

**MINUTES OF THE ORDINARY MEETING OF THE NELSON CITY COUNCIL  
HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET,  
NELSON ON THURSDAY 15 OCTOBER 2009 COMMENCING AT 9.00AM**

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| PRESENT:       | His Worship the Mayor (K Marshall), Councillors I Barker, A Boswijk, G Collingwood, M Cotton, M Holmes, A Miccio, A McAlpine, P Rainey, R Reese (Deputy Mayor) and D Shaw |
| IN ATTENDANCE: | Chief Executive (K Marshall) and Administration Adviser (RN Palmer)   |
| APOLOGIES:     | Apologies on behalf of Councillors D Henigan and G Thomas were received and accepted  |

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**OPENING PRAYER**

The opening prayer was given by Councillor McAlpine.

**1.0 ANNOUNCEMENTS**

His Worship the Mayor advised the meeting that the in-shore patrol boat HMNZS Pukaki was to be welcomed to Nelson at 10.30am on its inaugural visit to the top of the South Island.

He explained that the vessel had been adopted by the three Top of the South Councils and that Councillors Gail Collingwood and Mike Cotton would be representing the Council at the welcome.

He also explained that a Charter Parade would take place on Saturday 17 October.

**2.0 REPORTS – PRIORITISATION**

**2.1 Performing Arts and Conference Centre Concept Report, and Statement of Proposal**

Report number 836891, agenda pages 74-125E refer.

The Chief Executive drew the Councillor's attention to the report and the staff recommendations, explaining that the purpose was to obtain from the Council a decision on which a special consultative procedure could be based as a means of determining the views and opinions of the community as to the proposal.

Shane Davies (Senior Project Manager – Major Projects) presented an illustration of a concept design for a possible Performing Arts and Conference Centre and outlining the way in which it could be accommodated on land to the west of the Rutherford Hotel.

The Councillors noted the draft Statement of Proposal accompanying the report (page 125A-E of the agenda) and put forward the following comments:

- i) The facility had always been spoken of as being a facility to serve the Nelson Tasman regions and this should be explained within the draft Statement of Proposal.

- ii) The facility referred to as the Majestic Cinema was in fact the Majestic Theatre which had had a 1200 seat capacity so in effect it could be said that the Council was merely replacing a previous well used facility.
- iii) The Statement of Proposal could include under Social Considerations a note that the facility would provide a lasting legacy for future generations.
- iv) Reference in relation to expected usage should relate to the actual days of use which would include set up and pack down days for performances.
- v) The paragraph outlining the effect in relation to Council's debt levels could be made more clear.
- vi) The Statement of Proposal should state the advantages of the proposed site.
- vii) It should be stressed that it was a multi purpose facility and that "Town Hall" might be a better definition of its function.
- viii) The linkages between the Theatre and the Conference Centre needed to be explained.

The meeting discussed the proposal in general terms agreeing that there needed to be appropriate space provided for media rooms and trade display space within the overall facility.

It was also noted that one of the reasons for preferring the Rutherford Hotel site was that there would be no need to duplicate bar or restaurant facilities within the complex as these were available within the vicinity.

Concern was expressed that no mention had been made of the possible income which would be received from the Conference facilities to the community and no mention of the possible ongoing costs of the operation to the community.

Resolved

**THAT the Council record:**

- *That Nelson remains one of the few cities of its size without a significant performance venue;*
- *That Nelson does not have a significance conference capacity;*
- *That the Council considers there is a favourable economic benefit of having a Performing Arts and Conference Centre as indicated by the BERL Economic Impact Assessment Report;*
- *That the Council has already canvassed the general affordability of a Performing Arts and Conference Centre in both its draft and final Long-Term Council Community Plan;*
- *That the Council, having undertaken preliminary investigation work, is of the opinion that there is sufficient merit in further pursuing a Performing Arts and Conference Centre for Nelson;*

