

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 17 SEPTEMBER 2009 COMMENCING AT 9.03AM

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

IN ATTENDANCE: Chief Executive (K Marshall) and Administration Adviser (A Rose)

APOLOGIES: Apologies were received and accepted from Councillors D Henigan and A Miccio.

OPENING PRAYER

The opening prayer was given by Councillor G Thomas.

1.0 PUBLIC FORUM

1.1 Telecom cell phone tower application: Atawhai

Representatives from the Atawhai Playcentre, Ban the Tower Inc and the Bright Sparks Preschool joined the meeting to speak to the Council regarding the Telecom proposal to undertake consultation in respect of a proposed cell phone tower in the Dodson Valley area which appeared as item 5.2 on the agenda.

Sarah Allen, the President of the Atawhai Playcentre and Kate Mitchell said that the Playcentre was absolutely opposed to the proposed Telecom cell phone tower being sited on Corder Park. They referred to the views expressed in the letter dated 10 August 2009 which the group had sent to the Council, and had been incorporated in attachment 2 to the officers' report, agenda pages 22-26 refer. They thanked the Council Staff and in particular Mr Paul McArthur for including their views in the report, and they said they supported and endorsed the recommendation in the report. They said there was a small correction to be made to the report, the reference to the Atawhai Community Preschool in paragraph 2.1 should be in fact be the Atawhai Playcentre. They also thanked Councillor Boswijk for her help during the process and spoke in support of the tower being located on the Titoki Reserve.

In answer to a question regarding the suitability of the tower on Titoki Reserve, Ms Sue Grey said that it was the view of the group that this was the option that was least detrimental to the environment, but it was a non-natural structure going on to a reserve.

The Chairperson thanked the group for their presentation.

Mr John Gourdie addressed the Council saying he had become aware of the proposal to consider locating the cell phone tower on the Titoki Reserve only very recently, and he was at the meeting today as a representative of the Gourdie family and the residents of Werneth Ridge. He said that the Titoki Reserve had been gifted to the Nelson City Council by his family as part of a Reserve Fund Contribution. He stressed that his late father, who had been instrumental in this arrangement, would not have appreciated a cell phone tower being installed on that reserve. Mr Gourdie pointed out that the Titoki Reserve was a scenic reserve and he didn't see how the rules allowed such a structure to be put onto a scenic reserve.

The residents of Werneth Ridge he explained were also very unhappy about the prospect of a tower being on that scenic reserve.

He further pointed out that access to the reserve was via a small pedestrian walkway across his family farm and it was very unlikely that any traffic apart from foot traffic would be allowed along that footpath. He also questioned why the tower has to be located so close to a residential area and on a scenic reserve. He expressed a view that there were much more suitable areas for the tower to be located in the back blocks of the City.

The Mayor thanked Mr Gourdie for his presentation.

2.0 CONFIRMATION OF MINUTES

3 September 2009

Resolved

THAT the minutes of the ordinary meeting of the Nelson City Council held on Thursday 3 September 2009, be confirmed as a true and correct record, subject to the addition of the following in the 3rd paragraph of section 4.2.1. It was also noted that the current Long Term Council Community Plan does include expenditure to enable a number of the projects to be completed over the term of the plan.

Reese/Shaw

Carried

3.0 MAYORS REPORT

His Worship the Mayor thanked the Deputy Mayor and Councillors who had stood in for him while he was away in holiday. He said that during his time away in North America he had spent two days in Nelson's Sister City of Eureka and three days in Portland Oregon during which time he had discussions with the Mayor of Portland.

He signalled that at some time in the future the Council needs to have discussions about the current petition seeking views on a possible amalgamation of Nelson City Council and Tasman District Council.

He also reminded the Council that it was approximately two thirds of the way through this term of Council, and he intended to present a Mayoral update of progress that the Council had made this term.

4.0 REPORTS – POLICY BUILDING ACT INFRINGEMENT OFFENCES

Document number 803804, dated 3 September 2009, agenda pages 4-7 refer.

Resolved

THAT the Council adopts the Building (Infringement Offences, Fees and Forms) Regulations 2007

AND THAT the Council delegates to the Chief Executive Officer the authority to appoint and issue warrants to officers pursuant to Sections 206 and 229 of the Building Act 2004 to act as enforcement officers to issue infringement notices pursuant to Section 372 of the Building Act 2004

4.1 **Telecom cell phone tower application – Atawhai**

Document number 816736, dated 10 August 2009, agenda pages 8-26 refer.

