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## Minutes of a meeting of the Nelson City Council – Policy and Planning

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

On Thursday 18 July 2013, commencing at 9.02am

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Present: Councillors A Boswijk (Chairperson), I Barker, G Collingwood, E Davy, K Fulton (Co-Portfolio Holder), J Rackley, P Rainey, R Reese, D Shaw and M Ward (Co-Portfolio Holder)

In Attendance: Chief Executive (C Hadley), Executive Manager Strategy and Planning (M Schruer), Executive Manager Support Services/Acting Executive Manager Community Services (H Kettlewell), Executive Manager Network Services (A Louverdis), Executive Manager Kaihautū/Community Relations (G Mullen), Acting Chief Financial Officer (T Hughes), Manager Community Relations (A Ricker), Manager Administration (P Langley), and Administration Adviser (E-J Ruthven)

Apologies: His Worship the Mayor (A Miccio), Councillors R Copeland and P Matheson; Councillor K Fulton for lateness; Councillor R Reese for part of the meeting; and Councillor P Rainey for early departure.

### Opening Prayer

Councillor Davy gave the opening prayer.

#### 1. Apologies

Resolved

***THAT apologies be received and accepted from His Worship the Mayor, Councillors Copeland and Matheson; from Councillor Fulton for lateness; from Councillor Reese for part of the meeting; and from Councillor Rainey for early departure.***

Davy/Boswijk

Carried

## 2. Interests

There were no updates to the interests register, and no conflicts of interest with any agenda items were declared.

## 3. Confirmation of Order of Business

The Chair explained that since the agenda had been issued, three additional public forum presentations had been added.

She added that an updated order of business had been tabled (1556130).

Resolved

***THAT the order of business (1556130) be confirmed.***

Boswijk/Ward

Carried

## 4. Public Forum

### 4.1 Air Quality – Wood Burners

Mr Bryan Waters spoke about abatement notices served in relation to wood burners in the Beachville, Stepneyville and Port Hills area. He said he considered that these notices had been issued incorrectly, as the 2009 notice sent to all residents did not explicitly refer to Beachville, Stepneyville or the Port Hills. He added that he did not agree with Council officers' advice that the Beachville area fell within Washington Valley.

Attendance: Councillor Fulton joined the meeting at 9.08am

Mr Waters asked Council to consider withdrawing the abatement notices issued to Beachville residents, and allowing members of the Beachville community to apply for permits to replace wood burners.

He tabled a copy of his presentation, the 2009 notice, along with maps and correspondence sent to residents (1556307).

### 4.2 Trans-Pacific Partnership Agreement

Mr Graeme O'Brien tabled a document outlining his concerns regarding the Trans-Pacific Partnership Agreement (1555715), and emphasised his concern that negotiations were being conducted in private by central government.

Mr O'Brien said he felt that the recommendation in the officer report on the agenda was not strong enough, and asked Council to consider passing a resolution similar to that passed by the Auckland Council.

4.3 Trans-Pacific Partnership Agreement

Mary Ellen O'Connor spoke about the Trans-Pacific Partnership Agreement. She outlined her concerns regarding the potential negative effects the trans-Pacific Partnership Agreement might have on local communities.

5. **Mayor's Report**

There was no Mayor's report.

6. **Status Report – Policy and Planning**

Document number 1034725 v10, agenda pages 14-15 refer.

In response to a question, Executive Manager Strategy and Planning, Mr Schruer, clarified that the report referred to in the item 1 update was in relation to the Terms of Reference for the Rocks Road Shared Path investigation phase. He said that this issue had subsequently been clarified, and that a signed copy of the Terms of Reference had been received from the New Zealand Transport Agency.

Resolved

***THAT the Status Report – Policy and Planning (1034725 v10) be received.***

Boswijk/Barker

Carried

7. **Portfolio Holder's Report**

There was no Portfolio Holder's report.

8. **Trans-Pacific Partnership Agreement**

Document number 1528174, agenda pages 16-45 refer.

Manager Strategic Response, Mr Ward, joined the meeting and presented the report.

In response to questions, he explained that central government negotiations were occurring in private and that he did not have access to sufficient information to advise Council on the items listed in the Auckland Council Regional Development and Operations Committee resolution.

In response to a further question, Mr Ward explained that Auckland Council staff had written to the Minister for Trade to advise of the resolution passed but, as far as he was aware, had received no response.

Councillors discussed whether it was preferable to vote on the recommendation contained in the officer report, or whether it was preferable to pass the resolution of the Auckland Council Regional

Development and Operations Committee, substituting 'Nelson City Council' for Auckland Council where necessary.

Attendance: Councillor Davy left the meeting at 9.36am.

Councillors in support of the officer recommendation considered that the recommendation was sufficient to safeguard the interests of the region, that the negotiation of the Trans-Pacific Partnership Agreement was a central government process, and that there was insufficient information to pass the Auckland Council resolution.

Councillors in support of the Auckland Council resolution acknowledged that the list of items included in the resolutions may be based on incomplete information, but considered it preferable to send a strong message to central government on the issue.

A difference of opinion was also expressed regarding whether this issue represented core Council business.

Attendance: Councillor Reese left the meeting at 9.43am.

Resolved

***THAT the report Trans-Pacific Partnership Agreement (1528174) and its attachments (1493910 and 1542496) be received;***

***AND THAT Council encourages the government to conclude negotiations on the Trans-Pacific Partnership and Free Trade Agreements in a way that provides net positive benefits for Nelson and New Zealand, that is, provided the Partnership and Agreements achieve the following objectives:***

***i. Continues to allow the Nelson City Council and other Councils, if they so choose, to adopt procurement policies that provide for a degree of local preference; to choose whether particular services and facilities are provided in house, by council-controlled organisations (CCOs) or by contracting out; or to require higher health and safety, environmental protection, employment rights and conditions, community participation, animal protection or human rights standards than national or international minimum standards;***

***ii. Maintains good diplomatic and trade relations and partnerships for Nelson and New Zealand with other major trading partners not included in the agreement, including with China;***

***iii. Provides substantially increased access for our agriculture exports, particularly those from the Nelson region into the US market;***

*iv. Does not undermine PHARMAC, raise the cost of medical treatments and medicines or threaten public health measures, such as tobacco control;*

*v. Does not give overseas investors or suppliers any greater rights than domestic investors and suppliers, such as through introducing Investor-State Dispute Settlement, or reduce our ability to control overseas investment or finance;*

*vi. Does not expand intellectual property rights and enforcement in excess of current law;*

*vii. Does not weaken our public services, require privatisation, hinder reversal of privatisations, or increase the commercialisation of government or of Nelson City Council or other local government organisations;*

*viii. Does not reduce our flexibility to support local economic and industry development and encourage good employment and environmental practices and initiatives like Council Cadetships and the Mayor's Taskforce for Jobs which enable marginalised young people to develop their skills and transition into meaningful employment;*

*ix. Contains enforceable labour clauses requiring adherence to core International Labour Organisation conventions and preventing reduction of labour rights for trade or investment advantage;*

*x. Contains enforceable environmental clauses preventing reduction of environmental standards for trade or investment advantage;*

*xi. Has general exceptions to protect human rights, the environment, the Treaty of Waitangi, and New Zealand's economic and financial stability;*

*xii. Has been negotiated with real public consultation including regular public releases of drafts of the text of the agreement, and ratification being conditional on a full social, environmental and economic impact assessment including public submissions.*

Ward/Fulton

Carried

A division was called:

Councillor Barker	No
Councillor Boswijk	Aye
Councillor Collingwood	Abstained
Councillor Copeland	Absent
Councillor Davy	Absent
Councillor Fulton	Aye
Councillor Matheson	Absent
Councillor Rackley	Aye
Councillor Rainey	Aye
Councillor Reese	Absent
Councillor Shaw	Aye
Councillor Ward	Aye
His Worship the Mayor	Absent

## 9. Remuneration of Elected Members 2013-2016

Document number 1542709, Governance agenda pages 60-112 refer.

The meeting turned to consider the item that had been left to lie as a result of the lapsing of the Council meeting on Tuesday 16 July 2013.

Manager Administration, Penny Langley, joined the meeting and presented a memorandum containing additional information (1555340). She explained that the Remuneration Authority had advised that it was possible to set aside a pool of money for Plan Change work, and that use of this pool could be deferred until later years within the next term of Council.

Councillors discussed the option presented in document 1555340 setting aside a pool of money for Plan Change work, and termed this "option 6" for the purposes of the discussion.

### 9.1 Councillor Remuneration

Councillors acknowledged that there may potentially be a large amount of work involved in undertaking Plan Change work. In response to a

question, the Chief Executive suggested that the incoming Council consider whether, rather than a rolling review, a full-scale review of the Nelson Resource Management Plan be undertaken.

Point of Order – Councillor Collingwood raised a point of order under Standing Order 3.13.4(b) against Councillor Barker, regarding comments relating to the work undertaken to establish the Nelson Resource Management Plan. Councillor Barker withdrew his comment and apologised.

There was general agreement amongst Councillors that an additional pool of money for Plan Change work was appropriate.

Attendance: Councillor Davy returned to the meeting at 10.08am.

A suggestion was also made that the rules around reimbursement for mileage following 30km travel in one day be clarified to potential election candidates.

A request was made that it be minuted that the Remuneration Authority would likely be considering the differential applied for unitary councils in the near future. Councillors agreed on the importance of being proactive when this review took place, to ensure that the differential remained, or increased.

Resolved

***THAT the report Remuneration of Elected Members 2013-2016 (1542709) and its attachments (1542746, 1546956, 1547161, 1507219, 1547015, and 1528778); and the additional report 1555340 be received;***

***AND THAT Council approves Additional Pay Option 6 (second option outlined in report 1555340) as the basis for the allocation of the additional pay for councillor remuneration to apply from the 2013 council election to the 2016 council election, for submission to the Remuneration Authority for approval.***

Shaw/Fulton

Carried

## 9.2 Communications Allowance

In response to a question, it was clarified that Option 1 would require re-elected Councillors to return their ipads to Council, and to provide their own electronic device meeting Council's communications standards.

Resolved

***THAT Council approves the draft Nelson City Council Expenses Policy for Elected Members 2013-2016 (1547015), including Communications Allowance Option 1 as outlined in report 1542709, for submission to the Remuneration Authority for approval.***

Boswijk/Rackley

Carried

Attendance: The meeting adjourned for morning tea from 10.21am to 10.34am.

#### **10. Rutherford and Trafalgar Parks Development Plan - Adoption**

Document number 1541944, agenda pages 46-79 refer.

Manager Policy and Planning, Nicky McDonald, and Principal Adviser Reserves and Community Facilities, Andrew Petheram, joined the meeting and presented the report.

Resolved

***THAT the report Rutherford and Trafalgar Parks Development Plan – Deliberation and Adoption (1541944) and its attachments (1238139 and 1460152), be received.***

Barker/Rainey

Carried

There was a discussion regarding the priority and sequencing of events relating to each project within the Development Plan. In response to a question, Ms McDonald explained that each project would need to be considered through a future Long Term Plan process.

A question was asked regarding whether the Nelson Croquet Club would be disadvantaged by a decision by Council to approve the Development Plan. Mr Petheram explained that the proposal allowed for eight lawns (rather than the nine currently available), but that this was still a generous amount of space and sufficient to hold national events. He added that the Nelson Croquet Club had expressed concerns around the proposed central walkway through the park.

Attendance: Councillor Reese returned to the meeting at 10.46am.

10.1 Road Exit onto Haven Road

Resolved

***THAT the Rutherford and Trafalgar Parks Development Plan be amended to emphasise that the new traffic and pedestrian bridge over Saltwater Creek with a left-in and left-out connection to Haven Road is a potential future option only and the existing road corridor will not be changed until detailed assessment of roading issues in the area have been completed.***

Collingwood/Boswijk

Carried

10.2 Destination Playground

Resolved

***THAT the proposal for a destination playground be retained in the Rutherford and Trafalgar Parks Development Plan, to support Heart of Nelson goals as well as community use.***

Fulton/Shaw

Carried

10.3 Youth Playscape or Youth Park

During a discussion regarding the location of the proposed youth park, it was noted that the current focus was the framework of the development plan only, and that it was not appropriate to prescribe the exact location of the youth playscape at this point in time.

Resolved

***THAT the Rutherford and Trafalgar Parks Development Plan include a youth park, to be carefully designed to avoid safety problems and to better integrate youth with other park users, with further work to determine the optimum location.***

Davy/Rackley

Carried

10.4 Halifax Street Pedestrian Connection

Councillors discussed the proposed central accessway through the park and several views were expressed regarding the optimum location of the accessway. There was general agreement with the concept of a central accessway, and it was agreed that the specific location should be addressed at a later point in time.

Resolved

***THAT a centralised accessway into Rutherford Park be included in the Plan but considered at a later stage of the development of the park and the existing pedestrian accessways to the park be retained for the present.***

Rainey/Rackley

Carried

#### 10.5 Car Parking

In response to a question, Mr Petheram confirmed that the proposed green areas would be strengthened and would be able to be used as 'spillover' parking for large events at the Trafalgar Centre. He added that the strengthening would not preclude the green areas from being used as playing surfaces.

In response to a further question, it was clarified that the current car-parking at the Trafalgar Centre was covered by a variation to the original resource consent.

Resolved

***THAT the car parking provision as included in the Development Plan be retained.***

Boswijk/Shaw

Carried

#### 10.6 Hathaway Terrace Footpath

In response to a question, Mr Petheram confirmed that residents of Hathaway Court had been advised that the walkway may be in the future work programme, and that consultation would occur again at the relevant point in time.

Mr Petheram added that, following the formal consultation process, Trailways Hotel had indicated its agreement to a footpath in front of the hotel. Councillors noted their approval of the footpath being developed in front of Trailways, if possible.

Councillor Ward, seconded by Councillor Boswijk moved the recommendation in the officer report.

A discussion followed regarding the aspirations of the Nelson Railway Society for the railway to be extended around Trafalgar Park towards Hathaway Terrace.

Councillor Collingwood, seconded by Councillor Davy moved an amendment to add an additional clause:

***AND THAT the vision and plans of the Railway Society be included.***

This was passed and became the substantive motion.

Resolved

***THAT the proposed Hathaway Terrace footpath be retained in the Plan;***

***AND THAT the vision and plans of the Railway Society be included.***

Ward/Boswijk

Carried

10.7 Eastern Trafalgar Park Grandstands and Multi-Functional Community Facility

In response to a question, Mr Petheram explained that a group of sporting bodies and interested people had formed to consider a multi-functional community facility within a redeveloped Trafalgar Park grandstand, but that this was not a Council group or otherwise organised by Council.

Resolved

***THAT the replacement of the Eastern Trafalgar Park grandstand be considered as a project for a later stage of development of Trafalgar Park.***

Davy/Rainey

Carried

10.8 Tennis Courts

Councillors discussed whether extra space should be made available for future additional tennis courts. In response to a question, Mr Petheram explained that a decision to include extra space for additional tennis courts was a provision of space only, and did not signal or confirm that Council intended to fund the provision of any additional tennis courts.

Attendance: Councillor Davy left the meeting at 11.41am.

Resolved

***THAT extra space be made available for tennis, for a maximum of twelve courts, to be considered at a later stage.***

Rainey/Shaw

Carried

10.9 Community Leases (Varied Locations)

There was general agreement regarding the importance of Council working with affected groups to consider relocation options.

Resolved

***THAT after 2020 leases for the Highland Pipe Band, the Marist and the Nelson Rugby Football Clubs and the Nelson Rugby Football Union buildings be renewed on an annual basis only;***

***AND THAT the Nelson Rifle Shooting Association and Community Arts leases not be renewed for more than 12 month periods from 2014 on, noting the possible need for relocation as part of changes to Paru Paru Road and car parking in Rutherford Park;***

***AND THAT Council works with affected groups to facilitate options for relocation and co-location as appropriate.***

Collingwood/Boswijk

Carried

10.10 Weir

Resolved

***THAT a weir not be included in the Development Plan.***

Shaw/Collingwood

Carried

10.11 Access to the Maitai River from Kinzett Terrace for Water-Based Sports

Resolved

***THAT access to the Maitai River at Kinzett Terrace for water-based sports not be included in the Development Plan and officers be directed to work with Sport Tasman and interested groups to scope a facility at the Port for aquatic sports.***

Boswijk/Rackley

Carried

10.12 Conclusion

There was general agreement that all media releases regarding the Rutherford and Trafalgar Parks Development Plan should be approved by the Deputy Mayor, as Chairperson of the meeting.

Resolved

***THAT the Rutherford and Trafalgar Parks Development Plan, as amended by decisions at the 18 July 2013 Council meeting, be adopted.***

Boswijk/Shaw

Carried

## 11. Maitai Valley Summer Youth Camp

Document number 1543267, agenda pages 80-85 refer.

In response to a question, the Chief Executive advised that the requirement in the camp lease to hold a youth camp had placed camp operators in a difficult position of identifying campers aged over 18. She added that removing the requirement from the lease gave the camp lessees the opportunity to decide whether or not to hold the camp, but clarified that, if it were held, Council would expect the law to be upheld.

It was noted that the Police were supportive of the requirement to hold a Youth camp being removed from the lease.

There was general agreement that it was appropriate to remove the camp requirement from the lease. However, it was requested that this message be clearly communicated both in Nelson and in the wider area from which campers traditionally travelled, to ensure that there were clear expectations regarding activities at the Maitai Valley camp.

It was also suggested that Council should consider alternative events for youth in Nelson during the summer months.

Resolved

***THAT the report Maitai Valley Summer Youth Camp (1543267) be received;***

***AND THAT clause 31: 'Summer Camp' of the Maitai Valley Camp lease requiring provision of a summer youth camp be removed immediately.***

Boswijk/Rackley

Carried

## 12. Land Transport Amendment Act – 2013 Amendment

Document number 1542061, agenda pages 86-92 refer.

Executive Manager Strategy and Planning, Mr Schruer, said that recent amendments to the Land Transport Amendment Act required the Regional Transport Committee to be appointed. He added that the New Zealand Transport Agency had confirmed that it was not necessary for Council to appoint the committee prior to the election.

Councillors discussed when to appoint the Regional Transport Committee. Councillors in support of doing so immediately noted the importance of having a committee in place, and suggested that the community representatives should be invited to remain on the committee in an advisory capacity. Other councillors expressed the view that there was little point in establishing a new committee that was unlikely to meet prior to the election.

Several councillors expressed support for the possibility of considering a joint Regional Transport Committee with Tasman District Council following the election, given the quantity of cross-boundary transport issues.

Attendance: Councillor Davy returned to the meeting at 12.15pm.

In response to a question, the Chief Executive noted her understanding from the New Zealand Transport Agency that the proposed joint Investment Logic Mapping workshop with the Tasman Regional Transport Committee would not take place until following the election.

Attendance: Councillor Ward left the meeting at 12.22pm.

Resolved

**THAT the report Land Transport Amendment Act – 2013 Amendment (1542061) be received;**

**AND THAT the external members of the Regional Transport Committee are invited to continue to attend;**

**AND THAT the following Councillors are elected to make up the Regional Transport Committee:**

- **Councillor Barker (Chair)**
- **Councillor Copeland (Deputy Chair)**
- **Councillor Collingwood**
- **Councillor Shaw**

Reese/Barker

Carried

Attendance: Councillor Ward returned to the meeting at 12.29pm.

### **13. Statement of Proposal to Revoke Camping Bylaw (Bylaw 220)**

Document number 1532694, agenda pages 108-115 refer.

Resolved

**THAT the report Statement of Proposal to Revoke the Camping Bylaw (Bylaw 220) (1532694) and its attachment (1531790) be received;**

**AND THAT the Statement of Proposal to revoke the Nelson City Council Camping Bylaw (Bylaw 220) in document 1531790 be approved for public consultation and advertised using the Special Consultative Procedure (Section 83 of the Local Government Act 2002);**

**AND THAT all submissions received on the Statement of Proposal be heard and considered by full Council before decisions are made.**

Davy/Fulton

Carried

**14. Platinum New Zealand 2013 – Council Submission on Proposal**

Document number 1530527, agenda pages 121-129 refer.

Planning Adviser, Reuben Peterson, joined the meeting and presented the report.

A suggestion was made that the submission acknowledge that the tender area covered part of the Waimarama Brook Sanctuary area, and that the reference to Significant Natural Areas be incorporated into the other reference to overlays in the Nelson Resource Management Plan.

Resolved

**THAT the report Platinum New Zealand 2013 – Council Submission on Proposal (1530527) and its attachments (1529479, 1529480, and 1544668) be received;**

**AND THAT Council submits on the ‘Platinum New Zealand 2013’ consultation document.**

Davy/Boswijk

Carried

Attendance: The meeting adjourned for lunch from 12.36pm to 1.18pm, during which time Councillor Rainey departed the meeting.

**REPORTS FROM COMMITTEES**

**15. Resource Management Act Procedures Committee**

15.1 18 June 2013

Document number 1537312, agenda pages 130-132 refer.

Resolved

**THAT the minutes of the meeting of the Resource Management Act Procedures Committee held on 18 June 2013, be received.**

Reese/Shaw

Carried

15.2 27 June 2013

Document number 1543524, agenda pages 133-135 refer.

Resolved

**THAT the unconfirmed minutes of the meeting of the Resource Management Act Procedures Committee held on 27 June 2013, be received.**

Reese/Shaw

Carried

**16. Cable Bay Road Upgrade**

Document number 1544754, agenda pages 153-156 refer.

Resolved

**THAT the report Cable Bay Road Upgrade (1544754) and its attachment (1547129) be received;**

**AND THAT the tender for the Cable Bay Road Upgrade for \$3,111,493.85 from Donaldson Civil Limited be approved;**

**AND THAT \$1,526,000 be provided in the 2014/15 financial year to complete the project.**

Rackley/Davy

Carried

**17. Seaview Road Upgrade (Sewer and Stormwater)**

Document number 1547971, agenda pages 157-160 refer.

Resolved

**THAT the report Seaview Road Upgrade (Sewer and Stormwater) (1547971) and its attachment (1548344) be received;**

**AND THAT the tender for the Seaview Road Upgrade for \$1,576,233 from Ching Contracting Limited be approved.**

Davy/Boswijk

Carried

**18. Solid Waste Buller Residual Waste**

Document number 1537909, agenda pages 174-178 refer.

Resolved

**THAT the report Solid Waste Buller Residual Waste (1537909) be received;**

**AND THAT Council approves an extension to the existing agreement between Nelson City Council and Buller District Council to receive residual waste from the Buller District up until 30 June 2014;**

**AND THAT the Buller District Council be notified in writing that any extension post June 2014 will be subject to the findings and recommendations of a cultural impact assessment on the inter-regional transfer of waste with the assessment to be commissioned and paid for by the Buller District Council;**

**AND THAT the Joint Waste Working Party be thanked in writing for their recommendations and further be informed of this Council's decisions in this matter.**

Collingwood/Rackley

Carried

**19. 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	<b>Public Excluded Policy and Planning Status Report – 18 July 2013</b> This report contains 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:
	The classifications of certain heritage precincts, including references to specific addresses.		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> </ul>

	A proposal for a lease on Council land		<ul style="list-style-type: none"> <li>• Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> <li>• Section 7(2)(i) To carry out negotiations</li> <li>• Section 7(2)(j) To prevent improper gain or advantage</li> </ul>
2	<p><b>Public Excluded Minutes – Governance and Policy and Planning – 4 June 2013</b></p> <p>These minutes confirmed the public excluded minutes of the 23 April 2013 Governance and Policy and Planning meeting, 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>	The withholding of the information is necessary:
	Resource Management Act Procedures Committee Minutes – 20 March and 30 April 2013		<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	Rate Remission for Land Affected by the December 2011 Rainfall Event		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> </ul>
	Heads of Agreement for the termination of the Ridgeway’s Joint Venture		<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>

3	<p><b>Public Excluded Minutes – To Approve the Annual Plan 2013/14 – 18 June 2013</b></p> <p>These minutes confirmed the public excluded minutes of the 30 May 2013 Council meeting to deliberate on submissions to the draft Annual Plan 2013/14, 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>Potential Debtor Issue</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person</li> <li>• Section 7(2)(h) To carry out commercial activities</li> </ul>
4	<p><b>Public Excluded Status Report – Governance – 16 July 2013</b></p> <p>This report contains 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>
	<p>Nelson City Council Tasman District Council Engineering Services Agreement</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
	<p>Governance Options for, and commercially sensitive information regarding, the Nelson Regional Sewerage Business Unit</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>

	The proposed transfer of assets, and negotiation of a lease and contract with the Theatre Royal and Nelson School of Music.		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Potential Exit from Ridgeway's Joint Venture		<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>
	Theatre Royal Trust Deed		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	The Statement of Intent and Half Yearly report provided by Nelson Tasman Tourism to Council		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> </ul>
<b>5</b>	<p><b>Public Excluded Minutes – Remuneration Review Committee – 17 June 2013</b></p> <p>These minutes confirmed the public excluded minutes of the 22 February Remuneration Review Committee, 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>	The withholding of the information is necessary:
	Chief Executive's Proposed Performance Agreement 2013/14		<ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
<b>6</b>	<p><b>Drainage Ownership Policy Public Private Drains</b></p> <p>This report contains information regarding an amended Drainage Ownership Policy</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)(g) To maintain legal professional privilege</li> </ul>

<b>7</b>	<p><b>Public Excluded Resource Management Act Procedure Committee minutes, 18 and 27 June 2013</b></p> <p>These minutes confirm the public excluded minutes of the Resource Management Act Procedures Committee meetings of 20 March, 30 April and 18 June 2013 and also contain information regarding:</p> <p>Appeals to Plan Change 14, 17 and 18.</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)(i) To carry out negotiations</li> </ul>
<b>8</b>	<p><b>Nelson Wastewater Treatment Plant – Contract Dispute Resolution</b></p> <p>This report contains details regarding a contract dispute relating to the Nelson Wastewater Treatment Plant.</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)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(h) To carry out commercial activities</li> </ul>
<b>9</b>	<p><b>Council Owned Buildings Plant and Food (300 Wakefield Quay)</b></p> <p>This report contains information about a proposed course of action for a Council-owned building.</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>

Collingwood/Boswijk

Carried

The meeting went into public excluded session at 1.23pm and resumed in public session at 2.27pm.

## 20. Re-admittance of the Public

Resolved

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

Boswijk/Davy

Carried

## 21. Saxton Creek Flood Protection

Document number 1540806, agenda pages 161-167 refer.

Attendance: Councillor Reese sat back from the table during this item.

Principal Advisor Utilities, Phil Ruffell, presented the report.

In response to a question, he emphasised the importance of planning remedial work for Saxton Creek alongside Tasman District Council, to prevent cross-boundary issues. He added that any work on stormwater issues in this area should take account of the issues involved with the appeal to Plan Change 18.

Resolved

***THAT the report Saxton Creek Flood Protection (1540806) and its attachments (1547200 and 1157378) be received;***

***AND THAT the works carried out by Council to date to respond to flood damage in Saxton Creek be noted;***

***AND THAT the proposals for future channel upgrading works by Nelson City Council be developed in conjunction with Tasman District Council with appropriate funding requirements identified in the Draft Annual Plan 2014/15;***

***AND THAT wherever possible, future upgrade works take into consideration any relevant issues raised as part of the Plan Change 18 process.***

Boswijk/Fulton

Carried

## 22. Nelson Resource Management Plan: Efficiency and Effectiveness Review

Document number 1527976, agenda pages 93-103 refer.

Principal Adviser Resource Management Planning, Matt Heale, joined the meeting and presented the report.

In response to a question, Mr Heale clarified the feedback received regarding the heritage chapter, and agreed that paragraph 4.31.4 should be removed from the proposed summary.

Resolved

***THAT the report Nelson Resource Management Plan: Efficiency and Effectiveness Review (1527976) be received;***

**AND THAT the Efficiency and Effectiveness Review of the Nelson Resource Management Plan be adopted subject to the amendments outlined in this report (1527976);**

**AND THAT the report be adopted subject to the Chief Executive being delegated authority to make minor amendments to the Efficiency and Effectiveness Review, prior to finalisation.**

Shaw/Fulton

Carried

**23. Renewable Energy Assessment for Nelson**

Document number 1535154, agenda pages 104-107 refer.

Policy Adviser, Paul Harrington, joined the meeting and presented the report. In response to a question, he explained that the assessment was commissioned to provide technical information for Nelson's response to the National Policy Statement for Renewable Energy Generation.

Resolved

**THAT the report Renewable Energy Assessment for Nelson (1535154) and its attachment (1542305) be received.**

Davy/Shaw

Carried

**24. Reporting Public Transport Information**

Document number 1535591, agenda pages 116-120 refer.

Strategy and Planning Analyst, Brylee Wayman, joined the meeting and presented the report.

In response to a question, Ms Wayman explained that the data from April 2012 to April 2013 showed a 50% increase in patronage on routes 1 and 2. She added that data was available for Routes 3-6 from May 2012 onwards, and that the data from May 2012 to May 2013 showed a 22% increase in patronage on all bus routes.

Resolved

**THAT the report Reporting Public Transport Information (1535591) be received;**

**AND THAT the requested information which is readily available be reported via the Chief Executive newsletter;**

**AND THAT** during 2013/14, a quarterly report is provided in the Chief Executive newsletter on NBus patronage and fare revenue by route, by zone and by ticket type;

**AND THAT** a review of the public transport service in 2013/14 includes the information which requires more time and analysis.

Barker/Boswijk

Carried

## CROSS COUNCIL ITEMS

### 25. Lewis Stanton – Follow Up Report

Document number 1319150, agenda pages 136-152 refer.

It was agreed that the recommendation be taken in two parts.

Resolved

**THAT** the report Lewis Stanton - Follow Up Report (1319150) and its attachment (1312078) be received;

**AND THAT** Council rescind the following resolution made on the 26 June 2012:

*THAT the matter lie on the table for at least six weeks and consultation with affected persons be carried out, and the matter and the results of consultation be brought back for further discussion at a Council meeting;*

*AND THAT in principle the Council issue a special permit according to clause 4.1(d) of the Camping Bylaw to Mr Stanton;*

*AND THAT this special permit include the following conditions:*

- *That Mr Stanton collect and suitably dispose of all his horse manure;*
- *That the term of any special permit issued to Mr Stanton be for a maximum period of 12 months, followed by a review;*
- *That Mr Stanton be prohibited from using open fires for cooking or heating;*
- *That Mr Stanton be allowed to use a contained fire (brazier or similar) for heating and the use of a barbeque for cooking purposes;*

- *That Mr Stanton be allowed a maximum of three nights stay at any site;*
- *That the special permit allow Mr Stanton access to camp in the following areas close to existing ablution facilities and within 50 metres of the boundary of:*
  - *Branford Park;*
  - *QEII Drive mounds (adjacent to Founders Path boundary);*
  - *Guppy Park surrounds;*
  - *Pioneers Park (St Vincent/ Hastings Street corner)*

*As outlined in red on the maps at attachment 1 to report 1310190.*

Davy/Reese

Carried

Councillors discussed how best to deal with Mr Stanton in the future. In response to a question, Executive Manager Network Services, Alec Louverdis, explained that Police had advised that they had a number of competing priorities, and that responding to complaints regarding Mr Stanton's location within the city was a lower priority.

In response to a question, Manager Environmental Inspections Limited, Stephen Lawrence, explained that it was unlikely that Mr Stanton's possessions would be considered litter under the Litter Act. In addition, the Chief Executive noted that the remedies available under the Litter Act were not large, and relied on the assumption that citizens were prepared to follow the law.

Councillors expressed frustration with Mr Stanton's actions, clarified that they found his behaviour to be unacceptable, and acknowledged that many members of the community shared a similar frustration with Mr Stanton.

A suggestion was made that the Chief Executive meet with relevant central government officials to see if any further options regarding Mr Stanton's behaviour could be identified.

Resolved

**THAT no special permit be issued to Mr Stanton, or any other person for that matter, to camp in any area where camping is not a permitted activity under the Nelson Resource Management Plan (Open Space and Recreation Zone and Residential Zone);**

**AND THAT no special permit be issued to Mr Stanton, or any other person for that matter, to camp in any area where camping is not permitted under the Reserves Act 1977, all Council approved Reserve Management Plans and all Council approved Esplanade and Foreshore Reserves Management Plans;**

**AND THAT Council take note that any enforcement will be undertaken as allowed for under the provisions defined in the Nelson Resource Management Act 1991, Reserves Act 1977, Freedom Camping Act 2011 and the Local Government Act 2002;**

**AND THAT Council clearly communicate with their ratepayers and residents the outcomes of the 4 June 2013 resolution regarding freedom camping;**

**AND THAT Council communicate to the Police where camping can and cannot take place under the Nelson Resource Management Plan, Reserves Act 1977, all Council approved Management Plans and Freedom Camping Act 2011;**

**AND THAT Council meet with Mr Stanton's lawyers to clearly communicate the outcomes of all resolutions regarding freedom camping;**

**AND THAT Council receive the feedback of the public consultation undertaken in August 2012 noting the overwhelming objection to the issuing of Mr Stanton or any other person with a special permit for the four areas as detailed in the 26 June 2012 resolution;**

**AND THAT Council note the number of parking, Warrant-of-Fitness and Registration infringement notices issued to Mr Stanton, noting that any non payment of these will be pursued independently through the Court system;**

**AND THAT Council take note of the pending injunction court hearing (scheduled for 25 July 2013) against Mr Stanton for trading in the Tahunanui area without proper approvals;**

**AND THAT should Mr Stanton re-occupy the footpath in the Central Business District or surrounding areas that Council accept that there is nothing officers can do to move him on, other than to refer the issue to the Police;**

***AND THAT the Chief Executive be requested to meet with staff and relevant central government officials to consider if any other options can be identified to deal with the situation.***

Boswijk/Davy

Carried

A division was called:

Councillor Barker	Aye
Councillor Boswijk	Aye
Councillor Collingwood	Aye
Councillor Copeland	Absent
Councillor Davy	Aye
Councillor Fulton	Aye
Councillor Matheson	Absent
Councillor Rackley	Aye
Councillor Rainey	Absent
Councillor Reese	Aye
Councillor Shaw	Aye
Councillor Ward	Aye
His Worship the Mayor	Absent

**26. Joint Waste Working Party: Terms of Reference**

Document number 1537929, agenda pages 168-173 refer.

Councillors discussed the role of the Joint Waste Working Party (JWWP). Nelson City members of the JWWP noted that the working party had had a beneficial effect on attitudes regarding solid waste. However, reservations were also noted regarding whether the JWWP was most advantageous to Nelson City Council.

In response to a question, the Chief Executive confirmed that the Tasman District Council Chief Executive had also expressed concerns

regarding whether the Joint Waste Working Party model was the most efficient way of dealing with cross-boundary solid waste issues.

A suggestion was made that alternative models for cross-council cooperation on solid waste issues be brought to a future joint meeting of Nelson City and Tasman District Councils.

Resolved

***THAT the report Joint Waste Working Party: Terms of Reference (1537929) and its attachment (1533605) be received;***

***AND THAT the future of the Joint Waste Working Party, any further Terms of Reference and future Governance Models be referred for discussion to the Nelson/Tasman Joint Council meeting scheduled for 7 August 2013.***

Boswijk/Rackley

Carried

## **27. Solid Waste Joint Management of Landfill Disposal Facilities**

Document number 1537979, agenda pages 179-222 refer.

In response to a question, Executive Manager Network Services, Mr Louverdis, explained that the report at Attachment 1, regarding joint management of solid waste landfill disposal facilities, had narrow terms of reference, largely based on cost. He explained that there were other factors, such as the environmental and amenity issues related to the increased use of the York Valley Landfill to cater for Tasman District Council (TDC) commercial waste. He said that these issues should also be taken into account in establishing long-term cross-boundary solid waste landfill disposal options.

In response to a further question, Mr Louverdis clarified that TDC commercial waste could be processed at the York Valley Landfill as an interim measure, while TDC prepared the resource consent application required to continue using the Eves Valley Landfill. He added that TDC would be charged the relevant rates for disposing waste at York Valley.

Resolved

***THAT the report Solid Waste Joint Management of Landfill Disposal Facilities (1537979) and its attachment (1521382) be received;***

***AND THAT the Joint Waste Working Party be thanked in writing for their recommendations to the Nelson City Council in the matter of a joint landfill disposal strategy;***

**AND THAT the Council requests the Chief Executive to write to the Joint Waste Working Party noting that further work is required in determining the best outcome for the region as it relates to the consideration of a joint landfill disposal strategy and that the option of keeping Eves Valley landfill open as a regional facility should not be discounted at this stage;**

**AND THAT the Council agrees that until such time as a final strategy is in place for the Nelson/Tasman area, that the Chief Executive be delegated authority to negotiate interim commercial arrangements with the Tasman District Council for the disposal of waste from the Tasman area in the short-term;**

**AND THAT Council notes that this issue is to be discussed at the Joint Council Meeting scheduled for 7 August 2013.**

Boswijk/Collingwood

Carried

There being no further business the meeting ended at 3.22pm.

Confirmed as a correct record of proceedings:

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