
Minutes of a meeting of the Nelson City Council - Policy and Planning

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

On Thursday 17 May 2012, commencing at 9.06am

Present: His Worship The Mayor Aldo Miccio (Chairperson), Councillors I Barker, A Boswijk (Deputy Mayor), G Collingwood, R Copeland, E Davy, K Fulton, R Reese, D Shaw, and M Ward

In Attendance: Acting Chief Executive (R Johnson), Acting Executive Manager Community Services (R Ball), Acting Executive Manager Regulatory (M Bishop), Chief Financial Officer (N Harrison), Executive Manager Support Services (H Kettlewell), Executive Manager Network Services (A Louverdis), Executive Manager Strategy and Planning (M Schruer), Manager Roading and Solid Waste (S Davies), Monitoring Officer (P Fisher), Principal Advisor Resource Management Plan (M Heale), Manager Administration (P Langley), Manager Building (T Quinton-Boundy), Manager Community Relations (A Ricker), Monitoring Coordinator (P Sheldon), and Administration Adviser (L Canton)

Apologies: Were received and accepted from Councillors P Matheson, J Rackley, and P Rainey

Opening Prayer

Councillor Davy gave the opening prayer.

1. Conflicts of Interest

No updates to the Conflicts of Interest Register were noted.

Councillor Reese declared a conflict of interest with section 3 of Agenda item 6, the Chief Executive Report – Policy and Planning (Operative Plan Change 21).

2. Confirmation of Minutes – 5 April 2012

Document No. 1268727, agenda pages 1-10 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Policy and Planning, held on 5 April 2012, be confirmed as a true and correct record.

His Worship the Mayor/Boswijk

Carried

3. Status Report – Policy and Planning

Document No. 1034725, agenda pages 11-12 refer.

Resolved

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

His Worship the Mayor/Shaw

Carried

4. Portfolio Holder's Report

Councillor Ward briefly outlined his interest in urban planning and acknowledged the skills and experience that Councillor Reese had brought to the role as the previous portfolio holder. He encouraged Councillors to support the Framing our Future vision, and said he was looking forward to working with Policy and Planning co-portfolio holder, Councillor Fulton.

Councillor Ward also advised that Council staff would be drafting a submission to Gambling (Gambling Harm Reduction) Amendment Bill. He noted that due to the submission deadline of 21 June 2012, details would be circulated to all Councillors by email, for their input. The draft submission would then be presented to a Council meeting for confirmation.

5. Chief Executive Report – Policy and Planning

Document No. 1267519, agenda pages 13-24 refer.

Resolved

THAT the Chief Executive Report – Policy and Planning (1267159) be received.

His Worship the Mayor/Fulton

Carried

5.1 Operative Plan Change 21

Attendance: Councillors Barker, Boswijk, Shaw, Ward and Reese declared a conflict of interest with this item and sat back from the table.

A division was called.

Councillor	
Councillor Barker	Conflict
Councillor Boswijk	Conflict
Councillor Collingwood	Yes
Councillor Copeland	Yes
Councillor Davy	Yes
Councillor Fulton	Yes
Councillor Matheson	Absent
Councillor Rackley	Absent
Councillor Rainey	Absent
Councillor Reese	Conflict
Councillor Shaw	Conflict
Councillor Ward	Conflict
His Worship the Mayor	Yes

Resolved

THAT Council approves, pursuant to Cl.17(1) of the First Schedule of the Resource Management Act 1991, Plan Change 21 to the Nelson Resource Management Plan, as per the decisions notified on 3 March 2012;

AND THAT Plan Changes 21 to the Nelson Resource Management Plan be made operative on 28 May 2012, pursuant to Cl.20(1) of the First Schedule of the Resource Management Act 1991.

Davy/Copeland

Carried

6. Tasman Nelson Regional Pest Management Strategy

Document No. 1278692, agenda pages 25-28 refer.

Monitoring Officer, Paul Fisher, and Monitoring Coordinator, Paul Sheldon, joined the meeting. In response to questions, Mr Sheldon reminded Councillors that impending changes to the Biosecurity Act had led to this 'simplified' review of the Strategy. He said staff would continue monitoring and researching information required for pest control purposes.

Resolved

THAT the Proposed Tasman Nelson Regional Pest Management Strategy 2012-2017 be notified for public submission with the following changes made to the Tasman Nelson Regional Pest Management Strategy 2007-12:

- ***Removal of the requirement for occupiers of land containing Argentine or Darwin's ants to bait but adding a provision to require Councils to continue treatment of roadside berms and reserve margins to slow ant spread;***
- ***Inclusion of European canker into the Strategy as a Boundary Control Pest, modelled on the Fireblight rule;***
- ***Inclusion of kiwifruit "wildings" into the Strategy as a Regional Surveillance Pest;***
- ***Inclusion of Climbing Asparagus as a Progressive Control Pest in eastern Golden Bay in a defined area between Motupipi and Pohara;***
- ***Inclusion of a section on biological control and the National Biocontrol Collective funded by Councils and by the Department of Conservation;***
- ***Inclusion of a section on the Top of the South Marine Biosecurity Partnership funded by the Ministry of Agriculture and Forestry and the three Top of the South Councils.***

Ward/Copeland

Carried

7. Building Business Unit: Fees and Charges

Document No. 1244115, agenda pages 29-44 refer.

Attendance: Councillor Reese declared an interest in this item and left the room at 9.22am.

The Acting Executive Manager Regulatory, Mandy Bishop, and Manager Building, Tracy Quinton-Boundy, joined the meeting. In response to questions, Ms Bishop confirmed that the additional administration required by the new Licensed Building Practitioner scheme was affecting Councils nationwide. She also said the fee for exemption under the Fencing of Swimming Pools Act 1987 was reduced because Council could not charge for hearing costs.

