

# Minutes of a meeting of the Nelson City Council

# Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson

# On Thursday 3 September 2015, commencing at 9.02am

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L

Acland, I Barker, R Copeland, E Davy, M Lawrey, P Matheson (Deputy Mayor), B McGurk, G Noonan, P Rainey, T Skinner and

M Ward

In Attendance: Chief Executive (C Hadley), Group Manager Infrastructure (A

Louverdis), Group Manager Strategy and Environment (C Barton), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Senior Strategic Adviser (N McDonald), Manager Communications (P Shattock),

Manager Administration (P Langley), and Administration

Adviser (G Brown)

Apology: Councillor K Fulton

### **Opening Prayer**

Councillor Davy gave the opening prayer.

## 1. Apology

Resolved CL/2015/040

<u>THAT</u> an apology be received and accepted from Councillor Fulton.

Her Worship the Mayor/Copeland

Carried

### 2. Confirmation of Order of Business

Her Worship the Mayor advised that she would be leaving the meeting at 10.00am and that Councillor Matheson would assume the Chair in her absence.

Her Worship the Mayor added that items would be reordered in her absence with minutes being considered first.

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### 3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

### 4. Public Forum

4.1 Lindsay Wood - Information Gap on Climate Change and Fossil Fuels

Lindsay Wood spoke about the information gap on climate change and fossil fuels and referred to a tabled document (A1417841).

#### **Attachments**

1 A1417841 - Tabled Document - Lindsay Wood Climate Change

# 5. Trafalgar Centre Reopening

Document number R4749, agenda pages 97 - 107 refer.

Consulting Engineer, Mr Richard Kirby, presented the report.

Mr Kirby referred to the tabled document A1421326, which highlighted changes to the Officer's report.

In response to a question, Mr Kirby advised that the Rutherford Park development was not included in this report, and that the design would come back to Council in November 2016.

In response to a further question, Mr Kirby explained the term 'uplift' referred to costs such as physical and preliminary costs, oversight of projects and subcontractors.

Mr Kirby advised that ground movement after an earthquake could be significant and these movements had been considered as part of the ground work.

Attendance: Councillor Matheson left the meeting from 9.31am to 9.33am.

In response to a question, Mr Kirby clarified that the Rutherford Park development would be from a separate budget.

Councillor Matheson, seconded by Councillor Copeland, moved the recommendation in the Officer's report.

It was discussed that delegated authority should be extended and that capital expenditure did not include Rutherford Park.

With the agreement of the mover and seconder clauses 5 and 6 were expanded on.

Attendance: The meeting adjourned at 9.50am until 9.51am.

# A division was called:

Councillor Acland	Aye
Councillor Barker	Aye
Councillor Copeland	Aye
Councillor Davy	Aye
Councillor Fulton	Apology
Councillor Lawrey	Aye
Councillor Matheson	Aye
Councillor McGurk	Aye
Councillor Noonan	Aye
Councillor Rainey	Aye
Councillor Skinner	Aye
Councillor Ward	Aye
Her Worship the Mayor	Aye

The motion was carried, 12-0.

Resolved CL/2015/041

<u>THAT</u> the report Trafalgar Centre Reopening (R4749) be received;

<u>AND THAT</u> Gibbons Construction Ltd be contracted to undertake the physical works associated with the reopening of the Trafalgar Centre and the development of Rutherford Park;

<u>AND THAT</u> the scope of work contained within the Trafalgar Centre Reopening Project and the Rutherford Park Development be grouped into five packages:

Compliance works and ground improvement;

Southern extension;

Main building, infrastructure/external works and maintenance items;

Northern building;

Rutherford Park:

<u>AND THAT</u> each package be subject to detailed design, scheduling and pricing with due diligence to determine a total out-turn cost for that package;

<u>AND THAT</u> the total budget for the refurbishment of the Trafalgar Centre (noting this does not include capital expenditure for Rutherford Park) be approved at \$12.289M in the 2015/16 year;

AND THAT the Chief Executive, Her Worship the Mayor, Chair of Community Services and Chair of Works and Infrastructure (or their Deputies) be given delegated authority to approve the total out-turn cost for each package provided it is equal to or below the relevant July 2015 estimate for that package.

### Matheson/Copeland

Carried

### **Attachments**

1 A1421326 - Tabled Document - Update to Trafalgar Centre Reopening Report

Attendance: Her Worship the Mayor left the meeting at 9.52am, at which time the Deputy Mayor assumed the Chair.

# 6. Confirmation of Order of Business (Cont.)

6.1 Economic Development Services Transition Group

The Deputy Mayor advised of one late item for the public excluded part of the meeting, and that the following resolution needed to be passed for the item to be considered:

Resolved CL/2015/042

<u>THAT</u> the public excluded item regarding Economic Development Services Transition Group be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

Matheson/Davy

Carried

### 7. Administrative Matters

Document number R4509, agenda pages 42 - 63 refer.

Manager Administration, Penny Langley, presented the report.

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In response to a question, Ms Langley clarified that the Long Term Plan 2015-25 resolutions would need to be tracked through the Council meeting and not the relevant committee.

It was discussed the meeting attendance did not fairly represent the hours that were required from Councillors, as workshops were not recorded.

Resolved CL/2015/043

THAT the report Administrative Matters (R4509) and its attachments (A1409925, A1103850, A1401600, A1402955, A1363844 and A1294879) be received;

AND THAT the amendments to Standing Orders in terms of joint committees and live video-streaming of meetings, as detailed in Attachment 6 (A1294879), be approved;

AND THAT the leave of absence requested by Councillor Davy, from 14 January 2016 to 14 February 2016 inclusive, be granted;

AND THAT the Schedule of Documents Sealed (A1363844) be received and the approval of the fixing of the seal be confirmed in relation to those documents and the warrants of appointment detailed in that schedule.

Davy/Skinner Carried

# 8. Nelson School of Music (NSOM) Redevelopment - Project Governance

Document number R4528, agenda pages 64 - 67 refer.

Group Manager Community Services, Chris Ward, presented the report.

Resolved CL/2015/044

<u>THAT</u> the report Nelson School of Music (NSOM) Redevelopment - Project Governance (R4528) be received;

<u>AND THAT</u> whilst the project is owned by the Nelson School of Music, a Project Governance Committee be established, to recognise Council's considerable investment;

AND THAT whilst the Project Governance Committee is a joint committee of Council and Nelson School of Music Board members, accountability is clearly understood to lie with

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### the Nelson School of Music;

AND THAT the membership be Roger Taylor, Chair, and Mark Christensen on behalf of the Nelson School of Music Board, and the Group Manager Infrastructure (or his nominee) and the Group Manager Corporate Services (or her nominee);

AND THAT Council's contribution to the building is capped at 50%, to a maximum of \$3 million, noting that the initial kick-start of \$150,000 for project management is in addition to this.

<u>Davy/Ward</u> <u>Carried</u>

# 9. Development and Financial Contributions Policy 2015 - Dissemination of Information to the Development Community

Document number R4691, agenda pages 81 - 85 refer.

Senior Strategic Adviser, Nicky McDonald, presented the report.

Ms McDonald clarified that the names which had an asterix next to them reflected that they had made a submission to the Long Term Plan 2015-25.

Resolved CL/2015/045

**Understanding** 

<u>THAT</u> the report Development and Financial Contributions Policy 2015 - Dissemination of Information to the Development Community (R4691) and its attachment (A1410906) be received;

<u>AND THAT</u> it be noted that information about the Policy has been disseminated to the development community and, given the positive feedback received, that no amendments to the Policy are proposed.

Barker/Rainey Carried

# 10. Nelson Regional Sewerage Business Unit - Memorandum of

Document number R4743, agenda pages 86 - 96 refer.

The Chief Executive, Clare Hadley, presented the report.

Mrs Hadley advised that both Tasman District Council (TDC) and Nelson City Council collectively nominated an independent person to the business unit.

Mrs Hadley highlighted the change in quorum requirements in that one member from each Council was required.

In response to a question, Mrs Hadley confirmed that TDC would be considering this report also.

Resolved CL/2015/046

<u>THAT</u> the report Nelson Regional Sewerage Business Unit - Memorandum of Understanding (R4743) and its attachment (A1408609) be received;

<u>AND THAT</u> Council enters into the agreement with Tasman District Council (A1408609) that is attached to this report for the purpose of appointing a joint committee;

<u>AND THAT</u> Council constitutes the joint committee to be known as the Nelson Regional Sewerage Business Unit joint committee with Tasman District Council;

<u>AND THAT</u> Council appoints Councillor Copeland and Mr Derek Shaw as its members;

<u>AND THAT</u> Council agrees to the non-voting representative members being M Hippolite (Iwi) and P Wilson (Industry Customers);

<u>AND THAT</u> Council authorises the Chief Executive to update the Council's Delegations Manual and Local Governance Statement to give effect to the agreement.

