

Minutes of a meeting of the Nelson City Council

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

On Thursday 28 May 2015, commencing at 9.05am

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, R Copeland, E Davy, P Matheson (Deputy Mayor), B McGurk, G Noonan, T Skinner, and M Ward

In Attendance: Chief Executive (C Hadley), Group Manager Corporate Services (N Harrison), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (C Ward), Group Manager Strategy and Environment (C Barton), Senior Strategic Adviser (N McDonald), Manager Communications (P Shattock), Senior Accountant (T Hughes), Manager Administration (P Langley), Administration Adviser (S McLean), and Walter Clarke of Rationale Ltd

Apologies: Councillors K Fulton, M Lawrey and P Rainey

Opening Prayer

Councillor Davy gave the opening prayer.

1. Apologies

Resolved

THAT apologies be received and accepted from Councillors Fulton, Lawrey, and Rainey.

McGurk/Ward

Carried

2. Confirmation of Order of Business

Late item memo A1361864 refers.

Her Worship the Mayor acknowledged the short timeframes given to read the necessary information for the meeting.

Resolved

THAT the item regarding Deliberations on Submissions on the Draft Development and Financial Contributions Policy 2015 be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable timely adoption of the Development and Financial Contributions Policy 2015.

Barker/Matheson

Carried

3. Interests

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

4. Public Forum

4.1 Cynthia McConville

Ms McConville spoke about the proposed Maitai shared path.

Attendance: Councillor Acland joined the meeting at 9.06am.

Ms McConville raised concerns about recent Long Term Plan deliberation decisions being made without adequate engagement with the community. She emphasised that the debate and design should be in the public arena.

In response to a question, Ms McConville suggested that Council involve the community in drawing up a new plan for the pathway.

Attendance: Councillor Copeland joined the meeting at 9.14am.

Her Worship the Mayor assured Ms McConville that including funding in the Long Term Plan allowed Council to have the option to progress the Maitai shared pathway project if it was confirmed. She advised that appropriate consultation would take place prior to any construction, and Council would be focusing on establishing principles behind how it develops walking and cycling in the region.

5. Deliberations on Submissions on the Draft Development and Financial Contributions Policy 2015

Document number A1356038, late item A1361864 refers.

Resolved

THAT the report Deliberations on Submissions on the Development and Financial Contributions Policy 2015 (A1356038) and its attachment (A1333294) be received.

Matheson/McGurk

Carried

Attendance: The meeting adjourned from 9.28am to 9.29am.

It was advised that the Draft Development and Financial Contributions Policy (the Policy) was not required to be part of a special consultative procedure under legislation.

Senior Strategic Adviser, Nicky McDonald, summarised the principles under the Local Government Act 2002 (LGA) which were adhered to in the consultation of the Policy.

Questions were raised about the working group which had met to develop the Policy. It was noted that the outcomes of those meetings had been taken into account when officers had developed reports to Council.

In response to a question, Ms McDonald confirmed there was no definition of growth in the LGA.

Ms McDonald explained that financial contributions were part of the Nelson Resource Management Plan so could not be altered at this stage, but were included in the Policy for completeness.

Walter Clarke of Rationale Ltd gave a PowerPoint presentation (A1368539).

It was highlighted that when assets were constructed, many included a provision for growth, and it was then Council's responsibility to decide how it funded that growth portion.

In response to questions, Group Manager Corporate Services, Nikki Harrison advised that development contributions made up 1-1.5% of gross revenue. She said that approximately 6% of rates was used to service debt.

In response to a question, it was confirmed that officers assessed capacity when carrying out asset renewals.

Attendance: Councillor Ward left the meeting from 10.23am to 10.25am.

There was discussion on the potential for zoning areas for development contributions and growth.

Attendance: The meeting adjourned for morning tea from 10.32am to 10.50am.

In response to a question, Mr Clarke confirmed average growth could be calculated for each activity and then be split across catchments or zones. It was noted that the working group direction and the subsequent decision of Council had been that a one catchment approach was the most appropriate option.

It was asked that decisions and information on long run average cost of growth methodology be reported to the next meeting of Council.

It was noted that the timing of the next Policy review was a decision for Council but that in the past it have been reviewed every three years.

Attendance: Councillor Noonan left the meeting at 11.33am.

It was confirmed that the cost apportionment methodology in the Policy tended to deliver a more conservative result over the activity as a whole.

Attendance: Councillor Noonan returned to the meeting at 11.35am.

There was discussion on variances at project level and applications to the commercial and industrial sector.

Mr Clark confirmed the Policy was based on growth in Household Unit of Demand, not population. He said the growth projections in the Long Term Plan had been used for the Policy.

Resolved

THAT the meeting be adjourned to 9.00am Thursday 4 June, to be held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson.

Her Worship the Mayor/Matheson

Carried

There being no further business, the meeting adjourned at 11.45am.

Minutes of a reconvened meeting of the Nelson City Council

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

On Thursday 4 June 2015, commencing at 9.05am

Present: Her Worship the Mayor R Reese (Chairperson), Councillors L Acland, I Barker, K Fulton, M Lawrey, P Matheson (Deputy Mayor), B McGurk, G Noonan, T Skinner, and M Ward

In Attendance: Chief Executive (C Hadley), Group Manager Corporate Services (N Harrison), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (C Ward), Group Manager Strategy and Environment (C Barton), Senior Strategic Adviser (N McDonald), Manager Communications (P Shattock), Senior Accountant (T Hughes), Manager Administration (P Langley), Administration Adviser (S McLean), and Walter Clarke of Rationale Ltd

Apologies: Councillors E Davy and P Rainey

Opening Prayer

Her Worship the Mayor gave the opening prayer.

6. Apologies

Resolved

THAT apologies be received and accepted from Councillors Davy and Rainey.

Her Worship the Mayor/Matheson

Carried

Attendance: Councillor Skinner joined the meeting at 9.09am.

7. Deliberations on Submissions on the Draft Development and Financial Contributions Policy 2015 (cont.)

Senior Strategic Adviser, Nicky McDonald, tabled a correction to the Draft Development and Financial Contributions Policy (the Policy) regarding community outcomes (A1366138). Ms McDonald advised the recommendation under item 5.10 should read 'years 6-10' instead of

5-6. She said there was a new recommendation regarding Wastney Terrace for Council to consider.

Ms McDonald tabled an outline of meetings and actions on the Policy to date (A1365559).

It was explained that Council officers had prioritised projects through asset management plans, which had then been included in the Long Term Plan 2015-25 (LTP), which the Policy had been based on.

In response to a question, it was confirmed that developers sighted the percentage of development contribution growth when the Policy was released for consultation with the LTP.

There was discussion on building a one or two bedroom unit on a new title versus adding to an existing title, and the difference this made to development contributions.

There was discussion about incentivising smaller dwellings and it was noted that the Nelson Plan development process would consider this further.

Attendance: Councillor Lawrey left the meeting at 9.55am.

In response to a question, Walter Clarke of Rationale Ltd advised that charging development contributions at consent stage was the earliest chance for Council to recover its costs.

Attendance: Councillor Lawrey returned to the meeting at 10.01am.

Concern was raised about using Nelson Plan strategic outcomes which had not been fully tested with the community. It was pointed out that the Policy was not based on the strategic outcomes, but was one of many inputs considered.

Attendance: The meeting adjourned from 10.07am to 10.10am.

There was discussion on the ability to give effect to strategic outcomes in the Policy, and how this aligned with the Nelson Plan development. It was noted that the Policy may need to be reviewed once the Nelson Plan had been developed.

Attendance: Councillor Ward left the meeting from 10.24am to 10.26am. The meeting adjourned for morning tea from 10.27am to 10.46am, during which time Her Worship the Mayor left the meeting, and the Deputy Mayor assumed the chair.

In response to a question Ms McDonald advised that reference to possible incentives had been made in the report to Governance Committee meeting in December 2014.

Attendance: Her Worship the Mayor returned to the meeting at 10.49am and resumed the chair.

There was discussion on the reconfiguration of an existing house to create multiple dwellings. It was confirmed that if a one or two bedroom unit was created in this process then it would receive a discount on development contributions. It was highlighted that no submission had been received on this matter so it could not be addressed, but may be brought up through the Nelson Plan development.

It was agreed that reference to the Land Development Manual would be added to item 2 on page 9 of the Policy regarding Private Development Agreements.

There was discussion on the treatment of stormwater and flood protection activities in the Policy.

It was advised that some elements of projects Council had categorised as flood protection dealt with stormwater collection and management and therefore could be included with development contributions charges. Senior Asset Engineer – Utilities, Phil Ruffell, advised that Council was collecting some historical development contributions for projects such as these.

Mr Ruffell said the 2012 version of the Policy was derived from a Long Term Plan in which flood protection and stormwater activities had been separated.

Mrs Hadley advised that the areas of flood protection and public transport had been assessed by Simpson Grierson and the advice had been to remove integrated ticketing.

Attendance: Councillor Noonan left the meeting from 11.25am to 11.29am. Councillors Barker and Skinner left the meeting at 12.02pm.

There was discussion on Private Development Agreements (PDA). It was confirmed that Council may decline to provide infrastructure in a PDA, in which case the developer would need to provide the required infrastructure if they wished to proceed.

Attendance: Councillor Skinner returned to the meeting and Councillor Fulton left the meeting at 12.05pm. The meeting adjourned from 12.08pm to 12.10pm, during which time Councillor Fulton returned to the meeting.

Further information was provided on PDA's and how development contributions were applied to these situations. It was confirmed that PDAs had been discussed with developers in table 5 of the Policy.

Attendance: Councillor Ward left the meeting from 12.19pm to 12.24pm. Councillor Fulton left the meeting at 12.26pm. The meeting adjourned for lunch from 12.29pm to 1.03pm, during which time Councillor Noonan left the meeting.

In response to a question, Ms McDonald provided detail on aspects of the Policy which had been legislatively required by 1 December 2014.

Attendance: Councillors Fulton and Noonan returned to the meeting at 1.07pm.

In response to a question, Group Manager Strategy and Environment, Clare Barton, confirmed that if a kitchen or certain aspects of a kitchen were installed in a unit then it was classed as a Household Unit of Demand under the Nelson Resource Management Plan.

Attendance: Councillor Matheson left the meeting at 1.25pm.

There was discussion on stormwater, wastewater and water supply projects listed in the Schedule of Assets in the Policy.

Attendance: Councillor Skinner left the meeting at 1.26pm, Councillor Matheson returned to the meeting at 1.27pm, then left the meeting at 1.37pm.

Attendance: At 1.38pm Councillor Acland left the meeting and the meeting lapsed due to lack of quorum. Councillor Rainey joined the meeting at 1.39pm and the meeting resumed.

Resolved

THAT the meeting be adjourned to 9.00am Tuesday 9 June, to be held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson.

Her Worship the Mayor/Fulton

Carried

There being no further business, the meeting adjourned at 1.42pm.

Minutes of a reconvened meeting of the Nelson City Council

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

On Tuesday 9 June 2015, commencing at 9.03am

Present: Her Worship the Mayor R Reese (Chairperson), Councillors I Barker, K Fulton, M Lawrey, P Matheson (Deputy Mayor), B McGurk, G Noonan, T Skinner, and M Ward

In Attendance: Chief Executive (C Hadley), Group Manager Corporate Services (N Harrison), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (C Ward), Group Manager Strategy and Environment (C Barton), Senior Strategic Adviser (N McDonald), Manager Communications (P Shattock), Senior Accountant (T Hughes), Manager Administration (P Langley), and Administration Adviser (S McLean)

Apologies: Councillors R Copeland, E Davy, and P Rainey

8. Apologies

Resolved

THAT apologies be received and accepted from Councillors Copeland, Davy and Rainey.

Her Worship the Mayor/Fulton

Carried

9. Deliberations on Submissions on the Draft Development and Financial Contributions Policy 2015 (cont.)

The Chief Executive, Clare Hadley, advised that legal advice had been received about including flood protection in the Draft Development and Financial Contributions Policy.

10. 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	Legal Advice on Development Contributions	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)(g) To maintain legal professional privilege

Her Worship the Mayor/Matheson

Carried

The meeting went into public excluded session at 9.06am and resumed in public session at 9.28am.

11. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Matheson

Carried

12. Deliberations on Submissions on the Draft Development and Financial Contributions Policy 2015 (cont.)

There was discussion on transportation projects listed in the Schedule of Assets in the Draft Development and Financial Contributions Policy (the Policy).

In response to a question, Asset Engineer – Transport, Chris Pawson, advised the Sundry Land Purchases line was to allow Council to respond to opportunities in relation to growth.

In response to a question, Mr Pawson explained the growth aspect of cycleways and walkways. He advised that development in the region had a cumulative effect on transport, which was then averaged across different modes of transport.

Some concern was raised that there may be no growth component to cycleway projects which resulted from changes to levels of service. It was also pointed out that there had been no formal resolution of Council to include regional council functions in the Policy.

Attendance: Councillor Fulton left the meeting at 9.47am.

Mr Pawson provided detail on the aspects which contributed to the development contributions calculation, being when the asset was constructed and its estimated life.

Attendance: Councillor Fulton returned to the meeting at 9.55am.

It was agreed that the project lines regarding Stoke would be combined in the transport section of the Schedule of Assets in the Policy.

It was agreed that if walkway/cycleway projects did not progress then Council would need to increase other roading assets in the network in order to address the pressure of growth.

Officers were asked to reassess the development contributions percentages for current and past walkways/cycleways projects and have this information available at the next Council meeting. It was asked that the information include reasons for and against the current percentages, the rationale for including those projects, detail about the interchange projects and advice about integrated ticketing.

12.1 Wastney Terrace

Resolved

THAT Area R of the Development and Financial Contributions Policy, Wastney Terrace, be moved from Table 5 (Development Areas outside the city-wide catchment) of the Policy to Table 4 (Development Areas catered for under the Policy) to correct an error and enable a 29 lot yield in years 6-10.

Barker/Matheson

Carried

12.2 Specific Development Areas

It was advised that the Toi Toi Grove development and its associated transport projects would not interfere with the proposed Southern Link.

Attendance: Councillor Ward left the meeting at 10.33am.

In response to a question, Mr Pawson advised that the transport projects referred to in clause 2 of the officer recommendation were programmed for years 6-10 of the Long Term Plan 2015-25 (LTP).

Attendance: Councillor Ward returned to the meeting at 10.37am.

Resolved

THAT Area K, Toi Toi Grove, be moved from Table 5 (Development Areas outside the city-wide catchment) of the Development and Financial Contributions Policy to Table 4, (Development Areas Catered for under the Policy), to enable a 202 lot yield by year 6;

AND THAT Long Term Plan transport projects be amended to include the improvements to safety and capacity at the intersection of Vanguard and Toi Toi Streets and the upgrading of Toi Toi Street between Montreal Avenue and Abraham Heights.

Lawrey/Her Worship the Mayor

Carried

There was discussion on a high level, high capacity reservoir in the Atawhai hills. Senior Asset Engineer – Utilities, Phil Ruffell, advised that a reservoir would be beneficial if it was in the right location. He confirmed there were plans to find a site for a reservoir this year.

Attendance: The meeting adjourned for morning tea from 10.49am to 11.01am.

Resolved

THAT the works to facilitate this project, Areas O and P of the Development and Financial Contributions Policy - Lower Bayview and Upper Bayview remain in Table 5 (Development Areas outside the city-wide catchment) of the Development and Financial Contributions Policy;

AND THAT staff be requested to work with the submitter to identify projects that support development in this area for consideration in an annual plan.

Barker/Skinner

Carried

Senior Planning Adviser, Lisa Gibellini, provided detail on the options for an internal road at the Marsden Valley development. She advised that the decision about a connecting road was a resource consent matter and could not be decided in this forum.

Group Manager Strategy and Environment, Clare Barton, advised that if Council was to look at contributing toward the connecting road, it would need to fund this through the LTP.

Resolved

THAT funding for the Marsden Valley development internal roading is not included in the Long Term Plan 2015-25;

AND THAT once the resource consent application is received, officers be invited to review it and if it raises issues of fairness and equity in relation to Council's policies, a report be made to the Governance Committee.

Barker/Noonan

Carried

In response to a question, the Chief Executive, Clare Hadley, advised that considerable discussion with developers representatives about timeframes had resulted in the Tasman Heights recommendation.

Resolved

THAT Area G of the Development and Financial Contributions Policy, Tasman Heights, be moved from years 1-5 in Table 4 (Development Areas Catered for under the Policy) to years 6-10 to correct an error.

Barker/Matheson

Carried

Resolved

THAT the meeting be adjourned to the next meeting of Council

Her Worship the Mayor/McGurk

Carried

There being no further business the meeting adjourned at 11.36am.

Please note, the item Deliberations on Submissions on the Draft Development and Financial Contributions Policy 2015 was further discussed at the Council meeting on 11 June 2015, refer to minutes M1264.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date