
Minutes of a meeting of the Nelson City Council

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

On Thursday 10 August 2017, commencing at 9.04am

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: Acting Chief Executive (D Hammond), 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), Manager Communications (P Shattock), Executive Officer (M Joubert), Risk and Procurement Analyst (S Vaughan), Administration Adviser (L Canton), and Youth Councillor (L Ly)

Apology: Councillor Fulton for lateness

Opening Prayer

Councillor Skinner gave the opening prayer.

1. Apologies

Resolved CL/2017/281

That the Council

***Receives and accepts the apology from Councillor
Fulton for lateness.***

Walker/Courtney

Carried

2. Confirmation of Order of Business

Her Worship the Mayor advised that the Acting Chief Executive had withdrawn agenda item 20.4 Internal Audit – Annual Plan to 30 June 2018, in accordance with Standing Order 9.9 Withdrawal of agenda items.

3. Interests

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

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

5.1 14 June 2017 - Extraordinary Meeting

Document number M2677, agenda pages 18 - 21 refer.

Resolved CL/2017/282

That the Council

Confirms the minutes of the extraordinary meeting of the Council, held on 14 June 2017, as a true and correct record.

Barker/Courtney

Carried

5.2 22 June 2017

Document number M2698, agenda pages 22 - 50 refer.

Resolved CL/2017/283

That the Council

Confirms the minutes of the meeting of the Council, held on 22 June 2017, as a true and correct record.

McGurk/Dahlberg

Carried

6. Status Report - Council - 10 August 2017

Document number R8135, agenda pages 51 - 59 refer.

Acting Chief Executive, David Hammond, Group Manager Infrastructure, Alec Louverdis, and Senior Strategic Adviser, Nicky McDonald, answered questions.

Resolved CL/2017/284

That the Council

Receives the Status Report Council 10 August 2017 (R8135) and its attachment (A1168168).

Her Worship the Mayor/Barker

Carried

7. Mayor's Report

Document number R8104, agenda pages 60 - 67 refer.

Her Worship the Mayor presented the report and answered questions about the proposed change to the Chief Executive Recruitment Group membership.

Her Worship the Mayor, seconded by Councillor Rutledge, moved the recommendation in the Mayor's Report.

Councillor Lawrey, seconded by Councillor McGurk, moved an amendment to the second clause of the motion

That the Council

Amends the membership of the Chief Executive Recruitment Group by adding Councillor Courtney.

The amendment was put and lost on a show of hands.

Resolved CL/2017/285

That the Council

Receives the Mayor's Report (R8104) and its attachment (A1808047) ; and

Amends the membership of the Chief Executive Recruitment Group by substituting Councillor Courtney for Councillor Acland.

Her Worship the Mayor/Rutledge

Carried

Attendance: Councillor Matheson left the meeting from 9.55am to 9.58am.

Her Worship the Mayor invited Youth Councillor Linda Ly to speak about her upcoming attendance at the Model United Nations conference in the United States.

8. Upper Trafalgar Street - Summer Closure

Document number R7764, agenda pages 68 - 74 refer.

Group Manager Community Services, Chris Ward, and Executive Officer, Michelle Joubert presented the report and answered questions about the proposed trial.

Attendance: Councillor Fulton joined the meeting at 10.21am.

Resolved CL/2017/286

That the Council

Receives the report Upper Trafalgar Street - Summer Closure (R7764); and

Approves informal consultation with stakeholders on the proposed temporary closure of the section of Trafalgar Street between Selwyn Place and Hardy Street (Upper Trafalgar Street) to traffic from 1 December 2017 to 31 March 2018; and

Notes that following informal consultation with stakeholders on the proposal to temporarily close Upper Trafalgar Street, a further report will be presented to the Council for a decision on the temporary closure.

Barker/Rutledge

Carried

9. Whakamahere Whakatu Nelson Plan - Designations

Document number R7355, agenda pages 75 - 102 refer.

Group Manager, Alec Louverdis, and Reuben Petersen of Opus International Consultants presented the report.