- *That the Council considers that the best means of bringing such a project to fruition is for it to work in partnership with Rutherford Hotel Holdings Ltd whereby Rutherford Hotel Holdings Ltd will make a significant extension at the Rutherford Hotel for a Conference facility of a scope and size as indicated in the Berl report;*
- *That the Council believes that any such Performing Arts facility should be of a size and scale as indicated in the design brief in the Berl report;*
- *That the Council recognises that the Performing Arts and Conference Centre is a facility benefiting both the Nelson and Tasman regions;*

*AND THAT the Council engage in a formal special consultative procedure that will include a public hearing, in order to ascertain the views of its residents in respect of whether it should proceed or not with a Performing Arts and Conference Centre on the Rutherford Hotel Holdings Ltd site;*

*AND THAT the Council will provide for a final decision to be reached by mid December 2009 in respect of whether it should proceed or not with a Performing Arts and Conference Centre;*

*AND THAT the Council approves the Statement of Proposal for the purposes of conducting a special consultative procedure subject to editorial and content amendments generally as discussed at the meeting;*

*AND THAT the Chief Executive, in consultation with His Worship the Mayor, be authorised to finalise the Statement of Proposal.*

Reese/McAlpine

Carried

Note: Councillor Rainey took no part in the discussion or voting in respect of this matter. Councillor Barker recorded his vote against the resolution.

The Chief Executive assured the Council that the resolution, as passed, did not bind the Council to the Rutherford Hotel site or to any particular design of a proposed Performing Arts and Conference Centre.

Attendance: Councillors Collingwood and Cotton left the meeting.

### **3.0 CONFIRMATION OF MINUTES**

1 October 2009

Resolved

*THAT the minutes of the ordinary meeting of the Nelson City Council, held on Thursday 1 October 2009, be confirmed as a true and correct record.*

His Worship the Mayor/Boswijk

Carried

#### **4.0 MAYOR'S REPORT**

His Worship the Mayor reported to the Council on the contents of a letter which he had received from a new resident in which the correspondent outlined the ten things which she most liked about Nelson, which apart from the weather, included the Nelson Market and the Council's performance.

#### **5.0 REPORTS – PERFORMANCE**

##### **5.1 Chief Executive's Report**

Report Number 820972, agenda pages 9-62 refer.

Mark Tregurtha (Manager of Strategy and Planning) presented the report.

The Chief Executive introduced the report explaining that this represented the first effort of developing a comprehensive report on the Council's performance from a management perspective and he welcomed any comments as to the content and any ideas which Councillors might have to improve the document.

##### **5.1.1. Major Projects Report**

Michael Schruer (Senior Executive Infrastructure) and Phil Hamblin (Projects Engineer), explained the background to those projects which were reported as being over budget.

These were:

i) Founders Park

The Council was advised that the projected over expenditure arose because:

- a) the initial budget had been done in 2001; and
- b) the work needed to bypass the Founders township; and
- c) the necessity to dispose of the excavated material to land fill.

ii) Ridgeway Connection and Songer Street Upgrade

The Council was advised that the projected over expenditure arose because:

- a) access to the site had been delayed by the land owner and this brought the work into the winter; and
- b) existing services which were inaccurately shown on Council drawings needed to be relocated; and
- c) the base material for the Songer Street Upgrade needed to be replaced; and
- d) additional drainage was required for the area.

iii) Toi Toi Upgrade

The Council was advised that the projected over expenditure had arisen through an initial design area of a retaining wall which needed to be redesigned once accurate information regarding the existing infrastructure had been obtained through initial excavation for the works.

iv) Rocks Road Footpath (Days Track)

The Council was advised that despite the best efforts of staff NZTA had refused to fund the work as a minor improvement and therefore the project would need to be reconsidered for funding from general rates.

### 5.1.2. Community Projects

The Councillors noted the information regarding the Stadium and other buildings either erected or to be erected on Saxton Field and the comments regarding ownership.

The Projects Engineer advised that he would clarify the situation and provide information to the Councillors in due course.

The Council also queried the issue regarding lighting within the Saxton Stadium.

The Projects Engineer advised that the construction and fitting out project in relation to the Stadium had been managed by the Saxton Sports Stadium Society which had made a decision to proceed with an alternative solution for the lighting within the playing areas of the sport Stadium. This had proved to be impractical but then the original design was found to also have certain faults which meant that for competitive events the lighting levels were too low.

Mr Hamblin advised that the repair of the lighting would be carried out within time for the appropriate supporting code seasons and it would not be at the cost of the Council.

### 5.1.3. Environmental Inspections Ltd (EIL) Annual Report

Councillor R Reese assumed Chairmanship of the meeting.

Attendance: Stephen Lawrence, Environmental Inspections Ltd, presented the report.

Councillor's attention were drawn to the detailed report on pages 44-48 of the agenda and the summary on page 23.

### 5.1.4. Customer Satisfaction

i) Customer Services Centre

In response to a query regarding the appointment of the Customer Services Centre management staff, the Chief Executive advised that the requirements of the position had been mapped in relation to the existing staff resource and it had been determined that the Manager needed to be advertised both internally

and externally. However, it had been accepted that there were appropriate resources within the existing staff in respect of the Team Leader and this had proven to be the case.

ii) Other Staffing Matters – Transport Planner

Richard Johnson (Divisional Manager Planning and Consents) explained the background to the proposed appointment advising that there was a relatively urgent need within the Resource Consents Unit to have transport expertise to assist in processing consents and to provide good advice to the Hearings Panel. However, he also advised that there was a greater demand for additional general planning resources within the Consents area hence the recommendation.

Resolved

***THAT*** the position of Transport Planner be postponed from 2009/10 to 2011/12;

***AND THAT*** the position of Planner be brought forward from 2011/12 to 2009/10.

Reese/Rainey

Carried

#### 5.1.5. Report Back on Matters Raised

Councillor Rainey assumed Chairmanship of the meeting.

i) Glen Reserve Development

Nicky McDonald (Manager Community Policy and Planning) explained to the Council that the extensive consultation which was presently being undertaken with the wider community was proceeding and a report would be provided once that step in the process had been completed.

#### 5.1.6. Status Reports

His Worship the Mayor resumed Chairmanship of the meeting.

The meeting discussed the various options which might exist for them to be updated on outstanding issues, and it was generally agreed that while the Status Reports were presently quite comprehensive appropriate editing could be undertaken to make them more meaningful and it was accepted that in due course a number of the matters would drop off.

Concern was expressed that there had still been no resolution in respect of the resource consent process relating to the swing moorings within Nelson harbour.

The Divisional Manager Planning and Consents advised that there was a need to ensure that the review of the Harbour Bylaw which was presently being undertaken did not get ahead of the resource consent process in respect of the swing moorings as any consent would have precedent over any “zoning” which might be envisaged in relation to harbour activities under the bylaw.

He explained that meetings between the Mooring Association and those involved with the Harbour Bylaw review and other users of the harbour were ongoing and progress was being made.

Resolved

**THAT the Chief Executive's report for the period ending 31 August 2009 be received;**

**AND THAT the Founders Park Stormwater Project be postponed and considered in the 2010/11 Annual Plan round with a proposed start in 2010/11 and completion in 2011/12;**

**AND THAT the Atawhai Drive Project be postponed and considered in the 2010/2011 Annual Plan rounds;**

**AND THAT the budget from the Atawhai Drive Project be used towards the over expenditure on the Ridgeway/Songer Street Project;**

**AND THAT any further work on the Rocks Road Footpath Project be postponed and the future of the project be considered in 2010/11 Annual Plan rounds;**

**AND THAT the Minor Improvements Works Budget be expended as per the prioritisation list attached to the Chief Executive's report (document 798222);**

**AND THAT the Schedule of Documents Sealed for period 15 July-31 August be received;**

**AND THAT the Status Reports be received.**

Barker/Miccio

Carried

## 5.2 Adoption of Annual Report

Report number 834822, agenda pages 63-64 refer.

The meeting's attention was drawn to the Annual Report which was circulated as a separate document.

Resolved

**THAT the Annual Report for the year ended 30 June 2009 be adopted in accordance with Section 98 of the Local Government Act 2002 subject to the correction of the minor editing errors.**

Boswijk/Miccio

Carried

## 6.0 REPORTS - PRIORITISATION

### 6.1 Waimea Estuary Management Plan

Report number 831473, agenda pages 65-73 refer.

Martin Workman (Manager Environmental Policy) presented the report.

Mr Workman advised that the report had been considered by the Tasman District Council which had nominated its three Councillors to the Joint Council Steering Group.

Attendance: Councillor Collingwood entered the meeting.

Resolved

***THAT the Council work with Tasman District Council to prepare a Management Strategy for the Waimea Estuary;***

***AND THAT it provide staff time and funding from the Environmental Policy Budget for the Waimea Estuary Management Strategy by delaying work on the Nelson North Structure Plan;***

***AND THAT Councillors R Reese, D Shaw and I Barker be appointed to the Joint Council Steering Group to oversee the preparation of the Strategy.***

Rainey/His Worship the Mayor

Carried

## **7.0 REPORTS - POLICY**

### **7.1 Climate Change Position Statement for Local Government**

Report number 826649, agenda pages 126-135 refer.

Richard Johnson (Divisional Manager Planning and Consent) presented the report.

Resolved

***THAT the Council receive the Climate Change Position Statement and approve and endorse the Climate Change Leadership Position Statement.***

Shaw/Reese

Carried

Note: Councillor Barker recorded his vote against the resolution.

### **7.2 Submission on Review of National Environmental Standards for Air Quality**

Report number 807367, agenda pages 136-142 refer.

The Divisional Manager Planning and Consents advised that the submission had been made under Delegated Authority on the Council's behalf and was on the agenda for the Councillors' information.

Resolved

***THAT the Council's submission on the Review of National Environmental Standards for Air Quality be received.***

Boswijk/McAlpine

Carried

## 8.0 REPORTS FROM COMMITTEES AND OTHER GROUPS

### 8.1 Communications Committee – 25 September 2009

Document number 832298, agenda pages 143-144 refer.

Resolved

***THAT** the minutes of the meeting of the Communications Committee held on Friday 25 September 2009 be received.*

Boswijk/Holmes

Carried

### 8.2 Nelson Youth Council – 24 September 2009

Document number 831996, agenda pages 145-148 refer.

It was noted that an amended copy of the Youth Council Constitution had not been provided to the Council and therefore it was unable, at this stage, to endorse that document.

Resolved

***THAT** the minutes of the meeting of the Nelson Youth Council held on Thursday 24 September 2009 be received.*

Rainey/Collingwood

Carried

### 8.3 Nelson/Tasman Housing Forum – 24 August 2009

Document number 819686, agenda pages 149-152 refer.

Resolved

***THAT** the minutes of the meeting of the Nelson/Tasman Housing Forum held on Monday 24 August 2009 be received.*

Collingwood/Boswijk

Carried

Attendance: Councillor Boswijk left the meeting.

## 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 – 1 October 2009*
- ii) Chief Executive’s Report – Public Excluded Status Report, World Cup, and Heart of Nelson Strategy – Land Negotiations*
- iii) Sporthouse Lease Saxton Stadium*
- iv) Appointment of Trustees – Bishop Suter Trust*

*Reasons:*

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

*To protect the privacy of natural persons.*

Shaw/Holmes

Carried

**9.2 Re-admittance of the Public**

Resolved

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

Holmes/Collingwood

Carried

The meeting closed at 1.00pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

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