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## **Minutes of a meeting of the Nelson City Council – Governance and Policy and Planning**

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

**On Thursday 22 September 2011, commencing at 9.00am**

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**Present:** His Worship the Mayor (A Miccio), Councillors I Barker, A Boswijk (Deputy Mayor), G Collingwood, E Davy, K Fulton, P Matheson, J Rackley, P Rainey, R Reese, D Shaw and M Ward

**In Attendance:** Chief Executive (K Marshall), Executive Manager Support Services (H Kettlewell), Executive Manager Network Services (A Louverdis), Executive Manager Strategy and Planning (M Schruer), Acting Executive Manager Regulatory (M Bishop), Acting Executive Manager Community Services (C Irving), Chief Financial Officer (N Harrison), Executive Manager Community Relations/Kaihautu (G Mullen) and Administration Adviser (A Rose)

**Apologies:** Apologies were received and accepted from Councillor R Copeland

### **Opening Prayer**

The opening prayer was given by Councillor Davy.

#### **1. Conflicts of Interest**

Councillor Shaw declared a conflict of interest with item 18 on the agenda, Pedestrian Malls.

There were no updates to the Conflicts of Interest Register indicated.

#### **2. Public Forum**

##### **2.1 35<sup>th</sup> Anniversary of the Nelson Miyazu Sister City Relationship**

Mary Carter, Acting President, accompanied by Akiko Crowther, Committee Member, of the Nelson Miyazu Sister City Society addressed Council giving a brief history of the Nelson Miyazu Sister City relationship from its inception in 1975. Mrs Carter highlighted some of the particularly

rewarding opportunities there had been for people of both Cities to share their experiences through art, cultural activities, sport, education and trade.

Ms Carter said that 2011 marked the 35<sup>th</sup> anniversary of the Sister City relationship and in honour of this 15 citizens of Miyazu were coming to Nelson in November to visit for three days.

On behalf of the Nelson Miyazu Sister City Association, Ms Carter requested that Council arrange for an appropriate tree to be planted at Miyazu Gardens to commemorate this anniversary. The Society, she said, have offered to donate the cost of the tree and they asked that it be planted on Saturday 12 November by Mr Minoru Adachi, the President of the New Zealand Miyazu Friendship Association, who will be representing the Mayor of Miyazu, Mr Shiyoji Inoue.

His Worship the Mayor thanked Mrs Carter and Ms Crowther (who was dressed in traditional Japanese costume) for their presentation and said the matter would be discussed later in the meeting.

## 2.2 Site of Proposed Skate Park in Stoke

Mr Alex Britton addressed Council on behalf of the Disc Golf Club, thanking Council for the support it had given the club in setting up a disc golf course in Isel Park.

He urged Council, in its reconsideration of the proposed skate park in Stoke, which he understood was to take place at the next Council Meeting, not to opt to relocate the skate park within Isel Park. He said this would interfere with and compromise the very successful disc golf course that had been established in Isel Park. He said to relocate the skate park in Isel Park would necessitate removing three of the disc golf holes, including the most visible one.

In response to a question he confirmed that the disc golf course was being used by the youth of Stoke. In answer to another question he said that, if the skate park had to be relocated then, in his opinion, it should be located on the Marsden Recreation Ground.

## 3. Confirmation of Minutes

Document number 1151996

Resolved

***THAT the minutes of a meeting of the Nelson City Council – Community Services and Infrastructure, held on 1 September 2011, be confirmed as a true and correct record.***

Reese (proforma)/Barker

Carried

Councillor Reese said she was moving the minutes *pro forma* as a true and correct record. She said that, in the intervening time between the last meeting and today, she had had the opportunity to reflect on the corrections made to the minutes of 11 August 2011 at the 1 September 2011 meeting. She said she now felt that what had been recorded originally on the minutes of 11 August 2011 had been correct.

There was some discussion about this change of position and the Chief Executive advised that if Council were of a mind to once again revisit the recording of the minutes regarding the arterial study debate it should be done under Standing Orders by means of a Notice of Motion to revoke the Council decision to amend the original minutes.

#### 4. Mayor's Report

Document number 1158134, agenda pages 14-20 refer.

His Worship the Mayor congratulated staff, Councillors, volunteers, community groups and everyone who had worked to make the events in Nelson on 20 September for Rugby World Cup 2011 so successful. He said that 20 September 2011 had been one of Nelson's greatest days and had gained the City outstanding positive media coverage around the world.

Resolved

***THAT Council pass a vote of thanks for the work done by the whole Council team, volunteers and community groups to make the events in Nelson on 20 September 2011 so successful, and to His Worship the Mayor for his work in securing the Italian Rugby Team for Nelson.***

Reese/All the remaining Councillors seconded the motion

Carried

#### 4.1 Mayor and Councillor Training and Travel Arrangements

Resolved

***THAT the Council approves training, registration and travel costs for Councillor Collingwood to attend "The Secrets to Building Good Relationships with your Chief Executive" course on 30 September 2011 in Wellington.***

Davy/Rackley

Carried

#### 4.2 Health Action Trust

Resolved

***THAT Councillor Fulton be appointed to the Health Action Trust CAYAD – Youth and Drugs Reference Group.***

Boswijk/Shaw

Carried

#### 4.3 Strategic Conversations with Nelson Marlborough District Health Board for 2012/13 and beyond

Resolved

***THAT Councillors Barker, Boswijk, Fulton, Rainey and Reese be nominated to meet with the Nelson Marlborough District Health Board to assist them in developing service improvements that will be put in place in 2012/13.***

His Worship the Mayor/Collingwood

Carried

There was some discussion regarding how the Councillors nominated were to approach these meetings. It was felt that the Nelson City Council position on health will be developed as Council work through its process to produce its Long Term Plan.

#### 4.4 Overseeing Process for Consultation

His Worship the Mayor said it was proposed that Councillors become involved in an overseeing role with regard to future consultation with the Nelson community. This was important so Councillors could feel an ownership of the consultation process. He signalled that possibly a sub Committee of Councillors would be set up to undertake this role. In the meantime he requested that the Chief Executive produce a report for presentation to Council sometime in the new year.

Resolved

***THAT The Mayor's Report (1158134) be received.***

His Worship the Mayor/Boswijk

Carried

## GOVERNANCE ITEMS

### 5. Status Report – Governance

Document number 1034743, agenda page 21 refers.

Resolved

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

Barker/Collingwood

Carried

### 6. Portfolio Holder’s Reports

Document number 1159199, agenda pages 22-25 refer.

Councillor Barker, Portfolio Holder – Governance, presented the report.

#### 6.1 Community Awards

There was some discussion as to the advantages of re-establishing the Community Awards. The idea of positively recognising good work done in the Community was generally supported. It was agreed that a bouquet should be presented on a regular basis and the means of doing would be explored.

It was further agreed that a staff report should come forward so the matter of re-establishing Community Awards could be properly considered.

Resolved

***THAT The Portfolio Holder’s Report – Governance (1159199) be received.***

Barker/Collingwood

Carried

### 7. Chief Executive Report – Governance

Document number 1148054, agenda pages 26-50 refer.

The Chief Executive presented the report.

#### 7.1 Communication Support for Councillors

This part of the report drew discussion from the Council and it was agreed that the IT staff through the Executive Manager Support Services would work with Councillors to try and address problems that they might be experiencing receiving information from Council.

It was noted that no confidential or public excluded information was to be emailed directly to Councillors' personal email addresses.

## 7.2 35<sup>th</sup> Anniversary of the Nelson Miyazu Sister City Relationship

Councillor Barker spoke to this item saying that he had been associated with the Sister City for many years and had visited Miyazu and was planning to visit the city in Japan again in November. He offered to convey the City's greetings to the Mayor of Miyazu on the occasion of his visit.

It was agreed that the Mayor would write to Miyazu advising of Councillor Barker's visit and some appropriate financial support would be made available to Councillor Barker for any expenses he incurred, while in Miyazu, carrying out civic functions on behalf of the City.

Resolved

***THAT greetings be sent to the Mayor, Council and citizens of Miyazu City from the Mayor, Council and citizens of Nelson City to mark the 35<sup>th</sup> Anniversary of the Nelson Miyazu Sister City relationship;***

***AND THAT Councillor Barker convey these greetings on behalf of the Mayor when he visits Miyazu in November;***

***AND THAT Councillor Barker be provided with a suitable gift from Nelson City to Miyazu City to mark the 35<sup>th</sup> Anniversary of the Sister City relationship.***

Matheson/Reese

Carried

## 7.3 Review of Local Authority Remuneration Setting

Resolved

***THAT the previous resolution in relation to a submission to the Remuneration Authority be rescinded;***

***AND THAT the Mayor and Councillor Barker prepare a submission to the Remuneration Authority on these matters.***

Davy/Reese

Carried

Councillor Barker requested Councillors that had any views on this matter to email him their comments as soon as possible so that he could incorporate them into the submission.

Resolved

***THAT the Chief Executive Report – Governance be received.***

Barker/Collingwood

Carried

**8. Dog Control Activity Report – 2010-2011**

Document number 1144489, agenda pages 51-54 refer.

Resolved

***THAT Council adopt Attachment 1 (1144492) to Report No. 1144489 as the Nelson City Council Dog Control Activity Report for the year 2010-2011;***

***AND THAT Council publicly notify the report by way of newspaper notices, and send the report to the Secretary for Local Government, as required under the Dog Control Act 1996, s.10A(3) and (4).***

Matheson/Collingwood

Carried

**9. Nelson District Licensing Agency Annual Report 2010-2011**

Document number 1144708, agenda pages 55-63 refer.

Resolved

***THAT Council adopt Attachment 1 to report 1144708 as the Nelson District Licensing Agency Annual Report 2010-2011;***

***AND THAT the report be forwarded to the Liquor Licensing Agency.***

Matheson/Shaw

Carried

**10. Annual Report Environmental Inspections Ltd 2010-2011**

Document number 1147755, agenda pages 64-74 refer.

Resolved

***THAT the Council receives the Annual Report (1147755) from Environmental Inspections Ltd 2010-2011.***

Davy/Reese

Carried

## REPORTS FROM COMMITTEES

### 11. Audit Risk and Finance Committee – 23 August 2011

Document number 1147145, agenda pages 75-77 refer.

Resolved

***THAT the minutes of a meeting of the Audit, Risk and Finance Committee held on Tuesday 23 August 2011, be received.***

Davy/Matheson

Carried

### 12. Remuneration Review Committee – 15 September 2011

Document number 1159525.

Resolved

***THAT the minutes of the meeting of the Remuneration Review Committee, held on Thursday 15 September 2011, be received.***

Boswijk/Collingwood

Carried

Attendance: The meeting adjourned for morning tea from 10.40am to 11.02am.

## POLICY AND PLANNING ITEMS

### 13. Status Report – Policy and Planning

Document number 1034725, agenda pages 78-79 refer.

Resolved

***THAT the Status report – Policy and Planning (1034725) be received.***

Reese/Rainey

Carried

### 14. Portfolio Holder's Report

The Portfolio Holder – Policy and Planning, Councillor Reese, gave a verbal report giving the details of a meeting she had attended of the Regional Affairs Committee. She said she was proposing at some future date to show Councillors a 15 minute powerpoint presentation called "Auckland Unleashed."

Resolved

**THAT the Portfolio Holders' Report be received.**

Reese/Shaw

Carried

## **15. Chief Executive's Report – Policy and Planning**

Document number 1144385, agenda pages 80-83 refer.

### **15.1 Port Noise Variation References (Appeals)**

Councillor Shaw said that the news that the Council had recently resolved through mediation two references on the Port Noise Variation without having to go through an Environment Court Hearing meant that the last part of the Nelson Resource Management Plan, first notified in 1996, can now be made operative. This meant that for the first time the whole plan was operative. It was suggested that the Chief Executive acknowledges that completion with staff.

### **15.2 Submission on Proposal for Environmental Reporting Bill**

Resolved

**THAT the submission is prepared on the Proposal for an Environmental Reporting Bill;**

**AND THAT the Portfolio Holder for Policy and Planning approves the submission to be sent to the Ministry for the Environment and that the submission is then reported to Council for information.**

Shaw/Boswijk

Carried

### **15.3 Plan Change 17**

Councillor Reese said the recommendation in the Chief Executive's report should be changed to reflect the fact that independent commissioners would only be making recommendations to Council.

Resolved

**THAT an independent Commissioner be appointed to hear and make recommendations on submissions to Proposed Plan Change 17 (Enner Glynn and Upper Brook Valley).**

Reese/Barker

Carried

Resolved

**THAT the Chief Executive Report – Policy and Planning (1144385) be received.**

Reese/Shaw

Carried

**16. Stage 1 Process for Prioritisation of Utility Services to Areas with Services Overlay in the Nelson Resource Management Plan**

Document number 1138648, agenda pages 158-170 refer.

The Principal Adviser Utilities, Phil Ruffell, joined the meeting and presented the report. He tabled an amended recommendation to that given in the report and this amended recommendation was accepted by the meeting.

Resolved

**THAT the stage 1 process for guiding the prioritisation of capital expenditure for the provision of Council utility services to future development areas, currently shown in the Nelson Resource Management Plan with a Services Overlay, be adopted as set out in RAD 1118811 v3, 1139245, 1129060 v3, 980872;**

**AND THAT all capital expenditure projects with a growth component currently approved through previous Annual or Long Term Council Community Plans, be proposed to be included in the 2012-2022 Long Term Plan, be reviewed to allow projects of strategic importance to the city and those where current development is reliant upon completion, to proceed as a matter of priority with others delayed 12 months to allow alignment with the City Development Strategy.**

Reese/Shaw

Carried

Attendance: Councillor Boswijk left the meeting at 11.34am.

**17. Water Supply Asset Management Plan 2012-2022**

Document number 1141131, agenda pages 84-86 refer.

The Principal Adviser Utilities presented the report advising it had been deferred from the 1 September 2011 Council meeting.

Resolved

***THAT the Water Supply Asset Management Plan 2012-2022 (1142397) be adopted as the version that will inform the Long Term Plan 2012-2022.***

Reese/Davy

Carried

## **18. Framing Our Future (Sustainability) Strategy Vision**

Document number 1151011, agenda pages 87-95 refer.

The Manager Strategic Response, Chris Ward, joined the meeting and presented the report.

Resolved

***THAT the Framing our Future (Sustainability) Strategy Vision Statement (1155351) be released for public feedback.***

His Worship the Mayor/Fulton

Carried

During discussion of this report, the wording of the Vision was praised by Councillors and a suggestion was made that the Draft Vision be printed in full in Live Nelson.

## **19. Pedestrian Malls**

Document number 1144640, agenda pages 96-111 refer.

The Manager Strategic Response, Chris Ward and Planning Adviser, Debra Bradley joined the meeting and presented the report.

During discussion the Council decided that it did not want to pursue a pedestrian mall declaration for upper Trafalgar Street in 2011/12 but supported this option being explored in the Community Engagement Plan.

There was also some concern that the temporary closures of upper Trafalgar Street, by the Church Steps, for the annual Carols by Candlelight event and the New Year's Eve celebrations may not be possible as Council had used up the entitlement of 31 closures in a year under the Local Government Act

Attendance: Council Boswijk returned to the meeting at 12.35pm

Councillor Davy proposed and Councillor Reese seconded the recommendation with the words 'if required' added to the last paragraph.

Councillor Ward proposed and seconded by Councillor Fulton an amendment to take out the word 'not' in the second paragraph of the recommendation. The amendment was put and lost.

Councillor Fulton moved and Councillor Ward seconded a further amendment to remove the entire second and third paragraphs of the recommendation, insert the words 'including pedestrian mall options' between the words 'plan' and 'be' in the first line of the fourth paragraph and to include the words 'if required' at the end of the fifth paragraph.

After discussion, the mover and seconder agreed to retain the third paragraph of the original recommendation in their amendment.

The amendment was put and carried, became a substantive motion and it was resolved:

***THAT a pedestrian mall declaration for Morrison Street be developed in 2011/12, to allow street closure every Wednesday of the year;***

***AND THAT the road closure provisions in schedule 10 of the Local Government Act 1974 continue to be applied for street closures in Upper Trafalgar Street in 2011/12;***

***AND THAT a community engagement plan including pedestrian mall options be prepared to enhance the Council relationship with Upper Trafalgar Street businesses over the 2011/12 year and to improve understanding of the impacts of different events on foot traffic and local businesses;***

***AND THAT staff work with the affected parties to make suitable alternative arrangements for the Christmas Carols and the New Year's Eve celebrations if required.***

Fulton/Ward

Carried

Attendance: the meeting adjourned for lunch from 12.45-1.20.

## **20. Notification of Proposed Plan Change A2 to Nelson Air Quality Plan – Alignment with Revised National Environmental Standards**

Document number 1155364, agenda pages 112-157 refer.

Resolved

***THAT the proposed Plan Change A2 to the Nelson Air Quality Plan as in Attachment 2 (report 1129459) be adopted and approved for public notification;***

***AND THAT the Section 32 report as in Attachment 3 (report 1147607) for proposed Plan Change A2 be received;***

**AND THAT it be noted the rules in proposed Plan Change A2 have effect from the date of public notification in accordance with the Resource Management Act 1991 section 86B(3);**

**AND THAT a Commissioner consider and hear submissions;**

**AND THAT the Policy and Planning Portfolio Holder and the Executive Manager Strategy and Planning be given the authority to approve minor technical wording amendments or correction of errors if necessary to the proposed Plan Change documents to improve readability and/or consistency prior to public notification.**

Davy/Shaw

Carried

## **21. Discussion of Public Forum Items**

### 21.1 35<sup>th</sup> Anniversary of the Nelson Miyazu Sister City

It was agreed to organise the planting of a tree as requested and to install a commemorative plaque. It was noted that Councillors would be invited to the tree planting on Saturday 12 November 2011.

### 21.2 Site of proposed Skate Park

Resolved

**THAT the information in the public forum be received and noted by staff for the report coming to the next Council meeting.**

Barker/His Worship the Mayor

Carried

## **PUBLIC EXCLUDED BUSINESS**

### **22. Exclusion of the Public**

Resolved

**THAT the public be excluded from the following parts of the proceedings of this meeting in accordance with section 7 and 48(1)(a) of the Local Government Official Information and Meetings Act 1987 on the grounds that the public conduct of this part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.**

**i) Confirmation of Minutes – 1 September 2011**

*Reasons:*

*To protect the privacy of natural persons; and*

*To carry out commercial activities; and*

*To carry out negotiations; and*

*To maintain legal professional privilege.*

**ii) Public Excluded Status Report - Governance**

*Reasons:*

*To carry out commercial activities; and*

*To carry out negotiations.*

**iii) Public Excluded Chief Executive Report - Governance**

*Reasons:*

*To protect the privacy of natural persons; and*

*To carry out commercial activities; and*

*To carry out negotiations; and*

*To maintain legal professional privilege.*

**iv) Director Rotations and Fees 2011/2012**

*Reasons:*

*To protect the privacy of natural persons; and*

*To carry out negotiations.*

**v) Remuneration Review Committee – 15 September 2011**

*Reasons:*

*To protect the privacy of natural persons; and*

*To carry out negotiations.*

**vi) Proposed purchase of Land for Walkway/Cycleway**

*Reasons:*

*To protect the privacy of natural persons; and*

*To carry out commercial activities; and*

*To carry out negotiations.*

**vii) Public Excluded Audit Risk and Finance Minutes –  
23 August 2011**

*Reasons:*

*To protect the privacy of natural persons; and  
To carry out negotiations.*

**viii) Public Excluded Status Report – Policy and Planning**

*Reasons:*

*To carry out negotiations.*

**ix) Public Excluded Chief Executive Report – Policy and  
Planning**

*Reasons:*

*To protect the privacy of natural persons; and  
To protect information that may disclose trade secrets or  
the commercial position of a person; and  
To protect information that is subject to an obligation of  
confidence;  
To carry out commercial activities; and  
To carry out negotiations.*

**x) Options Report for the Heritage and Iwi Inventory  
Projects**

*Reasons:*

*To protect the privacy of natural persons; and  
To carry out negotiations.*

**xi) QEII/Atawhai Gateway Artwork**

*Reasons:*

*To protect the privacy of natural persons; and  
To carry out commercial activities; and  
To carry out negotiations.*

His Worship the Mayor/Boswijk

Carried

The meeting went into public excluded session at 1.30pm and resumed in public session at 3.30pm.

**23. Re-admittance of the Public**

Resolved

***THAT the public be re-admitted to the meeting.***

His Worship the Mayor/Barker

Carried

There being no further business the meeting ended at 3.30pm.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date