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## Minutes of a meeting of the Nelson City Council

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

On Thursday 17 April 2014, commencing at 9.06am

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Present: Her Worship the Mayor (R Reese), Councillors L Acland, I Barker, R Copeland, E Davy, K Fulton, M Lawrey, B McGurk, P Matheson, P Rainey, T Skinner, and M Ward

In Attendance: Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Support Services/Acting Group Manager Community Services (H Kettlewell), Acting Group Manager Strategy (N McDonald), Chief Financial Officer (N Harrison), Kaihautuu (G Mullen), Manager Communications (A Ricker), Manager Administration (P Langley), Administration Adviser (L Laird)

Apologies: Councillor G Noonan, and Councillors K Fulton and P Matheson (for lateness)

### Opening Prayer

Councillor Skinner read the opening prayer.

#### 1. Apologies

Resolved

***THAT apologies be received and accepted from Councillor Noonan, and from Councillors Fulton and Matheson for lateness.***

Her Worship the Mayor/Davy

Carried

#### 2. Interests

Councillor Lawrey declared an interest with item 7 on the agenda, Draft Local Alcohol Policy – Adjourned Deliberations.

#### 3. Confirmation of Order of Business

Her Worship the Mayor said an additional public forum from Glen Beattie would be heard at the meeting.

## 4. Public Forum

### 4.1 Event Big Top

Aly Cook gave a power point presentation (A1170850) and tabled a document (A1170845). Ms Cook encouraged the Council to consider purchasing a 'big top' to provide a suitable venue for large events in Nelson, particularly since the Trafalgar Centre's closure.

Ms Cook presented illustrations of 'big tops' that were available for purchase, and provided the Council with costs for each. She said the 'big tops' could be erected in three months yet could also provide emergency shelter in the event of an earthquake. She added that they could be used in any weather conditions.

In response to a question, Ms Cook proposed Richmond Racecourse as a suitable venue but said she could explore Nelson venues if required.

Attendance: Councillor Matheson joined the meeting at 9.15am.

Ms Cook added that she could arrange a contract for the erection and dismantling of the tent, yet once it was erected it did not require any further maintenance.

Attendance: Councillor Fulton joined the meeting at 9.17am.

In response to a further question, Ms Cook said she considered a six or eight pole tent an adequate size for Nelson events based on the population size of the city.

### 4.2 Parking, Lewis Stanton and Legal Highs

Glen Beattie spoke to the Council about parking on Bridge Street. He said he was the owner of Beetees, that currently trading was difficult, and was being further constrained by the parking facilities in Nelson.

Mr Beattie presented options for the Council to consider that may assist in alleviating the parking constraints he was experiencing, including a subsidy payable by shop owners to subsidise free parking in the central city. Mr Beattie commented on the new parking enforcement regime, and suggested that it was deterring shoppers from using the central city.

Mr Beattie then encouraged the Council to carefully consider the policy it puts in place to control the purchase of legal highs in the central city. He said he was experiencing abhorrent behaviour across the road from his store from the crowds that gathered to purchase legal highs.

Mr Beattie briefly covered issues relating to Mr Lewis Stanton, and asked the Council to consider creating a bylaw.

In response to questions about parking, Mr Beattie said he was aware of the Parking Strategy that was currently open for consultation, and

would consider submitting. Mr Beattie also clarified that if Council did introduce a rating on shop owners to subsidise free parking, he did not consider the exclusive use of car parks outside his shops would be required. He also said he had talked to other businesses about this idea and most seemed to support it.

In response to questions about legal highs, Mr Beattie said he considered the problem in Bridge Street had worsened recently.

Her Worship the Mayor said she would follow up with the Police the concerns Mr Beattie had about the behaviour occurring on that part of Bridge Street in relation to the purchase of legal highs.

## 5. Confirmation of Minutes

5.1 6 March 2014

Document number A1154199, agenda pages 14-25 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council, held on 6 March 2014, be confirmed as a true and correct record.***

Barker/Lawrey

Carried

5.2 27 March 2014

Document number A1164477, agenda pages 26-36 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council, held on 27 March 2014, be confirmed as a true and correct record.***

Ward/Her Worship the Mayor

Carried

## 6. Public Status Report – Council 17 April 2014

Document number A1168168, agenda page 37 refers.

In response to a question, officers advised that the Nelson Gondola and Adventure Park feasibility report had not yet been received and officers would request that the funding be repaid to Council if the report was not received in the coming weeks.

Resolved

**THAT the Public Status Report – Council 17 April 2014 (A1168168) be received.**

Barker/Lawrey

Carried

## **7. Mayor's Report**

Her Worship the Mayor spoke to the report and said the Mayor's Report would remain a vehicle for decision making purposes only. Oral updates on her activities would be made to councillors through another mechanism, she added.

Her Worship the Mayor further added that the decision regarding the Economic Development Agency Liaison Group would be dealt with later in the meeting.

Resolved

**THAT the Mayor's Report (A1167329) be received.**

Her Worship the Mayor/Matheson

Carried

## **8. Draft Local Alcohol Policy – Adjourned Deliberations**

Document number A1150845, agenda pages 42-47 refer.

Attendance: Councillor Lawrey declared an interest and left the meeting for the duration of this item.

Acting Group Manager Strategy, Nicky McDonald and Policy Adviser Susan Moore-Lavo, joined the meeting and spoke to the report.

Ms McDonald updated the Council on the current appeals taking place through the Alcohol and Regulatory Licensing Authority (ARLA). It was confirmed that the Council may get some guidance from the outcome of these appeals, however the timeline for their completion was not known at this stage.

Ms McDonald advised that the report presented a procedural decision for the Council to decide whether to re-commence the deliberations. Ms McDonald further advised that the Council has the option to revise the draft policy, and re-consult, based on further deliberations. She emphasised that further development of the Local Alcohol Policy (LAP) was constrained until such a time as the deliberations took place.

In response to further questions, Ms McDonald said it would be advisable to re-consult after the deliberations meeting was reconvened to allow the Council more time to consider the main issues.

The Council then discussed the 'Inner City Zone' definition that had resulted in the previous deliberations meeting being adjourned. Officers tabled a document (A1179004) providing legal advice on the 'Inner City Zone' definition as proposed in the draft LAP, and a map (A1179002) of the proposed area.

Officers further advised that the Local Government Act 2002 did not provide guidance as to the optimal time period between hearings and deliberations, however prolonging the process would make it harder to make good decisions, as the Council would become too distant from the submissions.

The Council discussed the 'Inner City Zone' definition including what area they considered to be applicable to the LAP, and if this was accurately represented in the tabled map. Councillors considered that there was inconsistency between the 'Inner City Zone' map and the 'cbd' map, and that councillors intended the 3am closure times to apply to a smaller area than that provided in the 'Inner City Zone' map.

Councillors also discussed whether it could be reasonably inferred to look at the relevant map in the Nelson Resource Management Plan. It was agreed that submitters would not be expected to do this.

Attendance: the meeting adjourned for morning tea from 10.25 – 10.42am.

Resolved

***THAT the report Draft Local Alcohol Policy –  
Adjourned Deliberations (A1150845) be  
received.***

Barker/Matheson

Carried

The meeting then considered whether there was merit in reconvening the deliberations at this point, or re-consulting on a revised draft LAP. The Council acknowledged the importance of ensuring the process was compliant with the principles of good decision making. A majority of councillors expressed the preference to continue the deliberations on the basis that a revised policy could be re-consulted based on the submissions. A minority view expressed concern with continuing the deliberations on the basis that the process was already flawed.

The Chief Executive advised that the decision required of the Council would not result in the process being abandoned, but would allow the Council an opportunity to consider further information and make a decision as to the next steps. She also advised that to avoid pre-determination, councillors should not consider the next steps at this meeting.

Resolved

***THAT a Council meeting is scheduled to continue deliberations on submissions to the Draft Local Alcohol Policy.***

Ward/Fulton

Carried

Councillor Barker requested his vote against the motion be recorded.

**9. Plan Change 16 Inner City Noise Hearing Panel**

Document number A1168400, agenda pages 48-49 refer.

Attendance: Councillor Lawrey re-joined the meeting 11.16am.

Resolved

***THAT the report Plan Change 16 Inner City Noise Hearing Panel (A1168400) be received;***

***AND THAT the membership of the Hearing Panel for Plan Change 16 Inner City Noise consists of an independent Commissioner as Chair and Councillor Barker and Councillor Davy as Council Commissioners.***

Her Worship the Mayor/McGurk

Carried

**10. Nelson Regional Sewerage Business Unit: Annual Report 2012/13**

Document number A1161744, agenda pages 50-100 refer.

Resolved

***THAT the report Nelson Regional Sewerage Business Unit: Annual Report 2012/13 (A1108542) and its attachment (A1108542) be received.***

Matheson/Davy

Carried

## REPORTS FROM COMMITTEE

### 11. Hearings Panel – 26 February 2014

Document number A1151562, agenda pages 101-103 refer.

Resolved

***THAT the unconfirmed minutes of a meeting of the Hearings Panel, held on 26 February 2014, be received.***

Davy/Her Worship the Mayor

Carried

### 12. Chief Executive Employment Committee – 5 and 17 March 2014

Document number A1150670, agenda pages 104-106 refer.

Resolved

***THAT the unconfirmed minutes of a meeting of the Nelson City Council Chief Executive Employment Committee, held on 5 and 17 March 2014, be received.***

Her Worship the Mayor/Acland

Carried

### 13. Works and Infrastructure Committee – 13 March 2014

Document number A1156828, agenda pages 107-116 refer.

Resolved

***THAT the unconfirmed minutes of a meeting of the Nelson City Council Works and Infrastructure Committee, held on 13 March 2014, be received.***

Davy/Lawrey

Carried

#### 13.1 Review of Nelson Public Transport NBus Service

There was a discussion about how changes to the service should be considered particularly in relation to fare adjustments, alternate travel for those outside the service area and route changes. The Chief Executive advised that changes could be provided to the public with a long lead-in time that provided clear explanations of the proposed changes.

Resolved

***THAT weekend services on the Nelson-Richmond arterial routes are increased by modifying the weekday timetables on the Atawhai, Brook and Victory routes, including deleting the first and last trips each weekday, so that there is no increase to the contract cost;***

***AND THAT medium term recommendations from the review that require more investigation and planning will be brought back to Council through the 2015 Long Term Plan process.***

Copeland/Lawrey

Carried

- 13.2 Hay Property, 23 Matangi Street – Offer of Gift of Land for Reserve

Resolved

***THAT the land described as Lot 2 LT459935 and shown on Plan MC1 (Attachment 1, A1114889) be accepted as a gift for purpose of a Local Purpose Reserve;***

***AND THAT the proposed Local Purpose Reserve, Lot 2 LT459935, shown on Plan MC1(Attachment 1) be named 'Hay's Reserve' in recognition of the Hay family's longstanding presence in the Stoke area and their generous gift to the City;***

***AND THAT Council take note that the donor has no expectation that the walkway will be finalised to any standard other than a simple gravel track on receipt of the land by Council.***

Davy/Copeland

Carried

14. Nelson Regional Sewerage Business Unit – 14 March 2014

Document number A1163334, agenda pages 117-123 refer.

Resolved

***THAT the unconfirmed minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 14 March 2014, be received.***

Copeland/Ward

Carried

15. Community Services Committee – 27 March 2014

Document number A1163376, agenda pages 124-131 refer.

Resolved

***THAT the unconfirmed minutes of a meeting of the Nelson City Council Community Services Committee, held on 27 March 2014, be received.***

Rainey/Skinner

Carried

15.1 Brook Waimarama Sanctuary Fence and Conservation Centre

Resolved

***THAT Council obtains formal confirmation from the Brook Waimarama Sanctuary Trust that it has reached its funding target.***

***THAT Council directs officers to provide a summary of Council's biodiversity output with a particular focus on opportunities to leverage the work undertaken in the Sanctuary.***

Rainey/Davy

Carried

15.2 Heritage Activity Management Plan

There was a discussion about the inclusion of the Anchor Building and the State Advances Building into an activity management plan rather than an asset management plan. It was considered that these buildings currently had no activity taking place within them, so may be best located in an asset management plan.

The Council considered whether the buildings having heritage status constituted reason enough for their inclusion in the Heritage Activity Management Plan (AMP). Some councillors were concerned that if the buildings were included in an asset management plan their heritage value may be reduced as the asset management plan may not adequately address the heritage value of the buildings.

There was agreement that maintaining the heritage value of the buildings was paramount.

It was agreed to alter the wording of the Heritage AMP to include reference that these two buildings maintain the potential to have heritage activity value. Officers noted that the Heritage AMP would be altered to address this issue yet confirmed that the AMP would only note its activity potential and separate it from asset ownership issues.

It was noted that this decision was not an indication that Council was locking these buildings into Council ownership and limiting the use of these buildings for only heritage uses, and that Council would always consider commercial re-use, or the sale of, these buildings.

Resolved

***THAT the Heritage Activity Management Plan 2015-2025 (A372602) be adopted as the version that will inform the Long Term Plan 2015-2025, with the inclusion of the Anchor Foundry building and the State Advances building.***

Fulton/Copeland

Carried

**16. Works and Infrastructure Committee – 13 March 2014 (continued)**

Document number A1156828, agenda pages 107-116 refer.

**16.1 State Advances Building – Way Forward**

Upon discussion, councillors recognised the importance of ensuring that any future developments to the State Advances Building maintained the heritage value of the building, and that such criteria should be included in the tendering process.

Attendance: The meeting adjourned from 11.57am to 12.00pm.

It was agreed that a decision on the State Advances Building should reflect Council's preference for adaptive reuse, however Council could still consider demolition of the site. Councillors considered that such a decision was a fair and considered approach without being too prescriptive.

There was a minority view that Council should wait until the outcome of the Property Assets Review, and that the community's view on the future use of this building should be gauge before a decision is made.

Resolved

***THAT Council confirms that the State Advances building is surplus to requirements;***

***AND THAT Council agrees to call for expressions of interest on the open market to ascertain commercial interest and future options for the re-development of the building/site that will guide Council in future decision making, with priority being given to expressions of interest that recognise the***

*heritage values of the building and offer adaptive reuse of it;*

**AND THAT the basis of expressions of interest be that Council does not have to accept any proposal.**

Her Worship the Mayor/Fulton

Carried

**17. Community Services Committee – 27 March 2014 (continued)**

17.1 Provision of Public Pianos in the CBD

Resolved

**THAT Council support a pilot project to have two public pianos for a trial period of 12 months.**

**THAT Council not take on any ownership or management of the piano once supplied.**

**THAT the Chief Executive is delegated the authority to terminate the trial at any time should the need arise.**

Ward/Rainey

Carried

**18. Governance Committee – 3 April 2014**

Document number A1167749, agenda pages 132-139 refer.

Resolved

**THAT the unconfirmed minutes of a meeting of the Nelson City Council Governance Committee, held on 3 April 2014, be received.**

Barker/Davy

Carried

18.1 Nelson City Council Governance Statement 2013-2016

Resolved

**THAT the Nelson City Council Governance Statement 2013–2016 (A303851) be adopted.**

Barker/McGurk

Carried

- 18.2 The Bishop Suter Trust Statement of Intent 2014/15 and Half Yearly Report

Resolved

***THAT the Bishop Suter Trust Statement of Intent 2014/17 be approved for signing.***

Barker/Matheson

Carried

- 18.3 Nelmac Statement of Intent 2014/15 and Half Yearly Report

Resolved

***THAT the Nelmac Statement of Intent 2014/15 be approved for signing subject to minor edits.***

Barker/Acland

Carried

- 18.4 Nelson Regional Economic Development Agency Statement of Intent 2014/15 and Half Yearly Report

Resolved

***THAT the Nelson Regional Economic Development Agency Statement of Intent 2014/15 be approved for signing subject to minor edits;***

***AND THAT prior to 30 June 2014 Council engage further with the Nelson Regional Economic Development Agency in relation to the Regional Economic Development Strategy and strategic initiatives for 2014/15.***

Barker/Acland

Carried

- 19. Nelson City Council Tasman District Council Joint Shareholders Committee – 4 April 2014**

Document number A1166416, agenda pages 140-144 refer.

Resolved

***THAT the unconfirmed minutes of a meeting of the Nelson City Council Tasman District Council Joint Shareholders Committee, held on 4 April 2014, be received.***

Barker/Matheson

Carried

- 19.1 Tasman Bays Heritage Trust Draft Statement of Intent 2014/15 and Half Yearly Report

Resolved

***THAT the Tasman Bays Heritage Trust Draft Statement of Intent and Strategic Plan 2014/15 be approved for signing.***

Barker/Davy

Carried

20. **Nelson Tasman Civil Defence Emergency Management Group – 4 April 2014**

Document number A1166432, agenda pages 145-147 refer.

Resolved

***THAT the unconfirmed minutes of a meeting of the Nelson Tasman Civil Defence Emergency Management Group, held on 4 April 2014, be received.***

Barker/Her Worship the Mayor

Carried

21. **Exclusion of the Public**

Her Worship the Mayor noted there had been some changes to the public excluded table noted in items 1, 5 and 7.

Resolved

***THAT the amendments to the public excluded table on the agenda for the 17 April 2014 Council meeting be received and accepted.***

Her Worship the Mayor/McGurk

Carried

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><b>Council – Public Excluded – 6 March 2014</b></p> <p>These minutes contain information regarding:</p> <p>Trafalgar Centre – Update Report</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"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> </ul>
2	<p><b>Council – Public Excluded – 27 March 2014</b></p> <p>These minutes contain information regarding:</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>
	<p>Regional Landfill Proposal - Update</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
3	<p><b>Public Excluded Status Report – Council 17 April 2014</b></p> <p>This report contains information regarding:</p> <p>Regional Landfill Proposal - 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"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
4	<p><b>Nelson Regional Sewerage Business Unit – Public Excluded – 14 March 2014</b></p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the</li> </ul>

	These minutes contain information regarding:  Chairperson's Report	result in disclosure of information for which good reason exists under section 7	privacy of natural persons
5	<b>Chief Executive Employment Committee – Public Excluded</b>  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:
	Proposed KPIs 2013/14		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
	Preparation for the Chief Executive's Proposed Performance Agreement 2014/15		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
6	<b>Community Services Committee – Public Excluded – 27 March 2014.</b>  These minutes confirm the minutes of 28 January 2014 and also contain information regarding:  Founders Leases 2014	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"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
7	<b>Governance Committee – Public Excluded – 3 April 2014</b>  These minutes contain information regarding:  Management Letter from Audit New Zealand to Council for the Year Ending 30 June 2014	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"> <li>• Section 7(2)(g) To maintain legal professional privilege</li> </ul>
8	<b>Nelson City Council Tasman District Council Joint Shareholders Committee – Public Excluded – 4 April 2014</b>  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	The withholding of the information is necessary:

		exists under section 7	
	Nelson Airport Ltd – Statement of Intent 2014/15		<ul style="list-style-type: none"> <li>Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> </ul>
	Nelson Airport Ltd – Half Yearly Report to 31 December 2013		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
	Nelson Tasman Tourism – Statement of Intent		<ul style="list-style-type: none"> <li>Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> </ul>
<b>9</b>	<p><b>Nelson Tasman Civil Defence Emergency Management Group</b></p> <p>These minutes confirm the minutes of 12 March 2014 Nelson Tasman Civil Defence Emergency Management Group Co-ordinating Executive Group.</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"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> </ul>

Her Worship the Mayor/Matheson

Carried

The meeting went into public excluded session at 12.21pm and resumed in public session at 1.54pm.

## 22. Re-admittance of the Public

Resolved

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

Her Worship the Mayor/Matheson

Carried

## 23. Mayor's Report (continued)

Document number A1167329, agenda pages 38-41 refer.

Her Worship the Mayor spoke to the report.

Attendance: Councillor Barker left the meeting at 1.55pm.

The Council discussed whether there was an opportunity for a third councillor to attend the EDA Liaison Group meetings as an observer.

Attendance: Councillor Lawrey left the meeting at 2.00pm

It was agreed that because Tasman District Council were appointing two representatives, that it would not be appropriate for a third from Nelson. It was also noted that this was a high-level discussion meeting only and that a limited membership was preferable.

It was agreed that Her Worship the Mayor would ask at the meeting if observers could attend.

Resolved

***AND THAT Her Worship the Mayor Rachel Reese and Deputy Mayor Paul Matheson be appointed to the Economic Development Agency Liaison Group.***

Her Worship the Mayor/McGurk

Carried

There being no further business the meeting ended at 2.10pm.

Confirmed as a correct record of proceedings:

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