
Minutes of a meeting of the Nelson City Council

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

On Thursday 23 March 2017, commencing at 9.07am

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), Kaihautu (T Olsen), Communications Adviser (C Crick), Team Leader Administration Advisers (R Byrne), Administration Advisers (J McDougall and S Burgess), and Nelson Youth Councillors (A James and C Hagan)

Apology: Councillor T Skinner for lateness

Opening Prayer

Councillor Noonan gave the opening prayer.

1. Apologies

Resolved CL/2017/013

That the Council

Receives and accepts an apology from Councillor Skinner for lateness.

Her Worship the Mayor/Noonan

Carried

2. Confirmation of Order of Business

Her Worship the Mayor explained there were two late items to add to the agenda. She said that the first late item was City Amenity Bylaw, and the second late item was the Mayor's Report – Public Excluded relating to the

Chief Executive Employment Committee Public Excluded minutes of 28 February 2017.

The Mayor noted that procedural resolutions were required in order for Council to consider these matters.

2.1 City Amenity Bylaw

Resolved CL/2017/014

That the Council

Considers the item regarding City Amenity Bylaw 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/Dahlberg

Carried

Attachments

1 City Amenity Bylaw - 7278

2.2 Mayor's Report – Public Excluded

Resolved CL/2017/015

That the Council

Considers the public excluded item regarding Mayor's Report 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 decision to be made which relates to another item on the Council agenda for 23 March 2017 - the receipt of minutes of the Chief Executive Employment Committee meeting held on 28 February 2017.

Barker/Noonan

Carried

2.3 Public Forum – additional item

Her Worship the Mayor advised that there would be an additional public forum presentation.

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 Alice Robin, Tania Corbett, Yasmeen Maria, Indigo Levett and Verena Gruner

Alice Robin, Tania Corbett, Yasmeen Maria, Indigo Levett and Verena Gruner proposed a Regional Sustainability Festival in Nelson for 2018, inspired by a similar event in France. The group asked for support in principle, as well as funding support, for the event proposed for the Nelson central city in April 2018.

Attachments

- 1 A1733432 - Alice Robin Powerpoint Public Forum Council 23Mar2017
- 2 A1733688 Alice Robin - Regional Sustainability Festival in Nelson 2018 Handout Public Forum Council 23Mar2017

4.2 Jim Cable - Nelson Residents Association

Jim Cable, of the Nelson Residents Association, spoke about elected members standing as candidates in the general election and the costs involved if a by-election was required.

4.3 Kindra Douglas - Voice Nelson

Kindra Douglas of Voice Nelson, spoke about special housing areas. She noted the importance of affordable housing options and urged Council to adopt a housing strategy.

4.4 Peter Bailey

Peter Bailey expressed concerns regarding freedom camping in the Nelson area, and said that he supported the concept of an arrival tax.

4.5 Mark Lile - Landmark Lile Ltd and Justin Candish, Scott Construction

Mark Lile, Landmark Lile Ltd and Justin Candish, Scott Construction made a presentation on behalf of a landowner seeking to develop a Special Housing Area at 153 Nayland Road. They answered questions about the height of the building, the potential selling price, affordability criteria and the width of the shared driveway.

Attachments

- 1 A1733554 Mark Lile Special Housing Areas 153 Nayland Road Powerpoint Public Forum Council 23Mar2017

4.6 Mark Lile - Landmark Lile Ltd, Jeremy Smith and Deborah Long

Mark Lile, Landmark Lile Ltd, Jeremy Smith and Deborah Long presented on a proposed Special Housing Area at 416 Trafalgar Street. They answered questions about the property title, the number of units proposed, and the possibility of recycling materials from the current dwelling.

Attachments

- 1 A1733550 Mark Lile Special Housing Areas 416 Trafalgar St Powerpoint Public Forum Council 23Mar2017

4.7 Mark Lile - Landmark Lile Ltd

Mark Lile, Landmark Lile Ltd tabled a document regarding housing affordability and availability of suitable housing (A1734141). He commented on the recommendations in the report Housing Supply and the Housing Accord and Special Housing Areas Act. He answered questions about the intentions of the companies he represented, housing affordability, supply and demand, development and consent timeframes, and his understanding of Tasman District Council requirements.

Attachments

- 1 A1734141 Mark Lile Special Housing Areas Handout Public Forum Council 23Mar2017

4.8 Kent Inglis - Inglis Nelson Properties

Kent Inglis, of Inglis Nelson Properties, made a presentation about the Special Housing Area application for Halifax Terraces, a multi-unit development at 53 Halifax St. Mr Inglis answered questions about the property title, access to the property, whether it was a residential or commercial development, and possible delays regarding the Urban Design Panel process.

Attachments

- 1 A1733537 - Kent Inglis Special Housing Areas Halifax Terraces Powerpoint Public Forum Council 23Mar2017

Attendance: Councillor Lawrey left the meeting at 10.32am. The meeting adjourned for morning tea from 10.34am to 10.46am, during which time Councillor Lawrey returned to the meeting.

4.9 Tony Alley - Davis Olgivie & Partners Limited

Tony Alley and Graeme Dick, of Davis Olgivie & Partners, provided a handout (A1732861) and spoke about an application for a Special Housing Area at 12 Wakapuaka Road, Nelson.

Mr Alley responded to questions regarding engagement with officers, demand for housing, wastewater, stormwater, and the current stage of development.

Attachments

- 1 A1732861 - Tony Alley Davis Olgivie and Partners Mr and Mrs Taylor Special Housing Area 12 Wakapuaka Road Handout

4.10 Jo Say

Jo Say, accompanied by Simon Jones, gave a PowerPoint presentation (A1733476) and provided a handout (A1733455) regarding an application for a Special Housing Area at 42 St Lawrence Street.

Ms Say responded to questions regarding building materials, timeframes, and discussions with Council officers.

Attachments

- 1 A17333455 - Jo Say Special Housing Areas Handout
- 2 A1733476 - Jo Say Special Housing Areas Powerpoint

4.11 Sally Middleton

Ms Middleton tabled a handout (A1733178) regarding her concerns about freedom camping and the Akersten Street freedom camping site. She tabled a survey (A1734142) and responded to questions from councillors.

Attachments

- 1 A1733178 - Sally Middleton Freedom Camping Handout 1
- 2 A1734142 - Sally Middleton Freedom Camping Handout 2

4.12 Elspeth MacDonald - Tasman Bay Cruising Club

Elsbeth MacDonald, of the Tasman Bay Cruising Club, gave a PowerPoint presentation (A1733572) with images related to freedom camping at Akersten Street. She spoke about her concerns regarding fires near boats, freedom campers' use of the marina facility, and security.

Attendance: Councillor Rutledge left the meeting from 11.20am to 11.24am.

Ms MacDonald raised further concerns regarding noise, monitoring of freedom camping sites, and increased littering.

Attendance: Councillor Lawrey left the meeting at 11.32am. Councillor Fulton left the meeting at 11.33am. Councillor Skinner joined the meeting at 11.34am.

Attachments

- 1 A1733572 - Elspeth MacDonald Tasman Bay Cruising Club Freedom Camping Powerpoint

5. Confirmation of Minutes

5.1 15 December 2016

Document number M2274, agenda pages 28 - 63 refer.

A correction was noted to the Easter Sunday Shop Trading section of the minutes, in that paragraph 2 on page 36 of the agenda should show that Councillor Lawrey seconded the recommendation.

Resolved CL/2017/016

That the Council

Confirms the amended minutes of the meeting of the Council, held on 15 December 2016, as a true and correct record.

Courtney/Her Worship the Mayor

Carried

5.2 2 March 2017

Document number M2373, agenda pages 64 - 70 refer.

Resolved CL/2017/017

That the Council

Confirms the minutes of the meeting of the Council, held on 2 March 2017, as a true and correct record.

Barker/McGurk

Carried

5.3 9 March 2017

Document number M2394, agenda pages 71 - 74 refer.

Resolved CL/2017/018

That the Council

Confirms the minutes of the meeting of the Council, held on 9 March 2017, as a true and correct record.

Matheson/Dahlberg

Carried

6. Status Report - Council - 23 March 2017

Document number R7334, agenda page 75 refers.

Attendance: Councillor Lawrey returned to the meeting at 11.38am.

Officers responded to questions related to status report items.

Attendance: Councillor Fulton returned to the meeting at 11.43am.

A correction was noted in that the Parks and Reserves Tracks Strategy related item was ongoing and not yet complete.

Resolved CL/2017/019

That the Council

Receives the Status Report Council 23 March 2017 (R7334) and its attachment (A1168168).

Rutledge/Walker

Carried

7. Mayor's Report

Document number R6588, agenda pages 76 – 80 refer.

Her Worship the Mayor presented her report.

The meeting agreed to consider the clauses regarding the Mayoral Taskforce on City Futures at a later point in the meeting.

Resolved CL/2017/020

That the Council

Receives the Mayor's Report (R6588) and its attachments (A1730203, A1702331, A1725649, A1721768, A1728929, and A1437349); and

Amends the membership of the Governance Committee as follows:

<u>Committee</u>	<u>Chair</u>	<u>Deputy Chair</u>	<u>Membership</u>
<u>Governance</u>	Ian Barker	Bill Dahlberg	Gaile Noonan Tim Skinner Paul Matheson Mike Rutledge Mel Courtney Mayor Reese External Appointees x2

Amends the two Subcommittees established by Council on 27 October 2016 reporting to the Governance Committee, to now report to Council, with the following membership:

<u>Subcommittee</u>	<u>Chair</u>	<u>Deputy Chair</u>	<u>Membership</u>
<u>Audit, Risk and Finance</u>	John Peters	None appointed	John Murray Bill Dahlberg Ian Barker Mayor Reese
<u>Commercial</u>	John Murray	None appointed	John Peters Luke Acland Mel Courtney Mayor Reese Ian Barker

Adopts the updated delegations for the Governance Committee, Audit Risk and Finance Subcommittee and Commercial Subcommittee as outlined in Attachment 5 (A1728929); and

Adopts the Terms of Reference for the Audit, Risk and Finance Subcommittee as outlined in Attachment 6 (A1437349)

Notes that the Delegations Register and Governance Statement will be updated accordingly following the outcome of this report.

Barker/Rutledge

Carried

8. Housing Supply and the Housing Accord and Special Housing Areas Act

Document number R6937, agenda pages 81 – 98 refer.

Group Manager Strategy and Environment, Clare Barton, and Senior Infrastructure Planner, Lisa Gibellini presented the report.

Ms Gibellini explained proposed changes to the officer recommendation to remove the final two bullet points under clause five, delete clause six, and in clause seven, change the six monthly process to a quarterly process.

Councillors listed questions for the officers to consider.

Attendance: Councillor Lawrey left the meeting from 12.04pm to 12.06pm. The meeting adjourned for lunch from 12.15pm to 1.15pm.

Ms Barton and Ms Gibellini provided detail in response to questions regarding the Special Housing Area (SHA) consent progress, housing affordability ratios, the Housing Infrastructure Fund, rates of development versus growth, the likelihood of Nelson being classified as a high growth region, the potential for a Lead Policy, the inability to charge

developers for SHA administration, SHA application processes, significance assessments, and consultation and notification processes.

Ms Gibellini emphasised that the Accord contained development preferences but that applications outside of those preferences would still be evaluated.

Attendance: Councillor Matheson left the meeting from 1.32pm to 1.40pm. Councillor Skinner left the meeting at 1.37pm. Councillor Fulton left the meeting from 1.41pm to 1.42pm.

Resolved CL/2017/021

That the Council

Receives the report Housing Supply and the Housing Accord and Special Housing Areas Act (HASHAA) (R6937) and its attachments (A1721094, A1724630, and A1724450.

Her Worship the Mayor/Dahlberg

Carried

Councillor Barker, seconded by Councillor Rutledge, moved the amended officer recommendation.

Attendance: Councillor Skinner returned to the meeting at 1.48pm.

Councillors spoke for and against the motion; a variety of views were expressed.

The motion was put and a division was called.

Councillor Acland	No
Councillor Barker	Aye
Councillor Courtney	Aye
Councillor Dahlberg	Aye
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor McGurk	Aye
Councillor Matheson	Aye
Councillor Noonan	Aye
Councillor Rutledge	Aye
Councillor Skinner	No
Councillor Walker	Aye
Her Worship the Mayor	Aye

The motion was carried, 11 – 2.

Resolved CL/2017/022

That the Council

Notes the content of this report (R6937) and the changes that the Housing Legislation Amendment Act 2016 has made to HASHAA and the direction of the reforms and tools proposed by Government to enhance housing supply and affordability; and

Confirms that Nelson City Council wishes to continue to be an Accord Authority for the term HASHAA provides for consents to be processed (until 16 September 2021); and

Confirms that the existing Nelson Housing Accord is extended (with the recommended amendments below) by the Accord Steering Group, with any future amendments being brought back to Council for consideration; and

Confirms that the extended Accord should be drafted or amended to address the following:

- That the Accord will cover the term that HAHSAA provides for SHA consents to be processed (termination date of 16 September 2021);***
- A preference for the consideration of Special Housing Areas (SHAs) in areas that are either zoned residential, city centre, suburban commercial, or located within the Saxton SHA area where Council has already made SHA recommendations;***
- A preference for the consideration of SHAs to areas where all infrastructure services either exist, or will exist in the short (3 years) or medium term (10 years) and are provided for in the Long Term Plan;***

Agrees that after the Accord is in effect, SHA applications be received by Council via a quarterly expressions of interest process; and

Approves unbudgeted funding of \$50,000 to be allocated for the period of 24 March 2017 to 30 June 2017 for the purposes of resourcing for drafting a new Accord, administration of current SHA proposals and Accord requirements, and reporting to Council.

Submission on Urban Development Authorities Discussion document:

Confirms that following direction given at a Council workshop, officers make a submission on the Government's proposal for Urban Development Authorities, and that the submission is signed off by the co-chairs of the Planning and Regulatory Committee prior to being submitted.

Barker/Rutledge

Carried

The meeting moved to consider the City Amenity Bylaw report late item.

9. City Amenity Bylaw

Document number R7278, late items agenda (M2437) pages 2 - 11 refer.

Group Manager Strategy and Environment, Clare Barton, and Legal Advisers Jane Julian and Julian Ironside presented the report.

Ms Barton, Ms Julian and Mr Ironside responded to questions regarding the Urban Environments Bylaw, regulatory framework, whether additional city amenity matters could be addressed in the bylaw, how common this type of regulation was in New Zealand, and enforcement options under legislation.

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

Resolved CL/2017/023

That the Council

Receives the report City Amenity Bylaw (R7278) and its attachment (A1726829); and

Determines in accordance with section 155(1) of the Local Government Act 2002, that a bylaw is the most appropriate way of addressing the issues in the Nelson City Centre; and

Confirms in recognition of the community interest in this matter, that the bylaw development process, including hearings and deliberations, be considered by full Council, noting that the Planning and Regulatory Committee referred to Council its powers relating to a City Amenity Bylaw at its meeting on 23 March 2017.

Noonan/Acland

Carried

The meeting moved to consider the subsequent late item, the Draft City Amenity Bylaw Proposed for Consultation report. Accordingly, the meeting resolved to accept the late item.

Resolved CL/2017/024

That the Council

Considers the item regarding Draft City Amenity Bylaw Proposed for Consultation 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.

Noonan/Acland

Carried

Attachments

- 1 A1749132 - Draft City Amenity Bylaw Proposed for Consultation - R7352

10. Draft City Amenity Bylaw Proposed for Consultation

Document number R7352, late items agenda pages 14 - 35 refer.

Group Manager Strategy and Environment, Clare Barton, and Legal Advisers Jane Julian and Julian Ironside presented the report.

Councillor Dahlberg, seconded by Councillor Rutledge moved a procedural motion:

That the Council

Leaves the item Draft City Amenity Bylaw Proposed for Consultation to lie on the table, to be re-considered at the reconvened Council meeting scheduled for Tuesday 28 March at 1pm in the Council Chamber.

The motion was put and lost.

Ms Barton, Ms Julian and Mr Ironside responded to questions regarding the estimated timeline for producing a bylaw, whether items in the Urban Environments Bylaw would take precedence over a City Amenity Bylaw (the Bylaw), how the Bylaw could be enforced and where the responsibility for this lay, the definition of iwi, potential impacts on community events or well-meaning protests, and consideration of the Occupy movement by the High Court in 2013.

Attendance: Councillor Skinner left the meeting from 2.31pm to 2.36pm.
Councillor Matheson left the meeting from 2.33pm to 2.36pm.

Further questions were responded to regarding permits, how officers would work with homeless persons, and the application of judgement of enforcement officers.

Resolved CL/2017/025

That the Council

Leaves the item Draft City Amenity Bylaw Proposed for Consultation to lie on the table, to be re-considered at the reconvened Council meeting scheduled for Tuesday 28 March at 1pm in the Council Chamber.

Her Worship the Mayor/McGurk

Carried

Attendance: The meeting adjourned for afternoon tea from 2.54pm to 3.08pm, during which time Councillor Fulton left the meeting.

11. Freedom Camping Strategic Plan

Document number R6490, agenda pages 110-123 refer.

Group Manager Community Services, Chris Ward, presented the report. He said that correction was required to clause 5.15 of the report which should read `...because freedom camping is not listed as an activity in the Plan's schedules it is therefore not a permitted activity and therefore a resource consent or Plan change would be required...'. Mr Ward added that the recommendations in the Freedom Camping Strategic Plan should be held for consideration at the same time as a bylaw, so that a holistic package of tools could be developed for the City.

Attendance: Councillor Fulton returned to the meeting at 3.12pm.

Mr Ward responded to questions regarding the Tasman District Council Freedom Camping Bylaw, campground capacity, complaints from retailers, reasoning for the timing of reports to Council, the possibility of additional space for freedom campers and whether fees could be charged. Mr Ward confirmed that no action had yet been taken on recommendations in the Freedom Camping Strategic Plan.

Attendance: Councillor Acland left the meeting at 3.44pm.

Her Worship the Mayor, seconded by Councillor Rutledge, moved clauses one, three and four of the officer recommendation.

Attendance: Councillor Acland returned to the meeting at 3.50pm.

Councillors spoke in favour of the motion.

The motion was put and a division was called.

Councillor Acland	Aye
Councillor Barker	Aye
Councillor Courtney	Aye
Councillor Dahlberg	Aye
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor McGurk	Aye
Councillor Matheson	Aye
Councillor Noonan	Aye
Councillor Rutledge	Aye
Councillor Skinner	Aye
Councillor Walker	Aye
Her Worship the Mayor	Aye

The motion was carried, 13 – 0.

Resolved CL/2017/026

That the Council

Receives the report Freedom Camping Strategic Plan (R6490) and its attachment (A1567359); and

Determines, in accordance with Section 155(1) of the Local Government Act 2002, that a bylaw is the most appropriate way of addressing freedom camping issues to complement a range of other non-regulatory approaches; and

Instructs the Chief Executive to prepare a draft Freedom Camping Bylaw with a view to it being adopted before the 2017/18 summer season.

Her Worship the Mayor/Rutledge

Carried

12. Extension of Meeting Time

Resolved CL/2017/027

That the Council

Extends the meeting time beyond six hours, pursuant to Standing Order 3.3.7.

Her Worship the Mayor/Dahlberg

Carried

13. Brook Recreation Reserve Management Plan - Reserve feedback and gazettal

Document number R6785, agenda pages 99 – 109 refer.

Group Manager Infrastructure, Alec Louverdis, and Legal Adviser, Fiona McLeod, presented the report.

Attendance: Councillor Barker left the meeting from 4.07pm to 4.10pm.

Mr Louverdis and Ms McLeod responded to questions regarding the appropriateness of the proposed reclassification to Local Purpose Reserve (recreation) in terms of the vision for the reserve. They explained the alternative classification of Local Purpose Reserve (recreation and education).

Further questions were responded to regarding reserve administration, the road stopping process, interpretations of 'recreation', risk mitigation, and consultation requirements under legislation.

Resolved CL/2017/028

That the Council

Receives the report Brook Recreation Reserve Management Plan - Reserve feedback and gazettal (R6785) and its attachments (R6235, A1694665 and A1687055).

Noonan/Dahlberg

Carried

Councillor Acland, seconded by Councillor Fulton, moved a motion:

That the Council

Approves, having considered the community feedback on the reclassification of land from Recreation Reserve to Local Purpose Reserve (recreation), the reclassification of land from Recreation Reserve to Local Purpose Reserve (recreation and education) and under section 24 of the Reserves Act 1977 proceed with the Gazettal process (as detailed in item 7.3 of report R6235 presented to Council on 10 November 2016); and

Approves the Hearings Panel's recommendation with respect to declaring fee simple land as Local Purpose Reserve (recreation) and under section 14 of the Reserves Act 1977 proceed with the Gazettal process (as detailed in item 7.2 of report R6235 presented to Council on 10 November 2016); and

Notes that a further report will be brought to Council to enable consideration of final approval of the Brook Recreation Reserve Management Plan.

In response to questions, officers provided further clarification on the options to classify as Local Purpose Reserve (recreation) or (recreation and education).

The motion on the table was withdrawn with the agreement of the meeting.

Councillor Acland, seconded by Councillor Fulton, moved the recommendation in the officer report.

Resolved CL/2017/029

That the Council

Approves, having considered the community feedback on the reclassification of land from Recreation Reserve to Local Purpose Reserve (recreation), the Hearings Panel's recommendation with respect to the reclassification of land from Recreation Reserve to Local Purpose Reserve (recreation) and under section 24 of the Reserves Act 1977 proceed with the Gazettal process (as detailed in item 7.3 of report R6235 presented to Council on 10 November 2016); and

Approves the Hearings Panel's recommendation with respect to declaring fee simple land as Local Purpose Reserve (recreation) and under section 14 of the Reserves Act 1977 proceed with the Gazettal process (as detailed in item 7.2 of report R6235 presented to Council on 10 November 2016); and

Notes that a further report will be brought to Council to enable consideration of final approval of the Brook Recreation Reserve Management Plan.

Acland/Fulton

Carried

The meeting moved to consider the minutes of the Sports and Recreation Committee from 21 February 2017.

14. Sports and Recreation Committee - 21 February 2017

Document number M2346, agenda pages 189 - 198 refer.

Resolved CL/2017/030

That the Council

Receives the unconfirmed minutes of a meeting of the Sports and Recreation Committee, held on 21 February 2017.

Skinner/Rutledge

Carried

14.1 Capital Expenditure Programme 2016-17 Quarter 2 Progress Report

Resolved CL/2017/031

That the Council

Approves, with respect to project 1175 Stoke Sports and Community Facility, that \$1,300,000 be transferred from 2016/17 to 2017/18, to align with the scheduled construction programme.

Skinner/Rutledge

Carried

14.2 Easements - Quail Rise subdivision

Resolved CL/2017/032

That the Council

Grants the easement in gross, in favour of Network Tasman Limited shown as area 'CC' on Title Plan LT 493128 (A1707984); and

Grants the easement in favour of Lot 34 DP 353023 shown as area 'L' on Title Plan LT 493128 (A1707984).

Skinner/Rutledge

Carried

Attendance: Councillor Fulton left the meeting from 4.50pm to 4.53pm.

14.3 Modellers Pond review of funding

The tabled terms of reference for the Modellers Pond Project Governance Group (A1721691) were noted. An updated recommendation was presented which noted the change in proposed membership and approval of the terms of reference.

Attendance: Councillor Rutledge declared an interest and left the room at 4.55pm.

The meeting agreed to remove reference to 'Governance' in the Group title and in the terms of reference.

Councillor Skinner, seconded by Councillor Matheson, moved the updated recommendation.

Officers responded to questions regarding external membership of the Project Group, Group quorum, the process taken to date and whether that met the requirements of a business case approach, usage of the Modellers' Pond, whether the 'modify pond' option was workable, and the rationale for a Lotteries grant application.

Attendance: Councillor Noonan left the meeting from 5.08pm to 5.10pm.

Councillors spoke for and against the motion, with a variety of views expressed.

Attendance: The meeting adjourned from 5.29pm to 5.37pm.

The motion was put and a division was called.

Councillor Acland	No
Councillor Barker	Aye
Councillor Courtney	Aye
Councillor Dahlberg	Aye
Councillor Fulton	No
Councillor Lawrey	No
Councillor McGurk	No
Councillor Matheson	Aye
Councillor Noonan	No
Councillor Rutledge	Interest
Councillor Skinner	Aye
Councillor Walker	Aye
Her Worship the Mayor	Aye

The motion was carried, 7 – 5.

Resolved CL/2017/033

That the Council

Revokes the resolution passed on 8 September 2016 (CL/2016/241):

'Amends clauses 4 and 7 of the Council resolution passed on 24 March 2016 as follows:

AND THAT The Nelson Society of Modellers be afforded the opportunity to finalise and confirm additional funding

for the balance over and above the \$600,000 committed by Council no later than the end of ~~September 2016~~ February 2017;

AND THAT Council confirms that should the additional funding not be raised by the Nelson Society of Modellers by the end of ~~September 2016~~ February 2017, that it be agreed that the option to convert the pond back to estuarine environment at an estimated cost of \$690,000 be its second option and included in the 2017/18 Annual Plan;

Confirms the modified pond option at a cost of \$1.2 million as Council's preferred option, noting the contributions pledged to date to the Nelson Society of Modellers, as set out in report R7038, and the progression of the application to Lotteries and other funders by the Society; and

Establishes a Project Group consisting of Councillors Skinner and Walker, one member of the Tahunanui Business Association, and one member of the Nelson Society of Modellers; and

Directs that a resource consent application for the Modify Pond option be lodged; and

Approves the Modellers Pond Project Group Terms of Reference (A1721691).

Skinner/Matheson

Carried

Attachments

- 1 A1721691 - Draft Terms of Reference - Modellers Pond Project Governance Group

Attendance: Councillor Rutledge returned to the meeting at 5.46pm.

15. Mayor's Report (continued)

Resolved CL/2017/034

That the Council

Notes that the former CBD Enhancements Panel has been renamed the Mayoral Taskforce for City Futures, and approves the updated Terms of Reference for this group (A1721768); and

Confirms the appointment of Councillor Noonan to the Mayoral Taskforce on City Futures.

Her Worship the Mayor/Noonan

Carried

16. Exclusion of the Public

Resolved CL/2017/035

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:

Her Worship the Mayor/Acland

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)
9	<p>Governance Committee Meeting – Public Excluded Minutes – 9 March 2017</p> <p>These minutes contain a recommendation to Council regarding:</p> <p>Director Appointment Port Nelson Limited</p> <p>Director Appointment Nelson Airport Limited</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) • Section 7(2)(j) To prevent the disclosure or use of official information for improper gain or improper advantage • 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 5.48pm and resumed in public session at 5.50pm.

17. Re-admittance of the Public

Resolved CL/2017/036

That the Council

Re-admits the public to the meeting.

Her Worship the Mayor/Rutledge

Carried

18. Adjournment of meeting

Resolved CL/2017/037

That the Council

Adjourns the meeting, to be reconvened in the Council Chamber at 1pm on Tuesday 28 March 2017.

Rutledge/McGurk

Carried

The meeting adjourned at 5.55pm.

Minutes of a reconvened meeting of the Nelson City Council

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

On Tuesday 28 March 2017, commencing at 1.02pm

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), Kaihautū (T Olsen), Manager Administration (P Langley), Team Leader Administration Advisers (R Byrne) and Administration Adviser (E-J Ruthven)

18. Confirmation of Order of Business – Reconvened Meeting

Her Worship the Mayor explained that, although public forum had concluded at the part of the meeting held on 23 March 2017, requests for public forum presentations had been made in relation to the draft City Amenity Bylaw, and she had agreed to consider these as a minor late item for today's meeting.

Attendance: Councillors Acland, Fulton and Rutledge joined the meeting at 1.03pm

19. Public Forum

19.1 Graeme O'Brien (on behalf of TPP Action Group)

Mr O'Brien expressed his concerns regarding the clauses in the draft City Amenity Bylaw requiring a permit to protest, and the effect on citizens' right to protest and freedom of assembly. He gave examples of bylaws from other cities with alternative requirements for notifying Council of protests.

Mr O'Brien tabled documents relating to the "Occupy" court case (A1736287 and A1736292) and explained why he considered that the judgment was not relevant to the draft City Amenity Bylaw. He spoke

further about the difference between community engagement and consultation.

Attachments

- 1 A1736292 - Public Forum Tabled document - Examples of other bylaws - Graeme O'Brien (on behalf of TPP Action Group)
- 2 A1736287 - Public Forum Tabled Document - Occupy Court Case - Graeme O'Brien (on behalf of TPP Action Group)

19.2 Jo Leyland

Ms Leyland spoke about the draft City Amenity Bylaw, and tabled a document (A1736122). She spoke about the right of members of the public to demonstrate, and detailed her concerns regarding enforcement and compliance of the draft Bylaw provisions.

Attachments

- 1 A1736122 - Public Forum Tabled document - Jo Leyland

19.3 Arnaud Wylie

Arnaud Wylie spoke about the nature of common law in relation to the draft City Amenity Bylaw, and tabled a document (A1736313). He spoke about the importance of natural rights and how common law fed into statutory processes.

Attachments

- 1 A1736313 - Public Forum Tabled document - Arnaud Wylie

20. Invitation to Co-fund - Rural Broadband Extension and Mobile Black Spot

Document number R6972, agenda pages 124 -129 refer.

Attendance: Councillor Lawrey left the meeting at 1.32pm.

Group Manager Community Services, Chris Ward, presented the report. He answered questions regarding the tender process, the officer recommendation to work with individual telecommunications companies, and the timelines in relation to Council co-funding should this be required in the future.

Attendance: Councillor Lawrey returned to the meeting at 1.37pm.

There was a discussion regarding whether Council should indicate its willingness to consider co-funding in the future.

Councillor Courtney, seconded by Councillor Walker, moved the recommendation in the officer report with an additional clause:

Indicates a willingness to consider co-funding once details are available of Rural Broadband Extension and

Mobile Black Spot projects within the Nelson City Council area.

Councillors discussed the motion and a variety of views were expressed.

Resolved CL/2017/013

That the Council

Receives the report Invitation to Co-fund - Rural Broadband Extension and Mobile Black Spot (R6972) and its attachments (A1668419 and A1715172); and

Notes that the general approach taken by Council will be to provide non-financial support to any network operator seeking to improve mobile reception and/or rural broadband connectivity in the Nelson area; and

Indicates a willingness to consider co-funding once details are available of Rural Broadband Extension and Mobile Black Spot projects within the Nelson City Council area.

Courtney/Walker

Carried

21. Proposed Special Housing Areas

Document number R7156, agenda pages 130 – 143 refer.

Group Manager Strategy and Environment, Clare Barton, and Senior Infrastructure Planner, Lisa Gibellini, presented the report.

Ms Gibellini explained that, since the release of the agenda, the application for a Special Housing Area at 3D Hill Street had been withdrawn. She added that, since the public forum at the part of the Council meeting held on Thursday 23 March, the applicants for the Special Housing Area at 416 Trafalgar Street had amended the qualifying development criteria to a maximum of two storeys (rather than four), and a maximum height of 8.5m (rather than 10m).

Resolved CL/2017/014

That the Council

Receives the report Proposed Special Housing Areas (R7156) and its attachments (A1712594, A1712561, A1712634, A1718001, A1710163 and A1715092).

Her Worship the Mayor/Lawrey

Carried

Ms Gibellini explained that, since a resolution had been passed at the part of the Council meeting held on 23 March 2017 to extend the Housing Accord, the second clause in the officer recommendation should be removed.

The meeting agreed to consider each application for a Special Housing Area in turn.

21.1 416 Trafalgar Street

Ms Barton and Ms Gibellini answered questions in relation to inclusion of Urban Design Panel approval as a condition of the resource consent, the time frames involved in gaining Urban Design Panel approval, the changes made to the qualifying development criteria for this application, whether it was possible to prevent the dwellings being utilised as holiday accommodation, and the height of the building currently on the site.

It was agreed that Urban Design Panel approval should be required to be filed with the resource consent application for the proposed development.

Resolved CL/2017/015

That the Council

Approves 416 Trafalgar Street (A1712594) as a potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, that the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA, and the landowner files Urban Design Panel approval with the resource consent application.

Noonan/Lawrey

Carried

21.2 153 Nayland Road

It was agreed that Urban Design Panel approval should be required to be filed with the resource consent application for the proposed development.

Resolved CL/2017/016

That the Council

Approves 153 Nayland Road (A1712561) as a potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters,

that the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA and the landowner files Urban Design Panel approval with the resource consent application.

Barker/Her Worship the Mayor

Carried

21.3 53 Halifax Street

Ms Barton and Ms Gibellini answered questions regarding the developer's previous experience utilising the Urban Design Panel, entry of the proposed development onto Halifax Street, and potential considerations regarding inundation that may be taken into account during the resource consent process.

It was agreed that Urban Design Panel approval should be required to be filed with the resource consent application for the proposed development.

Resolved CL/2017/017

That the Council

Approves 53 Halifax Street (A1712634) as a potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, that the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA and the landowner files Urban Design Panel approval with the resource consent application.

Her Worship the Mayor/Dahlberg

Carried

21.4 42 St Lawrence Street

Attendance: Councillor Acland left the meeting at 2.23pm.

Ms Barton and Ms Gibellini answered questions regarding the topography of the site, access to the site from St Lawrence and Rimu Streets, potential traffic engineering solutions for Rimu Street to ensure pedestrian and vehicle safety, the legal status of rights of way in the area, and potential staging of the proposed development.

Attendance: Councillor Matheson left the meeting from 2.30pm to 2.32pm. Councillor Rutledge left the meeting from 2.36pm to 2.38pm, and Councillor Acland returned to the meeting at 2.38pm.

Councillor Fulton, seconded by Councillor Lawrey, moved the recommendation in the officer report in relation to 42 St Lawrence Street, with the inclusion of Urban Design Panel approval being filed with the resource consent application for the proposed development.

Councillors discussed the motion and a variety of views were expressed.

Resolved CL/2017/018

That the Council

Approves 42 St Lawrence Street (A1718001) as a potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, that the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA and the landowner files Urban Design Panel approval with the resource consent application.

Fulton/Lawrey

Carried

21.5 12 Wakapuaka Road

Ms Barton and Ms Gibellini answered questions regarding the proposed number of dwellings to be built, the land's rural zoning, potential infrastructure improvements the developer would need to make in order for the development to proceed, location of the site in relation to the current 'edge' of Atawhai, and potential roading connections to the site.

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

That the Council

12 Wakapuaka Road:

Option 1: Approves 12 Wakapuaka Road (A1710163) as a potential Special Housing Area subject to the developer(s) entering into a legal Deed with Council which requires, amongst other matters, that the developer, at its sole cost, shall design, obtain all necessary consents for, and construct any additional infrastructure, or upgrades to the Councils infrastructure, required to support the development of the SHA and the landowner files Urban Design Panel approval with the resource consent application.

Councillors discussed the motion and a variety of views were expressed.

Councillor Noonan, seconded by Councillor Skinner, moved an amendment to replace the motion with the following:

That the Council

12 Wakapuaka Road:

Option 2: Defers approval of 12 Wakapuaka Road (A1710163) subject to a public feedback process to ascertain the views of the community on the proposed SHA with the results reported back to Council.

Ms Barton and Ms Gibellini answered further questions regarding the number of dwellings that could be constructed under current zoning, the effect that the state highway may have on access to the site, and the type of public feedback process that would be likely should Council decide to follow option 2.

Attendance: Councillor Barker left the meeting at 3.11pm.

Councillors discussed the amendment, and expressed a variety of views.

Point of Order: A Point of Order was raised under Standing Order 3.13.4(d), that a misrepresentative statement had been made by a member. The point of order was upheld.

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

Attendance: Councillor Barker returned to the meeting at 3.25pm.

Councillors discussed the motion further.

The motion was put and a division was called:

Councillor Acland	Aye
Councillor Barker	Aye
Councillor Courtney	No
Councillor Dahlberg	Aye
Councillor Fulton	Aye
Councillor Lawrey	Aye
Councillor McGurk	Aye
Councillor Matheson	No
Councillor Noonan	Aye
Councillor Rutledge	Aye
Councillor Skinner	Aye
Councillor Walker	Aye
Her Worship the Mayor	Aye

The motion was carried, 11-2.

Resolved CL/2017/019

That the Council

12 Wakapuaka Road:

Option 2: Defers approval of 12 Wakapuaka Road (A1710163) subject to a public feedback process to ascertain the views of the community on the proposed SHA with the results reported back to Council.

Her Worship the Mayor/Rutledge

Carried

Attendance: The meeting adjourned from 3.31pm to 3.47pm.

Resolved CL/2017/020

That the Council

Approves that Her Worship the Mayor recommend those potential areas 416 Trafalgar Street, 153 Nayland Road, 53 Halifax Street and 42 St Lawrence Street to the Minister of Building and Housing for consideration as Special Housing Areas under the Housing Accord and Special Housing Areas Act 2013 as amended by the Housing Legislation Amendment Act 2016.

Noonan/Dahlberg

Carried

22. Selection, Appointment and Remuneration Policy for External Appointees on Council Subcommittees

Document number R7245, agenda pages 150 – 157 refer.

Manager Administration, Penny Langley, presented the report. She explained that the words “and \$9320 in subsequent financial years” should be removed from the fourth clause of the officer recommendation.

Ms Langley answered questions regarding the availability of contact details for external appointees, the wording of the policy, and the proposed review of the policy in consultation with elected members.

Resolved CL/2017/021

That the Council

Receives the report Selection, Appointment and Remuneration Policy for External Appointees on Council Subcommittees (R7245) and its

attachment (A1702206; A1719904; A1719903; A1719905; A1719906); and

Adopts the Selection, Appointment and Remuneration Policy for External Appointees on Council Subcommittees (A1702206); and

Agrees that remuneration for the external appointees to the Audit, Risk and Finance Subcommittee and the Commercial Subcommittee commence from 1 April 2017; and notes that a job sizing exercise will be commissioned subsequent to the delegations being confirmed for the subcommittees, and this will be used to inform the 2017/18 budget; and

Provides estimated unallocated budget of \$2,330 in the 2016/17 financial year for remunerating external appointees to subcommittees; and

Notes the position descriptions (A1719904; A1719903; A1719905; A1719906) for external appointees as chair or member to the Audit, Risk and Finance subcommittee and the Commercial Subcommittee.

Dahlberg/Courtney

Carried

23. Delegations Register 2016-2019 - Committee Delegations and Schedules

Document number R6667, agenda pages 158 – 161 refer.

Administration Adviser, E-J Ruthven, presented the report. She noted that the reference to the Victory Community Centre should be removed from the Community Services and Sports and Recreation Committee delegations.

Attendance: Councillor McGurk left the meeting at 4.01pm.

Resolved CL/2017/022

That the Council

Receives the report Delegations Register 2016-2019 - Committee Delegations and Schedules (R6667) and its attachment (A1730269); and

Amends the Delegations Register (A1183061) to reflect the changes as set out in document A1730269, subject to any changes previously confirmed through the Mayor's Report to the Council meeting of 23 March 2017.

24. Draft City Amenity Bylaw Proposed for Consultation (continued)

Document number R7352, late items agenda pages 14 - 35 refer.

Group Manager Strategy and Environment, Clare Barton, and external legal advisers Jane Julian and Julian Ironside, presented the report. They noted that the words "made under the Local Government Act 2002" should be added to the end of paragraph 5.21 of the officer report.

Attendance: Councillor McGurk returned to the meeting at 4.04pm.

Ms Barton, Ms Julian and Mr Ironside answered questions regarding the points raised during public forum presentations, the content of other councils' bylaws, whether the bylaw could include infringements for littering, the effect of removing specific sections of the draft bylaw prior to public consultation, the issues that the draft bylaw sought to solve, whether the draft bylaw differed from legislation already in existence, whether the draft bylaw would cover various examples of protests or spontaneous public gatherings, other activities that might be captured by parts of the draft bylaw aside from section 12, potential methods by which the draft bylaw might be administered, issues relating to traffic management, the process of public engagement and consultation, and whether any fees or charges were likely to apply.

Attendance: The meeting adjourned from 4.49pm to 4.50pm.

Her Worship the Mayor explained that the meeting would consider items 16 and 17, Nelson City Council Governance Statement 2016-2019 and Administrative Matters Report, before returning to continue consideration of the Draft City Amenity Bylaw Proposed for Consultation.

25. Nelson City Council Governance Statement 2016-2019

Document number R7137, agenda pages 162 – 165 refer.

Attendance: Councillor Fulton left the meeting from 4.51pm to 4.52pm, and Councillor Acland left the meeting from 4.53pm to 4.56pm.

Administration Adviser, Shailey Burgess, presented the report. She tabled an updated copy of page 269 of the attachments document.

Attachments

- 1 A1745169 - Appendix 1 - Nelson City Council Bylaws as at March 2017 - updated page 269

Resolved CL/2017/023

That the Council

Receives the report Nelson City Council Governance Statement 2016-2019 (R7137) and its attachment (A1708727); and

Adopts the Nelson City Council Governance Statement 2016-2019 (A1708727), noting that any amendments made through the Mayor's Report of 23 March 2017 will be incorporated; and

Agrees to a further review of the Governance Statement 2016-2019 being undertaken by September 2017.

Barker/Skinner

Carried

26. Administrative Matters Report

Document number R7267, agenda pages 166 – 167 refer.

Manager Administration, Penny Langley, presented the report.

Resolved CL/2017/024

That the Council

Receives the report Administrative Matters Report (R7267) and its attachments (A1722982, A1724846, A1645289, and A1607446); and

Confirms the approval of the fixing of the seal in relation to those documents and the warrants of appointment detailed in the Schedule of Documents Sealed (A1607446).

Barker/Noonan

Carried

27. Draft City Amenity Bylaw Proposed for Consultation (continued)

Ms Barton, Ms Julian and Mr Ironside answered further questions relating to the Model Bylaws, the effect of removing section 12 of the draft Bylaw prior to public consultation, and potential methods by which members of the public might apply for permits.

Attendance: Councillors Acland and McGurk left the meeting at 5.05pm.

Further questions were answered regarding current processes to be undertaken by members of the public when organising events.

Councillor Lawrey, seconded by Councillor Fulton, moved

That the Council

Receives the report Draft City Amenity Bylaw Proposed for Consultation (R7352) and its attachments (A1729361, A1729616 and A1729360); and

Determines that the proposed City Amenity Bylaw (A1729361) is the most appropriate form of bylaw; and

Determines that the proposed City Amenity Bylaw affects freedoms provided by the New Zealand Bill of Rights Act 1990 and those limits on freedoms are reasonable and proportional; and

Approves the Statement of Proposal (A1729360) and the draft City Amenity Bylaw (A1729361), with the removal of Part 12, Events, and any consequential amendments, for consultation using the special consultative procedure; and

Agrees that the Mayor, Deputy Mayor and Chief Executive be delegated to approve any minor amendments required to the draft Bylaw or Statement of Proposal prior to consultation starting.

Attendance: The meeting adjourned from 5.16pm to 5.32pm.

There was a discussion regarding the potential consequences should the motion fail.

Following discussion, and with the consent of the meeting, the mover and seconder withdrew the motion.

Councillor Barker, seconded by Councillor Dahlberg, moved the motion in the officer report.

Councillors discussed the motion and expressed a variety of views.

Resolved CL/2017/025

That the Council

Receives the report Draft City Amenity Bylaw Proposed for Consultation (R7352) and its attachments (A1729361, A1729616 and A1729360); and

Determines that the proposed City Amenity Bylaw (A1729361) is the most appropriate form of bylaw; and

Determines that the proposed City Amenity Bylaw affects freedoms provided by the New Zealand

Bill of Rights Act 1990 and those limits on freedoms are reasonable and proportional; and

Approves the Statement of Proposal (A1729360) and the draft City Amenity Bylaw (A1729361), for consultation using the special consultative procedure; and

Agrees that the Mayor, Deputy Mayor and Chief Executive be delegated to approve any minor amendments required to the draft Bylaw or Statement of Proposal prior to consultation starting.

Barker/Dahlberg

Carried

Attendance: The meeting adjourned from 5.39pm to 5.41pm.

REPORTS FROM COMMITTEES – HEARINGS PANEL OTHER AND SAXTON FIELD COMMITTEE

28. Hearings Panel - Other - 13 December 2016

Document number A1679232, Open Attachments pages 283 – 284 refer.

Attendance: Councillor Fulton left the meeting at 5.43pm.

Resolved CL/2017/026

That the Council

Receives the minutes of a meeting of the Hearing Panel – Other, held on 13 December 2016.

Matheson/Her Worship the Mayor

Carried

29. Hearings Panel - Other - 2 February 2017

Document number A1705277, Open Attachments pages 285 – 287 refer.

It was noted that the date on the minutes of 2016 should be altered to 2017.

Resolved CL/2017/027

That the Council

Receives the minutes of a meeting of the Hearing Panel – Other, held on 2 February 2017.

Walker/Matheson

Carried

30. Saxton Field Committee - 14 February 2017

Document number A1726930, Open Attachments pages 288 – 292 refer.

A document was tabled relating to clause four of the Committee resolution contained within the minutes.

Group Manager Infrastructure, Alec Louverdis, answered questions regarding traffic management plans for events at Saxton Field.

Attachments

- 1 A1733500 - Memo to Council 23Mar2017 Saxton Field Committee Information Request
- 2 A1733504 - Tasman District Council memo Saxton Field Committee Information request - Council 23Mar2017

Resolved CL/2017/028

That the Council

Receives the unconfirmed minutes of a meeting of the Saxton Field Committee on 14 February 2017.

Noonan/Courtney

Carried

Her Worship the Mayor advised that the recommendation to Council contained in the minutes would be considered at a later stage of the meeting.

31. Hearings Panel - Other - 28 February 2017

Document number A1720662, Open Attachments pages 293 – 294 refer.

Resolved CL/2017/029

That the Council

Receives the unconfirmed minutes of a meeting of the Hearing Panel – Other, held on 28 February 2017.

Matheson/Barker

Carried

REPORTS FROM COMMITTEES – REMAINING COMMITTEES

32. Regional Transport Committee - 5 December 2016

Document number M2253, agenda pages 168 - 172 refer.

Resolved CL/2017/030

That the Council

Receives the unconfirmed minutes of a meeting of the Regional Transport Committee, held on 5 December 2016.

Matheson/Rutledge

Carried

33. Nelson Regional Sewerage Business Unit - 9 December 2016

Document number M2258, agenda pages 173 - 177 refer.

Resolved CL/2017/031

That the Council

Receives the minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 9 December 2016.

Skinner/Walker

Carried

34. Works and Infrastructure Committee - 16 February 2017

Document number M2328, agenda pages 178 - 183 refer.

Resolved CL/2017/032

That the Council

Receives the unconfirmed minutes of a meeting of the Works and Infrastructure Committee, held on 16 February 2017.

Matheson/Walker

Carried

34.1 Capital Expenditure Programme 2016-17 Quarter 2 Progress Report

Resolved CL/2017/033

That the Council

Approves, with respect to project 2964 Saxton Creek Culvert to Sea flood protection, that \$190,000 be transferred from the 2022/23 budget allocation to 2017/18 to enable the detailed design and resource consent to be completed in 2017/18; and

Approves, with respect to project 2624 Nile Street East stormwater and flood protection, that

- ***\$615,550 of current year budget be transferred to 2017/18, and that the construction stage be moved to 2017/18,***
- ***and that an additional \$160,000 construction budget in 2017/18 be approved, and that***
- ***the total required construction budget of \$775,550 is included as a commitment in the draft Annual Plan 2017/18; and***

Approves, with respect to project 2473 Wastney Terrace piping ditch (stormwater),

- ***that \$720,000 of current year budget be transferred to 2017/18, and that***
- ***an additional \$130,000 for construction budget in 2017/18 be approved, and that***
- ***the total required construction budget of \$850,000 is included as a commitment in the draft Annual Plan 2017/18; and***

Approves, with respect to project 2894 Poorman Valley Stream Walkway, that \$107,000 be transferred from 2017/18 to 2018/19; and

Approves, with respect to project 2555 Water Treatment Plant membranes,

- ***that \$1,081,310 be transferred from 2018/19 to 2016/17, and that \$938,690 be transferred from 2017/18 to 2016/17, and that***
- ***additional 2017/18 budget of \$352,500 be approved, to enable early ordering of two sets of membranes, and that***
- ***the total required budget of \$467,000 in 2017/18 be included as a commitment in the draft Annual Plan 2017/18.***

Matheson/Walker

Carried

35. Sports and Recreation Committee - 21 February 2017

Document number M2344, agenda pages 184 - 188 refer.

Resolved CL/2017/034

That the Council

Receives the unconfirmed minutes of a meeting of the Sports and Recreation Committee to Hear Submissions to the Proposed Reserve Revocation – Emano East Reserve, held on 21 February 2017.

Skinner/Rutledge

Carried

36. Planning and Regulatory Committee - 23 February 2017

Document number M2353, agenda pages 199 - 207 refer.

Resolved CL/2017/035

That the Council

Receives the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 23 February 2017.

Her Worship the Mayor/Walker

Carried

37. Chief Executive Employment Committee - 28 February 2017

Document number M2368, agenda pages 208 - 214 refer.

Resolved CL/2017/036

That the Council

Receives the unconfirmed minutes of a meeting of the Chief Executive Employment Committee, held on 28 February 2017.

Her Worship the Mayor/Matheson

Carried

37.1 Recruitment Process for Chief Executive

A copy of the draft terms of reference for the proposed Chief Executive Recruitment Subcommittee (A1720208), and a memo regarding Māori/iwi participation in the recruitment process for the Nelson City Council Chief Executive (A1733697) were tabled.

The Chief Executive, Clare Hadley, answered questions regarding the proposed terms of reference for the Chief Executive Recruitment Subcommittee, and Kaihautū/General Manager Māori, Tāmati Olsen,

answered questions regarding Māori/iwi participation in the recruitment process for the Chief Executive.

Councillor Matheson, seconded by Councillor Rutledge, moved the recommendation to Council, with alterations to clause three, and including an additional fourth clause.

Attachments

- 1 A1720208 - Draft Terms of Reference Chief Executive Recruitment Subcommittee
- 2 A1733697 - Tamati Olsen Kaihautu Memo to Mayor re Maori Iwi and Chief Executive Recruitment 22Mar2017

Resolved CL/2017/037

That the Council

Creates a Chief Executive Recruitment Subcommittee, comprising the Mayor, Deputy Mayor, Cr Acland, Cr Dahlberg and Cr Noonan, and

Delegates authority to the Chief Executive to prepare a Request for Proposal for Recruitment Services, to be approved by the Mayor and Deputy Mayor, and to be responded to no later than 30 April 2017; and

Delegates authority to the Chief Executive Recruitment Subcommittee to select a tenderer at its meeting no later than 16 May 2017; and

Approves the Chief Executive Recruitment Subcommittee Terms of Reference (A1720208), noting the addition of an Iwi Representative to the list of Subcommittee Members.

Matheson/Rutledge

Carried

38. Community Services Committee - 2 March 2017

Document number M2377, agenda pages 215 - 221 refer.

Resolved CL/2017/038

That the Council

Receives the unconfirmed minutes of a meeting of the Community Services Committee, held on 2 March 2017.

Noonan/Courtney

Carried

39. Governance Committee - 9 March 2017

Document number M2401, agenda pages 222 - 235 refer.

Resolved CL/2017/039

That the Council

Receives the unconfirmed minutes of a meeting of the Governance Committee, held on 9 March 2017.

Barker/Courtney

Carried

39.1 Council Controlled Organisations: Local Government Act 2002 Obligations and Exemption

Resolved CL/2017/040

That the Council

Approves a continued exemption to the City of Nelson Civic Trust for the purposes of Section 6(4)(i) of the Local Government Act 2002, in accordance with Sections 7(3) and 7(6) of the Act and after considering the matters in Section 7(5) of the Act.

Barker/Dahlberg

Carried

39.2 Health and Safety: Quarterly Report

Resolved CL/2017/041

That the Council

Notes the report Health and Safety Quarterly Report (R7020) and its attachment (A1710588); and

Confirms the assessment of critical health and safety risks contained in the attachment (A1710588).

Barker/Dahlberg

Carried

39.3 Remission Of Rates To Compensate For Business Disruption

The Chief Executive, Clare Hadley, answered questions regarding the potential for provision of insurance for business interruption as a result of civic works.

Resolved CL/2017/042

That the Council

Confirms not to develop a rates remission policy for businesses affected by civil works undertaken by Council.

Barker/Dahlberg

Carried

39.4 Insurance renewal 2017/18 - Infrastructure Assets

Councillor Barker, seconded by Councillor Dahlberg, moved the recommendation to Council.

Following discussion, and with the agreement of the mover and seconder, the motion was altered to remove the Mayor, and include the Deputy Chair of the Governance Committee and the Chair of the Audit, Risk and Finance Subcommittee in the group delegated to decide whether Nelson City Council should exit the Local Authority Protection Programme.

Attendance: Councillor Skinner left the meeting at 6.13pm.

Resolved CL/2017/043

That the Council

Approves delegating authority to the Chair of Governance Committee, Deputy Chair of Governance Committee, Chair of Audit, Risk and Finance Subcommittee and Chief Executive to decide whether Nelson City Council should exit from the Local Authority Protection Program for Council's infrastructure insurance and the appropriate level of insurance cover, by the end of May 2017 and take any action required to give effect to the decision.

Barker/Dahlberg

Carried

39.5 Capital Expenditure Programme 2016-17 - Requests for Change

Resolved CL/2017/044

That the Council

Approves, with respect to project 1199 Civic House Renewal Programme (Lift Renewal), that \$225,816 be transferred from 2016/17 to 2017/18, to align with the scheduled installation

programme.

Barker/Dahlberg

Carried

40. Saxton Field Committee - 14 February 2017 (continued)

Document number A1726930, Open Attachments pages 288 – 292 refer.

40.1 Capital Expenditure Programme 2016-17 – Requests for Change

Resolved CL/2017/045

That the Council

Approves, with respect to project 2930 Velodrome Lights – Grant Saxton Walkways/Cycleways, the transfer of \$26,500 from 2016/17 to 2017/18; and

Approves, with respect to project 1044 Saxton Walkways/Cycleways, additional budget of \$21,983 in 2017/18 subject to Tasman District Council passing the equivalent resolution; and

Approves, with respect to project 2150 Saxton Field Champion Road Entrance, additional budget of \$39,220 in 2017/18 subject to Tasman District Council passing the equivalent resolution.

Noonan/Skinner

Carried

41. Adjournment of Meeting

Resolved CL/2017/046

That the Council

Adjourns the meeting, to be reconvened in the Council Chamber at 9.15am on Thursday 30 March 2017.

Her Worship the Mayor/Matheson

Carried

The meeting adjourned at 6.18pm.

Minutes of a reconvened meeting of the Nelson City Council

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

On Thursday 30 March 2017, commencing at 9.18am

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 Corporate Services (N Harrison), Senior Strategic Adviser (N McDonald), Manager People and Capability (S Vincent), Kaihautū (T Olsen), Team Leader Administration Advisers (R Byrne), Administration Adviser (S Burgess), and Youth Councillors (L Wilkes and J Riley)

42. Confirmation of Order of Business

Her Worship the Mayor advised councillors of an additional Council meeting on 13 April. She noted the passing of Edith Shaw and acknowledged her efforts in the community.

Point of Order: A point of order was raised under Standing Order 3.13.4(e) suggesting that Standing Orders had been breached at the reconvened Council meeting on 28 March 2017, where a motion regarding the City Amenity Bylaw had been declined as a direct negative to the motion on the table. Her Worship the Mayor, with the leave of the meeting, left the point of order on the table pending officer advice.

43. Civic House Accommodation

Document number R7365, agenda pages 144 – 149 refer.

Kaihautū, Tāmati Olsen, presented the report. He responded to questions regarding budget, potential for surplus space, and priority areas for improvement.

A suggestion was raised that if any surplus space was available at Civic House at the end of the upgrade this could be used for community groups.

Resolved CL/2017/013

That the Council

Receives the report Civic House Accommodation (R7365).

McGurk/Acland

Carried

Councillor McGurk, seconded by Councillor Acland, moved a motion:

That the Council

Approves the release of a Request for Proposals (RFP) for consultancy advice to inform any upgrade of Civic House office space; noting the proposals requested be for a staged contract providing firstly concept plans then detailed costings to upgrade agreed areas, with Council's right to exit the contract after any stage; and

Notes that there is interest by Council to investigate accommodating community groups within Civic House in surplus space not required by the Council; and

Notes a workshop will be held with elected members during the development of concept plans.

It was suggested that the following clause be added to the motion after the second clause:

Requires an implementation plan and budget to be reported to Council before the letting of any contract for major physical works (health and safety matters within budget excepted); and

The mover and seconder of the motion agreed to this additional clause.

Officers responded to further questions regarding security, officer productivity and feedback, the State Advances building, and health and safety matters.

Resolved CL/2017/014

That the Council

Approves the release of a Request for Proposals (RFP) for consultancy advice to inform any upgrade of Civic House office space; noting the proposals requested be for a staged contract providing firstly concept plans then detailed costings to upgrade agreed areas, with Council's right to exit the contract after any stage; and

Notes that there is interest by Council to investigate accommodating community groups within Civic House in surplus space not required by the Council; and

Requires an implementation plan and budget to be reported to Council before the letting of any contract for major physical works (health and safety matters within budget excepted); and

Notes a workshop will be held with elected members during the development of concept plans.

McGurk/Acland

Carried

44. Exclusion of the Public

Resolved CL/2017/015

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:

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	Council Meeting - Public Excluded Minutes - 15 December 2016	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 • Section 7(2)(b)(ii) To protect information where the making available of the

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			<p>information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <ul style="list-style-type: none"> • 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	<p>Council Meeting - Public Excluded Minutes - 2 March 2017</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).
3	<p>Saxton Field Committee 14 February 2017</p> <p>These minutes contain no recommendation to Council</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)(a) To protect the privacy of natural persons, including that of a deceased person
4	<p>Mayor's Report</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</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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		under section 7.	
5	<p>Works and Infrastructure Committee Meeting - Public Excluded Minutes - 16 February 2017</p> <p>These minutes contain no recommendation to Council</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).
6	<p>Sports and Recreation Committee Meeting - Public Excluded Minutes - 21 February 2017</p> <p>These minutes contain no recommendation to Council</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)
7	<p>Chief Executive Employment Committee Meeting - Public Excluded Minutes - 28 February 2017</p> <p>These minutes contain a recommendation to Council regarding:</p> <p>Contracts and Local Authorities (Members' Interests) Act</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)(a) To protect the privacy of natural persons, including that of a deceased person. Section 7(2)(c)(i) 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 to prejudice the supply of similar information or information from the same source and it is in

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			the public interest that such information should continue to be supplied.
8	<p>Community Services Committee Meeting - Public Excluded Minutes - 2 March 2017</p> <p>These minutes contain a recommendation to Council regarding:</p> <p>Community Leases - Omnibus Report</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 9.46am and resumed in public session at 10.56am.

45. Re-admittance of the Public

Resolved CL/2017/016

That the Council

Re-admits the public to the meeting.

Her Worship the Mayor/Barker

Carried

The meeting returned to the point of order raised at the commencement of the meeting. The Chief Executive provided advice regarding direct negative amendments and advised that she believed Standing Orders had been followed appropriately in this matter.

Attendance: The meeting adjourned from 10.59am to 11.13am.

The Mayor upheld the point of order.

There being no further business the meeting ended at 11.14am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date