

**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 7 APRIL 2011 COMMENCING AT 9.05AM**

PRESENT: His Worship the Mayor A Miccio, Councillors I Barker,
A Boswijk (Deputy Mayor), G Collingwood, R Copeland,
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 Strategy and
Planning (M Schruer) and Administration Advisers
(S McLean and L Laird)

1. Opening Prayer

The opening prayer was given by Councillor Davy.

2. Conflicts of Interest

Councillor Reese declared an interest in agenda item 18 – Methyl Bromide
Fumigation Rule – Nelson Air Quality Plan.

3. Public Forum

3.1 Heavy Traffic on Tahunanui and Rocks Road

Peter Olorenshaw, Convenor of Nelsust, presented a proposal to barge
logs from Rabbit Island to the Port. He tabled a report and maps on the
location and route.

In answer to a question, Mr Olorenshaw confirmed the proposed focus is
on logs from the south which account for approximately three quarters of
the logging traffic. He explained that there had been minimal contact with
logging companies at this stage.

Mr Olorenshaw indicated that Nelsust is looking for Council to fund the
study and confirmed that he will be making a submission to the Annual
Plan.

3.2 Nelson Railway Society Track Extension

Jan Smith spoke to Council on the Founders Park Railway Track Extension
and tabled documents in support of her presentation. Ms Smith pointed
out disparities in the proposal, queried working plans and put forward
several negative impacts the extension will have on local residents.

The Executive Manager Regulatory joined the meeting and cautioned Councillors not to raise any issues to do with the resource consent. This was reiterated by the Chief Executive.

It was requested that Jan Smith's notes be circulated to Councillors.

4. Public Forum Discussion

4.1 Heavy Traffic on Tahunanui and Rocks Road

It was pointed out that discussions on this proposal would occur as part of the Annual Plan. In response to a suggestion, the Chief Executive confirmed he will be in contact with Port Nelson Ltd regarding the proposal and will suggest it considers preparing a submission in response.

It was mentioned that Tasman District Council is a part owner of Port Nelson Ltd so Nelsust should make a submission to them as well.

A suggestion was made that Nelsust be advised to present to the Port Nelson Environmental Consultative Committee. It was also suggested that Councillors be provided with guidance on Rabbit Island ownership and that feedback be sought from the kite surfers.

There was concern expressed that the logging companies had not been contacted as they play a major role in this initiative.

The Chief Executive mentioned that he may also be in contact with Tasman District Council regarding the proposal.

4.2 Nelson Railway Society Track Extension

There was discussion on Jan Smith's presentation and the resource consent process was reiterated.

Concern was expressed that community views may not have been taken into account sufficiently before the decision by the Council to fund the extension was made. It was pointed out that the process highlighted weak links and there needed to be better tracking of historical information.

The Chief Executive confirmed that the project was included in last year's Annual Plan and the Mayor summarised that Ms Smith's concerns would be heard through the resource consents process.

5. Public Excluded Forum

5.1 Exclusion of the Public

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting in accordance with section 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) Public Excluded Forum

Reason:

To protect the commercial position of the person who supplied or is the subject of the information.

AND THAT according to section 48(5) of the Local Government Official Information and Meetings Act 1987, Richard Oswald and Matt Winstone remain after the public has been excluded, as they have knowledge that will assist the Council.

Barker/His Worship the Mayor

Carried

5.2 Re-admittance of the public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Boswijk

Carried

Attendance: The meeting went into public excluded session at 9.40am and resumed in public session at 10.01am.

6. Confirmation of Minutes

Document number 1062708, agenda pages 1-14 refer.

Resolved

THAT the minutes of the meeting of the Nelson City Council – Community Services and Infrastructure, held on Thursday 17 March 2011, be confirmed as a true and correct record.

Davy/Barker

Carried

7. Mayor's Report

7.1 Mayor and Councillor Training and Travel Arrangement

Resolved

THAT the item regarding Mayor and Councillor Training and Travel Arrangement be considered at this meeting, pursuant to Section 46A(7) of the Local Government Official Information and

Meetings Act 1987, because of the need for urgency.

