

## **Minutes of a meeting of the Nelson City Council**

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

**On Thursday 10 November 2016, commencing at 9.06am**

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**Present:** Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, M Courtney, B Dahlberg, K Fulton, M Lawrey, P Matheson, B McGurk, G Noonan, M Rutledge, T Skinner and S Walker

**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), Legal Adviser (F McLeod), Kaihautu/General Manager Maori (T Olsen), Manager Administration (P Langley), Manager Communications (P Shattock), and Administration Adviser (S Burgess)

### **Opening Prayer**

Councillor Skinner gave the opening prayer.

#### **1. Apologies**

There were no apologies.

#### **2. Confirmation of Order of Business**

Her Worship the Mayor advised that the item to acknowledge past service would be held prior to morning tea.

Her Worship the Mayor advised of a late item for the public excluded part of the meeting, and explained that a procedural resolution needed to be passed for the item to be considered. She noted that the public excluded reason for this item, which had been noted on the agenda at item 13, row 7, would be replaced with *'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'*.

2.1 Tender Update - Greenmeadows

Resolved CL/2016/294

***That the Council***

***Consider the public excluded late item regarding Tender Update - Greenmeadows 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.***

Barker/Noonan

Carried

Her Worship the Mayor noted that the second late item, identified on the public agenda at item 13, row 6, 'Potential Remedies for Public Disorder Issues in the Central Business District' would be addressed later in the meeting.

**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

Lindsay Wood gave a PowerPoint presentation (A1659561) and tabled a document (A1659549) regarding his research on examples on which to model the Southern Link. He suggested that the arterial road would not ease congestion, and that the business case for the project was largely dependent on the Southern Link being proven to ease congestion.

**Attachments**

- 1 A1659561 - Lindsay Wood Southern Arterial Route Powerpoint
- 2 A1659549 - Lindsay Wood Southern Arterial Route Handout

4.2 Peter Olorenshaw

Peter Olorenshaw of Nelsust gave a PowerPoint presentation (A1659882) regarding living choices near the city, a lack of 'middle housing' on the city fringe, a Beach Bus, safe cycle paths for children, Nelson 2060, and population projections.

**Attachments**

- 1 A1659882 - Peter Olorenshaw Nelsust Inc Powerpoint

#### 4.3 Shaun Fahey

Shaun tabled a document (A1660148) and spoke about his dissatisfaction with road resealing on Tresillian Avenue and his interactions with Council officers on the matter. In response to a question, Mr Fahey advised that the section of road he was concerned about had been covered with a dry seal, while the rest of Tresillian Avenue was bitumen.

Elected members called for a report regarding Tresillian Ave road sealing options to be prepared for the Works and Infrastructure Committee. It was noted that information on service expectations would be prepared for the upcoming Chief Executive Employment Committee meeting.

#### Attachments

- 1 A1660148 - Shaun Fahey Tresillian Avenue Road Resealing Handout

### 5. Confirmation of Minutes

#### 5.1 27 October 2016

Document number M2175, agenda pages 8 - 17 refer.

Resolved CL/2016/295

***That the Council***

***Confirms the minutes of the meeting of the Council, held on 27 October 2016, as a true and correct record.***

McGurk/Courtney

Carried

### 6. Mayor's Report

Document number R6687, agenda pages 18 - 20 refer.

Her Worship the Mayor presented the Mayor's Report. She thanked Group Manager Strategy and Environment, Clare Barton, and Environmental Programmes Adviser, Jo Martin, for their efforts in engaging the community in Project Maitai/Mahitahi and for their help in achieving the second most improved river award at the New Zealand River Awards.

Resolved CL/2016/296

***That the Council***

***Receives the Mayor's Report (R6687).***

Her Worship the Mayor/Fulton

Carried

## 7. Nelson Plan

Document number R6698, agenda pages 21 - 25 refer.

Group Manager Strategy and Environment, Clare Barton, presented the report and responded to questions regarding staff capacity and the timeline for hearings.

Resolved

***That the Council***

***Receives the report Nelson Plan (R6698) and its attachment (A1653601); and***

***Agrees to the process and timeframe for the Nelson Plan as outlined in Attachment One (A1653601).***

McGurk/Walker

Her Worship the Mayor advised that the meeting would move to item 10 of the agenda, the report titled Administrative Matters.

## 8. Administrative Matters

Document number R6521, agenda pages 49 - 57 refer.

Manager Administration, Penny Langley, presented the report.

