

Minutes of a meeting of the Nelson City Council

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

On Thursday 17 July 2014, commencing at 9.04am

Present: Her Worship the Mayor (R Reese), Councillors L Acland, I

Barker, 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 Strategy and Environment (C Barton), Group Manager Community Services (C Ward), Group Manager Corporate Services (N Harrison), Senior Strategic Adviser (N McDonald), Manager Administration (P Langley), Administration Adviser (E-J Ruthven), and Youth

Councillors (C Jao and D Leaper)

Apology: Councillor R Copeland

Opening Prayer

Councillor Skinner gave the opening prayer.

1. Apologies

Resolved

<u>THAT</u> the apology from Councillor Copeland be received and accepted.

Her Worship the Mayor/Acland

Carried

2. Interests

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

3. Confirmation of Order of Business

3.1 Public Forum

Her Worship the Mayor explained that there was an additional public forum to that listed on the agenda.

3.2 Late Items

Her Worship the Mayor said that there was a late item, the minutes of the Council meeting of 5 June 2014, to be considered at the meeting. She added that the public minutes would be considered immediately prior to the minutes of 19 and 26 June.

Resolved

<u>THAT</u> the item regarding 5 June 2014 Council minutes, and 5 June 2014 public excluded minutes, 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 minutes to be considered in a timely manner.

Her Worship the Mayor/Davy

Carried

3.3 Order of Business

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Her Worship the Mayor explained that item 7 of the agenda (Rocks Road Community Engagement) was related to item 10.1 of the agenda (Works and Infrastructure Committee minutes – 12 June 2014 – Rocks Road Walking and Cycling Project). She said that it was appropriate to consider the recommendation to Council from the Works and Infrastructure Committee prior to considering item 7, and accordingly, the order of business would be updated to reflect this.

Resolved

<u>THAT</u> the order of business, as amended, be confirmed.

Her Worship the Mayor/Barker

Carried

4. Public Forum

4.1 Brook Waimarama Sanctuary

Ren Kempthorne and Susan Harris tabled a document (A1219875) and spoke to it.

Mr Kempthorne spoke about the proposed location of the Sanctuary fence, and particularly his concerns that the hillsides of the Sanctuary were steep, unstable and prone to erosion. He also outlined his concerns that pests may climb across the fence.

He suggested that Council should not provide financial support towards the building of the fence, and encouraged Council to decline the resource consent application relating to the fence construction. Her Worship the Mayor clarified that the 'further \$1 million' referred to by Mr Kempthorne was the same \$1 million that had been earmarked for expenditure on the Sanctuary fence within the Long Term Plan 2012-2022, and that the Sanctuary also received additional on-going funding from Council in exchange for pest management services in the Brook Valley.

4.2 Proposed Rocks Road Community Engagement Plan

Cynthia McConville spoke about the proposed Rocks Road Community Engagement Plan. She expressed her concerns that the proposed Rocks Road walkway/cycleways options would not support tourism or inner city businesses, and that it was not in the best interests of the city to progress this project until the southern arterial link was built.

In response to questions, Ms McConville expressed her confidence that the southern arterial link would be built within the next five years. She said that, once the southern arterial link was built, Rocks Road would be able to be reconfigured as a waterfront destination, without requiring movement beyond the seawall or affecting current levels of parking.

5. Confirmation of Minutes

5.1 5 June 2014

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Document number A1205415, late item refers.

Resolved

<u>THAT</u> the minutes of a meeting of the Nelson City Council, held on 5 June 2014, be confirmed as a true and correct record.

Her Worship the Mayor/Davy

Carried

5.2 19 June

Document number A1206918, agenda pages 12-29 refer.

Resolved

<u>THAT</u> the minutes of a meeting of the Nelson City Council, held on 19 June 2014, be confirmed as a true and correct record.

Barker/Fulton

Carried

5.3 26 June

Document number A1211652, agenda pages 30-37 refer.

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<u>THAT</u> the minutes of a meeting of the Nelson City Council, held on 26 June 2014, be confirmed as a true and correct record.

<u>Ward/McGurk</u> <u>Carried</u>

6. Status Report

Document number A1168168, agenda pages 38-39 refer.

In response to a question, the Chief Executive explained that officers were currently considering the best method of offering vouchers for free NBus travel to Nelson residents.

Resolved

<u>THAT</u> the Status Report – Council 17 July 2014 (A1168168) be received.

Her Worship the Mayor/Lawrey

Carried

7. Mayor's Report

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Document number A1217527, agenda pages 40-41 refer.

Her Worship the Mayor spoke about the potential bylaw proposed by the Planning and Regulatory Committee regarding commercial personal services. She noted the policy work required for the development of the Long Term Plan 2015-2025, and suggested that Council review proposed policy work across all activity areas and provide direction to officers regarding priorities.

Her Worship the Mayor also acknowledged Donna Hiser, previous chair of the Nelson Regional Sewerage Business Unit and trustee of the Bishop Suter Trust, who had recently passed away, and passed Council's condolences to Ms Hiser's family.

Her Worship the Mayor spoke further about the successful events of the previous weekend, including Light Nelson, the Winter Festival and the Art Expo. She noted that each of the events took the opportunity to showcase Nelson to the rest of New Zealand, and congratulated the organisers of each event.

Resolved

<u>THAT</u> the Mayor's Report (A1217257) be received.

Her Worship the Mayor/Fulton

<u>Carried</u>

Document number A1205282, agenda pages 103-111 refer.

Resolved

<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson City Council Works and Infrastructure Committee, held on 12 June 2014, be received.

<u>Davy/Lawrey</u> <u>Carried</u>

8.1 Rocks Road Walking and Cycling Project

Councillors discussed the recommendation to Council.

It was noted that there had been alterations to the concepts since these had been discussed at a Council workshop, to reduce the number of pelican crossings and instead include pedestrian refuges.

Attendance: The meeting adjourned from 9.49am to 9.57am.

Senior Asset Engineer Transport and Roading, Rhys Palmer, and New Zealand Transport Agency (NZTA) representative, Andrew James, joined the meeting.

In response to questions, Mr James explained that NZTA had queried the number of pelican crossings along Rocks Road included in the concepts, due to the potential for traffic stopping and related noise issues, and had determined that provision of pedestrian refuges came within the design criteria. He said that, as a result, officers on the project team replaced all pelican crossings with pedestrian refuges, with the exception of the crossing at Wakefield Quay, which would remain signalised due to higher numbers of pedestrians, and cyclists crossing the road (in the case of concept two). He confirmed that there would be adequate space for pedestrian refuges to be installed along Rocks Road.

In response to questions, Mr Palmer clarified the proposed locations of the pedestrian refuges. He said that no refuge was planned for the bottom of Bisley Steps as there was already an existing pedestrian refuge and a signalised crossing in the near vicinity. He said that pedestrian refuges were planned for areas identified as pedestrian desire lines.

In response to further questions, Mr Palmer clarified that the NZTA share of the project cost was based on achieving transport outcomes, including increased safety for cyclists and pedestrians. He said that NZTA did not distinguish between different classes of cyclists and the speeds at which they may choose to travel.

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During debate unanimous support for the project to proceed to the community engagement phase was expressed, however a range of views were expressed regarding levels of support for the project proceeding beyond community engagement to the detailed design phase. In particular, a variety of views were expressed regarding whether the southern arterial link was likely to go ahead or not, and whether any development on Rocks Road should be linked to the potential for the southern arterial link or not.

Resolved

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<u>THAT</u> the Council confirm it does wish to proceed to the next steps with the Rocks Road walking and cycling project;

<u>AND THAT</u> Council approve each concept plan separately;

<u>AND THAT</u> concept plan one (\$9-13M) be approved;

<u>AND THAT</u> concept plan two (\$11-14M) be approved,

AND THAT engagement on concept plan three (\$33-47M) occur only for the purposes of disclosure and that all messaging on this concept reflect its lack of value as compared with the required investment;

AND THAT the engagement plan be presented to Council for approval at its meeting on 17 July 2014;

<u>AND THAT</u> the outcome of the engagement be presented to Council to guide consideration of any future investment.

Her Worship the Mayor/Davy

<u>Carried</u>

Attendance: The meeting adjourned for morning tea from 10.52am to 11.09am.

9. Rocks Road Community Engagement

Document number A1205859, agenda pages 42-79 refer.

Senior Asset Engineer Transport and Roading, Rhys Palmer, presented the report.

In response to a question, Mr Palmer explained that it was necessary to undertake community engagement in a timely manner, as if the project were to proceed, the NZTA 'R funding' had to be committed to the project by 30 June 2018. He explained that, should the project proceed, the time necessary to undertake detailed design and consenting work meant that it was imperative that community engagement occurred in the near future. He clarified NZTA's position that, if 'R funding' was not committed by 30 June 2018, it would no longer be available for use on Nelson projects.

Attendance: The meeting adjourned from 11.17am to 11.20am.

In response to a further question, the Chief Executive explained that, should the project proceed, it would be subject to further public consultation through the Regional Land Transport Programme and Long Term Plan processes.

Her Worship the Mayor encouraged councillors not to actively take part in the community engagement phase, as doing so may compromise councillors' ability to participate in future debate regarding whether to proceed further with the project.

Resolved

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THAT the report Rocks Road Walking and Cycling Project Engagement Plan (A1205859), and its attachments (A1216891 and A1216937) be received, with the removal from the Executive Summary (document A1216937) on page 72 of the agenda of the first sentence "Nelson is often described as the walking and cycling capital of New Zealand", and the inclusion of a second sentence "Nelson has an admirable record in cycling and walking initiatives";

AND THAT the Engagement Plan (A1216891), be approved for use subject to minor amendments as approved by the Mayor, Chair of Works and Infrastructure Committee and the Chief Executive;

AND THAT the engagement period runs from 24 July 2014 to 25 August 2014.

Her Worship the Mayor/Ward

Carried

10. Local Government New Zealand Remit – Direction on Voting

Document number A1216741, agenda pages 80-95 refer.

In response to a question, Her Worship the Mayor explained that direction was specifically sought on the remit regarding earthquake-prone buildings, given that Council had previously supported this remit progressing to the Conference, but that Council was also able to provide direction regarding the additional remits if desired.

Attendance: Councillors Fulton and Acland left the meeting at 11.37am.

Councillors expressed general support for the proposed remit regarding fluoride in water. With regards to the remit regarding local government reorganisation, a suggestion was made that Her Worship the Mayor consider adding an amendment placing time delays on applications for local government reorganisation schemes where a scheme has been considered recently. Her Worship the Mayor advised that she would listen carefully to the debate prior to coming to a position on this matter.

Attendance: Councillor Fulton returned to the meeting at 11.42am.

Resolved

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<u>THAT</u> the report Local Government New Zealand Remit – Direction on Voting (A1216741) and its attachments (A1217196, A1217197 and A1217199) be received;

AND THAT Council vote in support of the Earthquake Prone Building remit put forward by Wellington City Council at the Local Government New Zealand 2014 Annual General Meeting.

Davy/Barker Carried

REPORTS FROM COMMITTEES

11. Nelson Regional Transport Committee

Document number A1206257, agenda pages 96-102 refer.

Resolved

<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson City Council Nelson Regional Transport Committee, held on 6 June 2014, be received.

<u>Davy/McGurk</u> <u>Carried</u>

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11.1 Joint Nelson Tasman Regional Transport Committee

Resolved

<u>THAT</u> Council approve that a formal approach be made to Tasman District Council with a view to establishing a Joint Nelson Tasman Regional Transport Committee;

AND THAT Council authorises the Mayor, Chair of the Works and Infrastructure Committee and Chief Executive along with the NZ Transport Agency to finalise Terms of Reference with their Tasman District Council counterparts;

<u>AND THAT</u> the Draft Terms of Reference be endorsed as a basis for that discussion;

AND THAT once the Terms of Reference have been finalised, that the Chair of the Works and Infrastructure Committee be delegated to form a Joint Nelson Tasman Regional Transport Committee comprising Councillors Davy, Copeland and McGurk;

<u>AND THAT</u> once formed that the Nelson Regional Transport Committee be disbanded.

Davy/McGurk Carried

11.2 Three Roundabouts - Saxton Fields

It was noted that the New Zealand Transport Agency had identified issues with accessing arterial routes from Richmond, and that these issues required attention prior to the Three Roundabouts. It was clarified that Three Roundabouts project was not being completely removed from the Regional Land Transport Programme, rather it was being transferred to a later year.

Resolved

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<u>THAT</u> the Three Roundabouts – Saxton Field investigation project be removed from the 2012-2015 Regional Land Transport Programme.

<u>Davy/McGurk</u> <u>Carried</u>

12. Planning and Regulatory Committee – 19 June 2014

Document number A1209551, agenda pages 112-119 refer.

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<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson City Council Planning and Regulatory Committee, held on 19 June 2014, be received.

McGurk/Fulton Carried

Attendance: Councillor Acland returned to the meeting at 11.48am.

12.1 Consolidation of Bylaws

Resolved

<u>THAT</u> Council confirms the consolidation of 14 bylaws into five groups as set out in report A1197587;

<u>AND THAT</u> the Planning & Regulatory Committee be delegated to oversee consultation and approval of the consolidated bylaw.

McGurk/Noonan Carried

13. Planning and Regulatory Committee to continue deliberations on submissions to the draft Reserves Bylaw
 19 June 2014

Document number A1209677, agenda pages 120-122 refer.

Resolved

1

<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson City Council Planning and Regulatory Committee to continue deliberations on submission to the draft Reserves Bylaw, held on 19 June 2014, be received.

McGurk/Fulton Carried

13.1 Analysis of Submissions on the Draft Reserves Bylaw

Alterations to the Reserves Bylaw were noted, including ensuring that the practise of golf in Neale Park did not compromise other park users, and provision of a list of activities requiring permission, to ensure that appropriate advice regarding the use of reserves could be given.

<u>THAT</u> the Reserves Bylaw (No. 222), as amended to reflect the Planning and Regulatory Committee's decisions on submissions, be adopted.

McGurk/Fulton Carried

14. Nelson Regional Sewerage Business Unit – 20 March 2014

Document number A1212937, agenda pages 129-136 refer.

Resolved

<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson Regional Sewerage Business Unit, held on 20 June 2014, be received.

<u>Ward/Davy</u> <u>Carried</u>

15. Community Services Committee - 26 June 2014

Document number A1213275, agenda pages 137-143 refer.

Resolved

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<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson City Council Community Services Committee, held on 26 June 2014, be received.

Rainey/Noonan Carried

16. Extraordinary meeting of the Planning and Regulatory Committee – 26 June 2014

Document number A1210639, agenda pages 144-145 refer.

Resolved

<u>THAT</u> the unconfirmed minutes of a extraordinary meeting of the Nelson City Council Planning and Regulatory Committee, held on 26 June 2014, be received.

McGurk/Her Worship the Mayor

Carried

17. Resource Management Act Procedures Committee – 1 July 2014

Document number A1212833, agenda pages 146-147 refer.

<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson City Council Resource Management Act Procedures Committee, held on 1 July 2014, be received.

Her Worship the Mayor/Matheson

Carried

18. Hearings Panel – 2 July 2014

Document number A1213832, agenda pages 148-150 refer.

Resolved

<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson City Council Hearings Panel, held on 2 July 2014, be received.

Barker/McGurk Carried

19. Governance Committee - 3 July 2014

Document number A1214808, agenda pages 151-155 refer.

Resolved

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<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson City Council Governance Committee, held on 3 July 2014, be received.

Barker/Acland Carried

20. Chief Executive Employment Committee – 7 July 2014

Document number A1215393, agenda pages 156-159 refer.

Resolved

<u>THAT</u> the unconfirmed minutes of a meeting of the Nelson City Council Chief Executive Employment Committee, held on 7 July 2014, be received.

Her Worship the Mayor/Acland

Carried

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PUBLIC EXCLUDED BUSINESS

21. 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 – 5 June 2014 These minutes confirm the public excluded minutes of 27 February and 17 April 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: • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations
2	Public Excluded Status Report – 17 July 2014 This report contains information regarding: Regional Landfill Proposal - Update	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
3	Mayor's Report This is a verbal update in relation to the proposed Joint Regional Landfill	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure	The withholding of the information is necessary: • Section 7(2)(i) To carry out negotiations

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8	Governance Committee - Public Excluded Minutes - 3 July 2014 These minutes confirm the minutes of 3 July 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: • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person
9	Chief Executive Employment Committee – 7 July 2014 These minutes record the first meeting of the Committee of the triennium and do not confirm any previous minutes, and contain information relating to: Chief Executive's Employment Agreement 2014/2015 Chief Executive's Performance Review	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)(a) To protect the privacy of natural persons Section 7(2)(a)

<u>Davy/McGurk</u> <u>Carried</u>

The meeting went into public excluded session at 11.59am and resumed in public session at 11.59am.

22. Re-admittance of the Public

Resolved

<u>THAT</u> the public be re-admitted to the meeting.

Her Worship the Mayor/Noonan

Carried

Her Worship the Mayor invited the Youth Councillors present to share their reflections on their Council meeting experience, and each did so in turn.

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23. 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:

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3	Mayor's Report This is a verbal update in relation to the proposed Joint Regional Landfill	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: • Section 7(2)(i) To carry out negotiations

		exists under section 7	
4	Port Nelson Ltd – Appointment of Directors This report contains information relating to the potential appointment of a director to the Port Nelson Board	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
5	Works and Infrastructure Committee - Public Excluded - 12 June 2014 These minutes confirm the minutes of 1 May 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: • Section 7(2)(i) To carry out negotiations
6	Community Services Committee - Public Excluded - 26 June 2014 These minutes confirm the minutes of 26 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: • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations
7	RMA Procedures Committee - Public Excluded - 1 July 2014 These minutes record the first meeting of the Committee of the triennium and do not confirm any previous minutes, and contain information relating to: • Plan Change 18 Appeals	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
8	Governance Committee	Section 48(1)(a)	The withholding of the

	- Public Excluded Minutes - 3 July 2014 These minutes confirm the minutes of 3 July 2014.	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	information is necessary: • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person
9	Chief Executive Employment Committee - 7 July 2014 These minutes record the first meeting of the Committee of the triennium and do not confirm any previous minutes, and contain information relating to: Chief Executive's Employment Agreement 2014/2015 Chief Executive's Performance Review	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)(a) To protect the privacy of natural persons Section 7(2)(a) To protect the privacy of natural persons

<u>Davy/McGurk</u> <u>Carried</u>

The meeting went into public excluded session at 12.02pm and resumed in public session at 1.43pm.

During this time, Councillor Acland left the meeting at 12.04pm and returned to it at 1.18pm, and the meeting adjourned for lunch from 12.43pm to 1.18pm. Councillors Fulton and Skinner left the meeting during the lunch break.

24. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

<u>Davy/Barker</u> <u>Carried</u>

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Chairperson	Date
Confirmed as a correct record of proceedings:	
There is an increase and increasing chaca as in reprint	
There being no further business the meeting ended at 1.43pm.	

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