The Manager Recreation Facilities, Paul McArthur, joined the meeting and presented the report which considered a request by Telecom to undertake a public consultation process regarding alternative sites for a cell phone tower on Corder Park and Titoki Reserve, both owned by the Council in the Dodsons Valley area.

There was some unease expressed about Council approving a possible site on the western side of the Titoki Reserve, but it was pointed out the second part of the recommendation reserved Council's decision until more details had been made available. His Worship said that all the Council was doing was to propose a pathway. In answer to a question it was confirmed that Telecom could of right erect a cell phone tower near the Atawhai Playcentre.

Resolved

THAT Council approve a possible site on the western edge of the Titoki Reserve for the purpose of a cell phone tower being considered as part of further consultation with the community by Telecom

AND THAT any decision by Council to pursue the use of this site for this purpose be reserved until the following further information is available:

Results of the consultation process with the community

Detailed site and reserve effects information

Likely annual rental to Council

Identification of statutory approval processes required

5.0 **REPORTS – PERFORMANCE**

5.1 **Community outcomes Progress Report**

Document 822600, dated 17 September 2009, agenda pages 1-3

The Manager Strategy and Planning joined the meeting and presented the report the purpose of which was to report on progress towards community outcomes and to advise Councillors ahead of publishing the Top of the South Indicators Report.

Resolved

THAT the report be received and its contents noted.

6.0 REPORTS FROM COMMITTEES AND OTHER GROUPS

6.1 Joint Shareholders Committee – 17 August 2009

Resolved

***THAT** the minutes prepared by Nelson City Council of the meeting of the Joint Shareholders Committee held on Monday 17 August 2009 be received and the following Recommendations be adopted:*

- i) ***THAT** it be recommended to the Nelson City Council that the terms of reference for the Combined Shareholders Group be amended by the insertion of:
 - a) *Standing Orders to be applied at each meeting shall be Model Standing Orders NZS 9202:2003;*
 - b) *The Chairperson shall alternate on a per meeting basis, between both Councils and the Chairperson shall not have a casting vote;*
 - c) *Power to represent each Council in all matters relating to shareholder interest in the jointly owned CCOs and joint ventures;*
 - d) *To discuss any other matters that relate to each Council's joint shareholding.**
- ii) ***THAT** the nine monthly report of Port Nelson Ltd to 31 March 2009 be received.*
- iii) ***THAT** the Nelson Tasman Tourism Statement of Intent 2009/2010 be approved for signing.*

Reese/Thomas

Carried

6.2 Plan Change Committee – 13 August 2009

It was advised that the minutes of the Plan Change Committee meeting of 13 August 2009 had been adopted by the Council at its meeting on 3rd September 2009, however in this process a specific recommendation to the Council from the Committee was overlooked. The recommendation related to the appointment of Councillors to a Working Group to oversee the review of the Conservation overlay within the Resource Management Plan.

Resolved

***THAT** Council appoint His Worship the Mayor, Councillor Reese and Councillor Shaw to the Working Group comprising representatives of Federated Farmers, Pepin Island Sheep Station and Resort, Department of Conservation, iwi and landowners that is to be established to oversee the review of the Nelson Resource Management Plan Conservation Overlay.*

Collingwood/Cotton

Carried

7.0 BIRTHDAY GREETINGS COUNCILLOR RAINEY

His Worship the Mayor announced that it was Councillor Rainey's birthday and a card was presented to Councillor Rainey and the Councillors present all sang Happy Birthday.

Attendance: The meeting adjourned for morning tea between 10.15am and 10.38 am at the end of which time Councillor Rainey left the meeting.

8.0 PUBLIC EXCLUDED BUSINESS

8.1 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 part of the meeting of the Nelson City Council, Public Excluded Business – 3 September 2009

ii) Purchase of land Covent drive

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) Proposed Plan Change 13

Reasons:

To protect the privacy of natural persons; and

A right of appeal lies to the Environment court against the final decision of the Council

iv) Joint Shareholders Committee – 18 August 2009

Reason:

To enable the Committee to carry on negotiations without prejudice or disadvantage.

His Worship the Mayor/McAlpine

Carried

The meeting went into public excluded session at 10.38am and resumed in public session at 11.44am.

8.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Cotton

Carried

There being no further business the meeting ended at 11.44am.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE