

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

Held in the Council Chamber, Civic House, Trafalgar street, Nelson

On Thursday 5 April 2012, commencing at 9.02am

Present: Councillors A Boswijk (Chairperson), I Barker, E Davy, K Fulton, P Matheson, J Rackley, R Reese, D Shaw and M Ward

In Attendance: Acting Chief Executive (R Johnson), Executive Manager Strategy and Planning (M Schruer), Executive Manager Network Services (A Louverdis), Executive Manager Support Services (H Kettlewell), Chief Financial Officer (N Harrison), Executive Manager Kaihautū/Community Relations (G Mullen), Acting Executive Manager Community Services (R Ball), Manager Human Resources (S Gully), Manager Policy and Planning (N McDonald), Manager Strategic Response (C Ward), Principal Adviser Resource Management Planning (M Heale), Principal Adviser City Development (D Jackson), Principal Adviser Reserves and Community Facilities (A Petheram), Planning Advisers (R Peterson, L Gibellini and P Rawson), Graduate Planning Adviser (P Harrington), Policy Adviser (S Yarrow), Communications Advisers (A Hamblin and N Ward), and Administration Adviser (E-J Ryan).

Apologies: Were received and accepted from His Worship the Mayor (A Miccio), Councillors G Collingwood, R Copeland, and P Rainey

Opening Prayer

Councillor Davy gave the opening prayer.

1. Conflicts of Interest

There were no updates to the Conflicts of Interest register noted.

With regards to agenda items, Councillor Boswijk declared a conflict of interest with the parts of item 5, the Chief Executive Report – Policy and Planning that related to Inner City Noise.

Councillors Shaw and Ward declared conflicts of interest with any parts of item 7, Landscape Conservation Plan for Queen’s Gardens that related to the Suter Gallery redevelopment plans.

Councillor Reese declared a conflict of interest with item 8, Rates Remission Policy for Land Affected by Natural Calamity.

2. Mayor's Report

Councillor Boswijk gave a brief report. She said that some of the Government funds relating to the Christchurch Earthquake Recovery had been invested as bonds, and that consequently there had been some delays in accessing these funds, and she asked Councillors to be mindful of practical elements such as this in relation to the disaster recovery fund included within the proposed Long Term Plan.

3. Status Report – Policy and Planning

Document number 1034725, agenda pages 1-2 refer.

The Acting Chief Executive gave a brief update regarding the Nelson Harbour Navigation and Safety Bylaw. He said that the submission period had closed, that no submitters wished to be heard, and that submissions would be considered at a meeting on 10 May 2012.

Resolved

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

Reese/Shaw

Carried

4. Portfolio Holder's Report

Councillor Reese spoke about the importance of the Resource Management Act 1991, and encouraged Councillors to have as thorough an understanding of the Act as possible, as it was one of the primary pieces of legislation that Councillors administered. She also encouraged Councillors to take heed of the obligations within the Act to ensure planning consistency across territorial authority boundaries, and she asked Councillors to be mindful of this, regardless of the outcome of the poll on the union of Nelson City and Tasman District.

Resolved

THAT the verbal Policy Holder's Report be received.

Boswijk/Rackley

Carried

5. Chief Executive Report – Policy and Planning

Document number 1250921, agenda pages 3-6 refer.

The meeting considered the report page by page.

5.1 Plan Change 16 –Inner City Noise

Attendance: Councillor Boswijk sat back from the table and did not take any part in the discussion or decision-making of this item.

Resolved

THAT the Councillor Reese assume the Chair for the duration of item 5 relating to Inner City Noise.

Boswijk/Reese

Carried

Principle Adviser Resource Management Planning, Mr Heale, and Planning Adviser, Mr Peterson, joined the meeting, and explained the background regarding Plan Change 16. They spoke about the tension between those wanting to produce noise, and those who did not wish to receive it, and the difficulty of monitoring noise in the inner city, which made the current plan difficult to enforce.

In response to a question, Mr Peterson explained that the drafting instructions regarding the plan change stemmed from the Nelson Resource Management Plan objectives, which sought a vibrant inner city, whilst allowing residential activity to occur. He said that the Heart of Nelson strategy encouraged residential intensity around and in the city centre to increase vibrancy. Mr Heale added that the monitoring of noise was a technical issue, that New Zealand standards existed regarding noise, and further technical advice would be sought before bringing a draft plan change to Council. He added that, after being considered by Council, the draft Plan Change would be released for pre-notification consultation.

Councillors discussed the issue of inner city noise, and several expressed disappointment that a number of recent events had been shut down early due to noise complaints. Some Councillors considered that it was important to have residents living in the city to ensure that the city was vibrant, whereas other Councillors emphasised that residents who chose to live in the central city had made the choice to live in a noisy environment. There was general agreement amongst Councillors that a balancing act was required to ensure that the inner city was vibrant, but that nuisance issues of noise could be taken care of.

In response to a question, the Acting Chief Executive distinguished the plan change process and the recent resource consent applications by Council to allow amplified sound at events in open spaces. He explained that the resource consent applications involved Council in its capacities as land owner and event organiser, and that these applications would be decided on by independent commissioners. In contrast, he said, the plan change process involved Council acting as policy-maker to decide on the noise levels included in the Plan.

5.2 Commissioner's Decisions on Plan Change A2

Attendance: Councillor Boswijk resumed the Chair.

In response to a question, it was clarified that an independent Commissioner had been appointed to hear and make decisions on submissions to Plan Change A2, and that Council would not be formally receiving the submissions.

Resolved

THAT the Chief Executive Report – Policy and Planning (1250921) be received.

Boswijk/Shaw

Carried

6. City Development Strategy

Document number 1234740, agenda pages 7-14 refer.

Principal Adviser City Development, Mr Jackson, joined the meeting and spoke to the report. He said that the report proposed commencing stage one of the City Development Strategy, which largely comprised of information gathering. He added that there was no detailed work programme associated with the City Development Strategy as yet.

Councillors discussed the proposed City Development Strategy. Some Councillors were concerned that Council should be involved at a very early stage of the work programme, to ensure that the strategy became a key piece of work with Councillor and community buy-in. Other Councillors felt that rather than focusing on high-level plans, Council should proceed with developing areas of Nelson, such as Stoke or Tahunanui. It was emphasised that the different communities would also need to be involved to ensure that each unique community's vision for its area was encapsulated within the strategy.

In response to a question, the Acting Chief Executive explained that the Sustainability Strategy would also feed into the City Development Strategy. He explained that Council needed to connect its delivery of services with its high-level strategic visions, but emphasised that such high-level strategies needed to be data-led, as Council was constrained by its level of resourcing. He added that the City Development Strategy aimed to consider what work needed to be done, in which sequence, and for what purpose.

Councillor Fulton suggested that the name of the strategy be changed from the City Development Strategy to the Nelson Development Strategy, to emphasise that the strategy was about the overall development of Nelson as a city, rather than just the inner city. This was agreed to.

Resolved

THAT Stage One of the Nelson Development Strategy as set out in report 1234740 be commenced in the 2012/13 financial year and the outcome presented for Council consideration by 28 February 2013, along with recommendations for Stage Two of the Strategy.

Davy/Fulton

Carried

Attendance: The meeting adjourned for morning tea from 10.23am to 10.37am.

7. Landscape Conservation Plan for Queen's Gardens

Document number 1241563, agenda pages 15-33 and additional memorandum refer.

Attendance: Councillors Shaw and Ward sat back from the table and did not take part in the discussion or decision-making touching upon the proposed Suter Gallery redevelopment plans.

Manager Policy and Planning, Ms McDonald, joined the meeting, and explained that following on from the public hearings regarding the Queen's Gardens Landscape Conservation Plan, the submissions received would be sent to the author of the Plan for consideration, and that the Plan would then be brought back to Council to receive.

Ms McDonald explained that the draft Long Term Plan currently indicated Council's support for the redevelopment and stated the project would result in the loss of the two oak trees on Suter land. She noted that staff needed a decision at this meeting if that wording was to be changed and funding in the draft Long Term plan moved to a later year to enable investigation of other options for the redevelopment. In response to a question, she confirmed that the Suter redevelopment could be revisited by Council following the receipt of public submissions to the proposed Long Term Plan.

Councillors discussed the Landscape Assessment, and noted that while its conclusions were preliminary, it had raised significant issues around the interface between Queen's Gardens and the Suter Gallery redevelopment. Some Councillors were concerned that the issue was greater than whether the two oak trees were required to be removed or not, and that more focus should be placed upon the proposed footprint of the redeveloped Suter Gallery.

There was general agreement amongst Councillors that it was important to refer to the existence of the Landscape Assessment in the proposed Long Term Plan and to have the Landscape Assessment available to the

public, but not to make any value judgments in relation to the impact on the landscape.

A question was raised as to whether a change to the Nelson Resource Management Plan was required, or whether the findings of the Queen's Gardens Landscape Conservation Plan could be considered through the Heritage Plan Change investigation currently underway. A suggestion was made that the third paragraph of the recommendation be altered to state:

AND THAT the relevant elements of the recommendations in the Queen's Gardens Landscape Conservation Plan relating to heritage values be considered as part of the current Heritage Plan Change investigation.

Resolved

THAT submissions received commenting on the Landscape Conservation Plan for Queen's Gardens be provided to the author of the Plan for consideration, and an amended or confirmed Plan be brought back to Council so that it can be received;

AND THAT the information contained in the Landscape Conservation Plan for Queen's Gardens be used as a guide for asset/activity management purposes until such time as management policies for the Gardens are adopted through a Horticultural Parks Reserve Management Plan;

AND THAT the relevant elements of the recommendations in the Landscape Conservation Plan for Queen's Gardens relating to heritage values be considered as part of the current Heritage Plan Change investigation.

Matheson/Rackley

Carried

Resolved

THAT the report entitled Landscape Assessment Suter Art Gallery Redevelopment Proposal Nelson City (1266108) be received.

Matheson/Davy

Carried

8. Rates Remission Policy for Land Affected by Natural Calamity

Document number 1241549, agenda pages 34-37 refer.

Attendance: Councillor Reese declared a conflict of interest and sat back from the table for the duration of this item.

Resolved

THAT the Rates Remission Policy for Land Affected by Natural Calamity in document 1253502 be adopted with any amendments following the hearing of submissions;

AND THAT the amended Rates Remission Policy for Land Affected by Natural Calamity be adopted as an amendment to the 2009-2019 Nelson Community Plan.

Davy/Shaw

Carried

REPORTS FROM COMMITTEES

9. Minutes of a meeting of the Nelson City Council to hear and Consider Submissions to the Queen's Gardens Conservation Plan – Thursday 22 March

Document number 1258858, agenda pages 38-47 refer.

Resolved

THAT the minutes of the meeting of the Nelson City Council to Hear and Consider Submissions to the Queen's Gardens Conservation Plan held on Thursday 22 March 2012, be confirmed as a true and correct record.

Barker/Shaw

Carried

10. Exclusion of the Public

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:

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>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
2	<p>Public Excluded Chief Executive Report – Policy and Planning</p> <p>The report contains information on the National Policy Statement on Electricity Transmission Plan Change Update.</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)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations

Boswijk/Reese

Carried

The meeting went into public excluded session at 11.10am and resumed in public session at 11.22am.

11. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Boswijk/Davy

Carried

There being no further business the meeting ended at 11.24am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date