



AGENDA

Teviot Valley Community Board Meeting Thursday, 2 February 2023

Date: Thursday, 2 February 2023

Time: 2.00 pm

Location: Roxburgh Service Centre, 120 Scotland
Street, Roxburgh

(A link to the live stream will be available on the Central Otago District Council's website.)

**Sanchia Jacobs
Chief Executive Officer**

Notice is hereby given that a meeting of the Teviot Valley Community Board will be held in Roxburgh Service Centre, 120 Scotland Street, Roxburgh and live streamed via Microsoft Teams on Thursday, 2 February 2023 at 2.00 pm.

The link to the live stream will be available on the Central Otago District Council's website.

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Members Cr N Dalley (Chairperson), Cr M Jessop, Cr S Feinerman, Ms G Booth, Mr R Read

In Attendance T Cadogan (Mayor), S Jacobs (Chief Executive Officer), S Righarts (Group Manager - Business Support), D Rushbrook (Group Manager - Community Vision), D Scoones (Group Manager - Community Experience), L van der Voort (Group Manager - Planning and Infrastructure), W McEnteer (Governance Manager)

1 APOLOGIES

2 PUBLIC FORUM

3 CONFIRMATION OF MINUTES

Teviot Valley Community Board meeting - 24 November 2022

**MINUTES OF A MEETING OF THE
TEVIOT VALLEY COMMUNITY BOARD
HELD IN THE ROXBURGH SERVICE CENTRE, 120 SCOTLAND STREET, ROXBURGH
AND LIVE STREAMED VIA MICROSOFT TEAMS ON THURSDAY, 24 NOVEMBER 2022
COMMENCING AT 2.00 PM**

PRESENT: Cr N Dalley (Chairperson), Cr M Jessop, Cr S Feinerman, Ms G Booth,
Mr R Read

IN ATTENDANCE: T Cadogan (Mayor), S Jacobs (Chief Executive Officer), L van der Voort
(Group Manager - Planning and Infrastructure), S Righarts (Group Manager -
Business Support), D Rushbrook (Group Manager- Community Vision),
D Scoones (Group Manager – Community Experience), G Bailey (Parks and
Recreation Manager), Q Penniall (Infrastructure Manager), S Finlay (Chief
Financial Officer), K McCullough (Senior Project and Commercial Accountant),
M de Cort (Communications Coordinator), W McEnteer (Governance
Manager), J Harris (Governance Support Officer)

1 APOLOGIES

There were no apologies.

2 PUBLIC FORUM

There was no public forum.

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Feinerman
Seconded: Jessop

That the public minutes of the Teviot Valley Community Board Meeting held on 2 November 2022
be confirmed as a true and correct record.

CARRIED

4 DECLARATION OF INTEREST

Members were reminded of their obligations in respect of declaring any interests. There were no
further declarations of interest.

5 REPORTS

22.7.2 GROVERS HILL RECREATION RESERVE RE-PLANTING OPTIONS

To consider options for replanting Grovers Hill forestry plantation.

COMMITTEE RESOLUTION

Moved: Jessop
Seconded: Booth

That the Teviot Valley Community Board

- A. Receives the report and accepts the level of significance.

CARRIED

COMMITTEE RESOLUTION

Moved: Booth
Seconded: Read

- B. Agrees that the Roxburgh Recreation Reserve area – Grovers Hill is replanted with eleven hectares of *Pinus attenuata* and one hectare of mixed natives.

CARRIED

22.7.3 ROAD NAME APPROVAL REPORT - OFF TEVIOT ROAD

To consider a request to name a right of way in Millers Flat.

COMMITTEE RESOLUTION

Moved: Booth
Seconded: Jessop

That the Teviot Valley Community Board

- A. Receives the report and accepts the level of significance.

CARRIED

COMMITTEE RESOLUTION

Moved: Jessop
Seconded: Booth

- B. Agrees that the right of way off Teviot Road be named Kaylea Lane.

CARRIED

22.7.4 TEVIOT VALLEY FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2022

To consider the financial performance overview as at 30 September 2022.

COMMITTEE RESOLUTION

Moved: Feinerman
Seconded: Jessop

That the report be received.

CARRIED

6 MAYOR'S REPORT**22.7.5 MAYOR'S REPORT**

His Worship the Mayor gave an update on his activities since the last meeting before responding to questions.

COMMITTEE RESOLUTION

Moved: Dalley
Seconded: Feinerman

That the Teviot Valley Community Board receives the report.

CARRIED

7 CHAIR'S REPORT**22.7.6 CHAIR'S REPORT**

The Chair gave an update on activities and issues since the last meeting.

- Attended two business breakfast meetings.
- Attended the Prizegiving at Roxburgh Area School.

COMMITTEE RESOLUTION

Moved: Booth
Seconded: Jessop

That the report be received.

CARRIED

8 MEMBERS' REPORTS**22.7.7 MEMBERS' REPORTS**

Members gave an update on activities and issues since the last meeting:

Cr Feinerman reported on the following:

- Attended the River Track walkway upgrade inauguration with Department of Conservation.
- Attended the Teviot Valley group for fruit growers to discuss ways to attract fruit workers and have things for them to do.
- Advised that the Swimming Pool project will be completed end of March/early April.
- Advised that a Calendar of events is being put together and a new event is being held in December 2022 and February 2023 for new people and visitors.

Ms Booth reported on the following:

- Attended the AGM at the Teviot Valley Rest Home.

Mr Read had nothing to report.

Mr Jessop reported on the following:

- Attended a 3 Waters meeting hosted by the local MP.
- Attended a Lake Onslow meeting.
- Attended an ORC meeting discussing regional water plans.
- Attending a Museum meeting later this week.
- Attended a breakfast meeting at the Millers Flat hall.

COMMITTEE RESOLUTION

Moved: Dalley
Seconded: Feinerman

That the report be received.

CARRIED

9 STATUS REPORTS

22.7.8 NOVEMBER 2022 GOVERNANCE REPORT

To report on items of general interest, receive minutes and updates from key organisations and consider the legacy and current status report updates.

COMMITTEE RESOLUTION

Moved: Dalley
Seconded: Jessop

That the report be received.

CARRIED

10 DATE OF THE NEXT MEETING

The date of the next scheduled meeting is 2 February 2023.

11 RESOLUTION TO EXCLUDE THE PUBLIC

COMMITTEE RESOLUTION

Moved: Feinerman
Seconded: Booth

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

The general subject matter 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 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under section 48 for the passing of this resolution |
|--|--|--|
| 22.7.9 - November 2022 Confidential Governance Report | s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7 |

CARRIED

The public were excluded at 2.53 pm and the meeting closed at 3.03 pm.

4 DECLARATION OF INTEREST

23.1.1 DECLARATIONS OF INTEREST REGISTER

Doc ID: 606809

1. Purpose

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

2. Attachments

Appendix 1 - TVCB Declarations of Interest [↓](#)

| Name | Member's Declared Interests | Spouse/Partner's Declared Interests | Council Appointments |
|-----------------|---|--|---|
| Gill Booth | | | Teviot Valley Rest Home Roxburgh and District Medical Services Trust |
| Norman Dalley | Martel International Limited (Sole Director/Shareholder) Gilmour Development Limited (Sole Director/Shareholder) North Hill Limited (Sole Director/Shareholder) Teviot Valley Rest Home Incorporated (Chair) Roxburgh Entertainment Centre Improvement and Promotions Incorporated (Treasurer/Committee member) Dalley Family Trust (trustee) Teviot Prospects (member) Teviot Valley Rest Home Ltd (Director) | 217 Scotland Street, Roxburgh (Property Owner) Gilchrist Town Orchard Limited (Shareholder/Director) Roxburgh and Districts Medical Services Trust (trustee) Roxburgh Entertainment Centre Improvement and Promotions Incorporated (committee member) | I and H McPhail Charitable Trust Roxburgh Cemetery Trust Committee Roxburgh Swimming Pool Redevelopment Committee |
| Sally Feinerman | Feinerman's Ltd, 109 Scotland Street (Owner / Director) Roxburgh Pool Committee (Chair) Sally Feinerman Trust (Trustee) Feinerman Family Trust (Trustee) MPI Teviot Valley Community Hubs group | Breen Construction (employee / builder) | Ida MacDonald Charitable Trust Teviot Prospects |

| | | | |
|--------------|---|--|---|
| Mark Jessop | Hillside Family Trust (Trustee) Sunny Days Trust (Trustee) Faigans Hospitality Ltd (director) Teviot Prospects (Trustee) | Hillside Family Trust (Trustee) Sunny Days Trust (Trustee) Faigans Hospitality Ltd (manager) | Teviot Museum Committee Ida MacDonald Charitable Trust |
| Russell Read | Central Otago Districts Arts Trust (Trustee) Community Garden (Member) Cancer Society (Councillor) Southland Boys HS Old Boys Association (Committee) Central Otago Arts Society (member) | | I and H McPhail Charitable Trust Tuapeka County Bursary Fund Committee |

5 REPORTS

23.1.2 APPLICATION TO STOP PART OF BRANXHOLM STREET

Doc ID: 605823

1. Purpose of Report

To consider an application to stop an unformed section of Branhholm Street, to legalise an historic encroachment, in accordance with the provisions of the Public Works Act 1981.

Recommendations

That the Teviot Valley Community Board

- A. Receives the report and accepts the level of significance.
 - B. To recommend to Council to approve the proposal to stop the unformed portion of Branhholm Street identified as Section 1 in figure 5, being approximately 268 square metres, subject to:
 - The applicants paying for the land identified as Section 1 at valuation of \$35,000 including GST (if any).
 - The applicants paying all other costs associated with the stopping.
 - The applicant obtaining the consent of the owner of Lot 1 DP 7225.
 - A covenant being registered over the area identified in figure 18.
 - The land being amalgamated with record of title OT400/197 (Lot 1 DP 4138).
 - The final survey plan being approved by the Chief Executive Officer.
 - C. Authorises the Chief Executive to do all that is necessary to give effect to the resolution.
-

2. Background

Ownership, Occupation, and Management of Legal Roads

All legal roads were originally vested in the Crown pursuant to the Public Works Act 1876.

In 1979, all legal roads (other than government or state highways) vested in fee simple in the council of the district in which they were situated, making councils road controlling authorities.

Each road controlling authority manages their roading network in accordance with a selection of legislation such as the Local Government Acts 1974 and 2002, the Land Act 1948, and the Land Transport Act 1998.

Road controlling authorities also have the power to make bylaws and policies to assist with the ongoing management of their roads.

Many unformed legal roads, or parts thereof, appear to be incorporated into adjoining properties, however adjoining property owners have no legal right of occupation or ownership of unformed legal roads, or any part thereof, irrespective of how many years they have been occupying the land as their own.

While the legislation governing the use of legal roads does not differentiate between formed and unformed roads, the Land Act 1948 and the Land Transfer Act 2017 prohibit claims of

adverse possession of a road or any other land that is vested in trust for public use. This is because the right of the general public to pass and repass over any legal road is held in perpetuity.

Stopping Legal Roads

To 'stop' a legal road or any part thereof, the legal road status must first be revoked. This enables the land to be freeholded, then sold if it is determined to be surplus to the road controlling authority's operational requirements.

Roads can be stopped subject to the provisions of the Public Works Act 1981 or the Local Government Act 1974.

Examples of road being surplus to requirement include the legal road being much wider than the formed road or the legal road being located on land that is not physically able to be formed.

A more common reason for stopping legal road is to address an encroachment.

Encroachment

A property encroachment occurs when someone or something traverses the legal property boundary.

A roading encroachment occurs when public access to a legal road is restricted, or where an area of legal road has been occupied for private use. For example, a building or a fence which extends onto the legal road, or a balcony which protrudes over the legal road.

If an encroachment is identified, the current owner of the property is responsible for the encroachment regardless of when the structure was erected.

Branxholm Street

Branxholm Street (the road) starts at Edinburgh Street. It runs southwest, parallel to Scotland Street, then terminates at the intersection of Till Street.

It is a low volume road which is somewhat disjointed, and only partially formed. The road has an overall length of approximately 1,360 metres. Its width varies from around 15 to 22 metres.

An overview of the road is shown below in figure 1.

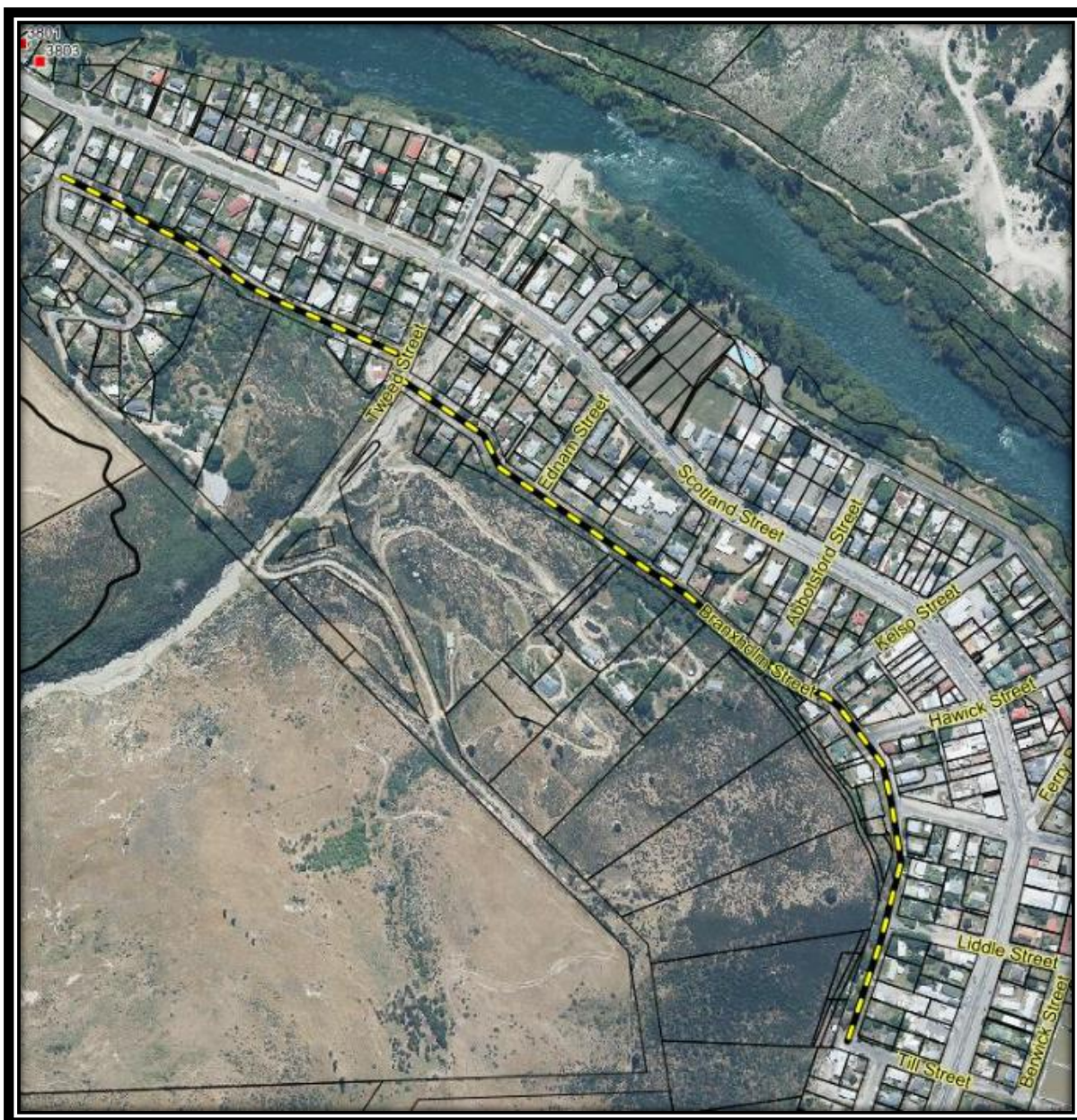


Figure 1 – Overview of Branhholm Street.

The Property

Noel and Sharyn Millar (the applicants) own the property at 150 Branhholm Street (the Property). The Property is situated at the southernmost end of Branhholm Street, adjacent to the western end of Till Street.

The Property is contained in records of title OT400/197 and OT1C/1032. Record of title OT400/197 consists of two parcels of land, both parcels are described as Lot 1 Deposited Plan (DP) 4138.

Record of title OT1C/1032 consists of a single parcel of land which is described as Section 15 Block XXIV Town of Roxburgh (Section 15).

Section 15 was originally part of a Crown owned water race which ran through and/or behind a number of properties off the western side of the road. Several titles were issued for the land under the water race in 1964 with the Crown then disposing of the titles to the adjacent property owners.

Section 15 dissects Lot 1 DP 4138 which is why Lot 1 is contained in two parcels. The Property has a total area of 1,043 square metres more or less.

An overview of the Property is shown below in figure 2.

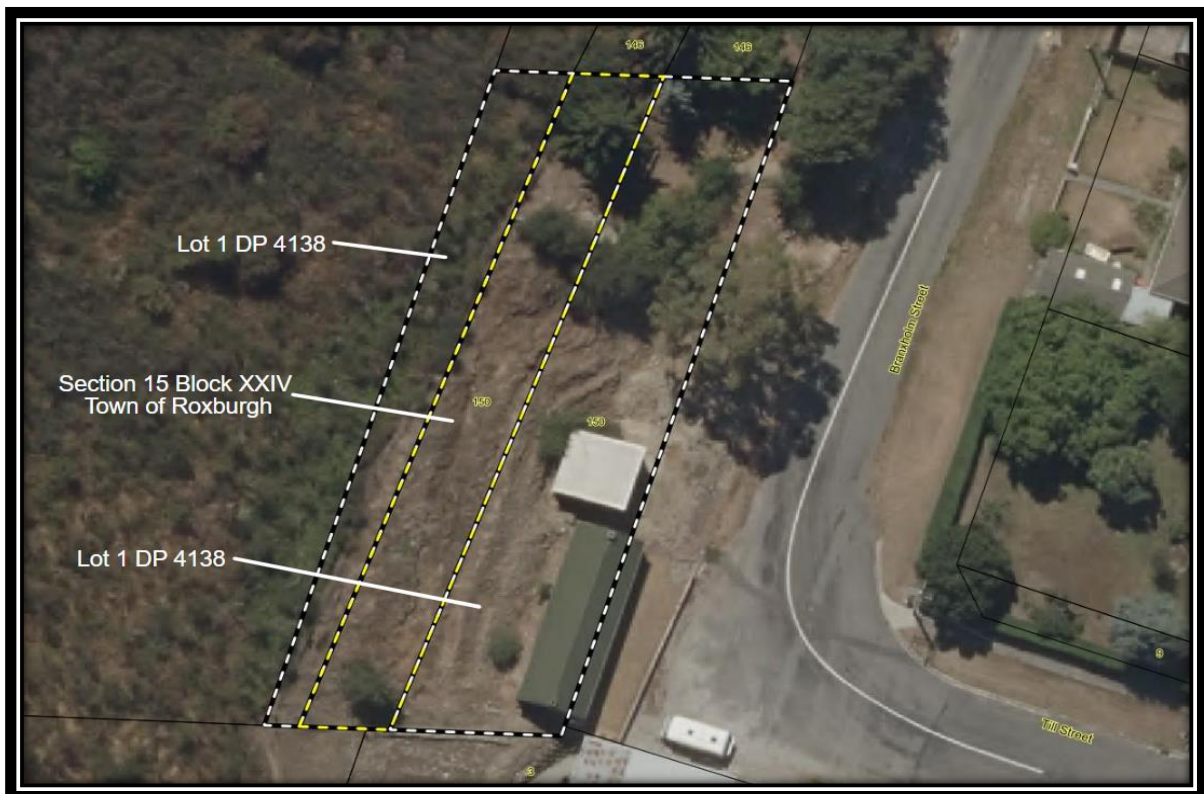


Figure 2 – Overview of the Property situated at 150 Bransholm Street.

The applicants purchased the Property in June 1990. There is no evidence of a LIM being obtained in conjunction with that purchase.

Improvements on the Property include an historic stone cottage (the cottage), and a sleepout with ablutions and a small deck. Records indicate that the cottage was constructed in the 1870's. The applicants moved the sleepout onto the Property in 2009 after obtaining building and land use (resource) consents.

The building consent provided for the relocation of the sleepout, and the ground works associated with its placement. Land use consent was also required as the applicants proposed to breach yard requirements by placing the sleepout closer to the Bransholm Street boundary than is permitted under District Plan rules.

Applications to breach yard requirements must give consideration to the adverse effects the proposed breach may have on the amenity value of the surrounding environment. The surrounding environment includes neighbouring properties, water bodies, the character of the streetscape, the roading network, infrastructure, and heritage values.

An application for resource consent may be considered non notified if the effects are not more than minor and affected parties have provided written approval. Where written approvals are provided effects on those parties cannot be considered in the consent process. In a roading context, affected parties are likely to be adjoining landowners.

As the applicants proposed to breach the road frontage, the Central Otago District Council (Council), as road controlling authority, was identified as an affected party.

On consideration, the breach was deemed to have no adverse effect on the roading network and affected party approval was given. It was also determined that adverse effects on the wider surrounding environment would be no more than minor, with land use consent being granted in March 2009.

Boundary Issues and Geographic Information Systems

Notes attached to the building consent file indicate that the applicants first contacted Council regarding their plans to relocate the sleepout to the Property in early 2008. The file also indicates that there were concerns regarding the identification of the true legal property boundary.

In that same year (2008) the applicants engaged a surveyor to identify their true legal boundaries.

While carrying out that work, the surveyor recorded the northern and southern boundaries as being 'out' slightly and the eastern and western boundaries as being 'out' quite significantly in comparison to the cadastral boundaries and aerial photography overlay on the Geographic Information System records.

Geographic Information Systems (GIS) are computer-based tools which are used to capture, store, visualise, and analyse digitised spatial records. The base layer of GIS is the parcel layer being a digitised version of property boundaries which have been defined by cadastral survey, then approved by Toitū Te Whenua Land Information New Zealand (LINZ), as the owner of New Zealand's cadastral data.

Some versions of GIS, such as those used by local authorities, are complex as they contain numerous additional layers. An example of the base parcel data being attributed to LINZ is shown on the bottom of all maps that are printed from Council's GIS as shown below in figure 3.

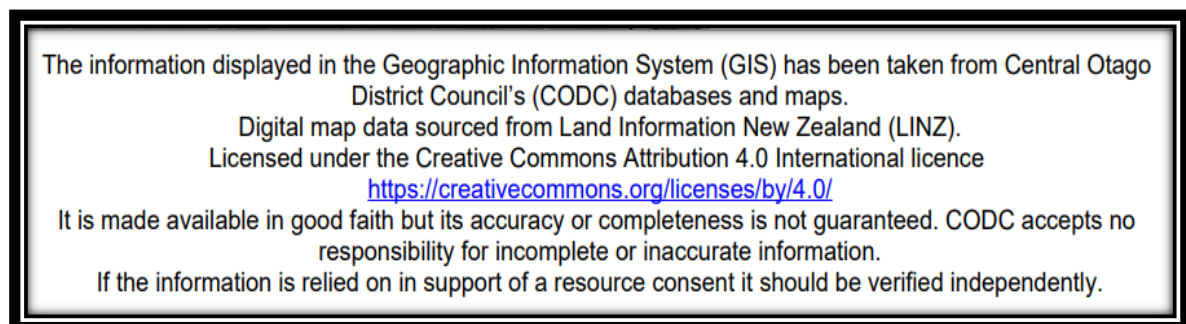


Figure 3 – GIS Disclaimer

In 2015, the applicant's surveyor submitted the new digitised survey data to LINZ, and they were asked to correct the base parcel layer.

Corrections to base parcel layer are called rubber-sheeting. Rubber-sheeting is the process of identifying the true legal boundary geospatially by overlaying and comparing the newly digitised survey data to the existing spatial record. If the existing spatial record is found to be 'out', LINZ will adjust it to reflect the true legal boundaries.

Rubber-sheeting has become increasingly common since the introduction of digital survey plans in 2007. It also means that the accuracy of LINZ's geospatial records have improved considerably during the last 15 years.

In areas like Roxburgh, which have experienced little or no redevelopment during recent times, the digitised spatial records are known to be very unreliable.

LINZ confirmed the surveyor's findings, then corrected their geospatial records accordingly.

A plan of the Property, as it was shown in GIS prior to the 2015 correction, is shown below in figure 4.



Figure 4 – Extract of the Base Parcel Layer Prior to Correction in 2015.

Post correction, the digitised version of the base parcel layer was noted as being consistent with the title plan. The correction also showed that the cottage encroached over the Branhholm Street boundary as shown previously in figure 2.

Application to Stop

Since having their true legal boundaries identified by a surveyor in 2008, the applicants have contacted Council to discuss remedying the encroachment of the cottage.

The applicants were advised that a simple road stopping, undertaken at their cost, would enable them to rectify the encroachment. The applicants advised they do not consider they are responsible for the encroachment.

In July 2022, the applicant's lawyer lodged an application to stop an unformed section of Branhholm Street. A plan of the proposed stopping, which identified the road to be stopped as Section 1, is shown below in figure 5.



Figure 5 – Plan of Section 1 (Road to Stopped).

The purpose of the stopping was noted as being to resolve an historic encroachment that had stemmed from “a careless Crown surveying exercise” in the 1930s which resulted in the culturally significant cottage technically encroaching onto Council's unformed legal road.

The application also noted that the applicants had unwittingly inherited mistakes of the past and that they have maintained the berm at their own expense, even though the berm is located on Council's legal road.

As the applicants believe the encroachment is not their responsibility, they also believe the proposed stopping should be undertaken at Council's cost with the land identified as Section 1 then being transferred to them for \$1.00.

In consideration of the applicant's position and to understand the costs, it was agreed that Section 1 would be valued (at the applicant's cost) prior to the presentation of this report.

3. Discussion

Imperial Survey Plans

Prior to the introduction of the metric system in the 1970's, surveyors recorded the survey, occupation, and title data on a single plan. They were also required, by law, to record the details of any encroachment. These plans are known as imperial survey plans.

DP 4138 is an imperial survey plan which dates back to August 1930. A full copy of DP 4138 is shown below in figure 9.

The survey plan is extensively detailed drawing to the centre right of the plan. The survey plan shows the details of both the subject land and surrounding properties, the water race and roads, along with the observation data and occupation details as they were at the time.

The Roxburgh Borough Council approved the survey plan in December 1930.

The title plan is the simpler drawing next to the left hand margin. The Deputy Chief Surveyor approved the title plan in June 1937.

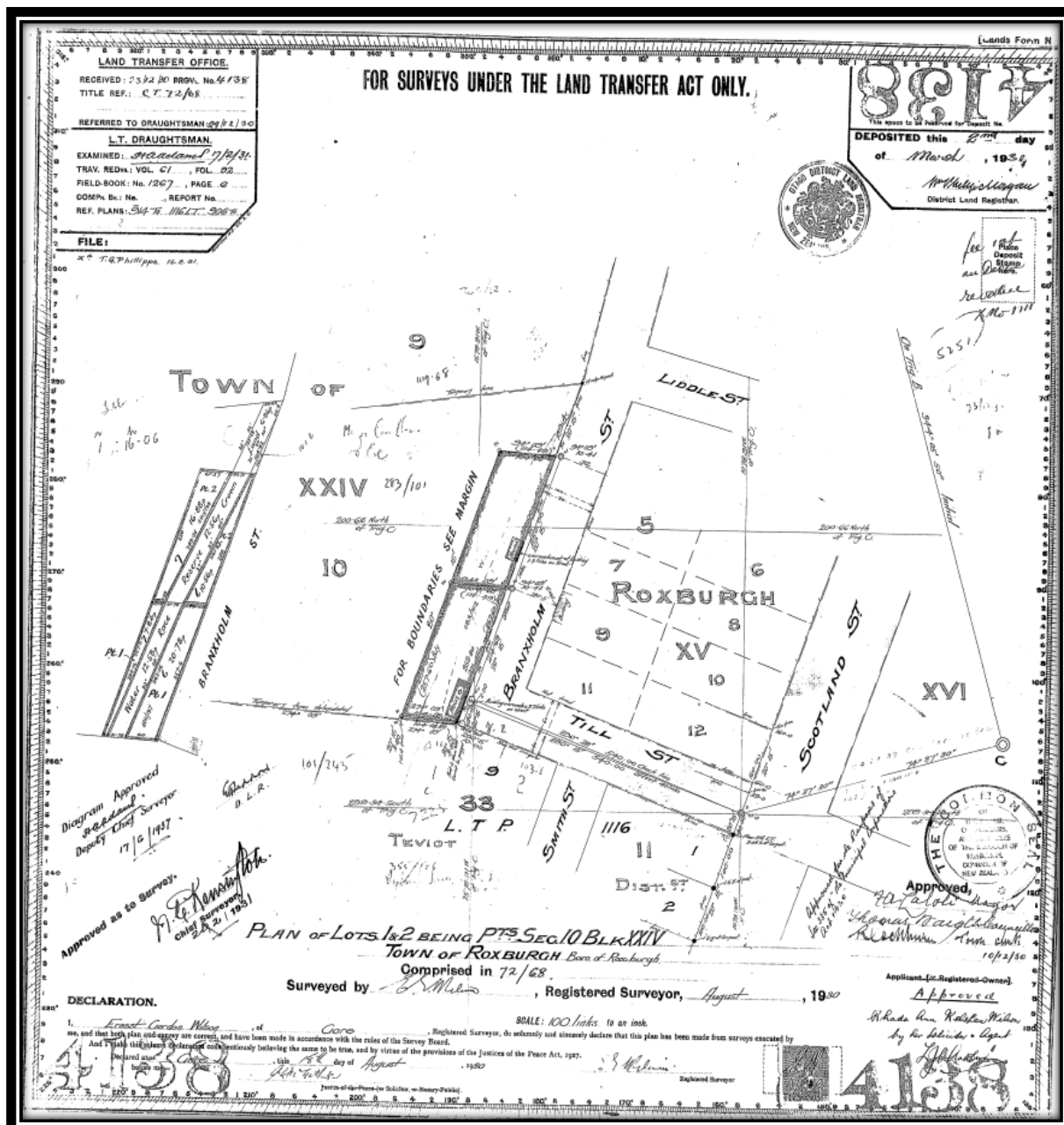


Figure 9 – Full Copy of DP 4138

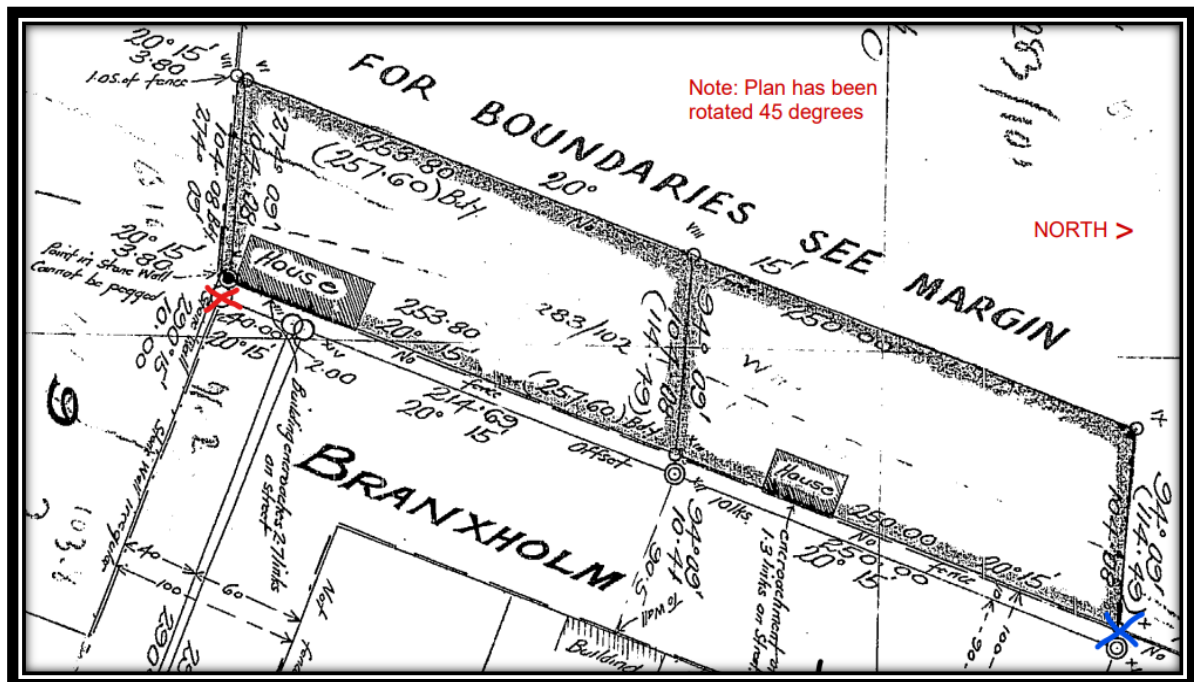
Surveying (cadastral) is the discipline of land surveying that relates to the laws of land ownership and the definition of property boundaries. Approving a survey or title plan relates purely to the proposed subdivision of the land.

The survey plan for DP 4138 identifies a number of occupations including fences, stone walls, and a building on an adjacent property. It also records two encroachments to road. The encroachment and other occupation notes are highlighted in the magnified extract of the survey plan which is shown below in figure 10. The applicant's cottage is shaded pink.

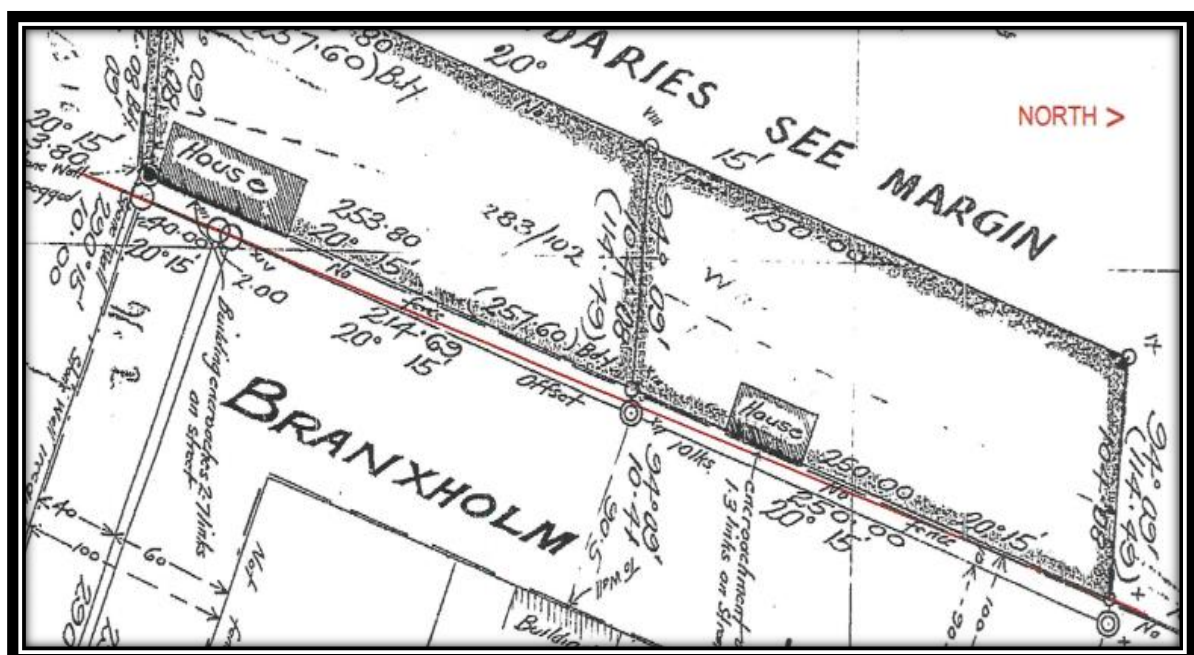


Item 23.1.2 - Report author: Statutory Property Officer

While it is an offence to move or remove a survey peg, they are often buried or lost over time. If the stone wall was constructed over the original survey peg, it is conceivable that the point marked with the red 'x' in figure 11, may have been taken to be the legal boundary marker.