There was a brief discussion about the proposed charges for technical advice beyond 15 minutes, and Code Compliance Certificate decision letters. The Acting Chief Executive explained that the staff role was to audit each project to ensure regulations had been followed. He said that any additional advice would be inappropriate, and staff would instead advise customers to contact an independent consultant. Ms Quinton-Boundy advised that the proposed fee for decision letters reflected the considerable administrative time involved.

In response to questions, Ms Quinton-Boundy advised that the budgeted increase in take from general rates in 2012/13 reflected non-chargeable costs such as the proposed position for a structural engineer to implement Council's Earthquake Prone Buildings Policy, staff costs which had been transferred from the Building Consents Authority function to the Territorial Authority function, the ongoing monitoring of approximately 40 Section 124 notices, and general meetings with customers.

It was noted that the intent of the proposed fees and charges was to ensure that charges for building activity followed a user pays model, rather than being borne by all ratepayers.

Councillors then briefly discussed building consent fees and charges for remedial works to properties affected by the rain event of 14 December 2011. The Acting Chief Executive advised that the current policy did not provide a mechanism for the remission of these fees, and noted that building liability issues were associated with such works. It was also noted that Council should encourage homeowners to ensure their insurance policies included cover for consent fees. In response to a question, the Chief Financial Officer, Nikki Harrison, advised that staff time was recorded as a recovery cost, but costs were also shown against other activities to enable staff to carry out accurate governance reporting.

Councillors thanked staff for their work to identify the increasing non-recoverable costs under the Territorial Authority function, which provided clarity for the public about what constituted public and private costs.

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, Building Amendment Act 2012 and the Fencing of Swimming Pools Act 1987, be adopted as detailed in Attachment 1 to Report No 1244115;

AND THAT the new schedule of fees and charges be adopted from Monday 21 May 2012;

AND THAT properties affected by Rain Event of 14 December 2011 not be subsidised for building consent fees and charges.

Boswijk/Fulton

Carried

CROSS COUNCIL ITEMS

8. Remuneration of Elected Members July 2012 to June 2013 Amended

Document No. 1289474, tabled as a late item.

Attendance: Councillor Reese re-joined the meeting at 10.00am.

Resolved

THAT the item regarding amended Remuneration of Elected Members 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/His Worship the Mayor

Carried

The Manager Administration, Penny Langley, joined the meeting. The Deputy Mayor spoke to the recommendation and suggested that Councillors consider keeping her remuneration at the current level and distributing the difference amongst all other Councillors. A view was expressed that the Deputy Mayor's role carried a significant additional workload and remuneration for the position should reflect this, in which case Option B was the most appropriate option.

There was a discussion about Option A and the extent of additional work required of portfolio holders. There was general agreement that the role of portfolio holder did carry additional responsibilities and a higher workload, although the level of additional time commitment varied for individual Councillors. A view was expressed that greater remuneration for portfolio holders would allow portfolio holders to fully commit themselves to the role.

Councillor Fulton, seconded by Councillor Collingwood, moved an amendment to the recommendation to substitute Option A for Option B.

It was noted that individual Councillors who were not portfolio holders frequently undertook additional responsibilities in representing Council, and this often resulted in an increased workload. There was some agreement that the even remuneration split outlined in Option B best reflected this. Following this discussion, the amendment was withdrawn.

Councillor Copeland, seconded by Councillor Shaw, moved an amendment to the recommendation to substitute a variation of Option A for Option B, whereby the Deputy Mayor would receive \$40,000, Co-Portfolio Holders would receive \$34,562, and Councillors would receive \$30,812.

The amendment was put, and lost. His Worship the Mayor and Councillor Reese abstained from voting.

Attendance: Councillor Reese left the meeting at 10.15am.

Resolved

THAT the following resolution at the 24 April 2012 Council – Community Services meeting be revoked:

THAT the current remuneration system be confirmed to apply from July 2012 to June 2013 and for referral to the Remuneration Authority;

AND THAT the option to divide the indicative remuneration pool equally among all Councillors, with the Deputy Mayor receiving an additional \$7,500 (Option B), be confirmed as the system of remuneration to apply from July 2012 to June 2013 and for referral to the Remuneration Authority;

AND THAT the following procedural items agreed through the 24 April 2012 report (1266819) be reaffirmed for referral to the Remuneration Authority:

- ***The expenses policy for elected members approved on 30 June 2011 be submitted as it stands to the Remuneration Authority;***
- ***The Mayoral salary for July 2012 to June 2013 be \$116,300.***

Davy/Barker

Carried

Attendance: The meeting adjourned for morning tea from 10.28am-10.42am, during which time Councillor Reese re-joined the meeting.

9. Exclusion of the Public

There was a brief discussion about the item regarding the National Policy Statement on Electricity Transmission item contained in the public excluded minutes of the previous meeting. Concern was expressed that

any potential negotiations should be carried out in public session to ensure disclosure for all parties affected.

Attendance: Councillor Reese left the meeting at 10.45am.

Recommendation

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	<p>Public Excluded Policy and Planning Minutes 3 April 2012</p> <p>These minutes contain information regarding:</p> <ul style="list-style-type: none"> • a joint proposal from two commercial parties for the development of land which includes Council infrastructure. • the National Policy Statement on Electricity Transmission Plan Change Update. 	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7(2)(i) To carry out negotiations
2	<p>Status Report – Policy and Planning</p> <p>The report contains information regarding a joint proposal from two commercial parties for the development of land which includes Council infrastructure.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations

4	Proposed Purchase of Land for a Footpath	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
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His Worship the Mayor/Collingwood

Carried

The meeting went into public excluded session at 10.45am and resumed in public session at 10.55am.

10. 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 10.55am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date