

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

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

On Tuesday 26 June 2012, commencing at 1.00pm

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

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), Executive Manager Kaihautū/Community Relations (G Mullen) and Administration Adviser (A Rose)

Apologies: An apology was received and accepted from Councillor I Barker

Opening Prayer

The opening prayer was given by Councillor Davy.

1. Conflicts of Interest

There were no updates to the Conflicts of Interest Register indicated or any conflicts of interest with items in the agenda identified.

2. Public Forum

2.1 Future of Natureland

Mr Bill Leonard addressed Council regarding the future of Natureland and asked Councillors to bear in mind that its animal inmates were sentient beings. He said he placed a high priority on the elimination of suffering and killing. In Council's planning for the future of Natureland, he said, he will be looking for as little intervention as possible in the lives of the animals at Natureland.

His Worship the Mayor thanked Mr Leonard for his presentation.

3. Confirmation of Minutes

3.1 Policy and Planning -17 May 2012

Document No. 1293717, agenda pages 1-9 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Policy and Planning, held on 17 May 2012, be confirmed as a true and correct record.

His Worship the Mayor/Collingwood

Carried

4. Mayor's Report

There was no Mayor's report.

5. Status Report – Policy and Planning

Document No. 1034725 v 3, agenda pages 10-11 refer.

Resolved

THAT the Status Report – Policy and Planning (1034725 v 3) be received.

His Worship the Mayor/Rainey

Carried

6. Portfolio Holder's Report

Councillor Fulton said she was really looking forward to her new role as Co-portfolio Holder for Policy and Planning with Councillor Ward. She said she was enjoying her time as a Councillor and found it very rewarding.

7. Chief Executive Report – Policy and Planning

Document No. 1296818, agenda pages 12-14 refer.

7.1 Operative Plan Change A2

Resolved

THAT Council approves, pursuant to Cl.17(1) of the First Schedule of the Resource Management Act 1991, Plan Change A2 to the Nelson Air Quality Plan, as per the decisions notified on 7 April 2012;

AND THAT Plan Change A2 to the Nelson Air Quality Plan be made operative on 9 July 2012, pursuant to Cl.20(1) of the First Schedule of the Resource Management Act 1991.

Davy/Boswijk

Carried

Resolved

THAT the Chief Executive Report – Policy and Planning (1296818) be received.

Davy/Boswijk

Carried

8. Lewis Stanton – Trafalgar Street Footpath Occupation – The Way Forward

Document No. 1310190, agenda pages 15-27 refer.

The Executive Manager Network Services, Alec Louverdis presented the report.

The view was expressed that it was difficult for Mr Stanton, in this modern age, to live how he wants to live, and Councillors should try and act with compassion towards him.

In answer to a question, it was confirmed that a brazier could not be used from the beginning of May to the end of August under the Nelson Air Quality Plan.

Councillor Fulton seconded by Councillor Ward moved a motion based on the recommendation that sought in principle to issue a special camping permit to Mr Stanton, but first the matter to lay on the table for at least six weeks so that consultation could be carried out with Mr Stanton and other affected persons.

This motion was developed during discussion with the mover and seconder agreeing to various minor additions and alterations.

During discussion Councillor Reese asked if any Councillors had had meetings with Mr Stanton and discussed with him matters that had been the subject of previous public excluded Council business.

His Worship the Mayor said that Councillors were not obliged to answer the question.

Councillor Reese expressed disappointment that the Mayor, Councillor Ward and Councillor Copeland had had such a meeting with Mr Stanton and questioned their integrity for doing so.

Under Standing Order 3.3.11 the Mayor called upon Councillor Reese to withdraw the remark regarding the Councillor's integrity and Councillor Reese accordingly withdrew the comment.

Resolved

THAT the matter lie on the table for at least six weeks and consultation with affected persons be carried out, and the matter and the results of consultation be brought back for further discussion at a Council meeting;

AND THAT in principle the Council issue a special permit according to clause 4.1(d) of the Camping Bylaw to Mr Stanton;

AND THAT this special permit include the following conditions:

- **that Mr Stanton collect and suitably dispose of all his horse manure;**
- **that the term of any special permit issued to Mr Stanton be for a maximum period of 12 months, followed by a review;**
- **that Mr Stanton be prohibited from using open fires for cooking or heating;**
- **that Mr Stanton be allowed to use a contained fire (brazier or similar) for heating and the use of a barbeque for cooking purposes;**
- **that Mr Stanton be allowed a maximum of three nights stay at any site;**
- **that the special permit allow Mr Stanton access to camp in the following areas close to existing ablution facilities and within 50 metres of the boundary of:**
 - **Branford Park**
 - **Queen Elizabeth II Drive mounds (adjacent to Founders Path boundary)**
 - **Guppy Park surrounds**
 - **Pioneers Park (St Vincent/Hastings Street corner)**

as outlined in red on the maps at Attachment 1 to report 1310190.

Fulton/Ward

Councillor Reese called for a division

Councillor Barker	Absent
Councillor Boswijk	No
Councillor Collingwood	No
Councillor Copeland	Yes

Councillor Davy	Abstained
Councillor Fulton	Yes
Councillor Matheson	Yes
Councillor Rackley	No
Councillor Rainey	Yes
Councillor Reese	No
Councillor Shaw	Yes
Councillor Ward	Yes
His Worship the Mayor	Yes

The Mayor declared the motion carried.

9. Orana Wildlife Trust – Natureland’s Future

Document No. 1305944, agenda pages 28-59 refer.

9.1 Late Item Orana Wildlife Trust – Natureland’s Future

His Worship the Mayor said a request had been made for Councillors to be provided with two confidential letters from the Orana Wildlife Trust as background information to assist them in making a decision on this matter.

He said in accordance with section 46a(7) of the Local Government Official Information and Meetings Act 1987 a procedural resolution was required before these letters could be received and any discussion of them could take place.

He explained that the reason why these letters were not on the agenda was because they had not been attached to the report Orana Wildlife Trust – Natureland’s Future (1305944) in order that the report could be received in public and discussion on the report held in public.

It was further explained that the reason why the discussion of this item could not be delayed until a subsequent meeting and needed to be considered at this meeting was because of the need for urgency.

Resolved

THAT the item regarding the two letters from the Orana Wildlife Trust regarding Natureland’s future 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.

His Worship the Mayor/Reese

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	Correspondence from Orana Wildlife Trust dated 18 May 2011 and 24 May 2012, regarding impacts on Orana Wildlife Trust and Natureland, and Natureland funding agreement and future.	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)(c) To protect information that is subject to an obligation of confidence• Section 7(2)(i) To carry out negotiations

His Worship the Mayor/Shaw

Carried

The meeting went into public excluded session at 1.59pm and resumed in public session at 2.05pm.

11. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Davy

Carried

The meeting then resumed its consideration of report 1305944.

Following discussion, the recommendation in the report was moved by Councillor Davy and seconded by Councillor Collingwood.

An amendment was moved by Councillor Reese seconded by Councillor Matheson adding to the recommendation

THAT an invitation be extended to the Tahunanui Business Association to nominate a member to assist the Working Party.

This amendment was put and **lost**.

A further amendment was moved by Councillor Matheson seconded by Councillor Rainey to insert the words 'by 30 November 2012' after the word 'Council' in the third clause of the recommendation.

The amendment was put and **carried** and it was resolved

THAT an Expression of Interest process be undertaken, which seeks to identify potential new operators for Natureland or an alternative use for the site;

AND THAT Councillors Boswijk, Barker, Reese, Rainey and His Worship the Mayor be appointed to a Working Group to consider the Expressions of Interest received;

AND THAT the Working Group recommend to Council, by 30 November 2012, options regarding the future of Natureland after Expressions of Interest have been assessed.

Matheson/Rainey

Carried

12. Submission to Road Maintenance Task Force, Review of Road Maintenance Regime – Interim Report

Document No. 1306055, agenda pages 60-132 refer.

The Principal Adviser Transport and Roothing, Andrew James, joined the meeting and presented the report.

Resolved

THAT the submission to the Road Maintenance Taskforce on its Review of Road Maintenance Regime – Interim Report (1303147) be confirmed;

AND THAT the submission be lodged with the Road Maintenance Taskforce.

Matheson/Fulton

Carried

13. Parking Policy and Inner City Zone Prohibited Area Boundaries of the Parking and Vehicle Control Bylaw 2011

Document No. 1264720, agenda pages 133-149 refer.

Resolved

THAT the Statement of Proposal (1266643) including the draft Parking Policy (1079202) and map of the revised Inner City Zone prohibited area (1271274), be released for consultation in accordance with Section 83 of the Local Government Act 2002;

AND THAT Council hear submissions on the draft Parking Policy (1079202) and the amendment to the Parking and Vehicle Control Bylaw 2011 (No 207) which provides for a revised Inner City Zone prohibited area (map 1271274) at a Council hearing on 4 September 2012;

AND THAT Council make decisions on submissions on the draft Parking Policy (1079202) and the amendment to the Parking and Vehicle Control Bylaw 2011 (No 207) which provides for a revised Inner City Zone prohibited area (map 1271274) at the Council meeting on 1 November 2012.

Fulton/Rackley

Carried

REPORTS FROM COMMITTEES

14. Regional Funding Forum – 30 April 2012

Document No. 1282727, agenda pages 150-154 refer.

Resolved

THAT the minutes of the meeting of the Regional Funding Forum, held on 30 April 2012, be received.

Reese/Davy

Carried

It was noted that there needed to be some delegations established for the Regional Funding Forum.

15. Meeting to Hear and Deliberate on Submissions to the Proposed Rates Remission Policy for Land Affected by Natural Calamity – 3 April 2012

Document No. 1266800, agenda pages 155-157 refer.

Resolved

THAT the minutes of the meeting to hear and deliberate on submissions to the proposed Rates Remission Policy for Land Affected by Natural Calamity, held on 3 April 2012, be received.

Collingwood/Shaw

Carried

16. Discussion of Public Forum Item – Natureland’s Future

It was agreed that Mr Leonard’s comments would be borne in mind by the Working Party, set up to recommend to Council options for the future of Natureland, after Expressions of Interest have been assessed.

17. Public Excluded Business

17.1 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	Public Excluded Policy and Planning Minutes - 17 May 2012 These minutes contain 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:
	Confirmation of public excluded minutes of the Policy and Planning meeting of 5 April 2012, including discussion regarding the National Policy Statement on Electricity Transmission Plan Change.		<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
	Proposed Purchase of Land for a Footpath.		<ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
2	Public Excluded Status Report – Policy and Planning 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:
	A joint proposal from two commercial parties for the development of land which includes Council infrastructure.		<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
	Advice to the Minister regarding issues involving the National Policy Statement on Electricity Transmission.		<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
	Proposed Purchase of land for a Footpath		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
3	Maitai Walkway – Access Arrangements This report contains information regarding negotiations with a landowner to secure long-term public access along the Maitai Walkway	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)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations

Davy/His Worship the Mayor

Carried

The meeting went into public excluded session at 2.50pm and resumed in public session at 3.10pm.

18. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Davy

Carried

There being no further business the meeting ended at 3.10pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date