<u>Matheson/Davy</u> <u>Carried</u>

Attendance: The meeting adjourned for morning tea at 10.16am until 10.30am.

### 11. Confirmation of Minutes

### 11.1 23 July 2015

Document number M1366, agenda pages 13 - 30 refer.

Resolved CL/2015/047

<u>THAT</u> the minutes of the meeting of the Council, held on 23 July 2015, be confirmed as a true and correct record.

Davy/Noonan Carried

# 12. Status Report - Council - 3 September 2015

Document number R4762, agenda pages 31 - 40 refer.

Resolved CL/2015/048

<u>THAT</u> the Status Report Council 3 September 2015 (R4762) and its attachment (A1168168) be received.

Rainey/Copeland

Carried

# 13. Joint Shareholders Committee - 24 July 2015

Document number M1369, agenda pages 108 - 111 refer.

Resolved CL/2015/049

<u>THAT</u> the unconfirmed minutes of an extraordinary meeting of the Joint Shareholders Committee, held on 24 July 2015, be received.

McGurk/Davy

Carried

# 14. Works and Infrastructure Committee - 30 July 2015

Document number M1375, agenda pages 112 - 117 refer.

Resolved CL/2015/050

<u>THAT</u> the unconfirmed minutes of a meeting of the Works and Infrastructure Committee, held on 30 July 2015, be received.

Davy/Skinner

Carried

### 15. Planning and Regulatory Committee - 6 August 2015

Document number M1394, agenda pages 118 - 126 refer.

Resolved CL/2015/051

<u>THAT</u> the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 6 August 2015, be received.

McGurk/Davy

Carried

15.1 Local Approved Products Policy (LAPP) Deliberations Report

Resolved CL/2015/052

<u>THAT</u> the Local Approved Products Policy (A375469) be adopted.

McGurk/Rainey Carried

15.2 Nelson Plan Update August 2015

Resolved CL/2015/053

<u>THAT</u> the review of the Nelson Resource Management Plan, Nelson Air Quality Plan and Regional Policy Statement hereafter be referred to as the draft Whakamahere Whakatu Nelson Plan.

McGurk/Davy Carried

16. Community Services Committee - 13 August 2015

Document number M1402, agenda pages 127 - 133 refer.

Resolved CL/2015/054

<u>THAT</u> the unconfirmed minutes of a meeting of the Community Services Committee, held on 13 August 2015, be received.

Rainey/Noonan Carried

17. Governance Committee - 20 August 2015

Document number M1409, agenda pages 134 - 139 refer.

Resolved CL/2015/055

<u>THAT</u> the unconfirmed minutes of a meeting of the Governance Committee, held on 20 August 2015, be received.

Barker/Acland Carried

17.1 Tourism Nelson Tasman Limited Statement of Intent 2015/16

Resolved CL/2015/056

<u>THAT</u> the Tourism Nelson Tasman Limited Statement of Intent 2015/16 (A1389798) be approved for signing.

Barker/Ward Carried

17.2 Update on charging interest on general debtors

Item from Audit, Risk and Finance Subcommittee meeting - 30/07/2015

Resolved CL/2015/057

<u>THAT</u> the Draft Debt Management Policy (A1353429) be approved.

Barker/McGurk Carried

### 18. Exclusion of the Public

Resolved CL/2015/058

<u>THAT</u> the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Copeland/McGurk Carried

Copera	<u>Carrie</u>		
Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Council Meeting - Public Excluded Minutes - 23 July 2015	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary:  Section 7(2)(g) To maintain legal professional privilege.  Section 7(2)(c)(ii) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.  Section 7(2)(i) To enable the local authority to carry on,

			without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).  • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.
2	Extraordinary Joint Shareholders Committee Meeting - Public Excluded Minutes - 24 July 2015	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary:  • Section 7(2)(i)  To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).  • Section 7(2)(a)  To protect the privacy of natural persons, including that of a deceased person.
3	Works and Infrastructure Committee Meeting - Public Excluded Minutes - 30 July 2015	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary:  • Section 7(2)(h)  To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.  • Section 7(2)(i)  To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
4	Community Services Committee Meeting - Public Excluded Minutes - 13 August 2015	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary:  • Section 7(2)(i)  To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

5 Governance Section 48(1)(a) The withholding of the Committee information is necessary: **Meeting - Public** The public conduct of Section 7(2)(i) **Excluded Minutes** this matter would be To enable the local likely to result in - 20 August 2015 authority to carry on, disclosure of without prejudice or These minutes information for which disadvantage, contain information good reason exists negotiations (including regarding: under section 7. commercial and industrial Burrell Park Building negotiations). Purchase Section 7(2)(a) To protect the privacy Nelson Directors' of natural persons, Fees 2015 including that of a deceased person. Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.

The meeting went into public excluded session at 10.48am and resumed in public session at 11.07am. During this time Councillor Skinner left the meeting.

### 19. Re-admittance of the Public

Resolved CL/2015/059

THAT the public be re-admitted to the meeting.

Matheson/Ward Carried

Attendance: The meeting adjourned at 11.10am until 11.14am. During this time

## 20. Mayor's Report

Document number R4766, agenda pages 41 - 41 refer.

Her Worship the Mayor returned to the meeting and assumed the Chair.

There was a discussion regarding climate change and how airlines were contributing to it.

Attendance: Councillor Lawrey left the meeting at 11.26am.

Her Worship the Mayor said that all corporations needed to consider climate change and that airlines were aware of the issue and focussing on becoming more fuel efficient.

Attendance: Councillor Lawrey returned to the meeting at 11.28am.

Her Worship the Mayor advised councillors of the proposed forestry workshop on Tuesday 15 September.

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Councillors discussed the upcoming China week and noted it was important to attend events.

Resolved CL/2015/060

# THAT the Mayor's Report (R4766) be received.

Her Worship the Mayor/Matheson

Carried

# 21. Governance Committee – 20 August 2015 (Cont.)

21.1 Capital Projects 2014/15

Item from Audit, Risk and Finance Subcommittee meeting – 30/07/2015

Resolved CL/2015/061

<u>THAT</u> Council approves continuing work on 2014/15 capital projects within the 2014/15 approved budgets, noting a report on carry forwards will come to the Audit, Risk and Finance Subcommittee meeting on 10 September 2015.

<u>Barker/McGurk</u> <u>Carried</u>

# 22. Urban Environments Bylaw 2015 - Sandwich Boards Final Decision

Document number R4562, agenda pages 68 - 80 refer.

It was noted that councillors needed clarification on the term 'status quo' as different interpretations existed.

Resolved CL/2015/062

THAT the report Urban Environments Bylaw 2015 - Sandwich Boards Final Decision (R4562) and its attachments (A1403472 and A1410899) be received;

AND THAT the Sandwich Board provisions of the Urban Environments Bylaw 2015 be adopted to include the current wording contained in the June 2015 Urban Environments Bylaw (A1334602) (i.e. by the shop for street level businesses and the kerb for upstairs businesses).

McGurk/Barker Carried

### 23. Exclusion of the Public

Resolved CL/2015/063

<u>THAT</u> the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Her Worship the Mayor/Skinner

**Carried** 

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Status Report - Council - 3 September 2015	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary:  • Section 7(2)(g)  To maintain legal professional privilege  • Section 7(2)(i)  To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Coastal View Lifestyle Village Road Stopping	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary:  • Section 7(2)(h)  To enable the local authority to carry out, without prejudice or disadvantage, commercial activities  • Section 7(2)(i)  To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
3	Economic Development Services	Section 48(1)(a) The public conduct of	The withholding of the information is necessary:  • Section 7(2)(a)

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Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	Transition Group	likely to result in disclosure of information for which good reason exists under section 7	To protect the privacy of natural persons, including that of a deceased person
4	Extraordinary Chief Executive Employment Committee Meeting - Public Excluded Minutes - 15 July 2015  These minutes contain information regarding: The proposed performance agreement Chief Executive 2015/16	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary:  • Section 7(2)(a)  To protect the privacy of natural persons, including that of a deceased person.
5	Governance Committee Meeting - Public Excluded Minutes - 20 August 2015  These minutes contain information regarding:  Review of Economic Development Services - next steps	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary:  Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).  Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.  Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.

The meeting went into public excluded session at 11.38am and resumed in public session at 2.13pm.

21.	Re-admittance of the Public	
	Resolved CL/2015/064	
	THAT the public be re-admitted to the meeting.	
	Her Worship the Mayor/Barker	Carried
There	being no further business the meeting ended at 2.13pm.	
Confirm	med as a correct record of proceedings:	
	Chairperson	_ Date

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