

**MINUTES OF AN ORDINARY MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL, CHAMBER, CIVIC HOUSE, TRAFALGAR STREET NELSON ON THURSDAY 26 NOVEMBER 2009 COMMENCING AT 9.00AM**

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- PRESENT:** His Worship the Mayor K Marshall (Chairperson), Councillors I Barker, A Boswijk, G Collingwood, M Cotton, A Miccio, P Rainey, D Shaw and G Thomas
- IN ATTENDANCE:** Acting Chief Executive (M Schruer), Chief Financial Officer (C Fitchett), Divisional Manager Community Services (S Coleman) and Administration Adviser (A Rose)
- APOLOGIES:** Apologies were received and accepted from Councillors D Henigan, M Holmes, A McAlpine and R Reese (Deputy Mayor)
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**OPENING PRAYER**

The opening prayer was given by Councillor Thomas.

**1.0 PUBLIC FORUM**

**1.1 Heavy Traffic on Muritai Street**

Mrs Boersma, a resident of Muritai Street, spoke to the Council regarding heavy traffic using that street.

The Mayor drew Council's attention to a letter from Mrs Boersma dated 8 November 2009 and a letter from the Honourable Dr Nick Smith MP dated 9 November 2009, both of which had been circulated with the agenda.

The Mayor also referred to a letter from Grant Turner, Area Manager NZ Road Transport Association that had been tabled. Mr Turner had hoped to address the Council, but had been unable to and had asked for his letter to be circulated to Councillors instead.

Mrs Boersma addressed the Council saying heavy trucks which used Muritai Street caused her house to shake. She requested the Council stop heavy trucks from using Muritai Street.

Mrs Boersma tabled a further letter dated 20 November 2009 together with an email from the residents of 92A Muritai Street.

In answer to questions Mrs Boersma said that it was mainly during the night that she felt the vibrations in her house. She explained that she supported option 2 in the report from Council officers. That option was to instigate a ban on all heavy commercial vehicles from using Muritai Street.

His Worship the Mayor thanked Mrs Boersma for her presentation.

**1.2 Nelson Tasman Housing Trust**

Doug McLeary and Victoria Chisnall, both Nelson Tasman Housing Trustees, addressed the meeting urging the Council to support recommendations in the report, item 6.1 on the agenda, regarding the request by the Trust for Council land in Brook Street to be used for the purpose of social housing. The Trustees described to the Council their experience with developing social housing in Kawai Street, Murphy Street and

Salisbury Road in Richmond. They said that if the project went ahead successfully they would hope to break ground on the site by May 2011.

In answer to some concerns from Councillor Barker regarding the land in Brook Street and its history of flooding in the past, Mr McLeary said there had not yet been any investigation of the site and that it may well be that the ground level had to be raised before it could be developed.

His Worship the Mayor thanked the trustees for their presentation.

## **2.0 PUBLIC EXCLUDED BUSINESS**

### **2.1 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) Performing Arts Centre Proposal***

*Reason:*

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

Thomas/Shaw

Carried

The meeting went into public excluded session at 9.29am and resumed in public session at 11.35am.

### **2.2 Re-admittance of the Public**

Resolved

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

Boswijk/Thomas

Carried

## **3.0 CONFIRMATION OF MINUTES**

29 October and 12 November 2009

Resolved

***THAT the minutes of the ordinary meetings of the Nelson City Council, held on Thursday 29 October and Thursday 12 November 2009, be confirmed as true and correct records.***

Collingwood/Shaw

Carried

#### 4.0 REPORTS PERFORMANCE

##### 4.1 Chief Executive's Report

Report number 847987, agenda pages 13-55 refer.

The Acting Chief Executive presented the report.

##### 4.2 Community Services Portfolio Holder

Resolved

***THAT the position of Portfolio Holder Community Services be shared between Councillors Rainey and Boswijk;***

***AND THAT the delegation register be amended accordingly;***

***AND THAT the Remuneration Authority be requested to issue a determination acknowledging this change.***

Rainey/His Worship the Mayor

Carried

##### 4.3 Stormwater – Arapiki Stream

Resolved

***THAT \$220,000 be brought forward from the budget for 2010/11 to enable work to begin to upgrade the remaining sections of Arapiki Stream in light of the expiry of the Resource Consent;***

***AND THAT in passing this resolution it is noted that this will be offset by the decision to defer the Atawhai Drive Stormwater Project until 2010/11, which results in no financial impact on the 2009/10 budget.***

Cotton/Boswijk

Carried

Resolved

***THAT Council retain the \$221,000 originally budgeted for in 2009/10 and proceed with stage 1 of the stormwater project through Founders Heritage Park.***

Cotton/Boswijk

Carried

##### 4.4 Saxton Field: Cricket/Athletics Pavilion

The Manager Community Projects joined the meeting and gave the background to this project, the progress made this far and the reason for the recommendation.

Resolved

***THAT side screens be provided at Saxton Oval to an approximate cost of \$45,000 subject to the Nelson Cricket Association contributing a minimum of \$5,000 and the remaining amount being funded from a reallocation of the Saxton Fields Utility Building Account.***

Collingwood/Rainey

Carried

#### 4.5 Trafalgar Centre – West Side Upgrade

The Manager Community Projects gave the background to the proposed recommendation regarding the Trafalgar Centre western upgrade.

Resolved

***THAT the Trafalgar Centre western upgrade be tendered and if the preferred tender price exceeds the current budget then the shortfall be met from the Trafalgar south end upgrade.***

Boswijk/Barker

Carried

Resolved

***THAT \$230,000 of the estimated \$400,000 in savings be used for the Trafalgar Centre western upgrade.***

Boswijk/Shaw

Carried

#### 4.6 Risk Management Survey

The Council then considered the part of the report that provided a summary of Nelson City's performance in a benchmarking survey.

Resolved

***THAT the summary of information of Nelson City's performance in a benchmarking survey be received.***

His Worship the Mayor/Thomas

Carried

#### 4.7 Policy

The meeting considered the current state of Council's policy development work that was approved during the Community Plan process.

His Worship the Mayor directed that Council workshops should not be cancelled without staff first checking whether or not there were other items that could be dealt with on that date.

#### 4.8 Regional Facilities Plan

It was agreed that the Regional Facilities Plan should be dealt with at a workshop before it was referred to the Tasman District Council.

#### 4.9 Parking Bylaw Update – Parking and Vehicle Control Bylaw 2004 No 207 Amendments to Schedules

Resolved

***THAT the Council approves alterations to the Schedules of Bylaw No 207, Parking and Vehicle Control (204) as per the schedules on page 40, 41 of the Chief Executive's report date 26 November 2009, report number 847987:***

- *Schedule 4 – Special Parking Areas*

- *Schedule 9 - No Stopping*

Barker/Boswijk

Carried

#### 4.10 Documents Sealed

Resolved

***THAT*** the schedule of documents sealed for the period 1 September 2009 to 22 October 2009 be received.

Boswijk/Miccio

Carried

#### 4.11 Status Report November 2009

Resolved

***THAT*** the Status Report for November 2009 be received.

His Worship the Mayor/Thomas

Carried.

### 5.0 REPORTS – POLICY

#### 5.1 Heavy Traffic on Muritai Street

Report number 843507, agenda pages 56-74 refer.

Les Denia, (Senior Engineering Officer – Roading and Projects), presented the report which provided Council with options to deal with heavy commercial vehicles using Muritai Street.

Mr Denia advised that the road appeared substantially sound in front of Mrs Boersma house and the size of trucks using the road had remained consistent for the past 5 years.

Generally the Council was supportive of the recommendation in the report but felt that the review period should be shortened to 4 months and appropriate signage should be installed at each end of Muritai Street to promote the use of State Highway 6 to heavy commercial vehicles.

It was agreed to leave any geotechnical issues to be considered after the 4 month review period.

Resolved

***THAT*** Council write to the various heavy transport operators and governing organisations asking them to request their drivers to avoid using Muritai Street and remain on Tahunanui Drive;

***AND THAT*** the effectiveness of this be reviewed after 4 months;

***AND THAT*** should the recommendation above prove ineffective, under the Transport Act 1962 Section 70AA, the Nelson City Council hereby directs that no Heavy Commercial Vehicles shall proceed along Muritai Street between 10pm and 6am;

***AND THAT appropriate signage be installed at each end of Muritai Street to promote the use of State Highway 6 to heavy commercial vehicles.***

Cotton/Thomas

Carried

## **5.2 Appointment of Directors/Trustees Policy**

Report number 838438, agenda pages 75-79 refer.

The Divisional Manager Corporate Services tabled an amended copy of the Policy with highlighted changes to parts 5.1 and 5.3.

During the discussion there was some support for an amendment to the Policy to allow Councillors to be appointed as Directors or Trustees of the governing bodies of Council Controlled Organisations.

There was also some support for the words “Mayor and Councillors” to replace the words “members of the Remuneration Review Committee” in paragraph 5.3 of the Policy.

Resolved

***THAT the Appointment of Directors/Trustees Policy as attached to report number 838438, dated 12 November 2009, be adopted with the following amendments:***

***Paragraph 3.3 be removed;***

***Paragraph 5.3 be amended by removing the words “members of the Remuneration Review Committee” and replacing them with “the Mayor and Councillors”.***

Collingwood/Shaw

Carried

## **5.3 Naming Rights Policy for Council Facilities**

Report number 845194, agenda pages 80-89 refer.

Chris Ward (Community Policy and Planning Adviser) presented the report.

The Council requested that the draft Policy be able to accommodate activities sponsorship and signage as well as the facilities sponsorship and signage.

It was agreed that with regard to the paragraph titled “Naming Rights in Consideration” on page 83, the first bullet point should be amended to read “Contracts relating to naming rights are to be undertaken between the Council and the sponsor”.

It was pointed out that there could be a potential clash with advertising a sponsors name on a facility and current planning rules regarding signage.

It was further agreed that all names for all facilities should be approved by Council in the first instance.

Resolved

***THAT contracts relating to naming rights are to be undertaken between Council and the sponsor;***

***AND THAT applications to display temporary signage be made to the Manager Parks and Facilities;***

***AND THAT contracts relating to fixed signage are to be undertaken between Council and the sponsor;***

***AND THAT the Policy be amended in light of the discussion and an amended version be brought back to Council for approval.***

Rainey/Boswijk

Carried

Attendance: Councillor Miccio left the meeting

#### **5.4 Adoption of Conservation and Landscape Reserve Management Plan**

Report number 845194, agenda pages 90-92 refer.

It was noted that the draft Plan had been circulated separately from the agenda.

Resolved

***THAT the Conservation and Landscape Reserve Management Plan as amended by the Hearing Panel following consideration of public submissions, be approved;***

***AND THAT the appropriate sections be referred to the Minister of Conservation for approval.***

Boswijk/Shaw

Carried

#### **5.4.1. Minutes - Draft Conservation and Landscape Management Plan Hearing of Submissions**

14 October 2009

Resolved

***THAT the minutes of the meeting of the Committee to hear submissions on the Draft Conservation and Land Management Plan held on 14 October 2009 be received.***

His Worship the Mayor/Shaw

Carried

#### **5.5 Rutherford and Trafalgar Park Reserve Management Plan – Waive Pre-Consultation**

Report number 843034, agenda pages 93-96 refer.

Resolved

***THAT the requirement for pre consultation prior to the preparation of a Reserve Management Plan for Rutherford and Trafalgar Parks be waived on***

*the grounds that sufficient information is held on public views to guide staff in the preparation of a draft plan.*

Shaw/Rainey

Carried

## 6.0 REPORTS – POLITICAL

### 6.1 Nelson Tasman Housing Trust – Proposal for a Social Housing Development in Brook Street – Update November 2009

Report number 740366, supplementary order paper number 1, pages 3-49 refer.

The Divisional Manager Community Services presented the report explaining that the purpose was to consider a request by the Nelson Tasman Housing Trust for support for an affordable rental housing scheme.