Resolved CL/2017/287

Receives the report Whakamahere Whakatu Nelson Plan – Designations (R7355) and its attachments (A1774347, A1774346, A1774349 and A1774348); and

Approves retaining the existing designations with or without modification to text and mapping, as detailed in Table 1 of report R7355 for inclusion in the proposed Whakamahere Whakatu Nelson Plan and subject to that process; and

Approves removing the designations as detailed in Table 2 of Report R7355.

McGurk/Courtney

Carried

10. 40 Frenchay Drive Easement for Purposes of Electricity Supply - Amendment to previous Resolution of 8 September 2016

Document number R8143, agenda pages 103 - 108 refer.

Group Manager Corporate Services, Nikki Harrison presented the report.

Resolved CL/2017/288

That the Council

Receives the report 40 Frenchay Drive Easement for Purposes of Electricity Supply - Amendment to previous Resolution of 8 September 2016 (R8143) and its attachment (A1803572); and

Grants the amendment to now grant the easement in gross, meaning granting the easement to Network Tasman Limited rather than to the property, in favour of Network Tasman Limited over the area shown on the plan marked "A" (Attached One, A1803572) over Lot 31 DP 487620, adjoining the boundary with Lot 29 DP 487620 with all costs associated with the easement to be met by The Hammock Hill Trust as owner of 40 Frenchay Drive; and

Confirms the easement be agreed to under section 48(1)(d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.

Her Worship the Mayor/Noonan

Carried

Attendance: The meeting adjourned from 10.36am to 10.42am.

11. Elected Members' Code of Conduct

Document number R7755, agenda pages 109 - 149 refer.

It was noted that the elected members who had worked to progress the Code of Conduct (the Code) through to its adoption wished to make one further amendment to remove the third paragraph from section 6 of the Code relating to contact with the media.

Councillor Dahlberg, seconded by Councillor Courtney, moved a motion

That the Council

Receives the report Elected Members' Code of Conduct (R7755) and its attachments (A1745031, A1808134 and A1808138); and

Adopts the Nelson City Council Code of Conduct (A1745031) with an amendment to remove the third paragraph of section 6 Contact with the media, commencing "Members are encouraged...".

Councillor Lawrey, seconded by Councillor Acland, moved an amendment to the second clause of the motion

That the Council

Adopts the Nelson City Council Code of Conduct (A1745031) with an amendment to add a paragraph to section 6 to state "6.3 Elected members will not use anonymity or fake names to comment in online forums on council matters or council-related matters".

Councillors debated the amendment and a variety of views were expressed.

The amendment was put and a division was called:

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

The amendment was lost 6 - 7.

Attendance: Councillor Lawrey left the meeting from 10.58am to 11.08am.

Councillors debated the substantive motion and a variety of views were expressed.

Resolved CL/2017/289

That the Council

Receives the report Elected Members' Code of Conduct (R7755) and its attachments (A1745031, A1808134 and A1808138); and

Adopts the Nelson City Council Code of Conduct (A1745031) with an amendment to remove the third paragraph of section 6 Contact with the media, commencing "Members are encouraged...".

Dahlberg/Courtney

Carried

12. Notice of Motion - Tahunanui Cycle Network

Document number R8062, agenda pages 150 - 152 refer.

Resolved CL/2017/290

That the Council

Receives the report Notice of Motion - Tahunanui Cycle Network (R8062).

Walker/Noonan

Carried

Councillor Walker advised he did not wish to proceed with the Notice of Motion and the motion lapsed.

13. Tahunanui Cycle Network

Document number R8007, agenda pages 153 - 161 refer.

Group Manager Infrastructure, Alec Louverdis presented the report.

Her Worship the Mayor and Councillor Walker nominated Councillor Lawrey to the advisory group and Councillor Lawrey accepted.

Resolved CL/2017/291

That the Council

Receives the report Tahunanui Cycle Network (R8007) and its attachment (A1795358); and

Approves the alternate delivery model as detailed in report R8007 as a mechanism that could successfully deliver the Tahunanui Cycle Network project; and

Approves the composition of an Advisory Group to include the Chair of the Works and Infrastructure Committee, Councillor Lawrey, a representative of Bicycle Nelson Bays, a representative of NZTA and officers, to move this project forward; and

Approves the Draft Terms of Reference for the Tahunanui Cycling Advisory Group (Attachment one, A1795358); and

Approves the allocation of \$80,000 in the current financial year (2017/18) to allow work to proceed to enable a preferred option to be presented to the Works and Infrastructure Committee; and

Agrees that a final option for implementation will be presented to a future Works and Infrastructure Committee for approval in March 2018.

Noonan/Walker

Carried

14. Risk Management Policy and Risk Criteria - Recommendation from Audit Risk and Finance Sub-Committee

Document number R8091, agenda pages 162 - 173 refer.

Risk and Procurement Analyst, Steve Vaughan, presented the report and answered questions about reporting frequency and the Local Government Excellence Programme report.

Resolved CL/2017/292

That the Council

Receives the report Risk Management Policy and Risk Criteria - Recommendation from Audit Risk and Finance Sub-Committee and its Attachments (A1553263 and A1545157).

Noonan/Dahlberg

Carried

REPORTS FROM COMMITTEES

15. Regional Pest Management Joint Committee - 26 April 2017

Document number R8191, agenda pages 174 - 176 refer.

Resolved CL/2017/293

That the Council

Receives the unconfirmed minutes of a meeting of the Regional Pest Management Joint Committee, held on 26 April 2017.

McGurk/Fulton

Carried

16. Nelson Tasman Regional Landfill Business Unit - 15 June 2017

Document number R8130, agenda pages 177 - 180 refer.

Attendance: Councillor Fulton left the meeting at 11.20am.

Resolved CL/2017/294

That the Council

Receives the unconfirmed minutes of a meeting of the Nelson Tasman Regional Landfill Business Unit, held on 15 June 2017.

Walker/Barker

Carried

17. Nelson Regional Sewerage Business Unit - 10 March 2017

Document number M2405, agenda pages 181 - 184 refer.

Resolved CL/2017/295

That the Council

Receives the unconfirmed minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 10 March 2017.

Walker/Skinner

Carried

18. Regional Transport Committee - 19 June 2017

Document number M2693, agenda pages 185 - 186 refer.

Resolved CL/2017/296

That the Council

Receives the unconfirmed minutes of a meeting of the Regional Transport Committee, held on 19 June 2017.

Matheson/Rutledge

Carried

19. Hearings Panel - Other - 20 June 2017

Document number M2700, agenda pages 187 - 188 refer.

Resolved CL/2017/297

That the Council

Receives the unconfirmed minutes of a meeting of the Hearings Panel - Other, held on 20 June 2017.

Noonan/McGurk

Carried

20. Audit, Risk and Finance Subcommittee - 27 June 2017

Document number M2711, agenda pages 189 - 198 refer.

Resolved CL/2017/298

That the Council

Receives the unconfirmed minutes of a meeting of the Audit, Risk and Finance Subcommittee, held on 27 June 2017.

Dahlberg/Her Worship the Mayor

Carried

20.1 Liability Management Policy review

Resolved CL/2017/299

That the Council

Adopts the amended Liability Management Policy (A1765543).

Dahlberg/McGurk

Carried

20.2 Carry Forwards (Interim) 2016/17

Resolved CL/2017/300

That the Council

Approves continuing work on 2016/17 projects within the 2016/17 approved budgets, noting a final report on carry forwards will come to the Audit, Risk and Finance subcommittee on 8 September 2017.

Barker/Dahlberg

Carried

20.3 Council Risk Management Policy and Risk Criteria

Resolved CL/2017/301

That the Council

Approves the Risk Management Policy (A1553263) as amended by the Chairperson of the Audit, Risk and Finance Subcommittee and the Risk & Procurement Analyst to include clarification of escalation of continued tolerance (table 3 of the Policy) and the role of governance in the areas of responsibility (clause 6 of the Policy), and adopts the Council Risk Criteria (A1545157).

Barker/Dahlberg

Carried

20.4 Internal Audit - Annual Audit Plan to 30 June 2018

Acting Chief Executive, David Hammond, advised that the item was withdrawn in accordance with Standing Order 9.9 as the programme was not achievable with current resource and required further consideration.

20.5 Health and Safety Governance Charter review

Resolved CL/2017/302

That the Council

Approves the revised Health and Safety Governance Charter (A1767136).

Matheson/Her Worship the Mayor

Carried

21. Commercial Subcommittee - 27 June 2017

Document number M2715, agenda pages 199 - 205 refer.

Resolved CL/2017/303

That the Council

Receives the unconfirmed minutes of a meeting of the Commercial Subcommittee, held on 27 June 2017.

Courtney/Acland

Carried

21.1 Forestry Update report - June 2017

Resolved CL/2017/304

That the Council

Confirms that block BROOK-22.02 be harvested if economically feasible.

Courtney/Acland

Carried

21.2 Capital Expenditure Programme 2016-17 - Requests for change

Resolved CL/2017/305

That the Council

Approves, with respect to project 2570 Smart Building Improvements, that \$48,000 of current year budget be transferred to 2017-18; and

Approves, with respect to project 1198 Civic House capital programme, that \$326,000 of current year budget be transferred to 2017-18.

Barker/Noonan

Carried

22. Works and Infrastructure Committee - 29 June 2017

Document number M2727, agenda pages 206 - 210 refer.

Resolved CL/2017/306

That the Council

Receives the unconfirmed minutes of a meeting of the Works and Infrastructure Committee, held on 29 June 2017.

Walker/Skinner

Carried

23. Sports and Recreation Committee - 4 July 2017

Document number M2733, agenda pages 211 - 219 refer.

Resolved CL/2017/307

That the Council

Receives the unconfirmed minutes of a meeting of the Sports and Recreation Committee, held on 4 July 2017.

Skinner/Rutledge

Carried

23.1 Reserve Management Plan for Sportsground Reserves - Classification of Land

Senior Strategic Adviser, Nicky McDonald, answered questions relating to the proposed classification for Greenmeadows.

Resolved CL/2017/308

That the Council

Classifies Ngawhatu Sportsfield (being titles NL13A/170, 24172 and 24173) under s16(2A)(g) of the Reserves Act 1977 as Recreation Reserve under s17 of that Act; and

Classifies Victory Square (being title NL2D/352) under s16(1) of the Reserves Act 1977 as Recreation Reserve under s17 of that Act by notice in the Gazette; and

Classifies part of Botanics Sportsfield (being title NL127/106) under s16(1) of the Reserves Act 1977 as Recreation Reserve under s17 of that Act by notice in the Gazette; and

Determines that, under s16(5) of the Reserves Act 1977, public notice seeking feedback on the proposed classifications of Victory Square, Botanics Sportsfield and Greenmeadows is not necessary as the classifications proposed are substantially the same as the purpose for which the reserves were held and administered immediately before the commencement of the Reserves Act 1977; and

Delegates the Chair of the Sports and Recreation Committee to approve the survey plan for the proposed classification for Greenmeadows; and

Delegates the Chief Executive to take the steps necessary to prepare and place notices in the Gazette in order to classify Botanics Sportsfield (being title NL127/106), Victory Square (being title NL2D/352) and Greenmeadows (being title NL114/188) and to give notice of the resolution to classify Ngawhatu Sportsfield (being titles NL13A/170, 24172 and 24173) to the Commissioner at the Department of Conservation.

Skinner/Rutledge

Carried

23.2 Network Tasman Easement - Greenmeadows Reserve

Attendance: Councillor Barker declared an interest and did not participate in discussion or voting on this item.

Resolved CL/2017/309

That the Council

Grants the easement in gross, meaning granting the easement to Network Tasman Limited rather than to property, in favour of Network Tasman Limited over the area shown on the plan marked Plan "A" Attachment One (A1776981) of the Greenmeadows Reserve with all legal costs associated with the easement over Greenmeadows Reserve to be met by Nelson City Council as the property owner benefitted by the easement.