For example, if a straight line is drawn from the point marked with the red 'x' in figure 11, to the north eastern boundary point which is represented by the blue 'x', the incorrect boundary could have been assumed. If that was the case, the encroachment would not have been identified until the second survey was undertaken in the 1930s.



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Roading Network

As noted previously, Branholt Street is a low volume road which is somewhat disjointed, and only partially formed with the legal road width varying from around 15 to 22 metres.

The section of road which the applicants propose to stop varies from approximately 3.6 metres wide to 6.8 metres wide. This would leave a clearance of around 2 metres between the proposed new boundary and the formed carriageway.

Overall, a legal road width of approximately 15 to 17 metres would be retained as shown below in figure 13, which is sufficient for roading purposes.

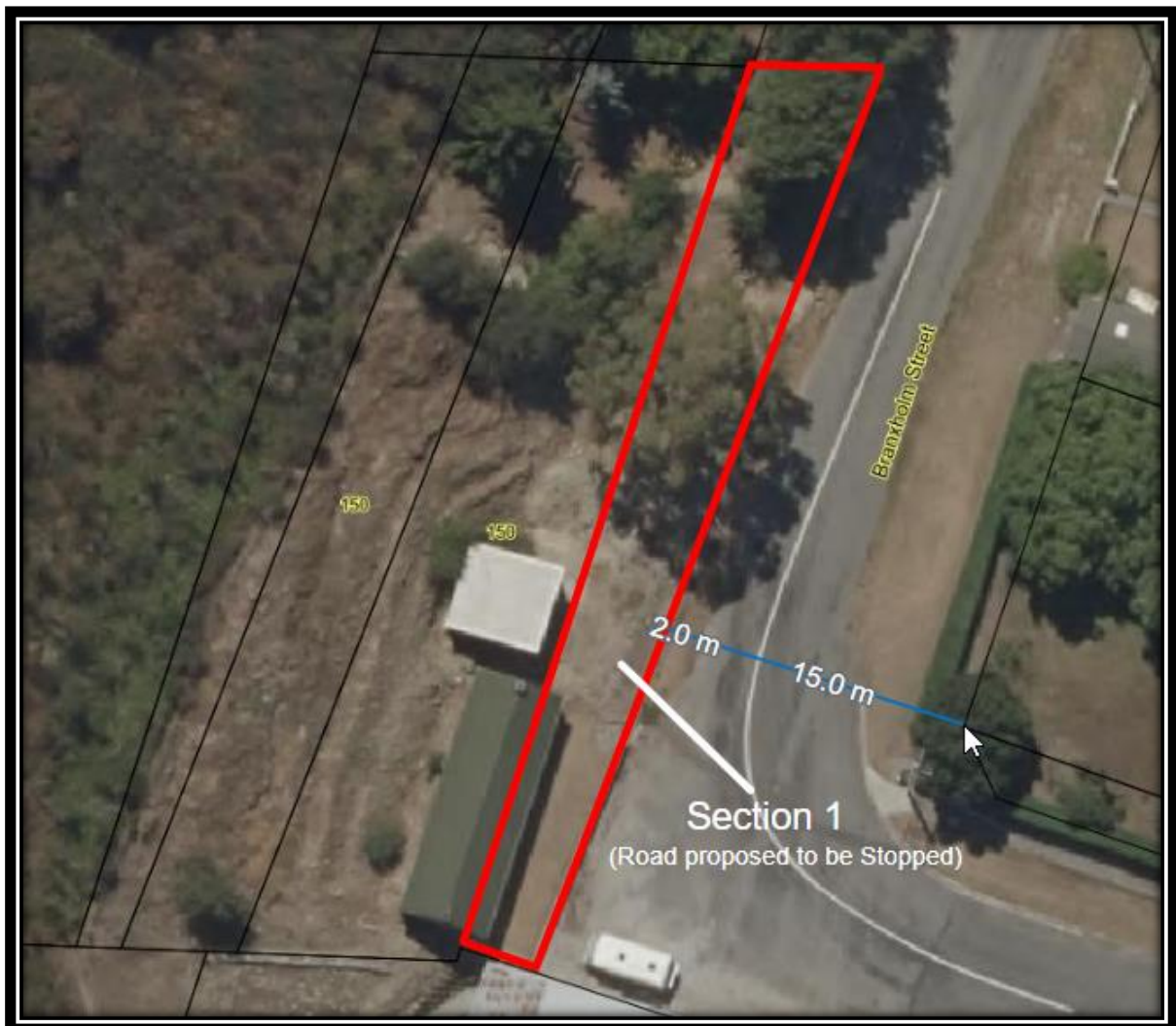


Figure 13 – Legal Roading Corridor and Formed Carriageway.

Legislation and Policy

The Central Otago District Council's Roading Policy determines the appropriate statutory procedure for stopping a legal road or any part thereof that is under their control.

The policy for selecting the correct statutory process is outlined in section 8.5 of Council's Roading Policy. The options are as follow:

The Local Government Act 1974 road stopping procedure shall be adopted if one or more of the following circumstances shall apply:

- a) Where the full width of road is proposed to be stopped and public access will be removed as a result of the road being stopped; or*

- b) The road stopping could injuriously affect or have a negative or adverse impact on any other property; or*
- c) The road stopping has, in the judgment of the Council, the potential to be controversial; or*
- d) If there is any doubt or uncertainty as to which procedure should be used to stop the road.*

The Local Government Act process requires public notification of the proposal. This involves erecting signs at each end of the road to be stopped, sending letters to adjoining owners/occupiers and at least two public notices a week apart in the local newspaper. Members of the public have 40 days in which to object.

The Public Works Act 1981 road stopping procedure may be adopted when the following circumstances apply:

- e) Where the proposal is that a part of the road width be stopped and a width of road which provides public access will remain.*
- f) Where no other person, including the public generally, are considered by the Council in its judgment to be adversely affected by the proposed road stopping;*
- g) Where other reasonable access will be provided to replace the access previously provided by the stopped road (i.e. by the construction of a new road).*

It is proposed that Public Works Act 1981 (the Public Works Act) procedure be adopted for this application for the following reasons:

- The proposal is to stop part of the road width only.
- Public access will not be adversely affected.

The Public Works Act further provides for legal road to be stopped, sold, and amalgamated with an adjacent title. In this instance, Section 1 (the stopped road) would be amalgamated with Lot 1 DP 4138, with a new record of title being issued for the three parcels of land.

Public Notification and Consultation Requirements

As outlined in Section 116 of the Public Works Act, road stoppings are not subject to public consultation if:

- the road is under the control of the territorial authority,
- the territorial authority agrees to the proposed stopping, and:
- adequate road access to land adjoining the road is left or provided; or
- the owners of the land adjoining the road or part of the road consent in writing to the stopping.

If the stopping is approved, the applicants will require the written approval of the owner of Lot 1 DP 7225 as her road frontage would be reduced by about 3.6 metres.

About 20 metres of the northern boundary of Lot 1 DP 7225 fronts the intersection of Branhholm and Till Streets. Another 14 metres of that boundary is mutual as shown below in figure 14.

