
Minutes of a meeting of the Nelson City Council

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

On Thursday 22 September 2016, commencing at 9.03am

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), Senior Strategic Adviser (N McDonald), Manager Communications Acting Manager Libraries and Heritage Facilities (P Shattock), Manager Administration (P Langley), and Administration Adviser (S Burgess)

Apology: Councillor Matheson for lateness

Opening Prayer

Councillor Skinner gave the opening prayer.

1. Apologies

Resolved CL/2016/271

***THAT an apology be received and accepted from
Councillor Matheson for lateness.***

Her Worship the Mayor/Davy

Carried

2. Confirmation of Order of Business

Her Worship the Mayor advised that the item 'Valedictory Speech' would be considered at the end of the meeting.

Attendance: Councillor Copeland joined the meeting at 9.06am.

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 Gaire Thompson, Nanette Thompson, Renata Schrader, John Hogan- Inner City Retailers and Property Owners Group

Mr and Mrs Thompson, Ms Schrader and Mr Hogan spoke about the challenges associated with having Lewis Stanton protesting and camping outside the Farmers store on Trafalgar Street. They raised concerns about safety, fire risk, financial impact on retail in the area, and the impact on tourists. The group urged Council to take regulatory action on the matter.

Attendance: Councillor Lawrey left the meeting at 9.35am, and Councillors Acland and Fulton left the meeting at 9.38am.

5. Confirmation of Minutes

5.1 8 September 2016

Document number M2126, agenda pages 6 - 28 refer.

Attendance: Councillors Acland and Lawrey returned to the meeting at 9.40am.

It was noted that Councillor Skinner had declared an interest when he left the meeting during item 12 'Plan Change A3 – Woodburners – Operative Date', and this needed to be reflected in the minutes.

It was requested that the resolutions under 22.4 'Carry Forwards from 2015/16' and 22.6 'Internal Audit Report to 30 June 2016' start with the words 'That the Council:'.

Attendance: Councillor Fulton returned to the meeting at 9.46am.

Resolved CL/2016/272

THAT the amended minutes of the meeting of the Council, held on 8 September 2016, be confirmed as a true and correct record.

Davy/Ward

Carried

6. Mayor's Report

Document number R6558, agenda pages 29 - 40 refer.

Her Worship the Mayor introduced Council's new Kaihautū, Tāmati Olsen.

Resolved CL/2016/273

THAT the Mayor's Report (R6558) and its attachments (A1631097 and A1351876) be received.

Her Worship the Mayor/Barker

Carried

Her Worship the Mayor provided detail about the upcoming visit from representatives of the Diplomatic Corps.

The Chief Executive, Clare Hadley, responded to questions about the delegated authority of the Joint Steering Group to extend the Housing Accord as allowed for under Clause 19 of the Accord. She emphasised that it was appropriate to extend the Accord for a limited time and for a specific purpose, being to process consent applications for those developments which Council had already approved as Special Housing Areas.

Her Worship the Mayor advised it would have been unreasonable to decline applicants who were working hard to meet the required timeframes. She said it had been found that applications not only had to be lodged by 16 September 2016, but also processed by Council officers by that date.

Attendance: Councillor Ward left the meeting at 10.02am.

Concerns were expressed that the Steering Group had made a decision beyond its delegated authority.

Attendance: Councillor Copeland left the meeting at 10.04am. Councillors Ward and Copeland returned to the meeting at 10.07am.

Councillor Barker, seconded by Her Worship the Mayor, moved a motion

THAT Council endorse the extension of delegated authority under the Housing Accord.

Concerns were expressed regarding fairness and impact of the time extension, the lack of governance input into the process, and the lack of detail regarding which applications would be impacted by the extension.

In response to questions, Mrs Hadley noted that the incoming Council was able to consider matters relating to the Housing Accord if it wished.

In response to further questions, Mrs Hadley advised that a notice of motion was not required for this matter as it was already on the agenda, and the motion was solely to endorse a decision of the Joint Steering Group. She advised the three month date extension for consent processing was not a matter of significance under Council's Significance and Engagement Policy.

Councillor Barker agreed to amend the wording of the motion to reflect the significance of the matter. Her Worship the Mayor withdrew her seconding of the motion. Councillor Noonan seconded the amended motion.

Resolved CL/2016/274

THAT Council endorse the exercise of delegated authority under the Housing Accord, on the understanding that the extension of the Accord agreement to 31 December 2016 is not a significant matter under Council's Significance and Engagement Policy.

Barker/Noonan

Carried

Councillor Skinner, seconded by Councillor Noonan, moved a motion

THAT Council open one block of cabins at the Brook campground for immediate use for tourism accommodation for the spring-summer period;

AND THAT Council advertise to seek interest for an additional camp staff/manager;

AND THAT the Chief Executive prepare a report for the incoming Council for utilising the existing resource.

Attendance: Councillor Rainey left the meeting from 10.39am to 10.41am.

Mrs Hadley advised that operational and capital expenditure would be required to open a block of cabins, and there would be additional costs in terms of cleaning and staffing levels. She advised the matter should not be considered without a full report summarising impacts and options.

A view was expressed that the cabins were in adequate condition to be opened right away. Questions were asked regarding the number of cabins on site, the potential income versus costs, the existing plan to open the cabins in 2016, and the ability of Council to make a decision on the matter without a report.

A division was called and the motion was put.

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	No

The motion was lost, 8-5.

Attendance: Councillor Noonan left the meeting at 10.59am. The meeting adjourned for morning tea from 11.06am to 11.25am, during which time Councillor Noonan returned to the meeting.

Her Worship the Mayor spoke about the success of Liam Malone in the 2016 Paralympics, and noted there would be a public event to celebrate his achievements.

Resolved CL/2016/275

THAT Council advise Liam Malone of its sincere admiration for the achievements he has made at the 2016 Paralympics, and that in doing so he has brought great acclaim to Nelson.

Barker/Davy

Carried

7. Nelson City and Tasman District Regional Landfill - Proposal to Establish a Business Unit

Document number R6390, agenda pages 41 - 97 refer.

Councillor Ward, seconded by Councillor Davy, moved the recommendation in the officer report.

Capital Projects Contractor, Richard Kirby, presented the report and summarised minor amendments required to the draft Deed of Agreement for the Regional Landfill Business Unit.

It was requested that the words 'That the Council' be added to the beginning of the motion; the mover and seconder agreed to this change.

In response to questions, Mr Kirby advised there was no intention to change the current level of service or funding for waste minimisation, and any changes in that space would be under the Joint Waste Management and Minimisation Plan. He provided detail regarding iwi representation and consultation with iwi.

Resolved CL/2016/276

THAT the Council:

Receive the amended report Nelson City and Tasman District Regional Landfill - Proposal to Establish a Business Unit (R6390) and its attachments (A1625909, A1625154, A1625160 and A1628550);

Approve delegated authority to the Mayor and Chief Executive Officer to sign a Deed of Agreement with Tasman District Council that commits Nelson City Council to a Regional Landfill arrangement, including the payment of \$4.2 million from Tasman District Council to Nelson City Council. This delegation is to only be exercised if:

- a) all necessary legal processes have been completed to ensure the proposal complies with the Local Government Act 2002, Waste Minimisation Act 2008 and Commerce Act 1986; and**
- b) the Agreement is not materially altered from that attached to this report (A1625154).**

Notes an intention to form a Joint Committee with Tasman District Council. The Joint Committee will be delegated powers and responsibilities to govern and control York and Eves Valley landfills through the proposed Regional Landfill Business Unit. The purpose of the Joint Committee and its terms of reference may be subject to amendment to address any conditions of approval by the Commerce Commission.

Ward/Davy

Carried

REPORTS OF COMMITTEES

8. 80 Scotia Street Road Stopping Hearing Panel - 30 August 2016

Document number A1618660, agenda pages 98 - 101 refer.

Resolved CL/2016/277

THAT the minutes of a meeting of the 80 Scotia Street Road Stopping Hearing Panel, held on 30 August 2016, be received.

Davy/Lawrey

Carried

9. Hearings Panel - Other - 6 September 2016

Document number A1621801, agenda pages 102 - 105 refer.

Resolved CL/2016/278

THAT the unconfirmed minutes of a meeting of the Hearings Panel – Other, held on 6 September 2016, be received.

Barker/McGurk

Carried

10. 80 Scotia Street Road Stopping Hearing Panel - 7 September 2016

Document number A1625199, agenda pages 106 - 107 refer.

Resolved CL/2016/279

THAT the unconfirmed minutes of a meeting of the 80 Scotia Street Road Stopping Hearing Panel Deliberations, held on 7 September 2016, be received.

Davy/Lawrey

Carried

11. Exclusion of the Public

Resolved CL/2016/280

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/Noonan

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 - 8 September 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). • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. • 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.

The meeting went into public excluded session at 11.50am and resumed in public session at 11.52am.

Please note that as the only business transacted in public excluded was to confirm minutes, this business has been recorded in the public minutes. In accordance with the Local Government Official Information Meetings Act, no reason for withholding this information from the public exists.

12. Confirmation of Minutes – Public Excluded

12.1 8 September 2016

Document number M2127, agenda pages 3 - 11 refer.

It was noted that Councillor Noonan's departure due to interest needed to be added before item 6.2 'Community Investment Funding Panel Appointment'.

It was requested that 'That the Council:' be added in front of all resolutions that were not of a procedural nature.

Resolved CL/2016/281

THAT the amended minutes of part of the meeting of the Council, held with the public excluded on 8 September 2016, be confirmed as a true and correct record.

Rainey/Noonan

Carried

13. Re-admittance of the Public

Resolved CL/2016/282

THAT the public be re-admitted to the meeting.

McGurk/Fulton

Carried

14. Valedictory Speech

Her Worship the Mayor noted that Councillor Mike Ward was not running for re-election after six years of service as a councillor.

Councillor Ward gave a valedictory speech.

There being no further business the meeting ended at 12.32pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date