Ms Langley responded to questions regarding the declaration of interests for elected members. She advised that relevant information could be found in the Office of the Auditor General guidelines which had been provided to councillors.

Group Manager Community Services, Chris Ward, responded to questions regarding potential economic and tourism opportunities from the Rural Broadband Initiative and Mobile Black Spot fund. He provided background information and spoke about how the funding of \$15,000 would be used.

Attendance: Councillor Fulton left the meeting from 10.06am to 10.08am.  
Councillor Lawrey left the meeting from 10.10am to 10.12am.

Resolved CL/2016/297

***That the Council***

***Receives the report Administrative Matters (R6521) and its attachment (A1645289); and***

Her Worship the Mayor/Fulton

Carried

Her Worship the Mayor advised that the Administrative Matters item would be left to lie on the table while officers gathered further information about interests.

The meeting moved to the Acknowledgement of Past Service item.

## 9. Acknowledgement of Past Service

Eric Davy, joined by Diane Davy, and Ruth Copeland joined the meeting. Her Worship the Mayor thanked them for their service to the community and Council.

Eric Davy and Ruth Copeland each gave a speech and thanked Council for the opportunity to attend the meeting.

Attendance: The meeting adjourned for morning tea from 10.42am to 11.05am.

The meeting returned to the Administrative Matters report.

## 10. Administrative Matters (continued)

In response to questions regarding recording property ownership on the Elected Members Interests Register, Manager Administration, Penny Langley provided advice from the Officer of the Auditor General 'Guidance for members of local authorities about the Local Authorities (Members' Interests) Act 1968'. She emphasised that matters of interest could be situational and it was the responsibility of elected members to manage their interests.

In response to questions, Legal Adviser, Fiona McLeod, advised that the legal obligation to declare an interest was to do so at the time the interest was affected by a matter in front of Council. She said that, in order to assist Council to manage potential conflicts of interests, elected members should declare their financial and non-financial interests in advance by way of the Elected Members' Interests Register. Ms McLeod added that a conservative approach would be to include disclosure of all property ownership.

Resolved CL/2016/298

***Approves a sum of \$15,000 to be taken from the Special Economic Projects budget to develop a co-investment proposal for the extension of the Rural Broadband Initiative and the Mobile Black Spot fund, to be reported to Council for consideration by 2 February 2017.***

Dahlberg/Walker

Carried

## **11. Brook Recreation Reserve Management Plan - Gazettal and Road Stopping**

Document number R6235, agenda pages 26 - 48 refer.

Group Manager Infrastructure, Alec Louverdis, Group Manager Community Services, Chris Ward, and Legal Adviser, Fiona McLeod, presented the report.

Officers responded to questions regarding the differences in activities, public notification, and lease requirements between Local Purpose Reserve (Recreation) land and Recreation Reserve land.

Attendance: Councillor Lawrey left the meeting from 11.23am to 11.28am.

Ms McLeod advised that, regardless of classification, the Council would be required to administer the reserve land in compliance with any approved management plan. She said the Council would not be required to publicly notify an intention to grant a lease for any activity specifically contemplated in the management plan.

A concern was expressed that the draft Brook Recreation Reserve Management Plan (BRRMP) which had been consulted on during 2015 had not signalled to the community that land would be classified as Local Purpose Reserve (Recreation), and therefore the community was unaware of any impacts of the change in classification, and may have participated differently if they had been made aware.

Officers responded to questions regarding process, the potential for legal challenge, consultation requirements, and how the change in proposed classification had eventuated. Councillors raised further questions regarding local access, lease requirements, Hearing Panel scope, and requirements for management plans.

Attendance: Councillor Barker left the meeting at 11.47am. Councillor Noonan left the meeting from 12.01pm to 12.04pm.

Officers advised that Council had met its legal requirements in terms of consulting with the public on the reclassification of land, although it was acknowledged it had been a complex process with various considerations and different legislative requirements. Officers noted that the proposed Local Purpose Reserve (Recreation) classification aligned with the community's feedback on the vision and objectives in the draft BRRMP.

Attendance: Councillor Lawrey left the meeting from 12.12pm to 12.14pm.

Officers responded to questions regarding options for engaging with the community on the change in proposed classification. It was noted that clear guidance would be required on how any feedback received from the community would influence Council decision-making.

Attendance: Councillor Acland left the meeting from 12.55pm to 12.58pm. The meeting adjourned for lunch from 1.05pm to 1.37pm.

In response to a question, Mr Ward advised that if Council chose to re-engage with the community, it would be best accomplished by a focussed engagement on land classification and not by re-consulting on the entire draft BRRMP.

It was noted that the road stopping could proceed independently of the matter of land classification.

Attendance: The meeting adjourned from 1.47pm to 1.55pm.

In response to concerns, the Chief Executive, Clare Hadley, advised that councillors who had participated in the previous statutory process did not have a conflict of interest in this matter.

Attendance: Councillor Dahlberg declared an interest and left the table at 1.57pm.

Councillor Skinner, seconded by Councillor Noonan, moved the recommendation in the officer report.

Councillor Fulton moved an amendment to the motion.

Attendance: The meeting adjourned from 1.59pm to 2.02pm.

Councillor Lawrey seconded the amendment proposed by Councillor Fulton:

*That the Council*

*Receives the report Brook Recreation Reserve Management Plan - Gazettal and Road Stopping (R6235) and its attachments (A1629013 and A1652729); and*

*Seeks feedback from the community on the October 2015 draft Brook Recreation Reserve Management Plan before considering reclassification of land to Local Purpose Reserve (Recreation), and that a rationale for reclassification of land to Local Purpose Reserve (Recreation), including positive and negative consequences, is included in the documentation provided to the community; and*

*Approves the Hearings Panel's recommendation to stop legal road (as detailed in item 7.4 of report R6235), reject all objections received, and under Schedule 10, Clause 5 of the Local Government Act 1974, refer the matter to the Environment Court; and*

*Notes that a further report will be brought back to Council.*

Mr Ward cautioned that it should be made clear that further engagement would be under the Local Government Act 2002, and would not be a reserve management plan process.

The meeting left the item to lie on the table to enable officers to provide feedback on the wording of the amendment, and moved to item 11 of the agenda, the report regarding Schedule of Meetings – 2016.

Attendance: Councillor Dahlberg returned to the meeting at 2.24pm.

## 12. Schedule of Meetings - 2016

Document number R6723, agenda pages 58 - 62 refer.

Manager Administration, Penny Langley, presented the report. She summarised minor changes to meetings which had been made since the report had been prepared.

Resolved CL/2016/299

***That the Council***

***Receives the amended report Schedule of Meetings - 2016 (R6723) and its attachment (A1657594); and***

***Confirms the schedule of meetings for the remainder of the 2016 calendar year as set out in attachment one (A1657594).***

Noonan/Rutledge

Carried

## 13. Committee Delegations 2016-2019

Document number R6731, agenda pages 63 - 84 refer.

Manager Administration, Penny Langley, and Administration Adviser, E-J Ruthven, presented the report. Ms Langley summarised the differences between the committee delegations for the previous triennium and the proposed delegations for 2016-19.

In response to questions, Ms Langley, Mrs Ruthven and Group Manager Community Services, Chris Ward, provided clarification regarding the proposed committee delegations.

Councillor Courtney, seconded by Councillor Noonan, moved the recommendation in the officer report.

Comments were made regarding appropriate delegation for the Modellers Pond. Councillor Fulton moved an amendment, seconded by Councillor Noonan, to add a clause:



*Adds the following words 'Note: The Modellers' Pond will remain a Council matter until redevelopment work is complete' after the words Modellers' Pond in the Sports and Recreation Committee areas of responsibility.*

The amendment was put and lost. The meeting returned to the substantive motion.

Councillor Fulton moved an amendment, seconded by Councillor Noonan, to add a clause:

*Adds 'Natureland' to the areas of responsibility for the Planning and Regulatory Committee.*

Attendance: Councillor Rutledge declared an interest and left the table at 3.07pm.

The amendment was put and lost. The meeting returned to the substantive motion.

Attendance: Councillor Rutledge returned to the table at 3.09pm.

Resolved CL/2016/300

***That the Council***

***Receives the report Committee Delegations 2016-2019 (R6731) and its attachment (A1656531); and***

***Adopts the committee delegations as set out in attachment one (A1656531); and***

***Confirms that officers should undertake a review of the Delegations Register, to present back to Council in early 2017.***

Courtney/Noonan

Carried

The meeting returned to consider the item left to lie on the table, the report regarding 'Brook Recreation Reserve Management Plan - Gazettal and Road Stopping'.

#### **14. Brook Recreation Reserve Management Plan - Gazettal and Road Stopping (continued)**

Attendance: Councillor Dahlberg left the meeting at 3.10pm.

Changes to the amendment were proposed by officers, the mover and seconder agreed to the changes:

*That the Council*

*Receives the report Brook Recreation Reserve Management Plan - Gazettal and Road Stopping (R6235) and its attachments (A1629013 and A1652729); and*

*Seeks feedback from the community under the Local Government Act 2002 on the proposed reclassification of land from Recreation Reserve to Local Purpose Reserve (Recreation) for the area covered by the Brook Recreation Reserve Management Plan, and that a rationale for this change in status, including positive and negative consequences, is included in the documentation provided to the community; and*

*Approves the Hearings Panel's recommendation to stop legal road (as detailed in item 7.4 of report R6235), reject all objections received, and under Schedule 10, Clause 5 of the Local Government Act 1974, refer the matter to the Environment Court; and*

*Notes that a further report will be brought back to Council to receive public feedback on the proposed reclassification of the Brook Recreation Reserve as Local Purpose Reserve (Recreation), and to consider the Hearing Panel's recommendations.*

Councillors against the amendment suggested that community direction had been clear and there was no need to consult on the change in proposed land classification as it was a minor matter.

Attendance: Councillor Matheson left the meeting from 3.12pm to 3.14pm.

Councillors in favour of the amendment spoke about opportunities being made available for the community to share their views on the matter.

For clarification, the mover and seconder agreed to add the word 'remaining' to the last clause of the motion so that it read 'Hearing Panel's *remaining* recommendations'.

The amendment was put and carried and became the substantive motion.

Resolved CL/2016/301

***That the Council***

***Receives the report Brook Recreation Reserve Management Plan - Gazettal and Road Stopping (R6235) and its attachments (A1629013 and A1652729); and***

***Seeks feedback from the community under the Local Government Act 2002 on the proposed***

***reclassification of land from Recreation Reserve to Local Purpose Reserve (Recreation) for the area covered by the Brook Recreation Reserve Management Plan, and that a rationale for this change in status, including positive and negative consequences, is included in the documentation provided to the community; and***

***Approves the Hearings Panel's recommendation to stop legal road (as detailed in item 7.4 of report R6235), reject all objections received, and under Schedule 10, Clause 5 of the Local Government Act 1974, refer the matter to the Environment Court; and***

***Notes that a further report will be brought back to Council to receive public feedback on the proposed reclassification of the Brook Recreation Reserve as Local Purpose Reserve (Recreation), and to consider the Hearing Panel's remaining recommendations.***

Skinner/Noonan

Carried

#### **15. Extension of Meeting Time**

Resolved CL/2016/302

***That the Council***

***Extends the meeting beyond six hours.***

Her Worship the Mayor/Acland

Carried

#### **16. Exclusion of the Public**

Attendance: Councillor Courtney left the meeting, and Councillor Dahlberg returned to the meeting, at 3.23pm.

Her Worship the Mayor advised that a public excluded verbal update 'Potential Remedies for Public Disorder Issues in the Central Business District', as indicated on the public agenda at item 13, row 6, would be treated as a minor late item as no decision was to be made. She advised that the public excluded reason 'Section 7(2)(g) To maintain legal professional privilege' was no longer required for this item.

Attendance: Councillor Fulton left the meeting at 3.24pm.

Resolved CL/2016/303

***That the Council***

***Excludes the public 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:***

Matheson/Her Worship the Mayor

Carried

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	<b>Council Meeting - Public Excluded Minutes - 27 October 2016</b>	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"> <li>• Section 7(2)(g) To maintain legal professional privilege.</li> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>
<b>2</b>	<b>Sister Cities Coordinator Appointment</b>	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"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>
<b>3</b>	<b>Trustee Rotation and Remuneration - Bishop Suter Trust</b>	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"> <li>• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person</li> </ul>
<b>4</b>	<b>Reappointment of Trustees to the City of Nelson Civic Trust</b>	Section 48(1)(a)  The public conduct of this matter would be	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a)</li> </ul>

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
		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
<b>5</b>	<b>Upgrade of Audio-Visual Technology in Council Chamber</b>	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"> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>6</b>	<b>Potential Remedies for Public Disorder Issues in the Central Business District</b>	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"> <li>• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>
<b>7</b>	<b>Tender Update - Greenmeadows</b>	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"> <li>• 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</li> </ul>

The meeting went into public excluded session at 3.25pm and resumed in public session at 5.50pm, during which time Councillors Courtney and Fulton returned to the meeting, and Councillors Noonan and Matheson left the meeting.

**17. Re-admittance of the Public**

Resolved CL/2016/304

***That the Council***

***Re-admits the public to the meeting.***

Her Worship the Mayor/Matheson

Carried

There being no further business the meeting ended at 5.51pm.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date