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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 12 December 2013, 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, B McGurk, P Matheson, G Noonan, 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 and Environment (N McDonald), Manager Communications (A Rickers), Manager Administration (P Langley), and Administration Adviser (E-J Ruthven)

### Opening Prayer

Councillor Skinner gave the opening prayer.

#### 1. Apologies

There were no apologies.

#### 2. Interests

There were no updates to the Interests Register.

Councillor Noonan declared an interest in relation to item 11.2 (Council Hearing – Plan Change 16 Inner City Noise).

Councillor Copeland declared an interest in relation to item 8.1 of the public excluded agenda (Trafalgar Centre – Follow Up Report).

Councillor Matheson declared an interest in relation to item 7 of the public excluded agenda (Reappointment of Trustees to the City of Nelson Civic Trust).

#### 3. Confirmation of Order of Business

Her Worship the Mayor explained that the order of the public excluded agenda would be altered to allow for Mr Ian McLennan to attend for item 5 (Concluding Negotiations for the Suter Redevelopment Project),

and for Mr Julian Ironside to attend for item 8.1 (Trafalgar Centre – Follow Up report).

Her Worship the Mayor also explained that there were two public excluded late items, and that Council needed to resolve in public to consider these items.

3.1 Late Item - Funding for Nelson Tasman Tourism

Resolved

***THAT the public excluded item regarding Funding for Nelson Tasman Tourism 2014/15 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 Council to provide Nelson Tasman Tourism with directions for proceeding with drafting its Statement of Intent for 2014/15 in light of the Tasman District Council decision to reduce funding for Nelson Tasman Tourism, noting that the draft Statement of Intent must be received by Council by 1 February 2014.***

Matheson/Copeland

Carried

3.2 Late Item – Reappointment of Independent Member to the Nelson Regional Sewerage Business Unit

Resolved

***THAT the public excluded item regarding Reappointment of Independent Member to the Nelson Regional Sewerage Business Unit 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 Nelson Regional Sewerage Business Unit to conduct timely business relating to its work programme.***

Matheson/Copeland

Carried

4. **Public Forum**

4.1 York Stream

Students of Ngā Mana Kākano o te Wairepo, the Whanau Unit of Victory Primary School, addressed the meeting regarding York Stream.

They sang waiata, presented a petition (A1120922 and A1115752) and photos (A1120994), and described their vision for York Stream.

The students encouraged Council to install more rubbish bins along the Railway Reserve to reduce litter in and around York Stream.

Her Worship the Mayor thanked the students for their presentation, and invited them to make a presentation to the Biodiversity Forum in 2014.

#### 4.2 Gigatown Competition

Her Worship the Mayor explained that Mr Matthew Dodd had withdrawn his public forum, but that his ideas regarding the Gigatown competition had been circulated to councillors by email.

### 5. Confirmation of Minutes

#### 5.1 12 November 2013

Document number A754447, agenda pages 11-20 refer.

In response to a question, the Chief Executive advised that, by agreement of the councillors concerned, the motorcycle parking issues relating to the Buxton toilet upgrade had been deferred to the first Works and Infrastructure Committee meeting of 2014.

Resolved

***THAT the minutes of a meeting of the Nelson City Council, held on 12 November 2013, be confirmed as a true and correct record.***

Barker/Davy

Carried

#### 5.2 21 November 2013

Document number A1106591, agenda pages 21-22 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council, held on 21 November 2013, be confirmed as a true and correct record.***

Davy/McGurk

Carried

### 6. Consideration of Business from Adjourned Meetings

#### 6.1 Draft Local Alcohol Policy – Adjourned Business

Document number A1113118, agenda pages 23-62 refer.

Her Worship the Mayor cautioned councillors not to seek any further information from, or engage in conversation with submitters.

In response to a question, the Chief Executive clarified that the submitter referred to in paragraph 3.5 had chosen not to speak to his submission, but that his written submission still stood.

Resolved

***THAT the report Draft Local Alcohol Policy – Adjourned Business (A1113118) and its attachments (A1113149, A1113409, A1113414, A1113151, A1112902, A1113842 and A1113748) be received and considered to be the response to the resolution adjourning the 26 November 2013 Council meeting to hear submissions to the draft Local Alcohol Policy;***

***AND THAT the meeting to hear submissions to the draft Local Alcohol Policy be closed.***

Davy/Fulton

Carried

## 7. Mayor's Report

Document number A1107799, agenda pages 63-71 refer.

### 7.1 Woodburners

Her Worship the Mayor explained that an update on woodburners was provided due to the community interest in this issue.

In response to a question, the Planning and Regulatory Committee Chair noted that it was timely to review improvements in woodburner technology to see whether a more flexible approach could be taken without undermining the improvements made in air quality.

### 7.2 Receipt of Report

Resolved

***THAT the Mayor's Report (A1107799) and its attachments (A1113602; A1113742) be received.***

Her Worship the Mayor/Noonan

Carried

### 7.3 Nelson Regional Sewerage Business Unit

It was noted that Derek Shaw had extensive experience and knowledge of the technical issues covered by this committee.

Resolved

**THAT Derek Shaw and Councillor Copeland be appointed as Nelson City Council representatives on the Nelson Regional Sewerage Business Unit for the 2013-2016 triennium.**

Davy/Skinner

Carried

7.4 Joint Shareholders Committee

Resolved

**THAT the Mayor, the Deputy Mayor and the Chair of the Governance Committee be appointed as Nelson City Council representatives to the Joint Shareholders Committee.**

Davy/Her Worship the Mayor

Carried

7.5 Committee Delegations

Resolved

**THAT the delegations for the Nelson Regional Sewerage Business Unit and the Joint Shareholders Committee in Attachment 2 (A1113742) be adopted.**

Matheson/Barker

Carried

7.6 Cricket World Cup 2015 Regional Coordination Group

In response to a question, Acting Group Manager Community Services, Hugh Kettlewell, explained that the Cricket World Cup 2015 Regional Coordination Group would regularly report back to the Community Services Committee or to Council.

Resolved

**THAT the Council appoint the Deputy Mayor to the Cricket World Cup 2015 Regional Coordination Group.**

Barker/Fulton

Carried

7.7 Rocks Road Shared Pathway Steering Group

Councillors discussed the proposed membership of the Rocks Road Shared Pathway Steering Group.

Several councillors expressed concern at the Deputy Mayor's workload, and suggested the importance of having more than one councillor on this steering group. Other councillors noted that the tender process for the project had been completed, that the work of the steering group was largely technical, and that the reason for having a councillor representative was to feedback issues at a political level.

Councillor Davy, seconded by Councillor Noonan, moved the motion

*THAT the Council appoint the Deputy Mayor and Councillor Rainey as the lead alternate to the Rocks Road Shared Pathway Steering Group.*

Following further discussion, and with the agreement of the meeting, the words "as the lead alternate" were removed from the motion.

Resolved

***THAT the Council appoint the Deputy Mayor and Councillor Rainey to the Rocks Road Shared Pathway Steering Group.***

Davy/Noonan

Carried

- 7.8 Payment for Nelson Regional Sewerage Business Unit meetings

***THAT until Council resolves an updated policy and schedule of payments for meetings, Derek Shaw shall be remunerated at a rate of \$250 per meeting of the Regional Sewerage Business Unit.***

Ward/Fulton

Carried

## **8. Schedule of Council Meetings 2014**

Document number A1103869, agenda pages 72-86 refer.

The Chief Executive explained that an updated calendar for January and February 2014 had been tabled (A1115653).

There was a discussion during which a general preference for morning meetings was expressed, and the importance of entering apologies for, and where appropriate providing views in advance to workshops, was noted.

Resolved

**THAT the report Schedule of Council Meetings 2014 (A1103869) and its attachment (A1113468) be received, noting the amendments to the meetings in January and February as in document (A1115653).**

Her Worship the Mayor/McGurk

Carried

**9. Appointment of Trustee to the Nelson Municipal Band Trust**

Document number A1110293, agenda page 87 refers.

Resolved

**THAT the report Appointment of Trustee to the Nelson Municipal Band Trust (A110293) be received;**

**AND THAT Her Worship the Mayor of Nelson, Rachel Reese, be appointed as a trustee to the Nelson Municipal Band Trust.**

Davy/Barker

Carried

**10. Farmers Trading Company - Redevelopment**

Document number A1113508, agenda pages 88-90 refer.

Resolved

**THAT the report Farmers Trading Company – Redevelopment (A1113508) be received;**

**AND THAT discussion on this item be moved into public excluded session as a major late item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable Council to attend to matters no later than 20 December 2013, as per the previous resolution of Council.**

Matheson/Barker

Carried

Nelson City Council  
12 December 2013

## REPORTS FROM COMMITTEES

### 11. Community Services Committee – 21 November 2013

Document number A1107870, agenda pages 91-93 refer.

Resolved

***THAT the unconfirmed minutes of a meeting of the Nelson City Council Community Services Committee, held on 21 November 2013, be received.***

Rainey/Noonan

Carried

### 12. Planning and Regulatory Committee – 21 November 2013

Document number A1107833, agenda pages 94-99 refer.

The Planning and Regulatory Committee Chair noted the Committee's desire to hold a workshop regarding significant resource management issues with the whole of Council early in 2014.

Resolved

***THAT the unconfirmed minutes of a meeting of the Nelson City Council Planning and Regulatory Committee, held on 21 November 2013, be received.***

McGurk/Davy

Carried

#### 12.1 Review of Nelson's Resource Management Plans

Resolved

***THAT the Council embarks on a full plan review, aiming to achieve notification within the term of the current Council, noting that where a specific resource management issue arises a targeted Plan Change may occur separately.***

McGurk/Ward

Carried

#### 12.2 Council Hearing – Plan Change 16 Inner City Noise

Attendance: Councillor Noonan declared an interest, and left the room for the duration of this item.



Attendance: Councillor Copeland declared an interest that would prevent her from sitting as commissioner on the Hearing Panel regarding Proposed Plan Change 16 Inner City Noise, and left the room for the duration of this item.

Resolved

***THAT the Planning and Regulatory Committee recommends to Council that an independent Commissioner chaired Council assisted Hearing Panel hear and make decisions on submissions on Proposed Plan Change 16 Inner City Noise;***

***AND THAT the Planning and Regulatory Committee recommends to Council the membership of the Hearing Panel for Plan Change 16 Inner City Noise consists of an independent Commissioner as Chair and Councillor Ward and Councillor Barker as Council Commissioners.***

McGurk/Her Worship the Mayor

Carried

**13. Works and Infrastructure Committee –  
28 November 2013**

Document number A1111685, agenda pages 100-106 refer.

The Works and Infrastructure Committee Chair indicated that the issue of using public car parking spaces for place-making trials would come back to the Works and Infrastructure Committee early in 2014.

Resolved

***THAT the unconfirmed minutes of a meeting of the Nelson City Council Works and Infrastructure Committee, held on 28 November 2013, be received.***

Davy/Lawrey

Carried

Attendance: The meeting adjourned for morning tea from 10.54am to 11.07am.

**13.1 Bata Building Way Forward**

Councillor Davy, seconded by Councillor Acland moved the recommendation to Council as presented in the minutes.

Councillor Copeland, seconded by Councillor Lawrey moved an amendment to add an additional clause to the motion

***AND THAT during the process of demolition, should the successful tenderer be able to easily and without further cost retrieve larger sections of the artwork, that they be requested to do so.***

Councillors discussed the amendment, and a variety of views for and against were expressed.

The amendment was put and carried on a show of hands, and became the substantive motion.

Resolved

***THAT Council re-confirms its decision to demolish the Bata building and develop (i.e. pavement seal) the land to car parking;***

***AND THAT Council notes that this decision does not limit future use of the site for other public works;***

***AND THAT demolition commences no earlier than late February 2014;***

***AND THAT during the process of demolition, should the successful tenderer be able to easily and without further cost retrieve larger sections of the artwork, that they be requested to do so.***

Davy/Acland

Carried

### 13.2 Backflow Prevention Programme

Resolved

***THAT in line with the Long Term Plan 2012-2022 the proposed commencement be noted of the next stage of the Backflow Prevention Programme for existing commercial and industrial properties;***

***AND THAT in line with current practice owners of new or altered commercial/industrial activities be required to fit boundary backflow protection at their cost;***

**AND THAT Funding Option A be adopted (reflecting Council's current practice with all other water network upgrades) with the costs of retrofitting backflow preventers to existing activities recovered from all customers through the normal water charges, with the programme budget in 2013/14 being deferred to 2014/15 to allow for annual plan submissions;**

**AND THAT the costs of inspection, maintenance and replacement in future years be included in the appropriate Long Term Plan or Annual Plan and be recovered through Operation and Maintenance charges.**

Davy/Rainey

Carried

**14. Governance Committee –  
28 November 2013**

Document number A1110925, agenda pages 107-113 refer.

Resolved

**THAT the unconfirmed minutes of a meeting of the Nelson City Council Governance Committee, held on 28 November 2013, be received.**

Barker/Acland

Carried

**14.1 Participation in Gigatown Competition**

In response to a question, Group Manager Support Services, Hugh Kettlewell explained that leading the Gigatown competition was not considered a good spend of Council funds, but that Council could participate in the competition by other means.

Councillor Barker, seconded by Councillor Matheson, moved the recommendation in the minutes.

Councillors discussed the recommendation, and general support for some Council participation in the competition was noted. Councillor Copeland foreshadowed an amendment, and Her Worship the Mayor adjourned the item in order to move to the next item on the agenda.

**14.2 Finance Report for the Period Ending 30 September 2013**

In response to a question, the Chief Executive clarified that the recommendation relating to the Events Contestable Fund was a procedural motion and related to tax implications faced by the Economic Development Agency (EDA) should the Events Contestable Fund be held by the EDA.

Resolved

**THAT Council approves the Events Contestable Funding being accrued and held in a Council reserve until such time as the Economic Development Agency require the funding for events.**

Barker/Davy

Carried

14.3 Gigatown Competition (continued)

Councillor Copeland, seconded by Councillor Ward, moved an amendment to add an additional clause to the motion

**AND THAT Council applauds the initiative and agrees to support the Gigatown competition through other low cost engagement such as use of Council communications channels and mayoral presence.**

The amendment was carried and became the substantive motion.

Resolved

**THAT Council does not agree to lead an effort to participate in the Gigatown competition;**

**AND THAT Council applauds the initiative and agrees to support the Gigatown competition through other low cost engagement such as use of Council communications channels and mayoral presence.**

Barker/Matheson

Carried

**15. Exclusion of the Public**

Members of the Public to Remain after the Public has been Excluded

Her Worship the Mayor explained that Mr Ian McLennan, of the Bishop Suter Trust Board, would be in attendance for item 5 of the Public Excluded agenda (Concluding Negotiations for the Suter Redevelopment Project); and Mr Julian Ironside, of Fletcher Vautier Moore Lawyers, would be in attendance for Item 8.1 of the Public Excluded Agenda (Works and Infrastructure - 28 November 2013). She said that procedural resolutions were required to be passed.

Resolved

**THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Mr Ian McLennan remains after the public has been excluded, for Item 5 of the Public Excluded agenda (Concluding Negotiations for the Suter Redevelopment Project), as he had knowledge that will assist the Council;**

**AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Mr Ian McLennan possesses relates to negotiations concerning the Suter Redevelopment Project.**

Ward/Davy

Carried

Resolved

**THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Mr Julian Ironside remains after the public has been excluded, for Item 8.1 of the Public Excluded agenda (Works and Infrastructure Committee – 28 November 2013), as he had knowledge that will assist the Council;**

**AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Mr Julian Ironside possesses relates to legal advice to Council regarding the Trafalgar Centre – Follow Up Report section of this item.**

Ward/Davy

Carried

Public Excluded Business

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>Nelson City Council – Public Excluded Minutes – 12 November 2013</b></p> <p>These minutes contain information relating to:</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>
	Appointment of District Licensing Committee		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
	Release of Information from Public Excluded – Strategic Land Purchases		<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>
	Chief Executive’s Report – Lewis Stanton		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
2	<p><b>Farmers Trading Company – Redevelopment</b></p> <p>Following the distribution of this agenda, Council may receive information from third parties about proposals for a central city site for Farmers Trading Company.</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)(c) To protect information that is subject to an obligation of confidence</li> </ul>

	Should this information be subject to an obligation of confidence, it will require consideration by Council in public excluded session, in which case the provisions of s 46(7) or (7A) of the Local Government Act, and Standing Orders 3.7.5 or 3.7.6, will apply.		
<b>3</b>	<p><b>Concluding Negotiations for the Suter Redevelopment Programme</b></p> <p>This report contains information relating to Council's negotiating position with respect to the draft Heads of Agreement with the Bishop Suter Trust.</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>
<b>4</b>	<p><b>Appointment of Sister Cities Coordinator 2013</b></p> <p>This report contains information regarding the proposed appointment of a Sister Cities Coordinator, and contains a recommendation to release the appointment to the public.</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>
<b>5</b>	<p><b>Reappointment of Trustees to the City of Nelson Civic Trust</b></p> <p>This report contains information regarding the proposed reappointment of trustees to the City of Nelson Civic Trust, and contains a</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>

	recommendation to release the appointments to the public.		
<b>6</b>	<b>Works and Infrastructure Committee – Public Excluded Minutes – 28 November 2013</b>  These minutes contain 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	The withholding of the information is necessary:
	Trafalgar centre – Follow Up Report		<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>
<b>7</b>	<b>Governance Committee – Public Excluded Minutes – 28 November 2013</b>  These minutes contain 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	The withholding of the information is necessary:
	Nelmac Appointment of Director November 2013		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
<b>8</b>	<b>Funding for Nelson Tasman Tourism 2014/15</b>  This report contains information relating to the effect of recent Tasman District Council decisions on Nelson Tasman Tourism, and how this should be addressed through its draft Statement of Intent 2014/15.	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)(b) To protect information that may unreasonably prejudice the commercial position of the person who is the subject of the information.</li> </ul>
<b>9</b>	<b>Reappointment of Independent Member to the Nelson Regional Sewerage Business</b>	Section 48(1)(a)  The public conduct of this matter	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(a)</li> </ul>



	<b>Unit</b> This report contains information relating to the reappointment of the Nelson Regional Sewerage Business Unit.	would be likely to result in disclosure of information for which good reason exists under section 7	To protect the privacy of natural persons
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Rainey/Skinner

Carried

The meeting went into public excluded session at 11.42am and resumed in public session at 2.01pm.

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

Resolved

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

Barker/Copeland

Carried

There being no further business the meeting ended at 2.02pm.

Confirmed as a correct record of proceedings:

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