

**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 24 FEBRUARY 2011 COMMENCING AT 9.08AM**

- PRESENT:** His Worship the Mayor Aldo 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) and Administration Advisers (A Rose and L Laird)
- APOLOGIES:** An apology was received and accepted from Councillor E Davy
-

1.0 OPENING PRAYER

The opening prayer was given by His Worship the Mayor and then the Council stood for a few moments in silence in memory of the victims of the recent Christchurch earthquake.

2.0 VISITORS FROM SOUTH EAST ASIA

His Worship the Mayor welcomed to the Council Chamber a small group of delegates from countries in South East Asia who were visiting Nelson.

3.0 PUBLIC FORUM

3.1 Liquor Ban Areas

Inspector Brian McGurk, NZ Police Area Commander – Nelson Bays addressed the Council requesting extensions to the current liquor ban. He said that for Rugby World Cup 2011 the Police would be requesting a temporary liquor ban in the area that would be the same as that covered by the Traffic Management Plan in The Wood on days when matches were played.

In addition he said the Police were requesting that there be a 24 hour liquor ban to cover the whole of the Bisley Walk car park and the Abel Tasman car park, the Neale Reserve in Stoke and the Collingwood Street/Harley Street area including Harley Street. He said he would make a formal application for these changes by letter to the Chief Executive.

In answer to questions the Inspector confirmed that the “mellow yellow” programme where bar staff put on bright yellow jackets at 2pm was beginning to work well. In answer to another question he said that Police believe the Street Ambassadors are an asset to the City and a very useful resource during the summer. In answer to another question the Inspector said that their use during the Rugby World Cup was something that he wasn’t in a position to recommend or otherwise to the Council.

His Worship the Mayor thanked Inspector McGurk for his presentation.

3.2 Mumbai Mexico – Outdoor Dining

Mr Virat Vij addressed the Council on issues concerning building consents, wheelchair access in regard to liquor licenses for existing license holders and Council policy regarding the use of footpaths outside Central Business District (CBD) businesses.

Mr Vij tabled a submission which gave his personal background, his business background and the issues that he was concerned about.

His Worship the Mayor thanked Mr Vij for his presentation.

4.0 PUBLIC FORUM DISCUSSION

4.1 Mumbai Mexico – Outdoor Dining

The Executive Manager Network Services Alec Louverdis and the Business Assets Adviser Ian Morrison joined the meeting. In answer to Councillors questions Mr Louverdis explained that the use of the footpath in the CBD was controlled by a bylaw and Council had no option but to enforce the provisions of that bylaw fairly and consistently and could not make any special exceptions. The Executive Manager Regulatory Richard Johnson said there was a similar situation when it came to building consents and the regulations surrounding the issue of liquor licenses.

4.2 Liquor Bans

The Council agreed that Inspector McGurk's request regarding the liquor ban extensions would be addressed when the formal application had been received from the Police.

5.0 CONFIRMATION OF MINUTES

Document numbers 1043147 and 1042559

Resolved

THAT the minutes of the meetings of the Nelson City Council – Community Services and Infrastructure, held on Thursday 3 February 2011, be confirmed as a true and correct record.

His Worship the Mayor/Boswijk

Carried

6.0 MAYOR'S REPORT

6.1 Christchurch Earthquake

His Worship the Mayor deferred to the Chief Executive who gave Council a verbal update on Nelson City Council's likely involvement with assisting Christchurch to meet the needs that have arisen from the recent earthquake.

The Chief Executive said that the Nelson Tasman Civil Defence RT2 Urban Rescue Team is already in Christchurch. In addition, the Manager Emergency Management Roger Ball was working in the Regional

Emergency Operations Centre in Christchurch. Lists of Council staff able to assist have been sent to the National Civil Defence Headquarters in Wellington. The Chief Executive said that the best help the Council could give is to be ready and organised to respond when Christchurch asks. He confirmed that Council would provide whatever help was asked for.

There was some discussion about making accommodation available and it was confirmed that work was being done with the three motor camps.

Councillor Rainey said that the upcoming Opera in the Park event has had some production issues because of the Christchurch earthquake and asked whether there could be a free entry given to residents of Canterbury. The Council were sympathetic to this request.

6.2 Meeting Procedure

His Worship the Mayor said that for this and future Council meetings it would no longer be necessary for the portfolio holder to move recommendations to each report.

7.0 GOVERNANCE ITEMS

7.1 Governance Status Report

Document number 1034743, agenda page 12 refers.

Resolved

THAT the Governance Status Report, document number 1034743, be received.

Collingwood/Shaw

Carried

8.0 PORTFOLIO HOLDERS REPORT

Councillor Barker, the Governance portfolio holder, gave a brief update on the Audit, Risk and Finance Committee meeting held the previous day. He said that Council had received an unqualified audit report for the 2009/10 financial year and congratulated the staff on this achievement.

He said that he was also pleased with the progress that was being made on the general ledger update to make Council's accounts more transparent and readily understood by the public.

9.0 CHIEF EXECUTIVE REPORT TO COUNCIL

Document number 1046346, agenda pages 13-14 refer.

Resolved

THAT the Chief Executive Governance Report, document number 1046346, be received.

Matheson/Boswijk

Carried

9.1 Economic Development

Resolved

THAT Council endorse the one day forum being planned and that it is funded in part from the special economic projects budget;

AND THAT BERL be engaged to produce a regional economic snapshot funded from the special economic projects budget for the planned one day economic forum;

AND THAT the outcomes of the forum and the results of the BERL report are reported back through the Economic Development Committee.

Matheson/Boswijk

Carried

10.0 DELEGATION OF NAVIGATION SAFETY RESPONSIBILITIES TO PORT NELSON LTD

Document number 1042959, agenda pages 15-28 refer.

Resolved

THAT the Nelson City Council confirms the delegation to Port Nelson Ltd (a port company under the Port Companies Act, 1988), of all its functions, duties and powers (other than a power to make bylaws) under Part 39A of the Local Government Act, 1974, that relate to navigation safety subject to:

- (a) Acceptance of the delegation being confirmed by resolution of the Directors of Port Nelson Ltd; and***
- (b) The Nelson City Council and Port Nelson Ltd entering into an agreement setting out their respective roles, duties, obligations and responsibilities.***

AND THAT the Council give notice of this delegation in the 2011-12 Draft Annual Plan.

Rainey/Barker

Carried

11.0 REVISED COUNCILLOR EXPENSES POLICY 2010/11

Document number 1035996, agenda pages 29-74 refer.

Councillor Barker said that the way forward was to adopt the revised expenses policy as recommended in the report but also to raise again with the Remuneration Authority the concerns Councillors had regarding the changes to the mileage allowance and communications allowance.

Resolved

THAT the revised Expenses Policy, document no 994891, be adopted;

AND THAT the Mayor and Councillor Barker prepare a submission to the Remuneration Authority to be brought back to the Council for approval. That submission to incorporate Councillors concerns expressed at the meeting regarding the changes to the communications allowance, the ablation of mileage payments for trips under 30kms, the issue that Nelson City Councillors carry out the functions of both Regional Councillor and District Councillor and any other Councillors concerns conveyed to Councillor Barker by email;

AND THAT the Remuneration Authority be invited to Nelson to meet and hear directly from Nelson City Councillors;

AND THAT an invitation be extended to the other Unitary Councils to attend the meeting with the Remuneration Authority.

Barker/Collingwood

Carried

12.0 RIDGEWAYS JOINT VENTURE STATEMENT OF INTENT 2011/12

Document number 1036335, agenda pages 75-83 refer.

Resolved

THAT the Ridgeways Joint Venture Statement of Intent 2011/12 be approved for signing.

Barker/Rainey

Carried

13.0 REPORTS FROM COMMITTEES

13.1 Audit, Risk and Finance Committee – 15 December 2010

Document number 1026418, agenda pages 84-86 refer.

Resolved

THAT the minutes of the meeting of the Audit, Risk and Finance Committee, held on Wednesday 15 December 2010, be received.

Barker/Ward

Carried

14.0 JOINT SHAREHOLDERS COMMITTEE 29 NOVEMBER 2010

Document number 1017563, agenda pages 87-89 refer.

Note: It was pointed out that the recommendation to Council contained in these minutes was passed by Council at its meeting of 16 December 2010.

Resolved

THAT the minutes of the meeting of the Joint Shareholders Committee, held on Monday 29 November 2010, be received.

His Worship the Mayor/Boswijk

Carried

Attendance: The meeting adjourned for morning tea from 10.46am to 11.04am.

15.0 POLICY AND PLANNING ITEMS

15.1 Policy and Planning Status Report

Document number 1034725, agenda page 90 refers.

Resolved

THAT the Policy and Planning Status Report, document no. 1034725, be received.

Reese/Boswijk

Carried

16.0 PORTFOLIO HOLDER'S REPORT

The Policy and Planning portfolio holder, Councillor Reese, gave a brief verbal report. She said Council had recently undergone a re-organisation and created an organisation wide Policy and Planning Unit that as portfolio holder looked forward to working with in the future.

17.0 CHIEF EXECUTIVE REPORT TO COUNCIL

Document number 1043679, agenda pages 91-118 refer.

The Chief Executive presented the report.

17.1 Study on Air Pollution Source at Tahunanui

The portfolio holder said that staff would raise the fertilizer issue highlighted in paragraph 3.4 of the report (with the Tasman District Council).

17.2 Plan Changes Currently Underway

It was noted that there was need for a future Council discussion to agree on the priorities of the various plan changes.

Resolved

THAT the Chief Executive Policy and Planning Report, document no. 1043679, be received.

Reese/Shaw

Carried

18.0 RUTHERFORD PARK DEVELOPMENT AND NELSON PERFORMING ARTS AND CONFERENCE CENTRE WAY FORWARD AND SUPPLEMENTARY REPORT

Document number 1044796, 1049787 and 1049379.

The Executive Manager Network Services joined the meeting. A motion was tabled by Councillor Copeland.

Proposed Councillor Copeland, Seconded Councillor Fulton:

THAT the proposed process as detailed in report 1044796 be approved by Council as the way to move this project forward;

AND THAT an overall integrated plan be developed for Rutherford Park and the surrounding area this financial year which includes preliminary concept design plans for the proposed Trafalgar Centre northern upgrade works and conference facilities and the proposed Performing Arts Centre be progressed this financial year with detailed design progressing in the 2011/2012 financial year;

AND THAT construction works commence in 2012/2013 on the proposed Trafalgar Centre northern upgrade works including integrated conference facilities;

AND THAT construction works commence in 2013/2014 on the Performing Arts Centre and associated Rutherford Park development works;

AND THAT Council indicate their intent and commitment in these matters in the upcoming 2011/2012 Annual Plan.

Councillor Copeland said that in proposing this motion which was, she said, in essence similar to the recommendation in the report, the purpose was to give Council a less prescriptive but more robust resolution.

The Chief Executive summarised the background to the report saying that Council had indicated a direction at the recent Council Workshop that Council wanted to consult on this matter in its draft Annual Plan. The subsequent report had been prepared at some speed. He referred to the supplementary order paper number 1 which had enclosed a supplementary report with costings. He then went on to summarise the constraints on Council with regard to consulting on this issue in the draft Annual Plan.

The Chief Executive advised Council that the report was being progressed in this manner to allow for inclusion of the matter into the draft Annual

Plan for formal consultation purposes under the Local Government Act 2002 (LGA). Doing so would allow Council to consider the submissions made and if, following that formal consultation and after considering all submissions made, Council still decided to proceed then it would be in a position to progress the project in the upcoming financial year. The Chief Executive also made the point that the matter was not urgent and that if Council desired to progress more cautiously then it did not have to be progressed as part of the draft annual plan process and that Council could run a separate formal consultation process at a later time, possibly as part of next years full Long Term Planning process, to formally consult on the proposed project. He advised that in any event Council was obliged to follow the LGA provisions and process for formal consultation and that all Councillors should keep an open mind as to any final decision they might make.

The Chief Executive further advised that it was important for Council to understand that the decision in hand today was merely to progress to formal consultation and was not a decision to progress the project. What Council would be considering in its decision-making today was whether to put forward a proposed major project and that it had a number of legal obligations to meet under the LGA. Accordingly, it was important that Council did put forward a 'specific' proposal as required by the LGA and not just an array of options. The fact that only one option was being considered in the report today was due to the guidance sought and provided by Council at its annual planning workshop. That workshop could not make any decisions in respect to this matter and hence the more detailed nature of this formal report for Council consideration.

The Chief Executive said that, with these constraints in mind, he had considered Councillor Copeland's motion, sought legal advice and tabled a further suggested motion that addressed Councillor Copeland's concerns but also covered all of the Council's legal requirements regarding the necessary process for consultation on this issue.

The Council then proceeded to discuss Councillor Copeland's motion, the suggested motion from the Chief Executive and the process to be followed to get this issue consulted within the draft Annual Plan. In answer to a question the Chief Executive confirmed that if Council went ahead with the project, there would be other projects that would not be done in their current proposed timeframe.

Attendance: Councillor Matheson left the meeting at 12.20pm.

In answer to another question the Chief Executive confirmed that by accepting any of the proposed motions, Council would close the door to having three specific buildings.

The discussion continued looking at the differences between Councillor Fulton's resolution and the Chief Executive's suggested resolution.

Attendance: The meeting adjourned for lunch from 12.47pm until 1.25pm and Councillor Rackley left meeting during the lunch interval.

On resuming there was further discussion with the Council generally supporting the Chief Executive's suggested motion with one or two minor

changes, although concerns about debt levels that would be caused by the project were raised.

Councillor Collingwood proposed an amendment encompassing the Chief Executives suggested motion with the changes agreed to in the discussion. Councillor Reese seconded the amendment. The amendment was put and carried and became the substantive motion and it was resolved.

Resolved

THAT Council approves the preparation of a proposal to be put to the public in accordance with the procedures provided for in the Local Government Act 2002;

AND THAT reports 1044796, 1049787 with attachment 1049379 be received and noted;

AND THAT the proposal provide for an overall integrated plan to be developed for Rutherford Park and the surrounding area this current financial year which includes preliminary concept design plans for the Trafalgar Centre northern upgrade works, and integrated conference facilities, and a Performing Arts Centre;

AND THAT the proposal indicate that, if following the consultation with the public Council resolves that the project should proceed, then:

- ***detailed design would be undertaken in the 2011/2012 financial year and followed by commencing any consenting processes that are required;***
- ***any potential construction works would commence in 2012/2013 on the proposed Trafalgar Centre northern upgrade works and integrated conference facilities;***
- ***any potential construction works would commence in 2013/2014 on the Performing Arts Centre and associated Rutherford Park development works;***

AND THAT Council put this proposal to the public, in accordance with Local Government Act procedures, as part of the upcoming 2011/2012 Annual Plan process.

Collingwood/Reese

Carried

Councillor Barker requested his abstention recorded.

19.0 IMPLICATIONS OF CHANGES TO NATIONAL ENVIRONMENTAL STANDARDS FOR AIR QUALITY

Document number 1043820, agenda pages 134-143 refer.

The Principal Adviser City Development, David Jackson, gave a power point presentation with background information on air quality in Nelson. It was noted that this was subject to the Ministry for the Environment confirming the amendment to the National Environmental Standard for air quality.

Resolved

THAT subject to the confirmation by the Minister for the Environment of the amended National Environmental Standard (NES) for air quality, a Plan Change to the Nelson Air Quality Plan be prepared for Council consideration to:

- ***remove from Rule AQr.24 the regulation phasing out use of those enclosed burners installed from the year 2000 that do not comply with the clean air standards in the current NES; and***
- ***to amend any references to the NES particle target date of 2013 to bring them in line with those that appear in the final amended NES;***

AND THAT consequently, the Clean Heat-Warm Homes scheme be wound up a year early, at the end of June 2012, with some transitional arrangement for 'Jetmaster'-type fires;

AND THAT an amendment be made in the draft Annual Plan 2011/12 Funding Impact Statement to change the way new targeted rate agreements, signed from 1 July 2011 onwards, are calculated, changing from rating bands to a formula;

AND THAT it be noted that this change to the targeted rate would have minor fiscal effect while being easier to explain to householders and to administer.

Reese/Shaw

Carried

20.0 HEARING OF PROPOSED PLAN CHANGES 14, 17, 18, 19, 21, 22, 23, 24, 25, 26 AND A1

Document number 1037007, agenda pages 124 - 133 refer.

The Manager Strategic Response, Chris Ward, presented the report and outlined the options available for Council to hear and decide on Plan Changes.

Concern was raised over the importance of Plan Changes and it was noted that, owing to the complexity of the Resource Management Act 1991, appropriate training was required for Councillors should they wish to participate.

Resolved

THAT a report be brought to a Council meeting on further options for the development of Plan Changes, and on options for hearing and deciding submissions on Plan Changes, after consultation with previous Plan Change Committee members;

AND THAT each chairperson of each hearing is accredited as a chairperson through the Ministry for the Environment Good Decisions Programme;

AND THAT an independent commissioner be appointed to hear and make decisions on submissions to Proposed Plan Changes 19 and 25.

Reese/His Worship the Mayor

Carried

21.0 REVIEW OF URBAN DESIGN PANEL

Document number 1032164, agenda pages 144 - 192 refer.

It was noted that the inclusion of surveyors would be of value.

Resolved

THAT the Nelson City/Tasman District Urban Design Panel (the Panel) continue on a permanent basis;

AND THAT the existing membership of the Panel be retained;

AND THAT Council seek expressions of interest for membership of the Panel from members of the New Zealand Institute of Surveyors;

AND THAT Council continue to pay the Panel costs if developments are heard by the Panel prior to a resource consent being lodged and require the applicant to pay the Panel costs post application.

Reese/Shaw

Carried

22.0 BUILDING BUSINESS UNIT: FEES AND CHARGES

Document number 1034492, agenda pages 205 - 216 refer.

The Manager Building, Tracy Quinton-Boundy, presented the report and answered questions about proposed fees increases.

Resolved

THAT the new or changed fees and charges for activities of the Building Consent Authority and the Council as the Territorial Authority under the Building Act 2004 be adopted as detailed in Attachment 1 to Report No 1034492;

AND THAT the new schedule of fees and charges take effect from 4 April 2011.

Reese/Boswijk

Carried

23.0 MONITORING OF SWIMMING AND SPA POOLS AND FENCES

Document number 1035819, agenda pages 233 - 238 refer

Resolved

THAT the Council confirm its intention to further enhance a programme for monitoring of swimming pool and spa pool fences;

AND THAT the proposed fees and charges for administration of the Fencing of Swimming Pools Act 1987 by the Territorial Authority under the Building Act 2004 be adopted as detailed in Attachment 1 to Report No 1035819;

AND THAT the new fees and charges take effect from 1 July 2011;

AND THAT the Council publicise its intention to proactively monitor compliance with the Fencing of Swimming Pools Act 1987 on a predominantly user pays basis.

Reese/Shaw

Carried

24.0 FEES AND CHARGES: RESOURCE CONSENTS BUSINESS UNIT

Document number 1040524, agenda pages 217 - 232 refer.

Resolved

THAT the new or changed fees and charges for resource consents under s.36 of the Resource Management Act 1991 be adopted as detailed in Attachment 1 to Report No 1040524 and notified by

the Special Consultative Procedure in accordance with Section 83 of the Local Government Act 2002;

AND THAT the fees and charges under s.36 of the Resource Management Act apply as from 1 July 2011 subject to Annual Plan approval;

AND THAT the fees and charges for Resource Management Planning Documents remain unchanged and be adopted as detailed in Attachment 1 to Report No 1040524;

AND THAT the fees and charges for Property Information remain unchanged and be adopted as detailed in Attachment 2 to Report No 1040524;

AND THAT the charges excluding charges under s.36 of the Resource Management Act apply as from 15 March 2011 until such time as they are varied or amended by Council.

Reese/Shaw

Carried

25.0 COMPETITIVE CITIES SUBMISSION

Document No. 1034370, agenda pages 193 - 204 refer

Resolved

THAT the attached submission (Document 1026417) on the Ministry for the Environment discussion document "Building Competitive Cities: Reform of the Urban and Infrastructure Planning System" be confirmed.

Collingwood/Copeland

Carried

26.0 STANDING ORDERS 3.3.7 – DURATION OF MEETINGS

Resolved

THAT in accordance with Standing Orders paragraph 3.3.7 the meeting continue beyond six hours.

Barker/Rainey

Carried

27.0 PUBLIC EXCLUDED MINUTES

27.1 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 Minutes - Council Meetings Community Services and Infrastructure 3 February 2011

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage;
and

To protect the privacy of natural persons.

ii) Public Excluded Governance Status Report

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage;
and

To protect the privacy of natural persons.

iii) Chief Executive Public Excluded Report to Council

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage;
and

To protect the privacy of natural persons.

iv) Nelson City Council – Tasman District Council Engineering Services Agreement

Reason:

To enable the Council to carry out negotiations without prejudice or disadvantage.

v) Appointment of Regional Transport Committee Regional Representatives

Reason:

To protect the privacy of natural persons.

vi) Appointment of Director Nelson Regional Economic Development Agency 2011

Reason:

To protect the privacy of natural persons, and carry out negotiations without prejudice or disadvantage.

vii) Public Excluded Minutes – Audit, Risk and Finance 15 December 2010

Reason:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage.

viii) Public Excluded Minutes – Joint Shareholders Committee 29 November 2010

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage;
and

To protect the privacy of natural persons.

ix) Heritage Inventory and Iwi Inventory Projects

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; and

To protect the privacy of natural persons.

Boswijk/Reese

Carried

The meeting went into public excluded session at 2.58pm and resumed in public session at 3.30pm.

27.2 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