

15 July 2014

Memo To: Mayor and Councillors

Memo From: Administration Advisers

**Subject: COUNCIL MEETING – 17 JULY 2014
LATE ITEM**

1. 5 June 2014 Council minutes

Document A1205245

The minutes, and public excluded minutes, from the 5 June 2014 Council meeting are attached to be considered as a major late item at this meeting.

In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 3.7.5, a procedural resolution is required before a major item that is not on the agenda for the meeting may be dealt with.

In accordance with section 46A(7)(b)(i) the reason why the item was not on the agenda is due to administrative oversight.

In accordance with section 46A(7)(b)(ii) the reason why discussion of this item cannot be delayed until a subsequent meeting is because a resolution on the matter is required before the next scheduled meeting of the Council to enable the minutes to be considered in a timely manner.

Recommendation

THAT the item regarding 5 June 2014 Council minutes, and 5 June 2014 Council 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.

PUBLIC EXCLUDED BUSINESS

2. Exclusion of the Public

Recommendation

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:

General subject of the matter to be considered	Reason for passing this resolution in relation to the matter	Particular interests protected (where applicable)
5 June 2014 Council minutes	<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"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(i) To carry out negotiations

Minutes of a meeting of the Nelson City Council

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

On Thursday 5 June 2014, commencing at 9.04am

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

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

Opening Prayer

Councillor Davy gave the opening prayer.

1. Apologies

Resolved

***THAT the apology be received and accepted
from Councillor Davy for early departure.***

Her Worship the Mayor/Matheson

Carried

2. Interests

There were no updates to the Interests Register and no conflicts with items on the agenda were declared.

3. Confirmation of Order of Business

There was no update to the order of business.

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

5.1 17 April 2014

Document number A1177939, agenda pages 13-29 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council, held on 17 April 2014, be confirmed as a true and correct record.

Davy/Barker

Carried

5.2 Extraordinary Meeting – 15 May 2014

Document number A1190683, agenda pages 30-33 refer.

Resolved

THAT the minutes of the extraordinary meeting of the Nelson City Council, held on 15 May 2014, be confirmed as a true and correct record.

Noonan/McGurk

Carried

6. Status Report – 5 June 2014

Document number A1168168, agenda pages 34-62 refer.

Resolved

THAT the Status Report – Council 5 June 2014 (A1168168) and its attachment (A1174391) be received.

Her Worship the Mayor/Skinner

Carried

7. Mayor's Report

Document number A1176521, agenda pages 63-84 refer.

Her Worship the Mayor spoke to the information items in the report. In response to a question, the Mayor said there was about \$4,000 left in the Mayoral Fund. She further added that individuals could approach her with applications for this discretionary funding.

Her Worship the Mayor emphasised opportunities to input into economic development initiatives for Nelson through the Regional Sector Group Meetings.

There was discussion about the Council's role in limiting the availability of sugar sweetened beverages at Council sites and a variety of opinions were expressed both for and against work in this area.

8. Administrative Matters

Document number A1160550, agenda pages 85-95 refer.

Resolved

THAT the report Administrative Matters (A1160550) and its attachments (A1166734, A1168076, and A1006782) be received;

AND THAT Her Worship the Mayor's application for a leave of absence, from 29 July to 12 August 2014, be granted;

AND THAT Deputy Mayor, Paul Matheson's application for a leave of absence, from 12 August to 15 September 2014, be granted;

AND THAT Councillor Davy's application for a leave of absence, from 24 June to 13 July 2014, be granted;

AND THAT Councillor Copeland's application for a leave of absence, from 9 July to 30 July 2014, be granted.

Noonan/Fulton

Carried

There was a discussion about the best method for councillors to report back to the Council about the current work of the external groups that they were representatives on. It was noted that the purpose of reporting back was to provide feedback on community views.

A number of councillors favoured a regular Council meeting to allow reporting back, to keep openness and transparency on this topic. It was suggested that this would help councillors keep up to date with the views of represented groups, and that the groups would be supportive of this approach as they could be involved in the Council process.

Another view suggested that scheduled meetings of a Committee or Council should include a standing item to allow reporting back from one councillor at each meeting. Councillor Acland, seconded by Councillor McGurk moved a motion

THAT reporting be via a regular agenda item of Committee and Council meetings.

The motion was put and was lost.

Resolved

THAT Council representative reporting on external organisations be done via a separate Council meeting on a six monthly basis.

Noonan/Fulton

Carried

9. Mayor's Report (continued)

The Acting Group Manager Environment, Greg Carlyon, joined the meeting and gave a demonstration on the LAWA (Land Air Water Aotearoa) website (www.lawa.org.nz). He explained how the tools in the website could illustrate water quality at different sections, and at separate stages, of the waterways in the Nelson area. He outlined how this information could be used and said the website could showcase logs and follow up reports after a significant weather or other event.

Mr Carlyon said that water quantity was likely to be the second module added to the website. In response to a question, Mr Carlyon said the levels of health of Nelson waterways on the website were compared against recognised national standards.

Resolved

THAT the Mayor's Report (A1176521) and its attachment (A1194557) be received.

Matheson/Acland

Carried

10. Local Government New Zealand Annual General Meeting

Document number A1176555, agenda pages 96-98 refer.

Attendance: the meeting adjourned for morning tea from 10.31am to 10.48am.

Resolved

THAT the report Local Government New Zealand Annual General Meeting (A1176555) be received;

AND THAT the following constitute Council representation at the 2014 Annual General Meeting:

Presiding Delegate: Her Worship the Mayor

Other Delegates: Councillor Davy

Councillor Fulton

Observers: Councillors Matheson, Barker, Rainey and Skinner, and the Chief Executive.

Her Worship the Mayor/Noonan

Carried

REPORTS FROM COMMITTEES

11. Works and Infrastructure Committee – 1 May 2014

Document number A1179538, agenda pages 99-108 refer.

Resolved

THAT the unconfirmed minutes of a meeting of the Nelson City Council Works and Infrastructure Committee, held on 1 May 2014, be received.

Davy/Lawrey

Carried

11.1 Water Supply, Wastewater, Stormwater/Flood Protection Asset Management Plans 2015-2025

Resolved

THAT the Water Supply, Wastewater, Stormwater/Flood Protection Asset Management Plans 2015-2025 be adopted as the versions to inform the Long Term Plan 2015-2025.

Davy/Lawrey

Carried

11.2 Airport Easement for Purposes of Power

Resolved

THAT the easement in favour of Network Tasman Limited shown on plan LT450260 be granted pursuant to s48 Reserves Act 1977;

AND THAT all legal costs be incurred by Nelson Airport Limited in this matter.

Davy/Lawrey

Carried

11.3 Corder Park Reserve Utility Easements

Resolved

THAT the Council consent to granting the easements over reserve land subject to the

**Reserves Act 1977 under delegated authority
from Minister of Conservation.**

Davy/Lawrey

Carried

12. Planning and Regulatory Committee – 8 May 2014

Document number A1184830, agenda pages 109-119 refer.

Resolved

THAT the unconfirmed minutes of a meeting of the Nelson City Council Planning and Regulatory Committee, held on 8 May 2014, be received.

McGurk/Lawrey

Carried

12.1 Nelson Air Quality Plan and Woodburner Review

Resolved

THAT the establishment of a working party and stakeholders group for the purpose of a review of the Nelson Air Quality Plan be implemented, noting that the work is to be carried out across all airsheds during winter 2014 to allow decision making to be made at an airshed level. This work will be informed by resident surveys/engagement and compliance monitoring;

AND THAT a budget of \$100,000 be included in the Annual Plan to enable the review to be completed in a timely fashion;

AND THAT this work is reported back to Council by November 2014;

AND THAT Council explores alternative funding options, such as Envirolink, to subsidise the cost of inventory/modelling work;

AND THAT Council monitor progress towards achieving National Environmental Standards for Air Quality targets;

AND THAT Council maintains a watching brief on advances in ultra low emission woodburners;

AND THAT Council continues its programme of providing advice from Council's Eco Design

Advisor on options for creating warm, healthy homes;

AND THAT Council extends its "Warm and Healthy Homes" campaign this winter to focus on promoting good home heating practices;

AND THAT Council works with the Energy Efficiency and Conservation Authority, and other potential partner organisations, to seek local funding support for insulation subsidies for those people currently living in cold homes;

AND THAT Council continues discussions with government agencies to investigate compliance issues and options for reducing air discharges from government owned buildings.

McGurk/Lawrey

Carried

12.2 Maori Input into Council RMA Processes and Decision Making

There was a discussion about the difference between 'Iwi' and 'Maori' in terms of consultation, and councillors agreed to wait on further officer advice.

13. Community Services Committee – 15 May 2014

Document number A1191096, agenda pages 120-125 refer.

Resolved

THAT the unconfirmed minutes of a meeting of the Nelson City Council Community Services Committee, held on 15 May 2014, be received.

Rainey/Noonan

Carried

14. Governance Committee – 22 May 2014

Document number A1190855, agenda pages 126-134 refer.

Resolved

THAT the unconfirmed minutes of a meeting of the Nelson City Council Governance Committee, held on 22 May 2014, be received.

Barker/Acland

Carried

14.1 Independent Review – Southern End, Trafalgar Centre

There was a discussion about 'significant Council projects' as noted in the officer recommendation, and whether a policy was needed to identify significant projects.

The Chief Executive said that such projects were considered to be of high political profile, expenditure or other sensitive nature, and were not assessed in terms of the Council's Significance Policy. She also added that a business case approach would be part of the reporting to Council on significant projects.

Councillors discussed what was expected in terms of reporting on significant projects, and agreed that its identification depended on a threshold being achieved in terms of its significance. It was agreed that it was not cost-effective to consider a business case approach for all Council projects, and that differentiation with significant projects was required.

Her Worship the Mayor, seconded by Councillor Barker moved an amendment to add the following clause to the final motion

***AND THAT** through the Long Term Plan/Annual Plan development, Council will give consideration to the projects that will follow a business case approach.*

The Council debated the amendment. Councillors further noted the administrative costs involved in applying a business case approach to all projects, yet agreed that the advice in the Bickers report (attached to the officer report) was important and should be applied to significant projects.

In response to questions, the Chief Executive further clarified that the Council's Significance Policy currently identified work programmes where Council proposed a change to levels of service resulting in the requirement for a special consultative procedure, and noted that this was different to the current discussion about significant projects.

The amendment was put and carried. The Council then considered the substantive motion.

Resolved

THAT Council accept the recommendations in Alan Bickers' report dated April 2014 (A1180082);

AND THAT Council note the business case approach to projects, as set out in the Independent Review of the Southern End, Trafalgar Centre, will be reviewed and

incorporated into management practices for use in significant Council projects;

AND THAT through the Long Term Plan/Annual Plan development, Council will give consideration to the projects that will follow a business case approach.

Barker/Acland

Carried

15. Planning and Regulatory Committee – 8 May 2014 (continued)

15.1 Maori Input into Council RMA Processes and Decision Making

Kaihautuu, Geoff Mullen joined the meeting and said in terms of consultation under the Treaty Settlements Act, 'Iwi' and 'Maori' could be used interchangeably.

Resolved

THAT Council acknowledges the RMA policy/plan making and resource consent process proposed in report A1165132 for meeting the legislative requirement as a result of the Treaty of Waitangi Te Tau Ihu Settlement Act for Iwi/Māori input in Resource Management Act processes and decision making, which includes:

- (i) Inviting Iwi/Maori to participate early on in the Nelson Plan development, and***
- (ii) Ensuring internal processes provide for iwi interests in resource consents processes;***

AND THAT the Council directs officers to continue discussions with iwi with a view to presenting a report to Council on an agreed process for Iwi/Māori input into Resource Management Act 1991 processes and decision making and funding options.

McGurk/Davy

Carried

16. 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>Council – Public Excluded – 27 February 2014</p> <p>These minutes confirmed the public excluded minutes of 12 December 2013 and 19 December 2013 as a true and correct record, and also contain information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>Community Services Committee – Public Excluded Minutes – 28 January 2014:</p> <ul style="list-style-type: none"> • Future Arrangements – City Camping Grounds (Tahuna Beach Camp Incorporated) • Future Arrangements – City Camping Grounds (Brook Valley Holiday Park) 		<ul style="list-style-type: none"> • Section 7 (2) (h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations • Section 7 (2) (h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
	<p>Future Arrangements – City Camping Grounds – Additional Information</p>		<ul style="list-style-type: none"> • Section 7 (2) (h) To carry out commercial activities • Section 7(2)(i)

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	Regional Landfill Proposal		<p>To carry out negotiations</p> <ul style="list-style-type: none"> • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7 (2) (h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
2	<p>Council – Public Excluded minutes – 17 April 2014</p> <p>These minutes confirmed the public excluded minutes of 6 March 2014 as a true and correct record; and received the public excluded minutes of the 14 March 2014 Nelson Regional Sewerage Business Unit meeting, the 3 April 2014 Governance Committee meeting, and the 4 April 2014 Nelson Tasman Civil Defence Emergency Management Group.</p> <p>They also contain information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>Public Excluded Status Report – 17 April 2014:</p> <ul style="list-style-type: none"> • Regional Landfill Proposal 		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
	<p>Chief Executive Employment Committee – 17 March 2014:</p> <ul style="list-style-type: none"> • Chief Executive Employee Engagement KPI 2013/14 		<ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons

	<p>Community Services – Public Excluded Minutes – 27 March 2014:</p> <ul style="list-style-type: none"> • Founders Leases 2014 		<ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
	<p>Nelson City Council Tasman District Council Joint Shareholders Committee – 4 April 2014:</p> <ul style="list-style-type: none"> • Nelson Airport Ltd – Statement of Intent 2014/15 		<ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person
3	<p>Status Report – 5 June 2014</p> <p>This report contains information regarding:</p> <ul style="list-style-type: none"> • Regional Landfill Proposal Update 	<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"> • Section 7(2)(i) To carry out negotiations
4	<p>Appointment of External Appointees to Committees</p> <p>This report contains information regarding the appointment of external appointees to the Planning and Regulatory Committee and the Governance Committee.</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"> • Section 7(2)(a) To protect the privacy of natural persons
5	<p>Works and Infrastructure Committee – Public Excluded Minutes – 1 May 2014</p> <p>These minutes contain</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for</p>	<p>The withholding of the information is necessary:</p>

	<p>information regarding the public excluded status report:</p> <ul style="list-style-type: none"> • Trafalgar Centre Follow Up Report - Short Term Actions, including a resolution that this item is moved to the status report on the public agenda of the Works and Infrastructure Committee meeting of 1 May 2014 • Trafalgar Centre - Update Report, including a resolution that this item is moved to the status report on the public agenda of the Works and Infrastructure Committee meeting of 1 May 2014 • Washington Valley Property Disposal 	<p>which good reason exists under section 7</p>	<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations • Section 7(2)(i) To carry out negotiations
<p>6</p>	<p>Community Services Committee – Public Excluded Minutes – 15 May 2014</p> <p>These minutes confirmed the public excluded minutes of 27 March 2014 as a true and correct record, and also contain information regarding:</p> <ul style="list-style-type: none"> • Brook Waimarama Sanctuary Lease • Founders Leases 2014 	<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"> • Section 7(2)(i) To carry out negotiations • Section 7(2)(i) To carry out

	Reconsideration		negotiations
7	<p>Governance Committee – Public Excluded Minutes – 22 May 2014</p> <p>These minutes confirmed the public excluded minutes of 3 April 2014 as a true and correct record, and also contain information regarding:</p> <ul style="list-style-type: none"> Ridgeways Joint Venture Statement of Intent and Half Yearly Report 2014 	<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"> Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person

Davy/Ward

Carried

The meeting went into public excluded session at 11.34am and resumed in public session at 12.48pm.

17. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Her Worship the Mayor/Fulton

Carried

There being no further business the meeting ended at 12.54pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date