



AGENDA

Ordinary meeting of the

Nelson City Council

Tuesday 19 February 2019

Commencing at 9.00a.m

Council Chamber

Civic House

110 Trafalgar Street, Nelson

**Pat Dougherty
Chief Executive**

Membership: Her Worship the Mayor Rachel Reese (Chairperson), Councillors Luke Acland, Ian Barker, Mel Courtney, Bill Dahlberg, Kate Fulton, Matt Lawrey, Paul Matheson, Brian McGurk, Gaile Noonan, Mike Rutledge, Tim Skinner and Stuart Walker

Quorum: 7

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

Council Values

The Mayor and councillors held a strategic planning day on 30 November 2016 with a programme that covered key challenges and opportunities for the triennium, the values Council wished to work by, and objectives for what needed to be achieved during this term of Council.

Following are the values agreed during the planning day:

- i) Whakautetanga: valuing each other, showing respect
- ii) Kōrero Pono: honesty, integrity, trust, fidelity
- iii) Māiatanga: having courage, being bold, trail blazing, having a sense of purpose
- iv) Whakamanatanga: demonstrating excellence, raising the bar, effectiveness, resourcefulness
- v) Whakamōwaitanga: compassion, empathy, humility, servant leadership
- vi) Kaitiakitanga: stewardship
- vii) Manaakitanga: generosity of spirit, humour, fun

Opening Prayer

1. Apologies

Nil

2. Confirmation of Order of Business

3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

5. Confirmation of Minutes

5.1 13 December 2018

5 - 29

Document number M3990

Recommendation

That the Council

Confirms the minutes of the meeting of the Council, held on 13 December 2018, as a true and correct record.

6. Mayor's Report

PUBLIC EXCLUDED BUSINESS

7. Exclusion of the Public

Recommendation

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:

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 - 13 December 2018	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) • 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 • Section 7(2)(g) To maintain legal professional privilege
2	Community Housing Consultation Document	<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)



Minutes of a meeting of the Nelson City Council

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

On Thursday 13 December 2018, commencing at 9.05a.m.

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, M Courtney, B Dahlberg (from 11.19am), K Fulton, M Lawrey, P Matheson, B McGurk, G Noonan, M Rutledge, T Skinner and S Walker

In Attendance: Chief Executive (P Dougherty), Acting Group Manager Infrastructure (M Parfitt), Group Manager Environmental Management (C Barton), Group Manager Community Services (R Ball), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald) Team Leader Governance (R Byrne) and Governance Adviser (J Brandt)

Apologies : Councillor Dahlberg for lateness

Opening Prayer

Councillor Skinner gave the opening prayer.

1. Apologies

2. Confirmation of Order of Business

Her Worship the Mayor Reese updated the order of business to include:

- Public Forum speaker Christopher Johanser had cancelled
- Item 9: Building an Effective Partnership with Iwi would be considered at 11.00a.m.
- Item 12: Tahunanui Modellers Pond Trial: Way Forward would be considered as the first item after lunch.
- Public Excluded Item 5: Request for Assistance from a Nelson Sporting Group would be considered after Public Forum

3. Interests

There were no updates to the Interests Register.

Her Worship the Mayor Reese noted that for procedural clarity she and Councillor Rutledge would step out for item 13: Code of Conduct – Independent Investigation

Councillors Matheson and Noonan declared a conflict with Item 7.8: Gambling Venue Policy Review Deliberations Report.

Councillor Noonan declared an interest in Item 10: Bay Dreams - main event and camping.

4 Exclusion of the Public

Alison McAlpine Jeremy Banks, Tony Bowater and Julie Bensemann were in attendance for Item 5 of the Public Excluded agenda to answer questions and, accordingly, the following resolution was required to be passed:

Resolved CL/2018/276

That the Council

Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that Alison McAlpine, Jeremy Banks, Tony Bowater and Julie Bensemann remain after the public has been excluded, for the Public Excluded agenda as they have knowledge relating to Item 5: Request for Assistance form a Nelson Sporting Group that will assist the meeting.

