



BETTS CARPARK SPECIAL HOUSING AREA

Request for expressions of interest

FOREWORD

Nelson is the main urban centre at the heart of Te Tau Ihu (Top of the South). We are fortunate to be an attractive, growing region that people are proud to call home. Our beautiful environment and creative spirit keeps us here, and continually attracts new residents and visitors.

As a Council, we are continuing to identify opportunities for enhancing the city's economic and social vibrancy. One way Council is looking to achieve its vision is by prioritising the economic health and vitality of the central city.

In the Long Term Plan 2015-25, Council highlighted investments to enhance the Central Business District and there are a range of initiatives to get underway to ensure our CBD continues to thrive.

Along with this, there is also an opportunity to develop high quality, residential accommodation in the inner city, through the Housing Accord - an agreement entered into between Council and the Government in June 2015.

The Accord allows developers to build residential units through a streamlined resource consent process.

The piece of Council-owned land at Betts Carpark, in the heart of the city, has been earmarked as an area to be developed under this Accord.

Providing more opportunities for inner city living, like at this site, meets Council's strategic goal to enhance the vitality of our central city.

With a population of 50,000 and growing, the focus is about future thinking and Council views the improvement of Betts Carpark as an exciting opportunity.

WHAT THIS REQUEST FOR EXPRESSIONS OF INTEREST DOCUMENT PROVIDES:

1. Background – Sets out the vision Council has for the Central City and Betts Carpark and outlines what is being sought from respondents.
2. Design Controls – Sets out the specific design controls Council wishes to use to ensure development of Betts Carpark meets the desired vision or outcomes, as described above.
3. REOI Process – Outlines what those seeking to express an interest need to do, and the timeframes to be met.

Any questions can be emailed to Lisa Gibellini, Senior Planning Adviser at lisa.gibellini@ncc.govt.nz.

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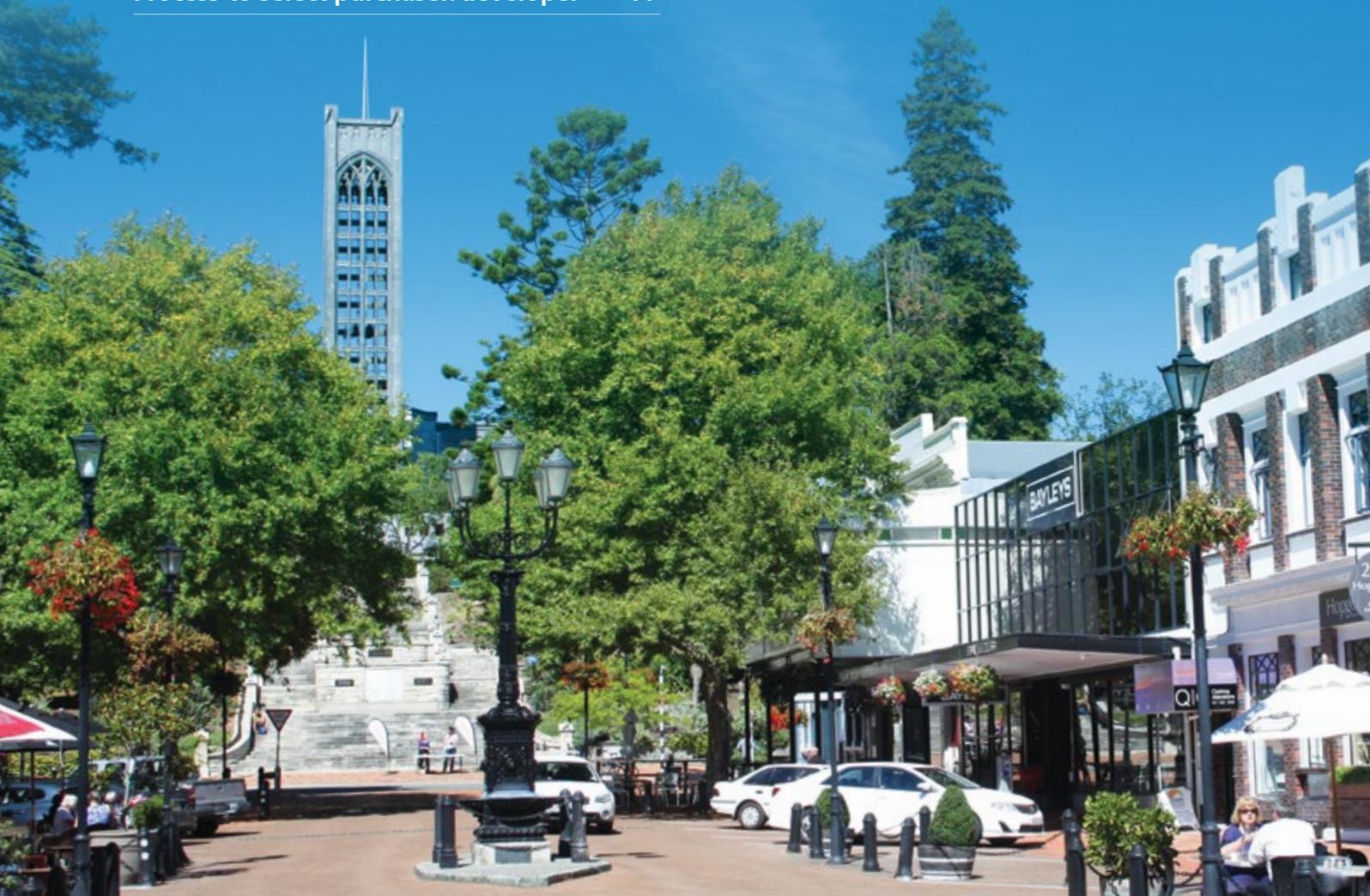
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WHY INVEST IN NELSON CITY?

A WORLD CLASS LOCATION WITH TARGETED CIVIC INVESTMENT

Situated in the heart of the top of the south, Nelson offers a pristine environment and strong creative community. With three national parks within an hour of the city, an enviable climate and the opportunity to explore 'all year round', Nelson is a truly world class location that is a fantastic place to live, work, play, stay and visit. With a population of 50,000 and growing, Nelson is currently experiencing high demand for residential developments, including inner city living.

Due to this growth, Council has committed to enhancing housing supply and stimulating residential activity and is encouraging developers to create more residential developments, including in the city centre.

One way Council is looking to achieve its vision is through the recent Housing Accord with the Government. This aims to cut red tape and streamline the development process for a limited number of developments and for a limited time.

Betts Carpark, situated in the heart of the city centre, is one of these sites.

Within the city centre, Council is already committing significant investment to enhance its vitality and activity. This includes innovative and forward thinking urban design, hosting attractive events, strengthening connectivity and infrastructure and ensuring Council and businesses are working in partnership to achieve their goals.

With this particular development at Betts Carpark, there is an opportunity to create an impressive, desirable place to live which is surrounded by a friendly, lively city centre.

At its doorstep will be an array of facilities and amenities including:

- the Maitai River shared path and picturesque waterfront

- Trafalgar Park where outdoor events are held including Opera in the Park
- cafes, bars and restaurants offering internationally-renowned local wine and cuisine
- local art studios and galleries and the well-known Saturday market
- the Nelson Provincial Museum and Founders Heritage Park, a historical village with fascinating displays
- beautiful parks to wander including Queens Gardens and the Botanicus where the Centre of New Zealand is located
- the Brook Waimarama Sanctuary with native forest regeneration and native birds
- employment powerhouses NMIT, Cawthron and the Nelson hospital.

“

.....
Within the city centre, Council is already committing significant investment to enhance its vitality and activity.

”

THE CITY CENTRE AND BETTS CARPARK

CITIES ARE ABOUT PEOPLE

Council wishes to bring more life into Nelson by creating a 'people-friendly' city centre. If done well, targeted investment in the heart of the city, whether large or small, has the opportunity to create an inviting environment for people to live or visit.

Council's vision is to create a thriving and exciting city centre which acts as a hub for the top of the south. It will bring more life into the city, provide businesses with more customers and make Nelson an even better, more vibrant place. We are already seeing this happen; more people are wanting to live in the heart of Nelson, maximising all it has to offer.

THE RIGHT LOCATION

As a very friendly, walkable city, Nelson offers much within its inner city. There is the opportunity to buy locally at the Saturday market, with local artisans offering world class art and produce. Central residents also enjoy a more stimulating, vibrant, and in many cases, sustainable lifestyle - walking to the shops, school, cafe or to the swimming pool, theatre or Trafalgar Park. Betts Carpark is a vacant site, located within the heart of Nelson, and free from hazard overlays. The site offers two road frontages in a high amenity end of town. It is just a stone's throw from the Nelson School of Music, restaurants, schools, and major employers like NMIT and Cawthron and the Nelson hospital.

BETTS CARPARK

Betts Carpark is situated at 343 Trafalgar Square, Nelson. The legal description of the property is as follows:

An estate in fee simple containing 1182 square metres more or less being Part Lot 2 Deposited Plan 224 and being the land described in CFR Identifier NL 5B/631, a copy of which is attached to this REOI in Appendix 6.

The land is subject to:

- Drainage easement described in Transfer 9350
- Land covenant 341083.2
- Sewage and water easements created by Easement Instrument 9751911.3
- The easements created by Easement Instrument 9751911.3 are subject to Section 243 (a) Resource Management Act 1991
- The land benefits from: Sewage easement created by Easement Instrument 9751911.3
- There are also existing Council stormwater pipes and sewage pipes under the property. The approximate route of these pipes is shown on the services plan attached to this REOI in Appendix 7.



BETTS SPECIAL HOUSING AREA

Nelson City Council and Central Government entered into a Housing Accord in June 2015. The Accord provides the basis for the Government and the Council to work together to improve housing supply and affordability in Nelson, including the introduction of Special Housing Areas (SHA). In February 2016 Cabinet approved an Order in Council which made Betts Carpark a Special Housing Area under the Housing Accords and Special Housing Areas Act 2013 (HASHA).

HASHA applies to applications for resource consents that relate to a qualifying development on the Betts Carpark Special Housing Area, replacing the process in the Resource Management Act 1991 (RMA).

Some of the benefits of the HASHA provisions include:

- streamlined consenting timeframes
 - » 20 working days for non-notified applications
 - » 50 working days for notified applications but no hearing is held
 - » 70 working days for notified applications and a hearing is held
- limited notification provisions only, no public notification, and
- limited appeal rights – appeal rights are limited to applications relating to a qualified development that is 4 or more storeys high.

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The Accord provides the basis for the Government and the Council to work together to improve housing supply and affordability in Nelson.

.....”

QUALIFYING DEVELOPMENT CRITERIA

In relation to Betts Carpark a qualifying development is a development that meets the criteria provided for in the Order in Council declaring Betts Carpark a Special Housing Area. It is a development:

- a. That will be predominantly residential (as defined in HASHA); and
- b. In which the buildings will not be higher than 4 storeys and a maximum calculated height of 15m; and
- c. That will contain not fewer than 12 dwellings (as defined in HASHA)

The Order in Council declaring Betts Carpark a Special Housing Area will be revoked on 16 September 2016. Therefore, all applications for resource consents that relate to a qualifying development on Betts Carpark must be submitted (and accepted as such under s88 RMA) to Council (in its capacity as an authorised agency under HASHA) by 1 September 2016. If the resource consent is granted then any applications for variations or change of conditions under HASHA must be received by Council prior to 1 September 2018.

WHAT IS BEING SOUGHT FROM RESPONDENTS?

- **Introduction**

Nelson City Council requests Expressions of Interest (EOI) from suitably qualified and experienced developers interested in purchasing and developing Betts Carpark in the Nelson Inner City Fringe Zone.

Concept design proposals for the development are not required as part of this REOI process but will be required as part of any Request for Proposals following the short listing of successful respondents to this REOI.

In preparing responses to this REOI, Respondents are asked to provide the information set out in Appendix 4.

- **Development Aspiration**

Nelson City Council is requesting EOI from developers interested in purchasing Betts

Carpark and undertaking a qualifying development under the process set out in the Housing Accords and Special Housing Areas Act 2013 (HASHA).

Respondents are requested to indicate their interest in purchasing and developing Betts Carpark in accordance with the qualifying development criteria relating to Betts Carpark, and the design outcomes sought by Council for the site.

- **Design Outcomes Sought**

Nelson City Council aims to leverage a high quality residential development within the inner city as a means of giving effect to the Council's strategic outcomes of enhancing the vitality of the inner city, and promoting inner city living opportunities – all contributing to Nelson being the premier centre in the Top of the South.

BETTS CARPARK – PROPOSED AGREEMENT

Respondents are requested to express their interest in purchasing Betts Carpark to undertake a qualifying development under specified design controls.

In responding to this REOI Respondents are acknowledging that if shortlisted they will be invited to provide concept plans and a design statement in a Request for Proposals process, when the Council will consider the proposal against design controls and consider the price the Respondent is willing to pay for the land.

PROPOSED AGREEMENT

The Council may negotiate an agreement for sale and purchase of Betts Carpark with a developer after the Request for Proposals process.

The agreement may:

- a. Require the developer to submit an application for resource consent under HASHA prior to 1 September 2016;
- b. Require the developer to complete construction of the qualifying development approved by the Council (as vendor) within 2 years of obtaining resource consent;
- c. Require the developer to relocate existing Council services under the land;
- d. Require the developer to grant the Council registered easements in gross for any Council services and overland flowpaths on the land;
- e. Prohibit the developer from assigning its rights and obligations under the agreement to any person without the prior consent of the Council;
- f. Provide the Council with an option to purchase the land for the amount paid to it by the developer if the developer has not entered into an unconditional contract with a building company to construct the qualifying development approved by the Council (as vendor) and has not commenced works within 18 months of obtaining resource consent;
- g. Provide an acknowledgement that nothing in the agreement releases the developer from liability to pay development contributions or service connection fees to the Council;
- h. Be conditional on the Council cancelling any existing leases or licences to occupy the site;
- i. Be conditional on the Council, or a Council officer delegated by the Council, approving the sale of the land and the terms and conditions of the agreement; and
- j. Otherwise be on such terms and conditions required by Nelson City Council.

BETTS DESIGN CONTROLS

DESIGN CONTROLS

These controls have been established to guide the scale and quality of residential and urban design outcomes sought for the development of Betts Carpark.

Key objectives for the site include:

- Design compatibility with the adjacent residential and open space uses in the central city location.
- High quality, interactive design to the street edge.
- The use of appropriately scaled design elements and an appropriate provision of space, openings and materiality.
- Amenity and liveability of *dwelling*s (as defined in HASHA).
- Integration of high quality shared open spaces that provide for vehicle and pedestrian circulation within the development.
- Incorporation of suitable landscape elements.
- Inclusion of quality, sustainable, design and building practices.

The intent of the controls are to encourage quality design outcomes for this prominent central city residential site. Where controls breach permitted activity standards in the Nelson Resource Management Plan (NRMP), consent will be required.

SITE REQUIREMENTS

Development will:

- Preserve the existing Rata tree in the Northwest corner of site.
- Preserve the existing Nikau tree in the Southwest corner of the adjoining site (Lot 1 DP 224).
- Reroute or otherwise accommodate all existing Council stormwater and sewer pipes.
- Accommodate all existing registered easements on the site.

- Reroute or otherwise accommodate any existing overland flowpaths on site.

HEIGHT AND YIELD REQUIREMENTS

Development will:

- Have a maximum of 3 complete levels, and 1 partial level on the southern side of level 4.
- Have a maximum height of 15m total (measured from the lowest internal floor level).
- Provide a minimum of 12 dwellings and a maximum of 20 dwellings as defined in HASHA.
- Provide a mix of dwelling types, including but not limited to one, two and three bedroom units.

