

**MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET ON THURSDAY 3 JUNE 2010 COMMENCING AT 9.00AM**

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

**IN ATTENDANCE:** Chief Executive (K Marshall), Manager Strategy and Administration (M Tregurtha), Divisional Manager Community Services (Susan Coleman), Senior Executive Technical Services (Alec Louverdis), Executive Infrastructure (M Schruer), Divisional Manager Corporate Services (H Kettlewell), Manager Strategic Planning and Administration (M Tregurtha) and Administration Adviser (L Laird)

**APOLOGIES:** Apologies were received and accepted from Councillor M Cotton.

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## **1.0 OPENING PRAYER**

The opening prayer was given by Councillor Thomas.

## **2.0 PUBLIC FORUM**

### **2.1 Big Brothers Big Sisters of Nelson**

Mr Gavin Millar addressed Council on behalf of Big Brothers Big Sisters of Nelson. Mr Millar said the programme had been providing vulnerable young members of the Nelson community with mentors for 12 years. Currently, 100 young Nelson residents have been matched with mentors resulting in an increased self-confidence in those individuals, improved relationships with adults and trust in other people.

Mr Millar highlighted the shortage of suitable mentors, particularly males, in light of the growing demand for the services of Big Brothers Big Sisters. The organisation runs three core programmes, one of which is school based where a mentor spends one hour with their mentee whilst at school. Mr Millar asked Council to consider allowing their staff to mentor Auckland Point students during the school day.

### **2.2 Proposed Brook Street Housing Development**

Mr Andrew Rose, accompanied by Ms Lisa Herrick, presented on behalf of the residents of the Roseberry Way and the Brook Street neighbourhood objecting to the proposal by Nelson Tasman Housing Trust to establish nine rental units on the ex-OK Corral land. Mr Rose stated that this piece of land is not desirable for such development and is prone to flooding.

Mr Rose requested Council extend the consultation period to 1 July 2010 as the residents have only had one week to come to terms with the proposal. Mr Rose also requested that the Council meet formally with the residents of the affected area to personally discuss the issues. Lastly, Mr

Rose requested that Council consider making this piece of land a 'neighbourhood park' as described in the Council's July 2009 Parks and Reserves Activity Management Plan. Mr Rose offered the labour and time of the neighbouring residents to develop the land into a designated neighbourhood park. He also tabled relevant extracts from the Parks and Reserves Activity Management Plan.

Mr Rose, in answer to a question from Councillor Reese, acknowledged that the group were aware that the land is currently zoned 'residential'.

### 2.3 Sheryl Carnagham (Genealogical Society and Crematorium)

Sheryl Carnagham informed Council of the background, role and function of the Genealogical Society. She said the Society's jurisdiction covered the 'top of the south'. The library is currently housed in the Crematorium Chapel. Ms Carnagham outlined the limitations of the proposed new location (Trafalgar Hall) however she stated that it would be a suitable venue for the interim. Ms Carnagham highlighted the ultimate goal of the Society, which would be to merge with the Nelson Public Libraries.

### 2.4 Helen Watson (Chairperson Victory School)

Helen Watson spoke to Council regarding the implications of proposed changes to the Gambling Policy on the Victory Community. Ms Watson stated that some of Nelson's most vulnerable residents live in the Victory area and the introduction of more pokie machines will be to their detriment and contradictory to the wellbeing initiatives currently being implemented in the Victory community.

## 3.0 CONFIRMATION OF MINUTES

Resolved

***THAT the minutes of the ordinary meeting of the Nelson City Council held on Thursday 20 May 2010 be confirmed as a true and correct record.***

His Worship the Mayor/Barker

Carried

## 4.0 NOTICE OF MOTION

Agenda page 13-15 refer.

Councillor Holmes said he was proposing that the legislation governing temporary road closures be amended. Councillor Holmes stated that groups like the Farmers Market (currently set up at Fashion Island) were restricted by the current legislation. The Farmers Market could not use Upper Trafalgar Street as they would need to occupy it for more than 31 days of the year, which the legislation stipulates is the maximum number of days per year a road can be closed. Councillor Holmes sought consensus from Council to send the letter (circulated with agenda, page 14) to relevant MPs asking for the issue to be looked into. Councillor Holmes also sought additional ideas from the Council.

The Council discussed other options for broadening road closure regulations. The Council noted that the letter was broad enough to allow for a variety of responses from the government and that they were generally keen to see what response they received.

Proposed Councillor Holmes, seconded Councillor Henigan

***THAT Council write to the relevant Ministers and other bodies seeking that the Local Government Act 1974, Schedule 10, Clause 11, section (e) be amended to allow temporary closures of roads for a period or periods not limited to 31 days in any year.***

Holmes/Henigan

Carried

## 5.0 REPORTS PERFORMANCE

### 5.1 Saxton Field Work Prioritisation

Report number 925478, agenda pages 16-29 refer.

Manager Community Policy and Planning, Nicky McDonald spoke to the report. Ms McDonald said Council had requested the report following earlier discussions of outstanding issues at Saxton Field. There were no extra resources which could accelerate progress on the issues but staff were seeking feedback from Council that they agreed to the prioritisation of work outlined in the report.

The Council discussed the importance of resolving the governance structure for Saxton Field. It was acknowledged that this work could not be progressed until there was an outcome from the Arms Length Review.

Resolved

***THAT Council agrees to the prioritisation of outstanding work relating to Saxton Field as set out in Report 925478.***

His Worship the Mayor/McAlpine

Carried

### 5.2 Six Monthly Review of Rugby World Cup Steering Group

Report number 895151, agenda pages 30-40 refer.

Divisional Manager Community Services Susan Coleman outlined the main points of the report to Council and mentioned the challenges the Steering Group was having. Councillor Miccio, Chair of the RWC 2011 Steering Group, added that additional resources were needed to future proof the Council for the next 16 months, prior to RWC 2011.

The Council noted that the after the elections, the role of the official spokesperson for the RWC 2011 should return to the Chairperson of the Steering Group. The Council also noted that it would be helpful if

communication guides could be forwarded to Councillors once they have been completed.

Council expressed reservation at the spiralling costs of hosting the RWC 2011 and sought confirmation that these costs would not increase further. Ms Coleman advised that staff would seek funding from Tasman District Council.

Resolved

***THAT Nelson's Rugby World Cup 2011 Steering Group be requested to develop an achievable work programme to meet the goals of the Steering Group and that be presented to a future Council meeting for information;***

***AND THAT Tasman District Council be approached for financial and staff assistance to support the Steering Group;***

***AND THAT key partners including Iwi, Nelson Regional Economic Development Agency, Nelson Tasman Tourism, Tasman District Council, Tasman Rugby Union and Tasman Regional Sports Trust be advised to liaise directly with Council staff on activities that fit within their core functions;***

***AND THAT staff manage the official festival and all communication with the community;***

***AND THAT the Council's Centralised Media Office handle all media and speaking engagement requests;***

***AND THAT the Divisional Manager Community Services be appointed as the primary official media spokesperson with the authority to delegate as appropriate;***

***AND THAT all communications involving elected members cease 10 July 2010;***

***AND THAT key partners are the primary media spokespersons in relation to their core business;***

***AND THAT the official media spokespersons for Rugby World Cup 2011 be revisited post election through the Chief Executive's report.***

Boswijk/Rainey

Carried

Attendance: The meeting adjourned from 10.40 – 10.55am

### 5.3 RWC 2011 Project Staff Resources

Report number 927631, agenda pages 41-44 refer.

Divisional Manager Community Services Susan Coleman spoke to the report and added that the report aimed to quantify the staff resource required to carry out our legal commitments to RNZ 2011 Ltd and to support the Steering Group.

The Council continued to state their reservations with the spiralling costs and sought regular reports be forwarded to Council. Ms Coleman assured Council that what was provided for in the report represents only what was absolutely required and that there was no duplication and any additional costs (for example if more seating is required) will be incurred by RNZ 2011 Ltd.

The Council discussed the limited decision making role they had been given by RNZ 2011 Ltd given the large amount of resources they had committed to RWC 2011. Councillor Boswijk said she sought to amend the recommendation to enable Council to have an opportunity to discuss their concerns with RNZ 2011 Ltd.

Resolved

**THAT the report be received;**

**AND THAT the Council formally invite RNZ 2011 Ltd and the Minister of Rugby World Cup 2011 to come to Nelson and discuss RWC 2011 concerns with the Council.**

Boswijk/Barker

Carried

#### 5.4 Performing Arts and Conference Centre Consultation

Report number 923476, agenda pages 45-51 refer.

Chief Executive Keith Marshall outlined the extensive five month process that was undertaken in preparing the proposed consultation feedback document naming the preferred sites for the Performing Arts and Conference Centre. He then outlined the options available to Council and how each option affected the timeline for moving this project forward given the upcoming elections.

There was considerable discussion regarding whether Council should proceed to consultation on a combined performing arts and conference centre or whether other options could be canvassed. The Chief Executive reminded Council that the entire process to date had only centred on a combined centre. He further advised that it had been discussed at length on many occasions and Council had been adamant that only a combined centre would be explored. Looking at other options would have meant a different process would have been followed.

Attendance: The meeting adjourned from 12.35 - 1.10pm

Given a lack of a clear consensus, Council agreed to put a hold on the proposed consultation document pending another workshop to discuss other options.

Resolved

***THAT this item be taken back to a Council Workshop to further progress the Performing Arts and Conference Centre.***

Shaw/Miccio

Carried

**5.5 The Bishop Suter Trust Board 2010/13 Statement of Intent and Strategic Plan**

Report number 925372, agenda pages 52-92 refer.

The Council noted that the Risk Management Policy (agenda page 79) was too broad and staff were directed to discuss this with the Suter Trust Board before the Statement of Intent was signed.

Resolved

***THAT the Bishop Suter Trust Board Statement of Intent for 2010/13 be approved for signing;***

***AND THAT the 2009/19 Strategic Plan be received;***

***AND THAT \$100,000 maintenance funding be included for consideration in the 2011/12 Annual Plan.***

Thomas/Rainey

Carried

**5.6 Gambling Policy Review Recommendations from the Hearings Panel**

Report number 926946, agenda pages 111-119 refer. Councillor Miccio took no part in the item due to a potential conflict of interest.

Manager Community Policy and Planning, Nicky McDonald presented the report which contained recommendations from a Hearing Panel of Councillors who had listened to submissions. Councillors on the Hearing Panel noted that the numbers of pokies were predicted to continue declining while online gambling increased. Central government needed to take action against the growing problem of online gambling.

It was explained that the recommendation to remove restrictions on venues within 100m of ATM machines was due to the proliferation of ATMs in the central city and the resulting difficulty in finding possible venue locations. Ms McDonald explained that the restriction had been intended to remove easy and anonymous access to cash for gamblers. EFTPOS access within venues, by contrast, was monitored by staff.

The Hearing Panel explained that the change to the rule prohibiting venues within 100m of certain community facilities was prompted by a situation in the Victory area where a venue was having difficulty finding tenants because it could not have pokies.

Council discussed the importance of its role in promoting and protecting the social wellbeing of the whole community and that the proposed

amendments to this policy could undermine that. It was noted that the Panel's recommendation set a higher level than the current number of machines in use.

Proposed by Councillor Henigan, seconded by Councillor Reese

***THAT** Council approve the following amendments to Council's Gambling Policy 2007:*

*That a cap of 269 be set on the number of Class 4 Gaming Machines*

***AND THAT** the policy on Board Venues (TABs) be separated from that on Class 4 Gaming Machines.*

Councillor Henigan's motion was put and Councillor Barker called for a division.

Councillor Barker	No
Councillor Boswijk	No
Councillor Collingwood	No
Councillor Cotton	Absent
Councillor Henigan	Yes
Councillor Holmes	No
Councillor Miccio	Abstain
Councillor McAlpine	No
Councillor Rainey	Absent
Councillor Reese	Yes
Councillor Shaw	Yes
Councillor Thomas	Yes
His Worship the Mayor	Yes

The Chairperson declared that the resolution lost.

Councillor Barker, seconded by Councillor Collingwood, proposed the recommendation in the report, and it was resolved.

Resolved

***THAT** Council approve the following amendments to Council's Gambling Policy 2007:*

*Wording on community facilities be amended to "The venue not being immediately adjacent to any playground, kindergarten, early childhood centre, school or place of worship....."*

*Wording regarding the location of venues with regard to ATMs be deleted*

*That a cap of 285 be set on the number of Class 4 Gaming Machines*

***AND THAT*** *the policy on Board Venues (TABs) be separated from that on Class 4 Gaming Machines.*

Barker/Collingwood

Carried

Attendance: Councillor Rainey left the meeting at 1.55pm

## 5.7 Crematorium Review

Report number 924860, agenda pages 93-110 refer.

Community Facilities Supervisor, Arthur Nelson presented the report to Council. The Chair indicated that he did not support the facility being part funded by ratepayers; however Councillor Shaw expressed a view that there was public good in cremations over burials in terms of land used and ongoing costs to Council. Councillor Barker stated that he would not support the resolution and said the crematorium should be contracted to an organisation that would make the Council a profit from its services.

Resolved

***THAT*** *a management contract for the crematorium be entered into for 4 years;*

***AND THAT*** *any surplus revenue be accumulated for future replacement of plant;*

***AND THAT*** *a marketing strategy be implemented to promote the facility from July 2010;*

***AND THAT*** *staff continue to monitor the performance of Wakapuaka Crematorium for the next four years with a view to reviewing its financial performance in June 2014;*

***AND THAT*** *staff are directed to negotiate with the Nelson Branch of the New Zealand Society of Genealogists to enter into a lease for the rooms at the Trafalgar Street Hall identified in Appendix 8.*

Reese/Shaw

Carried

## 5.8 Nelson Harbour Navigation and Safety Bylaw 22 March 2010

Report number 871973



Manager Building, Tracy Quinton-Boundy tabled additional information regarding swing mooring guidelines to supersede appendix 7 of the draft bylaw.

Resolved

***THAT the Navigation Safety Bylaws 2010 attached to this Report 871973 be approved for public consultation as required by s. 156(1) of the Local Government Act 2002;***

***AND THAT it be confirmed, for the reasons set out in this Report 871973 , that it is appropriate to adopt a bylaw to regulate the activities of water users; and that the draft bylaw is an appropriate bylaw;***

***AND THAT the introduction of the appropriate regulation be sought to enable the use of infringement offences to enforce the bylaws.***

Boswijk/His Worship the Mayor

Carried

## 6.0 REPORTS FROM COMMITTEES

### 6.1 Audit, Risk and Finance Committee – 17 May 2010

Document number 926657, agenda pages 120-123 refer.

Resolved

***THAT the minutes of the meeting of the Audit, Risk and Finance Committee, held on Wednesday 17 May 2010 be received.***

His Worship the Mayor/Thomas

Carried

### 6.2 NCC/TDC CDEM Group – 30 April 2010

Resolved

***THAT the minutes of the meeting of the NCC/TDC CDEM Group held on 30 April 2010 be received.***

Reese/McAlpine

Carried

### 6.3 Plan Change Committee – 29 April 2010

Document number's 929179 and 924016, agenda pages 126 - 133 refer.

Resolved

***THAT the minutes of the meeting of the Plan Change Committee held on 29 April 2010 be received.***

Reese/Boswijk

Carried

**6.4 NCC/TDC Joint Share Holders Committee – 30 April 2010**

Resolved

***THAT the minutes of the meeting of the NCC/TDC Joint Share Holders Committee held on 30 April 2010 be received.***

His Worship the Mayor/Reese

Carried

**7.0 GENERAL BUSINESS****7.1 Big Brothers Big Sisters of Nelson**

Chief Executive, Keith Marshall stated he would look into the request from Big Brothers Big Sisters.

**7.2 Proposed Brook Street Housing Development**

Divisional Manager Community Services Susan Coleman informed the Council that staff had met with some of the affected parties to the proposed Brook Street development on 2 June 2010. Ms Coleman said she had agreed to extend the consultation period to 21 June 2010. This extension was in line with all other consultation periods and extending it to 1 July 2010 (as requested) was not standard practice.

Ms Coleman stated that staff were undertaking the consultation to enable them to have ready access to all submissions for analysis. Staff would be reporting to Council once the process was complete for a final decision. The Council noted that once the outcome of the consultation was known, they would decide on whether or not to meet with the affected parties.

**8.0 STANDING ORDERS 5.6 MEETING EXTENDING BEYOND SIX HOURS**

Resolved

***THAT in accordance with the Standing Order 5.6, the meeting continue beyond six hours.***

Holmes/Thomas

Carried

**9.0 PUBLIC EXCLUDED BUSINESS****9.1 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) **Nelson City Council Public Excluded Minutes – 20 May 2010**

ii) **Saxton Field Cricket / Athletics / Football Pavilion**

*Reasons:*

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

*To protect information where the making available of the information would unreasonably prejudice the commercial position of the person who is the subject of the information; or*

*To protect the privacy of natural persons.*

His Worship the Mayor/Boswijk

Carried

The meeting went in to public excluded session at 3.00pm and resumed in public session at 3.45pm.

- 9.2 During the public excluded session the following part resolution (regarding the Saxton Field Cricket/Athletics/Football Pavilion) was passed and released from the Public Excluded Minutes:

Resolved

**THAT the following resolution of the Governance Committee passed on 6 August 2009;**

**THAT the contribution from the Nelson Cricket Association, Athletics Tasman Inc and Nelson Bays Football towards the pavilion be 20% of the total construction cost, currently estimated at \$660,000 (excluding GST);**

***be revoked***

**AND THAT the contribution from the Nelson Cricket Association, Athletics Tasman Inc and Nelson Bays Football towards the pavilion and related hard landscaping be 20% of the total construction cost, currently estimated at \$760,000 (excluding GST);**

**AND THAT work not begin on the construction of the pavilion until both Councils are satisfied that all of the sports codes' share of the funding is attainable;**

**AND THAT a regular update be included in the Chief Executive's report;**

**9.3 Re-admittance of the Public**

Resolved

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

His Worship the Mayor/Thomas

Carried

There being no further business the meeting ended at 3.45pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

\_\_\_\_\_ CHAIRPERSON \_\_\_\_\_ DATE