

## Minutes of a meeting of the Nelson City Council

Held in the Council Chamber, Civic House, 110 Trafalgar Street,  
Nelson

On Thursday 11 December 2014, commencing at 9.03am

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

In Attendance: Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Corporate Services (N Harrison), Group Manager Community Services (C Ward), Group Manager Strategy and Environment (C Barton), Manager Communications (P Shattock), Administration Manager (P Langley), and Administration Adviser (G Brown)

Apology: Councillor Fulton for lateness

### Opening Prayer

Councillor Skinner gave the opening prayer.

#### 1. Apology

Resolved

***THAT an apology be received and accepted from Councillor Fulton for lateness.***

Her Worship the Mayor/Rainey

Carried

#### 2. Confirmation of Order of Business

There were no changes to the order of business.

#### 3. Interests

There were no updates to the Interests Register, and no interests with agenda items were declared.

4. **Public Forum**

There was no public forum.

5. **Mayor's Report**

There was no Mayor's report.

6. **Approval to Award the Contract for the Suter Art Gallery Upgrade**

Document number A1270967, agenda pages 6-13 refer.

Major Projects Engineer, Phil Hamblin presented the report. Mr Ian McLennan and Mr John Hambleton from the Suter Trust Board joined Mr Hamblin.

In response to a question, Mr Hamblin advised that the concept design could be circulated to councillors, and that it was not currently on the Nelson City Council (NCC) website.

In response to a further question, Mr Hamblin confirmed there was a contingency plan in relation to risks with ground conditions at the Suter Art Gallery. However, he advised that ground conditions had been tested and results suggested any issues would be low risk.

Resolved

***THAT the report Approval to Award the Contract for the Suter Art Gallery Upgrade (A1270967) be received;***

***AND THAT Council approve the tender for \$7,996,663 from Scott Construction Ltd for the building upgrade and landscaping;***

***AND THAT Council note that this acceptance is on the basis that this is a multi-year contract over two financial years and that the contract be considered a committed contract with funding to be approved to complete the project in the 2015/16 financial year.***

Davy/Her Worship the Mayor

Carried

7. **Solid Waste: Regional Landfill Implementation**

Document number A1279055, agenda pages 14-25 refer.

Chief Executive, Clare Hadley presented the report.

Attendance: Councillor Fulton joined the meeting at 9.14am

In response to a question, Mrs Hadley advised that the daily average truck loads through York Valley weighbridge peaked between 2004 and 2006 due to a healthy economy. She added that it was likely truck movements would remain the same or reduce.

In response to a further question, Mrs Hadley said the intent of clause 8 in the Memorandum of Understanding (MoU) was to highlight that the bulk of waste would be delivered to York Valley, and that Eves Valley would be available to both councils should unexpected events take place. She added that the resource consent for two years was rolling and it was agreed that 'rolling' should be inserted into this clause.

Mrs Hadley informed councillors that the binding deed was not proposed to come back to Council and that a legal adviser would be compiling the deed incorporating the alterations discussed at this meeting.

It was discussed that clause 11 did not expressly state the issues of capital costs. Mrs Hadley indicated the MoU was not compiled to be a legally binding document and a legal adviser would be provided with all relevant documentation regarding the regional landfill. She said that she was open to councillors viewing the deed once compiled.

In response to questions, Mrs Hadley advised that covered truck loads were secured but not compacted. She referred to clause 5.2 of the report and advised that Council officers were collaborating with contractors for their cooperation in relation to the speed of trucks going to the York Valley landfill and quarry.

Mrs Hadley clarified clause 5.5 of the officer's report stating that if Tasman District Council (TDC) could not convert to closed bins before 1 October 2015, then it was expected that TDC would be able to comply not long after this date. She indicated that January 2016 would be outside the scope of the conversations with TDC.

In response to a question, Mrs Hadley said that the light blue in attachment 2 'Daily Average Truck Loads through York Valley weighbridge' was a daily average for Nelson and Tasman combined and compacted waste, and the dark blue was for both councils not compacted but covered waste.

There was discussion around clause 20 of the MoU that described the circumstances in which the Stabilisation Fund may be drawn down, and it was highlighted that this should only occur to smooth out variations and replenish both councils if experiencing a loss. It was agreed that the criteria would be on equal terms for both councils.

It was agreed that clause 11 of the MoU needed to be more explicit, and that the binding deed needed to be brought back to Council for ratification.

Attendance: The meeting adjourned at 9.44am until 9.47am.

Mrs Hadley informed councillors that clause 11 would be amended to reflect discussions, and a legal adviser would interpret the MoU to ensure that there was no erosion of ratepayer value to date.

There was a discussion in relation to the change in culture regarding waste minimisation, and this would be reflected in diminishing levels of waste. It was added that a cautious approach had been taken with the regional landfill process and that it was a beneficial step forward. However, it was noted that continuous improvement in relation to solid waste processes should continually be investigated.

Resolved

**THAT the report *Solid Waste: Regional Landfill Implementation (A1279055)* and its attachments (*A1286088* and *A1285263*) be received;**

**AND THAT Council approve the amended Memorandum of Understanding between Nelson City Council and Tasman District Council attached to this report (*A1286088*);**

**AND THAT the amended Memorandum of Understanding between Nelson City and Tasman District Councils form the basis of a binding deed;**

**AND THAT the binding deed be brought back to Council before signing for ratification;**

**AND THAT the effective date be from 1 July 2015, as per the Memorandum of Understanding;**

**AND THAT officers write to all submitters advising of Council's decision;**

**AND THAT in line with the 20 November 2014 resolution, further work be undertaken in 2015 to determine whether the effectiveness and efficiency of solid waste management activities can be improved across the two districts, and if so to undertake a more fundamental review of the activities;**

**AND THAT work to upgrade a portion of the sewer pipe between Caltex garage and Waimea Road (part of the York Stream upgrade scheduled for 2015/16) be brought forward to**

*this financial year at an estimated cost of \$50,000.*

Her Worship the Mayor/Rainey

Carried

## **8. Draft Urban Environments Bylaw**

Document number A1267611.

Group Manager Strategy and Environment, Clare Barton, Manager Planning Matt Heale, Manager Environmental Inspections Limited, Stephen Lawrence, and contractor Debra Bradley presented the report.

Attendance: The meeting adjourned from 9.58am until 10.08am. During this time Councillor Fulton left the meeting and returned at 10.10am.

Ms Barton informed councillors that to date, discussions had taken place with staff reviewing a range of data, including a number of workshops held and information received from Police. In addition, she said that discussions were held with a number of interest groups, and a People's Panel survey was provided to 400 people and feedback was received.

Mr Heale spoke to a Powerpoint (A1288817) and referred to attachment 3 Urban Environment Bylaw provisions.

In response to a question, Mr Heale advised that since 2010 NCC had received approximately two complaints annually with regards to bees. He said there would be no provision within the Urban Environments Bylaw, as this issue would be dealt with through the Nelson Resource Management Plan under adverse effects. In addition, he said that the Health Act also provided information on this issue.

In response to a question, Mr Lawrence advised that if a complaint was received, it was investigated and action taken if required. He indicated negotiation and mediation was used where possible.

Mr Lawrence said that wasps were a pest management issue and if on private land was a landowner issue.

In response to a question, Mr Heale said he had contacted the Medical Officer of Health who referred him to Allergy New Zealand where he was informed that approximately 1% of the population were susceptible to allergic reactions to stings.

Attendance: Councillor Ward left the meeting at 10.38am and returned at 10.41am.

It was discussed that excrement should be included within the Draft Urban Environments Bylaw within the purpose; however, it was advised that this would be included under odour.

It was noted that many of the buildings within the Central Business District (CBD) had no numbers identified on the buildings.

Attendance: Councillor Lawrey and Acland left the meeting at 10.58am and returned to the meeting at 11.00am.

It was discussed that the busking provision should be changed to one hour instead of 30 minutes as it was currently stated.

Chief Executive, Clare Hadley advised that provisions existed for when complaints were received.

In response to a question, Mr Lawrence advised that enforcement consequences would mean that a fine of up to \$20,000 could be received by a busker. He also stated that Council could seize the property; however, Mr Lawrence advised that he had never seized property.

There was general agreement that the provision should be extended to one hour, but not within a continuous period.

Attendance: The meeting adjourned for morning tea from 11.08am until 11.17am.

There was discussion that the provisions for sandwich boards should remain the same, or have a two metre width of footpath space available for pedestrians.

Flashing illuminated signs were discussed, and the reason for controlling these types of signs was due to an accumulated effect and to ensure consistency with the NRMP.

It was noted that if an item was not utilised for advertising then it did not fall within the sandwich board definition.

Attendance: Councillor Copeland left the meeting at 11.37am.

There was general agreement that the location preference for sandwich boards was against the kerb.

It was noted that the type of parking in Nelson needed to be considered along with the preferred placement of sandwich boards.

Attendance: Councillor Copeland returned at 11.45am.

Concerns were raised that the definition of sandwich boards was not consistent throughout the Draft Urban Environments Bylaw.

Attendance: The meeting adjourned at 11.49am until 11.50am.

Ms Barton clarified that the definition of sandwich board within the Draft Urban Environments Bylaw needed to be changed to remove 'or to be affixed to a building'.

In response to a question, Ms Bradley informed councillors that a mannequin for example would require a permit to be located on the footpath.

Attendance: Councillor Barker left the meeting at 12.09pm and returned at 12.11pm.

In response to a further question, Ms Bradley said that car washing in a carpark was permitted by Council as the activity was not a nuisance or safety risk.

Attendance: Councillor Lawrey left the meeting at 12.13pm.

Mr Lawrence informed councillors that the Customer Service Centre had approximately six itinerant traders queries per year and a permit was required for this activity.

Attendance: Councillor Noonan left the meeting at 12.15pm. Councillor Noonan and Lawrey returned to the meeting at 12.16pm.

Attendance: Councillor Davy left the meeting at 12.17pm and returned at 12.19pm

Attendance: Councillor Ward left the meeting at 12.19pm and returned at 12.22pm.

Ms Bradley informed councillors that she had spoken with New World supermarket, Prices Pharmacy and Nikau Apartments and all were supportive of being included in the alcohol ban areas.

Mr Heale advised that the alcohol ban could be on private land if it was accessible by the public. He added that NMIT already had an alcohol free policy.

Attendance: Councillor Fulton left the meeting at 12.31pm.

There were concerns raised around the data collected and that detailed information was required to make an informed decision.

Mrs Hadley advised that the alcohol ban was not enforced by Council but by the Police and resulted in criminal convictions. She advised that councillors needed to be satisfied whether there was sufficient cause and effect as data was required to show that there were issues with a high level of crime and disorder fuelled by alcohol.

It was noted that the current provisions were established in approximately 2002.

Attendance: The meeting adjourned for lunch at 12.40pm and resumed at 1.12pm. During this time Councillor Acland left the meeting.

It was discussed that existing provisions in the NRMP needed to be investigated so there was no overlap with the bylaw. It was noted that

if provisions did not add to the environmental outcomes of Nelson City they should be removed.

Attendance: Councillor Matheson and Skinner returned to the meeting at 1.18pm.

In response to a question, Mr Heale advised that the control of alcohol in publicly and privately owned spaces was about possession rather than purchase which was covered by a liquor licence.

It was discussed that justification was required for the bylaw so there needed to be a degree of evidence for the CBD and additional areas. There were concerns raised in relation to the robustness of the crime statistics; however, it was mentioned that areas could be proposed by resolution and a special consultative procedure was not required.

There was general agreement that the additional areas of Victory Square and Wigzell Park should be included in the alcohol ban area; however, there was uncertainty around Rutherford Park and the Maitai Walkway.

It was noted that the bylaw was to aid Police and the partnership with Council should be to provide NCC with the appropriate statistics, which was needed in order to extend or reduce the alcohol ban zone.

Attendance: The meeting was adjourned from 1.43pm until 1.47pm at which time Councillor Fulton returned to the meeting.

Mrs Hadley referred to section 147A of the Local Government Act and said that crime and disorder would occur before a bylaw was compiled, therefore illustrating the need for a bylaw. She advised that if the Police could justify the inclusion of Wigzell Park and Victory Square then Council would retain these as alcohol ban areas.

It was noted that confirmation from the Police was required, and there was general agreement that the bylaw should go out for consultation with the additional areas included.

Attendance: Councillor Fulton left the meeting at 2.00pm.

In response to a question, Mr Lawrence said that low risk was defined by an activity that would not lead to alcohol activity harm.

Attendance: Councillor Fulton returned to the meeting at 2.02pm. Councillor Copeland left the meeting at 2.07pm.

In response to a question, Ms Bradley said all natural burials were digitally recorded.



**9. 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><b>Appointment of Trustees - Nelson School of Music Trust</b></p> <p>This report contains information regarding:</p> <p>The appointment of Council representatives to the Nelson School of Music Trust Board.</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>
2	<p><b>Reappointment of Trustees to the City of Nelson Civic Trust</b></p> <p>This report contains information regarding:</p> <p>The reappointment of Civic Trust Trustees</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/Rainey

Carried

The meeting went into public excluded session at 2.23pm and resumed in public session at 2.25pm.

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

Resolved

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

Her Worship the Mayor/Barker

Carried

**11. Draft Urban Environments Bylaw (Cont'd)**

Resolved

**THAT the report Draft Urban Environments Bylaw (A1267611) and its attachments (A1281082, A1281105, A1285908, A1269064 and A1281085) be received;**

Her Worship the Mayor/Matheson

Carried

Her Worship the Mayor moved the following motion, seconded by Councillor Matheson.

*AND THAT the amended Statement of Proposal, the draft Urban Environments Bylaw, and the Summary of the Statement of Proposal in documents A1281082, A1281105 and A1281085 be approved following consideration of section 155 of the Local Government Act and advertised using the Special Consultative Procedure (section 86 of the Local Government Act), with a submission period from 13 December 2014 to 23 February 2015;*

*AND THAT the Planning and Regulatory Committee hear submissions in March 2015;*

*AND THAT the Planning and Regulatory Committee deliberate and make decisions on submissions in April 2015;*

*AND THAT the Planning and Regulatory Committee recommend to Council that an amended bylaw be adopted, reflecting the Committee's decisions on submissions, in mid-2015.*

Councillor Fulton moved and Councillor Barker seconded an amendment.

*AND THAT Council hear submissions in March 2015;*

*AND THAT Council deliberate and make decisions on submissions in April 2015;*

The amendment was discussed and it was highlighted that the Planning and Regulatory Committee could refer the recommendations to Council even if submissions were not heard by Council; however, it was decided that the delegations were in place for a reason and therefore the Planning and Regulatory Committee should hear and deliberate on submissions.

The amendment was put and lost.

Her Worship the Mayor returned to the original motion which was taken in parts.

**AND THAT the amended Statement of Proposal, the draft Urban Environments Bylaw, and the Summary of the Statement of Proposal in documents A1281082, A1281105 and A1281085 be approved following consideration of section 155 of the Local Government Act and advertised using the Special Consultative Procedure (section 86 of the Local Government Act), with a submission period from 13 December 2014 to 23 February 2015;**

Her Worship the Mayor/Matheson

Carried

**AND THAT the Planning and Regulatory Committee hear submissions in March 2015;**

**AND THAT the Planning and Regulatory Committee deliberate and make decisions on submissions in April 2015;**

Her Worship the Mayor/Matheson

Carried

**AND THAT the Planning and Regulatory Committee recommend to Council that an amended bylaw be adopted, reflecting the Committee's decisions on submissions, in mid-2015.**

Her Worship the Mayor/Matheson

Carried

There being no further business the meeting ended at 2.48pm.

Confirmed as a correct record of proceedings:

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