

Minutes of a meeting of the Nelson City Council

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

On Thursday 3 March 2016, commencing at 9.06am

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, R Copeland, E Davy, K Fulton, 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)

Her Worship the Mayor welcomed the senior government officials from South East Asia in the public gallery who were in Nelson for 8 weeks studying New Zealand people, systems, community and governance.

She added that the meeting was being recorded and could be watched on Council's YouTube channel.

1. Apologies

There were no apologies.

2. Confirmation of Order of Business

Her Worship the Mayor advised that the Nelson Regional Sewerage Business Unit reports, item 6 and 7 would be taken first on the agenda, followed by item 10, the Nelson City and Tasman District Regional Landfill – Joint Venture Proposal report, to accommodate the presenters.

3. Interests

Her Worship the Mayor advised councillors that they were to raise any interests with agenda items as the meeting progressed.

4. Nelson Regional Sewerage Business Unit - Annual Report 2014-15

Document number R5306, agenda pages 8 - 47 refer.

Tasman District Councillor and Chair of the Nelson Regional Sewerage Business Unit, Michael Higgins, and Nelson Regional Sewerage Business Unit Manager, Richard Kirby, presented the report.

In response to a question, Mr Kirby advised that the location of the Bell Island wastewater treatment facilities could cope with a one metre sea level rise, and with regards to future storm events, mitigations had been put in place to reduce pump station overflows.

In response to a further question, Mr Kirby clarified that heavy metal disposal was regulated by a trade waste agreement which aligned with New Zealand standards.

There was a discussion on whether analysis had been conducted on spreading dry solids at pine tree locations. Mr Kirby advised that analysis had been conducted and results were positive as trees were growing at a faster pace and there were no negative impacts on the surrounding environment.

Resolved CL/2016/004

THAT the report Nelson Regional Sewerage Business Unit - Annual Report 2014-15 (R5306) and its attachment (A1469480) be received.

Davy/Noonan

Carried

5. Nelson Regional Sewerage Business Unit: Draft Business Plan 2016/17

Document number R5314, agenda pages 48 - 70 refer.

Tasman District Councillor, Michael Higgins, and Consulting Engineer, Richard Kirby, presented the report.

In response to a question, Mr Kirby advised that the activity 'Review Board Performance' as stated in Appendix A of the Business Plan 2016/17 had been included for several years to ensure processes and outcomes were assessed.

Resolved CL/2016/005

THAT the report Nelson Regional Sewerage

Business Unit: Draft Business Plan 2016/17 (R5314) and its attachment (A1501600) be received;

AND THAT Council adopt the Nelson Regional Sewerage Business Unit Draft Business Plan 2016/17.

Noonan/Davy

Carried

6. Nelson City and Tasman District Regional Landfill - Joint Venture Proposal

Document number R5512, agenda pages 99 - 140 refer.

Consulting Engineer, Richard Kirby, presented the report.

Attendance: Councillor Copeland left the meeting at 9.25am.

Her Worship the Mayor advised that Tasman District Council would also be considering the regional landfill matter today.

Attendance: Councillor Copeland returned to the meeting at 9.28am.

Resolved CL/2016/006

THAT the report Nelson City and Tasman District Regional Landfill - Joint Venture Proposal (R5512) and its attachments (A1504294 and A1504295) be received;

AND THAT Council approve a Joint Venture model as the preferred option for the management of Tasman District and Nelson City Councils' landfills;

AND THAT a 50:50 Joint Venture is preferred, with a one-off payment of \$4.2 million paid by Tasman District Council to Nelson City Council to compensate for the difference in midpoint landfill values between York Valley and Eves Valley be approved;

AND THAT for Eves Valley, operational control of all land used for the existing landfill and for Stage 3 landfill purposes will be transferred to the Joint Venture and that for York Valley operational control of all of the land currently used (but not the land designated for Stage 2) will be transferred to the Joint Venture (noting

that, for formal decision-making purposes, maps and legal descriptions will be provided);

AND THAT both councils retain buffer land and designations, and that should any alternative use be proposed, the views and preferences of the joint venture will be taken into account in determining the future use of that land;

AND THAT the structure, governance, funding and ownership aspects of the landfill Joint Venture will be the subject of a future report to both Councils, noting the intention that this Joint Venture be similar to Nelson Regional Sewerage Business Unit;

AND THAT the Nelson City Council will undertake consultation on the proposal through its Annual Plan 2016/17 process and that, concurrently, Tasman District Council will engage with its community through its engagement on its Annual Plan 2016/17 whilst acknowledging that Tasman District Council may need to amend its Long-term Plan in July 2016 to enable this transaction (as the Eves Valley landfill is a strategic asset);

AND THAT, subject to confirmation through the Annual Plan consultation processes, the Joint Venture formally commence 1 July 2017 with the one-off payment of \$4.2 million to be made from Tasman District Council to Nelson City Council on that date;

AND THAT from the date of 3 March 2016 (being the date both Councils consider the proposal) both Councils will continue to support the model in the way they manage their landfills in anticipation of it being the approved outcome;

AND THAT prior to commencement of the Joint Venture on 1 July 2017, that each Council continue with all necessary work to establish the Joint Venture in anticipation of approval of the proposal;

AND THAT all direct and external costs for establishment of the Joint Venture will continue to be shared 50:50 between both Councils;

AND THAT the Chief Executive be instructed to establish with Tasman District Council a Joint Venture project team and do all necessary work for the purpose of establishing the Joint Venture

for landfill operations from 1 July 2017;

AND THAT all the statements in this recommendation be subject to the Tasman District Council passing equivalent resolutions on the joint landfill management.

Her Worship the Mayor/Matheson

Carried

7. Mayor's Report

Her Worship the Mayor advised that additional papers would be tabled for item 11, Approval of Draft Annual Plan 2016/17 (the Plan).

She confirmed with councillors that there would be an additional workshop scheduled for 22 March from 9am until 11am. She said the topic of the workshop would be the Code of Conduct and the protocol for the upcoming local government election.

She advised councillors that while bringing together the Annual Plan, she had identified a significant workload for the Community Services Committee moving forward. She felt the Committee had made some great progress but a greater focus was required to better engage with sports and recreation groups, and to develop partnerships which would ultimately better inform the 2018-2028 Long Term Plan.

Her Worship the Mayor advised that she had established a new Sports and Recreation Committee and has appointed the Deputy Mayor as the Chairperson. She added that for diary efficiency she intended that membership otherwise be the same as the Community Services Committee and proposed that both committees would meet on the same day.

Attendance: The meeting adjourned from 9.37am to 9.42am, during this time Councillor Fulton left the meeting.

Late Item Memo M1741 refers.

The Late Item – Mayor's Report was tabled, and Her Worship the Mayor advised that for the matter to be discussed at this meeting, a resolution needed to be passed for the item to be considered.

Councillor Davy, seconded by Councillor Skinner moved the recommendation to consider the late item.

THAT the item regarding Mayor's Report be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

Attendance: Councillor Fulton returned to the meeting at 9.42am.

There was a discussion about the significant workload referred to for the Community Services Committee and that further information was needed in relation to deliverables expected from the Annual Plan 2016/17.

Attendance: The meeting adjourned from 9.47am to 9.49am.

Concerns were raised in relation to the lateness of the item and the reasons for the establishment of the new Committee.

Attendance: The meeting adjourned from 9.58am to 10.14am.

A division was called:

Councillor Acland	No
Councillor Barker	Aye
Councillor Copeland	No
Councillor Davy	Aye
Councillor Fulton	No
Councillor Lawrey	No
Councillor Matheson	Aye
Councillor McGurk	No
Councillor Noonan	Aye
Councillor Rainey	No
Councillor Skinner	Aye
Councillor Ward	No
Her Worship the Mayor	Aye

The motion was lost 6-7.

It was noted that some councillors felt there was not a capacity issue for the Community Services Committee.

Her Worship the Mayor spoke about the 2016 Local Government New Zealand Conference, and in response to a question she said that Councillors could attend and the costs would be taken from their own travel and training budgets.

8. Betts Carpark Special Housing Area

Document number R5302, agenda pages 71 - 86 refer.

Senior Planning Adviser, Lisa Gibellini, presented the report.

Attendance: Councillor Rainey declared an interest and left the room. Councillor Acland left the meeting at 10.29am

In response to a question, Ms Gibellini advised that the design controls were formulated to provide high quality amenity both on site and off site, considering adjoining properties and the prominent location of the site. In relation to a question on the specific design objective in e) of 5.7 she advised that Graeme McIndoe, Urban Designer had since reviewed the design criteria and suggested changing e) to better clarify the intent as follows: 'Integration of high quality shared open spaces that provide for vehicle and pedestrian circulation within the development', which would also be reflected in the report in section 5.7e.

Attendance: Councillor Acland returned to the meeting at 10.32am.

In response to a question, Ms Gibellini explained that 'predominantly residential' in section 4.4 was defined in the Housing Accord and Special Housing Areas Act 2013 (HASHA) and essentially meant that the primary purpose was residential but that other uses were provided for so long as they were ancillary to the residential use.

Attendance: Councillor Matheson left at 10.39am and returned to the meeting at 10.41am. Councillor Noonan left at 10.41am and returned to the meeting at 10.43am.

In response to a question, Ms Gibellini advised that the short development window referred to in section 6.4 of the report was due to central government repealing the first part of HASHA containing the Special Housing Area provisions. HASHA set out its repeal dates because it was initially only intended for Auckland which was required to meet their targets before the date.

Attendance: Councillor Davy left the meeting at 10.43am and Councillor Copeland left the meeting at 10.45am.

In response to a question, Ms Gibellini said the Request for Expressions of Interest (REOI) stated that carparking, balcony requirements and acoustic installation were matters that the developer could decide on.

In response to a further question, she advised that the Betts carpark height allowance of 15m was higher than that specified in the Nelson Resource Management Plan as a permitted activity. However in providing for this height allowance the requirement to minimise shading on Nile Street residences had been controlled in the REOI design criteria.

Attendance: Councillor Davy returned at 10.48am and Councillor Copeland returned to the meeting at 10.52am.

There was support for the officer recommendations as they aligned with Council's strategic direction and would contribute positively to inner city living in Nelson.

Resolved CL/2016/007

THAT the report Betts Carpark Special Housing Area (R5302) and its attachments (A1503472 and A1499622) be received;

AND THAT the design controls in attachment 1, (A1503472) to be included in a Request for Expressions of Interest for the sale and development of Betts Carpark Special Housing Area, be approved;

AND THAT Council expresses a preference for the sale of Betts Carpark (Pt Lot 2 DP 224) for development as a Special Housing Area.

McGurk/Her Worship the Mayor

Carried

Attendance: Councillor Rainey returned to the meeting at 10.59am.

9. Special Housing Areas

Document number R5354, agenda pages 87 - 98 refer.

Senior Planning Adviser, Lisa Gibellini, presented the report.

In response to a question, Ms Gibellini said the Housing Accord targets had been measured across the year and this was the six monthly update. She added that she had no concerns about meeting the targets set.

Attendance: Councillor Lawrey left the meeting at 11.00am and Councillor Skinner left at 11.02am and returned to the meeting at 11.04am.

There was some discussion about traffic concerns and the impact on infrastructure for the possible Special Housing Area at Saxton.

Attendance: Councillor Lawrey returned to the meeting at 11.05am.

There was general support for the officer recommendations and it was highlighted that infrastructure and open space connectivity would be considered as part of the Saxton master plan.

Attendance: Councillor Copeland left the meeting at 11.07am.

Resolved CL/2016/008

THAT the report Special Housing Areas (R5354) and its attachment (A1503228) be received;

AND THAT Council approve the extension of Saxton Special Housing Area over part of the Richards property (Lot 4 DP 8212) as shown in

the attachment (A1503228), subject to the Saxton master plan agreement specified in the Council resolution of 17 December 2015 being entered into;

AND THAT Council approve a new Beach Road Special Housing Area adjoining the Ocean Lodge Special Housing Area over the Elliot and Menzies (Lots 1 & 2 DP 530) properties as shown in the attachment (A1503228);

AND THAT Her Worship the Mayor recommend the Beach Road area to the Minister of Building and Housing for consideration as a Special Housing Area under the Housing Accord and Special Housing Areas Act 2013;

AND THAT Her Worship the Mayor recommend to the Minister of Building and Housing the extended Saxton Special Housing Area after the master plan conditions have been met.

Noonan/Davy

Carried

Attendance: The meeting adjourned from 11.11am to 11.22am. During this time Councillor Fulton left the meeting and Councillor Copeland returned to the meeting.

10. Approval of Draft Annual Plan 2016/17

Document number R5525, agenda pages 141 - 172 refer.

Senior Strategic Adviser, Nicky McDonald, and Group Manager Corporate Services, Nikki Harrison, presented the report.

Ms McDonald advised that since the Council workshop figures had been updated and legal advice had been received.

The Mayors Message (A151032), the Consultation Document on the Draft Annual Plan 2016/17 (A1512576), Funding Impact Statement (A1414959) and additional Rates Policies resolutions (A1512560) were tabled.

Attendance: Councillor Fulton returned to the meeting at 11.26am.

Ms McDonald advised councillors of the changes to the Significance and Engagement Policy.

Ms McDonald advised that Simpson Grierson had reviewed the Rates Remission Policy and Rates Postponement Policy. Changes to these policies were tabled (A1512007).

It was highlighted that page 4 of the Consultation Document needed to state that the Southern Link project was the responsibility of the New Zealand Transport Agency.

Attendance: Councillor Rainey declared an interest and moved away from the table.

There was a discussion regarding the \$50,000 funding earmarked for the gondola project and whether this was a sufficient indication of support for it. An additional \$50,000 was proposed in the draft Annual Plan.

Councillor Lawrey, seconded by Councillor Fulton, moved a motion.

AND THAT \$100,000 be earmarked for the Gondola project in the draft Annual Plan 2016/17.

Several councillors felt the current funding of \$50,000 was adequate and should the community think otherwise then submissions would be received.

Attendance: The meeting adjourned from 11.42am to 11.43am.

The financial implications in making a change to the draft Annual Plan 2016/17 at this stage were discussed.

Attendance: Councillor Rainey returned to the meeting at 11.50am.

The motion was put and lost.

Attendance: Councillor Rainey returned to the table at 11.51am.

Her Worship the Mayor, seconded by Councillor Barker, moved the recommendations in the officer report.

Councillors spoke in support of the draft Annual Plan. Her Worship the Mayor noted the limited areas of exception from the Long Term Plan which was an indication that Councils work programme was on track.

Resolved CL/2016/009

THAT the report Approval of Draft Annual Plan 2016/17 (R5525) and its attachments (A1448943, A1458865, and A1509118) be received;

AND THAT Council adopts the amended Significance and Engagement Policy (A1509118);

AND THAT Council adopts the Draft Annual Plan 2016/17 (A1448943) as amended, as an accurate reflection of its proposed variations to year two of the Long Term Plan 2015-25;

AND THAT Council adopts the Consultation Document for the Draft Annual Plan 2016/17 (A1458865) as amended, for public consultation from 11 March 2016 to 5pm 11 April 2016;

AND THAT the Mayor, Deputy Mayor and Chief Executive be delegated to approve any minor amendments required to the draft Annual Plan 2016/17 or the Consultation Document;

Her Worship the Mayor/Barker

Carried

The meeting then considered the tabled resolutions relating to the Rates Remissions and Rates Postponement Policies.

Resolved CL/2016/010

AND THAT Council adopts the consultation document on changes to the Rates Remission and Rates Postponement Policies (A1512007) for concurrent consultation with the Consultation Document on the draft Annual Plan;

AND THAT the Mayor, Deputy Mayor and Chief Executive be delegated to approve any minor amendments required to the consultation document on changes to the Rates Remission and Rates Postponement Policies;

AND THAT hearings and deliberations on the changes to the Rates Remission and Rates Postponement Policies be held at the same time as hearings and deliberations on the draft Annual Plan.

Her Worship the Mayor/Matheson

Carried

Attachments

- 1 A1510532 - Draft Annual Plan 2016/17 Mayor's Message
- 2 A1512576 - Consultation Document on the Draft Annual Plan 2016/17
- 3 A1512007 Amendments to Rates Remission Policy and Rates Postponement Policy
- 4 A1514959 - Funding Impact Statement Changes
- 5 A1512560 - Rates Remission and Rates Postponement Policies Recommendations

11. Lewis Stanton Update

Document number R5537, agenda pages 173 - 174 refer.

The Chief Executive, Clare Hadley, presented the report.

Resolved CL/2016/011

THAT the report Lewis Stanton Update (R5537) be received.

Davy/Rainey

Carried

12. Exclusion of the Public

Resolved CL/2016/012

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

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

Her Worship the Mayor/Matheson

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	Nelson Regional Development Agency - Appointment of Chair and Recruitment of Board Members	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person

The meeting went into public excluded session at 12.00pm and resumed in public session at 12.05pm.

13. Re-admittance of the Public

Resolved CL/2016/013

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Skinner

Carried

There being no further business the meeting ended at 12.05pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date