EXTERNAL STREET AMENITY

Development will be set back by a minimum dimension of 4.8m to the northern boundary. At ground floor level the setback will be suitably landscaped. This control is intended to protect the amenity of Northern neighbouring lots, incorporate retention of trees noted and enable architectural design and inclusion of openings to the north face of development.

Development will setback by a minimum of 2.4m to the eastern boundary above ground floor level except this restriction shall not apply to the first 10m back from the road boundary. This control is intended to protect the amenity of Eastern neighbouring lots, and enable architectural design and inclusion of openings to the east face of development.

Development will maintain *continuity of the street edge*, other than as required to preserve noted trees, achieve setback requirements, and provide vehicle access.

Development will provide a maximum of two vehicle crossings, with no more than one to each street frontage.



Development will, as far as practicable, make provision for *dwellings as defined in HASHA or commercial activity* to be provided at ground floor level and on the *street edge*.

No *built elements* will extend beyond a daylight envelope measured at 25 degrees from the back of the footpath at the southern edge of Nile Street. (This control is to minimise shading effects on the adjacent residential neighbours).

Building entrance will be provided to the street edge at ground level. A minimum of four entry points will be located to each street frontage.

Building entrance will be setback a minimum of 1.2m from the street edge; overhead cover, hard and soft landscape elements will be installed to signify building entry.

Walls at ground floor level on the street edge will have a maximum length of 6 metres without visual relief. Visual relief can be provided by a suitable combination of:

- Building setback or projection of minimum dimension 0.6m
- Installation of building entrance, window or door opening
- Material change
- Inclusion of landscape elements.

INTERNAL DEVELOPMENT AMENITY

Development will avoid, as far as practicable, shading the north face of *dwellings* within the site at midday

June 20 (a daylight angle of approximately 25 degrees. This control is intended to ensure year round access to sunlight for all dwellings)

All *Habitable* spaces within development will have access to an opening window for daylight and ventilation.

Development will provide a maximum of 1.2 carparks per dwelling. Resource Consent under HASHA will need to be sought for carpark provision less than the requirements stated in the NRMP.

Where carparks are provided the carpark size, turning and manoeuvring requirements of the NRMP will apply as a minimum standard. (This control is intended to avoid unworkable or restrictive carpark layouts).

Where vehicle turning and manoeuvring areas are provided, pedestrian access and safety will be provided.

Provision of external balconies is not mandatory. Resource Consent will need to be sought for any balcony provision outside the permitted activity standards stated in the NRMP.

In lieu of, or in addition to, external balconies, provision of a shared outdoor space is encouraged. The outdoor space will be located with a northern aspect, and a minimum dimension of 6m. The space will include hard and soft landscape elements enabling year round flexible occupation.

Noise Insulation requirements of the NRMP to habitable spaces are not mandatory. Resource Consent under HASHA will need to be sought for acoustic insulation provision outside the requirements stated in the NRMP.

PROCESS TO SELECT DEVELOPER

The process for selecting a developer for Betts Carpark Special Housing Area may consist of two phases:

PHASE 1

Request for Expressions of Interest

Interested parties (Respondents) respond to this REOI and provide the information requested in Appendix 4.

Nelson City Council will consider EOIs and information about the Respondents provided in response to Appendix 4. Nelson City Council may then select a small number of parties (Shortlisted Parties) for progression to the next phase: Phase 2, Request for Proposals.

PHASE 2

Request for Proposals

Nelson City Council may invite Shortlisted Parties to submit commercial terms and a purchase price for Betts carpark. Shortlisted parties will also be asked to submit a design statement and concept plans for the proposed development which will be evaluated against the design controls set out in this REOI.

The Council may invite persons that are not Shortlisted Parties to submit a Proposal in the RFP process.

The Council may, if it considers it appropriate, require Shortlisted Parties to sign a confidentiality deed before issuing them with a Request for Proposals

Nelson City Council may select a Preferred Developer out of the RFP process. It may also negotiate with persons submitting proposals with the intention of amalgamating all or part of differing proposals. General factors that will be relevant to the selection

of the Preferred Developer in addition to the ability to meet the design controls will include:

- The party's ability and capacity to deliver good quality high density housing in a timely manner that contributes to the creation of a strong and attractive inner city community
- The party's proposed commercial terms
- Quality and liveability of the housing proposal, and
- Any other matters that Council considers relevant.

Subject to approval by the Council, Nelson City Council may enter into negotiations with the Preferred Developer to finalise the development proposal and negotiate an agreement for sale and purchase of Betts Carpark.

In addition to the timeline for this REOI set out in Section 1.4 of Appendix 1 an indicative timeframe of the process is as follows:

Shortlisted Parties are selected out of this REOI process	April 2016
Request for Proposals issued	April 2016
Proposals considered and Preferred Developer selected	May 2016
Council considers conditional sale of Betts Carpark to Preferred Developer	June 2016

The process described above is indicative only and further details of the process will be set out in the Request for Proposals if the Council proceeds to that phase.



APPENDICES

APPENDIX 1 REOI PROCESS DETAILS

1.1 Contact details

Nelson City Council's contact person	Lisa Gibellini, Senior Planning Adviser
Nelson City Council's postal and physical address	110 Trafalgar Street, PO Box 645, Nelson 7040
Nelson City Council's contact email address	Written questions only may be sent to: lisa.gibellini@ncc.govt.nz

1.2 Guidance to Respondents

REOI Administration and next steps	Appendix 2
REOI Terms and conditions	Appendix 3

1.3 Your Response

You must respond in the form given in	Appendix 4
Size limit for responses (including attachments)	10 A4 pages, 5 A3 pages (excluding CVs of Key Personnel and Financial Statements). Each CV should not exceed two pages in length.
Response format required	4 hard copies bound, 1 hard copy unbound, 1 PDF soft copy

1.4 Timelines

You must ask questions before	3pm on 30 March 2016, NZDT
You must submit your EOI by (closing date)	5pm on 4 April 2016, NZDT
Respondents notified whether or not they are a Shortlisted Party by	11 April 2016



APPENDIX 2 REOI ADMINISTRATION

- **Due Date for Responses**

Responses to this REOI are due by the closing date given in Section 1.4 of Appendix 1. NCC reserves the right at its sole discretion to extend the closing date for responses.

- **Format of Responses**

EOIs must provide the information set out in Appendix 4. The EOI must be signed by a duly authorised representative of the Respondent.

- **Submissions of Responses**

EOIs are to be delivered to the address given in Section 1.1 of Appendix 1.

- **Enquiries and Communications**

All communications relating to this REOI, or requests for clarification or further information, should be directed by email to the contact person stated in Section 1.1 of Appendix 1.

All requests for clarification or further information must be received by the time and date given in Section 1.4 of Appendix 1. Any requests received after this time and date may or may not be responded to, at NCC's sole discretion.

You must not make any public statements regarding this REOI, without prior written consent of NCC. Unauthorised public statements by you about this REOI may, at NCC's sole discretion, lead to your disqualification from this REOI process.

- **Evaluation**

NCC will consider the information provided by the Respondent in response to the matters set out in Appendix 4.





APPENDIX 3 REOI TERMS AND CONDITIONS

- **Acceptance of REOI terms and conditions**

By submitting an EOI, the Respondent accepts the terms and conditions set out in this Appendix.

- **Status of Request for Expression of Interest**

Neither this REOI nor the REOI process shall create any contractual, equitable or other obligations on NCC or any right in favour of an interested Respondent that is enforceable against NCC. In particular, and without limitation, this REOI is not a contractual offer.

NCC is not bound to appoint any Respondent as a Shortlisted Party and NCC may or may not proceed to a Request for Proposal Process.

If there is any conflict or inconsistency between the terms and conditions set out in this REOI and the terms contained in any EOI, the terms and conditions set out in this REOI shall prevail.

- **Confidentiality**

NCC is subject to the provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA). If a Respondent considers that specific information in its EOI is confidential, it may mark it as "Commercial: In Confidence". It is not acceptable that the entire EOI is marked as such.

However, NCC cannot guarantee that information marked "Commercial: In Confidence" will not be disclosed, as NCC may be required by law to disclose such information.

- **Nelson City Council as regulatory authority**

This REOI is issued by NCC in its capacity as owner of Betts Carpark Special Housing Area. Nothing in

this REOI shall be deemed to amount to a consent, approval or permit by NCC in its capacity as authorised agency under HASHA, consent authority under the Resource Management Act 1991, Building Act 2004 or any other Act which relates to the development of Betts Carpark, or a representation or warranty that any such consent, approval or permission shall issue.

- **Collection of information**

Each Respondent authorises NCC to collect any information from the Respondent and relevant third parties (such as referees) and to use that information as part of its consideration of the EOI.

- **Conflicts of interest**

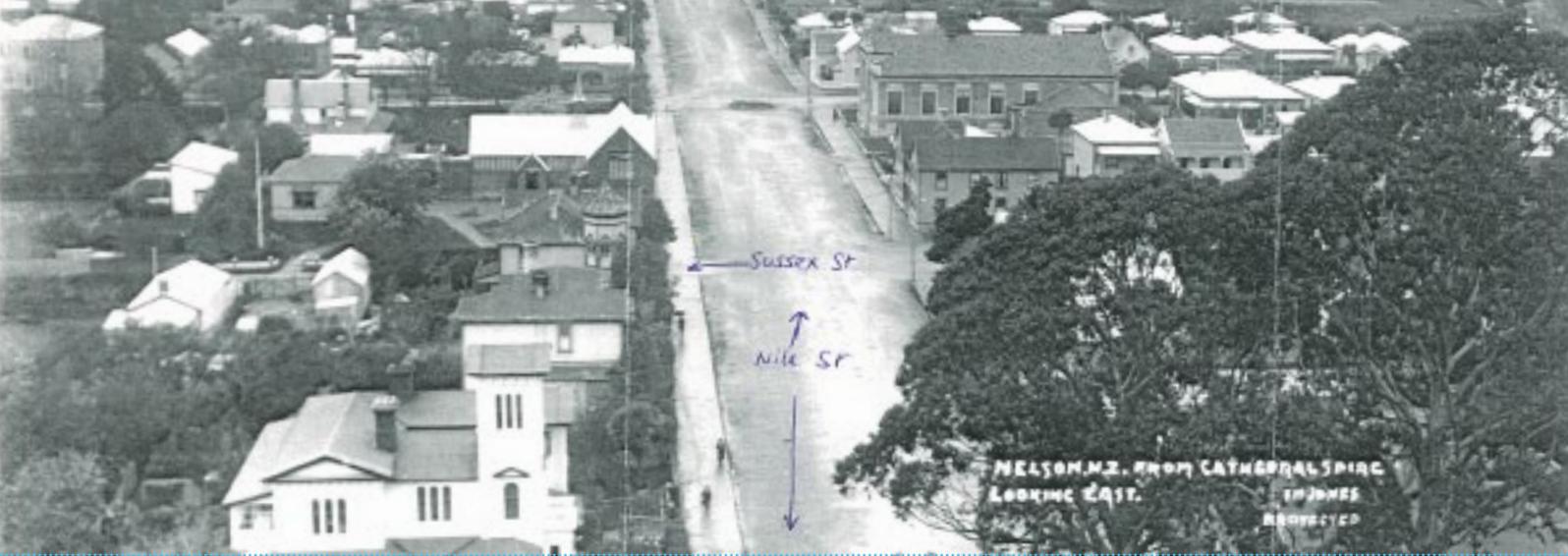
Each Respondent must disclose any actual or potential conflict of interest (whether real or perceived) in relation to the matters covered by this REOI.

- **Information complete and accurate**

By submitting an EOI, each Respondent warrants that all information provided by it to NCC in, or in relation to, the EOI is complete and accurate in all material respects.

- **Respondents to inform themselves**

NCC makes no representation and gives no warranty as to the accuracy or completeness of any information that is or will be provided by or on behalf of NCC in connection with the REOI process. NCC accepts no liability on account of errors in any statements made in this REOI document and each Respondent must rely on its own enquiries.



- **Cost of responding**

Each Respondent shall be responsible for all of its costs associated with preparing and submitting its EOI.

- **Notification of Request for Expression of Interest outcome**

The Shortlisted Parties (if any) will be advised if they have been selected to submit a Proposal in an RFP process. NCC will notify all unsuccessful Respondents to this REOI if they have not been invited to participate in the next stage of the process.

- **Exclusion of liability**

To the extent permitted by law, NCC and NCC's employees, contractors and agents will not be directly or indirectly liable (whether in contract, tort or otherwise) for any damage, loss or cost arising from, or in connection with, this REOI.

- **Rights reserved by NCC**

NCC reserves the right in its sole discretion to:

- » reject all or any of the EOI;
- » seek further details or clarification from a Respondent about any aspect of its EOI, provided that NCC will not be obliged to seek the same details or clarification from each Respondent; and
- » alter timelines (including those in Section 1.4 of Appendix 1 of this document).

- **Governing law**

This REOI is governed by New Zealand law and each Respondent submits to the exclusive jurisdiction of the New Zealand courts as to all matters relating to this REOI.





APPENDIX 4 **REOI FORM OF RESPONSE**

Contact details and Respondent information

Trading name: _____

Legal name: _____

Name of directors: _____

Address for service: _____

Respondent's Representative

The Respondent's Representative (primary contact person) submitting this EOI is:

Phone: _____ Mobile: _____ Fax: _____

Postal: _____

Email: _____

APPENDIX 4 (CONTINUED)

REOI FORM OF RESPONSE

Betts Carpark Special Housing Area Qualifying Development Criteria

Please confirm you will be able to meet the Betts Carpark Special Housing Area qualifying development criteria as set out in this REOI.

Design Controls

Please confirm that you will be able to meet the design controls as set out in this REOI.

SHA Timeframe

Please confirm, that you will be able to meet the following deadlines:

- Applications for resource consent under s25 HASHA must be submitted prior to 1 September 2016.

Specified information about the Respondent

NCC requests that Respondents provide the following information in their EOI:

Relevant experience

Details of at least three (3) specific relevant developments undertaken in the last five years (within New Zealand or overseas) of similar scale, complexity and approach to the qualifying development criteria and design controls stated in this REOI, where the Respondent has acted as the developer.

State how the objectives of the past relevant developments are similar to NCC's objectives for the purchase and development of Betts Carpark and explain how the knowledge gained from those prior developments can be utilised and transferred to purchasing and undertaking a qualifying development at Betts Carpark.

Statement of the relevant expertise/experience of any designers or contractors that the Respondent would use in undertaking a qualifying development at Betts Carpark.

Financial and delivery capacity

Information to demonstrate that the Respondent has the capacity to fund the purchase of Betts Carpark and to undertake a qualifying development on the land.

Banker's references, and the last three years of financial statements for the Respondent.

Names of related bodies corporate and a structure diagram showing the companies within the group and ownership of the Respondent.

Please list all current developments the Respondent is committed to including the location and value of each development.

Track record

Provide details of Respondent's performance in successfully undertaking and completing the relevant developments referred to above (Relevant Experience).

Provide references from previous or current clients/projects, stating the nature of the project, approximate monetary value and duration of the work.

Provide evidence of ability to meet health and safety obligations and appropriate standards of environmental management.

Provide details of any of your directors or major shareholders who have been personally declared bankrupt, or have been directors or shareholders of a company placed in receivership or liquidation (provisional or otherwise).

Provide details of any relevant potential, or pending legal actions and legal action against the Respondent in the last five years.

Proposed team

Provide statement on competence and CVs of the Respondent's key personnel proposed for undertaking a qualifying development at Betts Carpark, with particular regard to the skills and experience in delivering similar developments.