Matheson/Walker

Carried

Resolved CL/2018/277

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/Rutledge

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)
5	Request for Assistance from a Nelson Sporting Group	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information

The meeting went into public excluded session at 9.12a.m. and resumed in public session at 11.00a.m.

5. Public Forum

5.1 Jenny Easton, Julie Nevin and Joanna Santa-Barbara from Zero Carbon Nelson Tasman.

Julie Nevin spoke on changes needed to reduce greenhouse gas emissions and adapt to the adverse effects of a changing climate and rising sea level. She offered to share the Group's wide ranging connections with Council.

Jenny Easton advised the group was encouraged to see Council working on measuring, reducing and monitoring carbon use. She said Council publicly putting its own house in order raised awareness in the community. She urged Council to move faster and further.

Zero Carbon Nelson Tasman tabled further documentation for members reference.

Attachments

- 1 A2110711 Jenny Easton and Julie Nevin Top of the South Zero Carbon Act Handout Public Forum Council 13Dec2018.pdf

6. Building an Effective Partnership with Iwi (Agenda item 9)

Document number R9869, agenda pages 59 - 77 refer.

Whaea Jane du Feu supported Kaihautū Pania Lee who presented the report and tabled a Draft Terms of Reference for the Iwi-Council Advisory Group.

Ms Lee advised that the Memorandum of Understanding was 13 years old and did not reflect the current relationship with iwi.

Attendance: Councillor Dahlberg entered at 11.19a.m.

Resolved CL/2018/278

That the Council

Receives the report Building an Effective Partnership with Iwi (R9869) and its attachments (A1994125 and A2109475);

Agrees that staff initiate work on the review of the Memorandum of Understanding between Tangata Whenua o Whakatū and the Nelson City Council;

Agrees that staff initiate work on the development of an iwi engagement and partnering strategy;

Agrees that an Iwi-Council Advisory Group be formed to support the review of the Memorandum of Understanding and strategy development; and

Delegates Mayor Rachel Reese, Deputy Mayor Paul Matheson, Councillors Dahlberg and Lawrey to be members of the Iwi-Council Advisory Group.

Confirms the draft Terms of Reference for the Iwi-Council Advisory Group attached (A2109475); and

Updates the Nelson City Council Delegations Register to reflect the above changes

Her Worship the Mayor/Matheson

Carried

Attachments

- 1 A2109475 Terms of Reference Iwi-Council Advisory Group

7. Confirmation of Minutes

7.1 15 November 2018

Document number M3897, agenda pages 17 - 29 refer.

Resolved CL/2018/279

That the Council

Confirms the minutes of the meeting of the Council, held on 15 November 2018, as a true and correct record.

Courtney/Dahlberg

Carried

7.2 27 November 2018 - Extraordinary Meeting

Document number M3953, agenda pages 30 - 33 refer.

Resolved CL/2018/280

That the Council

Confirms the minutes of the extraordinary meeting of the Council, held on 27 November 2018, as a true and correct record.

Barker/Walker

Carried

8. Confirmation of Minutes

Document number M3766, agenda pages 34 - 51 refer.

Resolved CL/2018/281

That the Council

Confirms the minutes of the meeting of the Council, held on 20 September 2018, as a true and correct record.

Her Worship the Mayor/Dahlberg

Carried

9. Recommendations from Committees (Agenda item 7)

9.1 Works and Infrastructure Committee - 15 November 2018

9.1.1 Recycling - Update on international markets

Resolved CL/2018/282

That the Council

Agrees to consider through the 2019/20 Annual Plan the additional costs resulting from the ongoing low global commodity prices, for the 2019/20 financial year at an estimated cost of between \$132,000 and \$192,000 funded 50% from the current reserves in the Solid Waste account and 50% through increased landfill charges.