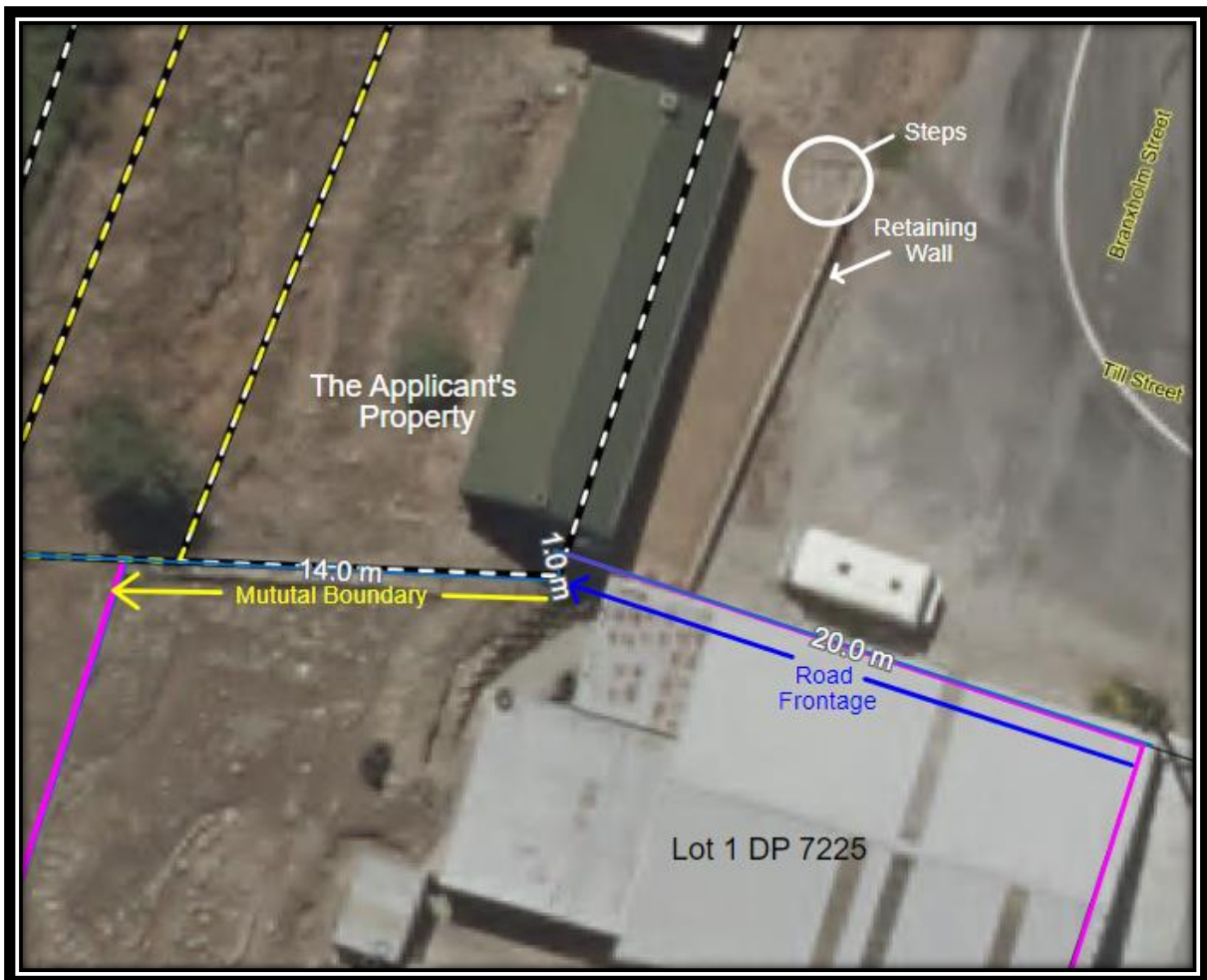


Figure 14 – Northern Boundaries of Lot 1 DP 7225.

A low retaining wall and stone steps have been constructed on the road immediately adjacent to the edge of the formed carriageway. The retaining wall reinforces the grassed area in front of the cottage with the stone steps providing pedestrian access to the Property.

The retaining wall abuts the building on Lot 1 DP 7225 as shown below in figure 15.



Figure 15 – View of Retaining Wall and Stone Steps from the Formed Carriageway.

The owner of Lot 1 DP 7225 approached Council enquiring about the road stopping process. After the process was explained to her, she indicated concern about access the rear of her property and that visibility from the small window fronting the legal road (to be stopped) could be impaired by a building or plantings.



Figure 16 – Till Street frontage of Lot 1 DP 7225.

Because of the mutual boundary and the location of the cottage and retaining wall the road stopping may impact on that property.

A covenant could for example, prohibit the construction of any improvements or plantings, could limit their height, and could also prescribe acceptable styles of fencing on the mutual boundary. It is recommended that a covenant be registered over the land immediately in front of the small window that sits just above the height of the retaining wall.

An example of the area which could be subject to the covenant is shown below in figure 18.

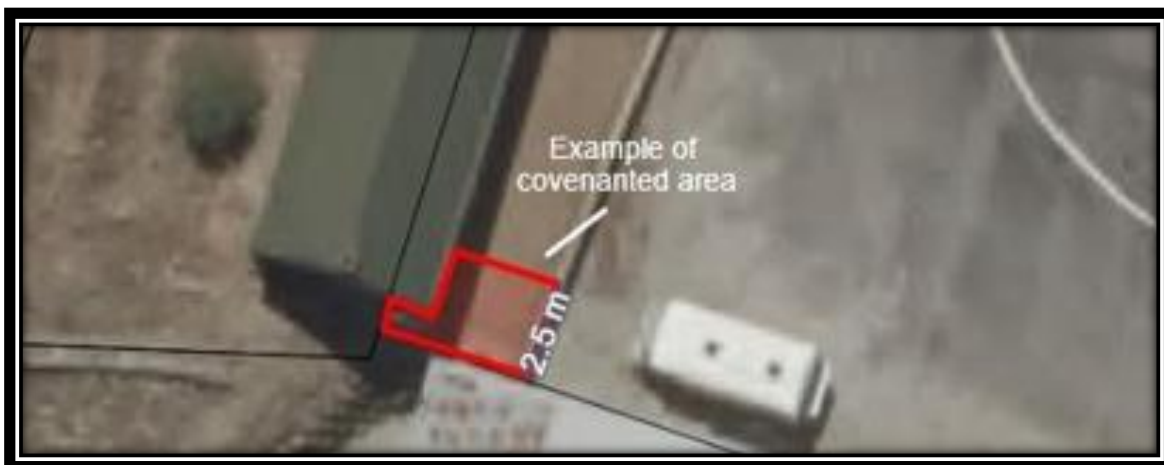


Figure 18 – Example of covenanted area.

Utility Networks

Many legal roads, whether formed or not, contain electrical, telecommunication, or water infrastructure. If there are any services in a road that is to be stopped, these can be protected by registering an easement on the resulting title.

Network operators have confirmed that there is no utility infrastructure in the section of the road which the applicants propose to stop.

Financial

Council's Roading Policy determines that the applicant is responsible for all costs associated with the road stopping. This includes purchase of the land at market valuation. Section 1 (the land/road to be stopped) has been valued at \$35,000 including GST (if any). This equates to about \$131 including GST (if any) per square metre.

The applicants have requested that the land be transferred to them for \$1.00 as they consider the encroachment to be Council's fault, however. The identification of property boundaries on the ground (now or historically) is the responsibility of the property owner.

Transferring the land for less than the market valuation would also be contrary to Council's Roading Policy.

If the applicants do not wish to pay market valuation for Section 1, the encroachment could be legalised by stopping a much smaller section of the road.

For example, the section of road shaded red in figure 19 below, has an approximate area of just 46 square metres. If the applicant's preferred, this smaller section of the road would be worth approximately \$6,025 including GST (if any). This option may also be preferable to the owner of Lot 1 DP 7225.



Figure 19 – Plan of less expensive option for legalising the encroachment.

4. Options

Option 1 – (Recommended)

To recommend to Council to approve the proposal to stop the unformed portion of Braxholm Street identified as Section 1 in figure 5, being approximately 268 square metres, subject to:

- The applicants paying for the land identified as Section 1 at valuation of \$35,000 including GST (if any).
- The applicants paying all other costs associated with the stopping.
- The applicant obtaining the consent of the owner of Lot 1 DP 7225.
- A covenant being registered over the area identified in figure 18.
- The land being amalgamated with record of title OT400/197 (Lot 1 DP 4138).
- The final survey plan being approved by the Chief Executive Officer.

Advantages:

- The applicant's occupation (encroachment) of the legal road will be legalised.
- Will not compromise the roading network.
- The income received will be used to address other public roading issues.
- Recognises the provisions of Council's Roding Policy.
- Is consistent with the Public Works Act 1981.

Disadvantages:

- The applicants may not have anticipated having to purchase the land at valuation.

Option 2

To recommend to Council to approve the proposal to stop the smaller unformed portion of Branhholm Street as shown in figure 19, being approximately 46 square metres, subject to:

- The applicants paying for the land identified at valuation of \$6,025 including GST (if any).
- The applicants paying all other costs associated with the stopping.
- The applicant obtaining the consent of the owner of Lot 1 DP 7225.
- The land being amalgamated with record of title OT400/197 (Lot 1 DP 4138).
- The final survey plan being approved by the Chief Executive Officer.

Advantages:

- The applicant's occupation (encroachment) of the legal road will be legalised.
- Will not compromise the roading network.
- May be more palatable to the owner of Lot 1 DP 7225.
- The income received will be used to address other public roading issues.
- Recognises the provisions of Council's Roding Policy.
- Is consistent with the Public Works Act 1981.

Disadvantages:

- The applicants may not have anticipated having to purchase the land at valuation.
- Stopping a smaller section of the road may not suit the applicant's requirements.

Option 3

To not recommend to Council to approve the proposal to stop an unformed section of Branhholm Street.

Advantages:

- None, as the proposed stopping will not compromise the roading network.

Disadvantages:

- The applicant's occupation (encroachment) of the legal road will not be legalised.

- Would resolve the concerns of the owner of Lot 1 DP 7225.
- Additional income will not be available to address other road encroachment or access issues.
- Does not recognise the provisions of Council's Roding Policy.
- Does not recognise that the proposal is consistent with the Public Works Act 1981.

5. Compliance

| | |
|---|---|
| Local Government Act 2002 Purpose Provisions | This decision promotes the economic wellbeing of the community by generating income from the disposal of land that is held (but not required) for roading purposes. |
| Financial implications – Is this decision consistent with proposed activities and budgets in long term plan/annual plan? | There are no negative financial implications associated with the recommended option. The applicants are required to pay market value for the land, as well as all other associated costs. Funds received from the disposal will then be available to address other public encroachment or access issues. |
| Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc. | Council's Road Stopping Policy applies to this application. Consideration of this policy has ensured that the appropriate statutory process, being to stop the road in accordance with the provisions of the Public Works Act 1981. |
| Considerations as to sustainability, the environment and climate change impacts | No sustainability, environmental or climate change impacts are related to the decision to stop this short unnamed unformed road. |
| Risks Analysis | No risks to Council are associated with the recommended option. |
| Significance, Consultation and Engagement (internal and external) | The Significance and Engagement Policy has been considered, with none of the criteria being met or exceeded. Notice of the completed road stopping will be published in the New Zealand Gazette. |

6. Next Steps

- | | |
|--|---------------|
| 1. Community Board approval | February 2023 |
| 2. Council approval | February 2023 |
| 3. Survey and LINZ Accredited Supplier engaged | March 2023 |
| 4. Survey Plan approved | Mid 2023 |
| 5. Gazette notice published | Mid 2023 |

7. Attachments

Nil

Report author:



Linda Stronach
Team Leader - Statutory Property
13/01/2023

Reviewed and authorised by:



Louise van der Voort
Group Manager – Planning and Infrastructure
26/01/2023

6 MAYOR'S REPORT

23.1.3 MAYOR'S REPORT

Doc ID: 606806

1. Purpose

To consider an update from His Worship the Mayor.

