

MINUTES OF A MEETING OF THE GOVERNANCE COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 14 MAY 2009 COMMENCING AT 9.00AM

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

IN ATTENDANCE: Chief Executive (K Marshall), Divisional Manager, Community Services (S Coleman), Chief Financial Officer (C Fitchett) and Administration Adviser (A Rose)

APOLOGIES: Apologies were received and accepted from Councillors M Cotton and A McAlpine

1.0 PUBLIC FORUM

1.1 Residents of Upper Brook Street/Brook Valley Education and Training Centre Proposal

Mr Tim Bijl spoke to the Committee on behalf of a delegation of residents of Upper Brook Street, voicing concern about the siting of the Brook Education and Training Centre on Council land zoned Rural opposite to where they lived.

Mr Bijl said that the proposal had been progressed without any consultation with the people most affected, those who were likely to live opposite the development. He said that the people who had purchased those properties had been advised by Council staff that the land opposite was zoned Rural and there is nothing in Council plans to change that. He said that the residents in the area were very concerned that their quiet and rural outlook would be severely compromised by the building of the proposed education and training centre.

He said the least Council could do was to make the planning consent for the development a notified consent.

Mr Bijl said that the residents were only officially made aware of the proposal when they received a letter from the Chairman of the Brook Waimarama Sanctuary Trust dated 13 May 2009.

Mr Bijl tabled a copy of the letter. The Chairman thanked Mr Bijl for his presentation and the residents of Upper Brook Street for their attendance at the meeting.

2.0 CONFIRMATION OF MINUTES

2 April 2009

Resolved

THAT the minutes of a meeting of the Governance Committee, held on Thursday 2 April 2009, be confirmed as a true and correct record.

Thomas/Miccio

Carried

3.0 GOVERNANCE COMMITTEE STATUS REPORT 5 MAY 2009

Agenda pages 9-10 refer.

Resolved

THAT the Governance Committee Status Report dated 5 May 2009 be received.

Boswijk/Reece

Carried

4.0 GOVERNANCE FINANCE REPORT FOR THE NINE MONTHS TO 31 MARCH 2009

Document Number 774977, dated 28 April 2009, agenda pages 11-27 refer.

The Chief Financial Officer presented the report. He explained that the projection figure for total revenue and rates on page 17 should be \$3,516,613 and the total in that column should be \$157,901.

Resolved

THAT the report be received and the variations noted.

Miccio/Shaw

Carried

5.0 SCHEDULE OF DOCUMENTS SEALED

Scheduled for the period 19 March 2009-23 April 2009, agenda page 28 refers.

Resolved

THAT the Schedule of Documents Sealed for the period 19 March 2009-23 April 2009 be received.

Barker/Holmes

Carried

6.0 VEHICLES ON RESERVES

Document Number 774862, dated 28 April 2009, agenda pages 29-34 refer.

Recommendation to the Council

THAT Bylaw No. 211 – Reserves be amended as follows:

i. A new sub-clause 7.2 be inserted in the bylaw to read:

“No person shall drive, ride or park any motor vehicle on any area of any reserve except on those areas developed and/or set aside specifically for such purpose or where indicated by signs or markings that vehicles are permitted or at the direction or with the permission of an authorised officer.”

ii. *A new sub-clause 14.2 be inserted in the bylaw, to read:*

“Any person, who breaches any restriction or control imposed pursuant to Clause 7 of this bylaw, shall be liable to a fine not exceeding \$300.00.”

AND THAT *the amendment take effect as from Tuesday 2 June 2009.*

Reese/Rainey

Carried

Councillor Henigan asked how the public would go about getting this bylaw enforced and how they would know about that procedure. The Chief Executive said that the procedure would be notified in Live Nelson.

7.0 JOINT SHAREHOLDERS COMMITTEE

Document Number 774143, dated 27 April 2009, agenda pages 107-109 refer.

The Chief Executive presented the report.

Recommendation to the Council:

THAT *a Joint Committee of the Nelson City and Tasman District Councils be set up under the following parameters:*

- i. *To negotiate and develop recommendations to the two Councils in respect of all statutory requirements and funding proposals pertaining to the jointly owned Council Controlled Organisations and joint ventures other than Emergency Management.*
- ii. *Delegations*
 - a. *Power to review and negotiate amendments to the Statements of Corporate Intent and Business Plans relating to the jointly owned Council Controlled Organisations, and to recommend the adoption by the Council of such documents.*
 - b. *Power to add to or remove names from the list of potential directors/trustees for Council Controlled Organisations.*
 - c. *Power to recommend persons for appointment to the position of Director/Trustee of jointly owned Council Controlled Organisations.*
- iii. *Membership*
 - a. *Membership of the Joint Committee shall consist of His Worship the Mayor, the Deputy Mayor, and the Chairman of the Governance Committee, or their alternates.*
- iv. *Procedure*
 - a. *No matter shall be referred from the Committee to the two Councils unless the vote at the Committee is carried by no less than 2 members from each Council.*
 - b. *Any matter referred from the Committee, if not adopted as recommended by the Committee, shall be referred back to the Committee for further consideration.*

- c. Any matter referred from the Committee, which is adopted by the Council shall carry the rider that it shall be subject to adoption by the Tasman District Council and if not also adopted by that Council, shall be referred back to the Committee.*

Shaw/Miccio

Carried

It was pointed out that the Nelson Regional Sewerage Business Unit was not a CCO but would still come within the functions and delegations of the new joint committee.

In answer to a question, it was confirmed that all councillors would receive agendas of this new committee and can attend and have speaking rights.

8.0 NELSON AIRPORT LTD

8.1 Six Monthly Report

Document Number 746718, dated 30 April 2009, 35-48 refer.

8.2 Statement of Intent 2009/2010

Document Number 746717, dated 30 April 2009, agenda pages 49-61 refer.

Attendance: The Chairperson of Nelson Airport Ltd, Mr Paul Steere, and Chief Executive, Kaye McNabb, joined the meeting to answer questions.

In answer to a question regarding whether it would be prudent to look at runway extensions before any decision was made regarding erecting a perimeter fence, Mr Steere said there would need to be a strong business case before the company went ahead with any proposals to extend the runway. With regard to security fencing, he said he believed that the Government would only insist on fencing for airports such as Nelson very reluctantly. It would cost many millions of dollars for such a fence at Nelson Airport, he added.

Mr Steere agreed with the suggestion that Council could assist the company by taking up the matter of security fencing as an issue with Local Government New Zealand.

In answer to another question, Mr Steere said that the new hangar proposed for Air Nelson would be owned by the company who would be leasing the ground from the Airport Company, but the Airport Company were building the new administration block for Air Nelson as part of the deal.

With respect to questions concerning the accounts, Mr Steere said that the accounts are prepared in consultation with W H K West Yates and in future it would be stated that the accounts as they appear in the 6 monthly report were unaudited. Mr Steere also undertook that in future the accounts would show the budget as well as the results for the ends of the two calendar years. In answer to a question about a suggested airport tax, Mr Steere commented that the best way to manage the introduction of an airport tax would be when there was a major project to finance at the airport.

Resolved

THAT the Nelson Airport Ltd Six Monthly Report 2009 be received.

His Worship the Mayor/Reese

Carried

Resolved

THAT the Nelson Airport Ltd Statement of Intent 2009/10 be approved for signing and that adoption shall be subject to adoption by the Tasman District Council.

Miccio/Shaw

Carried

The meeting adjourned for morning tea from 10.10am to 10.30am.

9.0 NELSON REGIONAL ECONOMIC DEVELOPMENT AGENCY

9.1 Six Monthly report

Document Number 745095, dated 30 April 2009, agenda pages 62-81 refer.

9.2 Statement of Intent 2009/10

Document Number 733647, dated 30 2009, agenda pages 86-106 refer.

The Nelson Regional Economic Development Agency Chairperson, Ms Robyn Reid, and the Chief Executive Mr Bill Findlater joined the meeting and gave a presentation and answered questions.

In answer to a question about the proposed introduction of improved broadband services in Nelson, Mr Findlater said that the internet exchange had only been going three weeks and he was still looking forward to the Council using it. Mr Findlater said that he saw the EDA's role as a facilitator rather than the driver of the broadband project.

In answer to another question regarding involvement of Marlborough District Council, Ms Reid said that currently the Marlborough District Council has decided to take its economic development back 'in house' but have advised that within two years the plan is to set up a separate organisation along the lines of the Nelson Regional Economic Development Agency.

There was a request for feedback from the EDA/Council liaison group to the rest of the Council. Ms Reid invited Councillors to ask the EDA if they need any information.

The Chairman thanked Ms Reid and Mr Findlater for their attendance at the meeting.

Resolved

THAT the Nelson Regional Economic Development Agency Six Monthly Report to 31 December 2008 be received.

His Worship the Mayor/Reese

Carried

Resolved

THAT the Nelson Regional Economic Development Agency Statement of Intent 2009/10 be approved for signing.

Miccio/Shaw

Carried

10.0 SOCIAL WELLBEING POLICY REVIEW PROCESS

Document Number 745556, dated 29 April 2009, agenda pages 110-131 refer.

Nicky McDonald (Manager Community Policy and Planning) joined the meeting and presented the report. The meeting discussed the most effective use of staff and councillors' time in progressing this review.

It was felt that, because the Policy was so big and over arching and important, it needed discussion by all Councillors before going to a working party. It was suggested therefore that the way forward would be to hold a Workshop on the matter.

Resolved

THAT a workshop be held on the existing Social Wellbeing Policy and the process for reviewing it.

His Worship the Mayor/Reese

Carried

11.0 FESTIVAL FINANCE

Document Number 773953, dated 30 April 2009, agenda pages 132-137 refer.

Kath Inwood (Manager Cultural, Social and Recreational Services) and Sophie Kelly (Festivals Co-ordinator), joined the meeting and presented the report. It was explained that the report was in response to a request from the Community Services Committee for a breakdown of income and expenditure for the Festival activity for the 2008/9 financial year.

In answer to a question regarding the delay in receipt of ticket sales income, it was explained that there was normally a waiting period for payment of between six to eight weeks from ticketing agencies to enable the credit card transaction fees to be allocated. It was emphasised that this was standard commercial practice.

In answer to another question, it was advised that in the last year's accounts the income for Festivals had been overstated by \$60,000 as the grants received in February 2008 related to the 2009 Summer Festival.

Resolved

THAT the information be received.

Thomas/His Worship the Mayor

Carried

12.0 PUBLIC FORUM ISSUE – RESIDENTS OF UPPER BROOK STREET/BROOK VALLEY EDUCATION AND TRAINING CENTRE PROPOSAL

Paul McArthur (Manager Parks and Facilities) joined the meeting and tabled a summary of the Brook Education Centre issue and the process Council underwent to reach agreement with the proposed lessee. In answer to a question, he confirmed that the lessee had signed the lease but it was still waiting to be signed by the Council. It was agreed that the Council as landowner needs to communicate the process it has followed with the affected residents and Mr McArthur undertook to do this.

In answer to another question, the Divisional Manger Planning and Consents, who had joined the meeting, said that consent had been applied for by the lessees to construct the education and training centre. However, because it was on Council land, the consent application had been given to a consultant to process and that consultant was currently getting more information. It had not yet been decided whether the application should be notified but Mr Johnson felt that it was highly likely to be a non-notified consent because Rural zoning had few exclusions on permitted activities.

13.0 PUBLIC EXCLUDED BUSINESS

13.1 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. Confirmation of Public Excluded Minutes – 2 April 2009

Reasons:

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

To protect the privacy of natural persons.

ii. Governance Committee Status Report – May 2009*Reasons:**To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; and**To protect the privacy of natural persons.***iii. Sealord Opera in the Park 2010***Reasons:**To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; and**To protect the privacy of natural persons.***iv. Local Government Housing Loan Fund Agreement***Reason:**To protect the privacy of natural persons.***v. Ajax Avenue – Central City Strategy***Reasons:**To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; and**To protect the privacy of natural persons.*Collingwood/BarkerCarried

The meeting went into Public Excluded Session at 12.15pm and resumed in Public Session at 1.55pm.

13.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.Thomas/His Worship the MayorCarried

There being no further business, the meeting ended at 1.55pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE