Minutes of the Final Council Meeting for the Triennium 2010-2013

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

On Thursday 29 September 2013, commencing at 9.02am

| Present: | His Worship the Mayor, A Miccio, Councillors I Barker, A Boswijk, G Collingwood, R Copeland, E Davy, K Fulton, P Matheson, J Rackley, P Rainey, R Reese, D Shaw, M Ward, |
|----------------|--|
| In Attendance: | Chief Executive (C Hadley), Acting Chief Financial Officer (T Hughes), Executive Manager Regulatory (R Johnson), Executive Manager Support Services/Acting Executive Manager Community Services (H Kettlewell), Executive Manager Network Services (A Louverdis), Executive Manager Kaihatū/Community Relations (G Mullen), Manager Human Resources (S Gully), Manager Administration (P Langley), Manager Policy and Planning (N McDonald), Manager Strategic Response (C Ward), Manager Community Relations (A Ricker), Policy Adviser (P Harrington), Planning Adviser (L Gibellini), and Administration Adviser (L Canton) |

Opening Prayer

Councillor Davy gave the opening prayer.

1. Confirmation of Order of Business

His Worship the Mayor reminded Councillors that the Council meeting on 16 September 2013 to deliberate on submissions regarding the Proposed Sale of Land for Commercial Development had lapsed and accordingly, the business remaining must be dealt with as the first item of business at this meeting.

Attendance: His Worship the Mayor left the meeting at 9.04am and the Deputy Mayor assumed the Chair.

2. Interests

The Chairperson reminded members to provide updates to the Interests Register if necessary.

Councillor Matheson declared an interest with regard to item 3.3 of the agenda, the minutes of the meeting of Council – to deliberate on submissions to the Gambling Policy Review on 8 August 2013.

3. Deliberation on Submissions to the Potential Sale of Land for Commercial Development

Document number 1588542

The Chairperson noted that the meeting of 16 September 2013 had lapsed while a motion, moved by Councillor Shaw and seconded by Councillor Copeland, was under debate. Councillors Shaw and Copeland agreed to withdraw the motion.

It was noted that additional information had been received indicating that Farmers Trading Company's (FTC) had now received more flexible lease terms from its current landlord, which would allow all parties more time to consider alternatives for a new FTC site.

Councillors acknowledged that in general, submitters had expressed a desire to retain FTC in the central business district, but were concerned with aspects of the current statement of proposal including price, equity of opportunity, access, location, and the possible impact of the development on other central city retailers.

There was agreement that it was essential to retain an FTC store in the central business district, and that Council supported the process of exploring all possible options to achieve this.

There was a discussion about how this could be achieved. Councillors discussed the possibility of the Chief Executive continuing discussions with FTC while noting that there still remained a degree of urgency to reach a suitable outcome. It was suggested that in reaching a suitable outcome, Council had to consider the public good as well as financial factors, and that Council's involvement as landowner allowed it to influence a large development that could have a significant impact on the city.

Resolved

<u>THAT</u> Council advise all submitters this Statement of Proposal will not be proceeding; and

<u>THAT</u> Council thank all submitters for their efforts, and acknowledge the strong support from the community of Nelson, including many of those who opposed parts of the Statement of Proposal, for Farmers Trading Company to be retained in the City Centre;

<u>AND THAT</u> the Chief Executive be requested to travel to Auckland prior to the election to meet with Farmers Trading Company management to set out Council's clear support for retaining Farmers Trading Company in the central business district and Council's desire to find a solution acceptable to them no later than 20 December 2013;

<u>AND THAT</u> the Chief Executive report to the incoming Council, and that any Council involvement in achieving a solution, including the consideration of any of its own landholdings, be addressed as a priority;

<u>AND THAT</u> if a subsequent proposal for Wakatu Square comes forward, consultation using the special consultative procedure be undertaken.

Boswijk/Shaw

Carried

Attendance: The meeting adjourned from 9.27am to 9.40am, during which time His Worship Mayor returned to the meeting.

4. Confirmation of Order of Business (continued)

His Worship the Mayor explained that there were several late items to be considered at this meeting.

4.1 Late Items 1 and 2

Document numbers 1598360 and 1602830

Resolved

<u>THAT</u> the item regarding Council – to Deliberate on Submissions to the Camping Bylaw Revocation – 12 September 2013 be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the current Council to approve these minutes;

<u>AND THAT</u> the item regarding Draft Annual Report 2012/13 be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the current Council to receive the draft Annual Report;

<u>AND THAT</u> the item regarding Nelson Biodiversity Strategy Review 2013 be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable this Council to receive the Nelson Biodiversity Strategy;

<u>AND THAT</u> the item regarding Revocation of Camping Bylaw 2011 (220) be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the current Council to approve the revocation of this bylaw;

<u>AND THAT</u> the item regarding Delegation of Authority to Appoint Parking Wardens be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to ensure that parking enforcement activities can be managed effectively while Council meetings are suspended over the election period;

<u>AND THAT</u> the item regarding Joint Shareholders Committee – 13 September 2013 be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the current Council to receive these minutes and consider the recommendations to Council contained therein;

<u>AND THAT</u> the item regarding Nelson Tasman Civil Defence Emergency Management Group – 13 September 2013 be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the current Council to receive these minutes;

<u>AND THAT</u> the public excluded item regarding Public Excluded Minutes – Joint Shareholders Committee – 13 September 2013 be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the current Council to receive these minutes and consider the recommendations to Council contained therein.

Rackley/Boswijk

Document number 1571990, agenda pages 12-19 refer.

THAT the minutes of a meeting of the Nelson City Council – Community Services, held on 6 August 2013, be confirmed as a true and correct record.

Davy/Boswijk

Resolved

5.

5.1

5.2 Council – Infrastructure – 8 August 2013

Confirmation of Minutes

Council – Community Services – 6 August 2013

Document number 1573684, agenda pages 20-29 refer.

Resolved

<u>THAT</u> the minutes of a meeting of the Nelson City Council – Infrastructure, held on 8 August 2013, be confirmed as a true and correct record.

Davy/Collingwood

5.3 Council – to Deliberate on Submissions to the Gambling Policy Review – 8 August 2013

Document number 1572907, agenda pages 30-33 refer.

Attendance: Councillor Rainey and Councillor Matheson declared an interest and sat back from the table for this item.

Resolved

THAT the minutes of the meeting of the Nelson City Council – to Deliberate on Submissions to the Gambling Policy Review, held on 8 August 2013, be confirmed as a true and correct record.

Collingwood/Boswijk

5.4 Council – Governance – 27 August 2013

Document number 1585638, agenda pages 34-43 refer.

5

Carried

Carried

Resolved

<u>THAT</u> the minutes of a meeting of the Nelson City Council - Governance, held on 27 August 2013, be confirmed as a true and correct record.

Shaw/Ward

Carried

5.5 Council – Policy and Planning – 29 August 2013

Document number 1587883, agenda pages 44-63 refer.

A correction was noted to item 17 of the minutes, that 'Millers Acre' be amended to read 'Millers Acre Centre *Taha o te awa'*.

Resolved

<u>THAT</u> the minutes of a meeting of the Nelson City Council – Policy and Planning, held on 29 August 2013, as amended, be confirmed as a true and correct record.

Ward/Copeland

5.6 Council – Applications for Community Assistance Funding – 9 and 10 September 2013

Document number 1592850, agenda pages 64-75 refer.

Resolved

<u>THAT</u> the minutes of the meeting of the Nelson City Council - Applications for Community Assistance Funding, held on 9 and 10 September 2013, be confirmed as a true and correct record.

Fulton/Ward

Carried

Carried

5.7 Council – Extraordinary Meeting – 10 September 2013

Document number 1593516, agenda pages 76-77 refer.

Resolved

<u>THAT</u> the minutes of an Extraordinary meeting of the Nelson City Council, held on 10 September 2013, be confirmed as a true and correct record.

Fulton/Davy

<u>Carried</u>

6. Mayor's Report

His Worship the Mayor congratulated Councillor Rainey on being appointed a Member of the New Zealand Order of Merit in the Queen's Birthday Honours. He also acknowledged that today was Women's Suffrage Day and marked the 120th year of women's suffrage in New Zealand.

His Worship the Mayor also paid tribute to Councillor Shaw for 30 years working for the community as a councillor.

7. Status Reports

7.1 Status Report – Community Services

Document number 1034860 v13, agenda pages 78-79 refer.

Resolved

<u>THAT</u> the Status Report – Community Services (1034860 v13) be received.

Davy/Rackley

7.2 Status Report - Infrastructure

Document number 1034781 v11, agenda pages 80-83 refer.

Resolved

<u>THAT</u> the Status Report - Infrastructure (1034781 v11) be received.

Collingwood/Davy

7.3 Status Report - Governance

Document number 1034743 v12, agenda pages 84-45 refer.

Resolved

<u>THAT</u> the Status Report - Governance (1034743 v12) be received.

<u>Shaw/Boswijk</u>

7.4 Status Report – Policy and Planning

Document number 1034725 v12, agenda pages 86-89 refer.

7

In response to questions, His Worship the Mayor advised that a further report on geotechnical information relating to the Trafalgar Centre would come to a future Council meeting.

<u>Carried</u>

Carried

1604634

Resolved

<u>THAT</u> the Status Report – Policy and Planning (1034725 v12) be received.

Davy/Ward

8. Council – to deliberate on submissions to the Camping Bylaw Revocation – 29 August 2013 and 12 September 2013

Document number 1594285, Late Item 1 refers.

Resolved

<u>THAT</u> the minutes of a meeting of the Council – to deliberate on submissions to the Camping Bylaw Revocation, held on 29 August 2013 and 12 September 2013, be confirmed as a true and correct record.

Shaw/Ward

9. Draft Annual Report 2012/13

Document number 1576961, Late Item 1 refers.

Manager Policy and Planning, Nicky McDonald and Policy Adviser, Paul Harrington, joined the meeting. In response to questions they explained aspects of the report relating to working with Māori, and the Trust Boards of Nelson School of Music and the Nelson Historic Theatre Trust.

Resolved

<u>THAT</u> the report Draft Annual Report 2012/13 (1576961) and its attachment (1594604) be received.

Reese/Ward

<u>Carried</u>

10. Nelson Biodiversity Strategy Review 2013

Document number 1591439, Late Item 1 refers.

During discussion, it was suggested that Council must be mindful of the need to ensure sufficient resource was available for the feasibility assessment to be carried out.

Resolved

<u>THAT</u> the report Nelson Biodiversity Strategy Review 2013 (1591439) be received;

8

<u>Carried</u>

<u>AND THAT</u> the Nelson Biodiversity Strategy 2013 as reviewed by the Nelson Biodiversity Forum (1593133) be received;

<u>AND THAT</u> the Nelson Biodiversity Forum be thanked for their work in reviewing the Biodiversity Strategy;

<u>AND THAT</u> Council agrees to be the lead agency for those actions identified in the Nelson Biodiversity Strategy (1593133) with the exception of action 9 (increasing range and security of eel grass);

<u>AND THAT</u> staff assess the feasibility and priority of those actions not currently allocated resources, for Council to consider as part of the Annual Plan 2014/15.

Shaw/Boswijk

Carried

Carried

11. Revocation of Camping Bylaw 2011 (220)

Document number 1572544, Late Item 1 refers.

Resolved

<u>THAT</u> the report Revocation of Camping Bylaw 2011 (220) (1572544) and its attachment (1596077) be received;

<u>AND THAT</u> the Council revoke the Camping Bylaw 2011 (220).

Ward/Davy

Attendance: The meeting adjourned for morning tea from 10.32am to 10.46am.

12. Delegation of Authority to Appoint Parking Wardens

Document number 1601806, Late Item 2 refers.

Resolved

<u>THAT</u> the report Delegation of Authority to Appoint Parking Wardens (1601806) be received;

<u>AND THAT</u> Council delegates authority to the Chief Executive to appoint parking wardens, pursuant to section 128D of the Land Transport Act 1998;

13.3

<u>AND THAT</u> the Delegations Register be updated to reflect this new delegation.

Boswijk/Shaw

13. Joint Shareholders Committee – 13 September 2013

Document number 1599109, Late Item 2 refers.

Resolved

THAT the unconfirmed minutes of a meeting of the Joint Shareholders Committee, held on 13 September 2013, be received.

His Worship the Mayor/Boswijk

13.1 Port Nelson Limited Draft Statement of Corporate Intent 2013/14

Resolved

THAT the Port Nelson Limited draft Statement of Corporate Intent for 2013/14 be approved for signing subject to any minor changes identified.

His Worship the Mayor/Shaw

13.2 Policy for the Procedure for Joint Appointment of Directors/Trustees of Council Controlled Organisations and Council Controlled Trading Organisations

In response to questions, His Worship the Mayor advised that best practice in directors' tenure was a review period after nine years. He said the proposal for a review after 12 years was a necessary compromise with Council's partners.

Councillors acknowledged the change in the policy to recognise the importance of considering gender balance as recognised best practice.

Resolved

THAT the amended Policy for the Procedure for Appointment of Directors/Trustees Joint of Council Controlled Organisations and Council Controlled Trading Organisations (1295787) be adopted, with the amendment to clause 5.1.

His Worship the Mayor/Boswijk

Port Nelson Directors' Fees

Carried

Carried

Carried

10

In response to questions, Executive Manager Support Services Mr Kettlewell explained that historically, Port Nelson Limited sought an increase in directors' fees every alternate year, however in the previous year this had been declined by the two Councils as joint shareholders.

Councillors noted that the 4.8% recommended increase represented the increase in the consumer price index over the previous three years and would ensure directors' fees did not fall further below the market standard.

Resolved

<u>THAT</u> the Port Nelson Limited Directors' fees are increased by 4.8% to a total pool of \$230,560 for the next 12 months, noting that this is the first increase in directors' fees since 2010.

His Worship the Mayor/Boswijk

13.4 Nelson Tasman Tourism Limited Appointment of Directors

Resolved

<u>THAT</u> Sharon McGuire and Terry Horne be reappointed as Directors of Nelson Tasman Tourism for a three year term.

<u>Boswijk/Shaw</u>

Resolved

<u>THAT</u> the proposed Directors fees, which remain unchanged from the 2012/2013 year, be confirmed.

His Worship the Mayor/Davy

13.5 Nelson Airport Limited – Directors' Fees

Resolved

<u>THAT</u> the directors' fees for Nelson Airport Ltd be increased by 4.8%.

His Worship the Mayor/Ward

Carried

Carried

Carried

Resolved

<u>THAT</u> each Council requests staff to jointly prepare an agreed approach and methodology for a joint policy on determining the appropriate level of directors' fees for Council Controlled Organisations and Council Controlled Trading Organisations in joint ownership; for Council consideration in 2014.

Davy/Collingwood

Carried

14. Nelson Tasman Civil Defence Emergency Management Group – 13 September 2013

Document number 1598338, Late Item 2 refers.

Resolved

<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson Tasman Civil Defence Emergency Management Group, held on 13 September 2013, be received.

His Worship the Mayor/Barker

Carried

REPORTS FROM COMMITTEES

15. Nelson Regional Sewerage Business Unit – 5 July 2013

Document number 1550277, agenda pages 90-99 refer.

Resolved

<u>THAT</u> the minutes of the meeting of the Nelson Regional Sewerage Business Unit, held on 5 July 2013, be received.

<u>Shaw/Boswijk</u>

<u>Carried</u>

16. Nelson Youth Council – 10 July 2013

Document number 1551522, agenda pages 100-103 refer.

Resolved

<u>THAT</u> the minutes of the meeting of the Nelson Youth Council, held on 10 July 2013, be received.

Fulton/Rainey

<u>Carried</u>

VALEDICTORY SPEECHES

His Worship the Mayor noted that three councillors were not running for reelection, Councillor Rackley after three years of service as a councillor, Councillor Boswijk after six years of service as a councillor including three as Deputy Mayor, and Councillor Collingwood after 18 years of service. He invited each of them to give a valedictory speech.

Attendance: The meeting adjourned for lunch from 12.25pm to 1.17pm

17. Exclusion of the Public

Resolved

<u>THAT</u> 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 Minutes – Nelson City Council Community Services – 6 August 2013 These minutes confirm the public excluded minutes of the Community Services meeting of 25 June 2013, and also contain information regarding: Potential Sale of Land for Commercial Development | 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: • Section 7(2)(i) To carry out negotiations |
| 2 | Public Excluded Minutes – Nelson City Council Infrastructure – 8 August 2013 These minutes confirm the | Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of | The withholding of the information is necessary: |

| | public excluded minutes of the Infrastructure meeting of 27 June 2013, and also contain information regarding: Reports regarding two | information for which good reason exists under section 7 | Section 7(2)(i) |
|---|---|--|--|
| | potential strategic land purchases | | To carry out negotiations |
| | Proposed Road Stopping – 202 The Ridgeway | | Section 7(2)(i) To carry out negotiations |
| | Brook Waimarama Sanctuary Fence and Conservation Centre | | Section 7(2)(c) To protect information that is subject to an obligation of confidence Section 7(2)(e) To avoid prejudice to measures that prevent or mitigate loss to the public Section 7(2)(i) To carry out negotiations |
| 3 | Public Excluded Minutes – Nelson City Council Governance – 27 August 2013 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: |
| | Potential Sale of Land for Commercial Development – Wakatu Square | | Section 7(2)(i) To carry out negotiations |
| | The proposed transfer of assets, and negotiation of a lease and contract with the Theatre Royal and Nelson School of Music. | | Section 7(2)(i) To carry out negotiations |
| | Directors Rotations and Fees 2013/14 | | Section 7(2)(a) To protect the privacy of natural persons Section 7(2)(h) To carry out commercial activities |
| | Renaming of Community | | Section 7(2)(a) To protect the |

| | Spirit Awards | | privacy of natural persons |
|---|--|--|---|
| | Chief Executive's Remuneration Review 2013/14 | | Section 7(2)(a) To protect the privacy of natural persons |
| 4 | Public Excluded Minutes – Nelson City Council Policy and Planning – 29 August 2013 These minutes confirm the public excluded minutes of the Policy and Planning meeting of 29 August 2013, and also contain information regarding: Chief Executive's Remuneration Review 2013/14 Strategic Land Purchase Natureland Sale Code of Conduct Matter – Report Back from Investigating Committee | 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: Section 7(2)(a) To protect the privacy of natural persons Section 7(2)(i) To carry out negotiations Section 7(2)(i) To carry out negotiations Section 7(2)(i) To carry out negotiations Section 7(2)(c) To protect information that is subject to an obligation of confidence |
| 5 | Public Excluded Minutes – Extraordinary meeting – 10 September 2013 These minutes contain information relating to: Natureland Sale – Review of Business Plan | 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: • Section 7(2)(i) To carry out |
| 6 | Public Excluded Status Report – Community Services – 19 September 2013 | Section 48(1)(a) The public conduct of this matter would be likely to result in | negotiations The withholding of the information is necessary: |

| 7 | This report contains information relating to: Natureland - Options Public Excluded Status Report – Infrastructure – 19 September 2013 This report contains information relating to: | disclosure of information for which good reason exists under section 7 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 | Section 7(2)(i) To carry out negotiations The withholding of the information is necessary: |
|---|---|--|--|
| | Southern Arterial Corridor Land Purchase Strategic Land Purchase – Anchor Building and Land Strategic Land Purchase – 252 Haven Road and 254- 256 Wakefield Quay Proposed Road Stopping – 202 The Ridgeway Brook Waimarama Sanctuary Fence and Conservation Centre | | Section 7(2) (i) To carry out negotiations Section 7(2) (c) To protect information that is subject to an obligation of confidence Section 7(2) (i) To carry out negotiations |
| 8 | Public Excluded Status Report – Governance – 19 September 2013 This report contains information relating to: Nelson School of Music | 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 | negotiations The withholding of the information is necessary: • Section 7(2)(i) |

| 9 | and Theatre Royal: Arrangements to Promote Future Viability Potential Exit from Ridgeway's Joint Venture Theatre Royal Trust Deed Public excluded Status Report – Policy and Planning – 19 September 2013 This report contains information relating to: | 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 | To carry out negotiations Section 7(2)(i) To carry out negotiations Section 7(2)(i) To carry out negotiations The withholding of the information is necessary: |
|----|--|--|---|
| | The classifications of certain heritage precincts, including references to specific addresses. An amended Drainage Ownership Policy | | Section 7(2)(a) To protect the privacy of natural persons Section 7(2)(g) To maintain legal professional privilege |
| 10 | Theatre Royal – Release of Due Diligence Report | 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: Section 7(2)(c) To protect information that is subject to an obligation of confidence |
| 11 | Public Excluded Minutes – Joint Shareholders Committee – 13 September 2013 Public Excluded Minutes – Joint Shareholders Committee – 13 September 2013 These minutes confirmed the minutes of 5 April 2013 and also 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: Section 7(2)(a) To protect the privacy of natural persons |

Date

Section 7(2)(a) Proposed changes to the To protect the Tasman Bays Heritage privacy of natural **Trust Trust Deed** persons Section 7(2)(a) • Nelson Airport Limited – To protect the **Appointment of Directors** privacy of natural persons

Davy/Boswijk

The meeting went into public excluded session at 1.18pm and resumed in public session at 2.00pm.

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

Resolved

THAT the public be re-admitted to the meeting.

Davy/Collingwood

Councillors expressed their thanks to Executive Manager Regulatory, Richard Johnson, for his support in resource management matters and during his time as Acting Chief Executive.

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

Confirmed as a correct record of proceedings:

Chairperson

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