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

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

**On Thursday 1 November 2012, commencing at 10.00am.**

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**Present:** His Worship the Mayor A Miccio, Councillors A Boswijk (Deputy Mayor), G Collingwood, R Copeland, E Davy, K Fulton (Co-Portfolio Holder), J Rackley, P Rainey, R Reese, D Shaw, M Ward (Co-Portfolio Holder)

**In Attendance:** Acting Chief Executive (R Johnson), Executive Manager Strategy and Planning (M Schruer), Executive Manager Network Services (A Louverdis), Acting Executive Manager Regulatory (M Bishop), Executive Manager Support Services (H Kettlewell), Manager Community Relations (A Ricker), Manager Quality Management (A Akhlaq), Manager Libraries (I Littleworth), Principal Adviser Transport and Roading (A James), Manager Monitoring and Research (M Workman), Planning Adviser (L Gibellini), Principal Adviser Resource Management Plan (M Heale), Tasman District Council Biosecurity Coordinator (L Vaughan), and Administration Adviser (L Canton)

**Apologies:** Councillors I Barker and P Matheson

### **Opening Prayer**

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

There were no updates to the Interests Register and no conflicts of interest were identified.

#### **2. Nelson 2012 Revaluation**

Quotable Value Revaluation Manager – Southern, Gail Smits, and Quotable Value Manager Nelson, Richard Kolff, gave a presentation (1399714). Ms Smits explained that valuations were carried out by a combination of modelling and roadside inspection. She highlighted that over the last three years Nelson residential property values had been relatively stable, and had increased overall by 5%, while industrial land values had reduced slightly.

**Attendance:** Councillor Reese joined the meeting at 10.17am.

In response to a question, Mr Kolff said that the reduction in industrial property land values was related to macro economic factors and the re-zoning of land in the region as industrial.

In response to further questions, Ms Smits advised that the possibility of liquefaction was assumed to be reflected in market prices, and that earthquake strengthening work would be reflected in valuations. Mr Kolff added that properties affected by the December 2011 Rainfall Event had been re-valued to reflect any damage, and would be re-valued again once remediation work was completed.

Ms Smits also commented that, while some historic building owners saw value in the historic nature of a building and were therefore willing to accept a lower yield, others were not.

### **3. Confirmation of Minutes – 20 September 2012**

Document number 1377240, agenda pages 1-8 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council – Policy and Planning, held on 20 September 2012, be confirmed as a true and correct record.***

Boswijk/Davy

Carried

### **4. Mayor's Report**

His Worship the Mayor advised that Council had today announced the appointment of Clare Hadley to the position of Chief Executive of Nelson City Council, with a start date of 17 December 2012. He outlined the recruitment process, noting that five candidates had been interviewed by the Chief Executive Recruitment Working Party, which had then recommended two candidates to the full Council for final interviews and the appointment. He thanked the Working Party and Manager Human Resources, Mr Gully, for their contribution to a very thorough recruitment process.

The Mayor acknowledged the work of Acting Chief Executive, Mr Johnson, and said he had very much enjoyed working with him over the previous months. He also thanked the senior staff for ensuring the organisation continued to run smoothly while the position was filled.

### **5. Status Report – Policy and Planning**

Document number 1034725 v6, agenda page 9 refer.

Resolved

***THAT the Status Report – Policy and Planning (1034725 v6) be received.***

Davy/His Worship the Mayor

Carried

## **6. Portfolio Holder's Report**

Co-Portfolio Holder, Councillor Ward tabled a report (1399983), which he read.

There was a brief discussion about the nature of working groups and the process by which they reported back to Council. The Acting Chief Executive advised that it was important that working groups document all work they did, but for some issues it could take time to develop sufficient material to support a report back to Council.

Attendance: The meeting adjourned for morning tea from 11.15am to 11.32am.

## **7. Rocks Road Shared Path**

Document number 1374486, agenda pages 10-28 refer.

The Principal Adviser Transport and Roding, Mr James, joined the meeting.

His Worship the Mayor explained that the item was to approve the Terms of Reference and the Multi-Party Funding Agreement for the investigation phase of a project to provide for cycling and walking needs along the existing corridor on Rocks Road.

In response to a question, Mr James said the Terms of Reference had been developed in conjunction with senior Council staff and New Zealand Transport Agency regional managers.

Councillor Reese, seconded by Councillor Davy, moved the motion:

*THAT the item be left to lie on the table to allow the Council to hold a public workshop to determine what it wanted to consider for the area and how it fitted into the full arterial traffic picture for the City.*

There was a discussion about what options might be considered in the investigation phase, and whether the Council wanted to specify in the Terms of Reference what options could be considered.

It was pointed out that the New Zealand Transport Agency as landowner had ultimate control over what would be undertaken on Rocks Road. Concern was expressed that the Transport Agency may use the funding of the investigation phase to investigate options for a clearway or three-laning on Rocks Road, despite Council's August 2011 resolution against such options. It was clarified that the Terms of Reference did not specify

the options to be considered in the investigation phase, and that the Agency was also aware of the August 2011 resolution. His Worship the Mayor said that the New Zealand Transport Agency had confirmed with him that its funding was not contingent on such an option. There was agreement amongst Councillors that the Council remained opposed to a clearway on Rocks Road and that the August 2011 resolution should be reaffirmed.

Councillors supporting the motion said that there were a number of issues associated with Rocks Road that needed to be considered, including the protection of Rocks Road as part of Nelson's iconic waterfront, the aim to encourage a vibrant community in the area, the need for adequate parking, and the management of its adjacent cliffs and the seawall, all of which could be compromised by a clearway or three-laning.

Councillors speaking against the motion said that the Terms of Reference as presented were sufficient, as they allowed for the appropriate investigations to be undertaken to identify all of the possible options and associated implications for building a shared path. It was suggested that it would be more useful to have a workshop once the options and implications were known.

The motion put and lost.

The meeting returned to consider the substantive motion. His Worship the Mayor, seconded by Councillor Fulton, moved an amendment to the motion adding two additional parts:

*AND THAT New Zealand Transport Agency is advised that Nelson City Council will not consider clearways on, or three-laning of, Rocks Road as part of the options in its Terms of Reference for the Rocks Road Shared Path investigation phase, as decided in the Council resolution of 11 August 2011;*

*AND THAT the Council confirm the resolution dated 11 August 2011 declaring that this Council does not support clearways as referred to in 4.3 of the report (1374486) and inform the New Zealand Transport Agency.*

The motion was put and was carried, and became the substantive motion.

Resolved

***THAT Council approves the Terms of Reference (1375150) and Multi-party Funding Agreement (1375750) for the Rocks Road Shared Path investigation phase;***

**AND THAT the New Zealand Transport Agency is advised that Nelson City Council will not consider clearways on, or three-laning of, Rocks Road as part of the options in its Terms of Reference for the Rocks Road Shared Path investigation phase, as decided in the Council resolution of 11 August 2011;**

**AND THAT the Council confirm the resolution dated 11 August 2011 declaring that this Council does not support clearways as referred to in paragraph 4.3 of the report (1374486) and inform the New Zealand Transport Agency.**

His Worship the Mayor/Fulton

Carried

His Worship The Mayor declared that the resolution had been passed unanimously.

Attendance: Councillors Rainey and Davy left the meeting at 12.28pm.

#### **8. Adoption of the Tasman-Nelson Regional Pest Management Strategy 2012-2017**

Document number 1383140, agenda pages 41-45 refer.

Manager Monitoring and Research, Mr Workman, and Tasman District Council Biosecurity Coordinator, Lindsay Vaughan joined the meeting.

Resolved

**THAT the amended Tasman-Nelson Regional Pest Management Strategy 2012-2017 (document number 1390010) be adopted;**

**AND THAT the Tasman-Nelson Regional Pest Management Strategy 2012-2017 be made operative on 7 November 2012.**

Fulton/Davy

Carried

Attendance: The meeting adjourned for lunch from 12.35pm to 1.10pm.

#### **9. St Vincent and Vanguard Streets Cycle Facilities**

Document number 1371966, agenda pages 29-35 refer.

Principal Adviser Transport and Roading, Mr James, joined the meeting.

In response to questions, he explained that the concept outlined in the report was a low-cost interim option that allowed for the protection of the route for an arterial corridor. He added that the recommendation in the

report would allow staff to start discussions with property owners as required, particularly regarding parking and resource consents.

Attendance: Councillor Copeland left the meeting at 1.15pm.

It was noted that there could be implications for the roundabouts in the area, which may need to be investigated. It was also suggested that the car parks on St Vincent Street between the fire station and the old Globe Tavern should remain as all day parking.

It was suggested, and the mover and seconder agreed, that Council should consider a project to assess the three roundabouts in the area at the upcoming workshops for the 2013/14 Annual Plan.

Attendance: Councillor Rainey returned to the meeting at 1.25pm.

Resolved

***THAT Council support the St Vincent and Vanguard Streets improvements proposed in this report (1371966);***

***AND THAT Council notes that where adjacent property owners have resource consents, which have conditions which relate to the road reserve that require alteration to effect the proposals in this report, then agreement with the affected property owners will be required to vary these consents;***

***AND THAT Council considers a project to assess the three roundabouts at the St Vincent Street/Gloucester Street, Vanguard Street/Gloucester Street, and Vanguard Street/Hardy Street intersections at the 2013/14 Annual Plan workshops.***

Boswijk/Shaw

Carried

**10. Plan Change 14 – Residential Subdivision, Land Development Manual and Comprehensive Housing**

Document number 1383081, agenda pages 36-40 refer.

Attendance: His Worship the Mayor left the meeting, and Deputy Mayor, Councillor Boswijk assumed the Chair, at 1.32pm.

Planning Adviser, Ms Gibellini and Principal Adviser Resource Management Plan, Mr Heale joined the meeting and Ms Gibellini presented the report. She noted that, according to the Resource Management Act, those provisions not subject to appeal should be made operative, and were effectively being treated as operative now.

Ms Gibellini introduced Mr Ironside of Fletcher Vautier Moore, who had provided legal advice on the plan change. In response to a question, Mr Ironside explained that according to section 86F Resource Management Act 1991, where a rule was beyond challenge it must be treated as operative in conjunction with the objectives and policies that were also beyond challenge, and that is what gave weight to the objectives and policies. It was suggested that a minor amendment was required to the plan change to reflect this.

Attendance: Councillor Copeland returned to the meeting at 1.40pm.

In response to a question about the single appeal relating to three provisions, Mr Ironside confirmed that they could be withdrawn up until the Environment Court hearing date if that was considered to be an appropriate response.

Attendance: His Worship the Mayor returned to the meeting at 1.45pm and resumed the Chair.

In response to a question about the landscaping definition, Mr Ironside said that it would continue to apply as it did presently, and as it was not subject to challenge this was an appropriate juncture to make it operative. He explained that, while there was the technical ability to withdraw a plan change at any time, this plan change had been through a judicial process of notification and hearing of submissions, and the decisions had been notified to all who took part, with only three appeals on relatively minor matters.

Mr Ironside also confirmed that there was still the ability to capture minor errors prior to making the plan change operative, under clause 16A Resource Management Act 1991, and minor editorial changes were suggested.

Concern was expressed that the reference on page 8, AD11.3.1 to 1993 calculations of future sea levels was historical and no longer accurate. Ms Gibellini advised that this text was operative and the Plan Change Working Group had discussed this matter and had agreed to wait for the release of the relevant National Policy Statement. Mr Heale confirmed that this matter could be addressed later as part of a hazards plan change on the future work programme.

Councillors agreed that the plan change represented a great step forward for the City and its future shape. They thanked Councillors Shaw, Ward, Collingwood and Copeland for their involvement on the hearing panel, and acknowledged the work of staff.

Resolved

***THAT Council approves in part, pursuant to Clause 17(2) of the First Schedule of the Resource Management Act 1991, Plan Change 14 - Residential Subdivision, Land Development Manual and Comprehensive Housing to the Nelson Resource Management Plan, as per the decisions notified on 30 June 2012 excluding those provisions subject to an appeal, refer to Attachment 1;***

***AND THAT Plan Change 14 - Residential Subdivision, Land Development Manual and Comprehensive Housing to the Nelson Resource Management Plan be made operative in part on 12 November 2012, pursuant to Clause 20(1) of the First Schedule of the Resource Management Act 1991.***

Shaw/Collingwood

Carried

## **11. Exclusion of the Public**

Attendance: His Worship the Mayor left the meeting, and Deputy Mayor, Councillor Boswijk assumed the Chair, at 2.05pm.

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:***

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	Public Excluded Policy and Planning Minutes – 20 September 2012	Section 48(1)(a) The public conduct of this matter would be likely to result in	The withholding of the information is necessary:



	These minutes confirmed the public excluded minutes of 26 June 2012 and also contain information regarding:	disclosure of information for which good reason exists under section 7	
	Proposed Purchase of Land for a Footpath		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Negotiations with a landowner to secure long-term public access along the Maitai Walkway.		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Proposed Purchase of Land for Transport Purposes, containing information regarding negotiations for the purchase of a strategic piece of land.		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Late Item – Public Excluded Resolutions and recommendations from the remuneration Review Committee Minutes of 17 August 2012, containing information regarding details of the Acting Chief Executive Performance Review and Performance and Employment Criteria 2012/2013		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> </ul>
<b>2</b>	Public Excluded Status Report – Policy and Planning – 1 November 2012  This report contains information regarding:	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary:
	Negotiations with a landowner to secure long-term public access along the Maitai Walkway.		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>

	Negotiations for the purchase of a strategic piece of land.		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
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Boswijk/Rackley

Carried

The meeting went into public excluded session at 2.05pm and resumed in public session at 2.08pm.

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

Resolved

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

Boswijk/Collingwood

Carried

There being no further business the meeting ended at 2.08pm.

Confirmed as a correct record of proceedings:

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