Davy/Barker

Carried

Resolved

THAT Council approves travel and accommodation costs for the Mayor and Councillor Collingwood to attend the Local Government New Zealand combined Zones 5 and 6 meeting in Christchurch on 26 and 27 April 2011.

Matheson/Barker

Carried

The Chief Executive confirmed that the requirements for expenses are that they are approved before the event happens. He also confirmed that Council is not approving the amount of spending, they are approving Councillors attendance at the LGNZ meeting.

GOVERNANCE ITEMS

8. Governance Status Report

Document number 1034743, agenda pages 15-16 refer.

Resolved

THAT the Governance Status Report (1034743) be received.

Boswijk/Rackley

Carried

9. Portfolio Holder's Report

10. Chief Executive Report - Governance

Document number 1063763, agenda pages 17-56 refer.

Resolved

THAT the Chief Executive Report - Governance (1063763) be received.

Barker/Davy

Carried

10.1 Local Governance Statement

The following changes to the Local Governance Statement were noted:

- 1) Add Heart of Nelson to the list of essential services and amenities on page 7.
- 2) Add in the Economic Development Committee delegations for Rugby World Cup 2011 and the task to prepare a Statement of Expectation for the EDA, page 12.
- 3) Delete paragraph three in section 8.1, page 14.
- 4) In paragraph one in section 8.2, page 14, check the date. (This was done after the meeting and is the correct date).
- 5) Bullet point one of section 8.2, page 15, be updated to 13 members.
- 6) Bullet point two after paragraph two of section 10.1 on page 17 - change the first sentence to 'some of Councils regulatory powers'.
- 7) In paragraph 4, page 25, delete 'e' in the first sentence.
- 8) On page 25, the final paragraph of section 14 should be reordered to be the second paragraph.
- 9) On page 32, remove 'Nelson Marlborough Seafood Cluster'.
- 10) In section 6, page 12, the membership of each committee, including chair and deputy, should be added.
- 11) Document needs to reflect drivers for annual plan – economic development, culture, arts etc.

Resolved

THAT subject to minor changes the Nelson City Council Governance Statement (819245) be adopted.

Barker/Davy

Carried

The Chief Executive confirmed that the Governance Statement is required to be reviewed within six months of an election.

A suggestion was made that the background of individual Councillors could be included in the document; however there was no support for this.

Attendance: The meeting adjourned for morning tea from 10.30am to 10.45am.

11. The Bishop Suter Trust Board 2011/12 Statement of Intent and Six Month Report

Document number 1065605, agenda pages 57-102 refer.

Attendance: Councillor Ward declared an interest and took no part in this discussion.

Julie Catchpole, Chief Executive, and Ian MacLennan, Board Member, from the Bishop Suter Trust Board joined the meeting, provided apologies for the Chair and Deputy and spoke to the report.

Mr MacLennan outlined his response to the report and discussed discrepancies that he believed existed. He suggested that the Statement of Expectation be raised in October as this is a better time for them.

He put forward that the Board needs to better understand what Council is looking for in a Statement of Intent and expressed surprise at some of the comments in the report.

In response to a query, the Executive Manager Support Services provided an overview of the Statement of Expectation (SOE) process and advised that there had been no conversations with the Bishop Suter Trust Board since 20 December 2010.

The Chief Executive confirmed that the purpose of the SOE was to give direction to the Bishop Suter Trust Board to discuss in its meetings. All Council organisations that had received SOE's were invited to come and discuss it with staff.

The Executive Manager Support Services advised that the SOI process is laid out in the Local Government Act 2002.

Resolved

THAT the half yearly report for the period to 31 December 2010 be received;

AND THAT a meeting is established to discuss matters raised in the staff report (1065605) and matters raised by Suter Trust in its presentation and is reported back to Council.

Collingwood/Reese

Carried

12. NELMAC Ltd Draft Statement of Intent and Six Monthly Report 2011/12

Document number 1064999, agenda pages 103-117 refer.

Attendance: Councillor Shaw declared an interest and took no part in this discussion.