Resolved

***THAT the request by the Nelson Tasman Housing Trust for the sale or long term lease of part of the OK Corral site in Brook Street be supported in principle subject to more detailed information being provided including:***

- *A proposed subdivision scheme plan and development layout which shows the extent and distribution of housing, the amount of open space and reserve to be retained by the Council and which demonstrates good urban design principles including sustainability features.*
- *A summary of consultation with the immediate community and other parties likely to be affected by this proposal.*
- *An assessment of the likely opportunity cost of allocating the land for this purpose in terms of possible alternative uses or lost revenue from sale on a market basis.*
- *A summary of the likely costs involved in the process of allocating land for this purpose including an assessment of whether gifting, sale or lease at a reduced price is the preferred option.*
- *The mechanisms to be used to ensure the land continues to be used for the purposes allocated by the Nelson Tasman Housing Trust or a reversion back to Council ownership and control.*

Boswijk/Rainey

Carried

## 7.0 NOTICE OF MOTION

Councillor Barker, in accordance with standing order 12.1, spoke to his Notice of Motion which had been received on 18 November 2009.

Resolved

***THAT the Nelson City Council confirm that Isel Park can be used as a location for a formal disc golf course;***

***AND THAT the Disc Golf Club that submitted to the Council's Long Term Council Community Plan be advised that the Council supports its submission and will assist with signage and equipment installation (from existing budgets).***

Barker/Collingwood

Carried



## 8.0 REPORTS FROM COMMITTEES AND OTHER GROUPS

### 8.1 Audit, Risk and Finance Committee – 28 October 2009

Document number 843858, agenda pages 98-100 refer.

Resolved

***THAT** the minutes of the meeting of the Audit, Risk and Finance Committee held on Wednesday 28 October 2009, be received.*

Thomas/His Worship the Mayor

Carried

### 8.2 Nelson Youth Council – 20 October 2009

Document number 841995, agenda pages 101-104 refer.

Resolved

***THAT** the minutes of the meeting of the Nelson Youth Council, held on Tuesday 20 October, be received.*

Rainey/Boswijk

Carried

## 9.0 MAYOR'S REPORT

### 9.1 Provision for an Additional Council Meeting, if required, before Christmas

His Worship the Mayor explained that there could be a need for the Council to meet after the last currently scheduled meeting on 10 December 2009. It was proposed that such a meeting be held on Tuesday 15 December 2009, immediately preceding the Estimates Workshop set down for that day.

It was noted that if there was no business this meeting would be cancelled.

Resolved

***THAT** there be an additional Council meeting on Tuesday 15 December 2009 commencing at 9.00am.*

His Worship the Mayor/Boswijk

Carried

### 9.2 LGA Zone 5 Meeting

Councillor Thomas gave a brief report on the Zone 5 meeting he had attended.

### 9.3 Meeting with Tasman District Council regarding Proposed Performance Arts Centre

There was a short report about the presentation made to the Tasman District Council regarding the proposed Performing Arts Centre.

In answer to the question as to what contribution the Tasman District Council should make it was suggested that the whole matter be considered by the Regional Funding Forum.

#### 9.4 Councillor Miccio's Petition regarding the proposed amalgamation of the Nelson City and the Tasman District

His Worship the Mayor said he proposed to have a workshop to discuss Councillor Miccio's petition in the New Year.

Resolved

***THAT His Worship the Mayor's report be received.***

His Worship the Mayor/Boswijk

Carried

#### 10.0 DURATION OF THE MEETING

Resolved

***THAT in accordance with Standing Order 5.6 the meeting continue beyond 6 hours.***

His Worship the Mayor/Boswijk

Carried

#### 11.0 PUBLIC EXCLUDED BUSINESS

##### 11.1 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 – 29 October 2009 and 12 November 2009***

*Reasons:*

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

*To protect the privacy of natural persons.*

- ii) ***Chief Executive's Report***

*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) ***Sportshouse Lease Saxton Stadium***

*Reason:*

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

His Worship the Mayor/Rainey

Carried

**11.2 Re-admittance of the Public**

Resolved

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

Collingwood/Barker

Carried

The meeting closed at 3.16pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

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