

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 2 OCTOBER 2008 COMMENCING AT 10.30AM

PRESENT: His Worship the Mayor (K Marshall – Chairperson), Councillors A Boswijk, M Cotton, M Holmes, A McAlpine, A Miccio, P Rainey, R Reese (Deputy Mayor), D Shaw and G Thomas

IN ATTENDANCE: Chief Executive (Chief Executive), Divisional Manager Community Services (S Coleman) and Administration Adviser (A Rose)

APOLOGIES: Apologies were received and accepted from Councillors I Barker, G Collingwood and D Henigan.

1.0 OPENING PRAYER

The Opening Prayer was read by the Chief Executive.

2.0 CONFIRMATION OF MINUTES

Recommendation

21 August 2008

THAT the minutes of the ordinary meeting of the Nelson City Council, held on Thursday 21 August 2008, be confirmed as a true and correct record.

His Worship the Mayor/Shaw

Carried

14 August 2008

THAT the minutes of the ordinary meeting of the Nelson City Council to hear and consider submissions to the Draft Action Plan for Climate Protection Applications for Community Funding held on Thursday 14 August 2008, be confirmed as a true and correct record.

His Worship the Mayor/Shaw

Carried

4 September 2008

THAT the minutes of an extraordinary meeting of the Nelson City Council held to consider proposals for the development of Trafalgar Park be confirmed as a true and correct record.

His Worship the Mayor/Shaw

Carried

3.0 COUNCIL STATUS REPORT – OCTOBER 2008

Agenda pages 25-28 refer

It was noted that the action under Nelson Marlborough Health Meeting was now complete.

It was noted that the report to consider a proper management system for the Neale Park Skatepark would be going to a future meeting of the Community Services Committee.

With regard to the requests from the Annual Plan process, each Chairperson was asked to speak to the respective Council managers and come back to the Chairs meeting with comments.

Resolved

THAT the Council status report – October 2008 be received.

His Worship the Mayor/Thomas

Carried

The Manager Parks and Facilities confirmed that a report regarding Neale Park Skatepark would be going to the November meeting of the Community Services Committee. Councillor Thomas reported that he had seen people pulling up in cars alongside QEII Drive to pick up their children then crossing and recrossing the State Highway as they drove away. He expressed concern at the potential for an accident.

His Worship the Mayor said that something needed to be done to mitigate the risk, and asked staff to action it urgently and report back on how they get on.

4.0 MEETING DATES

4.1 Council meeting – Trafalgar Park Submissions

It was explained that the new date for the Council meeting to hear and consider submissions to the proposals for Trafalgar Park was required to be confirmed.

Resolved

THAT the Council meeting to hear and consider submissions to the proposals for Trafalgar Park be held on Tuesday 21 October commencing at 9.00am, continuing at 9.00am on Wednesday 22 October and Thursday 23 October.

Boswijk/Holmes

Carried

4.2 Environment Committee

It was explained to prevent any possible clash with the Council meeting to hear and consider submissions to the proposals for Trafalgar Park, the Environment Committee meeting scheduled for 23 October will now be held on Tuesday 28 October. It was also agreed that the workshop to be held on 23 October would still go ahead after the end of the Council meeting.

Resolved

THAT the Environment Committee meeting originally scheduled for 23 October 2008 will now be held commencing at 9.00am on Tuesday 28 October 2008.

Reese/Miccio

Carried

5.0 MAYORS REPORT

5.1 Civic Awards

Memo from His Worship the Mayor dated 25 September 2008, agenda pages 29-36 refer.

His Worship the Mayor explained that the previous Council had decided to hold the Civic Awards ceremony biannually, and the last ceremony was held in 2006. He asked the Councillors two questions:

1. Should a Civic Award ceremony be held this year under it's current policy and criteria, taking into account Council's workload between now and Christmas; and secondly
2. Should the Civic Awards Policy be reviewed early in the New Year as part of a Councillor Workshop?

The meeting agreed that there should be no Civic Award ceremony held this year, but there was support for it being resumed in 2009.

Resolved

THAT no Civic Award ceremony be held in 2008;

AND THAT the whole matter of Civic Awards be referred to the Communications Subcommittee, to investigate and review and come back to Council with recommendations for a suitable ceremony in 2009.

His Worship the Mayor/Holmes

Carried

6.0 REPORTS AND RECOMMENDATIONS OF COMMITTEES AND WORKING PARTIES

6.1 Community Services

18 August 2008

Resolved

THAT the minutes of a meeting of the Community Services Committee, held on Wednesday 28 August 2008, be received.

Rainey/Holmes

Carried

6.2 Infrastructure Committee

4 September 2008

Resolved

THAT the minutes of a meeting of the Infrastructure Committee, held on Thursday 4 September 2008, be received and the following recommendations adopted:

Windstorm Event and Maitai Pipeline Damage – 30 July 2008

THAT the report regarding the Wind Storm Event and the Maitai Pipeline Damage on 30 July 2008 be received;

AND THAT the costs associated with the storm event be funded from the Emergency Fund, any money left from the Contingency Fund at the end of the financial year with any shortfall being funded by a loan;

AND THAT future funding to the Emergency Fund be considered by the Council as part of the 2009/10 budget deliberations.

Parking and Vehicle Control Bylaw Penalties

THAT Clause 29 of the Parking and Vehicle Control Bylaw 2004 (No 207) be amended by adding the following as Clause 29(iv):

“Every person who breaches the provision of Clause 14 or Clause 15 hereof shall be liable to a fine of \$200”;

AND THAT special consultation process to introduce the amendment be undertaken.

Parking and Vehicle Control Bylaw 2004, No 207 – Amendments to Schedules

THAT subject to the corrections to street names being made, the following alterations be made to the Schedules of Bylaw No 207 Parking and Vehicle Control – 2004 all as per the attachments to Document No 686439:

- (i) Schedule 4 – Special Parking Areas
- (ii) Schedule 9 – No Stopping
- (iii) Schedule 14 – Give Way Signs

Holmes/McAlpine

Carried

6.3 Environment Committee

11 September 2008

Resolved

THAT the minutes of a meeting of the Environment Committee, held on 11 September 2008, be received and the following recommendations be adopted.

Local Action Plan for Climate Protection

THAT Council approve the Local Action Plan for Climate Protection 2008 (Document 625843) attached to report 690737 with the changes agreed to by the Environment Committee;

AND THAT the Council note that the implementation of the Action Plan will require additional funding from 2009/2010 subject to discussion and confirmation through the Community Plan process.

Urban Design Protocol Action Plan 2008-2010

THAT the Council approves the Urban Design Protocol Action Plan 2008-2010, (document 670862) attached to report 686951 with the changes agreed at the meeting to be made.

Reese/Shaw

Carried

6.4 Governance Committee

18 September 2008

Resolved

THAT the minutes of a meeting of the Governance Committee, held on Thursday 18 September 2008, be received and the following recommendation to Council be adopted:

Water Supply Bylaw

THAT clause 6.2 of the draft Water Supply Bylaw be amended by adding a new sub-clause (ix) to read “Tramping off Existing Tracks”;

AND THAT subject to the foregoing amendment Bylaw 217 “Water Supply”, being Attachment 2 to Report No 691610, be adopted;

AND THAT Bylaw 217 come into effect on Monday 13 October 2008;

AND THAT the Terms and Conditions of Connection to the Water Supply System, being Attachment 3 to Report No 6910610, dated 2 September 2008, be adopted;

AND THAT on the coming into effect of Bylaw 217, Bylaw 199 Water Supply (1999) be revoked.

Thomas/McAlpine

Carried

7.0 JOINT NELSON CITY COUNCIL TASMAN DISTRICT COUNCIL COMMITTEES

7.1 Civil Defence Emergency Management Group – 29 August 2008

Resolved

THAT the minutes of the Nelson City Council Tasman District Council Civil Defence Emergency Management Group, held on Wednesday 29 August 2008, be received.

Reese/His Worship the Mayor

Carried

8.0 ANNUAL REPORT

Document No 698038, dated 19 September 2008, agenda pages 70-72 refer.

Councillor Thomas complimented staff on the production of the Annual Report 2007/08, but he said it was a very complicated document and there was a very unrealistic expectation for Councillors and the public to read it.

He said that the expectations placed on Council by a statute to compile this document were unrealistic, and he said that Council should be making submissions to Local Government New Zealand along those lines.

Councillor Reese endorsed Councillor Thomas's comments, and she asked the Mayor to pursue the matter with Local Government New Zealand.

Resolved

THAT the Annual Report for the year ended 30 June 2008 be adopted in accordance with Section 98 of the Local Government Act 2002;

AND THAT a submission be made to Local Government New Zealand regarding the statutory requirements currently imposed on Councils in preparing Annual Reports, and the draft submission be submitted to the Audit Committee before being sent off to Local Government New Zealand.

Thomas/Reese

Carried

9.0 RATING REVIEW WORKING PARTY

Document No 696343, dated 22 September 2008, agenda pages 73-75 refer.

Resolved

THAT a Rating Review Working Party be established to prepare recommendations to Council on possible changes to the Council's rating policies;

AND THAT Councillor Thomas (Chairman) and Councillors Boswijk and Rainey, together with His Worship the Mayor (ex Officio) be appointed to the Working Party.

Miccio/Reese

Carried

10.0 OPERATIVE NELSON AIR QUALITY PLAN

Document No 695047, dated 22 September 2008, agenda pages 76-77 refer.

Resolved

THAT the Council approves, in terms of Clause 17(1) of the First Schedule of the Resource Management Act 1991, the Nelson Air Quality Plan;

AND THAT the Council resolves to make the Nelson Air Quality Plan operative on 3 November 2008 under Clause 20(1) of the First Schedule of the Resource Management Act 1991.

AND THAT staff involved in the preparation of the Plan be congratulated for their efforts.

Shaw/McAlpine

Carried

11.0 MELROSE HOUSE RESERVES CLASSIFICATION

Document no 696301, dated 20 September 2008, agenda pages 78-82 refer.

The Manager Parks and Facilities joined the meeting and presented the report.

Resolved

THAT Melrose House and grounds as described as Section 1093 City of Nelson, and two parts of Section 1091 City of Nelson, be declared Historic Reserve in accordance with Section 16(2a) of the Reserves Act 1977;

AND THAT the Department of Conservation be notified of this classification in accordance with the requirements of Section 16(2b) of the Reserves Act 1977.

Rainey/Holmes

Carried

12.0 NATURELAND TRANSFER TO ORANA WILDLIFE TRUST: UPDATE

Document No 696302, dated 21 September 2008, agenda pages 83-85 refer.

The Manager Parks and Facilities presented the report. He explained that there was to be an informal handing over ceremony that afternoon, to which Councillors had been invited.

Resolved

THAT Report No 696302, regarding the final arrangements for the transfer of the Abel Tasman Gateway Trust to the Orana Wildlife Trust be received.

Boswijk/Cotton

Carried

13.0 RUGBY WORLD CUP LEGAL OPINION

Document No 696371, dated 23 September 2008, agenda pages 83-86 refer.

The Divisional Manager Community Services presented the report, which sought to provide an update on the Rugby World Cup timeframe, and sought a maximum of up to \$10,000 from the contingency account to enable the Council to seek independent legal advice on the proposal.

There was some discussion as to whether or not this advice was now required, but it was agreed to leave the matter to the Mayor and the Chief Executive to determine.

Resolved

THAT if His Worship the Mayor and the Chief Executive determine it necessary, that a maximum of \$10,000 be provided from the contingency account to enable independent legal advice to be sought in regard to the Rugby World Cup 2011 proposal, including assessing the hosting and venue agreements supplied by RNZ 2011 Ltd;

AND THAT the advice received be reported back to Council at the meeting held to discuss the Rugby World Cup 2011 proposal.

Reese/McAlpine

Carried

14.0 REGIONAL TRANSPORT COMMITTEE

His Worship said that this report was now being considered in the public excluded part of the meeting because of the need to protect the privacy of natural persons.

15.0 PUBLIC EXCLUDED MINUTES

15.1 Exclusion of the Public

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting in accordance with section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 on the grounds that the public conduct of this part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.

- (i) ***Minutes of parts of the meetings of the Nelson City Council, Public Excluded Business – 21 August 2008, 14 August 2008 and 4 September 2008***

Reasons:

To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied the information; or

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; or

To protect the privacy of natural persons.

- (ii) ***Council Public Excluded Status Report – September 2008***

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; or

To protect the privacy of natural persons.

(iii) **Minutes of the Community Services Committee, Public Excluded Business – 28 August 2008**

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; or

To protect the privacy of natural persons.

(iv) **Minutes of the Corporate Governance Committee Public Excluded Business – 18 September 2008**

Reason:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; or

To protect the privacy of natural persons.

(v) **Minutes of Performing Arts and Conference Centre Steering Group – 29 August 2008**

Reason:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage.

(vi) **Akersten Street**

Reason:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage.

(vii) **Waste Management – Recycling**

Reason:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage.

(viii) **Regional Transport Committee**

Reason:

To protect the privacy of natural persons.

McAlpine/His Worship the Mayor

Carried

The meeting went into public excluded session at 12.08pm and resumed in public session at 5.02pm.

15.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Holmes

Carried

There being no further business, the meeting ended at 1.32pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE