

Minutes of a meeting of the Nelson City Council

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

On Thursday 28 July 2016, commencing at 9.07am

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, E Davy, K Fulton, M Lawrey, B McGurk, 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 and Acting Manager Libraries and Heritage Facilities (P Shattock), Administration Adviser (S Burgess), and Nelson Youth Councillors (M Dahal and S McIlroy)

Apologies: Councillors R Copeland, P Matheson, and G Noonan

Opening Prayer

Councillor Skinner gave the opening prayer.

1. Apologies

Resolved CL/2016/210

THAT apologies be received and accepted from Councillors Copeland, Matheson and Noonan.

Her Worship the Mayor/Davy

Carried

2. Confirmation of Order of Business

Attendance: Councillor Skinner left the meeting at 9.09am.

Her Worship the Mayor noted that Mr Jim Cable would be an additional public forum participant. She advised that item 7 of the public excluded

agenda, Request for Leave of Absence, had been withdrawn, and a minor late item titled 'Ridgeways Joint Venture Update' would be presented in public excluded.

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 Jim Cable

Mr Cable raised concerns about building consent fee increases and councillor attendance.

Point of Order: A point of order was raised under Standing Orders 3.13.4(b) for disrespectful language. The Chairperson upheld the Point of Order.

Mr Cable spoke about councillors commitment to their undertakings as elected members, the Trafalgar Centre, and the proposed fluoridation of water by the District Health Board.

4.2 Andrew Irvine, Kindra Douglas, Chris Crow, Nick Gastrall and Jenny Wells

Mr Irvine gave a PowerPoint presentation on the Living Wage Campaign (A1590511). Mr Crow spoke about the history of poverty in New Zealand, and actions that the Church had taken. Ms Wells spoke about the difficulty of working long hours on less than the living wage to ensure bills could be paid. Ms Douglas spoke about the work of the Victory Community Centre Board in collecting food for the community.

The group asked that Council support the Living Wage Campaign by taking the pledge as outlined in the presentation, and leveraging this into the wider community.

Attachments

- 1 A1590511 - Living Wage Campaign PowerPoint

4.3 Gaire Thompson

Gaire Thompson spoke about foreshore protection on Boulderbank Drive, stormwater charges, and resource consent processing. He provided a handout which was displayed as a PowerPoint presentation (A1593317).

Attachments

- 1 A1593317 - Gaire Thompson Foreshore Protection and Stormwater Charges Handout

4.4 Graeme O'Brien and Charles Shaw - Menzshed Whakatu Inc

Graeme O'Brien, Chairman of Menzshed Whakatu Inc, spoke about the need for a shed for Menzshed Whakatu and the process of trying several times to lease a shed at Founders Heritage Park. He raised concerns that Menzshed Whakatu was not being treated fairly, and asked for Council support for a shed at Founders.

4.5 Steve Baigent on behalf of Helen Bowater

Steve Baigent spoke about the Special Housing Area (SHA) proposed for 69 Newman Drive. He advised councillors of the protective covenant registered on titles in the Ridgeways Joint Venture, and how a SHA was not acceptable under the covenant requirements.

Mr Baigent raised concerns about the lack of consultation with the community on the SHA, along with access and land issues. He requested that the approval for the SHA at 69 Newman Drive be withdrawn.

Her Worship the Mayor advised that a deed had been entered into with the applicant which required agreement from all 38 titles in the Ridgeways Joint Venture before a SHA could proceed.

5. Confirmation of Minutes

5.1 16 June 2016

Attendance: Councillor Ward left the meeting at 10.06am.

Document number M1937, agenda pages 15 - 40 refer.

Resolved CL/2016/211

THAT the minutes of the meeting of the Council, held on 16 June 2016, be confirmed as a true and correct record.

Davy/Barker

Carried

5.2 30 June 2016 - Extraordinary Meeting

Document number M1969, agenda pages 41 - 66 refer.

Resolved CL/2016/212

THAT the minutes of the extraordinary meeting of the Council, held on 30 June 2016, be confirmed as a true and correct record.

McGurk/Barker

Carried

6. Status Report - Council - 28 July 2016

Document number R6308, agenda pages 67 - 87 refer.

Officers responded to questions regarding the Modellers Pond, graffiti, Smokefree CBD, Trafalgar Centre, and Special Housing Areas.

Attendance: Councillor Ward returned to the meeting at 10.09am.

Resolved CL/2016/213

THAT the Status Report Council 28 July 2016 (R6308) and its attachment (A1168168) be received.

Davy/Ward

Carried

7. Mayor's Report

Document number R6238, agenda page 88 refers.

Her Worship the Mayor presented the report. She also spoke about the recent Local Government New Zealand (LGNZ) Conference and the Nelson garden in Huangshi. Her Worship the Mayor advised she would be writing a letter of support from the Office of the Mayor for the LGNZ Submission to the Local Government Act Amendment Bill (No 2).