Recommendations

That the Teviot Valley Community Board receives the report.

His Worship the Mayor will give a verbal update on activities and issues of interest since the last meeting.

2. Attachments

Nil

7 CHAIR'S REPORT

23.1.4 CHAIR'S REPORT

Doc ID: 606807

1. Purpose

The Chair will give an update on activities and issues since the last meeting.

Recommendations

That the report be received.

2. Attachments

Nil

8 MEMBERS' REPORTS

23.1.5 MEMBERS' REPORTS

Doc ID: 606808

1. Purpose

Members will give an update on activities and issues since the last meeting.

Recommendations

That the report be received.

2. Attachments

Nil

9 STATUS REPORTS

23.1.6 FEBRUARY 2023 GOVERNANCE REPORT

Doc ID: 614659

1. Purpose

To report on items of general interest, receive minutes and updates from key organisations and consider the legacy and current status report updates.

Recommendations

That the report be received.

2. Discussion

Status Report

The status reports have been updated with any actions since the previous meeting (see appendix 1).

3. Attachments

Appendix 1 - TVCB Status Updates [↓](#)

Report author:

Reviewed and authorised by:



Wayne McEnteer
Governance Manager
23/01/2023



Saskia Righarts
Group Manager - Business Support
23/01/2023

| Status Updates | | Committee: Teviot Valley Community Board | | | |
|----------------|---|--|---|--------------------------|--|
| Meeting | Report Title | Resolution No | Resolution | Officer | Status |
| 28/11/2019 | Otago Fish and Game Council Proposal to Construct a Jetty and Walking Track at Pinders Pond, Roxburgh (COM 07-65-006) | 19.9.6 | <p>A. Receives the report and accepts the level of significance.</p> <p>B. Agrees in principle to the proposal to construct a floating pontoon and associated walking track on Pinders Pond Reserve, and to initiate community engagement on the proposal.</p> <p>C. Notes that a further report will be presented that conveys the findings from the community engagement process and informs a final decision.</p> | Parks Officer - Projects | <p>December 2019 Action memo sent to the Parks Officer Projects.</p> <p>January 2020 Otago Fish and Game Council and Contact Energy are to provide Council with design drawings for the community engagement process.</p> <p>April 2020 Plans have not yet been made available to plan the community engagement process.</p> <p>June 2020 Initial scoping of the site and advice on the track detail has been completed by Contact Energy Ltd. Awaiting design detail from Otago Fish and Game Council and Contact Energy so that public consultation can be carried out.</p> <p>July 2020 Design detail has not yet been received.</p> <p>September 2020 Design detail work is progressing.,</p> <p>November 2020 Awaiting detail design material. The planned consultation process is likely to be rescheduled into 2021.</p> <p>December 2020 Awaiting detail design material.</p> <p>February – July 2021 Contact was made with Contact Energy Ltd. prior to Christmas requesting a status update. Awaiting detail design material.</p> <p>August 2021 Further correspondence sent attempting to progress project. Project unable to progress until able to engage with Contact Energy.</p> <p>ON HOLD</p> <p>29 Aug 2022 No communication from either external party so the project has not progressed from the last report.</p> |

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| | | | | | 03 Nov 2022 No communication from either external party so the project has not progressed. Plans for the proposed walkway and pontoon are to be supplied to Council and are required to enable quality consultation with the community. |
| 17/06/2021 | Allocation of Teviot Valley Walkways Reserve Fund | 21.5.2 | That the Teviot Valley Community Board A. Receives the report and accepts the level of significance. B. Approves the proposed work programme and expenditure to come from the Teviot Valley Walkways Reserve. C. Agrees to retain the Teviot Valley Walkways Reserve account. D. Recommend to Council that the delegation from the Teviot Valley Community Board to the Teviot Valley Walkways Committee be reviewed as part of the next delegation manual update. | Parks Officer - Projects | 21 Jun 2021 Action memo sent to Parks Officer - Projects and Finance 19 Jul 2021 Signage design being completed on a site-by-site basis, starting with the River Track. Improvements on Grovers Hill will wait until the wind-blown forestry damage is removed. 24 Aug 2021 Staff working with Walkways Committee to implement signage and track improvements 08 Oct 2021 Staff continue to work with Walkways Committee to implement signage and track improvements 10 Nov 2021 Staff are working with the Walkways Committee to implement signage and track improvements. 10 Jan 2022 Teviot Walkways Committee have applied to Council for additional funding to contribute to the project cost to upgrade the Roxburgh River Track. Awaiting tree removal on Grovers Hill before completing signage install. 14 Mar 2022 Waiting for trees to be removed on the Grovers Hill reserve. Work is now focussed on the Roxburgh River Track. The river track work due to be completed in June. 21 Apr 2022 Walkway development on Grovers Hill and the Roxburgh River track is unlikely to be completed before the end of the financial |

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| | | | | | <p>year due to the time delays caused by the pine tree removal on Grovers Hill and the funding application and swimming pool demolition not yet progressed for the River Track.</p> <p>30 Aug 2022 Walkway development focus is the length adjacent to the swimming pool project. Work was stalled while the pool demolition was carried out. This is now complete and track construction imminent. The balance of the work is subject to a trail funding application to Council.</p> <p>03 Nov 2022 Funding to complete maintenance improvements on the Roxburgh River Track has been approved. Through Teviot Prospects the Walkway Advisory Group and Council staff are coordinating the works for completion in early 2023. The section of track alongside the Roxburgh swimming pool development will not be completed until the pool is completed. Signs for Grovers Hill will be installed once the replanting of the site and track development is resolved.</p> |
| 21/10/2021 | Promotion Grant Applications 2021 - 22 First Round | 21.8.2 | <p>That the Teviot Valley Community Board</p> <p>A. Receives the report and accepts the level of significance.</p> <p>B. Declines a promotions grant for the Central Otago District Arts Trust.</p> <p>GRA210750614 Central Otago District Arts Trust – Cover to Cover events – graphic design</p> <p>Year 1 LTP 2021/22 applied \$700 Decline: \$0</p> <p>C. Approves a promotions grant for Cavalcade Host Town Committee of \$2,500 to be funded from the Roxburgh Promotions Reserve (7033) for marquee hire.</p> <p>GRA210925282 The Cavalcade Host Town</p> | Media and Marketing Manager | <p>28 Oct 2021 Action memo sent to the Media and Marketing Manager and to Finance.</p> <p>08 Nov 2021 Applicants advised of Board decision with details on when and how to draw down approved grants</p> <p>19 Jan 2022 Cavalcade grant was uplifted in December. The Cherry Chaos event has been cancelled so the grant has not be uplifted.</p> <p>02 Feb 2022 Email received from Cherry Chaos Event Manager confirming that the approved grant will not be uplifted due to the event not proceeding. Grant will therefore remain available for applications in next funding round.</p> |

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| | | | <p>Committee Inc. - Millers Flat Cavalcade 2022</p> <p>Year 1 LTP 2021/2022 applied \$10,304 Approve: \$2,500</p> <p>D. Approves a promotions grant of \$500 to be funded from the Teviot Valley Promotions budget for marketing and promotions costs.</p> <p>GRA210804641 Teviot Prospects Cherry Chaos Event Management and Marketing</p> <p>Year 1 LTP 2021/22 applied \$2,000 Approve: \$500</p> <p>Year 2 LTP 2022/23 applied \$2,000 Decline: \$0</p> <p>Year 3 LTP 2023/24 applied \$2,000 Decline: \$0</p> | | <p>14 Mar 2022 Cavalcade to retrain their promotion grant for their postponed event, now to be held March 2023. Discussed and agreed by Board at February 2022 meeting. On hold until the report back post-event in 2023. ON HOLD</p> <p>02 Jun 2022 No further update expected until after Cavalcade event in February 2023</p> <p>26 Aug 2022 No further update until the event has taken place February/March 2023</p> |
| 25/11/2021 | Roxburgh Cemetery Trustees | 21.9.3 | <p>That the Teviot Valley Community Board</p> <p>A. Receives the report and accepts the level of significance.</p> <p>B. Agrees to accept the administration, management and operation of the Roxburgh Cemetery from the Roxburgh Cemetery Trustees to the Central Otago District Council, subject to the land encroachment of the Cemetery being resolved.</p> | Parks and Recreation Manager | <p>30 Nov 2021 Action memo sent to the Parks and Recreation Manager and to Finance.</p> <p>14 Jan 2022 The Department of Conservation and the Ministry of Health have been advised of the Board's decision. We are now waiting for DOC to complete the survey and land transfer requirements for the cemetery.</p> <p>14 Mar 2022 Still waiting for DOC to complete the survey and land transfer requirements for the cemetery.</p> <p>21 Apr 2022 There have been no changes since the last advisory.</p> <p>08 Jun 2022 The neighbouring property has now been surveyed. DOC have yet to update Council on next steps.</p> <p>25 Aug 2022 The issue is waiting for DOC to undertake land transfer. Multiple attempts have been</p> |

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| | | | | | made to DOC to progress this work. 13 Jan 2023 No further update at this time. | | | | | | | | | | | | | | |
| 16/06/2022 | Roxburgh - Millers Flat Returned and Services' Association Incorporated - Lease Renewal | 22.4.2 | <p>That the Teviot Valley Community Board</p> <p>A. Receives the report and accepts the level of significance.</p> <p>B. Agrees to grant a lease of approximately 49m², as outlined in the report, over the Roxburgh Service Centre, Lot 2 Deposited Plan 4309, to the Roxburgh – Millers Flat Returned and Services' Association Incorporated.</p> <p>This lease is subject to the Community Leasing and Licensing Policy. The general terms and conditions are as follows:</p> <table><tr><td>Commencement Date:</td><td>14 August 2021.</td></tr><tr><td>Term:</td><td>Fifteen years.</td></tr><tr><td>Rights of Renewal:</td><td>One of fifteen years.</td></tr><tr><td>Final Expiry Date:</td><td>13 August 2051.</td></tr><tr><td>Annual Rent:</td><td>\$1 per annum (if collected).</td></tr><tr><td>Permitted Use:</td><td>RSA Meeting room.</td></tr><tr><td>Special Conditions:</td><td><p>The landlord reserves the right to terminate the agreement with six months' notice if it requires part or whole of the occupied area for other activities.</p><p>The tenant reserves the right to terminate the agreement with six months' notice if they do not require part or whole of the occupied areas for the purposes of theatre storage.</p><p>Should the Memorial Hall complex ever be removed or destroyed, the Council would</p></td></tr></table> | Commencement Date: | 14 August 2021. | Term: | Fifteen years. | Rights of Renewal: | One of fifteen years. | Final Expiry Date: | 13 August 2051. | Annual Rent: | \$1 per annum (if collected). | Permitted Use: | RSA Meeting room. | Special Conditions: | <p>The landlord reserves the right to terminate the agreement with six months' notice if it requires part or whole of the occupied area for other activities.</p> <p>The tenant reserves the right to terminate the agreement with six months' notice if they do not require part or whole of the occupied areas for the purposes of theatre storage.</p> <p>Should the Memorial Hall complex ever be removed or destroyed, the Council would</p> | Property and Facilities Officer (Vincent and Teviot Valley) | <p>28 Jun 2022 Action Memo sent to report writer.</p> <p>24 Aug 2022 Lease agreement issued to the RSA. Following up on signature.</p> <p>07 Nov 2022 Awaiting RSA's signature on the lease. An offer by staff has been made to meet with members to run through the document.</p> <p>23 Dec 2022 Awaiting response from RSA. Property and Facilities Officer is following up.</p> |
| Commencement Date: | 14 August 2021. | | | | | | | | | | | | | | | | | | |
| Term: | Fifteen years. | | | | | | | | | | | | | | | | | | |
| Rights of Renewal: | One of fifteen years. | | | | | | | | | | | | | | | | | | |
| Final Expiry Date: | 13 August 2051. | | | | | | | | | | | | | | | | | | |
| Annual Rent: | \$1 per annum (if collected). | | | | | | | | | | | | | | | | | | |
| Permitted Use: | RSA Meeting room. | | | | | | | | | | | | | | | | | | |
| Special Conditions: | <p>The landlord reserves the right to terminate the agreement with six months' notice if it requires part or whole of the occupied area for other activities.</p> <p>The tenant reserves the right to terminate the agreement with six months' notice if they do not require part or whole of the occupied areas for the purposes of theatre storage.</p> <p>Should the Memorial Hall complex ever be removed or destroyed, the Council would</p> | | | | | | | | | | | | | | | | | | |

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| | | | <p>not be liable for providing the RSA with new premises. However, should the complex be rebuilt, provision will be made for an RSA room.</p> <p>Should the RSA not continue to exist, then the Council (or its successor) will be advised of the RSA's nominated successor to use the room. The Association would have to identify the group to be its successor, and this group would be required to have direct links to the RSA (e.g. Women's Division of the RSA) rather than an unrelated group. The Council would require the successor to be identified by the RSA and meet the approval of the Roxburgh Community Board.</p> <p>If there is no apparent successor for using the room will revert to the control of the Council.</p> | | |
| 9/09/2022 | Roxburgh Golf Club Lease - Rent Review. | 22.5.3 | <p>That the Teviot Valley Community Board</p> <p>A. Receives the report and accepts the level of significance.</p> <p>B. Agrees to recommend to Council:</p> <ol style="list-style-type: none"> 1. That for the five years commencing 01 July 2021, the rent payable under the lease held by the Roxburgh Golf Club shall be assessed in accordance with the (original version of) Council's 2019 Leasing and Licensing Policy, at \$772 per annum plus GST. 2. To vary the lease by increasing the area by 0.3000 hectares to approximately 45.3000 | Property and Facilities Officer (Vincent and Teviot Valley) | <p>07 Nov 2022 Report to the Council is on the agenda for 9 November 2022.</p> <p>23 Dec 2022 Deed of Variation sent to the Golf Club. Awaiting return.</p> |

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| | | | <p>hectares by including the land containing the car park.</p> <p>C. Notes that the Board encourages the club to apply for a grant through the community grants process.</p> | | |
| 9/09/2022 | 2022/23 Community and Promotions Grants Applications | 22.5.2 | <p>That the Teviot Valley Community Board:</p> <p>A. Receives the report and accepts the level of significance.</p> <p>B. Allocates \$2,000 to the Roxburgh Pioneer Energy Brass Band Inc. from the 2022/23 community grants budget.</p> <p>C. Allocates up to \$1,786 to the Teviot District Museum Inc. towards their operating costs from the 2022/23 community grants budget subject to the purchase of the masonic lodge building.</p> | Community Development Advisor | <p>03 Nov 2022</p> <p>The grant to Roxburgh Pioneer Energy Brass Band has been paid. Awaiting for finalisation of building purchase before payment of the grant to the Teviot District Museum Inc.</p> |
| 2/11/2022 | Appointments to Sub-committees and Other Community Organisations | 22.6.7 | <p>That the Teviot Valley Community Board</p> <p>A. Receives the report and accepts the level of significance.</p> <p>B. Appoints representatives to community sub-committees as follows:</p> <ul style="list-style-type: none"> • Teviot Valley Walkways Committee – Cr Feinerman <p>C. Appoints representatives to community organisations as follows:</p> <ul style="list-style-type: none"> • I and H McPhail Charitable Trust – Mr Dalley and Mr Read • Ida MacDonald Charitable Trust – Cr Feinerman and Mr Jessop • Roxburgh and District Medical Services Trust – Ms Booth • Roxburgh Cemetery Trust Committee – Mr Dalley | Governance Manager | <p>09 Nov 2022</p> <p>Contact with the various groups will be made advising them of the changes.</p> <p>10 Jan 2023</p> <p>The various groups have been informed of their liaison or representative. MATTER CLOSED</p> |

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| | | | <ul style="list-style-type: none"> • Roxburgh Entertainment Centre and Improvement Committee – Ms Booth (Liaison) • Teviot Museum Committee – Mr Jessop (Liaison) • Teviot Prospects – Cr Feinerman (Liaison) • Tuapeka County Bursary Fund Committee – Mr Read • Roxburgh Swimming Pool Redevelopment Committee – Mr Dalley (Liaison) • Teviot Valley Rest Home – Ms Booth (Liaison) | | |
| 24/11/2022 | Road Name Approval Report - Off Teviot Road | 22.7.3 | <p>That the Teviot Valley Community Board</p> <p>A. Receives the report and accepts the level of significance.</p> <p>B. Agrees that the right of way off Teviot Road be named Kaylea Lane.</p> | Roading Administration Assistant | <p>01 Dec 2022 Road naming information will be passed to LINZ. CLOSED.</p> |
| 24/11/2022 | Grovers Hill Recreation Reserve Re-Planting Options | 22.7.2 | <p>That the Teviot Valley Community Board</p> <p>A. Receives the report and accepts the level of significance.</p> <p>B. Agrees that the Roxburgh Recreation Reserve area – Grovers Hill is replanted with eleven hectares of Pinus attenuata and one hectare of mixed natives.</p> | Parks and Recreation Manager | <p>09 Dec 2022 Sent and copied 1 December 2022</p> <p>13 Jan 2023 There will be no further updates until autumn when site is anticipated to be windrowed ready for planting.</p> |

10 DATE OF THE NEXT MEETING

The date of the next scheduled meeting is 23 March 2023.

11 RESOLUTION TO EXCLUDE THE PUBLIC

Recommendations

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

The general subject matter 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 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under section 48 for the passing of this resolution |
|--|--|--|
| Confidential Minutes of Ordinary Board Meeting | s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7 |
| 23.1.7 - February 2023 Confidential Governance Report | s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7 |