APPENDIX 4 (CONTINUED) **REOI FORM OF RESPONSE**

Validity of Respondent's response

All Respondents submitting a response to this REOI are required to complete and sign this declaration confirming the information given to NCC in response to this REOI and any other document provided as part of the response to this REOI is true and correct in all aspects.

Declaration

From: _____

I/We declare that the information provided to NCC in response to this REOI is true and correct in all aspects.

Signature (of duly authorised officer): _____

Signed by: _____ Print name: _____

Designation: _____ Date: _____

Conflict of Interest disclosure

Does the Respondent or any director, shareholder, or employee of the Respondent have any actual, potential or perceived conflicts of interest relating to NCC and this REOI process? If so, declare the conflict here.



APPENDIX 5 REOI DEFINITIONS

Definitions for terms used in the design controls section of this REOI are provided here.

Building entrance

The principal means of access to a dwelling or group of dwellings as defined in HASHA.

Built elements

Any structure, temporary or permanent, moveable or immovable, including external components of Heating, Cooling and Ventilation Plant except for:

- i. Scaffolding and falsework erected for construction and or maintenance purposes.
- ii. Fences, gates and landscape walls up to 2m in height.
- iii. Masts, flues and aerials less than 200m wide and 1.5m in height.

Commercial activity

A building, or portion of any building used for display, offer, provision, sale or hire of goods, equipment or services. It includes shops, showrooms, restaurants, cafes, professional offices, commercial and administrative offices.

Continuity of the street edge

Maximising development of buildings and landscape elements at the road boundary to Nile Street and Trafalgar Square.

Dwelling

Means a building or part of a building that is suitable for residential purposes and that is intended to be occupied exclusively as the home or residence of not more than 1 household. (HASHA definition).

Habitable spaces

The interior spaces of an accommodation unit, but excluding any, bathroom, ensuite, laundry, WC, pantry, walk in wardrobe, hallway, stair or lobby.

Street edge

The road boundary to Nile Street and Trafalgar Square.

APPENDIX 6 CERTIFICATE OF TITLE



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



Identifier NL5B/631
Land Registration District Nelson
Date Issued 13 February 1978

Prior References

NL50 50

Estate Fee Simple
Area 1182 square metres more or less
Legal Description Part Lot 2 Deposited Plan 224

Proprietors

The Nelson City Council

Interests

9350 Transfer creating the following easements

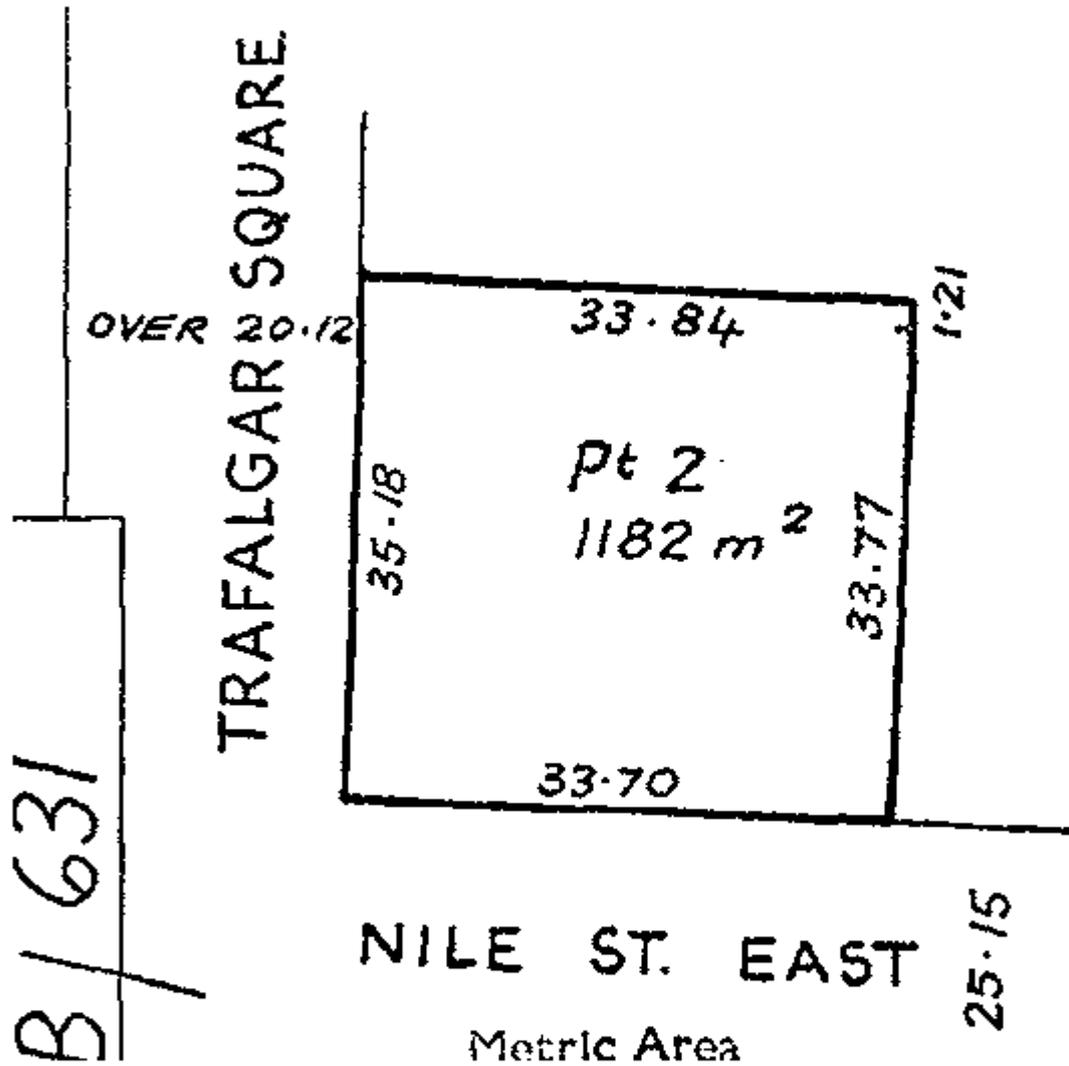
Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Drainage	Part Lot 2 Deposited Plan 224 - herem	Herem	Lot 3 Deposited Plan 224 - CT NL5B-608	

Land Covenant 341083.2 - 18.8.1994 at 11.30 am

Subject to a right to drain sewage and water over part marked G on DP 475938 and right to drain water over part marked H on DP 475938 created by Easement Instrument 9751911.3 - 10.11.2014 at 4:57 pm

Appurtenant hereto is a right to drain sewage created by Easement Instrument 9751911.3 - 10.11.2014 at 4:57 pm

The easements created by Easement Instrument 9751911.3 are subject to Section 243 (a) Resource Management Act 1991



341083.2 COV

THIS DEED made this *4th* day of *July* 1994

BETWEEN PETER SCOTT BUTLER of Nelson, Builder (hereinafter together with his executors, administrators and assigns called "the Covenantor") of the one part

A N D NELSON CITY COUNCIL (hereinafter with its assigns called "the Covenantee") of the other part

WHEREAS the Covenantor is registered as proprietor of an estate in fee simple in the land more particularly described in the First Schedule (hereinafter called "the Servient Land") *41/106*

AND WHEREAS the Covenantee is registered as proprietor of an estate in fee simple in the land more particularly described in the Second Schedule (hereinafter called "the Dominant Land") *58/631*

AND WHEREAS in consideration of the sum of ten cents (\$0.10) paid by the Covenantee to the Covenantor (the receipt whereof is hereby acknowledged) the Covenantor has agreed to enter into this restrictive covenant

NOW THEREFORE THIS DEED WITNESSETH as follows:

1. THE Covenantor as registered proprietor of the Servient Land for himself and his successors in title from time to time hereby covenants with the Covenantee and its successors in title from time to time of the Dominant Land that the Covenantor will not at any time hereafter:
 - (a) wilfully cut, destroy or remove or take any action or do any thing which may destroy the Nikau Palm in front of the building on the Servient Land;
 - (b) wilfully cut, remove or interfere with the roots of the Rata tree on the Dominant Land and which protrude into the Servient Landto the intent that the said restrictions shall be appurtenant to and run with the Dominant Land and be binding on subsequent registered proprietors of the Servient Land.
2. THE Covenantor and the Covenantee agree and declare for themselves and their respective successors in title that in case of default being made in the observance of the foregoing covenant that the damages payable for such default and as liquidated damages shall be the sum of \$50,000.00 (adjusted as provided in Clause 3) and that such shall be recoverable by the Covenantee in any Court of competent jurisdiction.
3. THE said sum of \$50,000.00 shall increase annually by the same percentage as represents the percentage increase in the then current All Groups Consumer Price Index (or its equivalent) compared with the previous Index. The first increase shall



be as at 1 April 1995.

- 4. NOTICE of the restrictive covenant set out herein shall be given to the District Land Registrar at Nelson for the purposes of registration under the provisions of Section 126A of the Property Law Act 1952.
- 5. EACH party agrees to do all acts, matters and things as may be necessary to effect registration of this Deed in the Land Transfer Office at Nelson.

FIRST SCHEDULE

574m2 being Lot 1 Deposited Plan 224 and being all the land in Certificate of Title 41/106 (Nelson Registry) Subject to: ~~Abstract 9350~~

SECOND SCHEDULE

1182m2 being part Lot 2 Deposited Plan 224 and being all the land in Certificate of Title 5B/631 (Nelson Registry) Subject to: Transfer 9350

IN WITNESS WHEREOF these presents have been executed the day and year first hereinbefore written.

SIGNED by PETER SCOTT BUTLER)
in the presence of:)

[Handwritten signature]
[Handwritten name]

[Handwritten signature]

The COMMON SEAL OF)
NELSON CITY COUNCIL)
was hereto affixed as)
Covenantee in the)
presence of:)



[Handwritten signature].....MAYOR

[Handwritten signature].....CHIEF EXECUTIVE

100 017
DATED 1994

Correct for the purposes of the
Land Transfer Act 1952



Solicitor for the parties

BETWEEN PETER SCOTT BUTLER

Covenantor

A N D NELSON CITY COUNCIL

Covenantee

DEED OF RESTRICTIVE COVENANT



11-30 18.0094 341083-2
REGISTERED IN THE DISTRICT OF NELSON
11-30 18.0094 341083-2

**APPENDIX 7
SERVICE PLAN**





Nelson City Council
te kaunihera o whakatū

Civic House, 110 Trafalgar St, Nelson
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03 546 0200

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