Resolved CL/2016/214

THAT the Mayor's Report (R6238) be received.

Her Worship the Mayor/Ward

Carried

8. Notice of Motion - Venue for Candidates' Meeting

Document number R6348, agenda pages 89 - 93 refer.

Councillor Davy presented and moved the notice of motion, which was seconded by Councillor Barker.

Councillors supported the intention of the event, but concern was expressed regarding the Nelson Residents' Association proposed use of savings for advertising to encourage residents to vote, and what medium would be used for this.

Concern was also raised that Council would be indirectly subsidising candidates financially and providing a platform for election purposes. It was suggested that candidates should financially support the event instead of Council.

It was questioned whether the Association would be charging candidates for a space at the event, and it was suggested that free entry should be provided to all. The mover and seconder agreed, with consent of the meeting via a show of hands, to amend the motion to this effect.

The Chief Executive, Clare Hadley, pointed out that the notice of motion had been presented to Council on the basis of being politically neutral as it was an event for all candidates.

Resolved CL/2016/215

THAT Council approves the Nelson Residents' Association the use of the Stoke Memorial Hall for a publicly advertised candidates' meeting for the upcoming 2016 triennial election for Nelson City Council at no cost on the basis of free entry for all.

Davy/Barker

Carried

Attendance: The meeting adjourned from 10.43am to 10.57am, during which time Councillor Skinner returned to the meeting and Councillors Acland and Davy left the meeting.

9. Public Forum (Continued)

9.1 Dr Julie Hall – National Institute of Water and Atmospheric Research (NIWA)

Dr Julie Hall gave a PowerPoint presentation (A1593229) regarding the Sustainable Seas National Science Challenge. She advised the challenge had been funded for five years by the Ministry of Business, Innovation and Employment.

Attendance: Councillor Acland returned to the meeting at 11.01am.

Dr Hall spoke about the focal region of Tasman Bay and Golden Bay. She presented the programmes titled Our Seas, Valuable Seas, Tangaroa, Dynamic Seas, and Managed Seas.

Dr Hall responded to questions regarding staff movements, communicating the Challenge to the community, funding, engagement with youth, and the benefit to Council of the scientific information produced for the region.

Attendance: Councillor Lawrey left the meeting at 11.23am and Councillor McGurk left the meeting at 11.30am.

Attachments

- 1 A1593229 - Dr Julie Hall NIWA Sustainable Seas National Science Challenge PowerPoint

10. LGNZ Excellence Programme Confirmation

Document number R6344, agenda pages 94 - 97 refer.

In response to a question, the Chief Executive, Clare Hadley, confirmed that unbudgeted funding was available for the LGNZ Excellence Programme.

Attendance: Councillors Lawrey and McGurk returned to the meeting at 11.31am.

Resolved CL/2016/216

Receive the report LGNZ Excellence Programme Confirmation (R6344);

Confirm its involvement with the LGNZ Excellence Programme as a selected foundation Council.

Ward/Fulton

Carried

11. Brook Recreation Reserve Management Plan - Gazettal and Road Stopping Hearings Panel

Document number R5902, agenda pages 103 - 109 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report.

Her Worship the Mayor moved the motion with the inclusion of Councillor Fulton in the Hearing Panel membership list.

Resolved CL/2016/217

THAT the report Brook Recreation Reserve Management Plan - Gazettal and Road Stopping Hearings Panel (R5902) and its attachment (A1546914) be received;

AND THAT a Hearing Panel consisting of an independent chair (Peter Reaburn) and two councillors hear and deliberate on the objections received with respect to the gazettal and road stopping processes required as a result of the adoption in principle by Council of the Brook Reserve Management Plan;

AND THAT those two councillors be selected from Deputy Mayor Matheson, Councillors Noonan, Barker, McGurk and Fulton, by her Worship the Mayor or the Chief Executive Officer based on the availability of members when the meetings are scheduled;

AND THAT the draft Terms of Reference for the Hearing Panel as per Attachment A1546914 be adopted.

Her Worship the Mayor/Rainey

Carried

12. Addition to delegations relating to activities under the Food Act 2014

Document number R6215, agenda pages 110 - 118 refer.

Stephen Lawrence, Manager Environmental Inspections Ltd, presented the report.

Resolved CL/2016/218

Receive the report Addition to delegations relating to activities under the Food Act 2014 (R6215) and its attachment (A1576948);

Approve the delegation of functions and duties (sections 173 and 174) to the Chief Executive under the Food Act 2014.

McGurk/Ward

Carried

13. Regional Pest Management Committee - Terms of Reference

Document number R6204, agenda pages 119 - 124 refer.

The Chief Executive, Clare Hadley, presented the report.

Resolved CL/2016/219

Receive the report Regional Pest Management Committee - Terms of Reference (R6204) and its attachment (A1582854);

Consider whether to amend the Terms of Reference for the Regional Pest Management Committee, and if so

Approve the amendments to the Terms of Reference to the Regional Pest Management Committee as attached (A1582854), which will not have effect until Tasman District Council passes a similar resolution.

McGurk/Acland

Carried

REPORTS FROM COMMITTEES

14. Hearings Panel - 27 June 2016

Document number A1571257, agenda pages 125 - 132 refer.

Resolved CL/2016/220

THAT the minutes of a meeting of the Hearings Panel, held on 27 June 2016, be received.

Barker/McGurk

Carried

15. Regional Pest Management Committee - 29 June 2016

Document number A1577144, agenda pages 133 - 137 refer.

Resolved CL/2016/221

THAT the unconfirmed minutes of a meeting of the Regional Pest Management Committee, held on 29 June 2016, be received.

McGurk/Fulton

Carried

16. Hearings Panel - Other - 7 July 2016

Document number A1580588, agenda pages 138 - 139 refer.

Resolved CL/2016/222

THAT the minutes of a meeting of the Hearings Panel – Other, held on 7 July 2016, be received.

Skinner/Barker

Carried

17. Nelson Regional Sewerage Business Unit - 11 March 2016

Document number M1761, agenda pages 140 - 143 refer.

Resolved CL/2016/223

THAT the minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 11 March 2016, be received.

Her Worship the Mayor/Ward

Carried

18. Chief Executive Employment Committee - 20 June 2016

Document number M1944, agenda pages 144 - 147 refer.

Resolved CL/2016/224

THAT the unconfirmed minutes of a meeting of the Chief Executive Employment Committee, held on 20 June 2016, be received.

Her Worship the Mayor/Acland

Carried

19. Works and Infrastructure Committee - 23 June 2016

Document number M1952, agenda pages 148 - 152 refer.

Resolved CL/2016/225

THAT the unconfirmed minutes of a meeting of the Works and Infrastructure Committee, held on 23 June 2016, be received.

Lawrey/Barker

Carried

20. Planning and Regulatory Committee - 30 June 2016

Document number M1966, agenda pages 153 - 158 refer.

Resolved CL/2016/226

THAT the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 30 June 2016, be received.

McGurk/Fulton

Carried

21. Regional Transport Committee - 4 July 2016

Document number M1974, agenda pages 159 - 163 refer.

Resolved CL/2016/227

THAT the unconfirmed minutes of a meeting of the Regional Transport Committee, held on 4 July 2016, be received.

McGurk/Fulton

Carried

22. Community Services Committee - 7 July 2016

Document number M1992, agenda pages 164 - 171 refer.

Resolved CL/2016/228

THAT the unconfirmed minutes of a meeting of the Community Services Committee, held on 7 July 2016, be received.

Rainey/Lawrey

Carried

22.1 Bishopdale Easement for Purposes of Electricity Supply

Resolved CL/2016/229

Grants the easement in gross, in favour of Network Tasman Limited, shown as area "A" and "B" on Title Plan LT 499221;

That the easement be consented to under section 48(1) (d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation;

Meets all legal costs associated with the easement.

Rainey/Lawrey

Carried

22.2 Management of Waahi Taakaro Golf Course

Attendance: Councillor Davy returned to the meeting at 11.49am.

In response to questions, Group Manager Community Services, Chris Ward, advised the consultation with club and non-club members had been extended until the end of August 2016.

Resolved CL/2016/230

THAT the Memorandum of Understanding between Council and the Waahi Taakaro Golf Club (A1487496) be approved in principle for signing, subject to confirmation of the fee and concession structure and completion of consultation with club and non-club members in regards to the proposed fee and concession structure.

Rainey/Lawrey

Carried

23. Governance Committee - 14 July 2016

Document number M1999, agenda pages 172 - 180 refer.

Resolved CL/2016/231

THAT the unconfirmed minutes of a meeting of the Governance Committee, held on 14 July 2016, be received.

Barker/Fulton

Carried

- 23.1 Internal Audit Plan - 2016/17
Item from Audit, Risk and Finance Subcommittee meeting - 23/06/2016

The Chief Executive, Clare Hadley, explained that further clarification was needed in the second clause of the recommendation. The words 'to cover contract expenditure for the external audits shown on the Internal Audit Plan 2016/17 (A1562649)' were added.

Resolved CL/2016/232

THAT the Internal Audit Plan 2016/17 (A1562649) be approved;

AND THAT it be noted there will be unbudgeted expenditure required to cover contract expenditure for the external audits shown on the Internal Audit Plan 2016/17 (A1562649), which will be reported for approval to the Audit, Risk and Finance Subcommittee through the Corporate Report once estimates have been confirmed.