Richard Jenkins, Chairperson, and Malcolm Topliss, Chief Executive, from Nelmac joined the meeting. Mr Jenkins paid tribute to the work done by Mr Topliss during his time with Nelmac.

Mr Topliss spoke to a report which covered Nelmac's organisation, infrastructure, sustainability policy, vehicle fleet and objectives. He emphasised that Nelmac would welcome any of the Councillors who wish to visit the company to learn more about the organisation.

Resolved

THAT the half yearly report for the period to 31 December 2010 from NELMAC be received;

AND THAT the Statement of Intent 2011/2012 for NELMAC be approved for signing.

Davy/Rackley

Carried

Councillor Matheson formally acknowledged Mr Topliss's work with Nelmac on behalf of Council.

Resolved

THAT Council offer its sincere thanks to Malcolm Topliss for his efforts with Nelmac and wish him all the best for the future.

Barker/Collingwood

Carried

13. Nelson Regional Economic Development Agency Statement of Intent 2011/12 and Half Yearly Report to 31 December 2010

Document number 1065254, agenda pages 118-160 refer.

Bill Findlater, Chief Executive, and Paul Dalzell, Chairperson, from the Nelson Regional Economic Development Agency (EDA) joined the meeting. Mr Findlater provided a PowerPoint presentation on the EDA and confirmed an adjustment had been made to allow for the regional branding project.

In response to a query, Mr Findlater pointed out that the purpose of the EDA is to provide an opportunity for products, not to monitor their quality. He added that food based products will be in high demand over the next 20 years and that Nelson performs well in this sector.

Resolved

THAT the Nelson Regional Economic Development Agency Half Yearly Report to 31 December 2010 be received;

AND THAT the Nelson Regional Economic Development Agency Statement of Intent 2011-2012 is approved for signing subject to:

- ***Adjustment made to allow for the regional branding project as covered in the Nelson City Council draft annual plan 2011/2012.***

AND THAT the Economic Development Committee considers Council's role in economic development and in doing so the Committee prepares a draft

***Statement of Expectation for Council consideration
in preparation for the 2010-13 Statement of Intent
for the Economic Development Agency and Long
Term Plan.***

REPORTS FROM COMMITTEES

14. Audit, Risk and Finance Committee 22 February 2011

Document number 1052086, agenda pages 161-164 refer.

Resolved

***THAT the minutes of the meeting of the Audit, Risk
and Finance Committee, held on Tuesday 22
February 2011, be received.***

Barker/Reese

Carried

POLICY AND PLANNING ITEMS

15. Policy and Planning Status Report

Document number 1034725, agenda pages 165-168 refer.

Resolved

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

Reese/Rainey

Carried

It was requested that a more detailed update be given to Councillors on item 1 of the Policy and Planning Status Report.

16. Portfolio Holder's Report

Councillor Reese gave an update on the Earthquake Prone Building Policy review and indicated that insurance premium rates have been corrected since the Christchurch earthquakes.

She mentioned the Strategic City Development Plan process will be coming to Council in the near future.

17. Chief Executive Report – Policy and Planning

Document number 1058653, agenda pages 169-174 refer.

Resolved

THAT the Chief Executive Report - Policy and Planning (1058653) be received.

Matheson/Fulton

Carried

17.1 **Amendment to Arts Policy**

Resolved

THAT the Nelson Arts Policy be amended to include the following text in the section on Public Art:

"Street Art

This is art developed in public spaces, inspired by the urban environment and usually unsanctioned. It is often used by youth as a way of expressing themselves outside the established rules and structures. Street art can also be a way of extending the reach of art to include participation (both through creation and appreciation) from sectors of the community that do not engage with traditional forums for art such as galleries.

Nelson City Council has no tolerance for graffiti/vandalism but does appreciate the contribution street art can make to an exciting and vibrant city environment. It is not easy to define street art and to distinguish it clearly from graffiti; it can simply be a matter of perception. In determining whether (or when) to remove an unsanctioned painting, stencil, sticker, installation or other item from Council property, staff will take the following into account:

- ***Health and safety issues***
- ***Materials i.e. temporary or permanent nature of the item***
- ***Impact on the current or planned use of a space/facility***
- ***Any impact on private property***
- ***Any offensive aspect of the item***

Advice may be sought from the Art Selection Panel to help inform a decision."

Boswijk/Fulton

Carried

Attendance: the meeting adjourned for lunch from 12.44pm– 1.15pm and during this time Councillor Rainey left the meeting.

18. Council Plan Change Hearings

Document number 1054667, agenda pages 175-195 refer.

The Principal Advisor Resource Management Planning, Matt Heale, joined the meeting and gave a PowerPoint presentation. He emphasised that this report was to determine the process of how the current proposed Plan Changes will be heard and not to re-litigate the content of each. Mr Heale advised that once a proposed Plan Change has been released for consultation, amendments to the Plan are restricted to what was in the submissions.

The Chief Executive emphasised that some of the Plan Changes were currently open for submission and it was not appropriate to discuss or comment on the content of the proposed Plan Changes.

The Planning Adviser Lisa Gibellini joined the meeting and presented proposed Plan Change 14 (PC 14). Ms Gibellini outlined the main aspects of PC 14 including the proposed car parking issues and fence height restrictions that would be new minimum plan standards. She also summarised the Comprehensive Housing Development proposal.

The Planning Adviser, Reuben Peterson, joined the meeting and briefly introduced proposed Plan Change 21 and 17.

The Planning Adviser, Peter Rawson, joined the meeting and presented a brief summary of proposed Plan Change 18.

The Graduate Policy Adviser, Paul Harrington, joined the meeting and presented a brief summary of proposed Plan Change 22. Mr Harrington said Council was responsible for the maintenance of heritage trees and outlined the different protection levels for heritage trees.

The Principal Adviser City Development, David Jackson, joined the meeting and presented a brief summary of proposed Plan Change 23, 24, 26 and A1.

Attendance: Councillor Fulton left the meeting 2.00pm

Mr Heale outlined the rationale behind the process for the upcoming Plan Change hearings. He said there were different factors to each Plan Change requiring a different format for each hearing.

Mr Heale confirmed that to sit on a hearings panel Councillors did not have to be accredited Commissioners, however it was desirable that the Chair of each Panel be a MFE Making Good Decisions Accredited Chairperson. The full Council would have to adopt any plan change after all legal processes were complete.

It was mentioned that Councillors needed to note where they had conflicts of interest with any of the proposed Plan Changes and not sit on those hearings.

It was agreed that 'independent' be added to the second clause of the recommendation to make it consistent with other recommendations.

Attendance: Councillor Rackley left the meeting at 2.20pm.

Resolved

THAT it is confirmed that an independent Commissioner chaired Council assisted Hearing Panel hear and make decisions on submissions on Proposed Plan Changes 18 (Nelson South Structure Plan) and 21 (Parking and related changes);

AND THAT it is confirmed that a Council chaired independent Commissioner assisted Hearing Panel hear and make decisions on submissions on Proposed Plan Change 14 (Residential Subdivision and Land Development Manual and Comprehensive Housing);

AND THAT a Council Hearing Panel be appointed to hear and make decisions on submissions to Proposed Plan Change 17 (Enner Glynn and Upper Brook Valley);

AND THAT an independent Commissioner be appointed to hear and make decisions on submissions to Proposed Plan Changes 22 (Heritage Trees), 23 (Daylight and Solar Panels), 24 (Freshwater), 26 (Fire fighting provisions), and A1 (Air Quality Plan).

Reese/Ward

Carried

19. Plan Change 13 - Marsden Valley Rezoning and Structure Plan Project Notification of Decision

Document number 1016763, agenda pages 196-201 refer.

The Planning Adviser, Reuben Peterson, re-joined the meeting. The Portfolio Holder, Councillor Reese, spoke to the report and thanked Councillors Shaw and Boswijk for their contributions to this project. She also extended thanks to staff including Mr Petersen, Martin Workman and Richard Johnson for their assistance to the Hearing Panel.

Councillor Reese highlighted section 4.5.1 (Landscape Overlay) and 4.5.2 (Land Management Overlay) of the report (page 197 of the agenda refers). She said these were highlighted as issues and need review.

The contribution made by Councillor Reese to this project was also recognised by the Council.

Resolved

THAT the Hearing Committee recommendations on Plan Change 13 – Marsden Valley Rezoning and Structure Plan to the Nelson Resource Management Plan, as shown in Attachment 1 to Report 1016763, be adopted as the Council decision;

AND THAT the decisions on submissions on Plan Change 13 – Marsden Valley Rezoning and Structure Plan are publicly notified;

AND THAT Council notes the recommendations of the Hearing Committee as they relate to further Plan change work and consider these when assessing the future Plan change work programme.

Matheson/Davy

Carried

20. Draft Social Wellbeing Policy

Document number 1064173, agenda pages 202 – 204 refer.

The Manager Policy and Planning, Nicky McDonald, joined the meeting. Councillor Collingwood spoke to the report and emphasised that the Social Wellbeing Policy (the Policy) was a high level strategy.

The Chief Executive said to progress the implementation of this Policy would be subject to resources being available. He said the options were to enter this into Project Balance and re-organise priorities or address it through the 2012 LTP process.

Some minor changes were noted:

- 'Sustainable economic growth' (page 5 of the Policy refers) should be referred to as 'sustainable development';
- 'Active transport' (page 13 of the Policy refers) should be rephrased to include public transport and not just Cycling and Walking Strategies;
- The reference to safety in the city (page 21 of the Policy refers) should be changed to 'perceived to not be a safe place';
- 'Inner city' on page 21 of the Policy should be consistent with 'city centre'.

It was re-iterated that the Policy was a high level strategy that identified what Council does in this field. The Policy should not focus on individual initiatives for communities as these would be identified on the high deprivation index.

It was emphasised that the Council should not release this Policy for consultation if it was not happy with the content and any concern over the content should be debated at this meeting.

Resolved

THAT the draft Social Wellbeing Policy [1052440] be released for public consultation;

AND THAT there be a six week public consultation period;

AND THAT the Council hear and make decisions on submissions on the Policy.

Collingwood/Boswijk

Carried

21. Methyl Bromide Fumigation Rule – Nelson Air Quality Plan

Document number 1062135, agenda pages 205-209 refer.

Attendance: Councillor Reese declared an interest and left the meeting for this item.

Resolved

THAT a plan change not be initiated to change rule AQR.41 – Fumigation – in the Nelson Air Quality Plan;

AND THAT the Chief Executive writes to the parties to the 2007/8 Environment Court proceedings outlining the Council's proposed course of action and the reasons for it.

Davy/Shaw

Carried

22. Update on Construction of Marina Facilities

The Council asked for an update on the progress of the construction of the ablution facilities at the Marina. The Principal Advisor Reserves and Community Facilities, Andrew Petheram, joined the meeting and said the project was on track and the estimated completion date was the end of August 2011. It was suggested that a press release updating the public be issued.

23. Exclusion of the Public

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting in accordance with section 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) Public Excluded Forum

Reasons:

To protect the commercial position of the person who supplied or is the subject of the information.

ii) Public Excluded Minutes - Council Meeting Community Services and Infrastructure 17 March 2011

Reasons:

To carry out negotiations; and

To carry out commercial activities; and

To protect the commercial position of the person who supplied or is the subject of the information.

iii) Public Excluded Governance Status Report

Reasons:

To carry out negotiations; and

To carry out commercial activities.

iv) Chief Executive Public Excluded Report - Governance

Reasons:

To protect the privacy of natural persons; and

To protect information that is subject to an obligation of confidence.

v) Allocation of Rugby World Cup Tickets

Reasons:

To protect the privacy of natural persons; and

To carry out commercial activities.

**vi) Public Excluded Minutes – Audit, Risk and Finance
22 February 2011**

Reason:

*To protect the commercial position of the person who
supplied or is the subject of the information.*

His Worship the Mayor/Boswijk

Carried

The meeting went into public excluded session at 2.40pm and resumed in public session at 3.15pm.

24. Re-admittance of the public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Boswijk

Carried

There being no further business the meeting ended at 3.17pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE