Zealand speed management guide* as having a safe and appropriate speed of less than 100 km/h
- it could be unsafe, or not make sense, for drivers to be faced with a 100km/h sign on these side roads when turning off SH60 if the SH60 speed limit is reduced to 80km/h
- having the side roads with a speed limit higher than the highway could, in some cases, encourage more 'rat running' where drivers use local roads instead of the highway. This could further compromise safety as these local roads and the associated intersections are generally at a lower standard than the state highway.

How to have your say

Fill in the feedback form on this document and drop it in at any Tasman District Council office or library, or alternatively post it to:

Tasman District Council
189 Queen St
Private Bag 4
Richmond 7020

Complete the electronic feedback form at www.xxx.xxx

Or you can scan the attached form and email it to SH60Safety@nzta.govt.nz

Visit the Tasman District Council website: www.tasman.govt.nz

Visit the Transport Agency website: www.xxx.xxx

OUR CONTACT DETAILS

- www.nzta.govt.nz
- [nztasouthisland](#)
- [nztacw](#)

JOINT CONSULTATION GUIDE XXXXX 2018

60 Proposed new speed limits

THREE BROTHERS TO MAISEY ROAD AND CONNECTING ROADS



Formal consultation on changes to the speed limit is required under the Land Transport Rule: Setting of Speed Limits (2017).

This is your opportunity to have your say before the final decisions on speed limits for these roads are made by the council and Transport Agency.

You can have your say on the attached form or alternatively, you can complete an electronic feedback form at www.xxx.xxx or email us at SH60Safety@nzta.govt.nz

Consultation closes xx 2018.

Have your say

The NZ Transport Agency and Tasman District Council are seeking public input into proposals to lower speed limits along a section of State Highway 60 (SH60), from Three Brothers Roundabout to Maisey Road, and some adjoining local roads.

The recommendations are outlined within this document (see *Joint recommendation*). For context, we have also provided a summary of the community and stakeholder engagement, as well as the investigations and subsequent evidence which led up to the recommendations being made.

This is your opportunity to tell us what you think about the joint recommendations.

Community and stakeholder engagement

Over the past two years the Transport Agency and Tasman District Council have been having conversations with local stakeholders including New Zealand Police, the Road Transport Association of New Zealand and Automobile Association about safe speed limits in the Tasman District. These conversations led to investigative work and wider community engagement about concerns with SH60 and adjoining roads. Community engagement on the issue reached a peak in February this year with a flurry of submissions to the Tasman draft Regional Land

Transport Plan, a majority of which related to SH60. Of these, most submitters recommended the speed limit on SH60 be lowered, especially the section between Three Brothers and Maisey Road. Experts within the Transport Agency and the council reviewed the safe and appropriate speed for this route and held further conversations with key stakeholders in April, ahead of announcing their recommendation to lower speed limits and commencing this consultation phase.



New Zealand Government



New Zealand Government



Feedback form

If you would like to, please provide your name and an email address or phone number below.

Name

Email/phone

Address

Would you like to speak to your submission at the council submission hearing held for this purpose? YES NO

After a thorough review of State Highway 60 between Three Brothers and Maisey Road, including the surrounding environment and crash history, we are proposing to lower the speed limit from 100km/h to 80km/h in order to improve safety. Similarly, the Tasman District Council is proposing to lower the speed limits on connecting roads, also after a thorough review of the environment and crash history of these roads and to ensure consistency with the speed limit proposed for SH60.

We're now asking for feedback, in particular we'd like to know if you agree with the rationale for this proposal, and why (or why not), and if you think there are other factors which we should consider.

NAME	CURRENT SPEED LIMIT	RECOMMENDED SPEED LIMIT	PLEASE PROVIDE YOUR RESPONSE TO THE RECOMMENDED SPEED LIMITS
SH60 (Three Brothers to Maisey)	100	80	
Lower Queen Street	100	80	
Lansdowne Road	100	80	
Best Island Road	100	80	
Barnett Avenue	100	60	
Blackbyrne Road	100	80	
River Road (Appleby)	100	60	
Redwood Road	100	80	
Research Orchard Road	100	80	
Pukeko Lane	100	80	

8.8 RATES REMISSIONS - LAND OCCUPIED BY A DWELLING AFFECTED BY NATURAL DISASTER

Decision Required

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Kelly Kivimaa-Schouten, Revenue Accountant
Report Number:	RCN18-06-08

1 Summary

- 1.1 Recent adverse weather events in February 2018 caused damage to a number of properties in the District.
- 1.2 Council has a Policy called “Remission of Rates for Land Occupied by a Dwelling that is Affected by Natural Disaster” (the Policy) (refer Attachment 1).
- 1.3 The Policy allows Council, at its discretion, to remit rates charged on a rating unit used for residential purposes, if the land has been detrimentally affected by natural disaster rendering dwellings or buildings uninhabitable and requiring activities carried out on the land to cease.
- 1.4 The Policy states that Council may delegate authority to consider and approve applications to Council officers, however in the event of any doubt or dispute, the application is to be referred to the Corporate Services Committee for a decision. As there is no longer a Corporate Services Committee, these would be referred to Full Council. Council’s Delegations Register delegates authority to the Corporate Services Manager to consider applications under the Policy.
- 1.5 Section 85 of the Local Government (Rating) Act 2002 restricts the ability to remit rates to those circumstances when the local authority has adopted a rates remission policy and the local authority is satisfied that the conditions and criteria in the policy are met.
- 1.6 At the time of writing, 35 applications for rates remissions had been received.
- 1.7 Council staff have exercised the staff delegation and declined 15 applications which clearly did not meet the conditions and the criteria of the Policy, and therefore could not be approved. Since there is some discretion within the Policy on other matters, the remaining applications are being referred to Full Council for consideration.
- 1.8 Staff recommend granting remissions totaling \$9,160 for the period to 30 June 2018 to the 20 applicants listed in Table 1.
- 1.9 The remissions being recommended for approval and quantified in this report, will cover the period from the weather event to the earlier of when the properties become habitable and 30 June 2018, in order to provide rates relief as early as possible to the impacted parties. The end date for remissions under the Remission Policy may extend beyond 30 June 2018 for some applicants. Staff, using delegated authority, will approve further remissions to the same ratepayers who have had a remission approved using the methodology described in

this report until their properties are habitable and able to be used, and to any similar new applications which are received before the August 2018 deadline.

- 1.10 Council has also notified its registered valuer, Quotable Value (QV), of all properties that have applied for a remission at the time of writing this report, or which have had a red or yellow sticker during the recent weather events. Property values will be reviewed by QV to reflect the damage caused by the event. If rateable values are reduced, the rates payable for the 2018/2019 year will be lower than what they would have been prior to the weather events having occurred.

2 Draft Resolution

That the Full Council

- 1. receives the Rates Remissions - Land Occupied by a Dwelling Affected by Natural Disaster RCN18-06-08 report; and**
- 2. approves the remissions listed in Table 1 totalling \$9,160 (GST inclusive); and**
- 3. notes that staff, using delegated authority, will approve further remissions to the same ratepayers who have had a remission approved until the property is habitable and able to be used, and to any similar new applications received before the August 2018 policy deadline.**

3 Purpose of the Report

- 3.1 The purpose of this report is to consider the remission applications received under Council's Policy – "Remission of Rates for Land Occupied by a Dwelling that is Affected by Natural Disaster".

4 Background and Discussion

- 4.1 Adverse weather events in February 2018 caused damage to a number of properties within the District.
- 4.2 Following the event, staff have publicly advertised that Council has a Policy called "Remission of Rates for Land Occupied by a Dwelling that is Affected by Natural Disaster" ("the Policy.") Staff have also written to known impacted parties who received red or yellow stickers who may potentially qualify under the Policy, inviting them to make an application.
- 4.3 While 35 applications have been received to date, not all ratepayers have availed themselves of the opportunity. This may be because they would not have qualified under the Policy.
- 4.4 Ratepayer applications and names are not included in this paper so as to preserve as much as possible the privacy of the applicants, and for the same reason, application details are presented at a high level only.
- 4.5 Council has also notified its registered valuer, Quotable Value (QV), of all properties that have applied for a remission at the time of writing this report, or which have had a red or yellow sticker during the recent weather events. Property values will be reviewed by QV to reflect the damage caused by the event. If rateable values are reduced, the rates payable for the 2018/2019 year will be lower than what they would have been prior to the weather events having occurred. Red and yellow stickers (which mean the building should not be entered, or restricted entry) were issued soon after the event. From the information gathered during those inspections, Council can assess whether buildings are dangerous and/or insanitary - which is when a Section 124 notice is issued.

When can a Council remit rates and how are remissions funded?

- 4.6 Council has limited discretion to reduce rates that have been validly set, but Section 102 (3) of the Local Government Act 2002 permits Council to set a rates remission policy.
- 4.7 Section 109 of the Local Government Act 2002 requires the remission policy to state the objectives to be achieved by the remission of the rates and the conditions and criteria to be met in order for rates to be remitted.
- 4.8 Section 85 of the Local Government (Rating) Act 2002 restricts the ability to remit rates to those circumstances when the local authority has adopted a rates remission policy and the local authority is satisfied that the conditions and criteria in the policy are met.
- 4.9 Council has budgeted for remissions expense expected to arise from the remission policy. This remission expense is funded by rates, i.e. everyone's rates are slightly higher in order to fund the expected cost of rates remissions.

Remission Policy Factors to Consider

- 4.10 Legislation restricts Council from remitting rates that do not qualify under the Policy.

Conditions and Criteria:

- 4.11 In order to qualify for remission under the Policy, a number of conditions and criteria specified in the Policy must be met. These include:
- 4.11.1 **The land must be detrimentally affected by natural disaster and**
 - 4.11.2 As a result the **dwelling or buildings** previously habitable were **made uninhabitable and the activity for which the land or buildings were used is unable to be continued**. Uninhabitable is defined as:
 - 4.11.2.1 buildings that have had a section 124 notice issued under the Building Act 2004, or
 - 4.11.2.2 a dwelling or building that is a total loss, or
 - 4.11.2.3 as determined by Council after considering essential service delivery, whether any part of the building or land remains habitable or available for use, and considering property revaluations undertaken by the Council's valuation service provider.
- 4.12 The objective of the Policy is to “allow the Council, at its discretion, to remit rates charged on any rating unit used for residential purposes if the land has been detrimentally affected by natural disaster (erosion, falling debris, subsidence, slippage, inundation, or earthquake) rendering dwellings or buildings uninhabitable and requiring activities carried out on the land to cease. The aim of the Policy is to allow the Council to consider remitting rates for those ratepayers most adversely affected.” The Policy states that residential purposes means land occupied by the ratepayer as a principal place of residence. Therefore the **land must be resided on by the ratepayer** in order to be eligible for a remission. The remission application form requests that applicants advise whether the property is their primary residence so Council can assess whether this criteria is met.
- 4.13 In summary, in order to be eligible for remission, the land must be the primary residence of the ratepayer; it must have been affected by natural disaster so adversely that the dwellings or buildings are uninhabitable; and the activity on the land or buildings cannot continue.
- 4.14 Clause 2 of the Policy discusses time frames around the remission. By stating “The remission may be for such period of time as the Council considers reasonable... which shall be no less than 30 days...”, its sets one of the criteria as being that the rating unit **must have been uninhabitable for a minimum 30 day period**. This clause states that the period commences at the date Council determines the property was uninhabitable and unable to be used, and is limited to end when it is habitable and usable again.
- 4.15 The Policy also states another factor for Council to consider. Clause 3 states that Council is **unlikely to grant a remission where the land affected is in a known hazard prone location**.
- 4.16 Known hazard prone location is not defined in the Policy.
- 4.17 There is some past precedent for granting a remission in a known flood risk area. On 7 August 2014, Full Council granted a remission to a property which had a note on a Land Information Memorandum (LIM) stating that it was on the Riwaka River Flood Plain.
- 4.18 Council senior management have recommended staff apply a reasonably narrow interpretation of “known hazard” prone location for applications arising as a result of the February 2018 cyclones. We have limited the definition to those properties that have had a

Section 72 notice under the Building Act 2004 issued on the Certificate of Title. For these properties, it is considered certain that an informed purchaser would have been aware of the hazard risk.

- 4.19 We have taken this relatively narrow interpretation for these applications as it may not have been clear to the applicants and the community as to whether they would have qualified under this particular criteria when they made their application, and in this case the value of the recommended remissions are feasible using this interpretation.
- 4.20 Of the applications received, it would have been possible to interpret that a larger number of the applicants were in a known hazard location, such as
- 4.20.1 those properties in the Coastal Hazard Zone in the Tasman Resource Management Plan (e.g. Ruby Bay properties),
 - 4.20.2 land underlain by or adjacent to Separation Point Granite hill slopes which are notified on LIMs, and
 - 4.20.3 properties on certain flood plains which are notified on LIMs.

This broader interpretation would result in an increasing likelihood that a number of the rates remission applications recommended for remission today would have been declined.

- 4.21 As a result of the recent flood events, Council and the community are now more aware of the risk of the possibility of adverse weather events and other disasters. It is important to note that the “known hazard” criteria is a discretionary one. It is difficult to provide certainty to property owners about whether their property may qualify under the policy in future events under this criteria. However the community should be aware in the event of more severe future adverse events, this criteria may be applied differently with different outcomes - potentially including less or no remissions being granted. In addition, these applicants may not qualify for future remissions as a result of Council considering that they now reside in a “known hazard” area.

Quantum of remissions:

- 4.22 Clause 3 of the Policy grants discretion to Council to remit any or all rates, and to refuse to grant a remission even when conditions and criteria are met. In past decisions, Council has decided to set the quantum of its remissions as putting the rates back to bare land status for capital value based rates, also including a remission for water and wastewater charges if applicable. Staff recommend this same treatment for the purposes of consistency.

Process:

- 4.23 In order to assess whether applicants met the relevant conditions and criteria of the Policy, applicants were requested to fill out an application form which required that they summarise the nature of the disaster; comment on whether any part of the land or building remains habitable/usable; and how services were affected. This information, along with information provided by our building department, and further verbal or written inquiries to the applicants, were used to assess whether the conditions and criteria were met.
- 4.24 For practical reasons and to ensure timely rates relief was provided to the impacted ratepayers, staff have brought forward these applications for the current rating year ending 30 June 2018, despite the majority of the rating units being still uninhabitable at 30 June 2018.

- 4.25 Staff intend to programme in a review of the applications for properties that remain uninhabitable beyond 30 June 2018 in the subsequent financial year, and apply the same approach for remissions that Council approves in this period. These will be considered under staff's delegated authority. The same approach will be applied for other new applications received prior to the application deadline.
- 4.26 Staff have analysed eligibility under the Policy and recommend the following 20 applications be approved for remissions for the period to 30 June 2018, as they appear to meet the conditions and criteria of the Policy:

Table 1:

Applicant Valuation # & General area	Land is principal/ primary residence	Land detrimentally affected by natural disaster and buildings uninhabitable and activities cannot be continued	# days in the current rating year that Dwellings or buildings uninhabita ble or activity unable to be continued – (must be at least 30)	Land in known hazard prone location *- see clause 4.18	Rates for 17/18	Recomme nded remission
1938019100 Ruby Bay	Yes	Yes- section 124 issued	149	No	\$3,045	\$630
1938015200 Ruby Bay	Yes	Yes- section 124 issued	149	No	\$5,264	\$857
1933015900 Riwaka	Yes	Yes- section 124 issued	130	No	\$1,617	\$147
1933084601 Brooklyn	Yes	Yes- section 124 issued	130	No	\$1,989	\$151
1931024001 Kaiteriteri- Sandy Bay	Yes	Yes- section 124 issued	130	No	\$1,515	\$117
1931061503 Takaka Hill	Yes	Yes- section 124 issued	130	No	\$1929	\$191
1931023101 Riwaka	Yes	Yes- section 124 issued	130	No	\$3,470	\$410
1938006100 Ruby Bay	Yes	Yes- ratepayer advised property	149	No	\$4,814	\$1,125

		not liveable- waiting on insurance/repairs				
1933056703 Brooklyn	Yes	Yes- ratepayer advised not habitable- awaiting engineers report whether repair or rebuild	130	No	\$1,586	\$129
1933066900 Riwaka	Yes	Yes- ratepayer advised not habitable- insurers estimate could be 9 months before can move in	130	No	\$1,498	\$83
1938012500 Ruby Bay	Yes	Yes- ratepayer advised still waiting for insurance/ repairs and still out of house	149	No	\$4,010	\$761
1938021100 Ruby Bay	Yes	Yes- ratepayer advised still out of the house awaiting repairs- builders have arrived	149	No	\$2,991	\$637
1933066200 Riwaka	Yes	Yes- ratepayer advised still out of the house- hoping to be back in August/Sept	130	No	\$1,555	\$103
1938013500 Ruby Bay	Yes	Yes- ratepayer advised still not in the house- flooring going in soon	149	No	\$3,199	\$678
1938090500 Best Island	Yes	Yes- ratepayer advised repairs not yet started-	149	No	\$2,940	\$635

		could be a few more months				
1938011600 Ruby Bay	Yes	Yes- ratepayer advised effectively unable to reside- builders have just arrived	149	No	\$5,265	\$981
1933065700 Riwaka	Yes	Yes- yellow sticker on property- building department advised not habitable	130	No	\$1,506	\$94
1931007605 Marahau	Yes	Yes- Owners advised will residing in the property- however with temporary running water and no electricity as of late May- (considering services)	149	No	\$5,296	\$479
1933070101 Motueka	Yes	Yes- There are 4 dwellings on the title- 2 of 4 have had a section 124 issued, but not including the main house	130	No	\$3,601	\$796
1933013900 Riwaka	Yes	Yes- Section 124 lifted 15 March- however owners advise they are residing in caravan on property as toilet/bedrooms aren't habitable, although kitchen/dining	130	No	\$1,625	\$156

		are usable. (Considering part access only)				
TOTAL						\$9,160

- 4.27 The Corporate Services Manager has declined the following applications under his delegated authority because they did not qualify under the Policy:
- 4.27.1 Six applications were declined because the property was not the owner's principal/primary place of residence.
- 4.27.2 Nine applications were declined because the dwellings or buildings were not made uninhabitable for at least the 30 day minimum required in the policy. One of these properties also has a notice on its title that a building consent issued pursuant to Section 72 Building Act 2004 identifies flooding as a natural hazard. Some of these properties had land access issues.
- 4.28 Staff note that a version of the Policy has been in place since 2011. The last significant natural disasters occurred in 2011. The report to the Full Council meeting of 21 February 2013 indicated that applicants were declined for reasons including "no road access however house is habitable", and "not the primary residence". The treatment this year for the declined applications is consistent with past application of criteria under the Policy.

5 Options

5.1 Remit rates as recommended for Table 1.- Recommended Option

This would be consistent with past decisions and precedents under this Policy.

5.2 Decline to grant any rates remissions.

While this is an option for Council, it does not seem consistent with the intent of the Policy.

5.3 Remit rates for different amounts than recommended above.

Council could change the approach for remissions away from the "back to bare land" treatment as it is not codified in the Policy. The disadvantages of doing this are that it would be inconsistent with past precedents and community expectations. The level of remissions had been set in consideration of the loss of access to Council services.

Council could take a different and broader interpretation of the "known hazard" clause and instruct staff to determine which applications would meet the criteria. This would result in more remissions being declined which would be unpopular with the affected ratepayers. It would however set a precedent of "buyer beware" of known hazards going forward.

6 Strategy and Risks

- 6.1 The Council's strategy and risks were considered when approving the Policy.
- 6.2 This report is about considering whether applications qualify under an existing policy and how to apply the policy, therefore there are limited risks arising from the decision, aside from the precedent effect.

7 Policy / Legal Requirements / Plan

7.1 Legal requirements are set out in 4.6 - 4.22 above.

8 Consideration of Financial or Budgetary Implications

- 8.1 If approved, the remissions granted under these applications for the 2017-2018 year would be met within the current year's remission expense budget.
- 8.2 There is provision in the budgets for future years for remissions under this and other remission policies.

9 Significance and Engagement

- 9.1 The Policy under which the applications have to be considered has already been subject to consultation and no consultation is required on this decision.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low to moderate	The decision is of high significance to the applicants because of its immediate impact on their rates. The decision is of low to moderate significance to the rest of the ratepayers in the District because it has little financial significance. This has already been factored into their rates, however they may have an interest due to the precedent effect and public interest after the weather events.
Is there a significant impact arising from duration of the effects from the decision?	Low	The decision would last until 2018-2019 for this group of applicants
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	N/A	
Does the decision create a substantial change in the level of service provided by Council?	N/A	
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	The remissions will be covered by existing budgets
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N/A	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	N/A	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	N/A	

10 Conclusion

- 10.1 Staff recommend Council approve the remissions in Table 1 under Council’s Policy “Remission of Rates for Land Occupied by a Dwelling that is Affected by Natural Disaster”.

11 Next Steps / Timeline

- 11.1 Staff will notify applicants of the outcome of their remission applications.
- 11.2 Staff will monitor all successful applications and grant further remissions until their properties become habitable.

12 Attachments

1. Policy - Remission of Rates for Land Occupied by a Dwelling that is Affected by Natural Disaster 111

POLICY ON REMISSION OF RATES FOR LAND OCCUPIED BY A DWELLING THAT IS AFFECTED BY NATURAL DISASTER

OBJECTIVES

This Policy is to allow the Council, at its discretion, to remit rates charged on any rating unit used for residential purposes if the land has been detrimentally affected by natural disaster (erosion, falling debris, subsidence, slippage, inundation, or earthquake) rendering dwellings or buildings uninhabitable and requiring activities carried out on the land to cease. The aim of the Policy is to allow the Council to consider remitting rates for those ratepayers most adversely affected.

APPLICATION

This policy applies to properties located in the Tasman District.

POLICY

1 CONDITIONS AND CRITERIA

1. The Council may remit all or a part of any rate or user charge made and levied in respect of land, if the land is detrimentally affected by natural disaster (such as erosion, falling debris, subsidence, slippage, inundation, or earthquake) and:
 - a) as a result dwellings or buildings previously habitable were made uninhabitable; and
 - b) the activity for which the land and/or buildings were used prior to the disaster is unable to be undertaken or continued.

For the purposes of this policy, 'uninhabitable' shall mean –

- i. a dwelling or building that cannot be used for the purpose it was intended due to a 's124 notice' being issued under the Building Act 2004 and the residents have been required to move out by the Council; or
- ii. a dwelling or building that is a total loss; or
- iii. as determined by Council after taking into account the matters specified in Clause 4 of this Policy.

'Land used for residential purposes' shall mean –

- i. any land including land not zoned for residential purposes on which a dwelling is located and is occupied by the Ratepayer as a principal place of residence.

2. The remission may be for such period of time as the Council considers reasonable, commencing from the date upon which the Council determines that the dwelling, buildings, or land were made uninhabitable and unable to be used for the activity for which they were used prior to the disaster, which shall be no less than 30 days after the event affecting the land in terms of this policy up to and limited to the time that the land and/or buildings are deemed by Council to be able to become habitable and able to be used for the activity carried out prior to the disaster.
3. The decision to remit all or any part of a rate or user charge shall be at the sole discretion of the Council. The Council may refuse to grant a remission even where the conditions set out in clause 1 are met by a ratepayer. The Council is unlikely to grant a remission where the land affected is in a known hazard prime location.
4. In determining whether or not a property is uninhabitable and the period of time for which the rates remission is to apply Council may take into account:
 - a) the extent to which essential services such as water, or sewerage to any dwelling or building were interrupted and could not be supplied;
 - b) whether essential services such as water or sewerage to any dwelling or building are able to be provided; and
 - c) whether any part of the building or land remains habitable or available for use
 - d) any property revaluation undertaken by Council's valuation provider.

2 PROCEDURE

1. Rates remissions will only be considered following the receipt of an application by the ratepayer and the application must be received within six months of the event, or within such further time as Council in its sole discretion might allow.
2. Each application for a rates remission will be considered on a case by case basis following receipt of an application by the ratepayer. The extent and duration of any remission shall be determined on a case by case basis.
3. Council may delegate authority to consider and approve applications to Council officers. In the event of any doubt or dispute arising, the application is to be referred to the Corporate Services Committee for a decision.

8.9 PROPOSALS TO CLASSIFY RESERVES IN MOTUEKA WARD**Decision Required**

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Anna Gerraty, Policy Advisor
Report Number:	RCN18-06-09

1 Summary

- 1.1 Classification of existing reserves (i.e. those already vested under the Reserves Act 1977 ('the Act')) located in Motueka Ward remains an outstanding issue that Council needs to address. Only three of the 103 parcels of land, which together comprise all existing reserves in Motueka Ward, have been formally classified under the Act. Council needs to undertake the classification process before publicly notifying a draft Motueka Ward Reserve Management Plan (RMP), to achieve compliance with section 41(3) of the Act.
- 1.2 Council has delegated responsibility from the Minister of Conservation to classify reserves that it administers. We recommend that Council resolves to utilise this delegation, to classify existing reserves located within the Motueka Ward, under section 16 of the Act.
- 1.3 Council must publicly notify its intention to classify reserves, with submissions remaining open for at least one month. Hearings will be required before Full Council makes a final decision on whether or not to classify reserves.
- 1.4 The report also requests that Council form a Hearing Panel to hear submissions on the proposals to classify reserves in Motueka Ward.
- 1.5 Once Council has classified the reserves and published the associated notice in the New Zealand Gazette, it can then publicly notify a draft Motueka Ward Reserve Management Plan.
- 1.6 Key project milestones include:
 - 1.6.1 Council notifies its intention to classify existing reserves in Motueka Ward (Newsline edition 6 July 2018);
 - 1.6.2 open for submissions for one month (submissions close 7 August 2018);
 - 1.6.3 hearings are held (20 and 21 August 2018);
 - 1.6.4 Hearing Panel considers submissions and amends proposed classification as appropriate (22 August 2018);
 - 1.6.5 Council resolves to classify reserves (13 September 2018); and
 - 1.6.6 Council submits notices to New Zealand Gazette (14 September 2018).
- 1.7 The attached project plan (see Attachment 1) outlines the main steps for the combined reserve classification and Motueka Ward Reserve Management Plan review processes, with an anticipated project completion date of April 2019.

- 1.8 Several of the parks and 'reserves' that Council administers in Motueka Ward are not protected as reserves. Council has not formally declared these parcels of land a reserve, or vested them as a reserve, under the Act. This report does not recommend that any such properties be declared as reserves.

2 Draft Resolution

That the Full Council

1. receives the Proposals to classify reserves in Motueka Ward RCN18-06-28 RCN18-06-09 report; and
2. notes that the Minister of Conservation has provided Council with delegated authority to classify reserves under section 16(1) of the Reserves Act 1977; and
3. notes that sections 16(2A) and 16(11b) of the Reserves Act 1977 enables Council to classify reserves (not derived from the Crown) by simple resolution (i.e. without the Minister of Conservation's consent), but agrees to publicly notify classification of these reserves along with those under section 16(1) of the Act; and
4. exercising a delegation from the Minister of Conservation under section 16(4) of the Reserves Act, instructs staff to proceed with giving public notice of a proposal to:
 - (i) notify the intention to classify the area of reserve land described in Attachment 3 of this report as historic reserve under section 16 of the Reserves Act 1977; and
 - (ii) notify the intention to classify the areas of reserve land described in Attachment 4 of this report as recreation reserve under section 16 of the Reserves Act 1977; and
 - (iii) notify the intention to classify the areas of reserve land described in Attachment 5 of this report as local purpose reserve (of various types) under section 16 of the Reserves Act 1977; and
5. delegates the task of hearing and considering submissions on the proposals to classify reserves in Motueka Ward to a Hearings Panel; and
6. appoints a Hearings Panel consisting of Crs ____ (Chair), ____, ____ and ____, and one iwi representative [to be appointed by the Mayor], with the Chair having the ability to appoint another Councillor should a member of the panel be unavailable; and
7. agrees that the Hearing Panel will report back to Full Council with recommendations on whether or not to classify reserves in Motueka Ward, for a decision.

3 Purpose of the Report

- 3.1 To inform Council of its legal requirement to classify reserves before publicly notifying a draft Motueka Ward Reserve Management Plan.
- 3.2 To seek Council's agreement to the proposals to classify reserves and consider the notification and public consultation requirements of this process.
- 3.3 To appoint a Hearing Panel to hear submissions received on the proposals to classify reserves and to make recommendations back to Council for a decision.

4 Background and Discussion

Relationship between reserve management plans and reserve classification

- 4.1 The existing Motueka Ward Reserve Management Plan (RMP) was adopted by Council in 2001 and is due for review. It covers 55 park/reserve areas administered by Council within the Ward. Several of the areas included within the RMP are not technically reserves (i.e. not formally protected under the Reserves Act).
- 4.2 Classification of existing reserves needs to be completed before preparing a management plan, to comply with section 41(3) of the Reserves Act 1977 which states: "*The management plan shall provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes for which it is classified, and shall incorporate and ensure compliance with the principles set out in section 17, section 18, section 19, section 20, section 21, section 22, or section 23, as the case may be, for a reserve of that classification.*" [emphasis added]
- 4.3 The Department of Conservation's 'Guide for Reserve Administering Bodies' (the Guide) advises that the reserves covered by a Reserve Management Plan (and their boundaries) must be sufficiently described for a member of the public to recognise them individually – e.g. by mapping them in adequate detail in the plan.
- 4.4 We have updated Council's inventory of parks and reserves in the Motueka Ward and produced a series of 26 maps showing their location (see Attachment 2). The map series is also available online at: <http://www.tasman.govt.nz/tasman/projects/community-projects/motueka-reserves-projects/> A total of 99 Council-administered park/reserve areas have been identified in the Motueka Ward. Several of these are made up of two or more parcels of land.
- 4.5 Please note that cemeteries are deliberately excluded from the map series, as we intend to produce a separate management plan/strategy for all Council-administered cemeteries in Tasman District in the future.
- 4.6 The Guide advises that legal descriptions and references to land status documentation (i.e. how the land became a reserve) should be included. The RMP must provide details of the classification of each reserve, and a reference to the authority for the classification (source document) is essential. The reserve classification determines the purposes for which a reserve must be managed.

- 4.7 The Guide also states that the administering body cannot invite public submissions on a draft RMP until all reserves are classified and the draft RMP is consistent with those classifications (s.41(3)).
- 4.8 The attached project plan (see Attachment 1) outlines the main steps for the combined reserve classification and Motueka Ward Reserve Management Plan review processes.

Reserve classification

- 4.9 Section 16 of the Act sets out the process for classifying reserves. Classification must occur via notice in the New Zealand Gazette (refer sections 16(1) and 16(2) of the Act).
- 4.10 The Minister of Conservation (the Minister) was previously responsible for classifying all reserves that existed prior to 1977 (s16(1)(a)). In 2013, the Minister delegated this responsibility to local authorities.
- 4.11 Most of the reserves located within Motueka Ward have not yet been formally classified under the Act. The Department of Conservation have checked their records and confirmed that this is the case. This was often the situation with reserve management plans developed by councils in the past. Attachments 3-5 list those reserves yet to be classified in the Motueka Ward.
- 4.12 Three reserves have already been formally classified under the Act; these reserves are listed below. We are not proposing that the existing classification or purpose be amended for any of these reserves.
- 4.12.1 Brooklyn Recreation Reserve (located at: 78 Brooklyn Valley Road, Brooklyn – see Map 13 in Attachment 2; size 4.6387 ha; legal description: Lot 1 DP 5289 Blk III Motueka S D) was classified as a Recreation Reserve on 13 March 1980 (NZ Gazette reference 1980, p913);
- 4.12.2 Riwaka Memorial Recreation Reserve (located at: 526 Main Road Riwaka – see Map 11 in Attachment 2; size: 1.5778 ha; legal description: Secs 281 and 292 District of Motueka, Lot 1 DP 7378 and Secs 4 and 5, Blk X Kaiteriteri Survey District) was classified as a Recreation Reserve on 6 November 1981 (NZ Gazette reference 1981, p3577); and
- 4.12.3 one of the land parcels forming Decks Reserve (located at: 20 Wallace Street, Motueka – see Map 18 in Attachment 2; size: 0.2215 ha; legal description: Pt Lot 2 DP 5945) was classified as a Local Purpose (Information Centre/Car Park) Reserve on 23 November 1998 (NZ Gazette reference 1998, p4655).
- 4.13 It is unclear why (a) the Minister did not classify the other reserves prior to 2013 or (b) why Council's intention to classify the reserves, as set out in the Motueka Ward RMP 2001, has never taken place, but many councils have not classified their reserves. It is appropriate that Council now undertakes the classification process.
- 4.14 Council needs to classify the reserves before publicly notifying a draft Motueka Ward Reserve Management Plan. There are a few options available for classifying the reserves. Public notice of the intention to classify is required under s16 of the Act, unless the classification meets the test outlined in s16(5), i.e. "*(a) the classification proposed for any reserve is substantially the same as the purpose for which the reserve was held and administered immediately before the commencement of this Act*".

- 4.15 Our recommendation is that Council publicly notifies its intention to classify all relevant reserves in Motueka Ward, i.e. publicly notifies all proposals outlined in Attachments 3-5 to this report.

Properties not formally protected as reserves under the Act

- 4.16 Several park/'reserve' areas that Council administers in the Motueka Ward are not held or protected as reserves under the Act. Most of these were purchased (or gifted to Council) with fee simple title and have never been formally declared to be a reserve under the Act. These 23 areas are listed in Attachment 6 to this report.
- 4.17 While these areas form key parts of our open space network in Motueka Ward, we recommend retaining them as is (i.e. not declaring them as reserves under the Act) at this point in time. The reason for this is that Wakatū has asked Council to defer any processes that may result in changes to land status (e.g. declaring land as reserve) until the High Court has made its determination regarding the Nelson Tenths Reserves. Further details about this case are provided in paragraphs 4.19 to 4.22 below.
- 4.18 With the exception of Memorial Park, which has its own separate Management Plan, we recommend including all of the land parcels listed in Attachment 6 within the draft Motueka Ward RMP. Provided it is clearly stated that these parcels are not reserves under the Act, we can still provide useful management direction for these areas, under the umbrella of the RMP.

Nelson Tenths Reserves case

- 4.19 On 28 February 2017, the Supreme Court released its decision in *Proprietors of Wakatū & Rore Stafford v Attorney- General* [2017] NZSC 17, allowing the appeal, and sending the case back to the High Court to determine matters of breach, loss and remedy.
- 4.20 The case relates to the creation of the Nelson Tenths Reserves, in the early days of colonial New Zealand. It seeks to secure the return of land from the Crown to make up the full 'tenth' that was guaranteed to Māori, but which the Crown never reserved in full.
- 4.21 This is not a Treaty claim. It is a private law claim centred on the establishment of Nelson/Tasman by the New Zealand Company in 1839-1845. It is about the rights of Māori customary landowners to hold the Crown to account in circumstances where the Crown agreed to act on their behalf in fulfilling the terms of the Spain award. Under the Spain award, land amounting to one-tenth of the recommended grant to the Company was to be reserved for the benefit of the original Māori owners. Only 5,100 acres of the 15,100 acres of tenth reserves were identified and reserved at the time of the award.
- 4.22 The Supreme Court did not finally decide the case, on the basis that the High Court still needs to make findings on the extent to which the Crown has acted in breach of its fiduciary duties, and on what remedies should be granted for those breaches. The case has been referred back to the High Court to decide these further points. The Supreme Court's decision is significant because it is the first time a New Zealand court has found that the Crown owes fiduciary duties to Māori landowners to protect their property rights. A summary of the Supreme Court's decision is available on request.

Reserves that are potentially surplus to requirements

- 4.23 We have identified one reserve that is potentially surplus to requirements and could possibly be considered for disposal at a later date. This is a Local Purpose Reserve (Lot 10 DP 12758, 83 m² – see Map 15) sited between two houses in Pah Street, Motueka. It was

created for the purpose of serving as a walkway through to adjoining land to the north, which (at the time) hadn't been subdivided. However, when the northern subdivision took place the linkage through to Pah Street wasn't created, meaning the existing reserve is now a walkway to nowhere. The land is surrounded by private property, apart from the frontage to Pah Street. We recommend doing nothing about this reserve at present (i.e. do not classify it under the Act). Council could consider future management options for this land as part of the draft RMP process.

- 4.24 There is another reserve that is similar to the above example: a Local Purpose (Walkway) Reserve adjoining Royden Place, Motueka (Lot 39 DP 307304, 67 m² – see Map 21). However, this reserve provides pedestrian access through to land that could still potentially be subdivided in future. If the adjoining land was subdivided, the pedestrian linkage could be useful, hence we recommend this reserve should be classified (see Attachment 5).

Public consultation requirements

- 4.25 Section 16 of the Act sets out the requirements for public consultation on the intention to classify reserves. While s16(2A) provides for Council to classify some reserves without going through a public consultation process, we recommend publicly notifying all proposals. The minimum submission period is one month. Council must hold hearings if submitters indicate the wish to speak to their submissions. Council has the option of delegating the task of hearing and considering submissions to a Hearing Panel if it chooses. We recommend you establish a Hearing Panel for this purpose.
- 4.26 We have consulted with the eight Te Tau Ihu iwi, Wakatū Incorporation, Ngāti Rārua Ātiawa Iwi Trust (NRAIT) and Tiakina Te Taiao on these proposals.
- 4.27 Verbal and/or written feedback has been received from some of these groups to date:
- 4.27.1 Rangitāne o Wairau has advised that the Motueka Ward is not in their rohe and they will leave it to other iwi to comment.
- 4.27.2 Ngāti Apa has no staff capacity to comment at present and suggested that Ngāti Kuia speak on their behalf.
- 4.27.3 Ngāti Kuia requested additional information about locations of recorded archaeological sites, which we provided (to all groups).
- 4.27.4 We met kanohi-ki-te-kanohi (face to face) with staff from Te Ātiawa, Ngāti Tama, Wakatū and NRAIT to talk them through the proposals. As discussed under paragraph 4.17 above, Wakatū asked us to focus on classification of existing reserves only, and to defer any proposals that may alter land status (e.g. proposals to declare land as reserve), until after the High Court determination on their case.
- 4.28 These groups may also choose to write a submission/speak at a hearing, once the proposals are publicly notified.

5 Options

- 5.1 We recommend that Council publicly notifies its intention to classify reserves in accordance with Section 16 of the Act. This option will provide our community with an opportunity to comment on all proposed changes and would enable the parallel process of reviewing the Motueka Ward RMP to remain on track (refer timeline contained in Attachment 1 to this report).

5.2 Alternatively, Council could choose to:

- 5.2.1 retain the current status for all unclassified reserves (this option is not recommended as reserves must be classified before a draft reserve management plan is publicly notified); or
- 5.2.2 defer the proposals to classify reserves (this option could be chosen if Council doesn't agree with any of the proposals and wants them revised before they are publicly notified); or
- 5.2.3 extend the submission period beyond the minimum one month required (this would mean the Motueka Ward RMP review would be delayed by a similar time, but provide more time for the public to have their say on the proposals).

5.3 Council also has the option of delegating the task of hearing and considering submissions to a Hearing Panel, or choosing not to delegate. Further information on each option is outlined in Section 4 of this report.

6 Strategy and Risks

- 6.1 The risks associated with publicly notifying Council's intention to classify reserves are minimal. There will be opportunities for public feedback to be incorporated and scope for changes to be made to the proposals prior to them being finalised and adopted by Council (i.e. during the formal submission and hearing period).
- 6.2 Our community will have an additional opportunity to suggest new options for classifying reserve areas during the RMP review process. Classifying the reserves now does not preclude the RMP from including a recommendation that the reserve classification be altered in some way in future.

7 Policy / Legal Requirements / Plan

- 7.1 The proposals to classify reserves will be undertaken in accordance with the Reserves Act 1977, exercising delegated authority from the Minister of Conservation.

8 Consideration of Financial or Budgetary Implications

- 8.1 The costs for this project have been provided for in the Strategic Policy budget.

9 Significance and Engagement

- 9.1 As outlined in the following table, we consider this activity will be of low to medium significance to residents of Motueka Ward/Tasman District, but of high significance to some iwi/Māori. This report proposes that Council publicly notifies its intention to classify reserves in Motueka Ward, before making any decisions on this matter.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Medium-High	The proposals to classify reserves will be of interest to iwi, nearby residents, community groups and other parties/organisations. Motueka Ward residents are likely to be more interested than those in other parts of the District. Some iwi/Māori are likely to have a high level of interest in these proposals.

Issue	Level of Significance	Explanation of Assessment
Is there a significant impact arising from duration of the effects from the decision?	Low	<p>This report encourages Council to publicly notify its intention to classify reserves in Motueka Ward. No land status will change as a result of this report.</p> <p>Once the public consultation is complete, Council will decide whether or not to classify reserves (and, if yes, publish notices to that effect in the NZ Gazette). The implications of doing so are:</p> <p>(i) for land already vested as reserve, classification would formalise the type of reserve it is (i.e. give it a purpose);</p> <p>(iii) classification of reserves would provide ongoing guidance for the development of future RMPs.</p>
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	N/A	
Does the decision create a substantial change in the level of service provided by Council?	N/A	
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	N/A	
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N/A	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	N/A	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	N/A	

10 Conclusion

- 10.1 There is a legal requirement to classify reserves before publicly notifying a draft Motueka Ward Reserve Management Plan. This report seeks Council's agreement to the proposals to classify reserves and consider the notification and public consultation requirements of these processes.
- 10.2 We recommend that Council appoint a Hearing Panel of four Councillors and one iwi representative to hear submissions received on the proposals.

11 Next Steps / Timeline

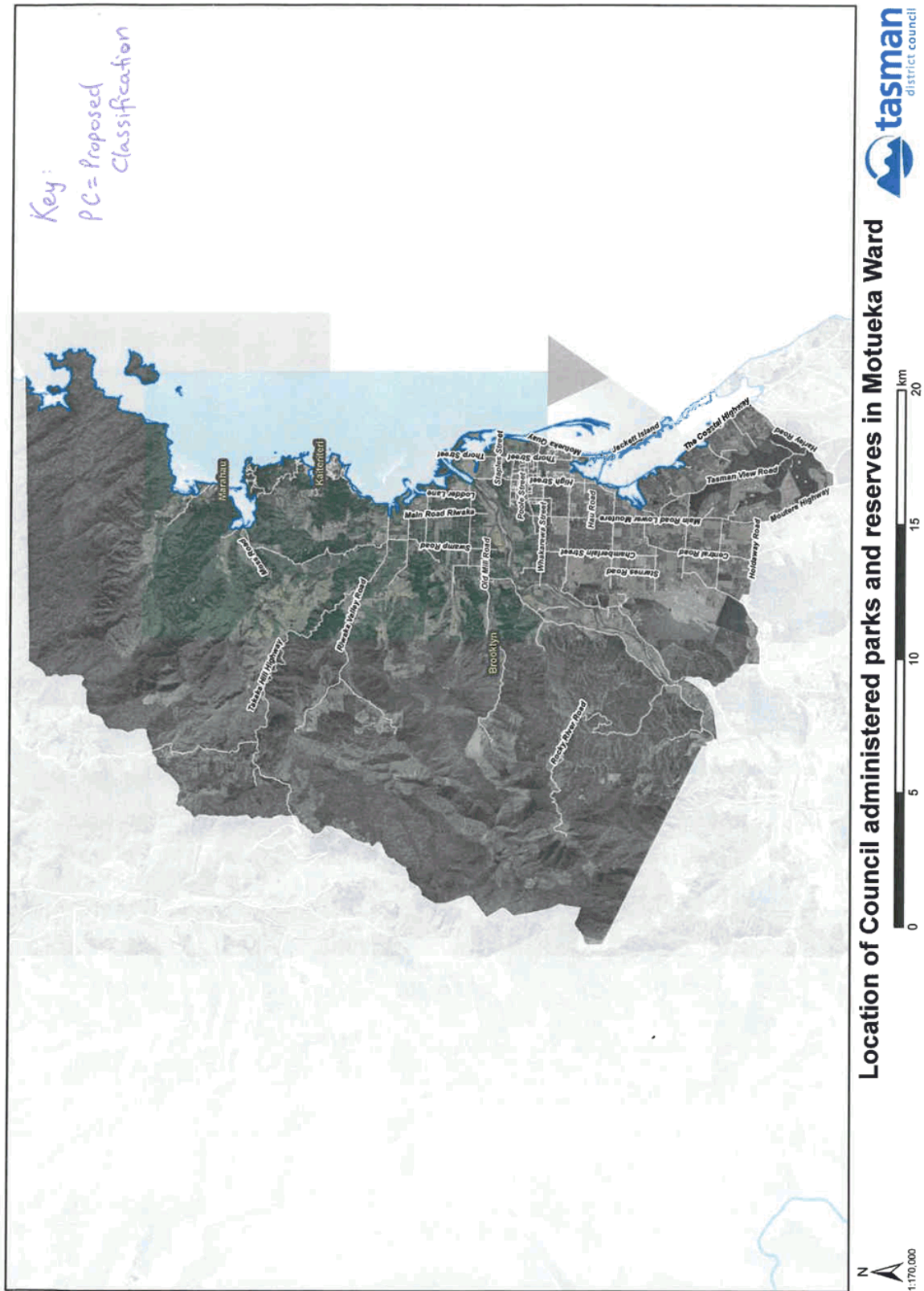
- 11.1 If Council resolves to notify the intention to classify existing reserves in Motueka Ward, staff will arrange for a public notice to be included in the 6 July 2018 edition of Newline and on our website.
- 11.2 The consultation and submission period would run from 6 July to 7 August 2018.
- 11.3 We anticipate that the hearing of submissions would take place on 20 and 21 August and deliberations on 22 August 2018. It is likely that the Hearing Panel would present its report to Full Council at its meeting on 13 September 2018.
- 11.4 If Council resolves to classify reserves at its meeting on 13 September 2018, we could submit notice(s) of this to the New Zealand Gazette on 14 September 2018.
- 11.5 Attachment 1 contains a detailed timeline for both Motueka Ward reserves projects (i.e. reserve classification and Reserve Management Plan review projects).

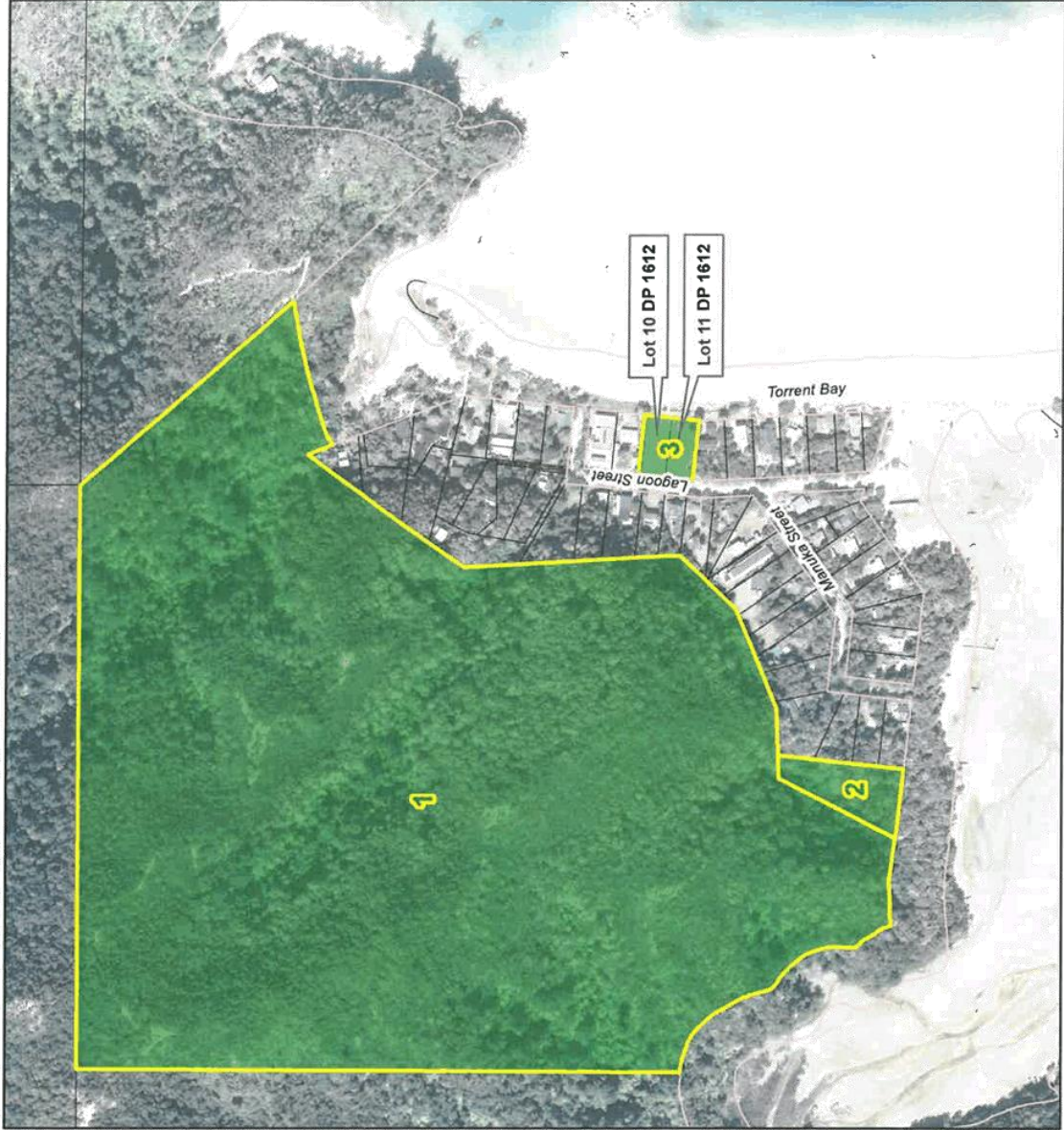
12 Attachments

1.	Timeline for Motueka reserves projects	123
2.	Location of parks and reserves in Motueka Ward	125
3.	Proposal to classify as historic reserve	153
4.	Proposals to classify as recreation reserve	155
5.	Proposals to classify as local purpose reserve	161
6.	Properties not formally protected as reserves	167

Attachment 1: Timeline - Motueka Ward reserves projects

TASK	TIMEFRAME	STATUS
Council agrees to classify reserves in Motueka Ward and review the existing Reserve Management Plan (RMP)	Sep 2016	Complete
Council notifies intention to prepare RMP and invites suggestions.	Nov 2016	Complete
Initial public consultation phase for RMP.	Nov 2016 – Apr 2017	Complete
Staff complete inventory and prepare background information about each of the reserves proposed to be classified.	Oct 2016 – July 2017. On hold. Restart late February 2018, complete by May 2018.	Complete
Staff create maps of all reserves and upload to website.	May 2018	Complete
Staff create list of parks and reserves in Ward, categorised into: reserves already classified, unclassified reserves and fee simple land forming part of open space network. Staff recommend proposed classification for all but latter.	May 2018	Complete
Staff consult with iwi and Motueka Community Board (attend meeting on 20 March 2018) on proposed classification for each reserve and ideas for inclusion in Draft RMP.	March – June 2018	In progress
Staff prepare a Draft RMP document.	May – August 2018	In progress
Full Council meeting considers report on proposed classification of reserves and agrees to publicly notify proposals.	28 June 2018	In progress
Publish public notice of Council's intention to classify reserves in Motueka Ward.	6 July 2018	Not started
Submissions open for one month on proposed reserve classification.	Closing 7 August 2018	Not started
Hearings and deliberations on classification of reserves.	20-22 August 2018	Not started
Workshop with Councillors and Motueka Community Board on Draft RMP document and to consider any changes to reserve classification etc, as proposed by Hearing Panel.	28 August 2018	Not started
Full Council meeting to consider reports and (a) resolve to classify reserves; and (b) resolve to publicly notify Draft RMP once NZ Gazette notices are published.	13 September 2018 (Extraordinary Full Council meeting, after Engineering Committee)	Not started
Staff submit notices to New Zealand Gazette from Council, outlining reserve classifications.	14 September 2018	Not started
Publish public notice calling for submissions on draft RMP.	22 September 2018	Not started
Submissions on Draft RMP open for two months.	Closing 23 November 2018	Not started
Hearings and deliberations.	10-12 December 2018	Not started
Council workshop (half day) to consider submissions and Hearing Panel recommendations to amend draft RMP.	14 December 2018	Not started
Staff revise draft RMP based on above.	Feb - March 2019	Not started
Full Council considers report and adopts final RMP.	April 2019	Not started





Map 1 - Torrent Bay Reserves

- 1. - Torrent Bay Waterworks Reserve
PC = Local Purpose (Utility) Reserve
- 2. - Torrent Bay Recreation Reserve
PC = Recreation Reserve
- 3. - Torrent Bay Reserve
*(Lot 10 DP 1612) PC = Recreation Reserve
(Lot 11 DP 1612) PC = Recreation Reserve*



- Map 2 - General Location of Marahau Reserves (see maps 3-4)**
- 1. - Marahau River Esplanade Reserve - True Right
 - 2. - Marahau River Esplanade Reserve - True Left
 - 3. - Franklin Street Reserve
 - 4. - Newhaven Crescent Reserve
 - 5. - Otuwhero Inlet Local Purpose (Carpark) Reserve





Map 3 - Marahau River Esplanade Reserves

- 1. - Marahau River Esplanade Reserve - True Right
- 2. - Marahau River Esplanade Reserve - True Left

For both 1 & 2, PC = Local Purpose (Esplanade) Reserve





Map 4 - Marahau Village Reserves

- 1. - Franklin Street Reserve *PC = Recreation*
- 2. - Newhaven Crescent Reserve *PC = Recreation*
- 3. - Otuwhero Inlet Local Purpose (Carpark) Reserve *PC = Local Purpose (Carpark) Reserve*



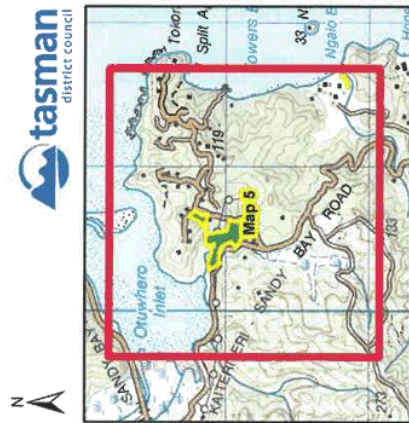


Map 5 - Kaiteriteri Reserves (North)

- 1. - Tokongawa Drive Reserve *PC = Recreation Reserve*
- 2. - Ngaio Bay Reserve *PC = Local Purpose (Esplanade) Reserve*

Pedestrian accessways (not reserves)

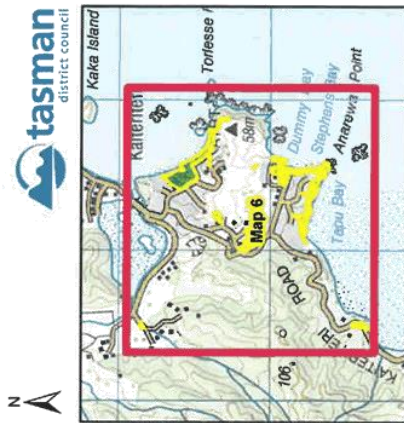
- 3. - Kohi Walk/ Pathway
 - 4. - Moonraker Way Pathway
 - 5. - Venture Cove Pathway
- For 3-5 Retain as is, no change*

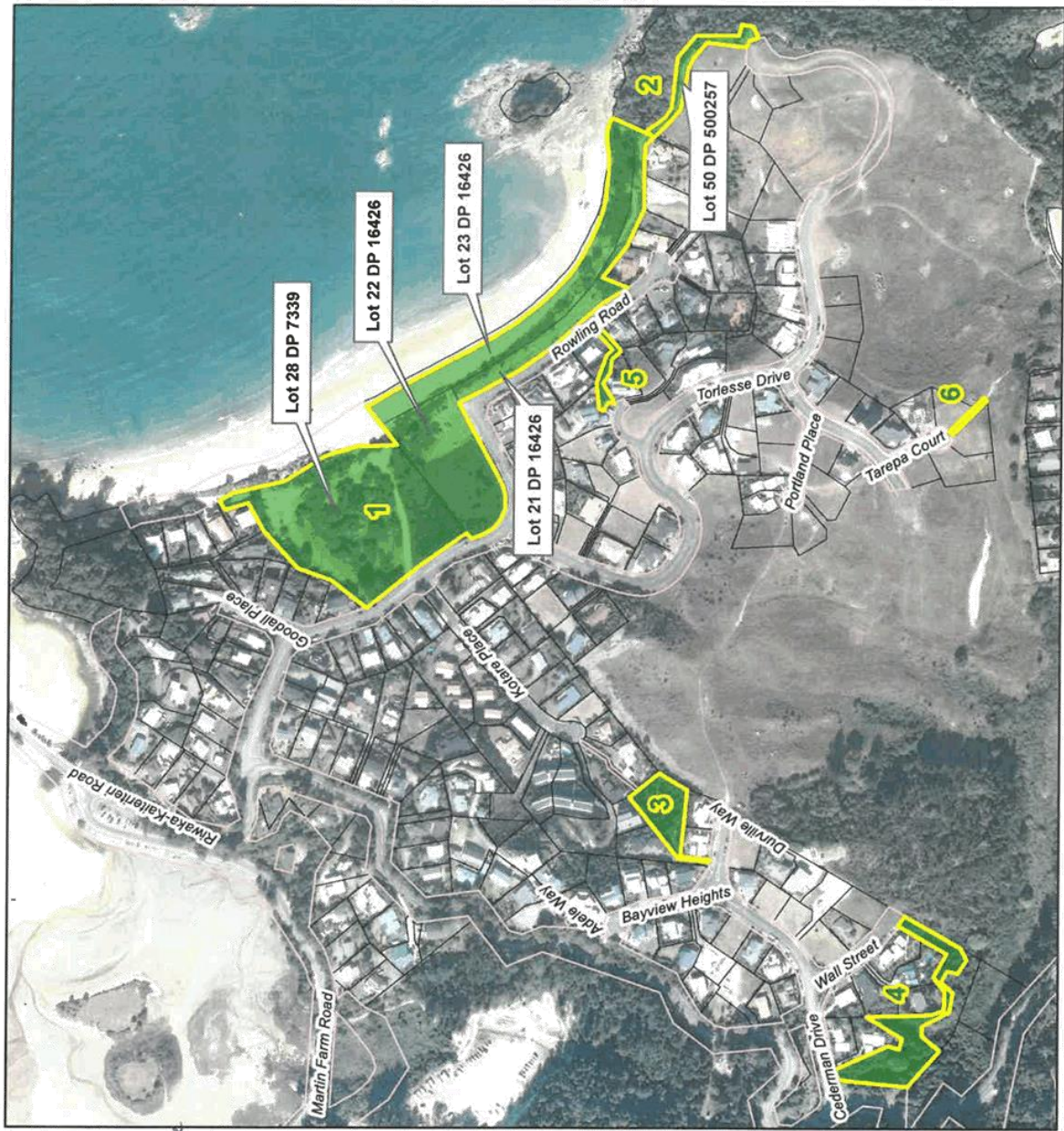




Map 6 - General location of Kaiteriteri Reserves (South) (see maps 7-8)

- 1. - Kahu Close Reserve *PC = Recreation Reserve*
- 2. - Cederman Drive Reserve
- 3. - Alex Ryder Memorial Reserve
- 3a. - Little Kaiteriteri/Steps Bay Reserve *PC = Historic Reser*
- 4. - Dumont Place Reserve
- 5. - Tarepa Court Walkway
- 6. - Stephens Bay Esplanade Reserve
- 7. - Stephens Bay Recreation Reserve
- 8. - Anarewa Crescent Reserve
- 9. - Tapu Place Reserve
- 10. - Wall Street Reserve
- 11. - Pukekoikoi Historic Reserve





Map 7 - Little Kaiteriteri Reserves

- 1. - Alex Ryder Memorial Reserve
(Lot 28 DP 7339) PC = Recreation Reserve
(Lot 22 DP 16426) PC = Recreation Reserve
(Lot 23 DP 16426) PC = Local Purpose (Esplanade) Reserve
(Lot 21 DP 16426) PC = Recreation Reserve
- 2. - Little Kaiteriteri Stephens Bay Reserve PC = Local Purpose (Walkway) Reserve
(Lot 50 DP 500257)
- 3. - Cederman Drive Reserve PC = Recreation Reserve
- 4. - Wall Street Walkway
PC for 4, 5 & 6 = Local Purpose (Walkway) Reserve
- 5. - Dumont Place Walkway
- 6. - Tarepa Court Walkway



Map 8 - Stephens Bay & Tapu Bay Reserves

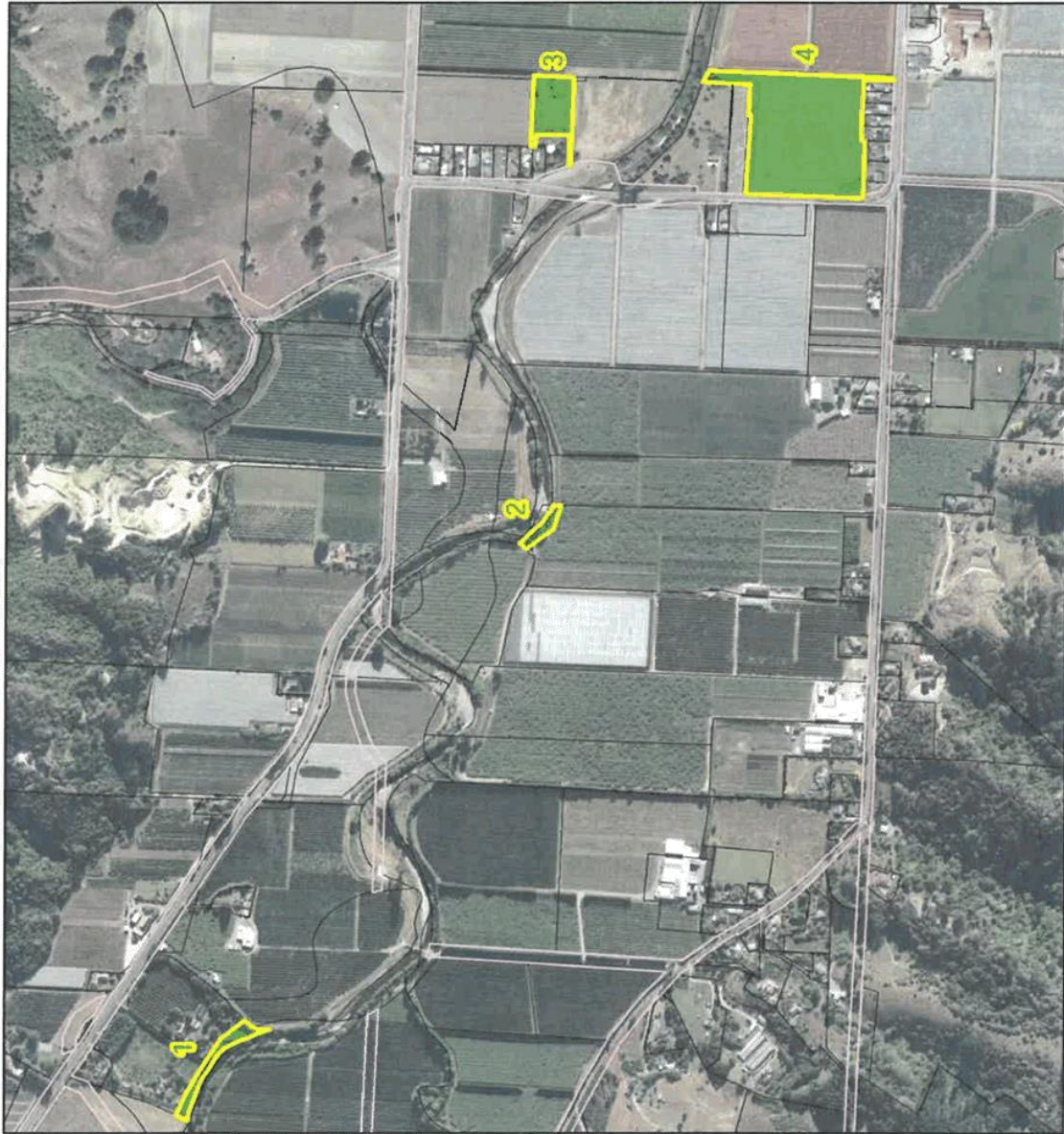
- 1. - Wall Street Reserve (see Map 7)
- 2. - Tarepa Court pedestrian accessway (see Map 7)
- 3. - Stephens Bay Esplanade Reserve
 (Lot 2 DP 12839) } PC for all lots =
 (Lot 17 DP 8455) } Local Purpose (Esplanade)
 (Lot 44 DP 5620) } Reserve
 (Lot 45 DP 5620)
 (Lot 13 DP 5771)
- 4. - Stephens Bay Recreation Reserve PC = Recreation Reserve
- 5. - Anarewa Crescent Reserve PC = Recreation Reserve
- 6. - Tapu Place Reserve PC = Recreation Reserve





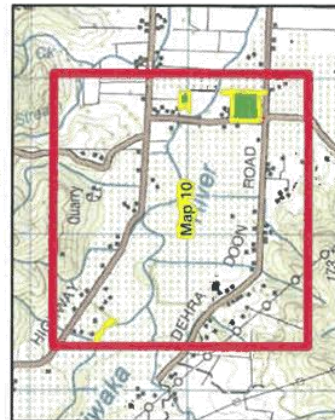
- Map 9 - General location of Riwaka Reserves (see maps 10-12)**
- 1. - Riwaka River Reserve West
 - 2. - Riwaka River Reserve (East)
 - 3. - Riwaka Rugby Clubrooms
 - 4. - Riwaka Rugby Grounds (DSIR) Reserve
 - 5. - Green Tree Road Esplanade Reserve
 - 6. - Wharf Road Esplanade Reserve
 - 7. - Ted Reed Reserve
 - 8. - Lodder Lane Esplanade Reserve
 - 9. - Riwaka Memorial Reserve

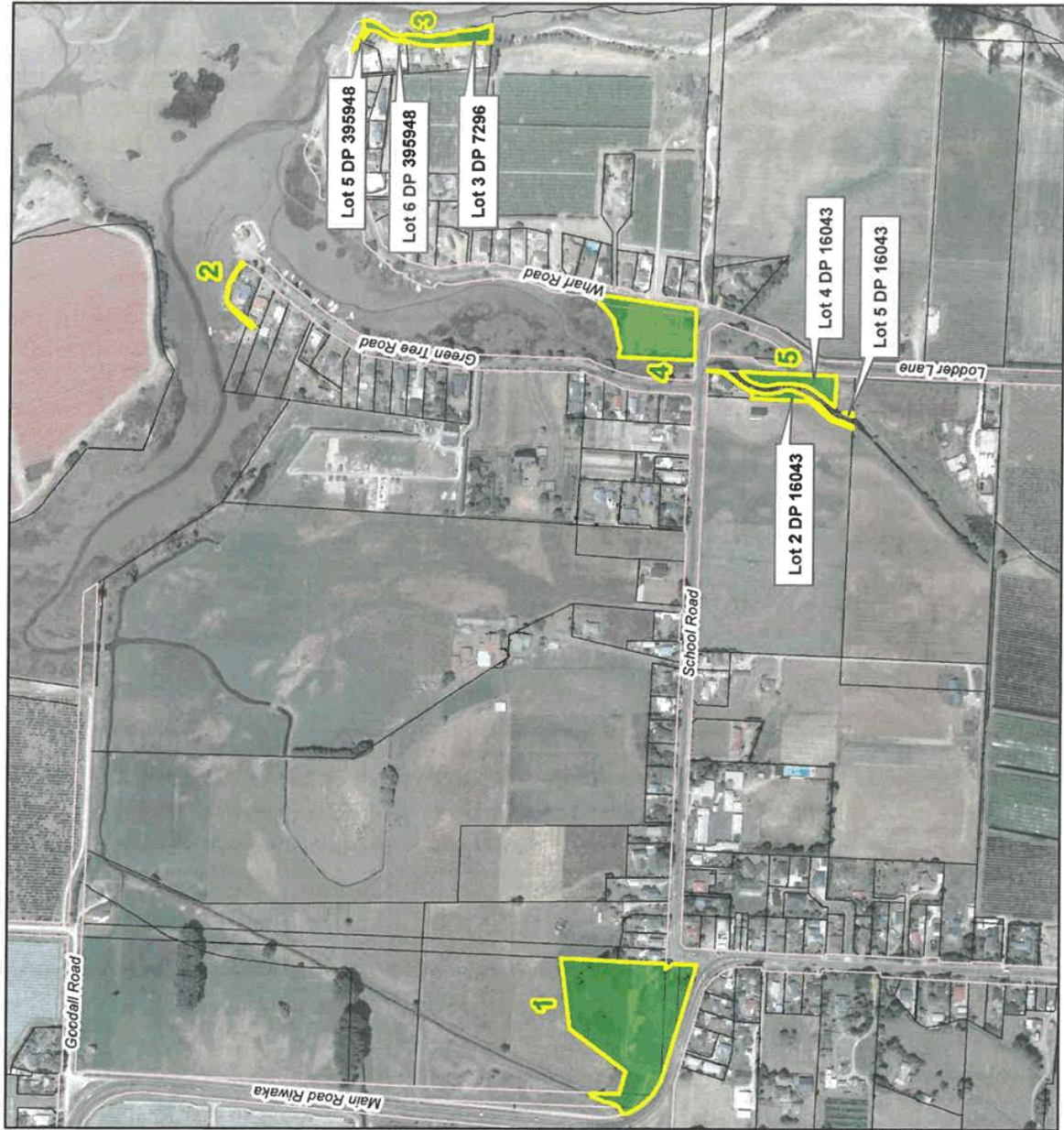




Map 10 - Riwaka Reserves (North West)

- 1. - Riwaka River Reserve West
 - 2. - Riwaka River Reserve (East)
 - 3. - Riwaka Rugby Clubrooms
 - 4. - Riwaka Rugby Grounds (DSIR) Reserve
- For both 1 & 2, PC = Local Purpose (Esplanade) Reserve*
For both 3 & 4, Retain as is, no change.





Map 11 - Riwaka Reserves (North East)

1. - Riwaka Classified Recreation Reserve Memorial Reserve & N 1981 p 3577

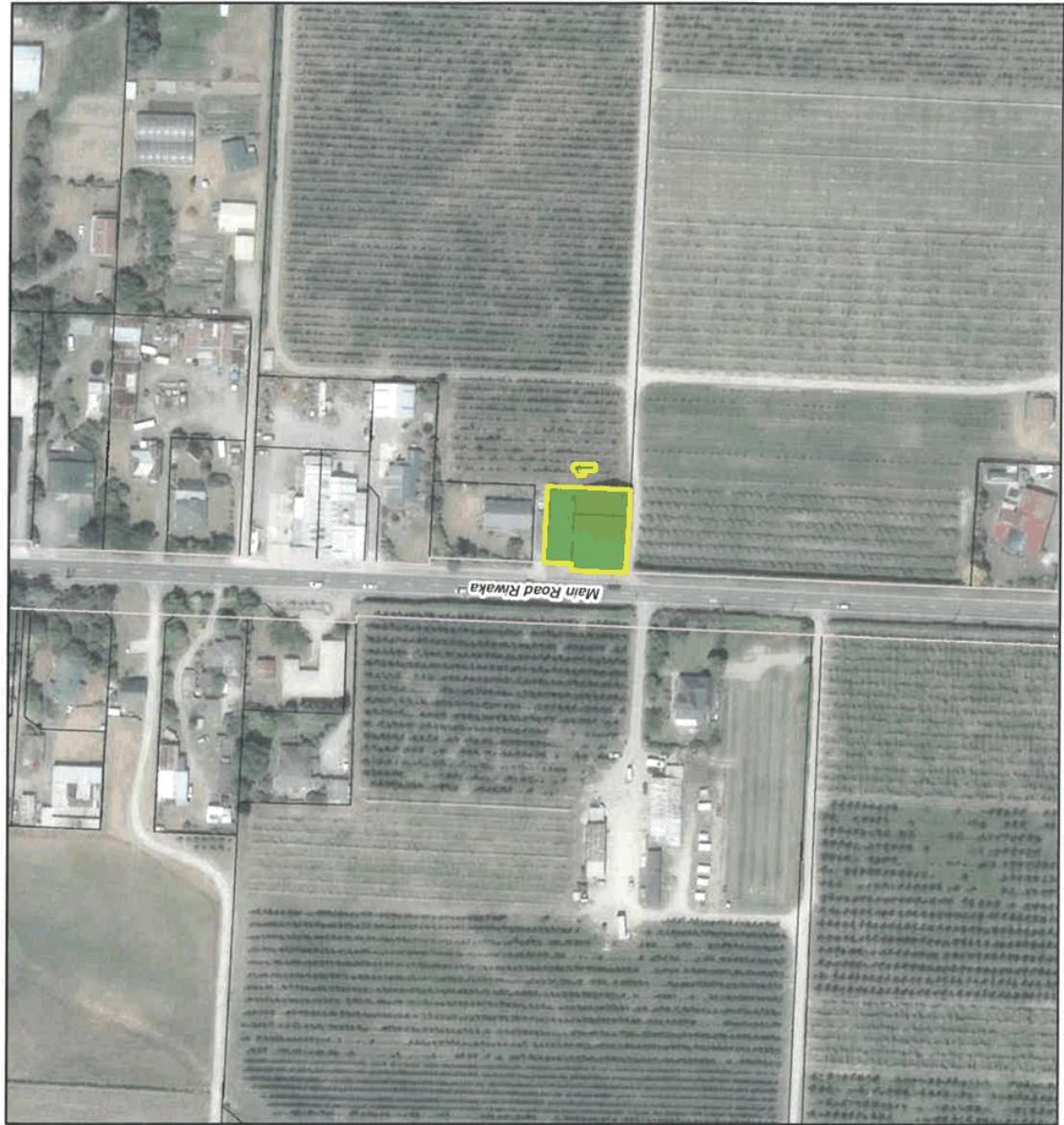
2. - Green Tree Road PC= Local Purpose Esplanade Reserve (Esplanade) Reserve

3. - Wharf Road Esplanade Reserve (Lot 5 DP 395948) } All lots, PC= Local Purpose (Lot 6 DP 395948) } (Esplanade) Reserve (Lot 3 DP 7296)

4. - Ted Reed Reserve Retain as is, no change.

5. - Lodder Lane Esplanade Reserve (Lot 2 DP 16043) } All lots, PC= Local Purpose (Lot 4 DP 16043) } (Esplanade) Reserve (Lot 5 DP 16043)

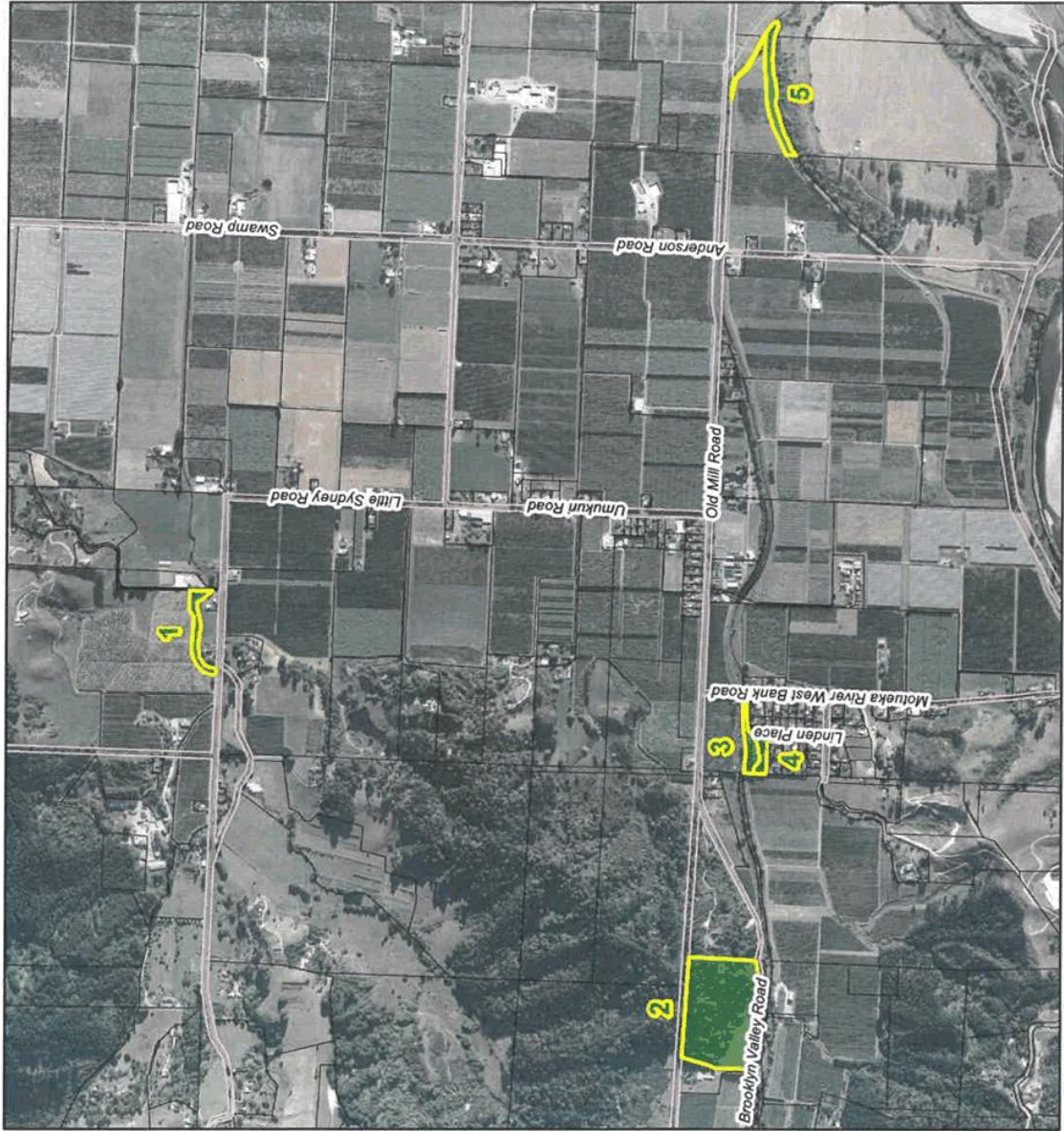




Map 12 - Riwaka Reserves (South East)

- 1. - Riwaka Hall Reserve *Retain as is, no change*





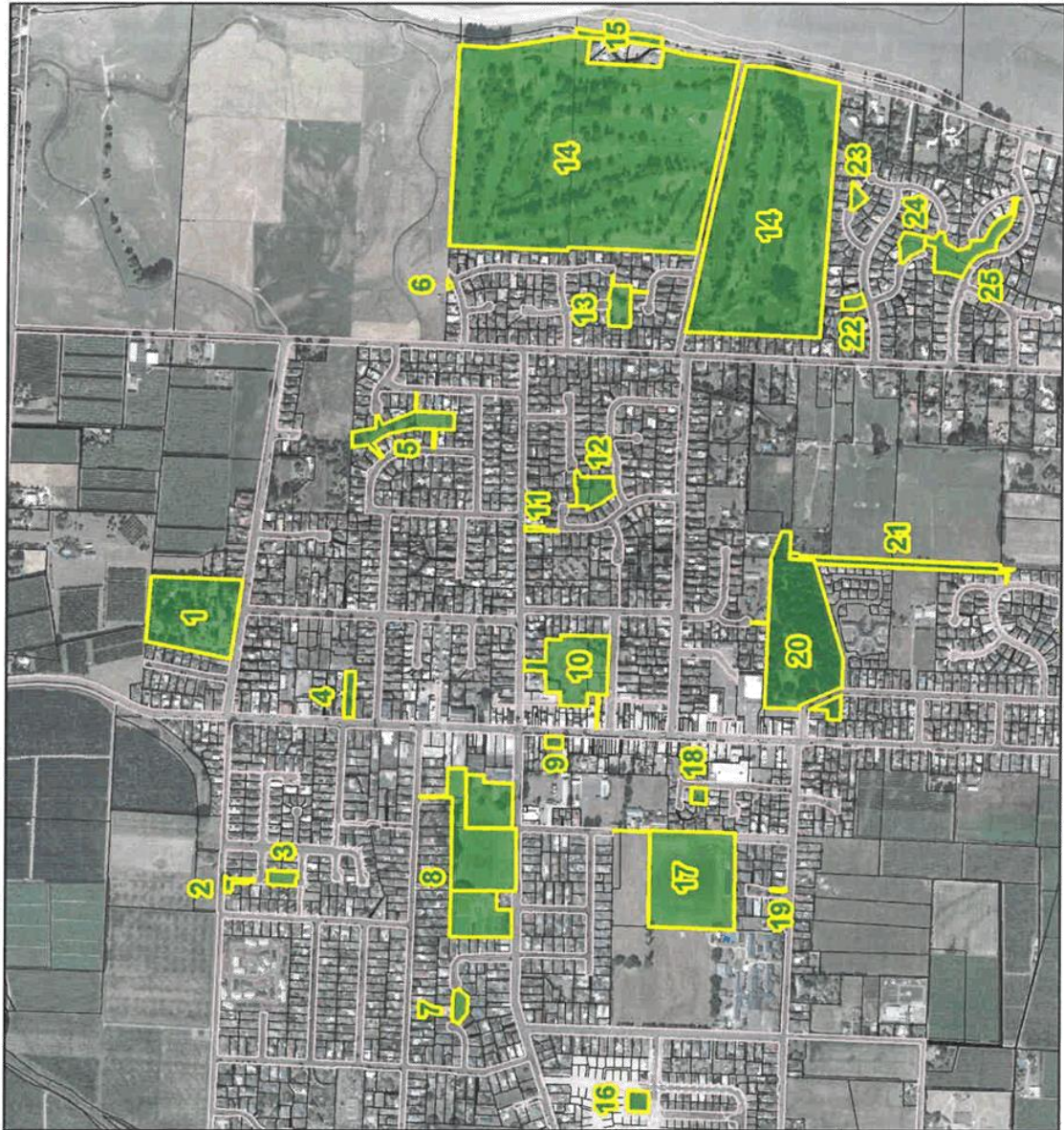
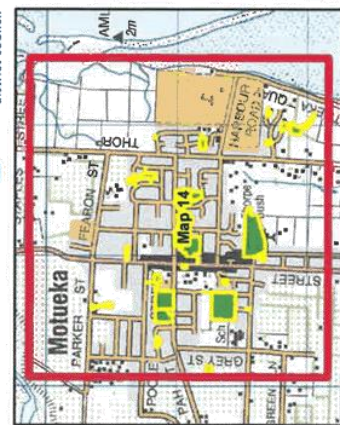
Map 13 - Brooklyn Reserves

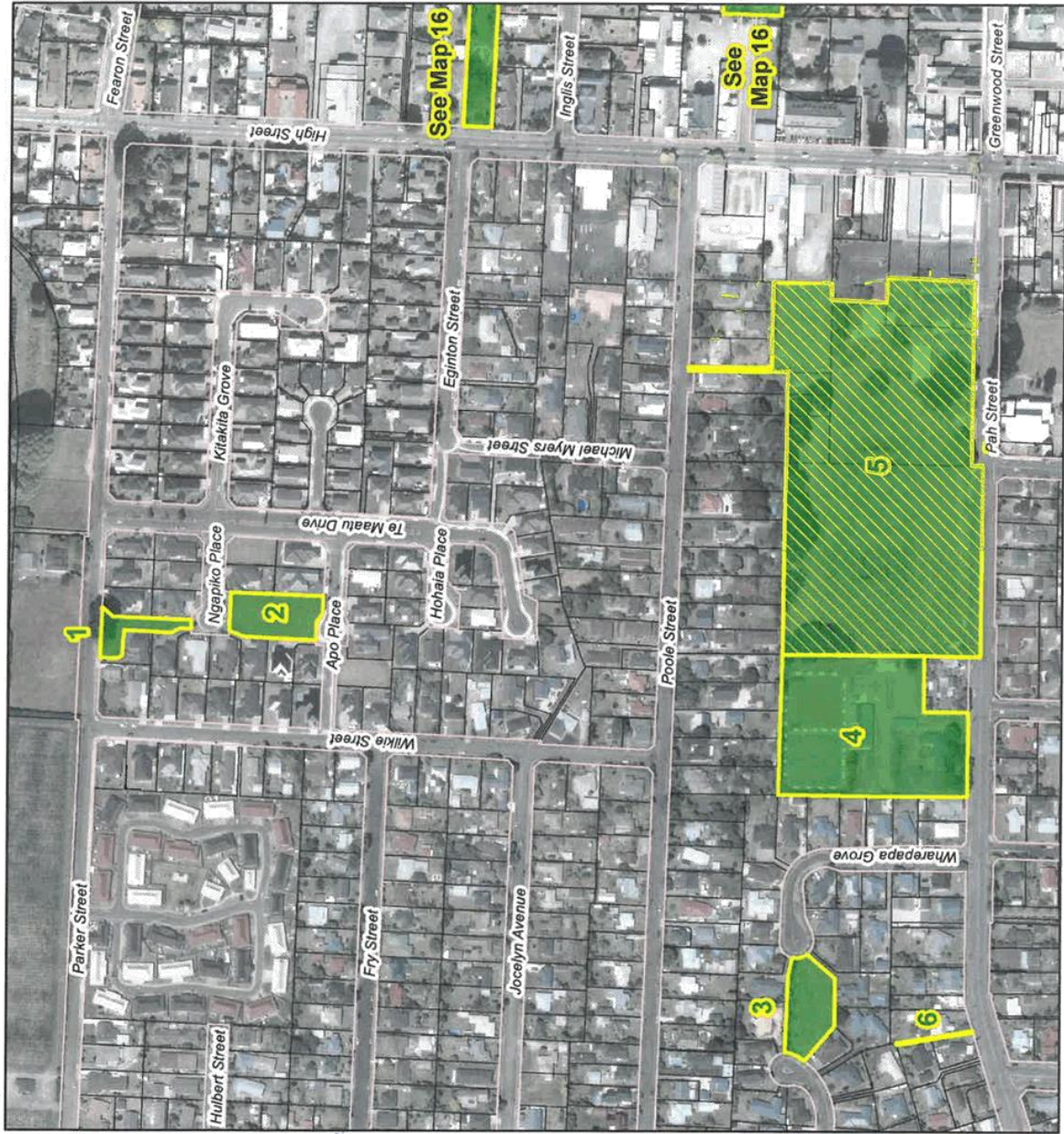
- 1. - Little Sydney Valley PC = Local Purpose Esplanade Reserve (Esplanade) Reserve
- 2. - Brooklyn Recreation Reserve Classified Recreation Reserve GN 1980, p 913
- 3. - Brooklyn Stream PC = Local Purpose Esplanade Reserve (Esplanade) Reserve
- 4. - Linden Place Reserve PC = Recreation Reserve
- 5. - Old Mill Road PC = Local Purpose Esplanade Reserve (Esplanade) Reserve



Map 14 - General location of Motueka Town Reserves (North & Central) (see maps 15-19)

- 1. - Fearon Bush Reserve
- 2. - Parker Street Reserve
- 3. - Ngapiko Place Reserve
- 4. - Pethybridge Rose Garden
- 5. - Eginton Park
- 6. - Adair Drive Reserve
- 7. - Wharepapa Grove Reserve
- 8. - Memorial Park
- 9. - Motueka Museum Frontage
- 10. - Decks Reserve
- 11. - Greenwood Street Walkway
- 12. - Ledger Goodman Park
- 13. - Wilson Park Reserve
- 14. - Motueka Golf Course
- 15. - Haas Subdivision Reserve
- 16. - Tana Pukekohatu Avenue Reserve
- 17. - Sportspark Motueka
- 18. - Naumai Street Reserve
- 19. - Wakatu Place Reserve
- 20. - Thorp Bush Drain Walkway
- 21. - Woodlands Totara Park Reserve
- 22. - Titoki Place Reserve
- 23. - Kowhai Crescent Reserve
- 24. - Ledger Goodman Park
- 25. - Claire Place Reserve



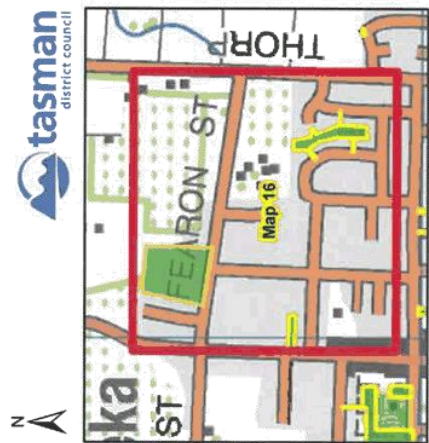


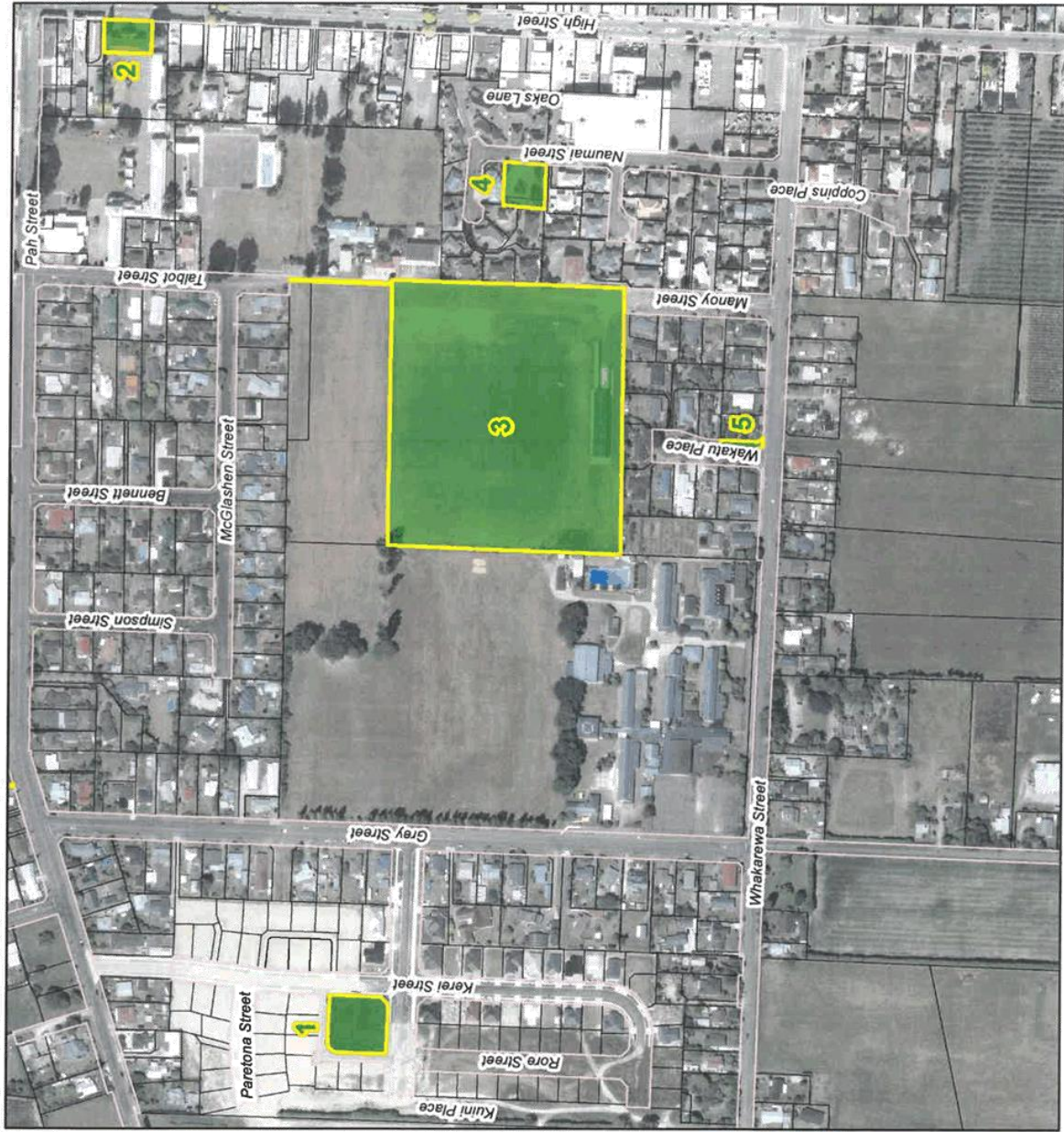
- Map 15 - Motueka Town Reserves (North & Central)**
PC = Recreation Reserve
1. - Parker Street Reserve
 2. - Ngapiko Place Reserve *PC = Recreation Reserve*
 3. - Wharepapa Grove Reserve *PC = Recreation Reserve*
 4. - Memorial Park land (TDC Owned) *Retain as is, no change.*
 5. - Memorial Park land owned jointly by TDC and The Proprietors of Wakatu *Retain as is, no change.*
 6. - Pah Street Walkway *Retain as is, no change.*



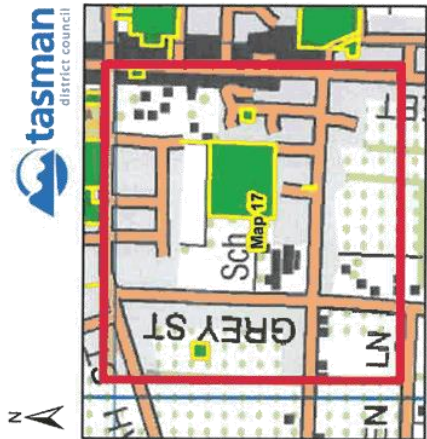
Map 16 - Motueka Town Reserves (North East)

- 1. - Fearon Bush Reserve *PC: Recreation*
- 2. - Pethybridge Rose Garden *Reserves '15, no change*
- 3. - Eginton Park *For both lots, (Lot 27 DP 9588), (Lot 35 DP 8621) PC = Recreation Reserve*





- Map 17 - Motueka Town Reserves (West)**
PC = Recreation Reserve
PC = Local Purpose Reserve
1. - Tana Pukekohatu Avenue Reserve
 2. - Motueka Museum (Community Buildings) Reserve
 3. - Sportspark Motueka *Relain as is, no change*
 4. - Naumai Street Reserve *(PC = Recreation Reserve)*
 5. - Wakatu Place Reserve *(PC = Recreation Reserve)*





Map 18 - Motueka Town Reserves (Central)

- 1. - Decks Reserve
(Lot 1 DP 11529)
(Pt Sec 16 Blk IV Motueka SD)
(Pt Sec 153 Motueka District)
(Pt Sec 293 Motueka District)
- 2. - Local Purpose Reserve - Motueka Information Centre and Car Park
- 3. - Greenwood Street Walkway
(Lot 25 DP 9975)
(Lot 36 DP 9080)
- 4. - Ledger Goodman Park
(Lot 16 DP 12796)
(Lot 25 DP 9975)
(Lot 36 DP 9080)

For all parcels, Retain as is, no change

2. This reserve is classified as 'Local Purpose (Information Centre/Car Park) Reserve'. GN 1998, p3577.

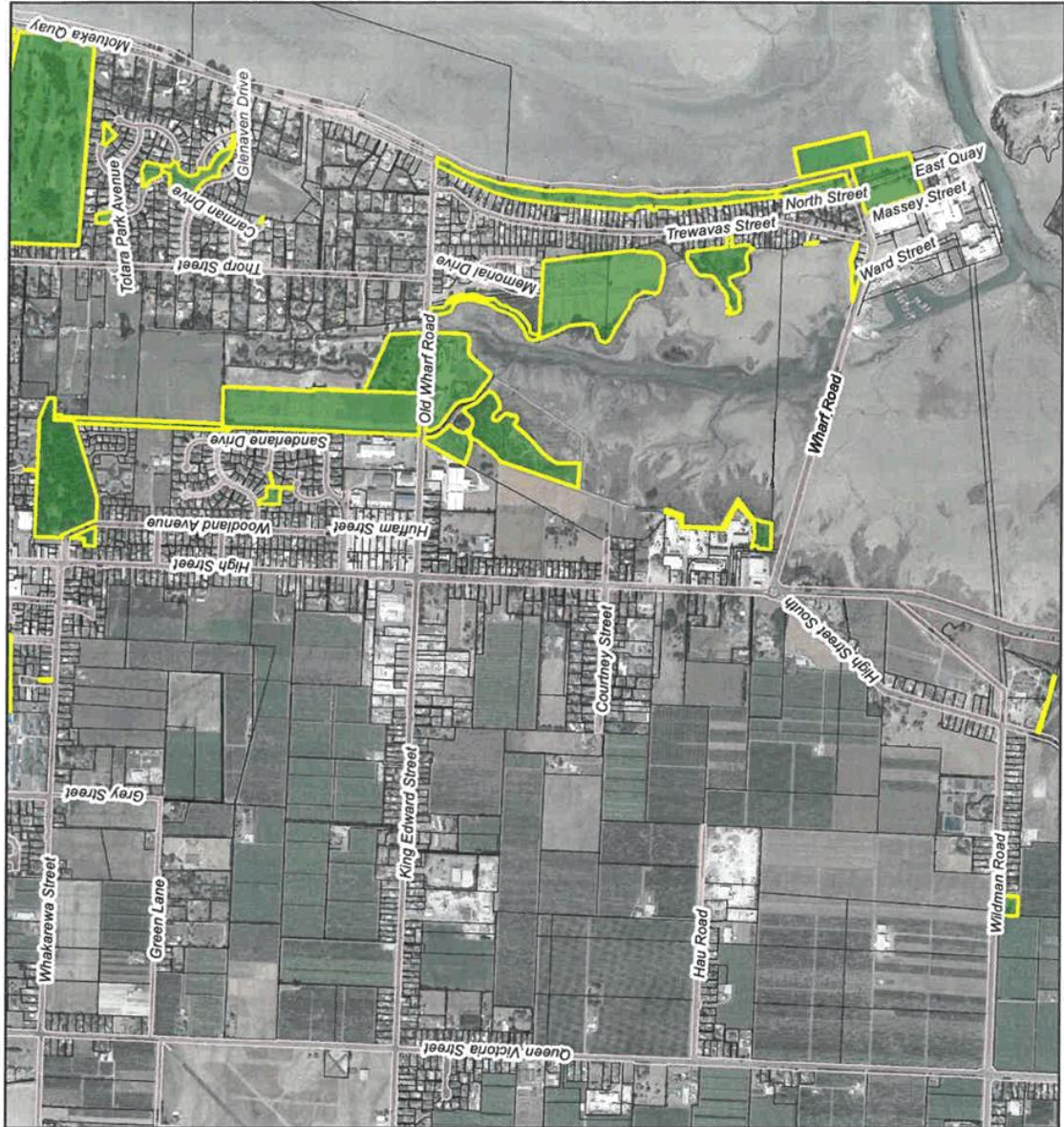




- Map 19 - Motueka Town Reserves (East)
- 1. - Adair Drive Reserve *PC = Recreation Reserve*
 - 2. - Motueka Golf Course
 (Pt Sec 139 Motueka District) } *All parcels: Retain as is, no change.*
 (Pt Sec 140 Motueka District) }
 (Pt Sec 141 Motueka District) }
 (Lot 1 DP 4793)
 - 3. - Haas Subdivision Reserve
Retain as is, no change.
 - 4. - Wilson Park *PC = Recreation Reserve*
 - 5. - Pedestrian accessway between Wilson Park and Edwin Chambers Drive (Lot 14 DP 3834)
Retain as is, no change



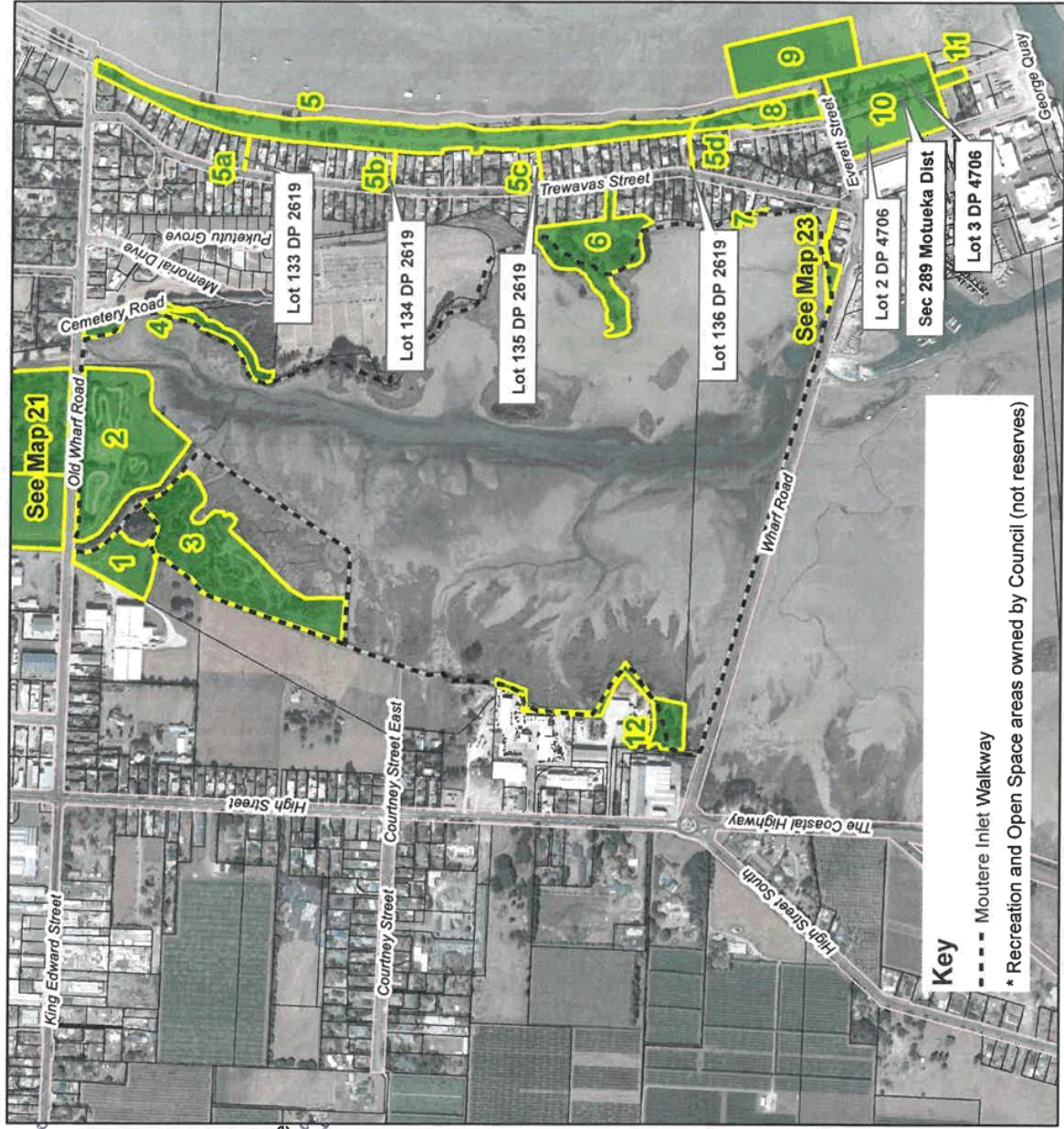
Map 20 - General location of Motueka Town Reserves (Central and South) (see maps 21-24)



- 3a Lot 1 DP 17958 *Retain as is, no change.* 3b Lot 2 DP 406194 *PC = Local Purpose (Utility) Reserve*
- Map 21 - Motueka Town Reserves (Central/East)
- 1. Pedestrian access between Avalon Court and Thorp Bush *Retain as is, no change.*
- 2. Thorp Bush *(Lot 5 DP 16000) - PC = Recreation Reserve (Pt Lot 1 DP 4811) - Retain as is, no change*
- 3. Woodlands Drain Walkway *- see top of page*
- 4. Totara Park Reserve *PC = Recreation Reserve*
- 5. Titoki Place Reserve *(Lot 24 DP 15666) } Both lots, PC = Recreation Reserve (Lot 29 DP 18265) }*
- 6. Kowhai Crescent Reserve *(Lot 22 DP 15666) } All lots, PC = Recreation Reserve (Lot 28 DP 18265) (Lot 6 DP 16023) }*
- 7. Claire Place Reserve *(Lot 40 DP 326788) } All lots, PC = Local Purpose (Utility) Reserve (Lot 18 DP 306837) (Lot 41 DP 20377) }*
- 8. Royden Place Walkway *PC = Local Purpose*
- 9. Tillson Crescent Reserve *(Lot 6 DP 16023) - PC = Recreation Reserve*
- 10. Tui Close Walkway *Both (0.2.1) PC = Local Purpose*
- 11. Sanderlane Drive Walkway *(Walking Reserve)*
- 12. Goodman Recreation Park *Both 12 & 13, Retain as is, no change.*
- 13. Sanctuary Ponds Reserve *Retain as is, no change.*

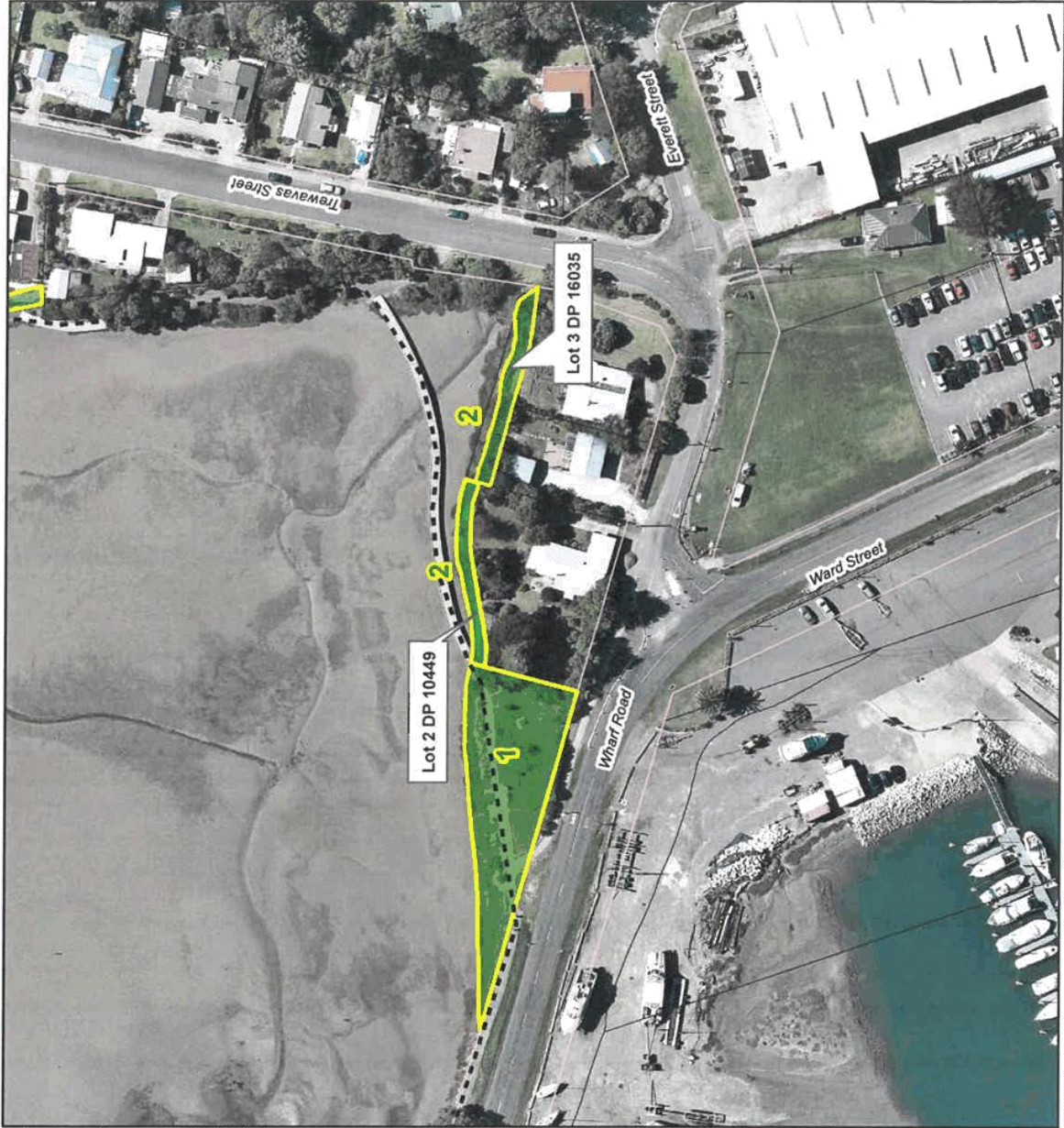


- Map 22 - Motueka Town Reserves (South - East)** *For 1-3 retain as is, no change*
1. Community Gardens area*
 2. Motueka Skate Park/BMX area*
 3. Moutere Inlet Walkway area*
 4. Puketutu Esplanade Reserve *PC = Local Purpose (Esplanade) Reserve*
 5. Trewavas Street Foreshore Reserve *PC = Recreation Reserve*
 - 5(a) - (5d). Walkways between Trewavas Street and Foreshore Reserve *(Lots 133 - 136 DP 2619) All four lots, PC = Local Purpose (Walkway) Reserve*
 6. York Park *PC = Recreation Reserve*
 7. Moutere Inlet Walkway Reserve *PC = Local Purpose (Walkway) Reserve*
 8. North Street Reserve *209, PC = Recreation Reserve*
 9. Saltwater Baths Reserve *Recreation Reserve*
 10. Motueka Beach Reserve *(Lot 2 DP 4706) (Sec 289 Motueka Dist) (Lot 3 DP 4706) All lots, PC = Recreation Reserve*
 11. Lot south of Motueka Beach Reserve *PC = Recreation Reserve*
 12. Wharf Road Reserve (Inlet Walkway) Reserve *PC = Local Purpose (Esplanade) Reserve*



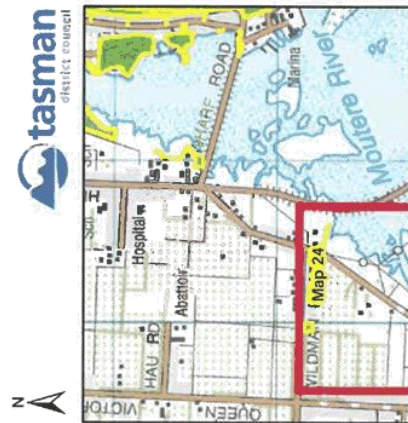
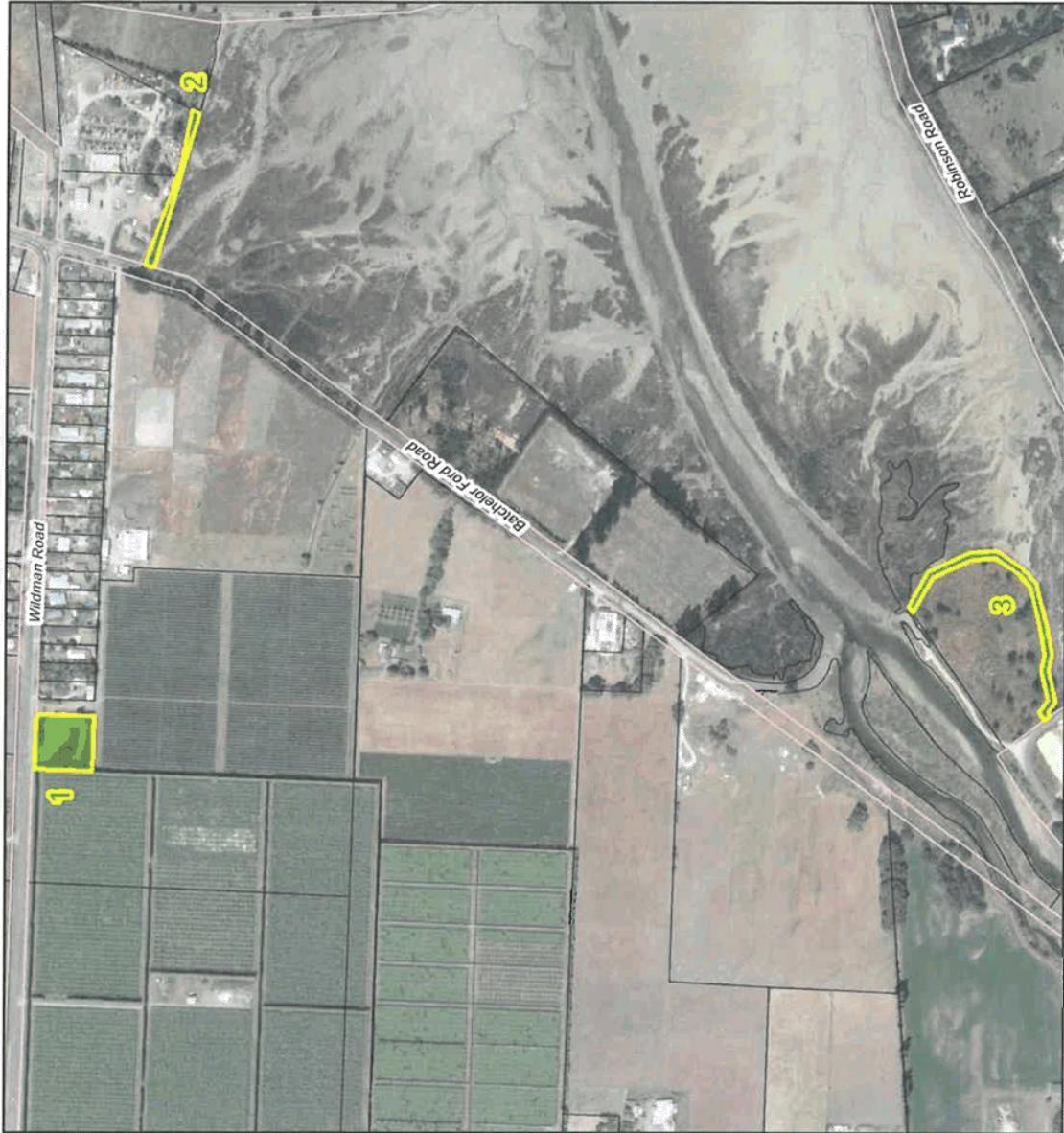
Map 23 - Motueka Town Reserves (cnr Wharf Road and Trewavas Street)

- 1. Link Park *Retain as is, no change*
- 2. Moutere Inlet Reserve *(Lot 2 DP 10449) } Both PC = Local Purpose (Lot 3 DP 16035) (Esplanade) Reserve*



Map 24 - Motueka Town Reserves (South-West)

- 1. Richards Reserve *PC = Recreation Reserve*
- 2. Batchelor Ford Road *PC = Local Purpose Esplanade Reserve (Esplanade) Reserve*
- 3. Robinson Road *Retain as is, no change Esplanade Reserve*

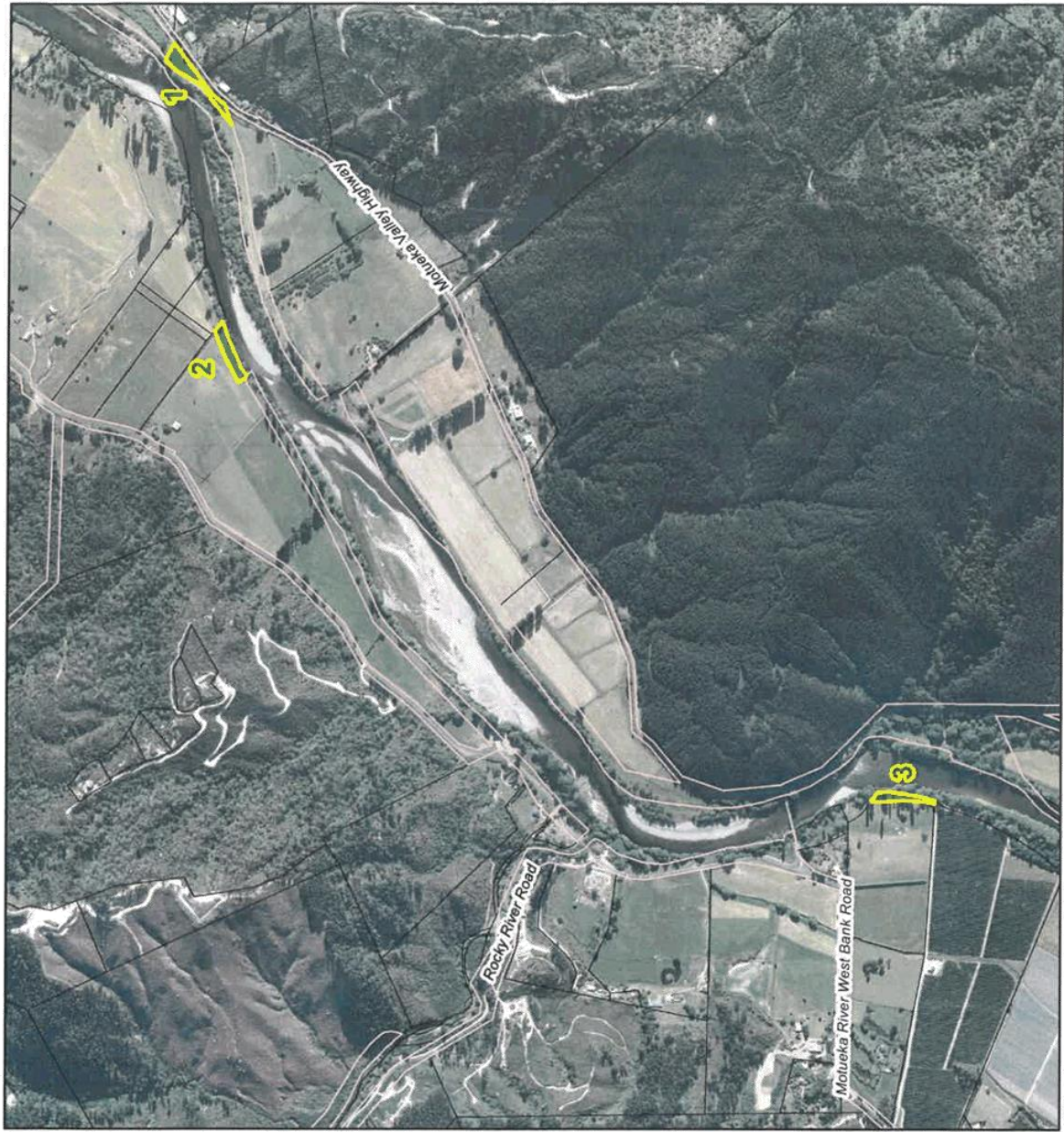




Map 25 - Lower Moutere Reserves

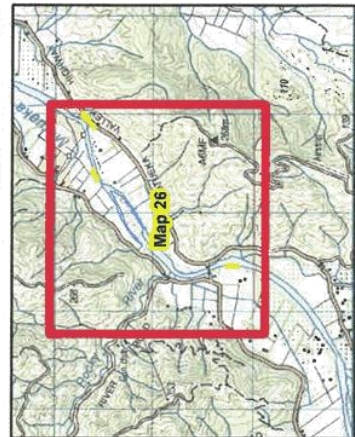
- 1. Lower Moutere Hall Reserve
 (Pt Sec 1 Moutere District) *3 both parcels, Retain as is, no change*
 (Pt Sec 2 Blk VII Motueka SD)
- 2. Lower Moutere Recreation Reserve (Ching Road Reserve) *Retain as is, no change*





Map 26 - Motueka Valley Reserves

- 1. Pangatotara Esplanade Reserve
 - 2. West Bank Road Esplanade Reserve
 - 3. Motueka River/Alexander Bluff Esplanade Reserve
- For 1, 2 & 3: PC = local Purpose (Esplanade) Reserve*



Attachment 3: Proposal to classify existing reserve in Motueka Ward as Historic Reserve

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Pukekoikoi Historic Reserve	Opposite 293 Riwaka-Kaiteriteri Road	Map 6	Sec 8 SO 480787	0.2645	Historic Reserve	Section 16(2A)

Attachment 4: Proposals to classify existing reserves in Motueka Ward as Recreation Reserve

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Torrent Bay Recreation Reserve	Directly adjoins 16, 18, 20 & 22 Manuka Street, Torrent Bay	Map 1	Lot 33 DP 1612 Pt Sec 1 Blk III Kaiteriteri S D	Lot 33 DP 1612	0.3098	Recreation Reserve	Section 16(1)
Torrent Bay Reserve	16 & 18 Lagoon Street, Torrent Bay	Map 1	Lots 10/11 DP 1612 Blk III Kaiteriteri S D	Lot 10/11 DP 1612	0.1781	Recreation Reserve	Section 16(2A)
Franklin Street Reserve	20 Franklin Street, Marahau	Map 4	Lot 18 DP 16076 Blk XII Kaiteriteri S D	Lot 18 DP 16076	0.0792	Recreation Reserve	Section 16(2A)
Newhaven Crescent Reserve	26 Newhaven Crescent, Marahau	Map 4	Lot 9 DP 469951	Lot 9 DP 469951	0.1137	Recreation Reserve	Section 16(2A)
Tokongawa Drive Reserve	63 Tokongawa Drive, Kaiteriteri	Map 5	Lot 66 DP 14471 Lot 19 DP 14472 Blk XII Kaiteriteri S D	Both parcels	4.9405	Recreation Reserve	Section 16(2A)
Kahu Close Reserve	Corner of Kahu Close and Martin Farm Road, Kaiteriteri	Map 6	Lot 19 DP 483763	Lot 19 DP 483763	0.0821	Recreation Reserve	Section 16(2A)
Alex Ryder Memorial Reserve	Between Rowling Road and Little Kaiteriteri beachfront	Map 7	Lot 50 DP 500257, Lot 28 DP 7339 and Lots 21-23 DP 16426 BLK XII Kaiteriteri S D	All parcels	3.2996	See below	See below
Alex Ryder Memorial Reserve	Between Rowling Road and Little Kaiteriteri beachfront	Map 7	Lot 28 DP 7339	Lot 28 DP 7339	1.4791	Recreation Reserve	Section 16(2A)
Alex Ryder Memorial Reserve	Between Rowling Road and Little Kaiteriteri beachfront	Map 7	Lot 21 DP 16426	Lot 21 DP 16426	0.3603	Recreation Reserve	Section 16(2A)
Alex Ryder Memorial Reserve	Between Rowling Road and Little Kaiteriteri beachfront	Map 7	Lot 22 DP 16426	Lot 22 DP 16426	0.6344	Recreation Reserve	Section 16(2A)
Cederman Drive Reserve	21A Cederman Drive, Kaiteriteri	Map 7	Lot 38 DP 18158 Blk XII Kaiteriteri S D	Lot 38 DP 18158	0.1860	Recreation Reserve	Section 16(2A)
Stephens Bay Recreation Reserve	Corner of Cook Crescent and the end of Stephens Bay Road, Kaiteriteri	Map 8	Lot 40 DP 5620 Blk XII Kaiteriteri S D	Lot 40 DP 5620	0.1993	Recreation Reserve	Section 16(11b)

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Anarewa Crescent Reserve	20A Anarewa Crescent, Kaiteriteri	Map 8	Lot 31 DP 5620	Lot 31 DP 5620	0.1943	Recreation Reserve	Section 16(11b)
Tapu Place Reserve	7A Tapu Place, Kaiteriteri	Map 8	Lot 14 DP 13047 Blk X XI XII Kaiteriteri S D	Lot 14 DP 13047	0.4260	Recreation Reserve	Section 16(2A)
Linden Place Reserve	15 Linden Place, Brooklyn	Map 13	Lot 25 DP 9307 Blk III Motueka S D	Lot 25 DP 9307	0.2331	Recreation Reserve	Section 16(11b)
Parker Street Reserve	Between 23 and 25A Parker Street, Motueka	Map 15	Lot 103 DP 369079	Lot 103 DP 369079	0.0922	Recreation Reserve	Section 16(2A)
Ngapiko Place Reserve	6 Apo Place, Motueka (also adjoins 3 and 7 Ngapiko Place, Motueka)	Map 15	Lot 104 DP 450299	Lot 104 DP 450299	0.1993	Recreation Reserve	Section 16(2A)
Wharepapa Grove Reserve	18 Pukeone Place, Motueka (also adjoins 17 and 24 Wharepapa Grove, Motueka)	Map 15	Lot 32 DP 17252	Lot 32 DP 17252	0.2046	Recreation Reserve	Section 16(2A)
Fearon Bush Reserve	10 Fearon Street, Motueka (site of Motueka Top 10 Holiday Park)	Map 16	Pt Sec 156 Blk IV Motueka S D and defined on DP 514	Pt Sec 156 Blk IV Motueka S D and defined on DP 514	3.0351	Recreation Reserve	Section 16(2A)
Eginton Park	Accessed off Moffat and Pethybridge Streets, Motueka	Map 16	Lot 27 DP 9588 and Lot 35 DP 8621	Lot 27 DP 9588	0.4803	Recreation Reserve	Section 16(1)
Eginton Park	Accessed off Moffat and Pethybridge Streets, Motueka	Map 16	Lot 27 DP 9588 and Lot 35 DP 8621	Lot 35 DP 8621	0.3483	Recreation Reserve	Section 16(11b)
Tana Pukekohatu Avenue Reserve	Corner of Tana Pukekohatu Avenue and Kerei Street, Motueka	Map 17	Lot 800 DP 481240	Lot 800 DP 481240	0.2079	Recreation Reserve	Section 16(2A)
Naumai Street Reserve	27 and 31 Naumai Street, Motueka	Map 17	Lot 3 DP 14432 and Lot 11 DP 15895 Blk IV Motueka S D	Both parcels	0.1142	Recreation Reserve	Section 16(2A)
Wakatu Place Reserve	Corner Wakatu Place and Whakarewa Street, Motueka	Map 17	Lot 21 DP 12802	Lot 21 DP 12802	0.0209	Recreation Reserve	Section 16(2A)

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Ledger Goodman Park	Accessed off Ledger Avenue, Goodman Drive and Kingstan Place, Motueka	Map 18	Lot 36 DP 9080, Lot 25 DP 9975 and Lot 16 DP 12796	All parcels	0.5043	See below	See below
Ledger Goodman Park	Accessed off Ledger Avenue, Motueka	Map 18	Lot 36 DP 9080, Lot 25 DP 9975 and Lot 16 DP 12796	Lot 36 DP 9080	0.3049	Recreation Reserve	Section 16(11b)
Ledger Goodman Park	Accessed off Kingstan Place, Motueka	Map 18	Lot 36 DP 9080, Lot 25 DP 9975 and Lot 16 DP 12796	Lot 25 DP 9975	0.0938	Recreation Reserve	Section 16(11b)
Ledger Goodman Park	Accessed off Goodman Drive, Motueka	Map 18	Lot 36 DP 9080, Lot 25 DP 9975 and Lot 16 DP 12796	Lot 16 DP 12796	0.1056	Recreation Reserve	Section 16(2A)
Adair Drive Reserve	At northern end of Adair Drive, Motueka	Map 19	Lot 14 DP 11706	Lot 14 DP 11706	0.0168	Recreation Reserve	Section 16(2A)
Wilson Park	Accessed off Wilson Crescent, Teece Drive and Edwin Chambers Drive, Motueka	Map 19	Lot 51 DP 9043	Lot 51 DP 9043	0.4195	Recreation Reserve	Section 16(11b)
Thorp Bush	3 Woodland Avenue, Motueka (small land parcel to northeast)	Map 21	Part Lot 1 DP 4811 and Lot 5 DP 16000	Lot 5 DP 16000	0.1732	Recreation Reserve	Section 16(2A)
Totara Park Reserve	11 Totara Park Avenue, Motueka	Map 21	Lot 24 DP 14061	Lot 24 DP 14061	0.1367	Recreation Reserve	Section 16(2A)
Titoki Place Reserve	8 Titoki Place, Motueka	Map 21	Lot 24 DP 15666 and Lot 29 DP 18265	Both parcels	0.1298	See below	See below
Titoki Place Reserve	8 Titoki Place, Motueka	Map 21	Lot 24 DP 15666 and Lot 29 DP 18265	Lot 24 DP 15666	0.1245	Recreation Reserve	Section 16(2A)
Titoki Place Reserve	Pedestrian access to Titoki Place Reserve, located between 7 and 9 Karo Place, Motueka	Map 21	Lot 24 DP 15666 and Lot 29 DP 18265	Lot 29 DP 18265	0.0054	Recreation Reserve	Section 16(2A)
Kowhai Crescent Reserve	11 Kowhai Crescent, Motueka	Map 21	Lot 22 DP 15666, Lot 6 DP 16023 and Lot 28 DP 18265	All parcels	0.2579	See below	See below

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Kowhai Crescent Reserve	11 Kowhai Crescent, Motueka	Map 21	Lot 22 DP 15666, Lot 6 DP 16023 and Lot 28 DP 18265	Lot 6 DP 16023	0.0107	Recreation Reserve	Section 16(2A)
Kowhai Crescent Reserve	11 Kowhai Crescent, Motueka	Map 21	Lot 22 DP 15666, Lot 6 DP 16023 and Lot 28 DP 18265	Lot 28 DP 18265	0.0975	Recreation Reserve	Section 16(2A)
Kowhai Crescent Reserve	11 Kowhai Crescent, Motueka	Map 21	Lot 22 DP 15666, Lot 6 DP 16023 and Lot 28 DP 18265	Lot 22 DP 15666	0.1497	Recreation Reserve	Section 16(2A)
Tillson Crescent Reserve	67 Sanderlane Drive, Motueka (also accessed off Tillson Crescent and Tui Close)	Map 21	Lot 18 DP 19324	Lot 18 DP 19324	0.2305	Recreation Reserve	Section 16(2A)
Trewavas Street Foreshore Reserve	Runs parallel to (and east of) Trewavas Street, Motueka, alongside the foreshore.	Map 22	Pt Sec 4 Blk IV Motueka S D	Pt Section 4 Blk IV Motueka S D	2.9605	Recreation Reserve	Section 16(1)
North Street Reserve, Saltwater Baths and Motueka Beach Reserve	Everett Street, Motueka	Map 22	Lots 1, 2, 3 and 4 DP 4706, being parts Sec 144 District of Motueka, Sec 27 and Pt Sec 3 & 12 Block IV Motueka S D	All parcels	4.4780	See below	See below
North Street Reserve	Corner of Everett and North Streets, Motueka	Map 22	Lots 1, 2, 3 and 4 DP 4706, being parts Sec 144 District of Motueka, Sec 27 and Pt Sec 3 & 12 Block IV Motueka S D	Lot 1 DP 4706	0.6497	Recreation Reserve	Section 16(1)
Salt Water Baths	East of Everett Street, Motueka (entire land parcel is within the tidal zone)	Map 22	Lots 1, 2, 3 and 4 DP 4706, being parts Sec 144 District of Motueka, Sec 27 and Pt Sec 3 & 12 Block IV Motueka S D	Lot 4 DP 4706	1.6203	Recreation Reserve	Section 16(1)

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Motueka Beach Reserve	Corner of Everett and Massey Streets, Motueka	Map 22	Lots 1, 2, 3 and 4 DP 4706, being parts Sec 144 District of Motueka, Sec 27 and Pt Sec 3 & 12 Block IV Motueka S D	Lot 2 DP 4706	1.0029	Recreation Reserve	Section 16(1)
Motueka Beach Reserve	South of the eastern end of Everett Street, Motueka	Map 22	Lots 1, 2, 3 and 4 DP 4706, being parts Sec 144 District of Motueka, Sec 27 and Pt Sec 3 & 12 Block IV Motueka S D	Lot 3 DP 4706	0.7696	Recreation Reserve	Section 16(1)
Motueka Beach Reserve	10 Everett Street, Motueka	Map 22	Sec 289 Motueka District	Sec 289 Motueka District	0.3313	Recreation Reserve	Section 16(1)
Motueka Beach Reserve (later addition)	Parcel of land south of Motueka Beach Reserve and north of East Quay, Motueka	Map 22	Lot 2 DP 14481	Lot 2 DP 14481	0.1001	Recreation Reserve	Section 16(2A)
York Park	Parcel is located south of Motueka Cemetery, with access between 98 and 102 Trewavas Street and via the Moutere Inlet Walkway.	Map 22	Lot 131 DP 2619 Pt Sec 144 145 (Native Reserves) District of Motueka, Blk IV Motueka S D	Lot 131 DP 2619	1.6036	Recreation Reserve	Section 16(11b)
Richards Reserve	100 Wildman Road, Motueka	Map 24	Lot 24 DP 4037 Blk VII Motueka S D	Lot 24 DP 4037	0.3101	Recreation Reserve	Section 16(11b)

Attachment 5: Proposals to classify existing reserves in Motueka Ward as Local Purpose Reserve (of various types)

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Marahau River Esplanade True Left	Runs along the northern bank of Marahau River, immediately west of Sandy Bay-Marahau Road	Map 3	Lot 6 and 9 DP 422928	Lot 9 DP 422928	0.1132	Local Purpose (Esplanade) Reserve	Section 16(2A)
Marahau River Esplanade True Right	Runs along the southern bank of Marahau River, immediately west of Sandy Bay-Marahau Road, and north of Marahau Valley Road	Map 3	Lot 6 and 9 DP 422928	Lot 6 DP 422928	0.2485	Local Purpose (Esplanade) Reserve	Section 16(2A)
Ngaio Bay Esplanade Reserve	Adjoins the southeastern boundary of 170 Kaiteriteri-Sandy Bay Road, at the southern end of Ngaio Bay, Kaiteriteri	Map 5	Lot 6 DP 4884 Blk XII Kaiteriteri S D	Lot 6 DP 4884	0.1012	Local Purpose (Esplanade) Reserve	Section 16(11b)
Alex Ryder Memorial Reserve	Between Rowling Road and Little Kaiteriteri beachfront	Map 7	Lot 23 DP 16426	Lot 23 DP 16426	0.6995	Local Purpose (Esplanade) Reserve	Section 16(2A)
Stephens Bay Esplanade Reserve	Wraps around the coastline from the northeastern edge of Tapu Bay, along Stephens Bay and part of Dummy Bay, Kaiteriteri	Map 8	Lots 44 and 45 DP 5620, Lot 13 DP 5771, Lot 17 DP 8455 and Lot 2 DP 12839 Blk XII Kaiteriteri SD	All parcels	2.7985	See below	See below
Stephens Bay Esplanade Reserve	Alongside a section of the Dummy Bay coastline, Kaiteriteri	Map 8	Lots 44 and 45 DP 5620, Lot 13 DP 5771, Lot 17 DP 8455 and Lot 2 DP 12839 Blk XII Kaiteriteri SD	Lot 13 DP 5771	0.6247	Local Purpose (Esplanade) Reserve	Section 16(11b)
Stephens Bay Esplanade Reserve	Alongside a section of the Stephens Bay coastline, Kaiteriteri	Map 8	Lots 44 and 45 DP 5620, Lot 13 DP 5771, Lot 17 DP 8455 and Lot 2 DP 12839 Blk XII Kaiteriteri SD	Lot 45 DP 5620	0.1948	Local Purpose (Esplanade) Reserve	Section 16(11b)

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Stephens Bay Esplanade Reserve	Alongside a section of the Tapu Bay and Stephens Bay coastline, Kaiteriteri	Map 8	Lots 44 and 45 DP 5620, Lot 13 DP 5771, Lot 17 DP 8455 and Lot 2 DP 12839 Blk XII Kaiteriteri SD	Lot 44 DP 5620	1.4897	Local Purpose (Esplanade) Reserve	Section 16(11b)
Stephens Bay Esplanade Reserve	Alongside a section of the Tapu Bay coastline, Kaiteriteri	Map 8	Lots 44 and 45 DP 5620, Lot 13 DP 5771, Lot 17 DP 8455 and Lot 2 DP 12839 Blk XII Kaiteriteri SD	Lot 17 DP 8455	0.0893	Local Purpose (Esplanade) Reserve	Section 16(11b)
Stephens Bay Esplanade Reserve	Alongside a section of the Tapu Bay coastline, Kaiteriteri	Map 8	Lots 44 and 45 DP 5620, Lot 13 DP 5771, Lot 17 DP 8455 and Lot 2 DP 12839 Blk XII Kaiteriteri SD	Lot 2 DP 12839	0.4000	Local Purpose (Esplanade) Reserve	Section 16(2A)
Riwaka River Reserve West (Esplanade Reserve)	Runs alongside the northern bank of Riwaka River and southern boundary of 139 and 149 Takaka Hill Highway	Map 10	Lot 4 DP 17362 Blk X Kaiteriteri S D	Lot 4 DP 17362	0.2990	Local Purpose (Esplanade) Reserve	Section 16(2A)
Riwaka River Reserve East (Esplanade Reserve)	Runs alongside the southern bank of Riwaka River and northeastern boundary of 76 Dehra Doon Road, Riwaka.	Map 10	Lot 3 DP 16421 Blk X Kaiteriteri S D	Lot 3 DP 16421	0.1330	Local Purpose (Esplanade) Reserve	Section 16(2A)
Green Tree Road Esplanade Reserve	61 Green Tree Road, Riwaka.	Map 11	Lot 3 DP 6817 Blk X Kaiteriteri S D	Lot 3 DP 6817	0.0405	Local Purpose (Esplanade) Reserve	Section 16(11b)
Wharf Road Esplanade Reserve	Adjoins the northern boundaries of 60 and 62 Wharf Road, Riwaka	Map 11	Lot 5 DP 395948	Lot 5 DP 395948	0.0123	Local Purpose (Esplanade) Reserve	Section 16(2A)
Wharf Road Esplanade Reserve	Adjoins the eastern boundary of 62 Wharf Road, Riwaka	Map 11	Lot 6 DP 395948	Lot 6 DP 395948	0.0016	Local Purpose (Esplanade) Reserve	Section 16(2A)

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Wharf Road Esplanade Reserve	Follows the coastline from the northern end of Wharf Road, Riwaka, south to southern bounday of number 64 Wharf Road, Riwaka.	Map 11	Lot 3 DP 7296 Blk XI Kaiteriteri S D	Lot 3 DP 7296	0.2428	Local Purpose (Esplanade) Reserve	Section 16(11b)
Lodder Lane Esplanade Reserve	153 Lodder Lane, Riwaka (along both banks of the stream, south of School Road, Riwaka).	Map 11	Lots 2, 4 and 5 DP 16043 Blk XI Kaiteriteri S D	All parcels	0.2408	Local Purpose (Esplanade) Reserve	Section 16(2A)
Little Sydney Valley Esplanade Reserve	Adjoins the northern boundary of 92 Little Sydney Road, Brooklyn	Map 13	Lot 7 DP 447622	Lot 7 DP 447622	0.4721	Local Purpose (Esplanade) Reserve	Section 16(2A)
Brooklyn Stream Esplanade Reserve	Adjoins the northern boundaries of 15 and 17 Linden Place and 12 Mouteka River West Bank Road, Brooklyn	Map 13	Lot 26 DP 9307 Blk III Motueka S D	Lot 26 DP 9307	0.3737	Local Purpose (Esplanade) Reserve	Section 16(11b)
Old Mill Road Esplanade Reserve	A section of the stream located east of 73 and 85 Anderson Road, Brooklyn	Map 13	Lot 2 DP 4843 Blk III Motueka S D	Lot 2 DP 4843	0.8127	Local Purpose (Esplanade) Reserve	Section 16(11b)
Puketutu Esplanade Reserve	Between Moutere Inlet and Cemetery Road, Motueka	Map 22	Lots 62-64 DP 511605 & Sec 3 SO Plan 508589	All parcels	0.5893	Local Purpose (Esplanade) Reserve	Section 16(2A)
Wharf Road Reserve (Inlet Walkway)	Between Moutere Inlet and the eastern boundaries of 491 and 505 High Street, Motueka	Map 22	Lot 5 DP 19984	Lot 5 DP 19984	0.5995	Local Purpose (Esplanade) Reserve	Section 16(2A)
Moutere Inlet Reserve (adjoins Link Park)	Between Moutere Inlet and the northern boundaries of 95 and 97 Wharf Road, Motueka	Map 23	Lot 2 DP 10449 Blk IV Motueka S D	Lot 2 DP 10449	0.0123	Local Purpose (Esplanade) Reserve	Section 16(2A)

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Moutere Inlet Reserve (near Link Park)	Between Moutere Inlet and the northern boundary of 93 Wharf Road, Motueka	Map 23	Lot 3 DP 16035 Blk IV Motueka S D	Lot 3 DP 16035	0.0145	Local Purpose (Esplanade) Reserve	Section 16(2A)
Batchelor Ford Road Esplanade Reserve	Between Moutere Inlet and the southern boundaries of 40 and 46 Wildman Road, Motueka	Map 24	Lot 3 DP 17132 Blk VIII Motueka S D	Lot 3 DP 17132	0.0924	Local Purpose (Esplanade) Reserve	Section 16(2A)
Pangatotara Esplanade Reserve	Between Motueka River and 399 and 411 Motueka Valley Highway	Map 26	Lot 6 DP 18982	Lot 6 DP 18982	0.3300	Local Purpose (Esplanade) Reserve	Section 16(2A)
West Bank Road Esplanade Reserve	Between Motueka River and northeastern boundary of 749 Motueka River West Bank Road	Map 26	Lot 4 DP 360528	Lot 4 DP 360528	0.2590	Local Purpose (Esplanade) Reserve	Section 16(2A)
Motueka River/Alexander Bluff Esplanade Reserve	Between Motueka River and the block of land just south of 927 Motueka River West Bank Road	Map 26	Lot 3 DP 504244	Lot 3 DP 504244	0.1785	Local Purpose (Esplanade) Reserve	Section 16(2A)
Little Kaiteriteri/Stephens Bay Reserve	Alongside northern boundaries of 39 and 41 Talisman Heights, Little Kaiteriteri	Map 7	Lot 50 DP 500257	Lot 50 DP 500257	0.1263	Local Purpose (Walkway) Reserve	Section 16(2A)
Dumont Place Walkway	Between 9 Dumont Place and 52 Rowling Road, Kaiteriteri	Map 7	Lot 31 DP 18773	Lot 31 DP 18773	0.0502	Local Purpose (Walkway) Reserve	Section 16(2A)
Tarepa Court Walkway	Between 5 and 6 Tarepa Court, Kaiteriteri	Map 7	Lot 15 DP 372570	Lot 15 DP 372570	0.0150	Local Purpose (Walkway) Reserve	Section 16(2A)
Wall Street Walkway	Adjoins 2 Cederman Drive and 10 Wall Street, Kaiteriteri	Map 7	Lot 58 DP 20350	Lot 58 DP 20350	0.3730	Local Purpose (Walkway) Reserve	Section 16(1)

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Greenwood Street Walkway	Between 53 and 57 Greenwood Street and 32 and 34 Goodman Drive, Motueka	Map 18	Lot 17 DP 12796	Lot 17 DP 12796	0.0522	Local Purpose (Walkway) Reserve	Section 16(2A)
Royden Place Walkway	Between 5 and 7 Royden Place, Motueka	Map 21	Lot 39 DP 307304	Lot 39 DP 307304	0.0067	Local Purpose (Walkway) Reserve	Section 16(2A)
Tui Close Walkway	Between 9 and 10 Tui Close, Motueka	Map 21	Lot 124 DP 320460	Lot 124 DP 320460	0.0121	Local Purpose (Walkway) Reserve	Section 16(2A)
Sanderlane Drive Walkway	Between 16 and 18 Sanderlane Drive, Motueka	Map 21	Lot 22 DP 317297	Lot 22 DP 317297	0.0106	Local Purpose (Walkway) Reserve	Section 16(2A)
Walkway (a) between Trewavas Street and Foreshore Reserve	Between 25 and 27 Trewavas Street, Motueka	Map 22	Lots 133 134 135 136 DP 2619 Pt Sec 144 145 146 147 (Native Reserves) District of Motueka, Blk IV Motueka S D	Lot 133 DP 2619	0.0407	Local Purpose (Walkway) Reserve	Section 16(1)
Walkway (b) between Trewavas Street and Foreshore Reserve	Between 55 and 57 Trewavas Street, Motueka	Map 22	Lots 133 134 135 136 DP 2619 Pt Sec 144 145 146 147 (Native Reserves) District of Motueka, Blk IV Motueka S D	Lot 135 DP 2619	0.0407	Local Purpose (Walkway) Reserve	Section 16(1)
Walkway (c) between Trewavas Street and Foreshore Reserve	Between 85 and 87 Trewavas Street, Motueka	Map 22	Lots 133 134 135 136 DP 2619 Pt Sec 144 145 146 147 (Native Reserves) District of Motueka, Blk IV Motueka S D	Lot 134 DP 2619	0.0407	Local Purpose (Walkway) Reserve	Section 16(1)
Walkway (d) between Trewavas Street and Foreshore Reserve	Between 113 and 115A Trewavas Street, Motueka	Map 22	Lots 133 134 135 136 DP 2619 Pt Sec 144 145 146 147 (Native Reserves) District of Motueka, Blk IV Motueka S D	Lot 136 DP 2619	0.0407	Local Purpose (Walkway) Reserve	Section 16(1)

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	PROPOSED RESERVE CLASSIFICATION	RELEVANT SECTION OF RESERVES ACT 1977
Moutere Inlet Walkway Reserve	Borders Moutere Inlet, 124 and 124A Trewavas Street, Motueka	Map 22	Lot 3 DP 425537	Lot 3 DP 425537	0.0080	Local Purpose (Walkway) Reserve	Section 16(2A)
Otuwhero Inlet Local Purpose (Carpark) Reserve	At the northern end of Otuwhero Spit, adjoining Sandy Bay-Marahau Road, Marahau	Map 4	Section 1 SO 436732	Section 1 SO 436732	0.1734	Local Purpose (Carpark) Reserve	Section 16(1)
Torrent Bay Waterworks Reserve	Large block of land to northwest of Torrent Bay village	Map 1	Pt Sec 1 Blk III Kaiteriteri S D	Pt Sec 1 Blk III Kaiteriteri S D	21.5796	Local Purpose (Utility) Reserve	Section 16(2A)
Woodlands Drain Walkway	Runs between Thorp Bush and Goodman Recreation Park, Motueka	Map 21	Lot 2 DP 406194 and Lot 1 DP 17958	Lot 2 DP 406194	0.1348	Local Purpose (Utility) Reserve	Section 16(2A)
Claire Place Reserve	Accessed from Glenaven Drive and Claire Place, Motueka	Map 21	Lot 18 DP 306837, Lot 40 DP 326788 and Lot 41 DP 326788	All parcels	0.9543	See below	See below
Claire Place Reserve	34 Glenaven Drive, Motueka	Map 21	Lot 18 DP 306837, Lot 40 DP 326788 and Lot 41 DP 326789	Lot 40 DP 326788	0.2843	Local Purpose (Utility) Reserve	Section 16(2A)
Claire Place Reserve	Accessed from Glenaven Drive and Claire Place, Motueka	Map 21	Lot 18 DP 306837, Lot 40 DP 326788 and Lot 41 DP 326790	Lot 41 DP 326788	0.4913	Local Purpose (Utility) Reserve	Section 16(2A)
Claire Place Reserve	Adjoins 14 and 23 Kanuka Place, Motueka	Map 21	Lot 18 DP 306837, Lot 40 DP 326788 and Lot 41 DP 326791	Lot 18 DP 306837	0.1787	Local Purpose (Utility) Reserve	Section 16(2A)
Motueka Museum	140 High Street, Motueka	Map 17	Sec 299 Blk IV Motueka S D	Sec 299 Blk IV Motueka S D	0.0988	Local Purpose (Community Buildings) Reserve	Section 16(1)

Attachment 6: Council-owned properties in Motueka Ward that are not formally protected as reserves

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	NOTES
Kohi Pathway, Moonraker Way Pathway and Venture Cove Pathway	Northern Kaiteriteri. These pedestrian access-ways provide foot access between roads and the coastline.	Map 5	Various	Various	Various	Easements over private land.
Riwaka Rugby Clubrooms	738 Main Road Riwaka	Map 10	Lot 2 DP 9195 Blk X Kaiteriteri S D	Lot 2 DP 9195	0.5998	This land was purchased by Council in 1976 for the express purpose of providing a site for a clubhouse for the Riwaka Rugby Club.
Riwaka Rugby Grounds (DSIR) Reserve	690 Main Road Riwaka	Map 10	Secs 99-100 Blk X Kaiteriteri S D	All parcels	3.4575	Council negotiated to purchase this property from 1982. Freehold title was transferred to Council in 1998, once the loan was repaid in full.
Ted Reed Reserve	Corner of School and Wharf Roads, Riwaka	Map 11	Part Blk XI Kaiteriteri S D	No parcel for this specific area	0.2023	This park is located on an old tip site and the underlying land is likely owned by the Crown, not Council.
Riwaka Hall	398 Main Road Riwaka	Map 12	Lot 1 DP 4738 and Pt Sec 24 Motueka District Blk X Kaiteriteri S D	Both parcels	0.0893	Acquired by Waimea County Council in 1952 for the purposes of a public hall.

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	NOTES
Memorial Park	40-42 Pah Street, Motueka	Map 15	Pt Lot 33 DP 1599	Pt Lot 33 DP 1599	1.2223	Acquired by Motueka Borough Council in 1971. There is a separate Management Plan for Memorial Park.
Memorial Park	8-12 Pah Street, Motueka	Map 15	Lots 16 35 Pt 36 DP 1599, Lot 1 DP 3874 and Lots 1 2 3 DP 5839	All parcels	3.6973	Council jointly owns this land with The Proprietors of Wakatū (Wakatū) – title issued in 1995. Includes land where the Motueka Library and Memorial Hall are currently sited. There is a separate Management Plan for Memorial Park.
Pethybridge Rose Garden	59 High Street, Motueka	Map 16	Lot 13 DP 319 & Part Sec 155 Blk IV Motueka Survey District	All parcels	0.2023	Gifted to Motueka Borough Council in 1963 and transferred to Tasman District Council in 1995.
Sportspark Motueka	12 Manoy Street, Motueka	Map 17	Pt Lot 28 DP 1575 Block IV Motueka S D	Pt Lot 28 DP 1575	3.8877	Council purchased this land from Wakatū in 1993. The agreement contains an offer-back clause, should the land no longer be required for recreation purposes. Council is considering the possibility of connecting Manoy and Talbot Streets in future. The land that this road connection

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	NOTES
						would be formed within is located within the parcel of land comprising Sportspark Motueka.
Decks Reserve	Between Greenwood and Wallace Streets, Motueka	Map 18	Pt Sec 16 Block IV Motueka S D, Pt Sec 153 District of Motueka, Lot 1 DP 11529, Pt Sec 293 Motueka S D, Part Lot 2 DP 5945	All parcels	2.0183	The area known as Decks Reserve is made up of five separate parcels of land. Four of these parcels are not technically reserves under the Act (the fifth parcel contains the Motueka Information Centre, public toilets and some car parks and has previously been classified as 'Local Purpose (Information Centre/Car Park) Reserve'). A range of activities currently take place on the site, including Kai Fest, Motueka Sunday Market, freedom camping, enjoyment of open space, Japanese garden and playground. Decks Reserves is being considered as a potential future site for the Motueka Library.
Decks Reserve	19 Greenwood Street, Motueka	Map 18	Pt Sec 16 Block IV Motueka S D, Pt Sec 153 District of Motueka, Lot 1 DP 11529, Pt Sec 293 Motueka S D, Part Lot 2 DP 5945	Pt Sec 16 Block IV Motueka S D	0.0018	
Decks Reserve	19 Greenwood Street, Motueka	Map 18	Pt Sec 16 Block IV Motueka S D, Pt Sec 153 District of Motueka, Lot 1 DP 11529, Pt Sec 293 Motueka S D, Part Lot 2 DP 5945	Pt Sec 153 District of Motueka	1.2923	
Decks Reserve	Adjoins southern boundaries of 11 and 15 Greenwood Street, Motueka	Map 18	Pt Sec 16 Block IV Motueka S D, Pt Sec 153 District of Motueka, Lot 1 DP 11529, Pt Sec 293 Motueka S D, Part Lot 2 DP 5945	Lot 1 DP 11529	0.0866	
Decks Reserve	32 Wallace Street, Motueka	Map 18	Pt Sec 16 Block IV Motueka S D, Pt Sec 153 District of Motueka, Lot 1 DP 11529, Pt Sec 293 Motueka S D, Part Lot 2 DP 5945	Pt Sec 293 Motueka S D	0.3611	

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	NOTES
Motueka Golf Course	Land located north and south of eastern end of Harbour Road, and west of Motueka Quay, Motueka	Map 19	Pt DP 2028 and Lot 1 DP 4793 and Pt Sec 139 140 141 District of Motueka	All parcels	38.6411	Acquired by Council in 1953 from estate of F.W. Thorp, under Public Works Act 1928, for purpose of a golf course.
Area alongside Haas subdivision	Area alongside Haas subdivision, at the northern end of Motueka Quay, forming part of the Kumeras Walkway.	Map 19	Unknown	Unknown	Unknown	Council records are unclear about the current status and ownership of this land. The land parcel covers part of what was previously Motueka Quay, but staff are uncertain whether any road stopping has taken place. Further work is required to clarify the land status and ownership.
Pedestrian access-way between Wilson Park and Edwin Chambers Drive	Between 16 and 18 Edwin Chambers Drive	Map 19	Lot 14 DP 13834	Lot 14 DP 13834	0.0074	Council-owned land that provides access to Wilson Park.
Pedestrian access-way between Thorp Bush and Avalon Court	Between 2 and 9 Avalon Court, Motueka	Map 21	Lot 16 DP 12297	Lot 16 DP 12297	0.0072	Council-owned land that provides access to Thorp Bush.
Thorp Bush	3 Woodland Avenue, Motueka	Map 21	Part Lot 1 DP 4811, Lot 5 DP 16000	Part Lot 1 DP 4811	4.5264	Thorp Bush is made up of two separate parcels. The bulk of

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	NOTES
						the land was gifted to the then Motueka Borough Council by the estate of the late F.W. Thorp. An agreement between the Trustees of the estate and Council was signed in 1952, outlining the conditions of the gifting of land, including the requirement for Council to “for all time, preserve the native trees on the said Bush Reserve.” Fee simple title was issued in 1963, however the title is not subject to any Reserve Act provisions. A smaller parcel of land to the east (0.1732 ha, Lot 5 DP 16000) was acquired by Council through subdivision in 1976 and added to Thorp Bush. This land was vested as ‘Local Purpose Reserve (Recreation).’
Woodlands Drain Walkway	Adjoins western boundary of 156 and 160 Thorp Street, Motueka	Map 21	Lot 2 DP 406194, Lot 1 DP 17958	Lot 1 DP 17958	0.5973	Purchased by Council in 1999 for drainage purposes.

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	NOTES
Goodman Recreation Park and Sanctuary Ponds Reserve	40 Old Wharf Road, Motueka	Map 21	Lot 1 DP 16330 Blk IV Motueka S D	Lot 1 DP 16330	8.1615	Council purchased the land from Mr EG Bensemann in 1993 to provide land for sports grounds, the Woodlands Drain project and a passive recreation area (Goodman Ponds, approx 2.35 ha in area).
Unnamed. Included within this land parcel are the Moutere Inlet Walkway and Motueka skatepark, BMX track and community gardens.	Land is located between Old Wharf Road and Wharf Road, Motueka.	Map 22	Lot 1 DP 20082	Lot 1 DP 20082	54.9283	Land purchased from Wakatū in 1986. Most of the land forms part of the Moutere Inlet and some of the land currently lying above sea level has been reclaimed. A resource consent has recently been granted to the New Zealand Motor Caravan Association, enabling them to form a campervan park on part of the land.
Link Park	Near the corner of Wharf Road and Trewavas Street, Motueka	Map 23	Lot 1 DP 19868, Pts Sec 3 11 12 25 Block IV Motueka S D, Pt Sec 144 Motueka District, Lots 21 22 and Pt Lots 13 17 20 DP 780	Previously Pt Sec 144MR Motueka District	0.1005	A small part of the ex-Harbour Board land title that covers much of the Council-owned land at Moteuka Wharf.

RESERVE IS KNOWN AS	STREET ADDRESS / LOCATION DESCRIPTION	MAP # (see Attachment 2)	LEGAL DESCRIPTION	PARCEL DESCRIPTION	SIZE (ha)	NOTES
Robinson Road Esplanade Reserve	Borders a land parcel located on opposite side of Robinson Road from the Mariri Transfer Station (also adjoins Moutere Inlet)	Map 24	Lots 1 & 2 DP 15643 Blks VII & VIII Motueka S D (Esplanade reserve is located on Lot 2)	Lot 2 DP 15643	0.2116	Council-owned land – an old tip site.
Lower Moutere Hall Reserve	213 Main Road Lower Moutere	Map 25	Pt Sec 1 Moutere District and Pt Sec 2 Blk VII Motueka S D	Both parcels	0.9687	Gifted to Waimea County Council in 1949 for the purpose of enabling a Community Centre to be established, for the benefit of the residents of Lower Moutere.
Lower Moutere Recreation Reserve (Ching Road Reserve)	40 Ching Road, Lower Moutere	Map 25	Pt Sec 2 Moutere District Blk VII Motueka S D	Pt Sec 2 Moutere District Blk VII Motueka S D	2.1246	Gifted to Waimea County Council in 1954.

8.10 AMENDMENTS TO THE DELEGATIONS REGISTER**Decision Required**

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Kate Redgrove, Executive Advisor to CEO
Report Number:	RCN18-06-10

- 1.1 Many of the laws under which Council operates provide for powers and functions to be delegated to committees, councillors and staff, subject to some restrictions. The rationale for having delegations is that effective administration occurs when decisions are made at the lowest competent level.
- 1.2 Delegations are recorded in the Tasman District Council Delegations Register (Delegations Register). At its meeting of 2 February 2017 Council adopted a restructured Delegations Register. This made it more logical to follow.
- 1.3 At that meeting, Council heard that the Delegations Register was a 'living' document and would continue to be updated to align with statutory and organisational changes and to ensure that Council staff were able to exercise delegated authority in order to carry out day to day business in the most efficient way and where applicable, within appropriate associated financial parameters.
- 1.4 This report presents an omnibus of changes to the Delegations Register and updates the schedule of financial delegations of \$20,000 or more that are allocated to the respective staff roles.
- 1.5 The amendments are generally minor or of low to medium significance, but will still require formal approval by Council.
- 1.6 It is intended to produce omnibus reports in the future to capture changes. However, significant amendments or additional delegations will continue to be addressed either as part of the Chief Executive's Activity Report or in a separate report if a higher level of detail is required to assist Council's understanding of effect and implications, prior to approval.

2 Draft Resolution

That the Full Council

1. receives the Amendments to the Delegations Register report RCN18-06-10; and
2. adopts the amended Delegations Register attached to report RCN18-06-10; and
3. notes that the revised Delegations Register will be posted to the Tasman District Council's website by 1 July 2018.

3 Purpose of the Report

- 3.1 This report provides the opportunity for the Council to discuss delegations and, if agreed, to approve the amended Delegations Register.

4 Background and Discussion

- 4.1 It is good management practice to make decisions at the lowest competent level. This provides for more efficient administration and reflects the reality that many decisions required in local government cannot realistically be made, collectively, by all councillors serving on a council or a committee.
- 4.2 The law therefore provides that the Council may, except where there are specific restrictions, delegate its powers to committees, elected members, staff, or other persons who then make a decision on behalf of the Council. The Council can limit the exercise of any delegation.

What can be delegated?

- 4.3 Delegated powers and functions cover:
- a) Administration Powers - these include such matters as decisions on financials, serving notices, signing documents, powers to set meetings and release decisions.
 - b) Policy Responsibilities - these include the development of policy and its implementation and review. In some cases, it involves releasing discussion documents, hearing and deciding on submissions, allocating monies and making submissions on behalf of Council.
- 4.4 Different statutes limit what can be delegated and to whom. The powers that cannot be delegated under the Local Government Act 2002 are set out in Schedule 7, Part 1, section 32 as follows:

Section 32, Delegations

- (1) *Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—*
- (a) *the power to make a rate; or*
 - (b) *the power to make a bylaw; or*
 - (c) *the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
 - (d) *the power to adopt a long-term plan, annual plan, or annual report; or*
 - (e) *the power to appoint a chief executive; or*
 - (f) *the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or*
 - (g) *[Repealed]*

- (h) the power to adopt a remuneration and employment policy.*
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).*
 - (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.*
 - (4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.*
 - (5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.*
 - (6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.*
 - (7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.*
 - (8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.*
- 4.5 Where the Council is not able to delegate a power to a committee to decide, it can and has delegated the power to recommend and to undertake work leading up to a decision.
- 4.6 Committees have the power to delegate subcommittees, members, or staff and in the case of resource consent applications, to Independent Commissioners.

Structure of the Delegations Register

4.7 The Delegations Register is structured in four parts:

Part One presents introductory and background information.

Part Two contains governance delegations.

Part Three contains management delegations.

Part Four contains delegations (not already addressed) relating to the Council's statutory functions, duties and powers.

5 Updates and Changes

5.1 General Delegations

Attached are the following documents:

- a summary of proposed amendments to the Delegations Register with explanatory notes;
- a copy of Part Four of the Delegations Register with tracked changes from Building Assurance Team shown;
- a revised Delegations Register incorporating all proposed changes, including updates to Financial Delegations.

5.2 Financial Delegations

Financial delegations to staff are pre-existing and an important part of the everyday operation of the organisation. Financial delegations that were considered significant (\$20,000 and above) were included in the redrafted Register in February 2017 (Schedule Two) to:

- Recognise financial delegations form an important aspect of delegations to staff
- Keep a record of significant financial delegations with other delegations made to staff together in one document
- Provide clarity and transparency.

6 Options

6.1 The Council has the option of adopting the Delegations Register incorporating the suggested changes, or to make further amendments to the Delegations Register before adopting it.

7 Strategic Challenges / Risks

7.1 There are no significant risks in adopting the Delegations Register.

7.2 There are risks if decisions are made without the proper authority.

7.3 Delegations must be exercised responsibly in the knowledge that delegates will be held accountable. Delegates must be aware of the authority and responsibility they have.

7.4 A delegation can be exercised by the delegator. However, a delegate should have the confidence that their decisions are made within the terms of the delegation.

7.5 It is important that the exercise of delegations be tracked and reported up for monitoring purposes. It is implicit that any delegation can be revoked at any time by the delegator.

8 Policy / Legal Requirements / Plan

- 8.1 The delegations specify that the committees and subcommittees of Council, and staff, must operate within the policies and bylaws of Council and the law.

9 Consideration of Financial or Budgetary Implications

- 9.1 Specific expenditure delegations to staff are only made within set budgets. The exception to this is delegation to the Chief Executive to purchase up to \$50,000 (exclusive of GST) of capital expenditure that has not been authorised by approved budgets, subject to subsequent reporting to Council.
- 9.2 Authorisation for emergency expenditure is specifically outlined in the Delegations Register.

10 Significance and Engagement

- 10.1 Adopting a Delegations Register is considered of low to moderate significance. It does not have a high degree of public interest and it does not impact on levels of service. It does have financial implications, as outlined above. It is therefore not a matter that needs public consultation.

11 Consultation

- 11.1 No consultation is required on the Delegations Register. It is a decision for the Council to make.

12 Conclusion

- 12.1 While staff recommend that Council adopts the Delegations Register at this meeting, if substantial changes need to be made to content or format, it can be referred back to Council at their next meeting, for formal adoption.

13 Next Steps / Timeline

- 13.1 Once adopted, the Delegations Register will be uploaded on to the Council's intranet for staff information and to the Council's website for public information. An e-version will be made available to Councillors via Diligent.

14 Attachments

- | | | |
|----|--|-----|
| 1. | Summary of Proposed amendments to the Delegations Register | 181 |
| 2. | Updated Statutory Delegations - Building Assurance | 187 |
| 3. | Redrafted Delegations Register with tracked changes as at 28 June 2018 | 195 |

IDENTIFIER	AMENDMENT	REASON
<p>PART ONE – GENERAL ‘STRUCTURE’, PART FOUR - ‘STATUTORY DELEGATIONS TO STAFF’</p>	<p>Page 2. Include the words ‘From time to time staff position titles will change. Where the duties of the newly titled position remain substantially the same, the delegations will automatically transfer to that new position until such time as the Delegations Register is updated.</p>	<p>Avoids delegations lapsing because a job title has been amended but the role remains substantially the same.</p> <p>Amendments in job titles will be captured in future omnibus updating reports to Council.</p>
<p>PART TWO – GOVERNANCE</p>	<p>Page 12. Under ‘Committee Structure and Appointments’</p> <p>Representatives and Appointments</p> <p>Insert Nelson Provincial Museum Working Group – Crs Ogilvie and Tuffnell listed as appointed representatives.</p> <p>4.0 Terms of Reference for Committees</p> <p>Page 16. CDC Community Development Committee</p> <p>4.2 Resource Management Act 1991</p> <p>4.2.1 Sections 166 - 168A – The powers of a Requiring Authority <u>as provided for in Part 8 (designations for Public Works), excluding the powers in Sections 168A and 184A.</u></p> <p>Page 19. ESC Engineering Services Committee</p> <p>4.1 Resource Management Act 1991:</p> <p>4.1.1 The powers of a Requiring Authority as provided for in Part 8 (designations for roads, pump stations etc), excluding the powers in Sections <u>168A and 184A.</u></p>	<p>At its meeting on 14 November the Joint Shareholders Committee agreed to establish the Nelson Provincial Museum Working Group. Subsequent to that meeting it has been confirmed that Council’s appointees are Crs Ogilvie and Tuffnell.</p> <p>The proposed amendments relate to Council’s role as a requiring authority under the Resource Management Act (the Act) which enables Council to designate land for public works. Council has many designations provided for in the Tasman Resource Management Plan for public works including refuse disposal facilities, water supplies, sewerage works, car parking, aerodromes and road widening.</p> <p>Designations lapse after a stated period if not given effect to by that date. Many of Council’s designations, particularly for road widening over private land, will lapse on 1 November 2018, unless Council fixes a longer lapse period within three months before the expiry date.</p> <p>The Act has specific provisions in s.184A that apply when Council is making decisions on the lapsing of its own designations. Unfortunately, this section of the Act was omitted when the relevant parts of the delegations register were last reviewed.</p>

	<p>Page 23. EPC Environment and Planning Committee</p> <p>4.11 Resource Management Act 1991</p> <p>The Environment and Planning Committee shall have all the Council's powers, duties and functions conferred or imposed upon it under the Resource Management Act but excluding the following powers:</p> <p>4.11.1 Section 86 - The power to acquire land.</p> <p>4.11.2 Section 166 - The powers of a Requiring Authority, except when the Council itself is the Requiring Authority, the Environment and Planning Committee will exercise the powers <u>in Sections 168A and 184A.</u></p>	<p>Council's role as a requiring authority has been delegated to the Committees and senior managers, with the Environment and Planning Committee and managers exercising decision-making roles under the Act.</p> <p>The proposed amendments to the Delegations Register will rectify the omission of the power to fix new lapsing dates for Council's designations, with the same split in powers among the Committees as has already been adopted in the Delegations Register.</p> <p>If these amendments are adopted, it is expected that recommendations for fixing new lapse dates for Council's designations will be presented to the Environment and Planning Committee during August-October.</p>
	<p>Page 26. ARC Audit and Risk Committee</p> <p>5.0 Administration</p> <p>'Policy on the Appointment of Directors and Trustees to Council Organisations'.</p>	
	<p>Page 30. CC Commercial Committee</p> <p>5.4 Elected Members Appointed by Council</p> <p>'Policy on the Appointment of Directors and Trustees to Council Organisations'.</p>	<p>The 'Policy on the Appointment of Directors and Trustees' has been updated and is now called the 'Policy on the Appointment of Directors and Trustees to Council Organisations'.</p>
	<p>Page 31. CC Commercial Committee</p> <p>6.0 Port Tarakohe Advisory Group</p> <p>6.5 Membership</p>	<p>At the last Commercial Committee meeting, it was agreed that the Terms of Reference for the Port Tarakohe Advisory Group would be amended to include membership of an iwi representative.</p>

	6.5.2 'Up to two elected Councillors of Golden Bay Ward <u>and an iwi representative.</u> '	
	<p>Page 42. 7.3 Nelson Regional Sewerage Business Unit</p> <p>The reference to 'Section 30A(2)(c) of the Local Government Act 2002 should read – '<u>Schedule 7 clause</u> 30A (2)(c) of the Local Government Act 2002...'</p>	Drafting error in original text.
PART THREE - MANAGEMENT	<p>Page 70. 2.0 Senior Managers' Delegations</p> <p>2.12.3 – remove the words '(see footnote 14 above)'.</p> <p>Page 73. 3.2 Corporate Services Manager</p> <p>Remove paragraph 3.2.6 'Objections to Rating Valuations'.</p> <p>Remove paragraph 3.2.8 'Council Property'.</p>	<p>Drafting error.</p> <p>Duplication of paragraph 3.2.4.</p> <p>Duplicates 2.11.3 – delegation to all Senior Managers already exists.</p>
	<p>Pgs 75-78. 4.0 Sub-delegations to Staff below Senior Management</p> <p>Remove references to Commercial Manager in the paragraphs 4.5, 4.9, 4.10 and 4.12.</p>	The Commercial Manager delegations are removed as the position, originally a Tier 3, is now a Tier 4 role following a recent restructuring of property services.
PART FOUR – STATUTORY DELEGATIONS TO STAFF	Replace existing list of Acronyms and Schedule with the attached (tracked changes shown)	Reflects Changes in staff roles/job titles and statutory powers, as advised by the Building Assurance Manager as at May 2018.
	Under 'Public Works Act 1981 part 154' change 'Minister of Works and Development' to 'Minister of Conservation/Minister of Transport'.	Reflects amendments to legislative provisions.

	Under 'Public Works Act 1981 part 160 – s.23(1)(c) and First Schedule – Power to sign notices of intention to take land for essential work' add the words '...to include all preceding steps as prescribed under this Act.'	Legal advice has confirmed that s.18 under the Public Works Act, as the prelude to the process under s.23(1)(c) is also covered. The additional wording is inserted to avoid any doubt.'
	Part 269 – add the words 'and Section 182(1)'.	Rectifying drafting error.
	Part 329 – amend 'waver' to 'waiver'.	Correcting typographical error.
	Part 330 – add 'PSM' (Property Services Manager)	Reflects creation and responsibilities of new role as part of restructure of property services.
SCHEDULE TWO – SCHEDULE OF FINANCIAL DELEGATIONS FOR AMOUNTS OF \$20,000 OR ABOVE.	As per attached updated schedule with tracked changes.	Reflects role changes and restructure of property services. The balance of financial delegations under \$20,000 are recorded against Council's Electronic Purchase Order System.

Acronyms**Key to Staff Positions**

AO	Administration Officer - Regulatory	EIM	Environmental Information Manager
APM	Activity Planning Manager	EMO	Environmental Monitoring Officer
BCO	Building Consent Officer	EPM	Environmental Policy Manager
BI	Building Inspector	ESM	Engineering Services Manager
BM	Building Control Manager	FM	Finance Manager
BO	Biosecurity Officer	HMR	Harbourmaster
BOC	Building Officer Compliance		
BTO	Building Technical Officer	PCO	Pool Compliance Officer
C	T	PDM	Programme Delivery Manager
C	T	PP	Policy Planner
CCM	Team Leader Compliance Monitoring	PRCA	Principal Resource Consents Advisor
CDM	Community Development Manager	PSM	Property Services Manager
CE	Chief Executive	PW	Parking Wardens
CEH	Team Leader Environmental Health	RA	Revenue Accountant
CEM	Team Leader Environmental Monitoring	RCAO	Resource Consents Administration Officer (and any Senior RCAO)
CEP	Team Leader Natural Resources Policy Team Leader Urban & Rural development Principal Environmental Policy Advisor	C	C
CM	Commercial Manager		
CO	Compliance Officer	RCE	Rivers and Coastal Engineer
CP	Consent Planner	RCM	Resource Consents Manager
CPC	Community Partnerships Coordinator	RegM	Regulatory Manager
CRC	Team Leader Resource Consents (includes Team Leader Land Use Consents, Team Leader Natural Resource Consents, Team Leader Subdivision Consents)	RFM	Reserves and Facilities Manager
CSM	Corporate Services Manager	RO	Rates Officer

CSO	Customer Services Officer	RS	Resource Scientist
CuSM	Customer Services Manager	SBIC	Senior Building Inspector - Compliance
DE	Development Engineer	SAPA	Senior Activity Planning Advisor
		SBTO	Senior Building Technical Officer
E&PMgr	Environment & Planning Manager	SCSO	Senior Customer Services Officer
		TL	Technical Lead
		TLBC	Team Leader Building Consents
		TLBI	Team Leader Building Inspectors
EHO	Environmental Health Officer	TM	Transportation Manager
		UM	Utilities Manager

Amusement Devices Regulations 1978		
1.	Power to inspect and licence amusement devices.	E&P Mgr, BM, BTO, BI, EHO, SBTO, SBIC, TLBI, TLBC
Aquaculture Reform (Repeals and Transitional Provisions) Act 2004		
2.	Section 10, 20, 21 Power to review deemed coastal permits (and related procedures as provided for in the Act).	E&P Mgr, RCM, CRC, CP
3.	Section 37 Power to request an aquaculture decision.	E&P Mgr, RCM
4.	Section 44B Power to notify Trustee to negotiate.	E&P Mgr
5.	Section 44(1)(b) Notify CEO of Ministry of Primary Industries when the allocation of authorisations to Trustee is completed	E&P Mgr
6.	Section 44(4) Extend period for negotiation	E&P Mgr
7.	Section 44B(2)(b) Power to notify consent applicants to negotiate	E&P Mgr
8.	Section 44D(2)(b) Allocate authorisations to Trustees in accordance with agreement	E&P Mgr
9.	Section 53 Power to approve off-site farm amendments.	E&P Mgr, RCM, CRC, CP
Biosecurity Act 1993		
10.	Section 103 Power to appoint authorised person.	E&P Mgr
Building Act 2004		
Under Section 232 of the Building Act 2004 the following delegations apply:		
11.	Section 34 Power to issue a project information memorandum.	E&P Mgr, BM, TLBI, TLBC, SBTO, BTO, TL, BI, BCO, AO

12.	Section 36/37 Power to attach development contribution notice.	E&P Mgr, RegM, BM, TLBI, TLBC,CCM, AO
13.	Section 37 Power to issue certificate if resource consent required.	E & P Mgr, RCM, CP, CRC
14.	Section 38/39/46 Power to advise network utility operators and NZ Historic Places Trust and give notice to FENZ.	E&P Mgr, BM, , CCM, AO, TLBI, TL, BCO, BTO, SBTO
15.	Section 48 Power to request further information following receipt of application for building consent.	E&P Mgr, BM, TLBI, TLBC, BCO, BI, BTO, TL, SBTO
16.	Section 48-52 Power to process and approve applications for building consent.	E&P Mgr, BM, , TLBC,TLBI, BTO, TL, SBTO,BCO, BI
17.	Section 59 Power to pay building consent levy.	E&P Mgr, BM
18.	Section 62 Power to recover unpaid levies.	E&P Mgr, BM
19.	Section 67/68 Power to grant waivers or modifications.	E&P Mgr,BM, TLBI, TLBC, TL, SBTO, BI, BCO, BTO
20.	Section 71-73 Power in respect to building on land subject to natural hazard.	E&P Mgr, BM, TLBI, TLBC, TL, SBTO, BCO, BI, BTO
21.	Section 75-77 Power in respect of buildings over boundaries.	E&P Mgr, BM, TLBI, TLBC, TL, SBTO BCO, BI, BTO
22.	Section 91-95 Power to process and approve Code Compliance Certificate.	E&P Mgr, BM, TLBI, TLBC, TL SBTO, BCO, BI, AO, BTO

23.	Section 96-99 Power to process and approve certificates of acceptance.	E&P Mgr, BM, TLBI, TLBC, TL, SBTO, BI, BCO, BTO
24.	Section 102, 104, 106, 107, 109, 111 Power in respect of compliance schedules.	E&P Mgr, BM, TLBI, TLBC, SBTO, BCO, BI, TL, BTO, SBIC BCO,
25.	Section 112, 113, 114, 115, 116 Power in relation to alterations to buildings and changes of use.	E&P Mgr, BM, BCO, BI, TLBI, SBTO, TLBC, BTO, TL
26.	Section 121, 124, 126 Power in relation to dangerous, affected, earthquake-prone or insanitary buildings.	E&P Mgr, BM, TLBI, TLBC, TL, SBTO, SBIC
27.	Section 133 Power in relation to earthquake prone buildings	E&P Mgr, BM, TL, TLBI, TLBC
28.	Section 136,138 Power to approve or refuse to approve the classification of dams.	E&P Mgr, BM
29.	Section 143, 145 Power to approve or refuse to approve a dam safety assurance programme.	E&P Mgr, BM
30.	Section 154, 156 Power in relation to dangerous dams.	E&P Mgr, BM
31.	Section 164, 167 Power in relation to notices to fix building work.	E&P Mgr, BM, TLBI, TLBC, BTO, BI, SBIC, TL, BOC, SBTO
32.	Section 177, 180 Power to apply to the Chief Executive of the Department of Building and Housing for a determination.	E&P Mgr, BM, TLBI, TLBC, TL
33.	Section 215, 241 Power to apply for accreditation.	E&P Mgr
34.	Section 219 Power to impose a fee or charge.	E&P Mgr, BM

35.	Section 220, 221 Power to seek Court order on default and recover costs.	E&P Mgr, BM
36.	Section 371B Power to appoint enforcement officers authorised to issue infringement notices under s372 of the Building Act 2004.	E&P Mgr, BM, TL, SBIC, TLBI, TLBC
37.	Schedule 1(2) Power to grant discretionary exemptions	E&P Mgr, BM, , TLBI, TLBC, SBIC, BTO,BCO, SBCO, BI
38.	Section 222 Inspections by territorial authority	E&P Mgr,BM, TLBI, TLBC, TL, SBTO, BTO, BI, PCO, SBIC
Camping Ground Regulations 1987		
Dog Control Act 1996		
39.	Section 11 and 12 Power to appoint dog control officers and dog rangers.	E&P Mgr
40.	Section 21 Power to classify any person as a probationary owner.	E&P Mgr, RegM
41.	Section 23A Power to require dog owner education.	E&P Mgr, RegM
42.	Section 25 Power to disqualify any person from being the owner of any dog.	E&P Mgr, RegM
43.	Section 31 Power to classify any dog as a dangerous dog.	E&P Mgr, RegM
44.	Section 32(1)(a) Power to consent to the disposal of a dangerous dog.	E&P Mgr, RegM, AO
45.	Section 33A Power to classify a dog as menacing.	E&P Mgr, RegM
46.	Section 33B Power to identify a dog as a restricted dog.	E&P Mgr, RegM, AO

47.	Section 35 Power to provide register information and to determine whether or not a dog should be delivered into the custody of a Dog Control Officer or Dog Ranger.	E&P Mgr, RegM, AO
48.	Section 39 Power to issue refunds or reduce fees.	E&P Mgr, RegM, AO
49.	Section 40 Power to require a written statement that a dog is a working dog of a specified class and to require production of a certificate that a dog has been neutered.	E&P Mgr, RegM, AO
50.	Section 46 Power to issue a replacement label or disc.	E&P Mgr, RegM, AO
51.	Section 66 To commence proceedings in accordance with Section 21 of the summary Proceedings Act 1957 where an infringement notice has been issued.	E&P Mgr, RegM
52.	Section 69 Power to dispose of any dog.	E&P Mgr, RegM,
53.	Section 71 Power to authorise retention of a dangerous dog.	E&P Mgr, RegM



Tasman District Council

Delegations Register

Updated 28 June 2018



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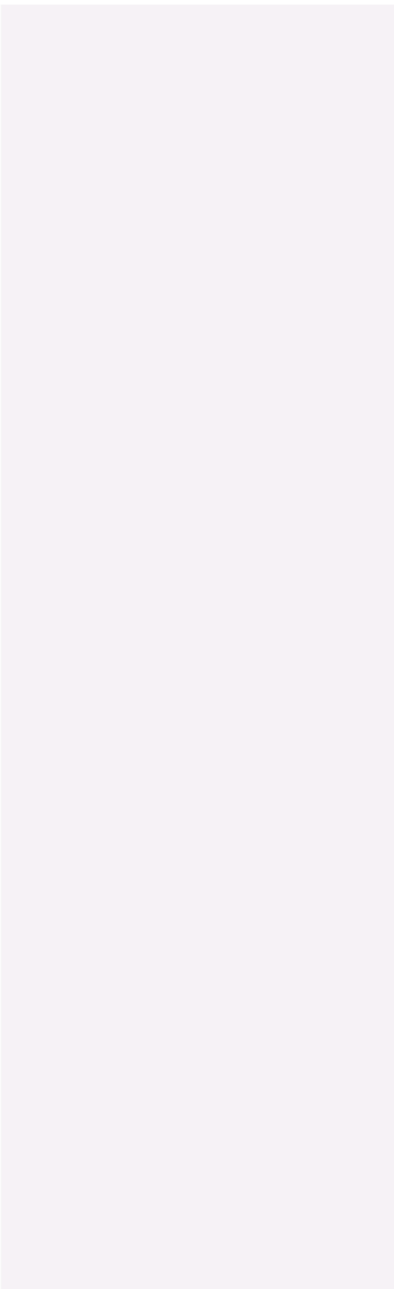
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Part One - General

1



Purpose

The purpose of the Delegation Register is to set out the Tasman District Council's ('the Council') policies, procedures and delegations relating to decision making when giving effect to its statutory duties, responsibilities and powers. The Delegations Register incorporates terms of reference for committees.

Where decisions or actions under a policy of Council are delegated to a Committee or other decision-making body that has since been disestablished, that delegation will be exercised by Council.

Structure

The Delegations Register is structured in four parts:

Part One - General

This part summarises the overall purpose and structure of the Delegations Register, defines delegations, their duration and the legal basis upon which they are given.

Part Two - Governance

This part sets out the responsibilities and powers of the Council's elected members, describes the structure and appointments to Council's Committees, Subcommittees, Hearing Panels, Community Boards and Joint Committees.

The terms of reference for Council's Committees, Community Boards, Subcommittees, Hearing Panels and Joint Committees, including scope, financial, policy and legislative delegations are set out in Part Two.

Part Three - Management

This part sets out responsibilities and powers held by the Chief Executive and Senior Managers to ensure the proper and efficient functioning of the Council as a local authority business.

All delegations to staff in Part Three of this Register have been made to the Chief Executive. The Chief Executive then sub delegates as appropriate.

Part Four - Statutory Delegations to Staff

Statutory delegations to staff may be made where:

- The responsibilities are expressly provided for in legislation; or
- The Council holds the power and delegates this responsibility to the Chief Executive
- Delegations to staff, if required by any enactment, are made through the Chief Executive by virtue of inclusion in this register

Statutory appointments occur where, by virtue of being an office holder, staff have duties and powers which are additional to any delegation. In those cases, staff are acting under appointment rather than delegation. Details of these delegations appear in the Tasman District Council's Appointments Register.

From time to time staff position titles will change. Where the duties of the newly titled position remains substantially the same, the delegations will automatically transfer to that new position until such time as the Delegations Register is updated.

Definition of Delegation

Delegation is the transfer of a duty or power to act on behalf of another, including the authority that the person or body making the decision would themselves have had in carrying out that duty or exercising that power.

For the purposes of administrative efficiency and expediency in the conducting of its day-to-day business, the Council delegates certain statutory duties, responsibilities and powers to its standing committees, committees, subcommittees, joint committees, elected members and staff and in some cases other persons such as Hearing Commissioners..

Likewise, the Chief Executive delegates certain duties and responsibilities to a subordinate level. These delegations promote effective and expeditious decision-making.

Delegations avoid administrative delays and inefficiencies that might otherwise occur if all matters had to be referred to Council or the Chief Executive every time a decision needed to be made.

The Legal Basis

Council's authority to delegate to its standing committees, committees, subcommittees, elected members or staff is principally derived from Schedule 7, Clause 32 of the Local Government Act 2002 (LGA).

Schedule 7 Clause 32 of the LGA states that:

"Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of the local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except

- (a) *The power to make a rate; or*
- (b) *The power to make a bylaw; or*
- (c) *The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan; or*
- (d) *The power to adopt a long-term plan, annual plan, or annual report; or*
- (e) *The power to appoint a chief executive; or*
- (f) *The power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or*
- (g) *[Repealed]*
- (h) *The power to adopt a remuneration and employment policy.*

Other statutes also confer or limit the ability for the Council to delegate decision-making powers and duties. Authority and responsibility are inseparable. Those with responsibility for a task or function should always have the authority to carry it out effectively. No delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.

Delegates should willingly accept authority and responsibility for decision-making in the certain knowledge that their decisions, if made in a full, fair, and objective manner, will not be interfered with or undermined. The act of delegating involves mutual trust and respect without which the efficiency and effectiveness of the Council would be at risk. Having said that, no one can be compelled to exercise their delegation.

Nothing in this Delegations Register limits the power of anyone to carry out a function or activity that is a precursor to exercising a delegation.

Term of Delegation

Unless any delegation is expressed to be for a defined period it will continue until revoked by the Council, the Chief Executive or withdrawn by operation of law. The Delegations Register is a 'living' document and as such will be reviewed and amended from time to time. The delegation is normally to the position, not to the individual. The delegation survives any change in the occupier of any position.

General Provisions

In the exercise of any delegation, the delegate (i.e. the person given the delegation) must comply with the requirements in this document. The laws relating to local government generally recognise that a delegation properly exercised binds Council and unless the law or the delegation expressly provides for a review/appeal then no remedy exists other than removing the delegation.

If a delegate considers it is inappropriate for them to exercise a delegation in relation to a specific matter they may refer the decision back to the delegator.

Delegations must be unambiguous and made in writing in order to protect both the Council and the delegate.

Delegations have generally been made to the lowest organisational level, commensurate with the degree of responsibility and difficulty involved in the undertaking of the task delegated. In deciding what is the lowest level for each delegation, particular attention has been paid to the fact that along with the powers and duties contained in the delegation go the responsibilities and accountability for its correct and effective implementation and any reporting requirements.

In the exercise of any delegation, the delegate will ensure they act in accordance with:

1. any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and
2. any relevant Council policy or procedural documents (including reporting and recording requirements).

In relation to delegations to officer level, every delegation will be to a stated office or position and will be exercised in relation to the duties of their position or when an officer has been appointed in an acting capacity.

Where the terms of the delegation require, decisions made under delegated authority will be reported to the Council or a relevant Committee.

Where financial delegations have been given to Committees, Subcommittees, other decision-making bodies or staff, these delegations should be exercised within budgets; adhere to Council's policies; follow a duty of care and fiscal responsibility.

For the avoidance of doubt, delegators and supervisors of subordinate staff shall have the same powers as the delegate, unless the exercise of such delegation requires, by law, a particular qualification or registration.

A delegation once made cannot be further subdelegated other than by the Chief Executive in the case of delegations to staff. The power of subdelegation can be restricted or excluded where, for example, through the operation of legislative authority, the delegation is given directly to an appointed officer.

The Council may, at any time, revoke, suspend for a period, or amend the terms and conditions of relation to any delegation it has made except in relation to decisions already taken. Where this occurs, it will be recorded by resolution of Council.

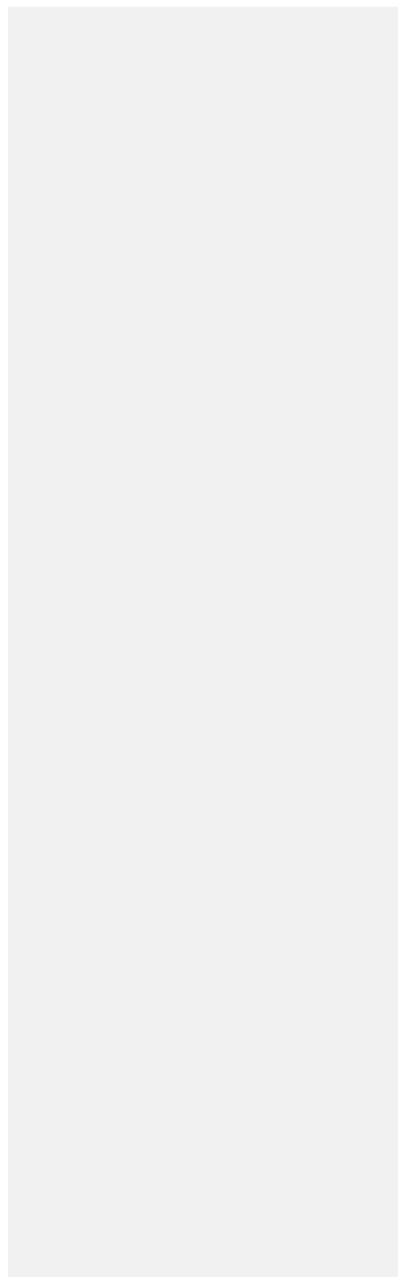
The Chief Executive may revoke or suspend for a period, or amend the terms and conditions in relation to any delegation to subordinates that they have made.

4

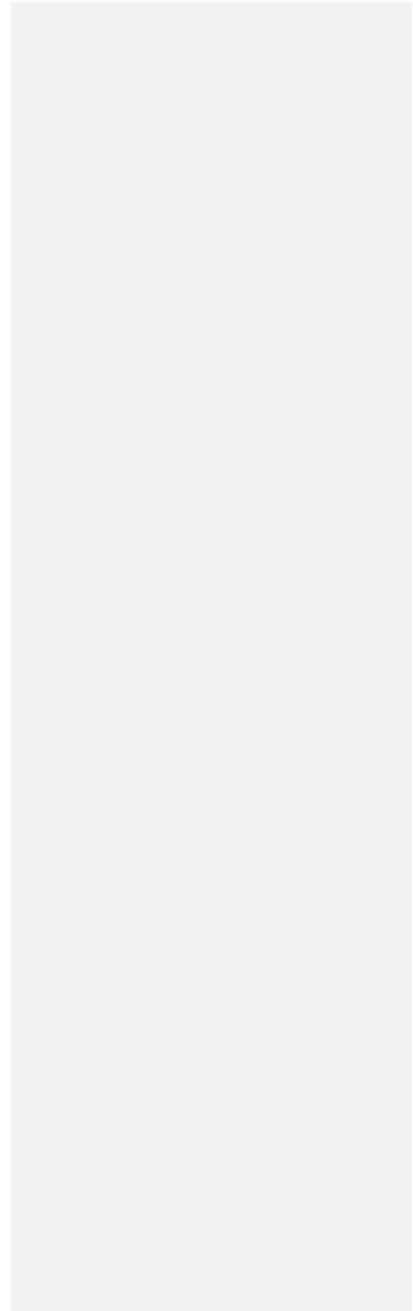
Staff will not exercise delegated authority in cases of uncertainty or where it would be preferable that policy direction be given. There are also circumstances where staff should seek peer review prior to exercising delegated authority.

Where a delegation exists to make a decision on behalf of Council, the delegate has all the necessary powers of Council to effect that decision, including any related transitional powers prescribed by statute.

The delegations to staff, if required by any enactment, are also made through the Chief Executive Officer by virtue of inclusion in this Register.



Part Two
Governance



7

1.0 Mayoral Delegations

The Mayor holds certain statutory powers, for example, the power to appoint the Deputy Mayor. These Mayoral powers are not listed in this document. Only those delegations that have been made and decided by the Council are included.

- 1.1 The Mayor is authorised to:
- 1.1.1 permit the attendance of **Councillors at conferences and training opportunities**, with leave of absence and appropriate expenses paid, provided budget is available.
 - 1.1.2 appoint the **Council's presiding delegate** to the meetings of Local Government New Zealand on those occasions when they cannot attend the meeting in person.
 - 1.1.3 **act as proxy** for the following companies:
 - Port Nelson Ltd
 - Nelson Airport Ltd
 - New Zealand Local Government Insurance Company Ltd (Civic Assurance)
 - New Zealand Local Government Funding Agency.

As proxy the Mayor is instructed to vote in the best interests of Council and to take direction from Council on sensitive or controversial matters before committing **Council's shareholder votes**.

In the Mayor's absence the authority to act as proxy is delegated to the Deputy Mayor.
- 1.2 Where the **Common Seal of the Council** is affixed to any document it shall be attested by
- 1.2.1 the Mayor, or in his/her absence, the Deputy Mayor; and
 - 1.2.2 the Chief Executive, or in his/her absence, the Acting Chief Executive. *See the Chief Executive's delegations for further details about use of the Common Seal.*
- 1.3 In relation to executing any Deed, the authority to apply the Common Seal of the Council is delegated to the *Mayor or in his absence Deputy Mayor, and any one councillor* by virtue of section 9 of the Property Law Act 2007 (two signatures required).
- 1.4 The Mayor, in relation to the Chief Executive's employment contract, has delegated authority to manage routine employment matters on behalf of the employer such as leave provisions.
- 1.5 The Mayor is authorised to decide on the type and size of payments to be made from the Mayor's Discretionary Fund, within the yearly budget provision.

2.0 Councillors' Delegations

- 2.1 Each member of Council who has received accreditation under the **Resource Management Act (RMA)** is authorised to be a Hearings Commissioner for the purpose of hearing and deciding notified applications under the Resource Management Act. The decision to use a Hearings Commissioner rests with the Environment and Planning Manager or Resource Consents Manager in consultation with the Chair of the Environment and Planning Committee.
- 2.2 All Councillors, as members of the Environment and Planning Committee, are authorised to be a Hearings Commissioner for the purpose of hearing and considering submissions to the **Tasman Resource Management Plan** or a change to the Plan under Schedule 1 Clauses 8B and 10 and to make recommendations to the Environment and Planning Committee provided they hold a current accreditation certificate. .
- 2.3 Each accredited member of the Environment and Planning Committee has the power to hear and determine objections lodged under Section 357 of the **RMA** in respect of staff exercising delegated authority.
- 2.4 The Chairperson of the Environment and Planning Committee, who may co-opt other members, can approve potential settlements by Consent Order relating to RMA Plans or Policy settlements.

3.0 Committee Structure and Appointments

The Committee Structure was established, and the appointments made, following the 2016 local government triennial elections. Any changes since the triennial elections are also recorded here. The power of Council to establish committees, subcommittees, other subordinate decision-making bodies and joint committees is outlined in section 30, Schedule 7 of the Local Government Act 2002. Under section 41A of the Act, the Mayor may exercise their power to establish committees of the Council and Chairpersons for those committees.

TASMAN DISTRICT COUNCIL	
MAYOR	R Kempthorne
DEPUTY MAYOR	Cr King
STANDING COMMITTEES	
COMMUNITY DEVELOPMENT	ENGINEERING SERVICES
Cr Canton (Chair) Cr Wensley (Deputy) Mayor, all other Councillors	Cr Bryant (Chair) Cr Sangster (Deputy) Mayor, all other Councillors
ENVIRONMENT AND PLANNING	
Cr King (Chair) Cr Brown (Deputy) Mayor, all other Councillors	
COUNCIL COMMITTEES	
AUDIT AND RISK (Reporting to Council) Mayor Cr Ogilvie (Chair) Crs Brown, Greening, King & Sangster 1 x independent member (Graham Naylor - full membership incl. voting rights)	COMMERCIAL (Reporting to Council) Cr Sangster (Chair) Crs King, McNamara, Ogilvie & Wensley 3 x appointed members - Alan Dunn; Phil Grover; Roger Taylor
CEO REVIEW (Reporting to Council) Mayor Crs King, Brown	

SUBCOMMITTEES	
COMMUNITY GRANTS (Reporting to Community Development) Mayor Cr Canton (Chair) Crs Wensley, Turley, Bryant & Sangster	COMMUNITY AWARDS (Reporting to Community Development) Mayor Cr Canton (Chair) Crs Turley, Hawkes & Sangster
CREATIVE COMMUNITIES (Reporting to Community Development) Crs Canton, Wensley & Turley Plus community representatives	
JOINT COMMITTEES OF NELSON AND TASMAN COUNCILS	
Joint Committee of Councils Mayor all other Councillors	Joint Shareholders Mayor Crs Tuffnell, King, Canton, Bryant & Ogilvie
Nelson Regional Sewerage Business Unit (NRSBU) Cr Maling Independent member Michael Higgins (for continuity – full membership incl. voting rights)	Civil Defence Emergency Management Mayor Deputy Mayor
Regional Pest Management Crs Bryant, Brown & McNamara	Land Development Manual Steering Group Crs Bryant & King
Saxton Field Committee Crs King and Maling	
OTHER COMMITTEES	
Tasman Regional Transport Operates under Land Transport Management Act 2003 and its Amendments Cr Bryant (Chair) Crs Maling, McNamara, Ogilvie, Sangster 1 x New Zealand Transport Agency (NZTA) representative (full membership incl. voting rights)	District Licencing Operates under the Sale and Supply of Alcohol Act 2012 Cr Ogilvie (Chair) Cr King (Deputy Chair) 3 x list members (appointed for 5 years commencing 2013) - David Lewis, Laurence Gabites & 1 x vacancy

REPRESENTATIVES AND APPOINTMENTS
Local Government New Zealand
Zone 5 Mayor (Chair) Chief Executive
Regional Sector Group Mayor Chief Executive
Rural and Provincial Sector Community Development Manager Mayor / Deputy Mayor as alternate
Accessibility for All Cr Wensley
Friendly Towns Richmond appointment – Cr Tuffnell Motueka appointment – Cr Canton Golden Bay – Cr Sangster
Iwi Liaison Mayor, Chief Executive
Mapua Water and Wastewater Business Case Working Group Crs Bryant, King & McNamara
Mapua Waterfront Advisory Committee Cr King
Motueka Airport Advisory Group Cr Canton / Cr Hawkes (as alternate)
Native Habitats Tasman Cr Ogilvie/Cr Brown
Nelson Tasman Business Trust Trevor Tuffnell and Kit Maling as independent members.
<u>Nelson Provincial Museum Working Group</u> <u>Cr Ogilvie/Cr Tuffnell</u>
Nelson Tasman Cycle Trust Working Group Cr Canton
Positive Ageing Cr Wensley

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Port Tarohe Advisory Group Cr King (Chair) Cr Sangster, Cr Brown
Regional TB Free Cr Brown
Richmond Bridge and Croquet Cr Greening
Richmond Transportation Business Case Working Group Crs Bryant, Greening & Tuffnell
Takaka Airport Advisory Group (effective 1 July 2017) Cr Sangster
Tasman Bays Heritage Trust Appointments Committee Mayor, Chief Executive
Tasman Environmental Trust Liaison Trevor Tuffnell (as Council Liaison)
Tasman Regional Sports Trust Mayor
Tasman Youth Council Crs Canton & Turley
Tenders Panel Crs Bryant, Tuffnell & Maling Chief Executive

4.0 Terms of Reference for Committees, Subcommittees, Joint Committees and Community Boards,

CDC Community Development Committee

1.0 Purpose and Areas of Responsibility

The Community Development Committee's purpose is for the planning, reviewing and implementation of functions, duties, and powers in respect of their areas of responsibility which are as follows:

Libraries	Camping Grounds (excluding commercial campgrounds and holiday parks)
Cemeteries	Walkways/Cycleways
Community Housing	Arts and Culture
Community Recreation and Development	Swimming Pools
Communications and Publicity activities	Special Purpose Committees (Halls and Reserves)
Grants; Council, Creative NZ, Sport NZ	Community Health Issues
Parks, Reserves, and Sports Grounds	Friendly Towns
Public Halls	Protected Trees
Public Conveniences	Environmental Education
Community Engagement and Consultation	Community Facilities (Regional and District Facilities)
Customer Services	Museums including Tasman Bays Heritage Trust
Reserve Financial Contributions	Digital Enablement Strategy
Strategic Policy excluding the matters expressly provided for under cl. 32, Schedule 7 LGA	

2.0 Responsibilities

- 2.1 Monitor performance (including budget and performance targets) for their areas of responsibility.
- 2.2 Monitor income and costs associated with activities which fall under the scope of the Committee.
- 2.3 Govern, develop, approve, ensure the implementation of and monitor policies, plans and bylaws in relation to the areas of responsibility.

- 2.4 Review reserve management plans, appointment of hearings panels and make recommendations to the Council on the adoption of a draft plan for consultation or to approve a final plan.
- 2.5 Consider reports relating to annual residents' surveys and monitoring.
- 2.6 Ensure the Council meets all compliance requirements relating to legislative responsibilities relating to the areas of responsibility.

3.0 General Powers

- 3.1 Approve expenditure consistent with overall budgets and the Council's Annual and Long Term Plans.
- 3.2 Act in all matters concerning the areas of responsibility listed, provided they do not conflict with stated policy of the Council.
- 3.3 Delegate its powers to an officer of the Council in defined areas.
- 3.4 Delegate any of its powers to any joint committee established for any relevant purpose in accordance with Clause 32, Schedule 7 of the LGA.
- 3.5 Use and adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction. (This allows for setting of fees and Bylaw making processes up to but not including adoption)
- 3.6 Appoint Subcommittees, Hearing Panels or Working Groups and to give those Subcommittees power to act, in defined areas, including the decision making powers of the parent committee.

These delegations enlarge on the scope of the Community Development Committee but do not limit conferred legislative powers or those given under Council policy.

4.0 Statutory Powers

To act on behalf of the Council in relation to the following statutory provisions:

4.1 Reserves Act 1977:

- 4.1.1 Section 14 – Local authority may declare land vested in it to be a reserve.
- 4.1.2 Section 24A – Change of purpose of reserve by territorial authority or regional council.
- 4.1.3 Section 40 – Functions of administering body.
- 4.1.4 Section 41 – Management Plans – To initiate reserve management plan reviews and appoint hearings panels, and to recommend to Council the adoption of a draft plan for consultation or to approve a final plan.
- 4.1.5 Section 48 – Grants of rights of way and other easements.
- 4.1.6 Section 48A – Use of reserve for communications station.
- 4.1.7 Sections 55 - 58A – Powers and leasing powers for recreation, scenic, nature and historic reserves (noting that some of these powers have been sub-delegated to staff).
- 4.1.8 Section 61 – Powers (including leasing) in respect of local purpose reserves (noting that some of these powers have been sub-delegated to staff).

- 4.1.9 Section 64 – Administering body may purchase land on deferred payments (noting that some of these powers have been sub-delegated to staff).
- 4.1.10 Section 73 – Leasing of recreation reserves for farming, grazing, afforestation, or other purposes (noting that some of these powers have been sub-delegated to staff).
- 4.1.11 Section 74 – Licences to occupy reserves temporarily (noting that some of these powers have been sub-delegated to staff).
- 4.1.12 Sections 106 - 108 Bylaws – To initiate a bylaw and appoint hearings panels and adopt a draft bylaw for consultation, and to recommend to the Council that it adopt a final bylaw.
- 4.1.13 To act on behalf and in lieu of the Council in regard to exercising the delegations issued to local authorities by the Minister of Conservation on 8 July 2013 noting that some of these powers have been subdelegated to staff.

4.2 Resource Management Act 1991

- 4.2.1 Sections 166 - 168A – The powers of a Requiring Authority [as provided for in Part 8](#) (designations for Public Works) [excluding the powers in Sections 168A and 184A](#).
- 4.2.2 Section 187 - 189A – The powers of a Heritage Protection Authority.
- 4.2.3 The power to exercise the delegations issued to local authorities by the Minister of Conservation on 8 July 2013.

5.0 Limitations

- 5.1 In respect of matters requiring financial input the Community Development Committee's power is limited to the extent that provision has been made in the annual budgets or in the Long Term Plan.
- 5.2 The Community Development Committee can make recommendations only to Council in respect of the following matters:
 - 5.2.1 make a rate; or
 - 5.2.2 make a bylaw; or
 - 5.2.3 borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
 - 5.2.4 adopt a Long Term Plan, Annual Plan, or Annual Report; or
 - 5.2.5 appoint a Chief Executive; or
 - 5.2.6 adopt policies required to be adopted and consulted on under the LGA, and/or in association with the Long Term Plan, and/or developed for the purpose of the Local Governance Statement; or
 - 5.2.7 adopt a remuneration and employment policy.

6.0 Administration

- 6.1 Membership comprises all elected members of the Council.
- 6.2 A quorum comprises:
 - 6.2.1 half of the members if the number of members (including vacancies) is even;
or
 - 6.2.2 a majority of members if the number of members (including vacancies) is odd.
 - 6.2.3 for the time being the quorum is 7.
- 6.3 Meetings are held six weekly.
- 6.4 The Community Development Committee has no reporting responsibility to the Council for matters within its delegation.
- 6.5 The Community Development Committee is empowered to do anything within its jurisdiction prior to making a recommendation to the Council.

7.0 Subcommittees of the Community Development Committee

- 7.1 Community Grants Subcommittee.
- 7.2 Creative Communities Subcommittee.
- 7.3 Community Awards Subcommittee.

ESC Engineering Services Committee

1.0 Purpose and Areas of Responsibility

The Engineering Services Committee is to govern, develop, approve, ensure the implementation of and monitor policies, plans and bylaws in relation to the Committee's areas of responsibility which are as follows:

Roads and Bridges/Walkways and Cycleways	Refuse collection, disposal and waste minimisation
Water Supply	Rivers and Waterways
Sewerage treatment and disposal	Stormwater collection and disposal
Coastal Protection	Passenger Transport
Ports, Wharves and Boat Ramps (excludes Port Tarakohe)	

2.0 Responsibilities

- 2.1 Ensure the Council meets all compliance requirements relating to legislative responsibilities relating to the areas of responsibility.
- 2.2 Plan, review and implement functions, duties, and powers in respect of its areas of responsibility.
- 2.3 Monitor performance (including budget and performance targets) for its areas of responsibility.

3.0 General Powers

- 3.1 Approve expenditure consistent with the Council's Annual or Long Term Plans.
- 3.2 Appoint Subcommittees, Hearing Panels or Working Groups and to give those Subcommittees power to act, in defined areas, including the decision making powers of the parent committee.
- 3.3 Delegate its powers to an officer of the Council in defined areas.
- 3.4 Delegate any of its powers to any joint committee established for any relevant purpose in accordance with Clause 32, Schedule 7 of the LGA.
- 3.5 Use and adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction. (This allows for setting of fees and bylaw making processes up to but not including adoption).

These delegations enlarge on the scope of the Engineering Services Committee but do not limit those conferred powers.

4.0 Statutory Powers

To act on behalf of the Tasman District Council in relation to the following statutory provisions:

4.1 Resource Management Act 1991:

- 4.1.1 The powers of a Requiring Authority as provided for in Part 8 (designations for roads, pump stations etc), excluding the powers in Sections 168A and 184A.

4.2 Local Government Act 1974:

- 4.2.1 Section 339 relating to transport shelters.
4.2.2 Tenth Schedule relating to road stopping.

4.3 Heavy Vehicle Regulations 1974:

- 4.3.1 Section 10(5) relating to prohibiting heavy vehicles on specific roads.

4.4 Soil Conservation and Rivers Control Act 1941

- 4.4.1 Part 7 being the powers and duties of a Catchment Board.

5.0 Limitations

- 5.1 In respect of matters requiring financial input the Engineering Services Committee's power is limited to the extent that provision has been made in the annual budgets and in the Long Term Plan.
- 5.2 The Engineering Services Committee can make recommendations only to the Council in respect of the following matters:
- 5.2.1 make a rate; or
- 5.2.2 make a bylaw; or
- 5.2.3 borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- 5.2.4 adopt a Long Term Plan, Annual Plan, or Annual Report; or
- 5.2.5 appoint a Chief Executive; or
- 5.2.6 adopt policies required to be adopted and consulted on under the Local Government Act, and/or in association with the Long Term Plan, and/or developed for the purpose of the Local Governance Statement; or
- 5.2.7 adopt a remuneration and employment policy

6.0 Administration

- 6.1 Membership - all elected members of the Council.
- 6.2 A quorum comprises:
- 6.2.1 half of the members if the number of members (including vacancies) is even; or

6.2.2 a majority of members if the number of members (including vacancies) is odd;

6.2.3 for the time being the quorum is 7.

6.3 Meetings are held six weekly

6.4 The Engineering Services Committee has no reporting obligation to the Council for matters within its delegation.

6.5 The Engineering Services Committee is empowered to do anything within its jurisdiction prior to making a recommendation to the Council.

7.0 Subcommittees of the Engineering Services Committee:

Currently Nil. The Tasman Regional Transport Committee is a committee under Council.

EPC Environment & Planning Committee**1.0 Purpose and Areas of Responsibility**

The Environment and Planning Committee is to ensure Council meets all legislative compliance requirements and to govern, develop, approve and ensure the implementation and monitoring of policies, plans and bylaws in relation to the Committee's areas of responsibility, which are as follows:

Resource Management	Biosecurity
Policy	Information and Investigations
Consents	Parking Control
Environmental Health	Building Control
Hazardous Substances and New Organisms	Maritime Safety
Sale and Supply of Alcohol	Climate Change
Bylaws and Licenses	Animal Control
Rural Fire	Civil Defence and Emergency Management

2.0 Responsibilities

- 2.1 Plan, review and implement functions, duties, and powers in respect of their areas of responsibility.
- 2.2 Monitor performance (including budget and performance targets) for its areas of responsibility.

3.0 General Powers

- 3.1 Approve expenditure consistent with the Council's Annual or Long Term Plans.
- 3.2 Appoint Subcommittees, Hearing Panels or Working Groups and to give those Subcommittees power to act, in defined areas, including the decision making powers of the parent committee.
- 3.3 Delegate its powers to an officer of the Council in defined areas.
- 3.4 Delegate any of its powers to any joint committee established for any relevant purpose in accordance with Clause 32, Schedule 7 of the LGA.

- 3.5 Use and adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction. (This allows for setting of fees and bylaw making processes up to but not including adoption)

These delegations enlarge on the scope of the Environment and Planning Committee but do not limit those conferred powers.

4.0 Statutory Powers

To act on behalf of the Council in relation to the following statutory provisions:

- 4.1 **Aquaculture Reform (Repeals and Transitional Provisions) Act 2004:**
- 4.1.1 Section 44E – Power to allocate authorisations where no agreement is reached between parties.
- 4.2 **Biosecurity Act 1993**
- 4.2.1 Make recommendations to Council to approve a pest management plan or to declare a small scale management programme in accordance with Section 82 of this Act.
- 4.3 **Camping Ground Regulations 1985**
- 4.3.1 Regulation 11 – The grant of consent to erect or place a relocatable home on a relocatable home park site.
- 4.4 **Dog Control Act 1996**
- 4.4.1 Section 22 - Hear and determine objections to classification as a probationary owner.
- 4.4.2 Section 26 - Hear and determine objections to disqualification.
- 4.4.3 Section 31(3) - Hear and determine objections to classification of a dog as dangerous.
- 4.4.4 Section 33B - Hear and determine objections to classification of a dog as menacing.
- 4.4.5 Section 33D - Hear and determine objections to classification of a dog as belonging to a breed listed in Schedule 4 and classified as menacing.
- 4.6 **Food Act 2014**
- 4.6.1 All the Council's powers, duties and functions conferred or imposed upon Council under the Food Act 2014.
- 4.7 **Health Act 1956**
- 4.7.1 Section 45 - The determination of a closing order.
- 4.7.2 Section 48 - The issue of a demolition order.
- 4.7.3 Section 54 - The restriction and control of the carrying on of offensive trades.

- 4.7.4 Section 58 - The restriction and control over the establishment or alteration of stock yards.
- 4.8 **Health (Registration of Premises) Regulations 1966**
 - 4.8.1 Regulation 9 - The service of notice and the hearing of submissions made by the recipient of any such notice.
- 4.9 **Litter Act 1979**
 - 4.9.1 Section 10 - To serve or cause to be served a notice to clear litter pursuant to sub-section (1) of this Section and to hear any objections to the requirements of such notice made pursuant to sub-section (3) of this Section.
- 4.10 **Psychoactive Substances Act 2013**
 - 4.10.1 Section 66 - Power to have a policy relating to the sale of approved products with Tasman District.
- 4.11 **Resource Management Act 1991**

The Environment and Planning Committee shall have all the Council's powers, duties and functions conferred or imposed upon it under the Resource Management Act but **excluding** the following powers:

 - 4.11.1 Section 86 - The power to acquire land.
 - 4.11.2 Section 166 - The powers of a Requiring Authority, *except when the Council itself is the Requiring Authority, the Environment and Planning Committee will exercise the powers under sections 168A and 184A.*
 - 4.11.3 Section 187 - The powers of a Heritage Protection Authority.
- 4.12 **Sale and Supply of Alcohol Act 2012**
 - 4.12.1 Sections 75-80 - Preparation and adoption of local alcohol policy.
 - 4.12.2 Section 186 - Power to appoint district licensing committees.
 - 4.12.3 Section 192 and 193 - Power to appoint and discharge licensing committee members and commissioners.

N.B. The District Licensing Committee is a stand-alone committee and not a subcommittee of the Environment and Planning Committee.
- 5.0 **Limitations**
 - 5.1 In respect of matters requiring financial input the Environment and Planning Committee's power is limited to the extent that provision has been made in the annual budgets and in the Long Term Plan.
 - 5.2 The Environment and Planning Committee can make recommendations only to Council in respect of the following matters:
 - 5.2.1 make a rate; or
 - 5.2.2 make a bylaw; or

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- 5.2.3 borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- 5.2.4 adopt a Long Term Plan, Annual Plan, or Annual Report; or
- 5.2.5 appoint a Chief Executive; or
- 5.2.6 adopt policies required to be adopted and consulted on under the Local Government Act, and/or in association with the Long Term Plan, and/or developed for the purpose of the Local Governance Statement; or
- 5.2.7 adopt a remuneration and employment policy

6.0 Administration

- 6.1 Membership - all elected members of the Council.
- 6.2 A quorum comprises:
 - 6.2.1 half of the members if the number of members (including vacancies) is even; or
 - 6.2.2 a majority of members if the number of members (including vacancies) is odd.
 - 6.2.3 for the time being the quorum is 7.
- 6.3 Meetings are held six weekly.
- 6.4 The Environment and Planning Committee has no reporting responsibility to the Council for matters within its delegation.
- 6.5 The Environment and Planning Committee is empowered to do anything within its jurisdiction prior to making a recommendation to the Council.

ARC Audit and Risk Committee

1.0 Purpose and Areas of Responsibility

The purpose of the Audit and Risk Committee is to assist the Council and the Chief Executive to discharge their responsibilities for audit and risk management. This includes the active oversight of all areas of Council's control and accountability in an integrated and systematic way.

In carrying out its responsibilities, the Audit and Risk Committee must at all times recognise that primary responsibility for management of Council rests with the Chief Executive.

2.0 Responsibilities

- 2.1 The Audit and Risk Committee Chair is responsible for submitting an annual report to the Council covering the Committee's operations and activities during the preceding year.
- 2.2 The Audit and Risk Committee's responsibilities are to provide oversight of:
 - 2.2.1 the robustness of the internal control framework and financial management practices;
 - 2.2.2 the integrity and appropriateness of internal and external reporting and accountability arrangements;
 - 2.2.3 the robustness of risk management systems, processes, and practices;
 - 2.2.4 the internal and external audit functions;
 - 2.2.5 compliance with applicable laws, regulations, standards and best practice guidelines;
 - 2.2.6 the establishment, maintenance and effectiveness of controls to safeguard the Council's financial and non-financial assets.
- 2.3 In carrying out its oversight responsibilities the Audit and Risk Committee will have particular regard to:
 - 2.3.1 financial reporting;
 - 2.3.2 external audit process;
 - 2.3.3 internal audit;
 - 2.3.4 risk management;
 - 2.3.5 the oversight and risk management responsibilities of other Council Committees.

3.0 Powers

The Audit and Risk Committee, within the scope of its role and responsibilities is authorised to:

- 3.1 obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
- 3.2 discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
- 3.3 request the attendance of any employee, including the Chief Executive, at committee meetings;
- 3.4 obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the Council's expense.
- 3.5 the exercise of the powers in 3.3 and 3.4 above is limited to situations where the performance of the Committee's functions would be constrained if the resources of the organisation were not available.

4.0 Limitations

The Audit and Risk Committee has no executive powers and is directly responsible to Council.

5.0 Administration

- 5.1 The expectation is that members of the public wanting to speak to a matter on the Agenda should be given that opportunity.
- 5.2 Membership - membership of the committee shall comprise:

5 Elected members appointed by Council
1 independent member appointed in accordance with Councils Policy on the Appointment of Directors and Trustees to Council Organisations . The independent member is appointed for a term of 3 years from the date of appointment or such other terms as Council resolves.
The Chair shall be appointed by Council and may be the independent member.
Any member of the committee, either elected or independent, may be considered for reappointment in the next triennium provided they have not already served two terms on the committee.
The Chief Executive or any Council staff member may not be a member of the committee.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council. At least one member of the committee should have accounting or related financial management experience, with an understanding of accounting and auditing standards in a public sector environment.

- 5.3 A quorum comprises 3 members 2 of whom must be elected members.
- 5.4 Meetings are quarterly.
- 5.5 The Audit and Risk Committee may meet between the quarterly meetings at the discretion of the chair to attend to urgent business.
- 5.6 A special meeting may be held to review Council's annual report and long term plan audits.
- 5.7 The Audit and Risk Committee will meet separately with the external auditors at least once a year.
- 5.8 Reports to the Council.

CC Commercial Committee

1.0 Purpose and Areas of Responsibility

The Commercial Committee's function is to monitor and improve the performance of the Council's commercial and semi-commercial activities. It also reviews new commercial investments including those within the commercial portfolio. This includes recommendations on investments and resourcing to manage the financial and nonfinancial risks associated with these activities.

The Committee is expected to identify opportunities that will increase the portfolio and may also recommend to Council disposal of poor performing assets and investments.

The Commercial Committee's areas of responsibility are as follows:

<ul style="list-style-type: none"> Forestry including forestry activities on reserve land. 	<ul style="list-style-type: none"> Commercial campgrounds (Motueka, Murchison, Pohara, Collingwood)
<ul style="list-style-type: none"> Aerodromes (Motueka, Takaka) 	<ul style="list-style-type: none"> Property managed on a commercial basis including the Mapua Wharf precinct
<ul style="list-style-type: none"> The Motueka Harbour and Coastal Works Reserve Fund 	<ul style="list-style-type: none"> Port Motueka and Port Tarakohe

2.0 Responsibilities

- 2.1 Ensure that operational strategies, capital works programmes and activity management plans for the activities within the commercial portfolio as a whole support appropriate returns on investment after balancing risks, commercial and community outcomes.
- 2.2 Ensure quick flexible decision making to support taking advantage of commercial opportunities as they arise.

- 2.3 Recommend to the Council an overall financial strategy, performance measures and resourcing for the portfolio, for inclusion in the Annual and Long Term Plans.
- 2.4 Monitor and improve the performance of Council's commercial portfolio including identifying further opportunities to increase the portfolio.
- 2.5 Receive and monitor quarterly financial reports in relation to the commercial portfolio and ensure where possible that the best medium to long term rates of return are being achieved.
- 2.6 Review on a regular basis the overall governance and investment structure for the portfolio and consider whether other governance or investment structures would deliver enhanced returns.
- 2.7 Receive and consider reports from both staff and the Council's legal advisors on strategies, and investments along with the identification and mitigation of financial and operational risk.
- 2.8 Make recommendations to the Council on new investments, disposals, business opportunities and other matters in relation to the commercial portfolio.

3.0 Powers

- 3.1 Authorise any transactions in relation to the commercial portfolio that comply with the Council's LTP, Annual Plan, Treasury Policy or authorised contracts which are outside the delegated authority of Council staff.
- 3.2 Authorise any transactions in relation to The Motueka Harbour and Coastal Works Reserve that comply with the reserve funds policy.
- 3.3 obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the Council's expense..
- 3.4 Recommend to the Council action on any matter in relation to the commercial portfolio.

4.0 Limitations

The Committee may not:

- 4.1 Authorise legal action.
- 4.2 Authorise expenditure that falls outside the approved budgets in the Annual Plan, Long Term Plan or Financial Reforecasts.

5.0 Administration

- 5.1 The expectation is that members of the public wanting to speak to a matter on the Agenda should be given that opportunity.
- 5.2 Meets quarterly and may meet between the quarterly meetings at the discretion of the chair to attend to urgent business.
- 5.3 A quorum comprises 4 members 3 of whom must be elected members.

5.4 Membership shall comprise:

5 Elected members appointed by Council
3 independent members appointed in accordance with Council's Policy on the Appointment of Directors and Trustees to Council Organisations . The independent members are appointed for a term of 5 years from the date of appointment or such other terms as Council resolves and are eligible for reappointment in accordance with Councils Policy on the Appointment of Directors and Trustees.
The Chair shall be appointed by Council

5.5 Reports to the Council.

6.0 Port Tarakohe Advisory Group**6.1 Background**

Tasman District Council (the "Council") re-established the Port Tarakohe Advisory Group (PTAG) following community and user feedback on the Port Tarakohe Development Plan process completed during 2013/2014.

6.2 Purpose

6.2.1 The function of the PTAG is one of an advocacy role. Council are seeking input from the wider Community and all Port users, in a structured and positive environment, recognising the challenges Council has in ensuring the Port Facility is financially sustainable.

6.2.2 The PTAG will be the conduit for users to provide advice/recommendations on the Port to Council, which has a vested interest in direct feedback from various stakeholder groups.

6.2.3 At all times Council retains the right to autonomous strategic and operational management of the Port and is not bound by any Advisory Group process outcome.

6.3 Objectives

6.3.1 To provide a conduit for all community and Port users interests through to Council.

6.3.2 To ensure community, stakeholders and all users are informed, have the opportunity for input, and are involved in the work of the group.

6.3.3 To provide updates to Council and any recommendations for improvements to the operational issues of the Port, whilst respecting the financial sustainability framework Council have set.

6.4 Operating Principles

- 6.4.1 The Commercial Manager is an advisory representative of Council on the group.
- 6.4.2 Meetings will be on a quarterly basis with special meetings called as required, and will aim to be no more than two hours long.
- 6.4.3 The members of the Advisory Group will meet their own costs.
- 6.4.4 Written reports are to go out with the agenda wherever possible, but verbal agenda items will be accepted. All agendas are to be circulated at least seven days prior to the meeting.
- 6.4.5 All communications will be in electronic form.
- 6.4.6 Any advice or recommendations to Council by the PTAG will require a majority decision by members.
- 6.4.7 The PTAG will at all times operate in accordance with the requirements of the Local Government Official Information and Meetings Act (LGOIMA).
- 6.4.8 Work in a collaborative and cooperative manner, using the best endeavours to reach solutions that consider the interests of all sectors of the community, whilst following commercial imperatives required to achieve financial sustainability objectives.

6.5 Membership

The PTAG make-up will consist of the following Council Representatives;

- 6.5.1 An elected member of the Council's Commercial Committee
- 6.5.2 Up to two elected Councillors of Golden Bay Ward and an iwi representative;

Plus one (1) elected representative from each of the following interested groups;

- Marine Farmers Association;
- Fishing Industry;
- Commercial Port users;
- Tarakohe Marina Association;
- Pohara Boating Club
- Golden Bay Community Board;
- Adjoining land owners;

- 6.5.3 A total of 10 members maximum. Involvement from any other guest speakers, as and when required.

6.6 Membership expectations

Council will extend a best endeavours basis to provide full and frank discussion around all the issues facing the Port, however all parties must recognise:

- 6.6.1 the sensitivity and confidentiality of operational matters;

- 6.6.2 that members are expected to take an active part in meetings;
- 6.6.3 that members are expected to report on relevant issues from their respective organisations/ interests;
- 6.6.4 that communication channels with other groups and networks will be nurtured to ensure exchange of information between Council, users and the community.
- 6.6.5 that members may provide a deputy from their organisation to attend if they are unable to be present.
- 6.7 **Chairperson**
- 6.7.1 The Chair of the PTAG will be the Council representative who is the elected member of the Commercial Committee.
- 6.7.2 The Chairperson will liaise with the commercial manager/administrative support (Council) to consider and set agendas.
- 6.7.3 The Chairperson will ensure the meeting runs to time and keeps to the agenda.
- 6.8 **Administration:**
- The Council will provide support that includes;
- 6.8.1 Sending out meeting invitations and agendas.
- 6.8.2 Collate attendance and apology lists.
- 6.8.3 Provide a written record of meetings.
- 6.8.4 Undertake other administrative duties as deemed appropriate.
- 6.9 **Quorum:**
- Six members must be in attendance for a quorum.
- 6.10 **Agenda items:**
- Agendas will include some or all of the following items:
- 6.10.1 Confirmation of minutes.
- 6.10.2 Matters arising.
- 6.10.3 Reports for discussion and action.
- 6.10.4 Relevant trends and issues facing the Port.
- 6.11 **Media Communication:**
- Media contact and announcements will be made by either the Chair or Council, subject to the approval by both. Any media release will be circulated to the PTAG within two days for their information.
- 6.12 **Review:**
- The Terms of Reference will be reviewed every three years, aligned to 31 January, immediately post local government elections, or sooner if significant issues arise (as determined by Council). This document is the first review (post the 2016 local body elections) since the initial Terms of Reference were adopted by PTAG in November 2015.

5.0 Other Committees

TRTC Tasman Regional Transport Committee

The Tasman Regional Transport Committee operates under the **Land Transport Management Act 2003**. Under this Act the Council must:

- establish a regional transport committee; and
- as a unitary authority must have 4 persons to represent the unitary authority and 1 person to represent the NZTA.

1.0 Responsibilities

The Tasman Regional Transport Committee is tasked with preparation of the following, for approval by the Council:

- 1.1 A regional land transport plan for Tasman District, or any variations to the plan;
- 1.2 A regional fuel tax scheme for Tasman District if the regional transport committee decides to recommend a scheme; and
- 1.3 Any advice and assistance the Council may request in relation to its transport responsibilities.

2.0 Powers

The Tasman Regional Transport Committee may make recommendations only to the Council.

3.0 Limitations

- 3.1 The power to discharge or appoint members is by resolution of Council only.
- 3.2 The Tasman Regional Transport Committee has no financial responsibilities or budgets.

4.0 Administration

4.1 The Chair and Deputy Chair are appointed by Council resolution

4.2 Membership:

5 elected members appointed
1 x NZTA representative (full membership including voting rights)
Non-voting members by appointment (ordinarily 6) who act in an advisory capacity only. This ordinarily includes representatives from the Police, the Regional Economic Development Agency, Iwi, Public Health, and for Access/Mobility and Environment/Sustainability.

Nelson City Council and Marlborough District Council are ordinarily invited to nominate a non-voting representative.

- 4.3 For the time being, a quorum comprises 2 members.
- 4.4 In the absence of the Chair the Deputy Chairperson will preside.
- 4.5 The Tasman District Council Standing Orders apply to the meeting procedures with the following exceptions:
 - The Chairperson (or any other person presiding at the meeting):
 - 4.5.1 has the deliberative vote; and
 - 4.5.2 in the case of an equality of votes does not have the casting vote (and therefore the motion is not passed and the status quo is preserved).
- 4.6 Meets quarterly, ordinarily on a Friday.

DLC District Licensing Committee

The District Licensing Committee operates under the **Sale and Supply of Alcohol Act 2012** (SSAA). Each territorial authority must appoint one or more licensing committees as, in its opinion, are required to deal with licensing matters for its district (s.186 SSAA).

1.0 Responsibilities and Powers

- 1.1 Consider and determine applications for licences and manager's certificates.
- 1.2 Consider and determine applications for renewal of licences and manager's certificates.
- 1.3 Consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136.
- 1.4 Consider and determine applications for the variation, suspension, or cancellation of special licences.
- 1.5 Consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280.
- 1.6 Refer applications to the licensing authority with the leave of the chairperson for the licensing authority.
- 1.7 Conduct inquiries and to make reports as may be required of it by the licensing authority under section 175.
- 1.8 Carry out any other functions conferred on licensing committees by or under the SSAA or any other enactment. (s.187).

2.0 Administration

- 2.1 In the absence of the Chairperson, the Deputy Chairperson will preside.
- 2.2 A quorum comprises 3 members except when the Chairperson is sitting alone.
- 2.3 Meets ordinarily weekly on a Wednesday, or as required.
- 2.4 The provisions of the Local Government Official Information and Meetings Act 1987 apply other than Part 7 and section 200 of SSAA applies.

6.0 Subcommittees**CEOR CEO Review****1.0 Purpose**

To oversee matters associated with the employment of the Chief Executive Officer (CEO).

2.0 Responsibilities and Powers

- 2.1 Make recommendations to the Council on the initial employment, reemployment, remuneration, resignation or dismissal of the Chief Executive Officer.
- 2.2 Negotiate, set objectives and review the performance and remuneration for the Chief Executive each year.
- 2.3 Handle all routine CEO contract/employment matters not dealt with by the Mayor.

3.0 Administration

- 3.1 The Mayor is Chairperson of the Subcommittee.
- 3.2 A total of 3 elected members including the Mayor.
- 3.3 A quorum comprises 2 members.
- 3.4 Meets as required to set and review objectives, performance and remuneration.
- 3.5 Reports to the Council

CAS Community Awards Subcommittee

1.0 Purpose

The Community Awards Subcommittee considers applications and decides on the recipients of Outstanding Community Service Awards.

2.0 Responsibilities and Powers

- 2.1 Calls for nominations for the Outstanding Community Service Awards, annually in May.
- 2.2 Reports to the Community Development Committee.
- 2.3 Decides who the successful recipients of the Outstanding Community Service Awards will be.

3.0 Administration

- 3.1 There are 5 elected members
- 3.2 The Chairperson is appointed by Council.
- 3.3 A quorum comprises 3 members.
- 3.4 Meets in early July each year.
- 3.5 The Awards Ceremony is in August each year.
- 3.6 There is no Public Forum at these meetings.

CG Community Grants Subcommittee

1.0 Purpose

The Community Grants Subcommittee administers Council's community grants and other funding schemes, and funding schemes that the Council administers on behalf of other organisations.

2.0 Responsibilities

- 2.1 Invites applications under the grants and funding schemes administered by this Subcommittee.
- 2.2 Collate and assesses applications received.
- 2.3 Makes decisions on the allocation of grant funding.
- 2.4 Reports to the Community Development Committee.

3.0 Administration

- 3.1 Chairperson is appointed by Council.
- 3.2 5 elected members.
- 3.3 A quorum comprises 3 members.
- 3.4 Meets periodically throughout the year following the closure of the various grants rounds (e.g. community grants, Sport New Zealand Rural Travel Fund), Special Grants Funding).
- 3.5 There is no Public Forum at these meetings.

CCS Creative Communities Subcommittee

1.0 Purpose

The Creative Communities Subcommittee considers local community arts applications to the Creative Communities Scheme and make grants in terms of the criteria specified by the scheme's funders, Creative New Zealand.

2.0 Responsibilities

- 2.1 Invite applications from the community three times a year
- 2.2 Collate and assessment of applications received.
- 2.3 Prepare recommendations as to the allocation of grant funding.
- 2.4 Report to the Community Development Committee who will consider the recommendations and make decisions on the allocation of grants to groups and individuals.

3.0 Limitations

Has no power to make decisions on grant applications.

4.0 Administration

- 4.1 3 elected members, plus community representatives.
- 4.2 The Chairperson is appointed by the Council.
- 4.3 A quorum comprises 3 members, two of which must be Councillors.
- 4.4 Meets three times a year – late March, late July and early December (in Motueka).
- 4.5 There is no public forum at these meetings.

7.0 Joint Committees

7.1 Joint Committee of Tasman District and Nelson City (Joint Councils Committee)

Terms of Reference agreed by Council resolution CN14-10-14

Chairperson:

The Chairperson shall alternate each meeting between the Mayor of Nelson City Council and the Mayor of Tasman District Council. In the absence of either Mayor, the committee will elect a chair as its first item of business for that meeting. No deputy chairperson shall be appointed.

Membership:

The Mayor, Deputy Mayor and 12 Councillors of Tasman District Council and the Mayor, Deputy Mayor and 11 Councillors of Nelson City Council (Total of 27 Members)

Quorum:

The quorum at a meeting of the Joint Committee is set as outlined in Model Standing Orders NZS 9202:2003 at 14, being a majority of members as the membership is an odd number. Of that quorum of 14 members at least five must be from each local authority.

Areas of Responsibility:

- Matters relating to Statements of Expectation for all jointly owned Council Controlled Organisations and Council Controlled Trading Organisations
- Receipt of six monthly presentations from Port Nelson Limited, Nelson Airport Limited and Tasman Bays Heritage Trust and from Nelson Tasman Tourism and the Nelson Regional Economic Development Agency (owned solely by Nelson City Council)

Powers to Decide:

- To determine the strategic direction to be given to jointly owned CCOs and CCTOs through Statements of Expectation

Procedure:

- Standing Orders to be applied at each meeting shall be Model Standing Orders NZS 9202:2003
- The Chairperson shall not have a casting vote
- These delegations/terms of reference may be varied by resolution of both Councils and any such resolution shall carry the rider that it shall be subject to adoption by the other Council
- The power to discharge any individual member and appoint another in his or her stead must be exercised by the local authority that made the appointment
- Minutes of meetings of the Joint Committee will be resolved to be received by each Council for record keeping purposes

7.2 Joint Shareholders Committee

Terms of Reference agreed by Council resolution CN14-10-14

Chairperson:

The Chairperson shall alternate each meeting between the Mayor of Nelson City Council and the Mayor of Tasman District Council. In the absence of either Mayor, the committee will elect a chair as its first item of business for that meeting. No deputy chairperson shall be appointed.

Membership:

The Mayor, Deputy Mayor, Standing Committee Chairs (2 not including the Deputy Mayor), Chair of the Audit & Risk Committee and one other Councillor of Tasman District Council and the Mayor, Deputy Mayor and Committee Chairs (4) of Nelson City Council (Total of 12 Members).

Quorum:

The quorum at a meeting of the Joint Shareholders Committee is set as outlined in Model Standing Orders NZS 9202:2003 at 6, being half of the members as the membership is an even number. Of that quorum of 6 members at least 3 must be from each local authority.

Areas of Responsibility:

All matters relating to jointly owned Council Controlled Organisations and Council Controlled Trading Organisations, including statements of intent, statements of corporate intent, half yearly reports, the appointment of directors and setting of directors' fees

Powers to Decide:

All matters relating to jointly owned Council Controlled Organisations and Council Controlled Trading Organisations, including statements of intent, statements of corporate intent, half yearly reports, the appointment of directors and setting of directors' fees

Procedure:

- Standing Orders to be applied at each meeting shall be the Standing Orders adopted by the host Council.
- The Chairperson shall alternate each meeting between the Mayor of Nelson City Council and the Mayor of Tasman District Council. In the absence of either Mayor, the committee will elect a chair as its first item of business for that meeting. No deputy chairperson shall be appointed.
- The Chairperson shall not have a casting vote
- These delegations/terms of reference may be varied by resolution of both Councils and any such resolution shall carry the rider that it shall be subject to adoption by the other Council
- The power to discharge any individual member and appoint another in his or her stead must be exercised by the local authority that made the appointment
- Minutes of meetings of the Joint Shareholders Committee will be resolved to be received by each Council for record keeping purposes

7.3 Nelson Regional Sewerage Business Unit

Terms of Reference taken from the MOU agreed by Council resolution CN15-09-15. The MOU constituted the 'terms of reference' as required under [Section-Schedule 7 clause 30A \(2\) \(c\) of the Local Government Act 2002](#). The MOU terminates on 30 June 2025 unless terminated earlier by resolution of both Councils.

Scope:

The purpose of the NRSBU is to manage and operate the wastewater treatment facilities at Bells Island and the associated reticulation network efficiently and in accordance with resource consent conditions to meet the needs of its customers. The NRSBU shall plan for the future needs of the community in a cost efficient and environmentally sustainable manner rather than entirely focusing making a financial return. The NRSBU has designated itself as a public benefit entity for the purposes of New Zealand Equivalents to International Financial Reporting Standards (NZIFRS).

The Bells Island treatment plant and associated reticulation network, and any additions or improvements to these assets are owned in equal parts by the Councils and are strategic assets of the Councils.

The NRSBU is intended to be a self-funding body which provides a service to its customers, which include the Councils, under a contractual relationship independent of its ownership.

Structure:

The NRSBU Board (the Board) shall comprise either six or seven members appointed as follows:

- i) Two members appointed by the Tasman District Council (at least one of whom will be an elected member of the Council);
- ii) Two members appointed by the Nelson City Council (at least one of whom will be an elected member of the Council);
- iii) May include one member independent of either Council and not involved in any business related to the NRSBU activities. This member is discretionary and would only be appointed if mutually agreed to by both the Councils. This independent member could be remunerated in accordance with the joint Council policy for the appointment of directors;
- iv) One non-voting member representing, and appointed by, the NRSBU Major Industrial Customers.
- v) One non-voting member representing, and appointed by, local iwi and remunerated in accordance with the Nelson City Council protocol on meeting fees.

In appointing members to the Board, the Councils will consult with the Board on the skills and experience required so that an appropriate mix of skills is maintained.

Chairperson:

The Board will elect a chair from its voting members at its first meeting of the triennium.

Meetings:

For the avoidance of doubt the Board shall comply with the provisions of the Local Government Official Information and Meetings Act 1987 and the standing orders of the administering Council in respect of its meetings.

The Board shall meet at least 3 times per year (currently 4 times) at intervals decided by the Board in order to meet its obligations under this Memorandum of Understanding.

Quorum:

The Quorum for a meeting of the Board shall be half of the members if the number of members (including vacancies) are an even number, or a majority if the number of members (including vacancies) are an uneven number. There shall also be at least one member from each Council represented in the quorum.

Management and Support Services:

Management and support services are provided as follows,

- The administering Council shall be the Nelson City Council.
- The General Manager is appointed by the Councils and employed or contracted by the administering Council and may or may not be on the recommendation of the Board. The Councils may choose to appoint an independent General Manager instead of appointing an independent member (as outlined in 4.2 (iii)).
- The administering Council shall provide the following services as appropriate to enable the Board to fulfil its obligations under this Memorandum of Understanding;
 - Engineering services;
 - Accounting and Administration Services;
 - Treasury Services.

Powers and Responsibilities Delegated to the NRSBU:

The Councils are agreed that the responsibility for all management and administrative matters associated with the NRSBU operation shall be with the Board, and in particular the Board shall without the need to seek any further authority from the Councils:

- Operate a bank account for the Business Unit.
- Comply with the Procurement Policy of the administering Council.
- Enter into all contracts necessary for the operation and management of the Business Unit in accordance with the approved budgets and intent of the Business Plan.
- Authorise all payments necessary for the operation and management of the Business Unit within the approved budgets and intent of the Business Plan.
- Do all other things, other than those things explicitly prohibited by this Memorandum of Understanding or relevant statutes, that are necessary to achieve the objectives as stated in the Strategic Plan, Asset Management Plan or Business Plan approved by the Councils.
- Comply with the Health and Safety Policy and requirements of the administering Council.

- Contribute to the sanitary services assessment process of the Councils.
- Contribute to and comply with the waste management plans of the Councils.
- Contribute to the development of the Councils' Development and Financial Contribution policies.
- Contribute to the Councils' Regional Policy Statement and Regional Plan Reviews.
- Develop and keep under review an appropriate contract for the delivery of waste collection and disposal services with each of its customers.
- Follow generally accepted accounting practices.
- Follow good employment practices.

Limitations:

The NRSBU may not borrow money or purchase or dispose of significant assets other than with the approval of the Councils.

Operational Funding:

The Board shall budget to repay loans for new capital expenditure over 30 years from Net Surplus Income. Any Net Surplus Income before extraordinary items over budget shall be returned to the Councils on an equal share basis.

It is agreed that where any contribution is required to be made by the Councils to the ongoing operational costs of the NRSBU, apart from the charges the Councils agree to pay as customers of the scheme, each Council shall pay an equal share of any contribution required.

Capital expenditure:

The NRSBU shall ensure that all capital assets are appropriately depreciated to enable a fund to be established for the replacement of such assets.

The NRSBU shall have the sole authority to determine what expenditure is made from the depreciation fund so accumulated.

Any capital expenditure that is required which exceeds the amount held in any depreciation fund or account and is in the way of expansion or major upgrade shall require approval of the Councils.

Planning and reporting:

The NRSBU shall produce the following plans in respect of its operations.

Strategic Plan

The Strategic Plan shall describe the long term objectives of the Board in relation to its operations. This will include consideration of new technologies, environmental sustainability, climate change, changes in legislation/policy and any other issues which the NRSBU might face in providing services for its customers.

The Board shall prepare its Strategic Plan prior to the drafting of the Asset Management Plan.

The Board shall review its Strategic Plan on an annual basis.

Asset Management Plan

The Asset Management Plan shall provide an analysis of the assets controlled by the NRSBU in relation to the current levels of service required by the customers and their likely future demands. It will also provide a financial analysis of the NRSBU operations and indicate how the assets should be managed to ensure the most cost effective and efficient service. It will also outline the manner in which the NRSBU will provide for appropriate risk management.

The Asset Management Plan shall be reviewed annually and revised at least every three years at which time it will be submitted to the Councils for approval.

Business Plan

The business plan should state the activities and intentions of the Business Unit. It should outline how those activities relate to the objectives of the Business Unit as documented in the current strategic plan, the financial forecasts for the following three years, the performance targets for the coming year and any variations to charges proposed for that financial year.

A draft of the business plan for the coming year shall be presented to the Councils annually by 31 December.

After the Councils have had an opportunity to discuss and comment on the draft Plan the Board shall finalise the business plan, incorporating any changes agreed between the Councils and the Board and present the final business plan to the Councils by 20 March.

Annual Report and Audited Accounts

The Board shall prepare an Annual Report at the end of each financial year which shall include reporting against the performance targets and financial forecasts in the approved Business Plan.

The annual accounts and financial statements, included in the Annual Report, shall be in a manner and form approved by the Business Unit's auditor, fairly showing the operating and financial position of the NRSBU for the financial year, including a statement of financial performance, a statement of financial position, a statement of cash flows, and all information necessary to enable an informed assessment of the operation of the Business Unit. The audited financial statements must be prepared in accordance with generally accepted accounting practice.

The Annual Report and Audited Accounts will be presented to Councils by 30 September in each year.

Meetings:

Agendas for all meetings of the Board will be forwarded to the Chief Executive of the administering Council, and/or such staff as they might nominate to represent the owners of the scheme, at the same time as they are forwarded to Board Members.

Minutes of all meetings of the Board will be forwarded to the Chief Executives of the Councils and to all Board members as draft minutes once they have been reviewed for accuracy by the General Manager and/or the Chairperson.

Customer Group:

A Customer Group shall be maintained to provide a forum for consultation and liaison with major users of the scheme. The Board shall determine who shall be members of the group.

The Customer Group shall be chaired by the General Manager of the NRSBU.

Termination:

The members of the Board will be discharged on the coming into office of the members of the Councils elected at the triennial local body elections. The new Board members shall be appointed by resolution of the Councils at the earliest opportunity post the said election.

The Councils may at any time replace their appointed members or by mutual agreement remove/replace the independent member of the Board. No action to replace any member will be taken without the Councils first consulting with the Board.

Variations and Disputes:

Notwithstanding the above, this Memorandum of Understanding may be amended pursuant to a resolution adopted by the Councils at any time during its term.

In the event of any dispute arising between the parties to this Memorandum of Understanding the parties shall, without prejudice to any other right, immediately explore in good faith whether the dispute can be resolved by agreement between them using informal dispute resolution techniques such as negotiation, mediation, independent expert appraisal, or any other alternative dispute resolution technique.

In the event the dispute is not resolved by such agreement within 21 days of written notice by one party to the other of the dispute (or such further period agreed in writing between the parties) either party may refer the dispute to arbitration by a single arbitrator pursuant to the Arbitration Act 1996.

The Arbitrator shall be agreed between the parties within 10 days of written notice of the referral by the referring party to the other, or failing agreement appointed by the President of the Nelson District Law Society.

In either case the arbitrator shall not be a person who has participated in an informal dispute resolution procedure in respect of the dispute.

The arbitrator so appointed shall be obliged to proceed with maximum expedition to deliver a decision within two months of the appointment.

The parties agree to co-operate fully in every respect with the arbitration and further agree that any decision made by the arbitrator shall be final and binding and hereby waive any right to appeal again the decision or seek judicial review of it in any court.

7.4 Regional Pest Management Joint Committee

Terms of Reference incorporated in Agreement to Form resolved by Council 12 May 2016.

Chairperson/Deputy Chairperson:

Appointed by Committee members

Membership:

Six members, being three elected members from each of Nelson City Council and Tasman District Council

Quorum:

Three members and must include at least one member from each Council.

Areas of Responsibility:

- Oversee the review of the Tasman-Nelson Regional Pest Management Strategy which will be developed into the draft Regional Pest Management Plan;
- Resolve conflicting approaches and provide direction on how chapters of the draft Plan can be developed to ensure an aligned joint Plan can be achieved; where there are conflicts or significant differences between the Councils.
- Oversee consultation with key stakeholders;
- Carry out hearings and deliberations on submissions to the draft Plan as required under the Biosecurity Act 1993.

Powers to Decide:

- None

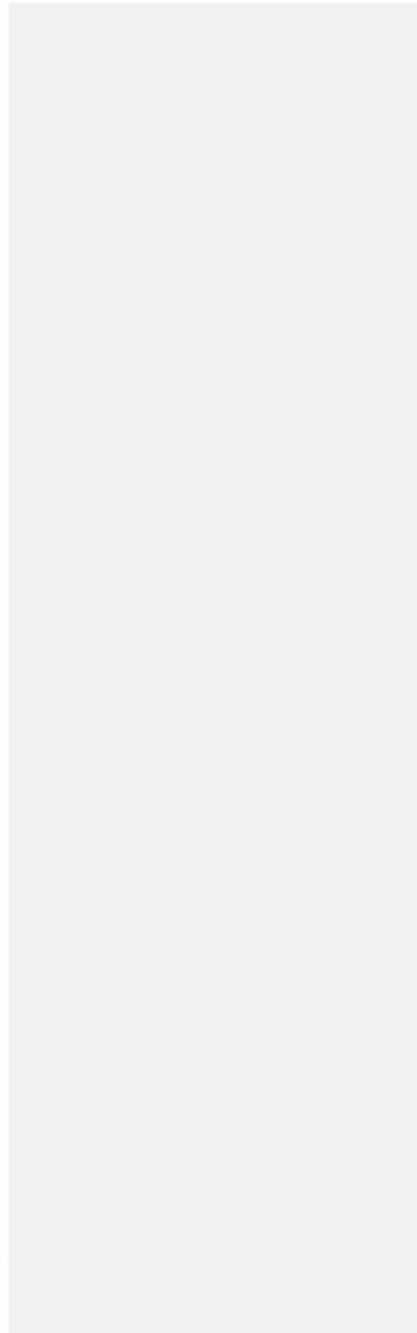
Powers to recommend:

- To recommend to each Council notification of the draft Tasman-Nelson Regional Pest Management Plan under the Biosecurity Act 1993;
- To recommend to each Council the adoption of the final Tasman-Nelson Regional Pest Management Plan and the process to make it in accordance with sections 70-75 of the Biosecurity Act 1993.

Procedure:

- Standing Orders to be applied at each meeting shall be Model Standing Orders or the purposes of complying with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)) Committee meetings will be treated as public meetings as the Committee is delegated to perform duties as outlined in the Biosecurity Act 1993 in relation to preparing regional pest management plans.
- This agreement may be varied by resolution of each Council on the recommendation of the Regional Pest Management Committee or of both Chief Executives of the two councils.
- Each Council retains the power to discharge and re-appoint their respective members of the Committee.

- The Chairperson shall not have a casting vote.
- These delegations/terms of reference may be varied by resolution of both Councils and any such resolution shall carry the rider that it shall be subject to adoption by the other Council.
- There is no public forum.
- Minutes of meetings of the Committee will be resolved to be received by each Council for record keeping purposes.
- The Committee would be considered to be disbanded following the adoption by both councils of the Regional Pest Management Plan.



7.5 Saxton Field Committee

Terms of Reference incorporating the Agreement to Form resolved by Council on 1 December 2016.

Chairperson:

The Chairperson is an independent member appointed at the inaugural Saxton Field Committee meeting, upon consideration of an officer report on the matter.

If the Chair is unavailable a Chairperson will be elected from among members attending on the day.

Membership:

Five members, being two elected members from each of Nelson City Council and Tasman District Council and the independent chairperson.

For the 2016-2019 triennium, membership is as follows:

Nelson City Councillors: the Chairs of Sports and Recreation Committee and Community Services Committee.

Tasman District Councillors: Tim King and Kit Maling.

Nelson City and Tasman District Councils will be asked to resolve that the Joint Committee continues beyond the 2019 local body elections, to enable each Council to replace the members of the committee following the election, as per the Local Government Act Schedule 7 Clause 31(5).

Quorum:

Three members and must include at least one member from each Council.

Areas of Responsibility:

The Committee is responsible for:

- Considering proposals for reserve development
- Promotion and marketing of Saxton Field as a regional venue
- Capital development of Saxton Field
- Developing a naming and signage policy and considering requests under this policy
- Considering applications for leases and licenses
- Activities, developments and management actions provided for in the adopted Saxton Field Reserve Management Plan and associated policies
- Developing a work programme including any community consultation required.

Powers to Decide:

The Committee has power to decide:

- Matters relating to items provided for in the approved operations, capital expenditure and maintenance budgets for Saxton Field
- Matters relating to marketing of Saxton Field, within approved budgets and policies
- Approval of applications for concessions.

Powers to recommend:

The Committee has powers to recommend to the Nelson City Council and the Tasman District Council:

- Future capital works programmes
- Financial contributions for the operations, maintenance and capital development of the reserve
- Reserve policies for approval including the Saxton Field Reserve Management Plan and any Development Plan
- Leases, licenses and easements (to the relevant Council)
- Any other matters within the areas of responsibility noted above.

All recommendations will carry the rider that it shall be subject to adoption by the other Council, unless for a matter specific to one Council.

Procedure:

- Ordinary Committee meetings will be held at least three times per year, or as needed
- Agendas and minutes of Committee meetings will be prepared by Tasman District Council.
- Minutes of Committee meetings will be received by each Council, at which point any recommendations to the Council/s will be considered.
- Committee meetings will comply with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)).
- Tasman District Council Standing Orders apply to Committee meetings.
- The terms of reference may be varied by resolution of both councils and any such resolution shall carry the rider that it shall be subject to adoption by the other council.
- The Terms of Reference will be reviewed after one year of Committee operations, and no later than the third year of the 2016-2019 triennium.
- The councils may dissolve the Committee at any time. Any such dissolution is completed once both councils have separately confirmed the decision by resolution.
- Each Council retains the power to discharge and re-appoint their respective members of the Committee.

Nelson Tasman Regional Landfill Business Unit

Terms of Reference and Deed of Agreement resolved by Council on 13 April 2017.

Areas of Responsibility:

- Matters relating to the operation and use of the York Valley and Eves Valley landfills as regional landfill facilities, and the timing of their use.

Powers to Decide:

- Setting of fees and charges for waste disposal at the regional landfill facilities by 30 June each year; including the power to apply discounted fees and charges for the disposal of waste in bulk; and to determine other circumstances where discounted fees and charges may be applied.
- Decisions to accept (or not accept) waste that is generated outside the Nelson-Tasman region.

Powers to recommend to the Nelson City Council and/or Tasman District Council:

- Any matters under the area of responsibility of the Business Unit

Quorum:

- The quorum shall be three of the members (including vacancies). There shall also be at least one member from each Council represented in the quorum.

Procedure:

- Nelson City Council Standing Orders apply to meetings of the Business Unit
- The Chairperson shall not have a casting vote
- Minutes of meetings of the Business Unit will be resolved to be received by each Council for record keeping purposes

8.0 Community Boards:**8.1 Purpose**

The role of Community Boards as defined in section 52 of the Local Government Act 2002, is to:

- 8.1.1 represent, and act as an advocate for, the interests of its community; and
- 8.1.2 consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- 8.1.3 maintain an overview of services provided by the Tasman District Council within the community; and
- 8.1.4 prepare an annual submission to the Tasman District Council for expenditure within the community; and
- 8.1.5 communicate with community organisations and special interest groups within the community; and
- 8.1.6 undertake any other responsibilities that are delegated to it by the territorial authority.

8.2 Responsibilities

In particular, Community Boards shall have responsibility to:

- 8.2.1 facilitate engagement of their community in relation to policies, plans and projects proposed for their community as requested by the Council;
- 8.2.2 advise the Council on the priorities and preferences of their community in respect of the level and nature of local services to be provided by the Council in their community;
- 8.2.3 where preferred service levels in their community are higher than Council Annual Plan, advise the Council on any recommended funding mechanism;
- 8.2.4 undertake activities for which a budget has been allocated by the Council to the Board;
- 8.2.5 seek funding (to be held by the Council) from external organisations which can be applied to community projects within their community;
- 8.2.6 make recommendations to the Council on the granting of leases or licences on reserves and public spaces in their community;
- 8.2.7 make recommendations to the Council on proposed developments or activities on local parks, reserves and waterways in their community;
- 8.2.8 make submissions and objections in relation to Council statutory processes and which affect interests within their community.

8.3 Powers

Community boards shall have delegated authority, in accordance with any statutory powers and the policies, plans and bylaws of the Council, to:

- 8.3.1 allocate, within Council Policy guidelines, funding and operational grants to local community groups in their community from the Grants from Rates Programme within the budget allocated by Council;
- 8.3.2 manage and approve usage of any market place in their community with power to disburse any surplus, after costs, for purposes within the ward;
- 8.3.3 approve traffic control signs on streets (e.g. stop and give way signs etc), the design and location of bus stops and shelters in their community, provided that should the Board disagree with any technical advice tendered by Council staff that matter shall be referred to the Engineering Services Committee for decision;
- 8.3.4 approve the design and location of playground equipment, street furniture and street planting in their community, provided that, should the Board disagree with any technical advice tendered by Council staff, the matter shall be referred to the Community Services Committee for decision;
- 8.3.5 approve names of streets and parks in their community;
- 8.3.6 grant consent for the removal of trees from parks, reserves, streets or other Council land in their community, provided that should the Board disagree with any technical advice tendered by Council staff that matter shall be referred to the relevant Council Committee for decision;
- 8.3.7 authorise, within approved budgets, board member attendance at appropriate conferences and training courses.

8.4 Administration

- 8.4.1 The Chairperson shall be voted in by resolution of the Board at its inaugural meeting of the triennium.
- 8.4.2 4 members are elected as members of the Community Board. The Council may resolve for the relevant ward Councillors to be members of the Community Board.
- 8.4.3 A quorum comprises 3 members for the time being.
- 8.4.4 The Community Boards will operate under Standing Orders, adopted at their first meeting of the triennium. This may be the Tasman District Council Standing Orders, with or without amendments.
- 8.4.5 Community Boards meet as follows:
 - 8.4.5.1 **Golden Bay Community Board:**
monthly, ordinarily on the second Tuesday of the month.
 - 8.4.5.2 **Motueka Community Board:**
6-weekly, ordinarily on a Tuesday. The Motueka Community Board also holds 'public forum' sessions, which are not meetings under

Standing Orders or LGOIMA. These public forums are held 6-weekly, ordinarily on the second Tuesday following the Community Board meeting.

9.0 Hearing Panels and Quasi-Decision Making Bodies

9.1 Hearing Panel – Environment and Planning

- 9.1.1 There shall from time to time be appointed a hearing panel of generally three members to conduct, consider, and determine any matter that requires a hearing or related decision under any of the following Acts:
- Resource Management Act 1991 (RMA)
 - Dog Control Act 1996
 - Local Government Act 1974 (ss 459 and 460)
 - Gambling Act 2003
- 9.1.2 Appointment to the Hearing Panel shall be made by the Environment & Planning Manager or Resource Consents Manager or Regulatory Manager in conjunction with the Deputy Chair of the Environment & Planning Committee.
- 9.1.3 Decisions of a hearing panel shall be made by consensus although if necessary the majority view prevails.

9.2 Resource Consent Hearings – sole hearings

- 9.2.1 Each member of Council who has received accreditation under the Resource Management Act is authorised to be a *sole* Hearings Commissioner for the purpose of hearing and deciding notified applications under the Resource Management Act:
- which have not attracted any, or only relatively few, submissions in opposition;
 - where the issues are clear cut;
 - where precedents are available;
 - which have a favourable officer report;
 - that have been made without notice.
- 9.2.2 The decision to use a Hearings Commissioner, whether that Commissioner is an member or Independent Commissioner, shall rest with the Environment and Planning Manager or Resource Consents Manager in consultation with the Chair of the Environment and Planning Committee.
- 9.2.3 Each member of the Environment & Planning Committee who has received accreditation under the Resource Management Act has the power to hear and determine objections lodged under Section 357 of the Resource Management Act in respect of staff exercising delegated authority.

9.3 Tasman Resource Management Plan (TRMP)

- 9.3.1 Each member of the Environment & Planning Committee who has received accreditation under the Resource Management Act 1991 is authorised to be a Hearings Commissioner for the purpose of hearing and considering submissions to the TRMP or a change to the Plan and to make recommendations to the Environment & Planning Committee.

9.4 Hearing Panel – Other Purposes

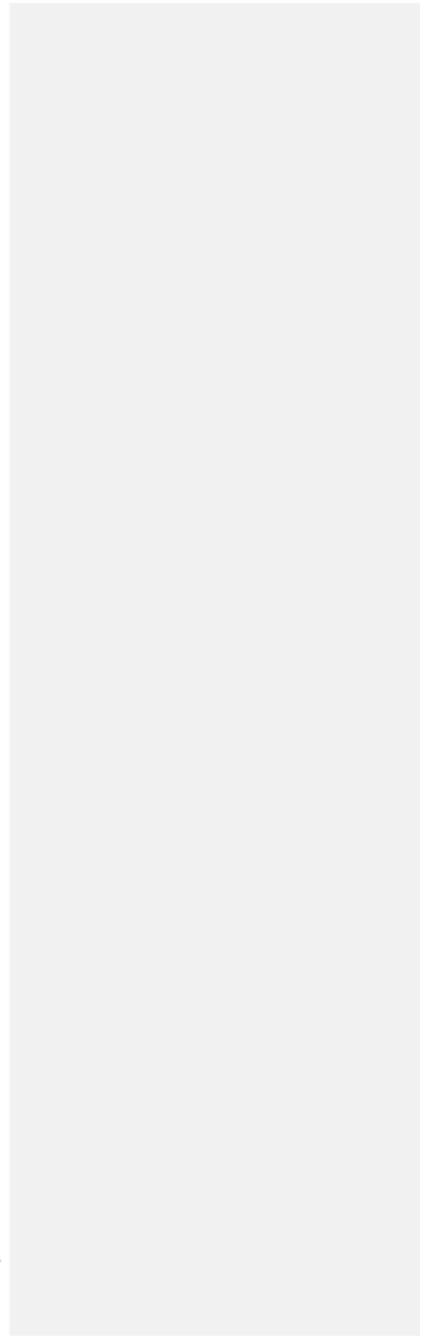
Hearing Panels may also be appointed under the **Reserves Act 1977**; and for bylaw provisions under the **Local Government Act 2002**.

- 9.4.1 Appointment to the Hearing Panel for the purposes of the **Reserves Act 1977** shall be made by the Community Development Committee. The Hearing Panel will have the power to recommend to that Committee or to Full Council (when required) for a final decision.
- 9.4.2 Appointment to the Hearing Panel for the purposes of the bylaws under the **Local Government Act 2002** shall be made by the Council or relevant Committee. The panel will have the power to make recommendations to the Council for the Council's final decision.

9.5 Tenders Panel

- 9.5.1 A Tenders Panel may meet to award tenders for contracts which:
- 9.5.1.1 exceed \$300,000 in value; or
 - 9.5.1.2 exceed \$500,000 procured using the qualified panel of suppliers established in accordance with Tasman District Council's Procurement Strategy.
- 9.5.2 All decisions made by the Tenders Panel will be reported back to the appropriate standing committee at its next scheduled meeting.
- 9.5.3 Decisions will be made by consensus although if necessary the majority view prevails.
- 9.5.3 Membership comprises three elected members and the Chief Executive.
- 9.5.4 A quorum comprises two elected members.
- 9.5.5 Meetings occur as and when required – see 9.5.1.

Part Three
Management



1.0 Chief Executive's Delegations

1.1 General

- 1.1.1 The Chief Executive will report the exercise of these delegations to the Council when the delegation requires and as they deem necessary.
- 1.1.2 The Chief Executive is authorised to amend the delegations register to reflect changes in the organisation's structure.

1.2 Acting Chief Executive

- 1.2.1 The Council has appointed the Environment and Planning Manager as Acting Chief Executive and the Corporate Services Manager as alternate Acting Chief Executive, should the Environment and Planning Manager not be available.
- 1.2.2 The Chief Executive may request any person appointed by the Council to act as Chief Executive during temporary periods of absence from duties together with such of the Chief Executive's powers as he or she considers appropriate.

1.3 Employment of Staff

- 1.3.1 Pursuant to section 42(2) of the Local Government Act 2002, the Chief Executive is responsible, on behalf of the Council, for ensuring the effective and efficient management of the Council, employing staff and negotiating the terms of employment of staff.
- 1.3.2 The Chief Executive has control over all employment-related matters concerning staff, and retains authority to approve the employment of all staff.
- 1.3.3 The Chief Executive has authorised the employment of casual and temporary staff to the Community Development Manager, Corporate Services Manager, Engineering Services Manager and Environment & Planning Manager, in relation to their area of responsibility and in accordance with relevant Council policy.

1.4 Common Seal

- 1.4.1 The Common Seal of the Council will be held by the Chief Executive who will be responsible for its use.
- 1.4.2 A Council resolution is required for the Seal to be affixed to a document.
- 1.4.3 Where the affixing of the Seal is required on documents where the matter is:
- of a routine nature; or
 - urgent
- A resolution of Council under clause 1.4.2 can be made retrospectively at the next Council meeting.
- 1.4.4 Where the Common Seal of the Council is affixed to any document it will be attested by:

- the Mayor, or in their absence, the Deputy Mayor; and
- the Chief Executive, or in their absence, the Acting Chief Executive.

- 1.4.5 The Common Seal will be affixed to any document that is required to be executed under the Seal, including:
- 1.4.5.1 Warrants to enter private land on behalf of the Council made under the Resource Management Act, the Biosecurity Act, the Building Act, Local Government Act 1974 or the Local Government Act 2002;
 - 1.4.5.2 Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002;
 - 1.4.5.3 Regional policy statements and regional and district plans prepared under the Resource Management Act;
 - 1.4.5.4 Bylaws prepared under the Local Government Act 2002 or other relevant statutes;
 - 1.4.5.5 Any documents (e.g. covenants, caveats, or consent notices) which otherwise require the use of the Council's Common Seal with the exception of "Deeds".
- 1.4.6 In relation to executing any Deed, the authority to apply the Common Seal of the Council is delegated to the Mayor or in his absence Deputy Mayor, and any one councillor by virtue of section 9 of the Property Law Act 2007 (two signatures required).
- 1.5 Official Information**
- 1.5.1 The authority to exercise the Council's powers under Parts II to V of the Local Government Official Information and Meetings Act 1987 (except those in section 32 of that Act) is delegated to the Chief Executive.
 - 1.5.2 The ability to refuse to release information under Part 1, s.6 or s.7 (conclusive reasons for withholding information); or Part 2, s.17 (refusal of requests) of the Local Government Official Information and Meetings Act 1987 is restricted to the Chief Executive.
- 1.6 Privacy Act Requests**
- 1.6.1 The Chief Executive is delegated the authority to determine in respect of any request for personal information under Part V of the Privacy Act 1993:
 - 1.6.1.1 Whether the request can be granted in whole or in part; or
 - 1.6.1.2 Where a request has been granted, whether any information should be withheld; or
 - 1.6.1.3 Whether a request for personal information to be corrected should be granted; or
 - 1.6.1.4 Compliance with all related administrative requirements.

1.6.2 The Human Resource Manager and the Chief Executive are Council's Privacy Officers.

1.7 News Media, Public Notices, Advertisements and Websites

1.7.1 The Chief Executive is authorised to make statements to the news media relating to Council's business.

1.7.2 Delegations are to be exercised in accordance with Council's Media and Advertising policies.

1.7.3 The Chief Executive is authorised to place public notices and advertisements in relevant newspapers or other publications.

1.8 Disposal of Council Records

The Chief Executive is authorised to dispose of any Council records after receiving confirmation from the relevant Department Manager or, where required, to make application to another authority for disposal, so far as the exercise of this delegation is not contrary to legislative authority or Council policy.

1.9 Financial Management

1.9.1 The Chief Executive is authorised to enter into specified contracts for services within his or her authorised expenditure limit.

1.9.2 The Chief Executive may award tenders for:

1.9.2.1 contracts up to \$300,000; or

1.9.2.2 contracts up to \$500,000 procured using the qualified panel of suppliers established in accordance with Tasman District Council's Procurement Strategy.

1.9.3 The Chief Executive is authorised to:

1.9.3.1 approve operating expenditure within approved budgets, up to a **maximum of \$1,000,000** (exclusive of GST) per single item/transaction;

1.9.3.2 commit up to **\$50,000** (exclusive of GST) of capital expenditure that has not been authorised by approved budgets, subject to subsequent reporting to Council as soon as is practicable;

1.9.3.3 approve **contract progress payments** for the supply of goods and services that have been approved by Council, appropriate Committee, or the Tenders Panel;

1.9.3.4 **re-allocate funding** between budgets provided:

- it is necessary to achieve committed outputs; and
- the overall end-of-year budgeted surplus or deficit will be achieved;
- any likely exceedance is reported to Council or the relevant Committee;
- it does not breach the Revenue and Financing Policy.

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- 1.9.3.5 approve **contingency expenditure for an emergency** including but not limited to flood events, a civil defence emergency management event, maritime oil spills or a pest animal, plant or disease outbreak, subject to:
- a maximum of \$100,000 (exclusive of GST) for any one event; and
 - the expenditure being reported to the Council as soon as practicable.
- 1.9.3.6 take appropriate action within Council policy to **recover debts**, including, but not limited to Court (excluding High Court), Tribunal proceedings and debt collection agencies.
- 1.9.3.7 write off or compromise bad and doubtful debts of up to \$100,000 following discussion with the Manager of the Department from where the debt originated.
- 1.9.3.8 consider and approve **elected members' remuneration** and expense claims in accordance with the determinations of the Remuneration Authority and Council policy.
- 1.9.3.9 amend **Solid Waste Charges** and **Commercial Activity Charges** at any stage during the year, and advise the public of any price changes by public notification at least one month prior to the changes taking effect.

1.10 Bank, Invest and Sign Cheques

- 1.10.1 The Chief Executive is authorised to:
- Bank, transfer, and invest funds held by the Council
 - Sign and countersign cheques, bills of exchange, promissory notes and other negotiable instruments, withdrawal notices or authorise electronic payments on behalf of Council;
 - Approve payroll payments and all payroll related matters; and
 - Approve all tax payments and tax related matters;
- 1.10.2 Documentation must be counter-signed by another member of staff with the appropriate delegation.
- 1.10.3 Other specific delegated financial authorities are contained within Tasman District Council's Treasury and Risk Management Policy.

1.11 Unbudgeted capital expenditure

Unbudgeted capital expenditure may be needed when, a project was not included in an Annual Plan or Long Term Plan, the scope of a project has changed and/or costs for a project have exceeded estimates and contingencies.

- 1.11.1 Unbudgeted capital expenditure may be authorised by the Chief Executive where that expenditure:

- does not exceed the greater of 10% of the project budget or \$50,000; and
- can be met within the annual capital budget for the activity without compromising delivery of other planned capital works.

1.11.2 The unbudgeted expenditure must be reported via the next financial reforecast report to Council.

1.11.3 Approval must be sought at the next available meeting of Council for all other unbudgeted capital expenditure ie projects that exceed the greater of 10% of the project budget or \$50,000.

Such approval shall be obtained in advance except:

- in an emergency; or
- when it would imprudent, contrary to sound business practice, inefficient or ineffective to delay the project while approval is sought.

For the purpose of the above section an activity is as set out in the annual Activity Balance report. It is not the broader activity as described in the Long Term Plan Annual Plan or Annual Report. Finance have a full list of activities.

1.12 Credit Card Expenditure

1.12.1 The Chief Executive and the Deputy Mayor must jointly approve credit card expenditure for the Mayor's card.

1.12.2 The Corporate Services Manager and the Mayor must jointly approve credit card expenditure for the Chief Executive's card.

1.12.3 The Chief Executive may approve expenditure on any other Council credit card held by a staff member other than himself or herself.

1.12.4 Exercise of the delegations in clause 1.12 must have regard for Tasman District Council's Sensitive Expenditure Policy.

1.13 Functional Delegations

1.13.1 The Chief Executive may decide on an extension to a due date for objections to rating valuations, in accordance with section 6 of the Rating Valuations Regulations 1998, either because:

- 13.1.1 the valuation wasn't received; or
- 13.1.2 for any other good reason.

1.13.2 The Chief Executive is authorised to receive and/or administer external grants or funding on behalf of the Council, including entering into a contract for the receipt of those grants or funds.

1.14 Council Property, Leases, and Licenses

The Chief Executive is authorised to:

1.14.1 approve the leasing or granting of any licence to occupy or tenancy, to vary the terms and conditions of any lease, licence to occupy or tenancy, or to terminate any lease, licence to occupy or tenancy involving Council land;

- 1.14.2 enter into contracts for the maintenance, management and development of any council property;
- 1.14.3 enter into binding agreements for the sale and purchase of property that are necessary to implement any project or work approved by Council, in accordance with the Long Term Plan, Annual Plan or Council resolution with schedules listing such sales or purchases being submitted to the relevant Standing Committee on a regular basis.
- 1.14.4 grant and administer stall site licences including licences for the occupation of legal road (including termination thereof where required for non-payment of rental or other good reason);
- 1.14.5 sign any client authority and instruction for registration by E-dealing.

1.15. Use of Council Property, Assets and Staff

The Chief Executive is authorised to:

- 1.15.1 approve the use of any Council building, facility or equipment by an outside person or organisation in accordance with established guidelines;
- 1.15.2 dispose (whether by tender or otherwise) of any motor vehicle or item of plant in accordance with a recognised programme of vehicle and plant replacement;
- 1.15.3 dispose (whether by tender or otherwise), and the terms thereof, of any other surplus Council asset up to a book value of \$10,000 (exclusive of GST) per item (see footnote below); and
- 1.15.4 hire out any Council asset and staff to an outside organisation.

1.16. Legal Advice and Proceedings

The Chief Executive is authorised to:

- 1.16.1 obtain legal advice on Council's behalf;
- 1.16.2 sign on Council's behalf any routine legal administrative document;
- 1.16.3 release or alter loans, mortgages and to impose or remove statutory land charges, subject to confirmation, for Council's financial security, or that all monies owing to the Council have been repaid;
- 1.16.4 commence court proceedings, where:
 - there are exceptional circumstances; and
 - time does not permit consideration by Council; and
 - where such action is necessary to protect or further Council's interests; and
 - subject to prior discussion with the Mayor.
 - In all other instances, the ability to commence court proceedings is confined to the Council.

- 1.16.5 file in the name of the Council a Statement of Defence, or other appropriate response, to any proceedings against the Council, commenced in any Court or Tribunal;
- 1.16.6 settle claims against Council up to a limit of \$10,000 (exclusive of GST) (consistent with Council's insurance excess) or in accordance with a recommendation from Council's insurers, or competent legal advice, where time constraints do not permit the matter to be referred to a meeting of Council or an appropriate Committee;
- 1.16.7 initiate proceedings to have Court costs awarded; and initiate legal proceedings to collect Court costs awarded;
- 1.16.8 issue a trespass warning, whether orally or by notice, on Council's behalf;
- 1.16.9 vote on behalf of Council, where a resolution of Council is not a prerequisite.

2.0 Senior Managers' Delegations

These delegations are made to staff holding the following positions - collectively referred to as 'Senior Managers':

CORPORATE SERVICES MANAGER
COMMUNITY DEVELOPMENT MANAGER
ENGINEERING SERVICES MANAGER
ENVIRONMENT AND PLANNING MANAGER

In exercise of their delegations, Senior Managers must not act outside of Council policy or outside of decisions made by resolution of Council or a Committee.

2.1 Employment

The Chief Executive has authorised Senior Managers, in relation to their area of responsibility and in accordance with relevant Council policy, to:

- 2.1.1 Determine staff hours of attendance that best suits the Council's needs;
- 2.1.2 Approve the temporary reallocation of duties provided they do not require an amendment to the Position Description;
- 2.1.3 Approve overtime, including granting time off in lieu of overtime;
- 2.1.4 Approve time-in-lieu and all types of leave, except:
 - 2.1.4.1 Leave identified as being at the sole discretion of the Chief Executive; and
 - 2.1.4.2 Leave without pay for periods in excess of two weeks;
- 2.1.5 Approve the attendance of staff at conferences, courses or seminars;
- 2.1.6 Take disciplinary action, excluding dismissal.

2.2 Submissions

- 2.2.1 Senior Managers are authorised to make a submission on matters of general Council interest or concern where it is not possible within the available time to refer the matter to the Council or relevant standing committee.
- 2.2.2 Such submissions shall be reported to the Council or the relevant committee at the next available meeting.

2.3 Official Information

- 2.3.1 The authority to exercise the Council's powers under Parts II to V of the Local Government Official Information and Meetings Act 1987 (except those in section 32 of that Act) is delegated to Senior Managers.

2.3.2 The ability to refuse to release information under Part 1, s.6 or s.7 (conclusive reasons for withholding information); or Part 2, s.17 (refusal of requests) of the Local Government Official Information and Meetings Act 1987 is restricted to the Chief Executive.

2.3.3 Senior Managers are authorised to exercise the Council's powers under Parts II to V of the Local Government Official Information and Meetings Act 1987 (except those in section 32 of that Act).

2.4 News Media, Public Notices, Advertisements and Websites

Senior Managers are authorised to:

2.4.1 make statements to the news media relating to Council's business. The Senior Manager may delegate to an appropriate staff member a specific media task (e.g. hydrological reports issued by the Team Leader, Environmental Monitoring);

2.4.2 place public notices and advertisements in relevant newspapers or other publications.

Exercise of these delegations are to be in accordance with the Council's Media and Advertising Policies.

2.5 Financial Management

2.5.1 Senior Managers are authorised to enter into specified contracts for services commensurate with his or her authorised expenditure limit

2.5.2 Senior Managers are authorised to:

2.5.2.1 approve operating expenditure within approved budgets, up to a maximum of \$500,000 (exclusive of GST) per item;

2.5.2.2 approve contract progress payments for the supply of goods and services as have been approved by Council, the appropriate Committee, or the Tenders Panel;

2.5.2.3 re-allocate funding for operating expenditure between budgets provided it is:

- necessary to achieve committed outputs; and
- the end-of-year budgeted surplus or deficit will be achieved
- any likely exceedance or effect on other programmes deliverables is reported to Council or the relevant Committee.

The Council Revenue and Financing Policy is not to be breached.

2.5.2.4 approve contingency expenditure for an emergency including but not limited to flood events, a civil defence emergency management event, maritime oil spills or a pest animal, plant or disease outbreak is delegated to senior managers to a maximum of \$20,000 (exclusive of GST) and must be reported to the Council as soon as practicable.

2.6 Bank, Invest and Sign Cheques

2.6.1. Senior Managers are authorised to:

2.6.1.1 bank, transfer, and invest funds held by the Council in accordance with Council policy, subject to the observance of appropriate internal controls;

2.6.1.2 sign and countersign cheques, bills of exchange, promissory notes and other negotiable instruments, withdrawal notices or authorise electronic payments on behalf of Council;

2.6.1.3 approve payroll payments and all payroll related matters; and

2.6.1.4 approve all tax payments and tax related matters.

2.6.2 Documentation must be counter-signed by another member of staff with the appropriate delegation.

2.6.3 Other specific delegated financial authorities are contained within Tasman District Council's Treasury and Risk Management Policy.

2.7 Debts

2.7.1 Senior Managers are authorised to take appropriate action within Council policy to **recover debts**, including, but not limited to Court (excluding High Court), Tribunal proceedings and debt collection agencies.

2.7.2 Senior Managers are authorised to **write off or compromise bad debts** of up to \$50,000 (other than rating debts).

2.8 Receipting and Administering External Funds

Senior Managers are authorised to receive and/or administer external grants or funding on behalf of the Council, including entering into a contract for the receipt of those grants or funds.

2.9 Credit Card Expenditure

Senior Managers may approve credit card expenditure for credit cards assigned to their third tier managers, in accordance with Council's internal Sensitive Expenditure Policy.

2.10 Unbudgeted capital expenditure

Unbudgeted capital expenditure may be needed when, a project was not included in an Annual Plan or Long Term Plan, the scope of a project has changed and/or costs for a project have exceeded estimates and contingencies.

2.10.1 Unbudgeted capital expenditure may be authorised by the Chief Executive where that expenditure:

- does not exceed the greater of 10% of the project budget or \$50,000; and
- can be met within the annual capital budget for the activity without compromising delivery of other planned capital works.

2.10.2 The unbudgeted expenditure must be reported via the next financial reforecast report to Council.

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2.10.3 Approval must be sought at the next available meeting of Council for all other unbudgeted capital expenditure ie projects that exceed the greater of 10% of the project budget or \$50,000.

Such approval shall be obtained in advance except:

- in an emergency; or
- when it would imprudent, contrary to sound business practice, inefficient or ineffective to delay the project while approval is sought.

For the purpose of the above section an activity is as set out in the annual Activity Balance report. It is not the broader activity as described in the Long Term Plan, Annual Plan or Annual Report. Finance have a full list of activities.

2.11 Council Property, Leases, and Licenses

Senior Managers are authorised to

- 2.11.1 approve the leasing or granting of any licence to occupy or tenancy, to vary the terms and conditions of any lease, licence to occupy or tenancy, or to terminate any lease, licence to occupy or tenancy involving Council land subject to affixing of the Council Seal, where appropriate;
- 2.11.2 enter into contracts for the maintenance, management and development of any council property.
- 2.11.3 enter into binding agreements for the sale and purchase of property up to a maximum value of \$500,000 that are necessary to implement any project or work approved by Council in accordance with the Long Term Plan, Annual Plan or Council resolution with schedules listing such sales or purchases being submitted to the relevant Standing Committee on a regular basis.
- 2.11.4 sales or purchases in excess of \$500,000 are also delegated to the Corporate Services Manager;
- 2.11.5 grant and administer stall site licences including licences for the occupation of legal road (including termination thereof where required for non-payment of rental or other good reason);
- 2.11.6 sign any client authority and instruction for register by E-dealing.

2.12 Use of Council Property, Assets and Staff

Senior Managers are authorised to:

- 2.12.1 approve the use of any Council building, facility or equipment by an outside person or organisation in accordance with established guidelines;
- 2.12.2 dispose (whether by tender or otherwise) of any motor vehicle or item of plant in accordance with a recognised programme of vehicle and plant replacement;
- 2.12.3 dispose (whether by tender or otherwise) of any other surplus Council asset (see footnote 14 above) up to a book value of \$10,000 (exclusive of GST) per item; and

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2.12.4 hire out, and set the terms and conditions thereof, of any Council asset and staff to outside organisations; and

2.12.5 sign easement and other documents where the correct legal processes have been followed and where Council has previously agreed to the granting of such easements.

2.13 RMA Requiring Authority

Senior Managers (except for the Environment and Planning Manager) are authorised to act within their scope of responsibility, as a Requiring Authority under the Resource Management Act, including giving the written consent of the Council for the use of land being subject to a requirement or designation but excluding the powers in Section 168A.

2.14 Council as an Affected Party

Senior Managers are authorised to provide the written approval of Council (where such approval is required) in its capacity as landowner or occupier for any application or request by any persons to undertake an activity or activities on or adjacent to any Council land.

2.15 Legal Proceedings

Senior Managers are authorised to:

2.15.1 obtain legal advice on Council's behalf;

2.15.2 sign on Council's behalf any routine legal administrative document;

2.15.3 file in the name of the Council a Statement of Defence, or other appropriate response, to any proceedings against the Council, commenced in any Court or Tribunal;

2.15.4 settle claims against Council up to a limit of \$10,000 (consistent with Council's insurance excess) or in accordance with a recommendation from Council's insurers, or competent legal advice, where time constraints do not permit the matter to be referred to a meeting of Council or an appropriate Committee;

2.15.5 initiate proceedings to have Court costs awarded; and initiate legal proceedings to collect Court costs awarded;

2.15.6 impose or remove statutory land charges;

2.15.7 release statutory land charges, subject to confirmation, for Council's financial security, or that all monies owing to the Council have been repaid.

3.0 Specific Delegations to Senior Managers

The following delegations are specific to staff holding the stated positions.

3.1 Community Development Manager

The Community Development Manager has the authority to:

- 3.1.1 Make a submission on matters of general Council interest or concern (for example on legislation or discussion documents) relating to the Community Development portfolio;
- 3.1.2 Make a submission to an adjoining local authority on any proposed regional policy statement, regional or district plan or change or variation (Clause 6 of Schedule 1 of the Act) where any proposal contained in those documents may affect or has the potential to affect any Council activity, reserve, other land or asset within the Community Development portfolio;
- 3.1.3 Make a submission to any application to an adjoining authority for resource consent (section 96 of the Act) where any proposal contained in the resource consent application may affect or has the potential to affect any Council activity, reserve, other land or asset within the Community Development portfolio.

3.2 Corporate Services Manager

3.2.1 Disposal of Council Records

The Corporate Services Manager is authorised to dispose of any Council records after receiving confirmation from the relevant Department Manager or, where required, to make application to another authority for disposal, so far as the exercise of this delegation is not contrary to legislative authority or Council policy..

3.2.2 Elected Member Remuneration

The Corporate Services Manager is authorised to consider and approve elected members' remuneration and expense claims in accordance with the determinations of the Remuneration Authority and Council policy.

3.2.3 Credit Card Expenditure

The Corporate Services Manager and the Mayor must jointly approve credit card expenditure for the Chief Executive's card, in accordance with Council's internal Sensitive Expenditure Policy.

3.2.4 Rating Valuations

The Corporate Services Manager may decide on an extension to a due date for objections to rating valuations, in accordance with section 6 of the Rating Valuations Regulations 1998, either because:

- 3.2.4.1 the valuation wasn't received; or
- 3.2.4.2 for any other good reason.

3.2.5 Authorisation to decide on Rates Remissions

The authority to consider and decide on applications made under the following Rates Policies:

- Policy on Remission of Uniform Charges on Non-Contiguous Rating Units Owned by the Same Ratepayer.
- Policy on Remission of Rates for Land Occupied by a Dwelling that is Affected by Natural Disaster.
- Policy on Remission of Rates for Land Subject to Council Initiated Zone Changes.
- Policy on Remission of Rates for School Wastewater Charges.
- Policy on Remission of Rates for Sporting, Recreation or Community Organisations.
- Policy on Remission of Penalties.
- Policy on Remission of Rates on Low Valued Properties.

In the event of any doubt or dispute arising about the applicable criteria, the application will be referred to Council for a decision.

3.2.6 ~~Objections to Rating valuations~~

~~The Corporate Services Manager may decide on an extension to a due date for objections to rating valuations, in accordance with section 6 of the Rating Valuations Regulations 1998, either because:~~

- ~~the valuation wasn't received; or~~
- ~~for any other good reason.~~

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3.2.6.7 Changes to Valuation Rolls

In accordance with sections 14 to 17 of the Valuations Act 1998 the Corporate Services Manager may make alternations to its Rolls to readjust valuations and entries.

3.2.7.8 Council Property

~~The Corporate Services Manager is authorised to enter into binding agreements for the sale and purchase of property in excess of \$500,000 that are necessary to implement any project or work approved by Council, in accordance with the Long Term Plan, Annual Plan or Council resolution, with schedules listing such sales or purchases being submitted to the relevant Standing Committee on a regular basis.~~

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3.2.9 Legal Proceedings

The Corporate Services Manager is authorised to **release or alter loans, mortgages and impose or remove statutory land charges**, subject to confirmation, for Council's financial security, or that all monies owing to the Council have been repaid.

3.3 Engineering Services Manager

The Engineering Services Manager has the authority to:

- 3.3.1 Make a submission on matters of general Council interest or concern (for example on legislation or discussion documents) relating to the Engineering Services portfolio;

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- 3.3.2 Make a submission to an adjoining local authority on any proposed regional policy statement, regional or district plan or change or variation (Clause 6 of Schedule 1 of the Act) where any proposal contained in those documents may affect or has the potential to affect any Council activity, reserve, other land or asset within the Community Development portfolio;
- 3.3.3 Make a submission to any application to an adjoining authority for resource consent (section 96 of the Act) where any proposal contained in the resource consent application may affect or has the potential to affect any Council activity, reserve, other land or asset within the Engineering Services portfolio.
- 3.3.4 Exercise the powers and duties of a Catchment Board as set out in Part 7 of the Soil Conservation and Rivers Control Act 1941.

3.4 Environment and Planning Manager

3.4.1 Submissions

The Environment and Planning Manager has the authority to:

- 3.4.1.1 Make a submission on matters of general Council interest or concern;
- 3.4.1.2 Make a submission to a Board of Inquiry in relation to a proposed national policy statement under section 49 of the Resource Management Act;
- 3.4.1.3 Make a further submission to a Board of Inquiry in relation to a proposed national policy statement under section 50(2) of the Resource Management Act;
- 3.4.1.4 Make a submission to the Environment Court in relation to a special tribunal's report relating to a water conservation order (section 209 of the Act);
- 3.4.1.5 Be heard at an inquiry for a proposed Water Conservation Order (section 211 of the Act); and
- 3.4.1.6 Apply for the revocation or amendment of any Water Conservation Order (section 216 of the Act);
- 3.4.1.7 Make a submission to an adjoining local authority on any proposed regional policy statement, regional or district plan or change or variation (Clause 6 of Schedule 1 of the Act);
- 3.4.1.8 Make a submission to any application to an adjoining authority for resource consent (section 96 of the Act);

The Environment and Planning Committee also holds the authority to make a submission on these matters listed above.

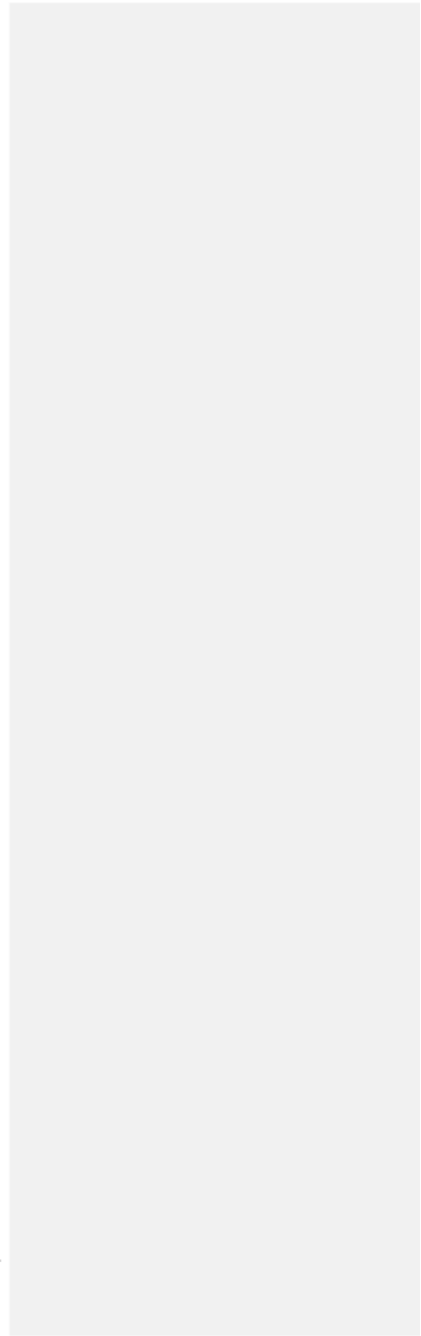
3.4.2 Legal Proceedings

The Environment and Planning Manager is authorised to:

- 3.4.2.1 take appropriate action within Council policy to recover debts, including, but not limited to Court (excluding High Court), Tribunal proceedings and debt collection agencies;

Item 8.10

Attachment 3



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4.0 Subdelegations to Staff below Senior Management Level

These delegations are in addition to those held by the Chief Executive and senior managers.

4.1 Privacy Act Requests

The Human Resources Manager is authorised to determine in respect of any request for personal information under Part V of the Privacy Act 1993:

- 4.1.1 Whether the request can be granted in whole or in part; or
- 4.1.2 Where a request has been granted, whether any information should be withheld; or
- 4.1.3 Whether a request for personal information to be corrected should be granted; or
- 4.1.4 Ensure compliance with all related administrative requirements;

4.2 News Media, Public Notices, Advertisements and Websites

4.2.1 The following staff are authorised to make statements to the news media relating to Council's business and in accordance with Council's Media and Advertising Policies:

COMMUNITY RELATIONS MANAGER
REGIONAL ON-SCENE COMMANDER (in the event of an oil spill)
CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP CONTROLLER (in relation to civil defence matters)

4.2.2 The following staff are authorised to place public notices and advertisements in relevant newspapers or other publications:

Transportation Manager	Strategic Policy Manager
Regulatory Manager	Utilities Manager
Reserves and Facilities Manager	Property Services Manager
Resource Consents Manager	Human Resources Manager
Finance Manager	Programme Delivery Manager
Activity Planning Manager	Community Relations Manager
Environmental Policy Manager	Libraries Manager

Building Assurance Manager	Commercial Manager
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4.2.3 Authority is given to the Regulatory Manager (with the Environment and Planning Manager as an alternate) to attend as a member and represent Council on the Waimea Rural Fire Committee.

4.3 **Electoral Staff**

4.3.1 The Policy Officer is appointed Electoral Officer for the Council pursuant to Section 12 of the Local Electoral Act 2001 to exercise the powers and carry out the duties conferred by this Act.

4.3.2 The Policy Advisor is appointed Deputy Electoral Officer for the Council pursuant to Section 12 of the Local Electoral Act 2001 to exercise the powers and carry out the duties conferred by this Act.

4.4 **Emergency Expenditure**

4.4.1 The authority to approve **contingency expenditure for an emergency** including but not limited to flood events, a civil defence emergency management event, maritime oil spills or a pest animal, plant or disease outbreak is delegated to:

4.4.1 the On-Scene Commander in a Tier II Oil Spill; and

4.4.2 the Civil Defence Controller;

to a maximum of \$50,000 for any one event.

4.4.2 Expenditure under this delegation must be reported to the Council as soon as practicable.

4.5 **Authorisation to Bank, Invest and Sign Cheques**

4.5.1 The authority to:

4.5.1.1 Bank, transfer, and invest funds held by the Council in accordance with Council policy, subject to the observance of appropriate internal controls;

4.5.1.2 Sign and countersign cheques, bills of exchange, promissory notes and other negotiable instruments, withdrawal notices or authorise electronic payments on behalf of Council;

4.5.1.3 Approve payroll payments and all payroll related matters; and

4.5.1.4 Approve all tax payments and tax related matters;

Is delegated to the following staff:

Finance Manager	Property Services Manager
Financial Accountant	Management Accountant
Revenue Accountant	Commercial Manager

4.5.2 This delegation is subject to two of the delegates signing and countersigning appropriate documentation.

4.6 Authorisation to Recover Bad Debts

The authority to take appropriate action within Council policy to recover debts, including, but not limited to Court (excluding High Court), Tribunal proceedings and debt collection agencies is delegated to the Finance Manager.

4.7 Elected Member Payments

The authority to consider and approve Elected Members' remuneration and expense claims is delegated to the Finance Manager.

4.8 Authority to decide on Rates Remissions

4.8.1 The authority to consider and decide on applications made under the Policy on Remission of Excess Metered Water Rates is delegated to the Program Delivery Manager and the Water Billing Officer up to a value of \$1,500.

4.8.2 The authority to consider and decide the policy on remission of penalties be delegated to the Finance Manager and the Revenue Accountant up to a value to be determined from time to time by the Corporate Services Manager, but not exceeding a value of \$500.

4.8.3 In the event of any doubt or dispute arising about the applicable criteria, the application will be referred to Council for a decision.

4.9 Council Property, Leases, and Licenses

The Property Services Manager ~~and Commercial Manager are~~ authorised to:

4.9.1 Approve the leasing or granting of any licence to occupy or tenancy, to vary the terms and conditions of any lease, licence to occupy or tenancy, or to terminate any lease, licence to occupy or tenancy involving Council land (subject to the Property Services Manager having undertaken all relevant legislative processes and received the approval of any relevant other Council staff);

4.9.2 Enter into contracts for the maintenance, management and development of any council property;

4.9.3 Enter into binding agreements for the sale and purchase of property as provided for in the Long Term Plan with schedules listing such sales or purchases being submitted to the relevant Standing Committee on a regular basis. Sales or purchases in excess of \$500,000 are delegated to the Chief Executive and the Corporate Services Manager;

4.9.4 Grant and administer stall site licences including licences for the occupation of legal road (including termination thereof where required for non-payment of rental or other good reason);

4.9.5 Sign any client authority and instruction for register by E-dealing.

4.10 Use of Council Property, Assets and Staff

4.10.1 The Property Services Manager ~~and Commercial Manager~~ are authorised to approve:

- 4.10.1.1 the use of any Council building, facility or equipment by an outside person or organisation in accordance with established guidelines;
- 4.10.1.2 the disposal (whether by tender or otherwise) of any motor vehicle or item of plant in accordance with a recognised programme of vehicle and plant replacement;
- 4.10.1.3 the disposal (whether by tender or otherwise), and the terms thereof, of any other surplus Council asset up to a book value of \$10,000 (exclusive of GST) per item, as provided for in the Long Term Plan; and
- 4.10.1.4 the hiring out, and the terms and conditions thereof, of any Council asset and staff to outside organisations.

4.10.2 The Community Partnerships Coordinator is authorised to set or amend Hall Charges, in consultation with the relevant Hall Committee.

4.11 Authority to Sign Legal Documents

The legal authority to act as an authorised officer in terms of Section 226 (1) (e) of the Resource Management Act is delegated to:

Resource Consents Manager
Team Leader Land Use Consents
Team Leader Natural Resource Consents
Team Leader Subdivision Consents
Consent Planner

4.12 Legal Proceedings

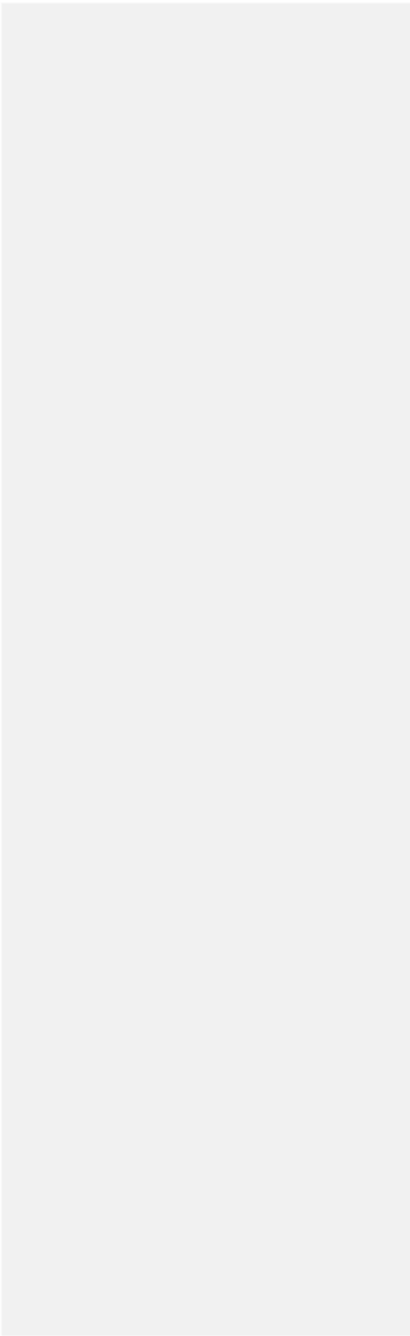
The Authority to file in the name of the Council a Statement of Defence or other appropriate response, to any proceedings against the Council, commenced in any Court or Tribunal is delegated to:

- 4.12.1 The Environmental Policy Manager (in relation to policy statement and plan proceedings, including the authority to negotiate or mediate and settle the proceedings).
- 4.12.2 Resource Consents Manager (in relation to resource consent proceedings, including the authority to negotiate or mediate and settle the proceedings).
- 4.12.3 ~~Commercial Manager.~~
- 4.12.4 ~~Principal Legal Advisor.~~

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Part Four

Statutory Delegations to Staff



AcronymsKey to Staff Positions

AO	Administration Officer – Regulatory	EIM	Environmental Information Manager
APM	Activity Planning Manager	EMO	Environmental Monitoring Officer
BCO	Building Consent Officer	EPM	Environmental Policy Manager
BI	Building Inspector	ESM	Engineering Services Manager
BM	Building Control Manager	FM	Finance Manager
BO	Biosecurity Officer	HMR	Harbourmaster
BOC	Building Officer Compliance		
CBC	Team Leader Building Consents	PDM	Programme Delivery Manager
CBI	Team Leader Building Inspectors	PP	Policy Planner
CCM	Team Leader Compliance Monitoring	PRCA	Principal Resource Consents Advisor
CDM	Community Development Manager	PSM	Property Services Manager
CE	Chief Executive	PW	Parking Wardens
CEH	Team Leader Environmental Health	RA	Revenue Accountant
CEM	Team Leader Environmental Monitoring	RCAO	Resource Consents Administration Officer (and any Senior RCAO)
CEP	Team Leader Natural Resources Policy	CM	Commercial Manager
	Team Leader Urban & Rural development		
	Principal Environmental Policy Advisor		
CO	Compliance Officer	RCE	Rivers and Coastal Engineer
CP	Consent Planner	RCM	Resource Consents Manager
CPC	Community Partnerships Coordinator	RegM	Regulatory Manager
CRC	Team Leader Resource Consents (includes Team Leader Land Use Consents, Team Leader Natural Resource Consents, Team Leader Subdivision Consents)	RFM	Reserves and Facilities Manager
CSM	Corporate Services Manager	RO	Rates Officer
CSO	Customer Services Officer	RS	Resource Scientist

<u>CuSM</u>	<u>Customer Services Manager</u>	<u>SBIC</u>	<u>Senior Building Inspector- Compliance</u>
<u>DE</u>	<u>Development Engineer</u>	<u>SAPA</u>	<u>Senior Activity Planning Advisor</u>
<u>E&PMgr</u>	<u>Environment & Planning Manager</u>	<u>SCSO</u>	<u>Senior Customer Services Officer</u>
<u>EHO</u>	<u>Environmental Health Officer</u>	<u>TM</u>	<u>Transportation Manager</u>
		<u>UM</u>	<u>Utilities Manager</u>
<u>AO</u>	<u>Administration Officer - Regulatory</u>	<u>EIM</u>	<u>Environmental Information Manager</u>
<u>APM</u>	<u>Activity Planning Manager</u>	<u>EMO</u>	<u>Environmental Monitoring Officer</u>
<u>BCO</u>	<u>Building Consent Officer</u>	<u>EPM</u>	<u>Environmental Policy Manager</u>
<u>BI</u>	<u>Building Inspector</u>	<u>ESM</u>	<u>Engineering Services Manager</u>
<u>BM</u>	<u>Building Control Manager</u>	<u>FM</u>	<u>Finance Manager</u>
<u>BO</u>	<u>Biosecurity Officer</u>	<u>HMR</u>	<u>Harbourmaster</u>
<u>BOC</u>	<u>Building Officer Compliance</u>		
<u>BTO</u>	<u>Building Technical Officer</u>	<u>PCO</u>	<u>Pool Compliance Officer</u>
<u>CBC</u>	<u>Team Leader Building Consents</u>	<u>PDM</u>	<u>Programme Delivery Manager</u>
<u>CBI</u>	<u>Team Leader Building Inspectors</u>	<u>PP</u>	<u>Policy Planner</u>
<u>CCM</u>	<u>Team Leader Compliance Monitoring</u>	<u>PRCA</u>	<u>Principal Resource Consents Advisor</u>
<u>CDM</u>	<u>Community Development Manager</u>	<u>PSM</u>	<u>Property Services Manager</u>
<u>CE</u>	<u>Chief Executive</u>	<u>PW</u>	<u>Parking Wardens</u>
<u>CEH</u>	<u>Team Leader Environmental Health</u>	<u>RA</u>	<u>Revenue Accountant</u>
<u>CEM</u>	<u>Team Leader Environmental Monitoring</u>	<u>RCAO</u>	<u>Resource Consents Administration Officer (and any Senior RCAO)</u>
<u>CEP</u>	<u>Team Leader Natural Resources Policy</u> <u>Team Leader Urban & Rural development</u> <u>Principal Environmental Policy Advisor</u>	<u>CM</u>	<u>Commercial Manager</u>
<u>CM</u>	<u>Commercial Manager</u>		
<u>CO</u>	<u>Compliance Officer</u>	<u>RCE</u>	<u>Rivers and Coastal Engineer</u>
<u>CP</u>	<u>Consent Planner</u>	<u>RCM</u>	<u>Resource Consents Manager</u>
<u>CPC</u>	<u>Community Partnerships Coordinator</u>	<u>RegM</u>	<u>Regulatory Manager</u>

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<u>CRC</u>	<u>Team Leader Resource Consents (includes Team Leader Land Use Consents, Team Leader Natural Resource Consents, Team Leader Subdivision Consents)</u>	<u>RFM</u>	<u>Reserves and Facilities Manager</u>
<u>CSM</u>	<u>Corporate Services Manager</u>	<u>RO</u>	<u>Rates Officer</u>
<u>CSO</u>	<u>Customer Services Officer</u>	<u>RS</u>	<u>Resource Scientist</u>
<u>CuSM</u>	<u>Customer Services Manager</u>	<u>SBIC</u>	<u>Senior Building Inspector - Compliance</u>
<u>DE</u>	<u>Development Engineer</u>	<u>SAPA</u>	<u>Senior Activity Planning Advisor</u>
		<u>SBTO</u>	<u>Senior Building Technical Officer</u>
<u>E&PMgr</u>	<u>Environment & Planning Manager</u>	<u>SCSO</u>	<u>Senior Customer Services Officer</u>
		<u>TL</u>	<u>Technical Lead</u>
		<u>TLBC</u>	<u>Team Leader Building Consents</u>
		<u>TLBI</u>	<u>Team Leader Building Inspectors</u>
<u>EHO</u>	<u>Environmental Health Officer</u>	<u>TM</u>	<u>Transportation Manager</u>
		<u>UM</u>	<u>Utilities Manager</u>

Amusement Devices Regulations 1978		
1.	Power to inspect and licence amusement devices.	E&P Mgr, BM, BCIO, BI, EHO, SBTO, SBIC, TLBI, TLBC
Aquaculture Reform (Repeals and Transitional Provisions) Act 2004		
2.	Section 10, 20, 21 Power to review deemed coastal permits (and related procedures as provided for in the Act).	E&P Mgr, RCM, CRC, CP
3.	Section 37 Power to request an aquaculture decision.	E&P Mgr, RCM
4.	Section 44B Power to notify Trustee to negotiate.	E&P Mgr
5.	Section 44(1)(b) Notify CEO of Ministry of Primary Industries when the allocation of authorisations to Trustee is completed	E&P Mgr
6.	Section 44(4) Extend period for neogtiation	E&P Mgr
7.	Section 44B(2)(b) Power to notify consent applicants to negotiate	E&P Mgr
8.	Section 44D(2)(b) Allocate authorisations to Trustees in accordance with agreement	E&P Mgr
9.	Section 53 Power to approve off-site farm amendments.	E&P Mgr, RCM, CRC, CP
Bioresecurity Act 1993		
10.	Section 103 Power to appoint authorised person.	E&P Mgr
Building Act 2004		
Under Section 232 of the Building Act 2004 the following delegations apply:		
11.	Section 34 Power to issue a project information memorandum.	E&P Mgr, BM, TLBI, TLBC, SBTO, BI, BCO, AO, BTO, TL E&P Mgr, BM, CBI, CBCor BI, BCO, AO

12.	Section 36/37 Power to attach development contribution notice.	E&P Mgr, RegM, BM, <u>TLBI</u> , <u>TLBC</u> , <u>CBI</u> , <u>CBCon</u> , CCM, AO
13.	Section 37 Power to issue certificate if resource consent required.	E & P Mgr, RCM, CP, CRC
14.	Section 38/39/46 Power to advise network utility operators and NZ Historic Places Trust and give notice to <u>Fire and Emergency New Zealand (NZ-Fire Service Commission FENZ)</u> .	E&P Mgr, BM, <u>CBI</u> , <u>CBCon</u> CCM, AO, <u>TLBI</u> , <u>TL</u> , <u>BCO</u> , <u>BTO</u> , <u>SBTO</u>
15.	Section 48 Power to request further information following receipt of application for building consent.	E&P Mgr, BM, <u>TLBI</u> , <u>TLBC</u> , <u>CBI</u> , <u>CBCon</u> , BCO, BI, <u>BTO</u> , <u>TL</u> , <u>SBTO</u>
16.	Section 48-52 Power to process and approve applications for building consent.	E&P Mgr, BM, <u>CBI</u> , <u>CBCon</u> , <u>TLBC</u> , <u>TLBI</u> , <u>BTO</u> , <u>TL</u> , <u>SBTO</u> , BCO, BI
17.	Section 59 Power to pay building consent levy.	E&P Mgr, BM
18.	Section 62 Power to recover unpaid levies.	E&P Mgr, BM
19.	Section 67/68 Power to grant waivers or modifications.	E&P Mgr, BM, CBI, <u>CBCon</u> , <u>TLBI</u> , <u>TLBC</u> , <u>TL</u> , <u>SBTO</u> , <u>BI</u> , <u>BCO</u> , <u>BTO</u>
20.	Section 71-73 Power in respect to building on land subject to natural hazard.	E&P Mgr, BM, <u>TLBI</u> , <u>TLBC</u> , <u>TL</u> , <u>SBTO</u> , CBI, CBCon, BCO, BI, <u>BTO</u>
21.	Section 75-77 Power in respect of buildings over boundaries.	E&P Mgr, BM, <u>TLBI</u> , <u>TLBC</u> , <u>TL</u> , <u>SBTO</u> , <u>CBI</u> , <u>CBCon</u> , BCO, BI, <u>BTO</u>

22.	Section 91-95 Power to process and approve <u>certificates of compliance</u> <u>Code Compliance Certificate</u> .	E&P Mgr, BM, <u>TLBI, TLBC, TL</u> <u>SBTO</u> CBI , CBCor , BCO, BI, AO, <u>BTO</u>
23.	Section 96-99 Power to process and approve certificates of acceptance.	E&P Mgr, BM, <u>TLBI, TLBC, TL</u> <u>SBTO, BI, BCO</u> , <u>BTO</u> CBI , CBCor
24.	Section 102, 104, 106, 107, 109, 111 Power in respect of compliance schedules.	E&P Mgr, BM, <u>TLBI, TLBC</u> , <u>SBTO, BCO, BI</u> , <u>TL, BTO, SBIC</u> CBI , CBCor , BCO, BI
25.	Section 112, 113, 114, 115, 116 Power in relation to alterations to buildings and changes of use.	E&P Mgr, BM, CBI , CBCor , BCO, BI, <u>TLBI</u> , <u>TLBC, TL</u> , <u>SBTO, SBIC</u>
26.	Section 121, 124, 126 Power in relation to dangerous, affected, earthquake-prone or insanitary buildings.	E&P Mgr, BM, <u>TLBI, TLBC, TL</u> , <u>SBTO, SBIC</u> CBI , CBCor
<u>27.</u>	<u>Section 133</u> <u>Power in relation to earthquake prone buildings</u>	E&P Mgr, BM, <u>TL, TLBI, TLBC</u>
<u>27-28.</u>	Section 136, 138 Power to approve or refuse to approve the classification of dams.	E&P Mgr, BM
<u>28-29.</u>	Section 143, 145 Power to approve or refuse to approve a dam safety assurance programme.	E&P Mgr, BM
<u>29-30.</u>	Section 154, 156 Power in relation to dangerous dams.	E&P Mgr, BM

30-31.	Section 164, 167 Power in relation to notices to fix building work.	E&P Mgr, BM, TLBI, TLBC, BTO, BI, SBIC, TL, BOC, SBTOCBt, CBCOn, BCO, BI, SBIC, BOC
31-32.	Section 177, 180 Power to apply to the Chief Executive of the Department of Building and Housing for a determination.	E&P Mgr, BM, TLBI, TLBC, TLGBI-CBCOn
32-33.	Section 215, 241 Power to apply for accreditation.	E&P Mgr
33-34.	Section 219 Power to impose a fee or charge.	E&P Mgr, BM
34-35.	Section 220, 221 Power to seek Court order on default and recover costs.	E&P Mgr, BM
35-36.	Section 371B Power to appoint enforcement officers authorised to issue infringement notices under s372 of the Building Act 2004.	E&P Mgr, BM, TL, SBIC, TLBI, TLBC
36-37.	Schedule 1(2) Power to grant discretionary exemptions	E&P Mgr, BM, TLBI, TLBC, SBIC, BTO, BCO, SBCO, BI CBI, CBCOn
Camping Ground Regulations 1987		
37-38.	Power to register.	E&P Mgr, RegM, CEH
38-39.	Power to grant exemptions under regulation 14	E&P Mgr
Dog Control Act 1996		
39-40.	Section 11 and 12 Power to appoint dog control officers and dog rangers.	E&P Mgr
40-41.	Section 21 Power to classify any person as a probationary owner.	E&P Mgr, RegM

41.42.	Section 23A Power to require dog owner education.	E&P Mgr, RegM
42.43.	Section 25 Power to disqualify any person from being the owner of any dog.	E&P Mgr, RegM
43.44.	Section 31 Power to classify any dog as a dangerous dog.	E&P Mgr, RegM
44.45.	Section 32(1)(a) Power to consent to the disposal of a dangerous dog.	E&P Mgr, RegM, AO
45.46.	Section 33A Power to classify a dog as menacing.	E&P Mgr, RegM
46.47.	Section 33B Power to identify a dog as a restricted dog.	E&P Mgr, RegM, AO
47.48.	Section 35 Power to provide register information and to determine whether or not a dog should be delivered into the custody of a Dog Control Officer or Dog Ranger.	E&P Mgr, RegM, AO
48.49.	Section 39 Power to issue refunds or reduce fees.	E&P Mgr, RegM, AO
49.50.	Section 40 Power to require a written statement that a dog is a working dog of a specified class and to require production of a certificate that a dog has been neutered.	E&P Mgr, RegM, AO
50.51.	Section 46 Power to issue a replacement label or disc.	E&P Mgr, RegM, AO
51.52.	Section 66 To commence proceedings in accordance with Section 21 of the summary Proceedings Act 1957 where an infringement notice has been issued.	E&P Mgr, RegM
52.53.	Section 69 Power to dispose of any dog.	E&P Mgr, RegM,
53.54.	Section 71 Power to authorise retention of a dangerous dog.	E&P Mgr, RegM
Food Act 2014		

54-55.	Section 54, Clause 3 Schedule 4 Power to refuse application for registration.	RegM, CEH, EHO
55-56.	Section 55 Power to require further information and allow further time.	RegM, CEH, EHO
56-57.	Section 55/56/57/60/61 Power to register food control plan or not to register, and impose and vary conditions, and decide duration .	RegM, CEH, EHO
57-58.	Section 62/63/65, Clauses 4, 5, 6, 9, Schedule 4 Power to suspend operations under registered food control plan and give directions	RegM, CEH,
58-59.	Section 67/69/70, Clause 10 Schedule 4 Power to cancel registration and give directions	EPMgr, RegM
59-60.	Section 84 Power to refuse application for registration of food business subject to national programme	RegM, CEH, EHO
60-61.	Section 85 Power to require further information and allow further time.	RegM, CEH, EHO
61-62.	Section 86/87/88/89 Power to register business subject to national programme or not to register, and impose and vary conditions.	RegM, CEH, EHO
62-63.	Section 90/91/93 Power to suspend operations of business subject to national programme and give directions.	RegM, CEH,
63-64.	Section 95/96/97 Power to cancel registration business subject to national programme and give directions	EPMgr, RegM
64-65.	Section 250 Power to file charging document	EPMgr, in consultation with EPC Chair
65-66.	Section 331 Power to apply for Compliance Order	EPMgr
Food Hygiene Regulations 1974		
66-67.	Regulation 6 Power to issue certificates of exemption.	E&P Mgr

Forest and Rural Fires Regulation 1979		
67-68.	Regulation 9(c) Forest and Rural Fires Regulation 1979 and Regulation 38(3)(b)iii of the Forest and Rural Fire Regulations 2005 Power to sign warrants of appointment of a Fire Officer and Principal Rural Fire Officer.	E&P Mgr
68-69.	Section 32 Power to appoint enforcement officer.	E&P Mgr
69-70.	Section 39,40 Power to return or dispose of property seized or impounded.	E&P Mgr, RegM
Freedom Camping Act 2012		
70-71.	Section 39 Power to decide the return of seized or impounded property	E&P Mgr, RegM
71-72.	Section 40 Power to dispose of seized or impounded property	E&P Mgr, RegM
Health Act 1956		
72-73.	Section 28 Power to appoint environmental health officer.	E&P Mgr
73-74.	Section 41 Power to issue cleansing order.	E&P Mgr
74-75.	Section 42 Power to issue repairs or cleansing order.	E&P Mgr, RegM, CEH
Health (Registration of Premises) Regulation 1966		
75-76.	Clause 3 Power to issue certificates of registration.	E&P Mgr, RegM, CEH
Health (Hairdressers) Regulations 1980		
76-77.	Regulation 4 Power to issue certificates of exemption.	E&P Mgr, RegM
Housing Accords and Special Housing Areas Act 2013		
Under Section 76 of the Housing Accords and Special Housing Areas Act 2013 the following delegations apply:		
The staff delegations for the Resource Management Act 1991 shall apply to the provisions of that Act which also apply under this Act.		
	Section 26 Power to require an applicant to submit a request for a plan change or variation	E&P Mgr, EPM, RCM

	Section 29 Power to decide to notify persons in accordance with the provisions of Section 29	E&P Mgr, EPM, RCM
	Section 30 Power to determine whether a formal hearing is needed and to determine hearing date, time and location.	E&P Mgr, EPM, RCM, PRCA
	Section 34 Power to direct infrastructure providers to provide information.	E&P Mgr, EPM, RCM, CRC, PRCA, CP
	Section 36 (subject to Section 34(2)) Power to grant or refuse resource consent	E&P Mgr, EPM, RCM, CRC, PRCA, CP
	Section 37 Power to include conditions on resource consents	E&P Mgr, EPM, RCM, CRC, PRCA, CP
	Section 53 Power to notify and hold a hearing on review	E&P Mgr, EPM, RCM, PRCA,
	Section 58 Power to grant a Certificate of Compliance	E&P Mgr, EPM, RCM, CRC, PRCA, CP
	Section 77 Power to set charges, provide estimates, remit the whole or any part of any charge	E&P Mgr, EPM, RCM
Housing Improvement Regulations 1947		
86-87.	Power to act in lieu of local authority.	E&P Mgr, RegM, CEH
Impounding Act 1955		
87-88.	Sections 8 and 9 Power to appoint pound-keeper and deputy.	E&P Mgr
88-89.	Section 46(1) and Form 3 Power to sign notice to the owner of impounded stock.	E&P Mgr, RegM
89-90.	Section 46(2) and Form 4 Power to sign notice of impounding and of proposed sale of impounded stock.	E&P Mgr, RegM
Land Transport Act 1998		

90-91.	Section 128D Power to appoint parking wardens.	E&P Mgr
91-92.	Power to waive fines.	E&P Mgr, RegM
Litter Act 1979		
92-93.	Section 5 Power to appoint Litter Control Officers.	E&P Mgr
93-94.	Section 8 Power to appoint Litter Wardens.	E&P Mgr
Local Government Official Information and Meetings Act 1987		
94-95.	Section 44A Issue land information memoranda.	E&P Mgr, CuSM, CSO, SCSO
Local Government Act 1974		
95-96.	Power to temporarily stop or close any road or part thereof in the manner and upon the conditions set out in section 342(1)(b) and Schedule 10 clauses 11, 11A and 11B.	TM or ESM
96-97.	Section 326(10) To sign the receipt to be endorsed on the memorandum of charge in respect of road betterment.	CE, ESM, CM
97-98.	Section 326(10) To sign the receipt to be endorsed on the memorandum of charge in respect of road betterment.	CE, ESM, CM
98-99.	Section 335(1) To give notice requiring the occupier/owner to pay money to the Council for the cost of construction of a vehicle crossing by the Council.	CE, ESM, TM
99-100.	Section 335(9) To give notice to the occupier/owner of the Council's intention to remove a vehicle crossing at the Council's expense.	CE, ESM, TM
100-101.	Section 355 To give notice requiring the removal of overhanging trees.	CE, ESM, TM, CDM, RFM, E&PMgr, EIM, CCM, CO
101-102.	Section 461(1) Power to furnish certificate of land served by a private drain.	CE, ESM, UM, E&PMgr, CP
102-103.	Section 468(1) Power to give notice to occupier to remove tree roots obstructing public drains	CE, ESM, UM, E&PMgr, EIM, CCM, CO,

403.104	Section 511 Power to order removal of obstruction from water course.	CE, ESM, UM, E&PMgr, EIM, CCM, CO
Local Government Act 2002		
404.105	Section 106(2B) Power to amend development contributions, and to notify the decision under section 106(2C)	E&PMg, APM, RegM
405.106	Section 150A Power to recover actual and reasonable costs in respect of a development contributions objection	CE, ESM, E&PMg
406.107	Section 163 Power to authorise removal of works.	CE, ESM, CDM, E&PMgr
407.108	Sections 167 and 168 Power to decide on seized and impounded property and any disposition.	CE, ESM, CDM, E&PMgr
408.109	Section 171 Power to authorise entry on to land (other than a dwelling house).	CE, E&PMgr, ESM, CDM, EIM, CCM, CEH, RCM, RegM, TM, UM, RCE, APM, PDM
409.110	Section 173 Power to enter land in an emergency.	CE, E&PMgr, ESM, CDM, EIM, CCM, CEH, RCM, RegM, TM, UM, RCE, APM, PDM, CO, BI PSM, CM(??)
440.111	Section 175 Power to recover costs of damage.	CE, CDM, ESM, E&PMgr, CSM
444.112	Section 177 Power to appoint Enforcement Officer.	E&P Mgr
442.113	Section 179 Power to authorise the contracting out of regulatory functions subject to discussion with the Mayor and relevant Chairperson.	CE, E&PMgr
443.114	Section 181 Power to authorise construction of works on private land.	CE, ESM, CDM, E&PMgr

444-116	Section 183 Power to issue fire hazard notices: and under Section 184 for recovery of costs of work done.	CE, CDM, E&PMgr, EIM, CCM, CO, ESM, TM
445-116	Section 185 and 186 Power to authorise works in default of instruction.	CE, ESM, CDM, E&PMgr
446-117	Section 187 Power to recover cost of works.	CE, CDM, ESM, E&PMgr, CSM
447-118	Section 193 and 194 Power to restrict/stop water service.	CE, ESM, UM
448-119	Section 196 Power to authorise discharge of trade waste.	CE, ESM, UM, E&PMgr
449-120	Section 198 Power to determine and impose a development contribution in respect of residential units of demand under the Development Contributions Policy prepared in accordance with section 106 of the Local Government Act 2002.	CE, ESM, E&PMgr, RCM, RegM, APM, BM, CRC, CP, AO
420-121	Power to determine and impose a development contribution in respect of non-residential units of demand and any other matters under the Development Contributions Policy prepared in accordance with section 106 of the Local Government Act 2002.	Any two of the following: CE, ESM, E&PMgr, RegM, APM
421-122	Power to decide on any other matters under the Development Contributions Policy prepared in accordance with section 106 of the Local Government Act 2002.	Any two of the following: CE, ESM, E&PMgr, RegM, APM, DE
422-123	Section 199H and Schedule 13A Cl 2 Power to select a development contributions commissioner	E&PMg in consultation with the Chair EPC
423-124	Section 199I Power to provide information upon request of development contribution commissioner and to appear at objection hearing on behalf of the Council	RM, APM, DE, RegM, SAPA
424-125	Section 201A Power to amend Schedule of Assets and determine form of disclosure	ESM, APM
425-126	Section 207A, 207B Power to enter into, and respond to, a development agreement	E&PMg, ESM, RM, APM

426-127	Section 215 Power to apply for Removal Order.	E&P Mgr
427-128	Schedule 13 Clause 1(4) Power to decide to receive late development contribution submission	E&PMg, RM, APM
Local Government (Rating) Act 2002:		
428-129	Section 27 (5) The decision on whether to divide rating units and the methodology for division.	CE, CSM, FM, RA
429-130	Section 28 (2) The decision on whether the disclosure of the name of any person is necessary to identify a rating unit.	CE, CSM, FM, RA, RO
430-131	Section 28 (3) The authority to determine a fee for being supplied a copy of Rating Information Database (RID) data.	CE, CSM, FM, RA
431-132	Section 29 Authority to determine objections to the RID.	CE, CSM, FM, RA
432-133	Section 35. Authority to remove a name from the RID.	CE, CSM, FM, RA, RO
433-134	Section 39 Authority to determine objections to rates records.	CE, CSM, FM, RA
434-135	Section 40 Authority to correct errors in the RID and Rate Records.	CE, CSM, FM, RA, RO
435-136	Section 52(2) Authority to agree methods of payments for rates.	CE, CSM, FM, RA, RO
436-137	Section 54 Authority not to collect small amounts.	CE, CSM, FM, RA
437-138	Section 61 Authority to collect unpaid rates from the owner.	CE, CSM, FM, RA, RO
438-139	Section 62 Authority to collect unpaid rates from persons other than the owner.	CE, CSM, FM, RA, RO
439-140	Section 63 Ability to commence legal proceedings for the recovery of rates that are in default.	CE, CSM, FM

140-141	Section 67 Commencement of rating sale or lease provisions.	CE, CSM
144-142	Section 72 Authority to sell land by private treaty.	CE, CSM, PSM, CM
142-143	Section 77 – 83 Authority to sell abandoned land.	CE, CSM
143-144	Section 85/87/114/115 Authority to administer rate remission and postponement policies.	CE, CSM, FM, RA, RO
144-145	Section 99 Authority to apply for charging orders.	CE, CSM, FM, RA
145-146	Section 135 Authority to sign documents for court proceedings.	CE, CSM, FM, PSM, CM
Maritime Transport Act 1994		
146-147	Sections 33D & 33G Appointment of Harbourmasters and Enforcement Officers	E&P Mgr
147-148	Section 33I Power to carry out works for the purpose of ensuring maritime safety.	TM, HMR
148-149	Sections 33J & 33L Removal of Wrecks and Abandoned Ships	RegM, HMR
149-150	Sections 300, 305, 311, 318(3) Functions and Powers of Regional On Scene Commanders	RegM
150-151	Section 318(1) Appointment of Regional On Scene Commanders	CE
Public Works Act 1981		
151-152	Section 19(8) Power to sign compensation certificates.	CE, CDM, PSM, ESM
152-153	Section 26(1)(c)(ii) Power to sign requests to take land by proclamation.	CE, ESM, CDM, PSM
153-154	Section 26(1)(c)(iii) Power to make a statutory declaration to a company requested to take land by proclamation.	CE, ESM, PSM

154-155	Section 52(4) Power to sign requests to Minister of Works and Development to declare that land already held for a public work be held for another public work.	CE, ESM, PSM, CDM
155-156	Section 52(7) Power to make a statutory declaration that the Council is authorised by law to undertake work for which it is proposed to set crown land aside.	CE, ESM, PSM, CDM
156-157	Section 107 and Section 109 Power to execute certificates of grants for land.	CE, ESM, PSM
157-158	Section 111 Powers of entry onto private land for other survey and investigation purposes	CE, ESM, CDM, E&P Mr, PSM
158-159	Section 115(9) Power to sign certificates or notices of discharge.	CE, ESM, PSM
159-160	Section 204(1) Power to prepare a special roll of ratepayers for a poll in respect of a proposed irrigation scheme.	CE, CDM
160-161	Section 23(1)(c) and First Schedule Power to sign notices of intention to take land for essential work.	CE, ESM, CDM, PSM
Reserves Act 1977		
161-162	To grant or decline permits (other than leases and licences) for activities on Council reserves.	CDM, RFM
162-163	To require bonds for any use on Council Reserves.	CDM, RFM
163-164	To have the power to make decisions on the location of floodlights on sports grounds, subject to any resource consents.	CDM, RFM
164-165	To authorise the planting and removal of trees from any reserve or other property under the Community Development Department's control.	CDM, RFM
165-166	Section 6(3) Revoke a Gazette notice and issue a fresh notice or amend the original notice.	CE, CDM, PSM
166-167	Section 8(9) Power to appoint rangers.	CE, CDM
167-168	Section 14(4) Gazette resolution to declare vested land to be reserve.	CE, CDM, PSM
168-169	Section 15(1) Authorise or decline to authorise, by Gazette notice, the exchange of land in any reserve or any part(s) of a reserve for any other land to be held for purposes of that reserve.	CE, CDM, PSM

169-170	Section 15(3) To do all things necessary to effect any exchange authorised by the local authority under Section 15(1) of the Act including the payment or receipt of any money by way of equality of exchange.	CE, CDM, PSM
170-171	Section 16(1) Classify, by Gazette notice, according to their principal or primary purpose all reserves. [NB This delegation does not affect sections 16(2) and 16(2A) Reserves Act].	CE, CDM
171-172	Section 16(4) Before classifying any reserve under subsection (1), give public notice in accordance with section 119 specifying the classification proposed,	CE, CDM,
172-173	Section 18(2)(e) Decisions on whether the indigenous flora and fauna and natural environment shall as far as possible be preserved	CE, CDM, RFM
173-174	Section 19(2)(a) and 19(3)(a) Decisions on whether the indigenous flora and fauna and natural environment shall as far as possible be preserved	CE, CDM, RFM
174-175	Section 25(1) Upon revocation of the reservation of any public reserve (or part of one) pursuant to Section 24 Reserves Act, dispose of that land in such manner and for such purpose as the Council (on behalf of the Minister) specifies.	CE, CDM, PSM
175-176	Section 42(1) Give or decline to give express written consent to the cutting or destruction of trees and bush on any historic, scenic, nature, or scientific reserve. Determine terms and conditions subject to which written consent is given.	CE, CDM, RFM
176-177	Section 44(1) & (2) Allow a person to use a reserve, or any building, vehicle, boat, caravan, tent, or structure situate thereon, for purposes of permanent or temporary personal accommodation; and Allow that person, building, vehicle, boat, caravan, tent or structure to remain for a total period of more than 4 weeks during the period commencing on 1 November in any year and ending with 31 March.	CE, CDM, RFM
177-178	Section 45 Give or decline to give prior approval to administering body to erect, or authorise any voluntary organisation or educational institution to erect shelters, huts, cabins, lodges etc., on any recreation or scenic reserve.	CE, CDM, PSM

178-179	Section 48(1) Consent or refuse consent to administering body granting rights of way and other easements over any part of a vested reserve for any of the purposes specified in section 48(1). Impose such conditions as it thinks fit in giving the consent.	CE, CDM, PSM
179-180	Section 48A(1) Consent or refuse consent to administering body granting a licence over a vested reserve to any person or department of State: (a) To erect, maintain and use buildings, dwellings, masts and other structures and plant and machinery; and (b) To construct, maintain, and use tracks and engage in other works – for any of the purposes specified in section 48A(1).	CE CDM, PSM, RFM
180-181	Section 48A(3) Approve terms and conditions determined by the administering body.	CE, CDM, PSM
181-182	Section 49 Grant or decline to grant in writing any qualified person a right to take specified specimens of flora or fauna or rock mineral from a reserve for scientific or educational purposes. Form opinion as to whether qualified person has the necessary credentials. Impose conditions on the grant in writing.	CE, CDM, PSM, RFM
182-183	Section 50(1) Authorise or decline to authorise any person to take and kill any specified kind of fauna that may be found in any scenic or historic reserve. Authorise or decline to authorise the use of firearms, traps, nets or other like objects within reserve for the foregoing purposes.	CE, CDM, RFM
183-184	Section 51(1) Authorise or decline to authorise in writing an administering body to introduce indigenous flora or fauna or exotic flora into any scenic reserve for any of the purposes referred to in section 51(1). Impose conditions on the giving of the authorisation.	CE, CDM, RFM
184-185	Section 52(1) Declare by Gazette notice that any two or more reserves, or parts of two or more reserves and the whole of one or more other reserves, are to be united to form one reserve.	CE, CDM
185-186	Section 53 Powers under section 53 in respect of recreation reserves	CE, CDM, RFM

186-187	<p>Section 54(1)</p> <p>Give or decline to give prior consent to administering body, in the case of a recreation reserve vested in it, to grant leases for any of the purposes specified in paragraphs (a), (b), (c) and to grant a lease or licence for any of the purposes specified in paragraph (d) and to exercise all powers of the Minister referred to in the First Schedule that pertain to leases under Section 54(1)(a), (b), (c) and (d).</p> <p>Give or decline prior consent to administering body permitting, in a lease, the erection of buildings and structures for sports, games or public recreation not directly associated with outdoor recreation.</p> <p>Consent or decline consent to variations or amendments to leases and consent to the carrying out of any other necessary actions arising out of the leases consistent with the First Schedule, Reserves Act.</p>	CE, CDM, PSM
187-188	<p>Section 55(2)(a),(d),(e),(f),(g)&(i)</p> <p>Give or decline to give prior consent to the setting apart of areas for, and the construction or development of, public facilities and amenities in scenic reserves.</p>	CE, CDM, PSM
188-189	<p>Section 56(1)</p> <p>Give or decline prior consent to administering body, in the case of a scenic reserve vested in it, to grant leases or licences for the purposes set out in Section 56(1) and to exercise all powers of the Minister referred to in the First Schedule that pertain to leases under Section 56(1)(a) and (b).</p> <p>Consent or decline consent to variations or amendments to leases and licences, and consent to the carrying out of any other necessary actions arising out of the leases and licences consistent with the First Schedule, Reserves Act.</p>	CE, CDM, PSM
189-190	<p>Section 56(2)</p> <p>Give public notice in accordance with Section 119 of the Reserves Act.</p>	CE, CDM, PSM
190-191	<p>Section 58A(1)</p> <p>Give or decline prior consent to administering body, in the case of a historic reserve vested in it, to grant leases or licences for the purposes specified in that subsection.</p> <p>Consent or decline consent to variations or amendments to leases and licences and consent to the carrying out of any other necessary actions arising out of the leases and licences, consistent with the First Schedule, Reserves Act.</p>	CE, CDM, PSM

191-192	Section 59A(1) In accordance with Part IIB Conservation Act 1987, grant or refuse a concession in respect of any reserve controlled or managed by an administering body under Section 28 Reserves Act so that the administering body may apply Part IIIB as if references in that part to a conservation area were references to the Minister of Conservation and to the Director-General of Conservation are references to an administering body.	CE, CDM, PSM
192-193	Section 67(1)(b) Consent or decline consent to lease of recreation reserve set apart for race course purposes, to a racing club.	CE, CDM, PSM
193-194	Section 73(1) Consent or decline prior consent to an administering body granting a lease of recreation reserve in the circumstances specified in Section 73(1), where the reserve is vested in the administering body, and consent or decline consent to an administering body granting a lease in the circumstances specified in Section 73(1) in all other cases. Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under Section 73(1).	CE, CDM, PSM
194-195	Section 73(2) Consent or decline prior consent to an administering body granting a lease of recreation reserve for afforestation where the reserve is vested in the administering body, and consent or decline consent to an administering body granting a lease of recreation reserve for afforestation purposes in all other cases. Exercise all powers of the Minister referred to it in the First Schedule that pertain to leases under Section 73(2).	CE, CDM, PSM
195-196	Section 73(3) Form opinion as to whether recreation reserve is not likely to be used for purposes of recreation reserve. Consent or decline consent to administering body granting leases of whole or part of reserve vested in administering body. Grant or decline to grant leases of whole or part of a reserve held under an appointment to control and manage. Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under Section 73(3).	CE, CDM CE, CDM, PSM
196-197	Section 73(5) Consent or decline consent in writing to a member of an administering body becoming the lessee of any land under the control of that body.	CE, CDM, PSM
197-198	Section 73(6) Consent or decline consent to surrender lease.	CE, CDM, PSM

198-199	Section 74(1)(b)(ii) Consent or decline consent to granting of licence to occupy historic, scenic or scientific reserve.	CE, CDM, PSM
199-200	Section 121 Where under the provisions of the Reserve Act consent or approval is required, give consent or approval subject to such conditions as are thought fit.	CE, CDM, PSM
Resource Management Act 1991		
Under Section 34 and 34A of the Resource Management Act the following delegations apply:		
200-201	Section 10(2)(b) Granting a time extension to existing use.	E&P Mgr, RCM
201-202	Section 27 Power to supply information as requested by the Minister	E&P Mgr, RCM, EPM, Reg M
202-203	Section 34A(1) Power to appoint and delegate the functions and powers of the Council to one or more Hearing Commissioners to hear and decide on any application for resource consent or to hear and recommend on any private plan change request that was accepted by Council. Such appointments shall be made following following consultation with the Chairperson of the Environment & Planning Committee.	E&P Mgr, RCM, EPM
203-204	Sections 36 and 36AAA. Power to set additional charges, provide estimates, and make decisions on non-performance pending payment of charge.	E&P Mgr, RCM, EPM, CRC
204-205	Section 36AAB Powers remit the whole or part of any charge, and to not commence or continue processing resource consent applications or private plan change applications if insufficient money has been paid as required by Council's schedule of charges. <i>Note: When using this provision the application remains effectively "on hold" until the correct payment is made by the applicant.</i>	E & P Mgr, EPM, RCM, CEP, CRC
205-206	Section 36(7) Power to not commence or continue processing resource consent applications if insufficient money has been paid as required by Council's schedule of charges. <i>Note: When using this provision the application remains effectively "on hold" until the correct payment is made by the applicant.</i>	E & P Mgr, RCM, CRC, CEP

206-207	Section 37 Power to extend or waive time periods.	E&P Mgr, RCM, PRCA, CRC, EPM, CP
207-208	Section 38 Authorisation of Enforcement Officer.	E&P Mgr
208-209	Section 41B and 41C In consultation with the Chairperson of a hearing panel or a sole Commissioner, power to issue directions or requests to applicants and/or submitters, including to provide briefs of evidence before commencement of a hearing, and to direct certain procedural aspects of the hearing before the hearing	E&P Mgr, RCM, EPM, PRCA
209-210	Section 41D The power to strike out a submission.	E&P Mgr, RCM, EPM
210-211	Section 41c(7) The power to strike out a submission under section 41C(7).	E&P Mgr, RCM, EPM
211-212	Section 42 Power to respond to requests to protect sensitive information.	E&P Mgr, RCM, PRCA
212-213	Section 42A Power in relation to requiring or commissioning a report on any matter described in section 39(1).	E&P Mgr, RCM, EPM, CRC
213-214	Section 58I(2) and (7) If so directed by a national planning standard, power to amend any planning document.	E&P Mgr, EPM,
214-215	Section 87BA Power to decide and give notice on boundary activities	E&P Mgr, RCM, PRCA, CRC, CP
215-216	Section 87BB Power to decide and give notice on deemed marginal or temporary permitted activities	E&P Mgr, RCM, PRCA, CRC, CP
216-217	Section 87E In consultation with the Chairperson or deputy chair of the Environment & Planning Committee, power to grant or decline requests for applications to be determined by the Environment Court instead of by the Consent Authority.	E&P Mgr, RCM
217-218	Section 87F Power in relation to providing a report on applications that are to be determined by the Environment Court.	E&P Mgr, RCM, CRC

248-21	Section 88(3) Power to determine that an application is incomplete.	E & P Mgr, RCM, CRC
249-22	Section 91 Power to determine not to proceed with processing an application pending applications for additional consent(s).	E&P Mgr, RCM, CRC, PRCA, CP
220-22	Section 92(1) Power to request further information from applicants.	E&P Mgr, RCM, CRC, PRCA , CP
221-22	Section 92(2) Power to commission report for further information.	E&P Mgr, RCM, CRC
222-22	Section 92A Power to set time limit for further information where the applicant agrees to provide it.	E & P Mgr, RCM, CRC, PRCA, CP
223-22	Sections 95, 95A and 95D Power to determine whether to publicly notify an application for resource consent, and to decide whether the activity will have, or is likely to have adverse effects on the environment that are more than minor.	E&P Mgr, RCM, EIM
224-22	Section 95A and 95D Power to determine whether to publicly notify an application for resource consent, including whether special circumstances exist.	E&P Mgr, RCM, PRCA , CRC
225-22	Sections 95B, 95E, 95F, and 95G Power to determine whether to limited notify an application for resource consent, including whether special circumstances exist.	E&P Mgr, RCM, PRCA CRC
226-22	Section 97(4) Power to adopt an earlier closing date	E&P Mgr, RCM, CRC
227-22	Section 99 Power to fix a pre-hearing meeting and attend to all associated matters regarding notification, conduct and reporting excepting the powers of declining to process an application or submission under subsection (8).	E&P Mgr, RCM, CRC, PCRA
228-22	Section 99 Power to decline to process an application or to consider a submission under subsection (8).	E&P Mgr, RCM
229-23	Section 99A Power to refer matters to mediation prior to a hearing.	E&P Mgr, RCM

230-233	Section 100 Power to determine that a formal hearing is or is not needed in accordance with Section 100, except where the delegated officer is processing the application.	E&P Mgr, RCM, CRC
231-233	Section 101 Power to fix hearing date, time and place.	E&PMgr, RCM, PRCA
232-233	Section 102/103 Power to make a decision to establish a joint/combined hearing.	E&P Mgr, RCM, PRCA
233-234	Section 104 – 104D, 106, and 107 Power to grant a resource consent for applications which were processed on either a public or limited notified basis not requiring a hearing (follow a decision made pursuant to Section 100 of the Act) and the power to grant a resource consent on any application processed on a non-notified basis.	E&P Mgr, RCM, PRCA, CRC, CP
234-234	Section 104-104D, 106, and 107 Power to decline any resource consent application not requiring a hearing. Power to decline an application (including for a controlled activity) on the basis that it is considered that the Council has insufficient information to enable it to make a decision on the application.	E&P Mgr, RCM
235-236	Section 108 Power to impose conditions on resource consents.	E&P Mgr, RCM, PRCA, CRC, CP
236-233	Section 108A and 109 Power to make decisions in relation to bonds or covenants.	E&P Mgr, RCM, PRCA, CRC, CP
237-236	Section 110 Power to authorise refund of money paid when activity does not proceed.	E&P Mgr, RCM
238-239	Section 114(2)(b) Power to determine what other authorities and persons should be notified of decisions on resource consent applications.	E&P Mgr, RCM, PRCP
239-240	Section 114(7) and (8) and 116B Power to give notice in relation to applications involving an exchange of reserve land	E&P Mgr, RCM

240-241	Section 119A Authority to allow staff to process changes and reviews to restricted coastal activity consents subject to criteria in the Act.	E&P Mgr, RCM
241-242	Section 124 Power to permit the exercise of consent while applying for renewal.	E&P Mgr, RCM
242-243	Section 125 Power to extend the period in which a resource consent lapses, except where the delegated officer processed the application.	E&P Mgr, RCM, CRC
243-244	Section 126 Power to cancel unexercised consents.	E & P Mgr, RCM, RegM
244-245	Section 127 Power to decide who is adversely affected by an application to change or cancellation of a consent condition.	E&P Mgr, RCM
245-246	Section 128-132 Power to initiate and determine a review of a resource consent, except if a hearing is required.	E&P Mgr, RCM, RegM
246-247	Section 133A Power to issue amended consent which corrects minor mistakes or defects in the consent, except where the delegated officer is processing the application. And where it relates to a decision made by a Hearing Panel, to do so in consultation with the Chair of the Hearings Committee or sole Commissioner who made the original decision.	E&P Mgr, RCM, PRCA, CRC
247-248	Section 134(3) Power to receive on behalf of the Council written notice of transfer of whole or part of a land use consent.	E&P Mgr, RCM, CRC, PRCA, CP, RCAO
248-249	Section 135 Power to receive on behalf of the Council written notice of transfer of whole or part of a coastal permit.	E&P Mgr, RCM, CRC, PRCA, CP, RCAO
249-250	Section 136(1), (2)(a), and (2)(b)(i) Power to receive on behalf of the Council written notice of transfer of a water permit.	E&P Mgr, RCM, CRC, PRCA, CP, RCAO
250-251	Section 136 Power to approve transfer of water permits to another site, except if a hearing is required.	E&P Mgr, RCM, CRC (Natural Resources), CP

254-255	Section 137 Power to receive on behalf of the Council written notice of transfer of whole or part of a discharge permit and the power to decide on transfers of discharge permits to other sites, except if a hearing is required.	E&P Mgr, RCM, CRC (Natural Resources), CP
252-253	Section 138 Power to accept the surrender or part surrender of a resource consent or refuse surrender of part of a resource consent and to accept that a person need not complete any work to give effect to the consent.	E&P Mgr, RCM, RegM
253-254	Section 138A Authority for staff to consider special provisions relating to coastal permits for dumping or incineration.	E&P Mgr, RCM, CRC (Natural Resources), CP
254-255	Section 139 Power to issue Certificates of Compliance.	E&P Mgr, RCM, PRCA, CRC, CP
255-256	Section 139A Power to issue existing use certificates.	E&P Mgr, RCM, PRCA, CRC, CP
256-257	Section 142 In consultation with the Chairperson or deputy chair of the Environment & Planning Committee, power to request that the Minister make a direction that a matter is or is part of a proposal of national significance.	E&P Mgr
257-258	Section 147 Power to provide views to Minister on a matter of national importance.	E&P Mgr
258-259	Section 149E Authorisation to make a submission to the EPA on a matter of national importance that has been called in and publicly notified.	E&P Mgr
259-260	Section 149G Power in relation to providing a report to the Environmental Protection Agency when commissioned to do so.	E&P Mgr, RCM, CRC, PRCA
260-261	Section 149K Authorisation to provide the Minister with suggestions for members of a Board of Inquiry.	E&P Mgr
261-262	Section 149Q Authorisation to provide comments to a Board of Inquiry on a draft report.	E&P Mgr

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262-263	Section 149V In consultation with the Chairperson or deputy chair of the Environment & Planning Committee, power to appeal to the High Court (on points of law) against a decision of a Board of Inquiry or Environment Court.	E&P Mgr
263-264	Sections 168A and 169 Power to decide whether to notify a notice of requirement for a designation.	E&P Mgr, RCM
264-265	Section 171 Power to make recommendations to a requiring authority including reasons for the recommendation, except when a hearing is required.	E&P Mgr, RCM, PRCA, CRC
265-266	Section 174 Power to appeal to the Environment Court against a decision of a Requiring Authority subject to consultation with Environment & Planning Committee Chairperson and Deputy.	E&P Mgr
266-267	Section 176 <i>See delegations to Senior Managers to act as requiring authority.</i>	
267-268	Section 176A Power to request changes to outline plans under subsection (3).	E&P Mgr, RCM, PRCA, CRC, CP
268-269	Section 181 Power to agree to alter a designation.	E&P Mgr, RCM, EPM, CRC (Land Use Consents)
269-270	Section 181(3) Power to give notice of a minor alteration to any Council designation, and under section 182 of the Act to give notice requesting removal of any Council designation from the Tasman Resource Management Plan and subject to reporting to Council of any action taken under this delegation.	CE or ESM
270-271	Section 182(5) Power to decline removal of designation.	E&P Mgr, RCM
271-272	Section 184 Power to decide on lapsing of designations.	E&P Mgr, EPM, RCM
272-273	Sections 189A and 190 Power to decide whether to notify a notice of requirement for a heritage order.	E&P Mgr, RCM

273-274	Section 191 Power to make recommendations to a heritage protection authority including reasons for the recommendation, except when a hearing is required.	E&P Mgr, RCM, PRCA, CRC
274-275	Section 195A Power to alter a heritage order.	E&P Mgr, RCM, EPM, CRC (Land Use Consents)
275-276	Section 198BA In consultation with the Chairperson or deputy chair of the Environment & Planning Committee, power to grant or decline requests for requirements to be determined by the Environment Court instead of by the Consent Authority.	E&P Mgr, RCM
276-277	Section 198C Power in relation to providing a report on requirements that are to be determined by the Environment Court.	E&P Mgr, RCM, CRC, PRCA
277-278	Section 220 Power to impose conditions on resource consents.	E&P Mgr, RCM, PRCA, CRC, CP
278-279	Section 221 Authorisation to issue a consent notice.	E&P Mgr, RCM, PRCA, CRC, CP
279-280	Section 221 Power to review and vary or cancel a condition in a consent notice.	E&P Mgr, RCM, CRC, CP
280-281	Section 222 Power to issue a completion certificate.	E&P Mgr, RCM, CRC, CP, CCM, CO
281-282	Section 223 Power to approve any survey plan (subject to Section 243).	E&P Mgr, RCM, CRC, CP
282-283	Section 224(c) Power to certify compliance as an "authorised officer" with specified conditions prior to deposit of survey plan.	E&P Mgr, RCM, CRC (Subdivision Consents), CP
283-284	Section 224(f) Power to certify compliance under Section 116A of the Building Act.	E&P Mgr, RCM, CRC, CP, CR, BCO, BI
284-285	Section 234 Power to vary esplanade reserves.	CE, CDM

285-286	Section 235 Power to agree to the creation of esplanade strips	CE, CDM
286-287	Section 239(2) Certification of specified interest upon vesting	E&P Mgr, CD Mgr, RCM, CRC
287-288	Sections 240, 241 and 243 Power to cancel covenants and conditions.	E&P Mgr, RCM, CRC, CP
288-289	Section 245 Power to approve survey plans for reclamation.	E&P Mgr, RCM, CRC, CP
289-290	Section 281 Power to agree to waiver of notice.	E&P Mgr, RCM, EPM, RegM, PRCA
290-291	Section 311 and 316 In consultation with the Chairperson or deputy chair of the Environment & Planning Committee, the power to apply for a declaration under Section 311 or an enforcement order (including an interim enforcement order) under Section 316 of the Resource Management Act.	E&P Mgr
291-292	Section 329 Issue of water shortage direction.	E&P Mgr
292-293	Section 330 Power to invoke emergency work provisions.	E&P Mgr
293-294	Section 357D Power to uphold objections to conditions of consent where there is a favourable staff recommendation.	E&P Mgr, RCM
294-295	Section 360D Power to notify changes to plans as directed by any Regulation	E&P Mgr, EPM
First Schedule (of the Resource Management Act)		
295-296	Clause 4 Where a Council designation is held in another district, power to respond to an invitation to designating authorities having a designation that has not lapsed, in that district, on whether the Council requires the designation to be included in that district's proposed plan, with or without modification.	E&P Mgr, CDM, ESM, CSM
296-297	Clause 4A Power to provide copies of planning documents to iwi and determine time for advice	E&P Mgr, EPM,

297-298	Clause 5, 5A Power to fix notification date, and decide on whom public notices shall be sent in relation to a policy statement or plan or a change or variation thereto, including limited notification.	E&P Mgr, EPM, CEP, PP
298-299	Clause 7, 51 Power to summarise for and on behalf of the Local Authority submissions made in respect of a policy statement or plan or a change or variation thereto.	E&P Mgr, EPM, CEP, PP
299-300	Clause 8AA Power to fix a pre-hearing meeting and attend to all associated matters regarding notification, conduct and reporting except the power of declining a request for a pre-hearing meeting.	E&P Mgr, EPM, CEP
300-301	Clause 10A Power to apply for extension of time if local authority is unable, or likely to be unable, to meet decision making obligations under Clause 10(4)(a)	E&P Mgr, EPM
301-302	Clause 11 Power to decide which landowners or occupiers are directly affected by the Council's decisions under Clause 9(2).	E&P Mgr, EPM
302-303	Clause 16 Power to alter information and correct minor errors, or to give effect to a direction under s 55 on a national policy statement.	E&P Mgr, EPM
303-304	Clause 20A Power to correct minor errors in an operative statement or plan.	E&P Mgr, EPM
304-305	Clause 23 Power to request further information or commission a report prior to modification or consideration of the plan change request.	E&P Mgr, EPM
305-306	Clause 24 Power to modify a plan change request by agreement with requester, prior to its consideration by Council.	E&P Mgr, EPM
306-307	Clause 25 The power to accept, reject or deal with a request to prepare or change a plan as a resource consent application, provided that any rejection or dealing with as an application for resource consent, may be subject to review by the Environment & Planning Committee.	E&P Mgr, EPM
307-308	Clause 26 Power to complete preparation of plan change request accepted under cl 25, and notify request.	E&P Mgr, EPM

308-309	Clause 28 Power to send a notice to any requester not likely to continue with request.	E&P Mgr, EPM
309-310	Clause 32 Power to certify as correct material incorporated by reference into plan following decision by Environment & Planning Committee.	E&P Mgr, EPM
340-311	Clause 43, 45, and 49 Power to give public notice if Council decides to establish a collaborative group and to notify any report from a collaborative group, and any proposed planning instrument as determined under Clause 46.	E&P Mgr, EPM
344-312	Clause 57 Power to publicly notify a local authority decision	E&P Mgr, EPM
342-313	Clause 64 Power to establish a review panel to consider submissions arising from a collaborative planning process. Such appointments shall be made following following consultation with the Chairperson of the Environment & Planning Committee.	E&P Mgr, EPM
343-314	Clause 88, 90 Power to publicly notify Minister's decisions under the streamlined planning process	E&P Mgr, EPM
Sale and Supply of Alcohol Act 2012		
344-315	Section 100(f) Power to issue Certificates of Compliance in Regard to the Resource Management Act.	E&P Mgr, RCM, CP, AO
345-316	Section 100(f) Power to issue Certificates of Compliance in regard to the Building Act.	E&P Mgr, RegM, CEH, BM, CBI, CBCon, BCO, CI, AO
346-317	Section 197 Power to appoint licensing inspectors.	E&P Mgr
347-318	Section 199 Power to prepare annual report.	E&P Mgr, RegM, CEH
Tasman District Council Consolidated Bylaw – Chapter 5 – Navigation Safety Bylaw 2005		
348-319	Power to issue licences under the Navigation Safety Bylaw 2015 and grant exemptions etc.	E&P Mgr, RegM, HMR, AO

Tasman District Council Consolidated Bylaw – Chapter 6 -Trading in Public Places Bylaw 2010.		
319-320	Power to issue licences under the Trading in Public Places Bylaw 2010.	E&P Mgr, RegM, CEH, EHO, AO
Transport Services Licensing Act 1989		
320-321	Section 22 Power to grant, revoke or modify exemptions for approved taxi operators.	ESM
321-322	Section 49 Power to register passenger services.	ESM
322-323	Section 50 Power to reduce or waive period of notice and to decide on an application to vary a registered service.	ESM
323-324	Section 52 Power to maintain register.	ESM
General		
324-325	Power to reduce or waive deposits or fees required under the Council's Schedule of Fees.	E&P Mgr
325-326	Power to determine the amount of any refund of any deposit or fee after taking into account the actual and reasonable costs incurred in processing the permit, consent or licence.	E&P Mgr, CM, RegM
326-327	In consultation with the Deputy Chair or Chair of the Environment and Planning Committee, the power to initiate prosecution proceedings for offences under any Act, Regulation or Bylaw which involves the Criminal Procedure Act 2011, and to issue injunctions to restrain continuing breaches of the Building Act (under section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under section 162 of the Local Government Act 2002). Any proceeding will be reported to the next available Committee meeting.	E&P Mgr
327-328	Power to decide on street names for new subdivisional roads in accordance with Council's Street Naming Policy and in consultation with a Ward Councillor or the Community Board <i>See Community Board Terms of Reference.</i>	E&P Mgr
328-329	To approve the designs for Engineering projects and subdivisions.	ESM, UM, TM, RCE, PDM, APM
329-330	To consider and approve variations/wavers to engineering design standards in exceptional circumstances.	ESM, UM, TM, RCE, PDM, APM

330-331	To approve the necessary arrangements for the effective and efficient management of infrastructural assets (roads, coastal structures, bridges, refuse facilities, ports, aerodromes, stormwater, water, waste water, rivers, irrigation schemes). These decisions are to be in accordance with the provisions of the Local Government Act 1974, Local Government Act 2002, Transit Act 1989, Transport Act 1962, Fencing Act 1978, Health Act 1956, Cattle Stop Order, and their amendments, but subject to not exceeding budget levels approved in the annual plan.	ESM, UM, TM, RCE, CE
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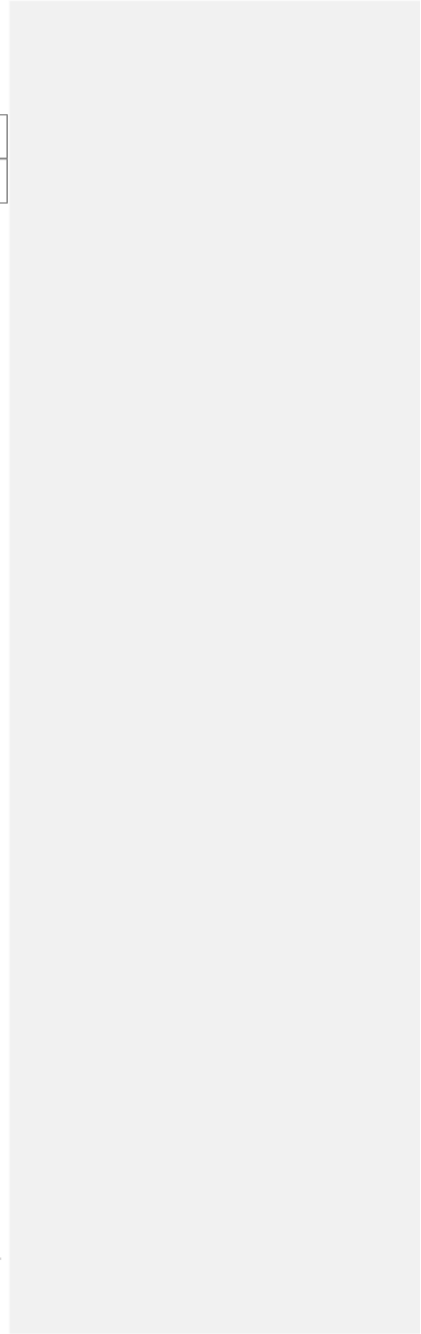
Schedule One – Schedule of Council resolutions relating to making or amending delegations

DATE OF RESOLUTION	DESCRIPTION OF DELEGATION	RESOLUTION NUMBER
E&P Committee meeting 16 March 2017	<p>Additional delegations under the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004:</p> <p>Section 44(1)(b): Notify CEO of Ministry of Primary Industries when the allocation of authorisations to Trustee is completed (E&P Manager)</p> <p>Section 44(4): Extend period for negotiation (E&P Manager)</p> <p>Section 44B(2)(b): Power to notify consent applicants to negotiate (E&P Manager)</p> <p>Section 44D(2)(b): Allocate authorisations to Trustees in accordance with agreement (E&P Manager)</p>	EP17-03-04
Full Council meeting 7 September 2017	<ol style="list-style-type: none"> 1. Staff Delegations Required for Implementation of Changes to the Resource Management Act 1991 made by the Resource Legislation Amendment Act 2017 (see report/minutes for details of amendments) 2. New Staff Delegations Required for Implementation of Special Housing Areas (see report/minutes for details of amendments) 3. Councillors acting as RMA Hearing Commissioners Part 2 - Governance 9.3 Tasman Resource Management Plan (TRMP) 9.3.1 Each member of the Environment & Planning Committee who has received accreditation under the Resource Management Act 1991 is authorised to be a Hearings Commissioner for the purpose of hearing and considering submissions to the TRMP or a change to the 	

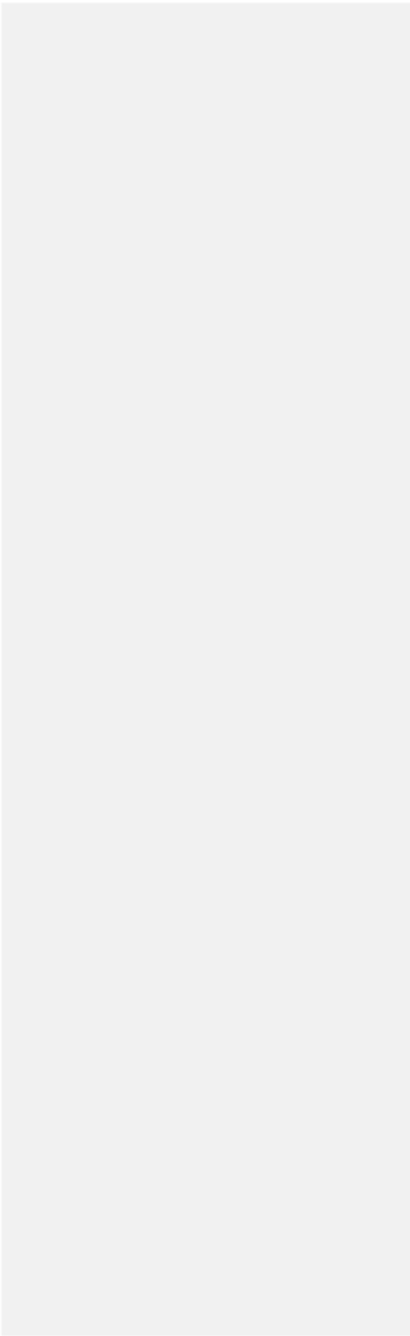
	<p>Plan and to make recommendations to the Environment & Planning Committee.</p> <p>4. Part 3 - Management</p> <p>4.0 Subdelegations to Staff below Senior Management Level</p> <p>4.12 Legal Proceedings The Authority to file in the name of the Council a Statement of Defence or other appropriate response, to any proceedings against the Council, commenced in any Court or Tribunal is delegated to:</p> <p>4.12.1 The Environmental Policy Manager (in relation to policy statement and plan proceedings, including the authority to negotiate or mediate and settle the proceedings).</p> <p>4.12.2 Resource Consents Manager (in relation to resource consent proceedings, including the authority to negotiate or mediate and settle the proceedings).</p> <p>4. Schedule 2 Delegations Register: Financial Delegation to Environmental Policy Manager In Schedule 2, on page 114 of the Register, delete "Principal Planner – Environmental Policy", and replace with "Environmental Policy Manager".</p>	
Full Council Meeting 16 November 2017	<p>Chief Executive's Activity Report:</p> <p>Resolution: That the Full Council approves amendment of the Delegation Register to reflect the renaming of 'Coordinator' positions to 'Team Leader' in the Resource Consent Team</p>	
E&P Committee 3 May 2018 Ratified by Full Council 24 May 2018	<p>agrees to replace item 326 on the Delegations Register with the following delegation</p> <p>In consultation with the Deputy Chair or Chair of the Environment and Planning Committee, the power to initiate prosecution proceedings for offences under any Act, Regulation or Bylaw which involves the Criminal Procedure Act 2011, and to issue injunctions to restrain continuing breaches of the Building Act (under section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under section 162 of the Local Government Act 2002). Any proceeding will be reported to the next available Committee meeting.</p>	

Item 8.10

Attachment 3



Schedule Two – Schedule of Financial Delegations for amounts of \$20,000 or above



Financial Delegations as at January 2017
~~June 2018~~

Position	Level
	0
Chief Executive Officer	1,000,000
Engineering Services Manager	500,000
E & P Manager	500,000
Corporate Services Manager	500,000
Community Development Manager	500,000
Activity Planning Manager	300,000
Transportation Manager	300,000
Utilities Manager	300,000
Programme Delivery Manager	300,000
Commercial Manager	400,000
Projects Advisor Fixed Term	400,000
Property Services Manager	100,000
Finance Manager	100,000
Information Services Manager	80,000
Regulatory Manager	50,000
Reserves and Facilities Manager	50,000
Project Engineer	50,000
Road Operations & Safety Co-ordinator	50,000
Libraries Manager	50,000
Project Engineer	50,000
Projects Manager	50,000
HR Manager	50,000
Project Manager	50,000

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Resource Consents Manager	50,000
Environmental Information Manager	50,000
Building Control Manager	50,000
Environmental Policy Manager	50,000
Customer Services Manager	50,000
<u>Transportation Network Engineer</u>	<u>50,000</u>
<u>Rivers and Coastal Engineer</u>	<u>50,000</u>
<u>Road Maintenance Programme Leader</u>	<u>50,000</u>
<u>Activity Planning Programme Leader</u>	<u>50,000</u>
<u>Project Manager</u>	<u>50,000</u>
Financial Accountant	20,000
Community Relations Manager	20,000
Programme Leader - IS Operations	20,000
Community Services Administrator	20,000
Reserves Officer	20,000
Revenue Accountant	20,000
Senior Management Accountant	20,000
Community Partnerships Coordinator	20,000
<u>Senior Property Officer Programme Leader</u>	<u>20,000</u>
Strategic Policy Manager	20,000
<u>Property Services Officer</u>	<u>20,000</u>
<u>Road Corridor Engineer</u>	<u>20,000</u>
<u>Technical Officer Engineering</u>	<u>20,000</u>
<u>Senior Activity Management Planner</u>	<u>20,000</u>
<u>Senior Horticulture Officer</u>	<u>20,000</u>

Note: Delegations of less than \$20,000 are not listed here but recorded in Council's Electronic Purchase Order System.

8.11 MAYOR'S ACTIVITY REPORT TO FULL COUNCIL

Information Only - No Decision Required

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Richard Kempthorne, Mayor
Report Number:	RCN18-06-11

1. Summary

- 1.1. The attached report is a commentary of the Mayor's activities for the months of May and June 2018 for Councillors' information.
- 1.2. For information, Councillors may be interested in the letter received for the Nelson Tasman Civil Defence Group.

2. Draft Resolution

That the Tasman District Council receives the Mayor's Activity Report to Full Council RCN18-06-11

- 1. receives the Mayor's Activity Report to Full Council RCN18-06-11; and**
- 2. notes the letter from Ministry of Civil Defence & Emergency Management regarding the strategy planning for recovery provisions in the Nelson-Tasman CDEM group plan**

1 Activities

- 1.1 Lindsay McKenzie and I met with representatives from the Tasman Heritage Trust on 17 May
- 1.2 I met with members of the Mapua Boat Club on 17 May to discuss their ongoing desire for a replacement boat ramp.
- 1.3 I attended the National Council meeting of LGNZ in Wellington on 18 May
- 1.4 I attended the documentary screening of “First Encounter 375” in Takaka on 19 May, which recorded the commemoration held in Golden Bay/Mohua last December
- 1.5 I presented a framed Enviroschools certificate and voucher to the Pinegrove Kindergarten in Brightwater on 21 May
- 1.6 I attended a meeting in Nelson at the NRDA offices on 21 May to discuss the development of a Te Tau Ihu Economic Development Strategy aim to support applications from Tasman, Marlborough and Nelson to the Provincial Growth Fund
- 1.7 I met, together with staff, members of the Waimea Old Boys to discuss initiatives to support their club on 22 May
- 1.8 I met with James Mather and Mayor Max Baxter of the Mayoral Task Force for Jobs on 22 May
- 1.9 I attended a meeting with Nelson City Council Mayor and Group Manager Corporate Service and Intepeople to discuss NRSBU recruitment on 22 May
- 1.10 On 23 May I attended the Joint Shareholders Committee meeting at Nelson City Council
- 1.11 I attended the poroporoake and powhiri for Janine Dowding at Whakatū Marae on 23 May
- 1.12 On 24 May I chaired the Full Council meeting in Chambers
- 1.13 As Mayor I welcomed the attendees at the Regional Brass Band Competition in Motueka on 26 May. This included the Marlborough, Nelson, Motueka and Westport Brass Bands. I took the Salute at the march and had the pleasure of conducting the combined brass band at Decks Reserve
- 1.14 On 28 May I attended and Chaired the LGNZ Policy Advisory Group meeting in Wellington
- 1.15 Myself and Mayor Rees met with Under Secretary Fletcher Tabuteau on 28 May
- 1.16 I attended a meeting at NRDA to discuss the development of a Te Tau Ihu strategy on 29 May
- 1.17 On 30 and 31 May I attended the LGNZ Water Summit in Wellington. At the time of writing this report I am seeking an opportunity to meet with Council staff then Council to discuss the Government initiatives to address safe drinking water in New Zealand and potentially the management of wastewater and stormwater. These are very significant changes that have been signalled by Government. I am on an LGNZ Reference Group and will seek Council feedback
- 1.18 On 30 May I was invited to a luncheon with Minister Phil Twyford in Wellington where he discussed possible ways to address the shortage and cost of housing.
- 1.19 On 1 June I attended a farewell for Blair Hall at the Richmond Police Station.

- 1.20 On 1 June I met with advisors to discuss the applications received for the Mayoral Relief Fund and make recommendations to myself and Councillors Brown and Ogilvie for the distribution of available funds.
- 1.21 On 2 June, in my capacity as Mayor, Jane and I attended the official launch of the Faalapotopotogra Tagata Samoa Nelson Tasman Community
- 1.22 On 5 June I welcomed the ELTO 48 students visit at Council
- 1.23 On 6 June I met with Derek Lucic, Director of Education for Nelson Marlborough West Coast
- 1.24 On 6 June I attended a webinar on “Health and Safety in Councils” organised by Equip. The webinar confirmed that Council has a comprehensive Health and Safety Policy that seems well fitting for the risks we face.
- 1.25 I was interviewed by Vivienne Tobassa, as a stakeholder in regional economic transformation on 6 June
- 1.26 On 6 June I met with Mayor Reese and others to discuss this year’s Port Nelson director recruitment
- 1.27 On 7 and 8 June I attended the Rural and Provincial Sector meeting in Wellington
- 1.28 I attended the Nelson Centre of Musical Arts (previously known as the Nelson School of Music) opening gala concert on 9 June. This was a wonderful presentation of local and national musical talent in the refurbished and earthquake strengthened building.
- 1.29 On 11 June, I introduced Janine Dowding to the Murchison and Districts Community Council meeting in Murchison following by brief trip through St Arnaud
- 1.30 On 12 June I attended the beginning of the Golden Bay Community Board meeting and introduced Janine.
- 1.31 I attended by telephone the LGNZ-DIA Three Waters Review Reference Group meeting on 12 June
- 1.32 I also attended the powhiri for Janine at Onetahua Marae on 12 June
- 1.33 I attended the Joint Land Development Manual – Plan Change Workshop in Chambers on 13 June
- 1.34 I met with Matt Arnold-Kelly of NZ Police in Nelson to discuss various policing matters
- 1.35 I attended the Economic Development Strategy meeting at NCC on 13 June
- 1.36 I attended the Environment and Planning Committee in Chambers on 14 June
- 1.37 I met with Councillors Sue Brown and David Ogilvie to finalise and confirm the Mayoral Relief Fund applications where we finalised the distribution of all of the finance made available to assist those affected by Cyclone Gita and Fehi.
- 1.38 I attended the TRMP Coastal Inundation Project workshop in Chambers on 14 June
- 1.39 I attended the Cawthron Institute Trust Board meeting in Nelson on 15 June

2 Other

- 2.1 Nelson Tasman Civil Defence Group has received the amended CDEM Group Plan

Appendices

1. Strategic Planning for Recovery Provisions in Nelson-Tasman CDEM Group Plan 325



**Ministry of Civil Defence
& Emergency Management**
Te Rākau Whakamarumarū

6 June 2018

To: Mayor Richard Kempthorne
Nelson-Tasman CDEM Group Joint Committee Chair

Dear Mayor Kempthorne

Strategic Planning for Recovery provisions in the Nelson-Tasman CDEM Group Plan

The Civil Defence Emergency Management Amendment Act 2016 introduced a requirement for all CDEM Group Plans to state and provide for strategic planning for recovery from 1 June 2018. The intent of this amendment was to strengthen the requirement for CDEM Groups to plan for recovery, and increase New Zealand's preparedness to support those affected by an emergency in the short, medium and long-term.

I would like to thank you for amending your CDEM Group Plan to meet the requirements and to acknowledge the effort that you and your Group have made to achieve this. The actions you take will ensure your communities are well-placed and supported to recover from emergencies from the hazards and risks identified in the CDEM Group Plan. I recognise this is a busy time for many councils with long-term planning processes, as well as response and recovery activities, so I commend your effort to complete these changes and thank you for your engagement with MCDEM throughout.

Amending your CDEM Group Plan is a significant milestone towards New Zealand being better prepared to recover from emergencies and MCDEM looks forward to continuing work with your Group to achieve this.

Yours sincerely

Sarah Stuart-Black
Director, CDEM

CC: Pat Dougherty, Nelson-Tasman CDEM Group Coordinating Executive Group Chair
Roger Ball, Nelson-Tasman CDEM Group Manager

8.12 CHIEF EXECUTIVE'S ACTIVITY REPORT**Information Only - No Decision Required**

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Janine Dowding, Chief Executive Officer
Report Number:	RCN18-06-12

1. Summary

- 1.1. This report updates Council on some key issues and on my activities since starting in the role on 28 May 2018. The first few weeks have been challenging, but very stimulating for me. It has been a mix of orientation to the organisation, introductions to staff and stakeholders and business as usual work. There is still a lot for me to learn, but I am feeling really well supported by Senior Management, staff and Councillors.
- 1.2. I would like to thank Councillors and staff for their support at the three powhiri held at Whakatu Marae, Onetahua Marae and Te Awhina Marae. I have also expressed our appreciation to Te Puni Kokiri staff Shane Graham and Melanie McGregor, and Dayveen Stephens from Inland Revenue for their advice and support.
- 1.3. I have spent some time with Councillors and thank the Lakes/Murchison and Motueka Councillors for the opportunity to tour their wards and learn more about the particular issues facing these communities. I also enjoyed the opportunity to participate in a discussion between Richmond Ward Councillors on the issues they are experiencing and the opportunities they see. I look forward to visiting the Golden Bay and Moutere/Waimea wards in the coming weeks.
- 1.4. My induction was well planned with scheduled attendance at a number of meetings and committees. Unfortunately I have not been able to attend all of those due to other demands. However I am pleased to have attended both the Golden Bay and Motueka Community Board meetings, the Community Development Committee, and the Murchison and Districts Community Council meeting.
- 1.5. Over the past few weeks a lot of my time has been spent on work surrounding the Golden Bay Grandstand (the Grandstand). Councillors will be aware that on 8 June 2018 Council was served with High Court proceedings in relation to the Grandstand. The case has been brought by the Golden Bay Grandstand Community Trust and the Golden Bay A&P Association. They have sought a judicial review of Council's decisions to demolish the Grandstand and have applied for interim relief to prevent demolition of the Grandstand while awaiting determination of the judicial review. A date has been set for the hearing on 27 June 2018.
- 1.6. I also received a Notice of Motion in relation to the Grandstand and have prepared a separate report on this matter for Council to consider at its meeting on 28 June 2018.
- 1.7. I understand Councillors have been briefed about the Capability and Capacity Review undertaken within the organisation, and that you would like further information on the final report from Liz Sinclair. I congratulate Lindsay on his foresight in commissioning the review and

assure Councillors that it is high on my priority list. I am still working through the report and intend to be in a position to provide more information to Councillors by September.

- 1.8. Also on the agenda for 28 June meeting are three reports relating to work on the Waimea Community Dam. For this reason I have not provided a separate status report, which I understand would normally be the case at a meeting of the Full Council. I have included an update on the Risk Register in this report.
- 1.9. In the past the Chief Executive's report has included some financial reporting. I understand that there are mechanisms in place for Council to receive quarterly financial reporting directly from the Finance team and so I will not duplicate that information in my activity reports to you.

2. Draft Resolution

That the Full Council

- 1. receives the Chief Executive's Activity Report report RCN18-06-12; and**
- 2. notes the Council Action Sheet.**

3. Purpose of the Report

- 3.1. The purpose of this report is to advise Council about some key issues and about my activities since commencing the role on 28 May 2018.

4. Golden Bay Grandstand

Overview of High Court Proceedings

- 4.1. On 8 June 2018 the Council was served with High Court proceedings taken by the Golden Bay Grand Stand Community Trust Incorporated (the Grandstand Trust) and the Golden Bay Agricultural and Pastoral Association Incorporated (A&P Association) (together the Applicants) in relation to the Golden Bay Grandstand.
- 4.2. The Applicants have sought:
- i. a judicial review of Council's decisions to demolish the grandstand (the substantive hearing); and
 - ii. interim relief to prevent demolition of the grandstand while awaiting determination of the substantive hearing (interim relief hearing); and
 - iii. an undertaking that the Council would not take any steps to demolish the grandstand while awaiting determination on the interim relief hearing.
- 4.3. The Council has given an undertaking that it will not take any steps to demolish the grandstand until there is a determination on the interim relief application. The interim relief hearing is scheduled for the 27th of June and I will provide a verbal update to Councillors at the Full Council Meeting on 28 June 2018.

5. Waimea Water Project

- 5.1. At the last meeting Councillors asked for a copy of the Risk Register. I am advised that the Risk Register is being developed as an integral part of the ECI work on construction methodology and pricing. During the latter part of May and in June, substantial work has gone into identifying project risks and researching measures that either mitigate or quantify them. The Risk Register will form an integral part of the overall project outturn estimates. It will be developed to be meaningful in the latter half of July and further information will be available to Councillors at that time.

6. Managing People

- 6.1. There has only been one event since the last CEO report Full Council and this was an allergic reaction to something in the office environment. A low humidity level is the suspected cause of this and given this is not the first reported event of this nature humidity testing/monitoring is being arranged.
- 6.2. Staff have made good progress on our asbestos management responsibilities and an overarching Asbestos Management Plan is near completion. We also have first generation Asbestos Location Management Plans for each of our Council owned buildings, and asbestos

awareness training for staff most likely to come into contact with asbestos has been arranged for mid-July.

- 6.3. This year's Collective Employment Agreement negotiation (CEA) bargaining has concluded. A terms of settlement has been agreed to and is in the process of being ratified by the members. Increases across the grades ranged from 1.7% to 3.4% (with an average of 2.4%). The term of the new CEA is for two years with a mid-term variation agreement to negotiate salary grade increases only.
- 6.4. As stated in the previous report, our annual performance conversation (appraisal) process will conclude for this 12-month cycle by the end of July and any salary adjustments will be incorporated into the market movements agreed to in this year's CEA negotiations.
- 6.5. We are currently at various stages of recruiting for a:
- Online Communications Officer (new position)
 - Administration Officer – Property Services (replacement)
 - Administration Officer – Transportation (replacement)
 - Environmental Monitoring Officer (replacement)
 - Quality Improvement Officer – Building Assurance (replacement)
 - Urban Growth Co-ordinator (replacement)
 - Consent Planner – Land Development (replacement)
 - Finance Manager (replacement)
 - Information Management Officer – EDRMS (replacement)
- 6.6. Since the CEO last report to Full Council, 16 appointments have been made:
- Principal Legal Advisor (replacement)
 - Consent Planner – Land Use 12 Months fixed term (replacement)
 - Senior Transportation Engineer (replacement)
 - Project Manager (replacement)
 - Customer Services Officer – fixed term (Golden Bay replacement)
 - Customer Services Offices x 2 – (Richmond replacement)
 - Financial Accountant (replacement)
 - Development Contributions Administrator (new position)
 - Executive Support Officer (new position)
 - Partnerships & Education Officer (replacement)
 - Port Assistant – Port Tarakohe (replacement)
 - Technical Officer – Transportation (replacement)
 - Senior Building Technical Officer (replacement)
 - Building Technical Officer x 2 (replacement)

7. Relationship Management

- 7.1. Most of my time in the role so far has been spent working through a broad orientation programme. This has included time with the Councillors, Senior Management and staff as well as introductions to community groups and key stakeholders in the district. It has been challenging and extremely busy, but also very stimulating. As I get to know Councillors and staff and learn more about the organisation and the sector, I look forward to working with you all on some of the challenges that lie ahead.
- 7.2. The powhiri held at Whakatu, Onetahua and Te Awhina marae have been well attended by the Mayor, a number of Councillors, staff and other agencies. Iwi have expressed a desire to build a more collaborative partnership with the Council and I will be putting my mind to this over the coming months.
- 7.3. There have been various meetings with the Nelson City Council Mayor and CEO to discuss projects of common interest. I look forward to building the relationship.

8. Council Action Sheet

- 8.1. A copy of the Council Action Sheet is attached for Councillors' information.

9. Attachments

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| 1. Council Action Sheet - 28 June 2018 | 333 |
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Action Sheet – Full Council as at 24 May 2018

Item	Action Required	Responsibility	Completion Date/Status
Meeting Date 23 March 2017			
Remuneration of Independent Member to Nelson Regional Sewerage Business Unit (NRSBU)	Draft Policy and procedure for appointing and remunerating independent members of Council committees and business units	Corporate Services Manager / Finance Manager	A report on remuneration went to the 24 May 2018 Full Council meeting. Staff are progressing work on the balance of the Policy, which will be completed by the new Finance Manager later in the year.
Meeting Date 14 December 2017			
Reserve Management Plans (RCN17-12-02)	Include budget of \$70,000 for the implementation of Freedom Camping Bylaw.	Senior Management Accountant	An additional \$10,000 is required for this budget – this received endorsement by resolution of Council at the Long Term Plan Deliberations meeting Friday 4 May 2018.
Mayor and Chief Executive Activity Report (RCN17-12-16)	Conclude an agreement on the purchase of the joint venture partner's 80% interest in the Howard Forest Joint Venture on the terms recommended by the Commercial Committee and confirmed by Council.	Property Services Manager / Commercial Portfolio Manager	COMPLETE – this will come back to Council at a future date if the Partner wishes to proceed.
Meeting Date 22 February 2018			
Waimea Community Dam Consultation Document - Statement of Proposal for Governance and Funding Arrangements report (RCN18-02-01)	Staff to notify submitters of the outcome of Council's 1 & 2 February 2018 decision on the Dam, including the reasons as outlined in section 4.12 of the report; Staff to release a question and answer sheet to submitters on the technical matters about the Dam project as discussed at the deliberations.	Chief Executive/ Strategic Policy Manager	COMPLETE – letters sent and Q&A sent.

Item	Action Required	Responsibility	Completion Date/Status
Amendment of Tasman District Council Standing Orders to enable Youth Council Representative attendance at Council Standing Committee Meetings	Amend the Standing Orders of Council's Standing Committees (Environment and Policy, Community Development and Engineering Committees) in accordance with resolution CN18-02-12	Governance Advisor	COMPLETE – updated versions posted on Councils website.
Meeting Date 5 April 2018			
Recovery from Ex-Cyclones Fehi and Gita	Report back on the overall deficit in operating budgets affected by the weather event, including the impact on the General Disaster Reserve, Rivers Emergency and Parks and Reserves Emergency Funds.	Engineering Services Manager/Recovery Manager	Reported to 24 May 2018 Full Council meeting. Further information will be available at the end of the financial year.
Referral of the Saxton Field Committee Minutes and Recommendations	Review the overall work plan and report back on whether work on the playground can be brought forward.	Community Development Manager/Reserves and Facilities Manager	COMPLETE - considered at the LTP Deliberations meeting.
Waimea Community Dam – CCO Formation	Complete Company legal formation, develop the Company constitution and initiate recruitment process for directors	Chief Executive Officer/Corporate Services Manager	Material matters will be reported back to Council as they develop.

Item	Action Required	Responsibility	Completion Date/Status
Meeting Date 24 May 2018			
Waimea Dam Project Report (RCN18-05-04)	<p>Report back on the proposed wording of the draft Local Bill and on the process and timetable for progressing it.</p> <p>Provide Councillors with further details of the existing Risk Register.</p>	<p>Environment and Planning Manager</p> <p>Chief Executive</p>	<p>Report on the agenda for the 28 June 2018 Full Council meeting.</p> <p>Included in Chief Executive's Activity Report to the 28 June 2018 Full Council meeting.</p>
Chief Executive's Activity Report (RCN18-05-07)	Share further details of the Capability and Capacity report with Councillors for their information.	Chief Executive	The Chief Executive will provide an update to Councillors at the 28 June 2018 Full Council meeting.
Long Term Plan 2018-2028 (LTP) Council Directions (RCN18-05-01)	Report back on the options for Councillors to view the term sheets of the intended Joint Venture partners ahead of any agreement being finalised.	Corporate Services Manager	Report on the agenda for the 28 June 2018 Full Council meeting.
Initial Proposal for Representation Review 2018 (RCN18-05-05)	Publically notify Council's Initial Representation Review proposal in Newsline and subsequent Newsline updates, inviting submissions from members of the public, for a period of one month from the date of the first publication.	Community Relations Manager	COMPLETE - notified in three editions of Newsline, on Council's website and there has been radio cover.

8.13 MACHINERY RESOLUTIONS REPORT**Decision Required**

Report To:	Full Council
Meeting Date:	28 June 2018
Report Author:	Rhian Williams, Administration Assistant - Governance
Report Number:	RCN18-06-13

EXECUTIVE SUMMARY

The execution of the following documents under Council Seal require confirmation by Council.

RECOMMENDATION/S

That the report be received and that the execution of the documents under the Seal of Council be confirmed.

DRAFT RESOLUTION

That the Tasman District Council receives the Machinery Resolutions report RCN18-06-13 and that the execution of the following documents under the Seal of Council be confirmed:

- **Deed – Wensley Road Developments – Uplift a deferral over land to become residential.**
- **Deed Of Agreement – Goldpine – 500L1 - Renewed Licence to Occupy Carpark for a further four years.**

9 CONFIDENTIAL SESSION

9.1 Procedural motion to exclude the public

The following motion is submitted for consideration:

That the public be excluded from the following part(s) 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 follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

9.2 Waimea Water Augmentation Scheme - Local Bill

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	<p>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>