Confirms the easement be agreed under section 48(1) (d) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.

24. Community Services Committee - 13 July 2017

Document number M2753, agenda pages 220 - 225 refer.

Resolved CL/2017/310

That the Council

Receives the unconfirmed minutes of a meeting of the Community Services Committee, held on 13 July 2017.

Noonan/Courtney

Carried

24.1 Adoption of the Youth Strategy

Resolved CL/2017/311

That the Council

Adopts the Youth Strategy (A1580206).

Noonan/Courtney

Carried

25. Planning and Regulatory Committee - 27 July 2017

Document number M2772, agenda pages 226 - 231 refer.

Resolved CL/2017/312

That the Council

Receives the unconfirmed minutes of a meeting of the Planning and Regulatory Committee, held on 27 July 2017.

Her Worship the Mayor/McGurk

Carried

25.1 Draft Terms of Reference for the Co-ordination Group for the Waimea Inlet

Group Manager Planning and Regulatory, Clare Barton, answered questions relating to the group membership and voting rights.

Resolved CL/2017/313

That the Council

Agrees to adopt the terms of reference (A1779297) for the Co-ordination Group for the Waimea Inlet with an amendment to add a revision clause; and

Appoints Councillor Dahlberg as Nelson City Council's representative on the Co-ordination Group for the Waimea Inlet.

Her Worship the Mayor/McGurk

Carried

- 25.2 Proposal for Top of the South Conservation Partnership: Memorandum of Understanding

Resolved CL/2017/314

That the Council

Approves that Nelson City Council signs the Memorandum of Understanding (A1777693) between partners in the Kotahitanga mō te Taio Alliance; and that Her Worship the Mayor be delegated the authority to sign on Council's behalf.

Her Worship the Mayor/McGurk

Carried

26. Governance Committee - 27 July 2017

Document number M2775, agenda pages 232 - 236 refer.

Resolved CL/2017/315

That the Council

Receives the unconfirmed minutes of a meeting of the Governance Committee, held on 27 July 2017.

Barker/Walker

Carried

- 26.1 Adoption of final Statements of Intent 2017/18: Nelson Regional Development Agency and Bishop Suter Trust

Resolved CL/2017/316

That the Council

Approves the draft Statement of Intent of the Bishop Suter Trust (A1724813) as the Final Statement of Intent for the 2017/18 year; and

Approves the draft Statement of Intent of the Nelson Regional Development Agency (A1790437) as the Final Statement of Intent for the 2017/18 year.

Barker/Dahlberg

Carried

27. Exclusion of the Public

Resolved CL/2017/317

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)
2	Extraordinary Council Meeting - Public Excluded Minutes - 14 June 2017	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.	
3	Council Meeting - Public Excluded	Section 48(1)(a)	The withholding of the information is necessary:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	Minutes - 22 June 2017	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	<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 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)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
4	Status Report - Council - Public Excluded - 10 August 2017	<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)(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)(i) To enable the local authority to carry on, without prejudice or disadvantage,

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			negotiations (including commercial and industrial negotiations)
5	Appointment of Trustee - Tasman Regional Sports Trust (Sports Tasman)	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
6	Appointment of Trustee - Nelson Municipal Band Trust	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
7	Audit, Risk and Finance Subcommittee Meeting - Public Excluded Minutes - 27 June 2017	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).
8	Commercial Subcommittee Meeting - Public Excluded Minutes - 27 June 2017	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)(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,

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
9	Community Services Committee Meeting - Public Excluded Minutes - 13 July 2017	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.
10	Governance Committee Meeting - Public Excluded Minutes - 27 July 2017	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.

The meeting went into public excluded session at 11.48am and resumed in public session at 12.12pm.

28. Re-admittance of the Public

Resolved CL/2017/318

That the Council

Re-admits the public to the meeting.

Dahlberg/Her Worship the Mayor

Carried

There being no further business the meeting ended at 12.13pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date