
Minutes of a meeting of the Nelson City Council - Governance
Held in the Council Chamber, Civic House, Trafalgar Street, Nelson
On Tuesday 12 March 2013, commencing at 9.05am

- Present: His Worship the Mayor A Miccio, Councillors I Barker, A Boswijk, G Collingwood, R Copeland (Co-Portfolio Holder), K Fulton, J Rackley, P Rainey, R Reese, D Shaw (Co-Portfolio Holder) and M Ward
- In Attendance: Chief Executive (C Hadley), Acting Executive Manager Community Services (R Ball), Chief Financial Officer (N Harrison), Executive Manager Regulatory (R Johnson), Executive Manager Support Services (H Kettlewell), Executive Manager Network Services (A Louverdis), Executive Manager Strategy and Planning (M Schruer), Manager Resource Consents (M Bishop), Manager Community Relations (A Ricker), Manager Strategic Response (C Ward), Manager Environmental Inspections Limited (S Lawrence) and Administration Adviser (L Canton)
- Apologies: Councillors E Davy, P Matheson, and Councillor J Rackley (for lateness)

Opening Prayer

Councillor Copeland gave the opening prayer.

1. Apologies

Resolved

THAT apologies be received and accepted from Councillors Davy and Matheson, and Councillor Rackley for lateness.

His Worship the Mayor/Fulton

Carried

2. Interests

- 2.1 There were no updates to the Interests register and no conflicts of interest were noted.

3. Confirmation of Order of Business

His Worship the Mayor advised that a memorandum (1472500) had been tabled outlining two late items for the meeting.

His Worship the Mayor explained that, in accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 3.7.5, a procedural resolution was required before a major item not on the agenda for the meeting could be dealt with.

3.1 Mayor's Report

His Worship the Mayor explained that, in accordance with section 46A(7)(b)(i) of the Local Government Official Information and Meetings Act 1987, the reason why the item was not on the agenda was because it came to hand after the agenda had been distributed.

He said that, in accordance with section 46A(7)(b)(ii), the reason why discussion of the item could not be delayed until a subsequent meeting was because a resolution on the matter would enable elected members to ensure cost-effectiveness by being able to make early travel arrangements.

3.2 David Engwicht: Creative Communities Workshops

His Worship the Mayor explained that, in accordance with section 46A(7)(b)(i) of the Local Government Official Information and Meetings Act 1987, the reason why the item was not on the agenda was because it came to hand after the agenda had been distributed.

He said that, in accordance with section 46A(7)(b)(ii), the reason why discussion of the item could not be delayed until a subsequent meeting was to ensure Council was able to take up the opportunity to work with David Engwicht, who could add value to some of the projects that Council was working on.

Resolved

THAT the items regarding:

- **the Mayor's Report (1469088);**
- **David Engwicht: Creative Communities Workshops (1472684)**

be considered at this meeting as major items not on the agenda, pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, as both items require decisions before the next scheduled Council meeting in order to take advantage of pricing opportunities.

Boswijk/His Worship the Mayor

Carried

4. Confirmation of Minutes – 11 December 2012

Document number 1427237, agenda pages 10-24 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council - Governance, held on 11 December 2012, be confirmed as a true and correct record.

His Worship the Mayor/Fulton

Carried

5. Mayor's Report

Tabled document number 1469088

His Worship the Mayor gave an update on the Metro meeting he had recently attended. Councillors considered the tabled Mayor's report and agreed to deal with the recommendation in parts.

Resolved

THAT report (1469088) be received.

His Worship the Mayor/Ward

Carried

Councillors discussed the second clause in the recommendation. It was clarified that Councillor Reese had attended the meeting on business for Local Government New Zealand (LGNZ) and Council would only cover the costs if LGNZ did not.

Resolved

THAT Council retrospectively approves travel costs of \$505.50 plus disbursements for Councillor Reese to attend a meeting with the Minister of the Environment to discuss improvements to the implementation of the Resource Management Act 1991, in the event that Local Government New Zealand does not pay the costs.

His Worship the Mayor/Ward

Carried

The meeting discussed the third clause in the recommendation. Councillors acknowledged that it was important to take advantage of emerging opportunities for specialist call centres based in some of New Zealand's regional centres. In response to a question, His Worship the Mayor noted that a report on this initiative would come to a future Council meeting from the Nelson Regional Economic Development Agency.

Resolved

THAT Council approves travel costs of \$805.00 plus disbursements for the Mayor to attend a meeting with the Mayor of Hastings, Rod Dury Chief Executive of Xero and Gen-I to discuss regional call centres on 22 March 2013.

Boswijk/Shaw

Carried

Councillors considered the fourth clause in the recommendation. Councillor Collingwood advised that the Conference would increase her understanding of an important sector of the community, and she would report back to the Positive Ageing Forum.

THAT Council approves registration and travel costs of \$828 plus disbursements for Councillor Collingwood to attend the Opportunities of Ageing Conference in Hastings on 10-11 April 2013.

Boswijk/Reese

Carried

The meeting considered the fifth clause in the recommendation. Councillors discussed whether the cost of recertification towards the end of the current Council term could be justified by the fact that it allowed Council to continue running hearings in the most cost-effective manner.

Resolved

AND THAT Council approves registration and travel costs of \$2,480 plus disbursements for Councillors Shaw and Barker to attend Resource Management Act – Making Good Decisions chairs refresher course when the course is available;

Collingwood/Boswijk

Carried

Resolved

THAT Council approves registration, travel and accommodation costs of \$2,800 plus disbursements for Councillor Fulton to attend Resource Management Act - Making Good Decisions - Foundation Course in Wellington 22 and 23 April 2013.

Boswijk/Shaw

Carried

6. David Engwicht: Creative Communities Workshops

Document number 1472684

In response to a question, the Chief Executive advised that Mr Engwicht would be returning to the area for workshops with other parties and utilising his services at the same time would minimise the cost to Council.

Councillors discussed the ways in which Mr Engwicht's methods and previous work aligned with the current work of Council, and whether it was appropriate to allocate the identified funds to this initiative.

Attendance: Councillor Rackley joined the meeting at 9.50am.

Resolved

THAT up to \$16,000 from under-expenditure in the Nelson Resource Management Plan appeals and hearings budget be allocated for a creative communities workshop with Councillors and Council staff, and to facilitate a two day community workshop to initiate a pilot place-making project.

Shaw/Ward

Carried

7. Status Report - Governance

Document number 1034743 v7, agenda pages 25-26 refer.

Resolved

THAT the Status Report – Governance (1034743 v7) be received.

His Worship the Mayor/Fulton

Carried

8. Portfolio Holder's Report

Co-portfolio Holder, Councillor Copeland, gave a Portfolio Holder's report. She commented on the potential of Nelson City to become an attractive location for talented residents and New Zealand businesses. She also gave an overview of the recent Nelson Development Strategy (NDS) workshop and highlighted the ways in which the NDS could support the creation of a vibrant and robust economy in the central business district.

Co- portfolio Holder, Councillor Shaw, tabled a report on the Regional Sector Group meeting he had attended on 28 February-1 March 2013(document 1473055), which he spoke to. He also tabled a copy of the Minister for the Environment, Amy Adams' address to that meeting (document 1473051).

9. Joining the Local Government Funding Agency (LGFA)

Document number 1458484, agenda pages 27-29 refer.

Chief Financial Officer, Nikki Harrison, joined the meeting and presented the report.

Resolved

THAT Council approves the signing of the following documents required to join the Local Government Funding Agency (LGFA) as a borrower and guarantor:

- ***Amendments to Debenture Trust Deed;***
- ***Accession Deed to the Multi-Issuer Deed;***
- ***Accession Deed to the Notes Subscription Agreement;***
- ***Accession Deed to the Equity Commitment Deed;***
- ***Accession Deed to the Guarantee and Indemnity;***
- ***Security Stock Certificates in relation to the Multi-Issuer Deed, Equity Commitment Deed and Guarantee and Indemnity;***
- ***Section 118 Certificate in relation to the Accession Deeds and Security Stock Certificates;***
- ***Stock Issuance Certificate;***
- ***Officer's Certificate.***

His Worship the Mayor/Copeland

Carried

10. Fees and Charges: Resource Consents Business Unit

Document number 1451834, agenda pages 30 - 65 refer.

Manager Resource Consents, Mandy Bishop, joined the meeting and presented the report. She tabled an updated version of page 1 (1451834 v2) of the report and explained that it incorporated changes to the purpose and staff recommendation, to reflect that the proposed Fees and Charges must be approved through a Special Consultative Procedure.

Resolved

THAT the Statement of Proposal (1468360) be approved for public consultation and notification using the Special Consultative Procedure (section 83 of the Local Government Act 2002) using the same consultation dates as the draft Annual Plan 2013/14;

AND THAT Council hear, consider and make decisions on all submissions on the proposed Fees and Charges Resource Consents Business Unit 2013/2014 at the same time as the draft Annual Plan 2013/14;

AND THAT the fees and charges for Property Information remain unchanged and be adopted as detailed in Attachment 2 to report 1451834, to apply from 1 July 2013.

His Worship the Mayor/Fulton

Carried

Attendance: The meeting adjourned for morning tea from 10.48am to 11.06am, during which time Councillor Rainey left the meeting.

11. Fees and Charges: Dog Control and Environmental Health

Document number 1455083, agenda pages 66-73 refer.

The Manager of Environmental Inspection Limited, Stephen Lawrence, and Manager Resource Consents, Mandy Bishop, joined the meeting

In response to a question, Mr Lawrence confirmed that once a bylaw was in place, it was enforceable through the infringement regulations set by central government. Ms Bishop advised that the proposed fees had increased to ensure that dog activity remained cost-neutral for non-dog owning residents.

Resolved

THAT the Dog Control Fees and Charges for 2013/2014 be adopted as detailed in Attachment 1 to Report 1455083;

AND THAT the Environmental Health and other activities fees and charges for 2013/2014 be adopted as detailed in Attachment 2 to Report 1455083;

AND THAT the charges for Dog Control and Environmental Health activities apply as from 1 July 2013 until such time as they are varied or amended by Council;

AND THAT the Dog Control charges be publicly advertised in accordance with Section 37(6) of the Dog Control Act 1996.

His Worship the Mayor/Shaw

Carried

12. Winter Free Parking Tuesdays

Document number 1467789, agenda pages 74-75 refer.

Councillors discussed whether the anecdotal evidence supporting the free parking initiative justified the estimated cost. It was suggested that promotion of the initiative could include the promotion of public transport as an alternative option.

Resolved

THAT Council approve the continuation of the Winter Free Parking Tuesdays initiative for the 2013/14 financial year commencing on Tuesday 2 July 2013 and ending on Tuesday 3 September 2013 for a total of nine weeks.

Collingwood/Rackley

Carried

REPORTS FROM COMMITTEES

13. Remuneration Review Committee – 22 February 2013

Document number 1461190, agenda pages 76-78 refer.

Resolved

THAT the minutes of the meeting of the Remuneration Review Committee, held on 22 February 2013, be received.

Boswijk/Ward

Carried

14. Audit, Risk and Finance Committee – 26 February 2013

Document number 1463795, agenda pages 79-82 refer.

Resolved

THAT the minutes of the Audit, Risk and Finance Committee, held on 26 February 2013, be received.

Barker/Copeland

Carried

Resolved

THAT the Council approve the appointment of Corporate Trust Limited as trustee of the Nelson City Council Debenture Trust deed signed on or about 10 December 2010;

AND THAT the Chief Executive be delegated authority to take all necessary steps to give effect to this appointment.

Reese/Collingwood

Carried

CROSS COUNCIL ITEMS

15. Council Submission on Development Contributions Review

Document number 1465323, agenda pages 83-94 refer.

Councillors discussed the submission and did not make any changes.

Resolved

THAT the submission (1465025) on the Development Contributions Review is confirmed, subject to any changes agreed by Council.

Reese/Copeland

Carried

Attendance: Councillor Rainey returned to the meeting at 11.30am.

16. Exclusion of the Public

Resolved

THAT the public be excluded 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	Public Excluded Minutes – Governance - 11 December 2012 These minutes confirmed the public excluded minutes of the Governance meeting of 30 October 2012 and the public excluded minutes of	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:

the Chief Executive Recruitment meeting of 25 October 2012 also contain information regarding:		
Proposed Leases of Maitahi (Māitai) whenua (land) between Nelson City Council and Wakatu Incorporation for the Maitai Shared Path		<ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7(2)(h) To carry out commercial activities
The proposed transfer of assets, and negotiation of a lease and contract with the Theatre Royal and Nelson School of Music.		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
The operation of I-Sites in the Nelson Tasman Region and the marketing strategy and Tourism Nelson Tasman Limited.		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities
A potential review of Tourism Nelson Tasman Limited.		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
A request to amend the Suter Deed of Trust or the Procedure for Appointment of Directors/Trustees of Council Controlled Organisations and Council Controlled Trading Organisations.		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
The statements of expectation for The Bishop Suter Trust and Tasman Bays Heritage Trust 2013/14.		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
The statements of expectation for Nelmac and the Nelson Regional Economic Development Agency.		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i)

			To carry out negotiations
	Consideration of individuals for the role of Director for Nelmac.		<ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons
	The reappointment of Trustees to the City of Nelson Civic Trust.		<ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons
2	<p>Public Excluded Status Report – Governance</p> <p>This report contains information regarding:</p>	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:
	Nelson City Council Tasman District Council Engineering Services Agreement		<ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations
	Governance Options for, and commercially sensitive information regarding, the Nelson Regional Sewerage Business Unit		<ul style="list-style-type: none"> Section 7(2)(h) To carry out commercial activities Section 7(2)(i) To carry out negotiations
	Recommendations to Council on Directors' rotation and fees for Council Controlled Organisations and Council Controlled Trading Organisations.		<ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons Section 7(2)(h) To carry out commercial activities
	Information regarding the opportunity to be a Host City for Cricket World Cup 2012		<ul style="list-style-type: none"> Section 7(2)(c) To protect information that is subject to an obligation of confidence Section 7(2)(i) To carry out negotiations
	Proposed Leases of Maitahi (Maitai) whenua (land) between Nelson City Council and Wakatu Incorporation for the Maitai Shared Path		<ul style="list-style-type: none"> Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person Section 7(2)(c) To protect

		information that is subject to an obligation of confidence <ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities
The proposed transfer of assets, and negotiation of a lease and contract with the Theatre Royal and Nelson School of Music.		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
The operation of I-Sites in the Nelson Tasman Region and the marketing strategy and Tourism Nelson Tasman Limited.		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities
A potential review of Tourism Nelson Tasman Limited.		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
A request to amend the Suter Deed of Trust or the Procedure for Appointment of Directors/Trustees of Council Controlled Organisations and Council Controlled Trading Organisations.		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
The statements of expectation for The Bishop Suter Trust and Tasman Bays Heritage Trust 2013/14.		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
The statements of expectation for Nelmac and the Nelson Regional Economic Development Agency.		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
Consideration of individuals for the role of Director for Nelmac.		<ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons
The reappointment of Trustees to the City of Nelson Civic Trust.		<ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons
3	Potential Exit from Ridgeway's Joint Venture	Section 48(1)(a) The public conduct of this matter would
		The withholding of the information is necessary:

		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)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
4	Remuneration Review Committee Public Excluded Minutes – 22 February 2013 These minutes confirmed the minutes of 17 August 2012 and also contain information regarding:	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:
	The assessment of Chief Executive performance and measures for the remainder of 2012/13.		<ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations

His Worship the Mayor/Collingwood

Carried

The meeting went into public excluded session at 11.32am and resumed in public session at 12.35pm.

17. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Collingwood

Carried

There being no further business the meeting ended at 12.35pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date