Walker/Rutledge

Carried

9.1.2 Hanging Baskets Activity Review

Resolved CL/2018/283

That the Council

Approves foregoing \$16,000 budgeted income in the Annual Plan 2019/20 from business contribution towards hanging baskets in order to maximise the number of baskets that are hung within the City; and

Approves that the hanging baskets be funded from the Parking and CBD Enhancement cost centre, street parking meters maintenance account (5510 2010 0415).

Walker/Rutledge

Carried

9.1.3 Nelson Regional Sewerage Business Unit - Business Plan 2018-19 and Bell Island Resource Consent

Resolved CL/2018/284

That the Council

Approves the Nelson Sewerage Business Unit Business Plan 2018-19 (A2086495) noting that this now better reflects Nelson City Council's Long

Term Plan and Nelson City Council's environmental aspirations.

Walker/Rutledge

Carried

9.1.4 Waimea Road - Proposed Amendment to the Speed Limits Bylaw

Resolved CL/2018/285

That the Council

Agrees a bylaw to set a permanent speed limit is the most appropriate way of addressing safety issues on Waimea Road between Market Road and the Beatson Road roundabout; and

Agrees the proposed amendments to the Speed Limits Bylaw 2011 (210) are the most appropriate form of bylaw and do not give rise to any implications under the New Zealand Bill of Rights Act 1990; and

Agrees a summary of the Statement of Proposal Amendment to the Speed Limits Bylaw 2011 (210) is not required; and

Adopts the Statement of Proposal (A2069647 of Report 9765) relating to the lowering of the speed limit along Waimea Road from 240m south of Market Road (Market Road) through to 200m north of the Beatson Road roundabout (Beatson Road roundabout); and

Approves commencement of the Special Consultative Procedure (A2069647 of Report R9765), with the consultation period to run from 14 December 2018 to 15 February 2019; and

Approves the consultation plan (A2079928 of Report 9765) and agrees:

(a) the plan includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and

(b) the plan will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.

Walker/Rutledge

Carried

9.1.5 Seafield Terrace remediation - supplementary information

Acting Group Manager Infrastructure, Marg Parfitt updated Council that following the Works and Infrastructure Committee meeting on 15 November New Zealand Transport Agency (NZTA) had advised that with the cost of \$1.4m, it's preferred solution was to leave the road as is and fund the cost of frequent repair. An alternative way to remediate was to fund the work through the low risk low cost budget. NZTA would fund 51% up to \$1 million and had suggested this path. The Chair of the Works and Infrastructure Committee had amended the recommendation to reflect this.

Resolved CL/2018/286

That the Council

Approves the Enhanced "Scaled-up do minimum" option as the preferred remedial solution as detailed in Attachment 2 (A2038309) of report R9621 (A2088021) for Seafield Terrace, noting a preliminary revised estimated capital cost of \$1.4 Million with an expected 51% NZTA Funding Assistance Rate up to \$1 million; and

Notes that design will commence in the current 2018/19 financial year with request for funding for consents and construction (\$1.4 Million) to be made through the 2019/20 Annual Plan; and

Approves unbudgeted expense of \$70,000 in the 2018/19 financial year to cover costs incurred to date and to commence detailed design of the preferred option.

Walker/Her Worship the Mayor

Carried

Her Worship the Mayor Reese thanked the community who worked on the project to this point, noting it had been very constructive.

9.1.6 Transport Asset Management Plan

Resolved CL/2018/287

That the Council

Adopts the Transport Asset Management Plan 2018-28 (A1755799), amended to reflect the approved Long Term Plan 2018 – 2028.

Walker/Rutledge

Carried

9.2 Sports and Recreation Committee - 20 November 2018

9.2.1 Marsden Valley Reserve - options to manage wild deer populations

Resolved CL/2018/288

That the Council

Confirms that the practice of culling deer within the Marsden Valley Reserve should continue.

Skinner/Dahlberg

Carried

9.2.2 Haulashore Island Manuka Motu Wharf Review

Resolved CL/2018/289

That the Council

Approves the Haulashore Island Manuka Motu wharf remaining closed for use by vessels, but retained in the short term for its landscape values only; and

Considers a full wharf refurbishment or replacement in the Long Term Plan 2021-31.

Skinner/Dahlberg

Carried

9.2.3 Marina Governance

Resolved CL/2018/290

That the Council

Confirms the continuation of the Marina Advisory Group to advise on matters pertaining to the management of Nelson Marina; and

Approves the Marina Advisory Group to work through a process to advise the Sports and Recreation Committee on future Marina management once they are in a more informed position.

Skinner/Dahlberg

Carried

9.3 Planning and Regulatory Committee - 22 November 2018

9.3.1 Deliberations on Environmental Monitoring and Science Charges

Resolved CL/2018/291

That the Council

Approves the Revised Schedule of Annual Environmental Monitoring and Science Charges (A2098732).

McGurk/Fulton

Carried

9.4 Planning and Regulatory Committee - 22 November 2018

9.4.1 National Policy Statement Urban Development Capacity Assessment 2018

Resolved CL/2018/292

That the Council

Considers all matters relating to the receipt and adoption of the National Policy Statement on Urban Development Capacity Assessment 2018.

McGurk/Fulton

Carried

9.4.2 Biosecurity Annual Review

Resolved CL/2018/293

That the Council

Approves the Operational Plan for the Tasman-Nelson Regional Pest Management Strategy 2018-19 (A2081604), specifically as it relates to Nelson City Council's area.

McGurk/Fulton

Carried

9.5 Community Services Committee - 27 November 2018

9.5.1 Community Partnerships Activity Management Plan 2018 - 2028

Resolved CL/2018/294

That the Council

Adopts the Community Partnerships Activity Management Plan 2018 – 2028 (A2012013) to reflect the approved Long Term Plan 2018 - 2028.

Noonan/Courtney

Carried

9.5.2 Community Housing

Resolved CL/2018/295

That the Council

Considers all matters relating to the future of Nelson City Council's community housing with a view to developing a proposal for community consultation in 2019.

Noonan/Courtney

Carried

9.6 Governance Committee - 29 November 2018

9.6.1 Bishop Suter Trust - Statement of Expectation 2019/20

Resolved CL/2018/296

That the Council

Confirms the general matters to be included in the Bishop Suter Trust Statement of Expectation 2019/20 letter as those identified in paragraphs 4.1 to 4.14 of report R9824; and

Confirms the following specific matters to be included in the Bishop Suter Trust Statement of Expectation letter:

- ***Governance succession plan; and***
- ***Resilience; and***
- ***Good employer obligations; and***
- ***Climate Change responsiveness, including risk resilience, mitigation and adaption; and***
- ***Development of the relationship with Tasman District Council with a view to increasing funding from that source.***

Barker/Dahlberg

Carried

9.7 Advice from Regional Transport Committee - 3 December 2018

9.7.1 Regional Land Transport Plan variation - Saltwater Creek Bridge

Resolved CL/2018/297

That the Council

Approves the inclusion of \$1.2 Million in the Nelson Regional Land Transport Plan 2015–21 for Saltwater Creek Bridge in the 2018/19 financial year.

Rutledge/Noonan

Carried

9.7.2 Nelson Southern Link and Rocks Road Walking Cycling Project

Recommendation to Council

That the Council

Endorses the amended outline scope for the Nelson Southern Link and Rocks Road Walking and Cycling project (A2102066 of Report 9734) that will enable the Detailed Business Case to commence.

The matter was left to lie until officers could provide clarification on the business case.

Attendance: Councillor Acland left the meeting at 11.46a.m.

9.7.3 Proposed Champion Road underpass

Councillor Rutledge advised officers had met with Tasman District Council officers and more information had come to hand. He requested that the matter be left to lie until the Council meeting on 21 March 2019.

Recommendation to Council

That the Council

Commits to the allocation of a maximum of \$470,000 as a grant payable to Tasman District Council for the Champion roundabout and underpass project as part of the 2019/20 Annual Plan.

Resolved CL/2018/298

Item of business to lie on the table

That the Council

Leaves the item Proposed Champion Road underpass to lie on the table until the Council meeting on 21 March 2019.

Noonan/Rutledge

Carried

9.8 Planning and Regulatory Committee - 6 December 2018

9.8.1 Gambling Venue Policy Review Deliberations Report

Attendance: Councillors Matheson and Noonan declared an interest and left the room at 11.50a.m.

Attendance: Councillor Acland returned to the meeting at 11.53a.m.

Resolved CL/2018/299

That the Council

Adopts the Gambling Venue Policy (A2090535).

The motion was put and a division was called:

<u>For</u>	<u>Against</u>	<u>Absent</u>
Her Worship the Mayor Reese (Chairperson)	Cr Barker	Cr Matheson
Cr Acland	Cr Dahlberg	Cr Noonan
Cr Courtney	Cr Rutledge	
Cr Fulton	Cr Skinner	
Cr Lawrey	Cr Walker	
Cr McGurk		

The motion was carried 6 - 5.

McGurk/Her Worship the Mayor

Carried

9.9 Sports and Recreation Committee – 13 December 2018

9.9.1 Referral of Powers - Request for Assistance from a Nelson sporting group

Resolved CL/2018/300

That the Council

Considers all matters relating to a request for assistance from a Nelson sporting group.

Skinner/Her Worship the Mayor

Carried

Attendance: Councillors Matheson and Noonan returned to the meeting at 12.04p.m.

10. Mayor's Report

Document number R9907, agenda pages 58 - 58 refer.

Resolved CL/2018/301

That the Council

Receives the report Mayor's Report (R9907); and

Updates the Delegations Register to include Community Facilities e.g. toilets as the responsibility of the Community Services Committee.

Her Worship the Mayor/Courtney

Carried

Her Worship the Mayor presented her report, noting that she would continue with a verbal update later in the meeting.

11. Bay Dreams - main event and camping

Document number R9843, agenda pages 78 - 106 refer.

Attendance: Councillor Noonan declared an interest and left the meeting at 12.06p.m.

Group Manager Community Services, Roger Ball and Manager Community Partnerships, Mark Preston-Thomas presented the report and tabled further information from community engagement meetings and relating to the need to confer powers of Council under regulation 3 and 14 of the Camping Grounds Regulations 1985.

Mr Ball advised the community engagement meetings had been well received and most questions were answered by the presentation provided by Mr Toby Burrows, Bay Dreams representative. He answered questions on costs to ratepayers and camping ground safety plans.

Attendance: Councillor Barker left the meeting from 12.18p.m. until 12.19p.m.

Resolved CL/2018/302

That the Council

Receives the report Bay Dreams - main event and camping (R9843) and its attachments (A2098483, A2098482, A2101448, A2101838, A2101859 and A2110800); and

Agrees that Council has taken reasonable steps to assess and consider the views of persons likely to be affected by the Bay Dreams event in light of its moderate significance (having had regard to the report and officers' verbal briefing on the outcomes of community engagement); and

Agrees that the proposed use of Trafalgar Park (A2098483) as the main venue for the Bay Dreams music event from 3 – 5 January 2019 is consistent with both the classification and purposes of recreation reserves and with the Management Plan that applies to Trafalgar Park; and

Agrees that the proposed use of Saxton Field reserve (A2098482) for camping associated with the Bay Dreams music event from 3 – 5 January 2019 is consistent with both the classification and purposes of recreation reserves and with the Management Plan that applies to Saxton Field; and

Delegates the powers conferred on Council as administering body of recreation reserves by section 53 of the Reserves Act 1977 to the Chief Executive; and

Consents to the temporary use of Saxton Field Reserve as a camping ground associated with the Bay Dreams music event from 3 - 5 January 2019 under section 44(1) of the Reserves Act 1977; and

Notes that permission for up to 1500 people to camp at Rutherford Park from 3 -5 January 2019 as part of the Bay Dreams event will be granted by the Chief Executive in accordance with the Rutherford and Trafalgar Parks Reserves Management Plan, subject to Council's internal

process requirements being met by the event organiser; and

Agrees to impose a temporary ban on the consumption and possession of alcohol at Saxton Field between 07:00am on 3 January 2019 to 09:00pm on 5 January 2019 pursuant to clause 6.15 of the Urban Environments Bylaw 2015; and

Delegates the powers conferred on Council under regulations 3 and 14 of the Camping-Grounds Regulations 1985 to the Chief Executive; and

Updates the Officer Delegations Manual to reflect the above changes.

Receives the community feedback from affected neighbours relating to the proposed Bay Dreams festival activities.

Her Worship the Mayor/Dahlberg

Carried

Attachments

- 1 A2110800 Bay Dreams - Addendum to Council report 13 Dec - December 2018

12. Code of Conduct - Independent Investigation (Agenda item 13)

Document number R9900, agenda pages 272 - 308 refer.

Attendance: Her Worship the Mayor Reese and Councillor Rutledge declared an interest and left the meeting at 12.28p.m.

Deputy Chair Councillor Matheson presided.

Attendance: Councillor Noonan returned to the meeting at 12.29p.m.

Manager Governance and Support Services, Mary Birch, and Senior Legal Adviser, Fiona McLeod presented the report. Ms Birch confirmed that the next step in the Code of Conduct process was to prepare a report for Council, the Code of Conduct Panel or a Committee which had been given appropriate delegations. She reiterated that this item was a procedural matter and the complaint, terms of reference or investigation were not a matter for discussion today.

Ms McLeod answered questions on interactions with the Office of the Auditor General, membership of the Panel or Committee and clarified that it was up to the Chief Executive to consider the nature of the complaint and then decide the decision making body.

Chief Executive, Pat Dougherty confirmed that he had followed the Code of Conduct (the Code), which had been adopted by elected members, rigorously and reiterated that the Code stated the decision making body was the full Council (ruled out) the Panel (only two members) or a delegated Committee.

Mr Dougherty answered questions on Code of Conduct outcomes, upholding penalties and the length of time the process had taken. When asked what the complaint was he advised that once he had determined that the Panel or Committee would make a decision and a meeting date had been confirmed, all elected members would be provided with the Code of Conduct Complaint, Independent Investigator's Terms of Reference and the Independent Investigator's Report. The meeting to decide on any penalty or outcomes would be an open meeting, he reminded members that while they could attend the meeting they could not take part in the discussion or decision making process.

When asked who determined an 'interested party', Mr Dougherty explained that at the time there were only two people not conflicted as many members had been involved or had witnessed Councillor Rutledge's behaviour in the Chamber. When questioned why Councillor Fulton had not been included on the panel, Ms Birch confirmed this was because at the time Councillor Fulton had other code of conduct complaints in progress.

Councillor Dahlberg called a Point of Order under Standing Orders section 24.2b - language – use of disrespectful, offensive or malicious language. Councillor Dahlberg felt Councillors Acland and Fulton had been disrespectful by inferring he was not impartial.

Attendance: Councillors Acland, Fulton and Lawrey left the meeting at 12.47p.m.

The meeting adjourned from 1.00pm until 1.44p.m. at which time Councillor Acland, Fulton and Lawrey returned to the meeting.

The meeting was reconvened and the Deputy Chair addressed the Point Of Order raised by Councillor Dahlberg.

Councillor Dahlberg asked for a ruling on his Point of Order as he felt Councillor Acland had called his integrity into question, mentioning his friendship with Councillor Rutledge and questioning his impartiality. Additionally Councillor Fulton had mentioned that previous Code of Conduct complainants did not get apologies and friendships were impacting on whether a member was appointed to a Panel

When asked to explain, Councillor Acland advised he was asking what the interpretation of interest was, he had inferred nothing disrespectful and was genuinely concerned that this needed to be addressed.

Councillor Fulton added that she did not intend to be disrespectful to Councillor Dahlberg in any way.

The Deputy Chair ruled against the Point of Order.

Resolved CL/2018/303

That the Council

Receives the report Code of Conduct - Independent Investigation (R9900) and its attachments (A1745031);

Approves the establishment of a Code of Conduct Committee;

Appoints a Code of Conduct Committee to consider the independent investigator's report on the matter of the Code of Conduct complaint lodged against Councillor Mike Rutledge relating to events on 17 May 2018;

Delegates the power to determine the penalty or other form of action to be imposed, if required, in accordance with the Code of Conduct and Local Government Act 2002 processes to the Code of Conduct Committee; and

Appoints Councillor Dahlberg (Chairperson), Councillor Noonan, John Peters and John Murray as members of the Code of Conduct Committee.

Dahlberg/Noonan

Carried

The meeting adjourned from 2.03p.m. until 2.10p.m. at which time Her Worship the Mayor Reese and Councillor Rutledge returned to the meeting.

13. Tahunanui Modellers Pond Trial: Way Forward (Agenda item 12)

Document number R9823, agenda pages 248 - 271 refer.

Manager Utilities, David Light, presented the report along with Mr John Gilbertson and members of the Tahuna Modellers Pond Working Party members.

Mr Gilbertson gave a presentation on the Diatomix trial on the Modellers Pond and tabled supporting information. He confirmed that the Working Party were firmly of the opinion that the trial was working and asked that Council allow it to continue.

Mr Light confirmed that the resource consent for the trial was for 18 months so the effect of the trial could be monitored and as at the current point in time, they did not know the long term effects.

Councillor Walker, Chair of the Working Party, noted that the pond was the Tahunanui retention stormwater pond. Stormwater flowed to a pump station below Centennial Park and was then pumped into the retention pond (Modellers Pond). As it was a stormwater pond all rubbish and effluent settled into the pond. The Working Party were requesting a longer trial period in order to determine the effect during the hot summer months.

Extension of Meeting Time

Resolved CL/2018/304

That the Council

Extends the meeting time beyond six hours, pursuant to Standing Order 4.2.

Noonan/Fulton

Carried

Chief Executive, Pat Dougherty, confirmed that officer advice was that they did not think the trial would work, the Working Party had a different view.

Her Worship the Mayor acknowledged the volunteer labour, thanked the Modellers Pond Working Party for their work and for attending the meeting.

Resolved CL/2018/305

That the Council

Receives the report Tahunanui Modellers Pond Trial: Way Forward (R9823) and its attachments (A2078208, A2106756 and A2094762); and

Notes that officers do not support continuing with the trial beyond the three month initial period; and

Approves on the recommendation of the Working Party to proceed with the Diatomix trial as per Option 3 of Report R9823 (for a further five months) noting the Working Party's desire to supply and install an alternative pump at their own cost; and

Approves additional unbudgeted operational funding of \$130,000 in the current 2018/19 financial year to continue with the Diatomix trial for a further five months – ending April 2019; and

Requests an update, on the outcome of any further trial period, be reported back to the full Council.

The motion was put and a division was called:

<u>For</u>	<u>Against</u>
Her Worship the Mayor Reese (Chairperson)	Cr Acland
Cr Barker	Cr Lawrey
Cr Courtney	Cr McGurk
Cr Dahlberg	
Cr Fulton	
Cr Matheson	
Cr Noonan	
Cr Rutledge	
Cr Skinner	
Cr Walker	

The motion was carried 10 - 3.

Attachments

- 1 A2110788 John Gilbertson Modellers Pond Working Party Council
13Dec2018

Noonan/Dahlberg

Carried

Attachments

- 1 John Gilbertson Modellers Pond Working Group Presentation Council
13Dec2018
- 2 John Gilbertson Modellers Pond Working Party Council 13Dec2018
- 3 John Gilbertson Modellers Pond Working Party Summary Council
13Dec2018

The meeting adjourned from 3.34p.m. until 3.56p.m. at which time Councillor Matheson left the meeting.

14. National Policy Statement on Urban Development Capacity: Housing and Business Capacity Assessments for Nelson and the Nelson Urban Area (Agenda item 11)

Team Leader City Development, Lisa Gibellini and Strategy and Environment Senior Analyst, Chris Pawson presented their report and tabled an amendment to Appendix B, labelled Figure 1 (attached).

Document number R9826, agenda pages 107 - 247 refer.

Resolved CL/2018/306

That the Council

Receives the report National Policy Statement on Urban Development Capacity: Housing and Business Capacity Assessments for Nelson and the Nelson Urban Area (R9826) and its attachments (A2099700, A2080812 and A2110772); and

Approves the submission of the reports to the Ministry of Housing and Development as required by the NPS-UDC; and

Notes the recommendations in the attached HBA reports (A2099700 and A2080812); and

Amends the table in Appendix B labelled Figure 1 to replace it with the table in tabled document A2110772.

Courtney/Noonan

Carried

Attachments

- 1 A2110772 Appendix B Figure 1 Muritai Street development built form sensitivity testing

15. Advice from Regional Transport Committee – 3 December 2018 (reconvened)

9.7.2 Nelson Southern Link and Rocks Road Walking Cycling Project

Acting Group Manager Infrastructure, Marg Parfitt clarified that the final business case would be completed in September 2020.

Attendance: Councillor Lawrey left the meeting from 4.00p.m. until 4.02p.m.

Resolved CL/2018/307

That the Council

Endorses the amended outline scope for the Nelson Southern Link and Rocks Road Walking and Cycling project (A2102066 of Report 9734) that will enable the Detailed Business Case to commence.

Rutledge/Noonan

Carried

16. Mayor's Report (reconvened)

Her Worship the Mayor presented an appliqued Christmas tree sculpture made by Accounting Officer Julianne Smith, as part of the 12 Days of Christmas raffle being run by the Finance Depart to support Fifeshire Foundation. Mayor Reese had won the prize for 13 December, which included the tree, and she advised she would be donating the items to Women's Refuge.

Mayor Reese updated Council on the vigil for Grace Mullane held the previous night, at which she had been speaking. She reiterated that family violence to women was not OK. Statistics around violence

towards women and towards families was dreadful and increased at this time of year. She hoped that people coming together would contribute to a community that was empathetic, kind and focused on what was important.

17. Exclusion of the Public

Resolved CL/2018/308

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/Barker

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 November 2018	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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Recommendations from Committees Works and Infrastructure Committee 15 November 2018	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)(i)

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>Graham Street and part of Roger Street – proposed road stopping</p> <p>Community Services Committee 27 November 2018</p> <p>Queens Garden Toilets Update</p> <p>Governance Committee 29 November 2018</p> <p>Nelmac Limited – matters for Statements of Expectations 2019/20</p> <p>Strategic Property Central City</p> <p>Maitai Mountainbike Hub Location</p> <p>Regional Transport Committee 3 December 2018</p> <p>Electronic Bus Ticketing</p>		<p>To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>
3	Classification of Greenmeadows under the Reserves Act 1977	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(g) To maintain legal professional privilege
4	Options for Council's Community Housing	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(b)(ii)

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		likely to result in disclosure of information for which good reason exists under section 7	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 <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 4.21p.m. and resumed in public session at 5.31p.m.

18. Restatements

It was resolved while the public was excluded:

1. **PUBLIC EXCLUDED: Request for Assistance from a Nelson Sporting Group (Agenda item 5)**

Agrees that the decision (CL/2018/309) only be released from public excluded business:

Resolved CL/2018/309309

That the Council

Receives the report Request for Assistance from a Nelson Sporting Group (R9880) and its attachments (A2098586 and A2101860); and

Approves a reduced rate of \$35,000 per annum for the Nelson Giants' use of Trafalgar Centre for 2018/19 and 2019/20.

Noonan/Matheson

Carried

There being no further business the meeting ended at 5.31p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date