Barker/Ward

Carried

- 23.2 Procurement Policy
Item from Audit, Risk and Finance Subcommittee meeting - 23/06/2016

Resolved CL/2016/233

THAT the revised Procurement Policy (A1540508) be adopted.

Barker/Fulton

Carried

- 23.3 Capital Projects Carry Forwards 2015/16
Item from Audit, Risk and Finance Subcommittee meeting - 23/06/2016

Resolved CL/2016/234

THAT Council approves continuing work on 2015/16 capital projects within the 2015/16 approved budgets, noting a final report on carry

forwards will come to the Governance Committee's meeting on 25 August 2016.

Barker/Fulton

Carried

- 23.4 Operating Expenditure Carry Forwards 2015/16
Item from Audit, Risk and Finance Subcommittee meeting - 23/06/2016

Resolved CL/2016/235

THAT Council approves continuing work on 2015/16 operating projects within the 2015/16 approved budgets, noting a final report on carry forwards will come to the Governance Committee's meeting on 25 August 2016.

Barker/Her Worship the Mayor

Carried

- 23.5 Haven Precinct Project Progress Report
Item from Commercial Subcommittee meeting - 23/06/2016

The Haven Precinct Strategic Business Case was tabled (A1550230).

Resolved CL/2016/236

Approve the visions and goals detailed in report R6077 for the concept design;

Approve using a traditional procurement process to appoint a lead consultant, to produce the concept design plans based on the visions and goals advised;

Approve the preliminary project timeline included in report R6077;

Approve the Haven Precinct Strategic Business Case (A1550230).

Barker/Fulton

Carried

Attachments

- 1 A1550230 - Business Case for Haven Precinct

Attendance: The meeting adjourned for lunch from 11.57am to 12.35pm, during which time Councillor Skinner returned to the meeting.

24. Code of Conduct Review

Document number R6096, agenda pages 98 - 102 refer.

Her Worship the Mayor suggested there was still some ambiguity in the wording of clauses 5.10 and 5.11 of the Elected Members' Code of Conduct.

Her Worship the Mayor moved, seconded by Councillor Davy, a motion:

Receive the report Code of Conduct Review (R6096);

Amend the Elected Members' Code of Conduct as follows:

Clause 5.10: Elected members public statements expressing their opinion on matters before the Council shall not criticise the conduct of ~~the Council~~, other elected members or officers of the Council

Remove the final sentence in Clause 5.11: 'No statements made in this capacity shall undermine any existing policy or decision of the Council.'

The meeting discussed the motion, with some in favour of further changes, and some feeling any changes would be redundant. It was suggested the meaning of the current wording set a high threshold for non-compliance.

It was noted that the Code of Conduct would be reviewed in the new triennium, and it was suggested any proposed changes could be left for that review.

The motion was put and lost.

25. Exclusion of the Public

Her Worship the Mayor reminded councillors that a minor late item would be presented during the public excluded part of the meeting titled 'Ridgeways Joint Venture Update', and that the item 'Request for Leave of Absence' had been withdrawn.

Resolved CL/2016/237

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:

Barker/Davy

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	Council Meeting - Public Excluded Minutes - 16 June 2016	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
2	Extraordinary Council Meeting - Public Excluded Minutes - 30 June 2016	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(g) To maintain legal professional privilege.
3	Public Excluded Status Report - Council - 28 July 2016	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • 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	Strategic Property Negotiations - Stoke	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage,

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		good reason exists under section 7	negotiations (including commercial and industrial negotiations)
5	Nelson Events Fund Application Update	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)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
6	Chief Executive Employment Committee Meeting - Public Excluded Minutes - 20 June 2016 These minutes contain recommendations to Council regarding: <ul style="list-style-type: none"> End of year performance review Final draft KPIs 	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.
7	Community Services Committee Meeting - Public Excluded Minutes - 7 July 2016 These minutes contain a recommendation to Council regarding: <ul style="list-style-type: none"> Community Leases – Bowls 	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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	Tahunanui		
8	<p>Governance Committee Meeting - Public Excluded Minutes - 14 July 2016</p> <p>These minutes contain recommendations to Council regarding:</p> <ul style="list-style-type: none"> • Nelson Airport Ltd and Port Nelson Ltd Director Reappointments • Nelmac Director Reappointments • Nelmac Director Remuneration • Detailed Property Assessment: Wakapuaka • Detailed Property Assessment: Industrial land in Stoke • Property Matters – approaches received on properties to purchase or sell, and leasing matters relating to Civic House 	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
9	<p>Minor Late Item - Ridgeways Joint Venture Update</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into public excluded session at 1.15pm and resumed in public session at 2.37pm, during which time Councillors Barker, Davy and Skinner left the meeting.

26. Re-admittance of the Public

Resolved CL/2016/238

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Ward

Carried

There being no further business the meeting ended at 2.37pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date