



Minutes of a meeting of the Nelson City Council

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

On Thursday 25 June 2020, commencing at 9.08a.m.

Present: Her Worship the Mayor R Reese (Chairperson), Councillors Y Bowater, T Brand, M Courtney, J Edgar (Deputy Mayor), K Fulton, M Lawrey, R O'Neill-Stevens, B McGurk, G Noonan, P Rainey, R Sanson and T Skinner

In Attendance: Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), 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), Governance Adviser (E-J Ruthven), and Youth Councillors (H Potts and G Gutschlag)

Apologies : Nil

Karakia Timatanga

Kaihautū, Pania Lee, gave a karakia timatanga.

1. Apologies

Resolved CL/2020/072

That the Council

- 1. Receives and accepts the apologies from Councillor Rainey for lateness.***

McGurk/Her Worship the Mayor

Carried

2. Confirmation of Order of Business

Her Worship the Mayor noted that items would need to be taken in a different order to that on the agenda, in order to accommodate external participants joining the meeting for various items.

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared at this point.

Councillor Noonan subsequently declared an interest in item 11, 46-48 Trafalgar Street Reserve Development Contributions.

Her Worship the Mayor subsequently declared an interest in item 6.1.1, Recommendations from Committees – Dog Control Policy and Bylaw Deliberations.

4. Public Forum

4.1 Mike Blowers – 46-48 Trafalgar Street Reserve Development Contributions

Mr Blowers spoke about his concerns with the proposed reduction in reserve development contributions payable with respect to the development at 46-48 Trafalgar Street. He noted that the provision of good quality reserves was important for the health and wellbeing of residents and for environmental reasons, and that reducing contributions in this case would create a precedent for other developers to also request reductions.

Mr Blowers outlined further his concerns regarding the development, including the amount of recreation space provided for each resident, potential flooding issues, and the impact of the development on neighbouring properties.

5. Confirmation of Minutes

5.1 23 April 2020

Document number M8823, agenda pages 14 - 27 refer.

Resolved CL/2020/073

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 23 April 2020, as a true and correct record.***

Courtney/McGurk

Carried

Her Worship the Mayor noted that the meeting would move to consider item 11, 46-48 Trafalgar Street Reserve Development Contributions.

6. 46-48 Trafalgar Street Reserve Development Contributions (Agenda Item 11)

Document number R15861, agenda pages 81 - 108 refer.

Attendance: Councillor Noonan declared an interest and left the meeting at 9.21a.m.

Team Leader City Development, Lisa Gibellini, presented the report. She answered questions regarding how the land value for this development had resulted in an unanticipated level of reserves contributions, how exceptional circumstances had been demonstrated in this case, whether reducing contributions was likely to set a precedent for other requests, intensification of brownfield sites in the City Centre Zone and surrounding urban area, and the calculation of development contributions.

Attendance: Councillor Rainey joined the meeting at 9.38a.m.

Ms Gibellini answered further questions regarding the calculation of reserves contributions for this development.

The meeting was adjourned from 9.45a.m. to 9.53a.m.

Councillor Courtney, seconded by Councillor Sanson, moved the recommendation in the officer report with changes to clause three:

3. *Approves the reduced reserves development contribution to be calculated based on 5.5% of the value of the additional lots, plus the general reserves fixed fee of \$1,160 per additional lot (all plus GST); and*

Councillors debated the motion.

Resolved CL/2020/074

That the Council

1. ***Receives the report 46-48 Trafalgar Street Reserve Development Contributions (R15861) and its attachments (A2405622 and A2404805); and***
2. ***Approves a partial exemption from payment of reserves development contribution for 46-48 Trafalgar Street based on the exceptional circumstance demonstrated; and***
3. ***Approves the reduced reserves development contribution to be calculated based on 5.5% of the value of the additional lots, plus the general reserves fixed fee of \$1,160 per additional lot (all plus GST); and***
4. ***Notes that the reduced reserves development contribution in resolution 3 above will be used as the note for the reserves development contribution in HASHAA consent SH185018.***

Courtney/Sanson

Carried

The meeting returned to item 6 on the agenda, Recommendations from Committees.

7. Recommendations from Committees (Agenda Item 6)

7.1 Environment Committee - 28 May 2020

7.1.1 Dog Control Policy and Bylaw Deliberations

Attendance: Councillor Noonan returned to the meeting at 10.07a.m.

Her Worship the Mayor declared an interest and, due to injury sat back from the table rather than leaving the room for the duration of this item. Councillor Edgar assumed the Chair at 10.07a.m.

Resolved CL/2020/075

That the Council

- 1. Retains the Railway Reserve (shown on Maps 2-5 in Attachment 4 A2395332) as an off-leash area in the Dog Control Bylaw; and***
- 2. Retains the existing half on-leash and half-off leash approach to Isel Park (shown on Map 3 in Attachment 4 A2395332) in the Dog Control Bylaw; and***
- 3. Amends the Dog Control Bylaw to require:***
 - i. dogs to be on-leash in the grazed area of the Grampians Reserve (Map 6 of A2395332);***
 - ii. dogs to be on-leash in the grazed area of Sir Stanley Whitehead Reserve (Map 7 of A2395332); and***
- 4. Retains as off-leash areas:***
 - i. the Maitai River Esplanade Reserve (Map 9 of attachment 4 A2395332);***
 - ii the Tantragee Reserve area (Map 8 in Attachment 4 A2395332); and***
- 5. Amends the Dog Control Bylaw to include Monaco Reserve as an off-leash neighbourhood park (listed in Schedule 3 and shown on Map 1 in Attachment 4 A2395332) excluding the playground which will continue to be a dog prohibited area; and***
- 6. Retains Titoki Reserve as an off-leash area in the Dog Control Bylaw; and***

7. ***Amends the Dog Control Bylaw to change Whakatū Drive Foreshore Reserve (shown on Map 15 of Attachment 4 A2395332) to an on-leash area; and***
8. ***Amends the Dog Control Bylaw to prohibit dogs in the fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve (shown on Map 10 of Attachment 4 A2395332), but excluding the walkway adjacent to the Wakapuaka River; and***
9. ***Amends the Dog Control Bylaw to require dogs to be kept on a lead on the margins, islands, sand and mudflats of Delaware Estuary and the walkway adjacent to the Wakapuaka River from Paremata Flats (shown on Map 10 of Attachment 4 A2395332); and***
10. ***Amends the Dog Control Bylaw provisions relating to the Boulder Bank in order to:***
 - i. ***retain the dogs prohibited status for the 4km from the Cut towards Boulder Bank Drive (shown on Maps 11 and 12 of Attachment 4 A2395332) during the breeding season in Schedule One to be from 15 August to the last day in February (previously from October to February); and***
 - ii. ***include the part of the Boulder Bank from Boulder Bank Drive to the Cut (shown on Maps 11, 12, and 13 of Attachment 4 A2395332) as an on-leash area in Schedule Two; and***
 - iii. ***exclude the part of the Boulder Bank northwards from Boulder Bank Drive (shown on Maps 13 and 14 of Attachment 4 A2395332) in Schedule 2 (retaining this as an off-leash area); and***
 - iv. ***change the status of the Glenduan Neighbourhood Park (refer Map 14 of Attachment 4 A2395332) to an off-leash area excluding the playground which will continue to be a dog prohibited area; and***
11. ***Amends the Dog Control Bylaw by changing clause 10.2 of the Bylaw to: "If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance to any person or injurious to the health of any person, the Dog Control Officer may, by notice in writing, require the dog owner or the owners or occupiers of the***

premises at which the dog is kept, within a time specified in such notice to do all or any of the following:

- a. reduce the number of dogs on the premises;***
 - b. construct, alter, reconstruct or otherwise improve the kennels of other buildings or fences used to house or contain the dog;***
 - c. tie up or otherwise confine the dog during specified periods;***
 - d. take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health.”; and***
- 12. Amends Schedule 3 to rename Emano East Reserve as Te Manu Reserve and remove reference to Emano West Reserve and Hanby Park; and***
 - 13. Amends Schedule 1 item 15 of the Bylaw by replacing the phrase “foreshore and sea bed” with the term “common marine and coastal area” in both cases in which it is used twice within item 15; and***
 - 14. Agrees the amendments do not give rise to any implications under the New Zealand Bill of Rights Act 1990 and the amended Dog Control Bylaw is the most appropriate form of Bylaw; and***
 - 15. Adopts the Dog Control Bylaw (A2390190), subject to the key matters outlined above; and***
 - 16. Determines that the amended Dog Control Bylaw will take effect from 27 July 2020.***

Fulton/McGurk

Carried

7.1.2 Minor amendment to the Navigation Safety Bylaw

Attendance: Her Worship the Mayor returned to the table at 10.12a.m. and resumed chairing the meeting.

Resolved CL/2020/076

That the Council

- 1. Makes a minor change to clause 3.21(b) of the Navigation Safety Bylaw, to state that the words “No person shall use any boat ramp for the launching of any trailer boat without having first paid any fees or charges which may be fixed by the Council from time to time in respect of such use, and displaying the***

appropriate ticket, label, sticker or other proof of such payment in a prominent and easily seen position on the trailer or in or on the towing vehicle” be replaced, from 29 June 2020 with the words “Any person who uses any boat ramp to launch a trailer boat must pay the fee or charge prescribed by Council. Non-casual users must display their permit in a prominent position on the trailer or towing vehicle.”

Fulton/O'Neill-Stevens

Carried

7.2 Hearings Panel - Other - 10 June 2020

7.2.1 Te Manu Reserve Stormwater Easement - Deliberations Report

Resolved CL/2020/077

That the Council

- 1. Consents to the easement in gross in favour of Nelson City Council over the area shown in blue on the plan (A2329363) of Te Manu Reserve (Lot 1 DP 4341) under section 48(1) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.***

Noonan/Bowater

Carried

7.3 Sports and Recreation Committee - 18 June 2020

7.3.1 Tahunanui Modellers Pond - Alternative Option Following Iwi Engagement

Chief Executive, Pat Dougherty, answered questions regarding stormwater issues in relation to the Modeller’s Pond, and the process leading to the Sports and Recreation Committee approving an alternative option for preliminary design.

The meeting was adjourned from 10.26a.m. to 10.28a.m.

Along with Principal Parks and Facilities Activities Planner, Andrew Petheram, Mr Dougherty answered further questions regarding the Sports and Recreation Committee’s decision-making powers in relation to the Modeller’s Pond, and the consultation process to be followed for the alternative option approved by the Sports and Recreation Committee.

Resolved CL/2020/078

That the Council

- 1. Alters, in accordance with Standing Order 22.6, the following parts of Council resolution # CL/2019/150 made on 8 August 2019:***

- 3. ~~Approves progressing Option 2 (with minor updates) of Report R10038 and any alternative option iwi consider appropriate to preliminary design at an additional unbudgeted cost of \$80,000; and~~**
- 4. ~~Requests Council officers bring a report back to the Sports and Recreation Committee detailing the findings from updated design for Option 2, of Report 10038 and any alternative option iwi consider appropriate before proceeding to public consultation.~~**

Skinner/Lawrey

Carried

The meeting was adjourned from 10.45a.m. until 11.03a.m.

Her Worship the Mayor advised the meeting would move to consider item 9, Nelson Future Access – Public Engagement.

8. Nelson Future Access - Public Engagement (Agenda Item 9)

Document number R13752, agenda pages 62 - 72 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report, along with Waka Kotahi NZ Transport Agency representatives Jim Harland, Coral Aldridge and Rhys Palmer.

Mr Harland outlined the public engagement process for the Nelson Future Access project, and Mr Palmer gave a Power Point presentation (A2409511) and tabled a public engagement brochure (A2409579).

Mr Harland, Mr Palmer and Ms Aldridge answered questions regarding:

- How the Nelson Future Access project fit with the Regional Land Transport Programme, the National Land Transport Programme and the Government Policy Statement;
- Each of the long-term options contained in the public engagement brochure, noting that an amalgamation of various options may also be possible;
- The proposed short term options to optimise the transport network, noting that decisions on the long-term options would influence the range of short term options;
- The manner in which the long-term options were portrayed in the public engagement brochure;
- Methods of engagement and how these fed into the various decisions to be made going forward;
- Resilience considerations in relation to each of the proposed long-term options;

- Options for providing further information in the Frequently Asked Questions to ensure a balanced representation of each long-term option;
- Walking and cycling facilities in relation to each option, including the inclusion of Rocks Road Walking and Cycling facilities;
- Climate change considerations in relation to each of the proposed routes;
- Reasons for changing the name of the new-build option to the 'Inland Route' rather than the 'Southern Link';
- The impact on communities in the immediate vicinity of each proposed long-term option;
- Cost estimates for each proposed long-term option;
- Timeframes for implementing short-term measures;
- Parking issues in relation to the proposed short-term measures; and
- Links with other transport projects in the wider region.

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

Councillors debated the motion and views for and against were expressed.

Resolved CL/2020/079

That the Council

- 1. Receives the report Nelson Future Access - Public Engagement (R13752) and its attachment (A2403124); and***
- 2. Receives for information the Nelson Future Access packages as detailed in Attachment A2403124 of Report R13752 that will form part of the public engagement.***

Noonan/Edgar

Carried

The motion was put and a division was called:

For

Her Worship the Mayor (Chairperson)

Cr Bowater

Cr Brand

Cr Courtney

Cr Edgar

Cr Fulton

Cr O'Neill-Stevens

Cr McGurk

Cr Noonan

Cr Rainey

Cr Sanson

Cr Skinner

Against

Cr Lawrey

The motion was carried 12 - 1.

Attachments

- 1 A2409511 - Power Point presentation - Nelson Future Access packages
- 2 A2409579 - Tabled document - Nelson Future Access packages

The meeting was adjourned from 1.05p.m. to 1.56p.m., during which time Councillors Fulton and Skinner left the meeting.

Her Worship the Mayor advised the meeting would return to item 7, Mayor's Report.

9. Mayor's Report (Agenda Item 7)

Document number R16937, agenda pages 54 - 55 refer.

Her Worship the Mayor presented the report and answered questions regarding the opening of the Lemvig climatorium.

It was noted that Councillor Fulton's increasing workload in relation to the Climate Forum had led her to step down from the Nelson Regional Landfill Business unit, and she was thanked for her contribution to the Nelson Regional Landfill Business Unit.

Resolved CL/2020/080

That the Council

- 1. Receives the report Mayor's Report (R16937); and***
- 2. Amends the membership of the Nelson Tasman Regional Landfill Business Unit by substituting Councillor Fulton with Councillor McGurk.***

Her Worship the Mayor/Edgar

Carried

Attendance: Councillor Lawrey left the meeting at 2.04p.m.

10. Saxton Field Committee - Update to Delegations

Document number R17035, agenda pages 73 - 80 refer.

Resolved CL/2020/081

That the Council

- 1. Receives the report Saxton Field Committee - Update to Delegations (R17035) and its attachments (A2389043 and A2389126); and***

2. ***Delegates the power to the Saxton Field Committee to approve the draft Saxton Field Reserve Management Plan for public consultation, to undertake the public consultation process and to be the Hearing Panel to hear and deliberate on the submissions for the draft Saxton Field Reserve Management Plan; and***
3. ***Notes that the Saxton Field Committee will recommend the final Saxton Field Reserve Management Plan to Tasman District and Nelson City Councils for adoption.***

Noonan/Bowater

Carried

Her Worship the Mayor advised the meeting would next consider item 12, Nelson Plan: Additional Funding.

11. Nelson Plan: Additional Funding (Agenda Item 12)

Document number R18069, agenda pages 109 - 114 refer.

Attendance: Councillor Skinner returned to the meeting at 2.06p.m. and Councillor Fulton returned to the meeting at 2.07p.m.

Group Manager Environmental Management, Clare Barton, and Manager Environmental Planning, Maxine Day, presented the report.

Resolved CL/2020/082

That the Council

1. ***Receives the report Nelson Plan: Additional Funding (R18069); and***
2. ***Approves unbudgeted expenditure of \$135,500 to progress the Draft Nelson Plan in 2019/2020.***

McGurk/Sanson

Carried

Her worship the Mayor noted the meeting would next consider item 8, New Zealand Local Government Funding Agency Amendments.

12. New Zealand Local Government Funding Agency Amendments (Agenda Item 8)

Document number R16983, agenda pages 56 - 61 refer.

Group Manager Corporate Services, Nikki Harrison presented the report, and Local Government Funding Agency Senior Manager, Credit and External Relationships, Andrew Michl, joined the meeting via audio-visual link.

Ms Harrison and Mr Michl answered questions regarding the proposed increase in Local Government Funding Agency borrowing notes, borrowing limits, examples of when Councils or Council-Controlled Organisations may take advantage of the changes, and the likelihood of whether calls could be made on the guarantees provided by Councils around the country.

The meeting was adjourned from 2.25p.m. to 2.28p.m.

It was noted that Mr John Peters, Chair, and Mr John Murray, external appointee, of the Audit and Risk Subcommittee supported the recommendation.

Resolved CL/2020/083

That the Council

- 1. Receives the report New Zealand Local Government Funding Agency Amendments (R16983); and***
- 2. Authorises the Council's entry into the documentation noted in this report.***
- 3. Authorises the Mayor and Deputy Mayor to execute the following deeds for the purposes of recommendation 2 above:***
 - (i) Amendment and Restatement Deed (Multi-issuer Deed);***
 - (ii) Amendment and Restatement Deed (Notes Subscription Agreements); and***
 - (iii) Amendment and Restatement Deed (Guarantee and Indemnity).***
- 4. Authorises the Chief Executive to execute the Chief Executive Certificate and such other documents and take such other steps on behalf of Council as the Chief Executive considers it is necessary to execute or take to give effect to recommendation 2 above.***

Sanson/Edgar

Carried

The meeting was adjourned from 2.34p.m. to 2.44p.m.

Extension of Meeting Time

Resolved CL/2020/084

That the Council

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

Bowater/Skinner

Carried

Her Worship the Mayor advised the meeting would next consider item 13, Deconstruction of 23 Halifax Street (Former Mediterranean Food Warehouse building).

13. Deconstruction of 23 Halifax Street (Former Mediterranean Food Warehouse building)

Document number R15885, agenda pages 115 - 125 refer.

Manager Parks and Facilities, Rosie Bartlett, and Parks and Facilities Activity Planner, Jane Loughnan, presented the report.

Ms Bartlett and Ms Loughnan answered questions regarding the potential risk posed by the building to pedestrians, the proposed timeframe for deconstruction work, potential re-use of materials within the building, and potential alternative uses for the site once deconstruction was complete.

Resolved CL/2020/085

That the Council

- 1. Receives the report Deconstruction of 23 Halifax Street (Former Mediterranean Food Warehouse building) (R15885); and**
- 2. Approves the deconstruction of the building at 23 Halifax Street (formerly known as the Mediterranean Food Warehouse); and**
- 3. Notes the inclusion in the Annual Plan of 2020/21 \$1,048,000 for the Elma Turner Library Redevelopment project, including work required to deconstruct the building at 23 Halifax Street.**

McGurk/Fulton

Carried

14. Elma Turner Library, Civic House and Climatorium

Document number R16984, agenda pages 126 - 135 refer.

Consultant, Chris Ward, presented the report. He answered questions regarding the City Spatial Plan and how this aligned with proposed decision-making for the Elma Turner Library, Civic House and the Climatorium, how the proposed stepped approach differed to an integrated approach to these projects, previous Council decisions

regarding the riverside location for the library, and how to take account of climate change considerations in the library project.

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

The Chief Executive, Pat Dougherty, answered further questions regarding flooding risks on the Maitai River and design solutions for a riverside library taking flood modelling into account.

Councillors debated the motion and views for and against were expressed.

Resolved CL/2020/086

That the Council

- 1. Receives the report Elma Turner Library, Civic House and Climatorium (R16984); and***
- 2. Adopts a stepped approach as set out in R16984 towards decision making on the Elma Turner Library, Civic House and a Climatorium.***

Fulton/Noonan

Carried

The motion was put and a division was called:

For

Her Worship the Mayor (Chairperson)
Cr Bowater
Cr Brand
Cr Courtney
Cr Edgar
Cr Fulton
Cr McGurk
Cr Noonan
Cr Skinner

Against

Cr Lawrey
Cr O'Neill-Stevens
Cr Rainey
Cr Sanson

The motion was carried 9 - 4.

15. Exclusion of the Public

Resolved CL/2020/087

That the Council

- 1. Excludes the public from the following parts of the proceedings of this meeting.***
- 2. 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/O'Neill-Stevens

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)
2	<p>Recommendations from Committees</p> <p>Infrastructure Committee 07/05/20</p> <p>Wastney Terrace Stormwater Upgrade – Property Negotiations</p> <p>Joint Shareholders Committee 18/05/20</p> <p>Revised Port Nelson Ltd Constitution</p> <p>Sports & Recreation Committee 18/06/20</p> <p>Poorman Valley Stream Shared Path Construction – Main Road Stoke to Neale Avenue</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)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
3	<p>Nelmac - Utilities Maintenance and Operations Contract - Recommendation from Infrastructure Committee</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)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities

The meeting went into public excluded session at 4.25p.m. and resumed in public session at 5.20p.m.

RESTATEMENTS

It was resolved while the public was excluded:

2	CONFIDENTIAL: Recommendations from Committees - Wastney Terrace Stormwater Upgrade - Property Negotiations
	<i>That the Council</i> 3. <u>Agrees</u> that the report, attachments and decision be excluded from public release at this time.

2	CONFIDENTIAL: Recommendations from Committees - Poorman Valley Stream Shared Path Construction - Main Road Stoke to Neale Avenue
	<i>That the Council</i> 4. <u>Agrees</u> that Report (R10308), Attachment (A2306138) and the decision be made publicly available once negotiations are concluded.

3	CONFIDENTIAL: Nelmac - Utilities Maintenance and Operations Contract - Recommendation from Infrastructure Committee
	<i>That the Council</i> 1. <u>Leaves</u> the item Nelmac – Utilities Maintenance and Operations Contract – Recommendation from Infrastructure Committee to lie until the Council meeting on 13 August 2020.

Karakia Whakamutunga

Elected members gave a karakia whakamutunga.

There being no further business the meeting ended at 5.21p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date