

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 1 JULY 2010 COMMENCING AT 9.03AM

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

IN ATTENDANCE: Chief Executive (K Marshall), Manager Strategy and Administration (M Tregurtha), Youth Councillor (M Wilkinson) and Administration Adviser (A Rose)

APOLOGIES: Apologies were received and accepted from Councillors M Cotton, D Shaw and G Thomas for lateness

1.0 OPENING PRAYER

Councillor Collingwood read the opening prayer.

2.0 CONFIRMATION OF MINUTES

Resolved

THAT the minutes of an ordinary meeting of the Nelson City Council, held on Thursday 17 June 2010, be confirmed as a true and correct record subject to the first sentence of the second paragraph under item 7.1 being prefixed by the word some.

Rainey/Reese

Carried

Resolved

THAT the minutes of a meeting of the Nelson City Council to hear and consider submissions to the Draft Annual Plan 2010/11 on 21 May, 24 May, 31 May, 2 June and 3 June 2010, be confirmed as a true and correct record.

His Worship the Mayor/Holmes

Carried

Attendance: Councillor Thomas arrived at 9.30am.

3.0 MAYORS REPORT

3.1 His Worship the Mayor addressed some comments to the Councillors regarding the upcoming elections.

He said that the Council had been known as a Hands Up Council and he pointed out that the grouping Hands Up that had formed before the last election was not a political party but a group of like minded people and he emphasised there had been no caucusing or canvassing by Hands Up or any block voting. He emphasised that the Council had operated as a collective on a whole and he paid tribute to all the Councillors for the

work they had done in this term of Council and he thanked them for the collegial approach they had taken to their work. He also noted that the Council had been well supported by its Chief Executive and Council Staff.

He went on to say that although Nelson City Council's relationship with its neighbour Tasman District Council has gone well he reminded Councillors that together the two Councils made one regional economy and they should be proactive in addressing that.

Drawing from his experience on the Local Government Commission, His Worship reminded Councillors that petitions for amalgamation in the past had not had a good track record and they have usually failed when one of the Councils opposed the move. This, he said, had been the case with the Tasman District Council which had opposed Mr Miccio's petition. He said that this Council should approach the Minister of Local Government and ask him to assist with bringing Tasman District Council and Nelson City Council together.

4.0 CHIEF EXECUTIVE'S REPORT

Document No 933672, pages 52-106 refer.

The Chief Executive presented the report and the meeting went through page by page. The Chief Executive noted that work on the Annual Report for 2009/10 has started. He reminded Council that as the new reforms signalled in the amendment to the Local Government Act come in to being, Council may have to change the way it goes through its Annual Planning processes in future.

He also advised that the Nelson Mail has asked for Council to disclose the credit card records for His Worship the Mayor and himself. He said these are being supplied to the Nelson Mail and in future details of credit card use will be available for anybody to see on the Councils website.

He drew Councils attention to the large number of major Resource Management Plan changes that were taking a lot of Councillor and staff time and energy currently. His Worship the Mayor paid tribute to the Councillors involved and Councillors Boswijk, Cotton, Reese and Shaw and to the staff involved and thanked them for their energy and effort.

4.1 Model Communities Cycling/Walking Funding Decision

The Chief Executive advised that it had been disappointing that Council had not been able to secure the Model Communities Cycling/Walking funding and he further advised that the New Zealand Transport Authority would be invited to discuss with Council at a future workshop.

Councillor Holmes thanked the staff for the great effort they had made in trying to secure this funding.

Resolved

THAT Council write to the New Zealand Transport Authority expressing its disappointment with the decision not to grant Nelson City Council any Model Communities Cycling/Walking funding and requesting that they reconsider this decision.

Holmes/His Worship the Mayor

Carried

Councillor Henigan abstained from voting.

4.2 Rugby World Cup 2011 Update

The Divisional Manager Community Services, Susan Coleman, joined the meeting and presented this part of the report.

The Councillors discussed the predicted impact that Rugby World Cup 2011 would have on Council projects and services as set out in the report and in answer to a question the Division Manager Community Services said that the impacts as described were realistic and based on detailed estimates.

There was some discussion regarding Councils financial contribution towards the event including the cap that had been negotiated with Rugby New Zealand 2011 Ltd. In regards to the Festival of Rugby the Divisional Manager Community Services said that it sat outside the cap but it was part of the \$1.7m budget.

A suggestion was made that for 2011 other Council festivals and events be reduced since Council was providing a Arts Festival, Festival of Rugby.

Attendance: The meeting adjourned from 10.15am to 10.50am for morning tea during which time the Official Council Photograph was taken.

4.3 Minor Safety Improvement – Budget Proposed Allocation 2010/11

The Transport Planner, Sue McAuley, joined the meeting and presented this part of the Chief Executives Report and answered the questions.

Resolved

THAT based on the current funding levels, items 1-7 of Table 1 in Report No 933672 be designed and constructed during 2010/11.

Holmes/Thomas

Carried

4.4 Continuance of Civil Defence (CDEM) Groups Through Elections

The Civil Defence Emergency Management Manager, Roger Ball, joined the meeting and gave the background to the recommendation.

Resolved

THAT the Civil Defence Emergency Management Group and any sub-committee constituted by that group shall not be deemed to be discharged on the coming into office of the members of the Council elected or appointed at the next Triennial General Election of Members, as provided for by clause 30(7) of Schedule 7 of the Local Government Act 2002;

AND THAT statutory responsibilities of each member of the group be delegated to the Chief Executive during the election period.

Reese/Holmes

Carried

4.5 Financial Performance – Finance Report for the 10 Months to 30 April 2010

The Chief Financial Officer, Nikki Harrison, joined the meeting and presented this part of the report and answered questions.

4.6 Naming Rights and Sponsorship Policy for Community Services Facilities

The Manager, Community Policy and Planning, Nicky McDonald, joined the meeting and presented this part of the report.

Resolved

THAT the Naming Rights and Sponsorship Policy for Community Services Facilities be amended as described in Report 933672 to remove ambiguity in relation to delegations. Those amendments to be as follows:

Sub-clause 3.1, replace

3.1 Where proposals are consistent with the guidance contained in this Policy, staff are delegated to enter into agreements

with:

3.1 Staff are delegated to enter into agreements in relation to temporary signage, fixed signage and acknowledgements of financial contribution to capital costs, where these are consistent with guidance contained in this policy.

Clause 7 Naming Rights in consideration

Insert sub-clause: All decisions relating to the allocation of naming rights in consideration are to be made by Council.

Clause 8 Naming Rights in recognition

Insert sub-clause: All decisions relating to the allocation of the naming rights in recognition are to be made by Council.

Collingwood/McAlpine

Carried

4.7 Parking Bylaw Update – Parking and Vehicle Control Bylaw 2004 No 207, Amendments to Schedule

The Senior Executive Technical Services, Alec Louverdis, joined the meeting and spoke to this part of the report. Following discussion it was agreed that the amendments to Schedule 4 special parking areas, relating to time periods for disabled car parking, drew some concern from some Councillors and it was agreed that these recommendations would be looked at again and brought back to Council at a later date.

Resolved

THAT the following alteration to the Schedules of Bylaw No 207 Parking and Vehicle Control (2004) be approved.

Schedule 9: No Stopping: McMahan Street

Install an extension to the existing no stopping restriction leading into the Ardilea Avenue intersection.

Miccio/Thomas

Carried

4.8 Status Report

Item No 5: It was agreed to check the completion date for the Sight Screens.

Item No 10: Councillor Barker advised that the Guardians of the Nightingale Library Memorial had not been asked to provide a letter of support to date.

Item No 32: Councillor Collingwood said there seemed to be some confusion in the mind of the public as to exactly what Council was contributing regarding the memorial in the Marsden Valley Cemetery.

Item No 43: It was agreed that there would be an update to Council on the Heart of Nelson Project.

Resolved

THAT the Status Reports attached to Report 933672 be received;

AND THAT the Schedule of Documents Sealed from 21 April to 26 May 2003 attached to Report 933672 be received.

Holmes/McAlpine

Carried

5.0 REPORTS POLICY

5.1 Submission on the review of the National Environmental Standard for Air Quality

Document No 940675, agenda pages 107-114 refer.

The Senior Policy Planner, David Jackson, joined the meeting and presented the report.

Resolved

THAT the submission on the review of the National Environmental Standard for Air Quality be approved.

Holmes/Boswijk

Carried

6.0 REPORTS FROM COMMITTEES

6.1 Audit Risk and Finance Committee – 16 June 2010

Document No 941603, agenda pages 128-130 refer.

Resolved

THAT the minutes of the meeting of the Audit Risk and Finance Committee held on 16 June 2010 be received.

His Worship the Mayor/Collingwood

Carried

Attendance: The meeting had a brief adjournment from 12.15pm to 12.20pm.

7.0 REPORTS PRIORITY

7.1 Nelson Performing Arts and Conference Centre Way Forward and Feedback Document

Document No 938670, agenda pages 115-127 refer.

Representatives from Arthouse Architecture Limited, Mr David Wallace and Brian Riley together with Mr Marc Barron from Jerram Tocker & Barron joined the meeting and gave a powerpoint presentation showing modification to the northern end of the Trafalgar Centre to incorporate a 700 seat conference centre with a facility for a 500 seat dining facility and eight break out rooms that would link to the event centre with a separate 450²m foyer. It was advised that this configuration would allow both spaces to be used concurrently with certain restrictions.

The Council discussed with the representatives from Arthouse Architecture Limited the proposal.

They confirmed in response to some questions that the proposal they had worked on was as set out in 4.1 of the report. The Chief Executive said that this view was the view taken from the workshop of 15 June 2010.

There was a view expressed by the majority of Council that they wanted to look at the big picture to see how the whole site could be used including the possible placement of a hotel and the performing arts centre as well as a conference centre.

Attendance: The meeting adjourned for lunch from 12.55pm to 1.35pm.

Following the resumption of the meeting after lunch the Council considered the report

Councillor Miccio said it was important for Nelson to have a conference facility the question was whether it was up to Council to construct and run this facility or whether it was better to leave it to private enterprise. He said that in his view it would be better for Council to let the matter lie on the table until after the election because then the new Council would have a clearer idea of what Rutherford Holdings were going to do with respect of a conference facility. The new Council he said would then be in a position to pick up all the work that had been done and make a decision going forward on this matter.

Councillor McAlpine asked whether Rutherford Holdings had been approached. The Chief Executive said that had been done through agents acting for the Council and Council has considered that feedback and had decided to further exclude the Rutherford Holdings site from any further consideration as a result. He was aware that individual Councillors had also made approaches to Rutherford Holdings and had received the same feedback.

Councillor Reese took the opposing view and urged Council to move forward and make progress. She said she respected that Rutherford Holdings are moving to provide improved conference facilities but she reminded Council there were a number of providers of such facilities in Nelson including Trailways and the Monaco Resort.

If Council decided to develop a conference centre at the northern end of the Trafalgar Centre it would be building something complementary to the existing facilities available in the city.

She said that Council needed to provide facilities appropriate for the city and should not procrastinate as the community have sent a message to get on with the job. Further, in looking at the recommendation she said she had no problem with a staged approach but Council needed to have discussion with the conference organisers and owners within the city.

She said there was no more time to dither, the Berl Report had made it clear what the market is for conferences in Nelson and the time has come for Council to make a decision.

Councillor Boswijk agreed there was need to make this decision but she warned Council not to lose sight of the performing arts centre by adopting the staged approach.

Councillor Rainey said that the people in Nelson have not had a say on whether Council split the two venues and build a separate performing arts centre and a separate conference centre. He said there was a huge

danger that if Council went ahead with constructing the conference centre it will lose sight of the performing arts centre. He also said there had been no discussion on whether Council should get into the conference centre running business. He said Council should take a pause and wait for the elections to happen.

Councillor Holmes said that although he appreciated what Councillor Rainey was saying, the indications from the Berl report are that Nelson was missing out on the economic benefits of conferences. He said he supported a staged approach and he would like to see something done before the next Council comes in.

Councillor Henigan said that her understanding was that the two projects of conference centre and performing arts centre would always be linked. She thought that to move for just a conference centre is quite a departure and if Council intended such a move they should consult the public. If this was the case, she said, the public should be asked if they supported a conference centre, they should be asked if they supported a performing arts centre and they should be asked if they favoured a staged approach with priority given to a conference centre over a performing arts centre.

Councillor Barker reminded the meeting that when Council explored the public/private partnership with Rutherford Holdings it was looking for achieving the objective of a conference centre and performing arts centre on the best economic terms with a private partner. The private partner would build and run the conference centre and the Council would build and run the performing arts centre. He said that there was \$6m in the LTCCP for upgrading the northern end of the Trafalgar Centre and the proposed combination of this upgrade with a conference centre openly signalled to costs in the region of \$19m. By doing this, he said, there was a real danger that Council would then not be able to provide a performing art centre. He said he supported letting the matter lie on the table for the new Council. In his view he was supported by Councillor Thomas who said whether the conference centre should be private or Council operated needs to be clarified as did whether the conference centre and performing arts centre should be separate or adjoining.

His Worship the Mayor summed up the issues that were reported to Council today.

Councillor Reese said she did not wish to see the matter lie on the table and she proposed the following motion which was seconded by Councillor McAlpine:

THAT the Council adopt a staged approach to the development of a performing arts centre and conference centre and that the Chief Executive prepare a plan that includes integrating a proposed conference facility into the proposed northern upgrade works of the Trafalgar Centre, a site for a performing arts centre, recognition of good urban design and the importance of connecting it to the sea. The structure plan includes costs and a timetable with the conference centre taking priority;

AND THAT the plan be prepared so it can be a proposal to be included in the 2011/12 Annual Plan.

The Council then discussed the motion and were equally divided over its merits.

The motion was put and a division was called for.

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

His Worship the Mayor declared the motion lost 6 to 5.

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) Nelson City Council Public Excluded Minutes – 17 June 2010

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.

ii) Chief Executives Report

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.

iii) Appointment of Directors, NELMAC

Reasons:

To protect the privacy of natural persons.

iv) City of Nelson Civic Trust, appointment of new Trustee

Reasons:

To protect the privacy of natural persons.

v) Mayors Report

Reasons:

To protect the privacy of natural persons.

His Worship the Mayor/Reese

Carried

The meeting went into public excluded session at 2.15pm and resumed in public session at 2.55pm.

8.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Holmes/Collingwood

Carried

There being no further business the meeting ended at 2.55pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE