

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET ON 12 AUGUST 2010 COMMENCING AT 9.00AM.

- PRESENT:** His Worship the Mayor K Marshall (Chairperson), Councillors I Barker, A Boswijk, G Collingwood, M Cotton, D Henigan, M Holmes, A McAlpine, A Miccio, P Rainey, R Reese (Deputy Mayor), D Shaw and G Thomas
- IN ATTENDANCE:** Chief Executive (K Marshall), Manager Strategy and Administration (M Tregurtha), Senior Executive Technical Services (A Louverdis), Senior Executive Infrastructure (M Schruer), Manager Community Policy and Planning (N McDonald), Divisional Manager Planning and Consents (R Johnson), Divisional Manager Corporate Services (H Kettlewell), Chief Financial Officer (N Harrison), Charles Owen, Oscar Barkle (Nelson Youth Council) and Administration Adviser (L Laird)
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1.0 OPENING PRAYER

Councillor Thomas gave the opening prayer.

2.0 SCHEDULE OF HEARINGS FOR THE LOCKING STREET AND MAIN ROAD STOKE PROPOSED SPEED LIMIT BYLAW CHANGES

His Worship the Mayor said the first item was to hear from submitters who wished to be heard regarding the proposed changes to the Speed Limits Bylaw.

2.1 Annie Leather – Locking Street Submission No 24

Ms Leather, a resident of Mount Street, spoke in favour of the reduction in speed limit from 50kph to 30kph on Locking Street. She also said that this limit should be extended to vehicles in Kowhai Street entering Locking Street.

Ms Leather said that while she supported the reduction in speed limit in Locking Street, she was concerned that the overall design would restrict parking to the detriment of the residents. She also drew Council's attention to the state of the wooden footpath in Wellington Street which, she said, had become rough and uneven and was dangerous to use.

2.2 NZ Automobile Association Nelson District – Main Road Stoke Submission No 22

Gary Stocker, District Chairman of the NZ Automobile Association Nelson District, presented the submission. He pointed out that Main Road Stoke was an arterial road second only in importance to Wakatu Drive. He said it was incumbent on the Council to protect that hierarchy.

Mr Stocker said that there were no safety issues with the part of the road from Standish Place to Saxton Road and the NZ Automobile Association did not support a reduction in the existing 80kph speed limit on this section of the road. He pointed out that motorists were travelling at safe speeds along this road and that it is used by 16,000 vehicles per day.

In answer to a question with regard to the portion of Main Road Stoke from Saxton Road to the Link Road roundabout, Mr Stocker said that the NZ Automobile Association did not support the reduction in speed in this stretch of the road. However it did support a reduction in speed to 50kph for the strip of road from the Salisbury/Champion Road roundabout through to the Stoke side of the Link Road roundabout.

He also said that there was a need for barriers on the ditch by the freezing works.

2.3 Allan Kneale – Main Road Stoke Submission No 19

Mr Kneale said he supported the proposed change in speed limit on Salisbury Road between Main Road Stoke and Champion Road but he did not support the proposed changes along Main Road Stoke between Standish Place and 100 metres southwest of Orphanage Creek. He said the road was an arterial road, has a wide stretch carriageway and does not warrant a speed limit as low as 50kph.

He said that pedestrian refuges should be installed along the road adjacent to the bus stops and he advocated that the road could be clearly marked to be a 'self explaining road' and this would be better than arbitrary reduction of the speed limit.

2.4 Mr Victor Gargiulo – Locking Street Submission No 5

Mr Gargiulo spoke in support of his submission to lower the speed limit in Locking Street.

2.5 Mr Lynn Hannen and Mrs Anita Hannen – Locking Street Submission No 22

Mrs Hannen, a resident of Locking Street for 42 years, spoke in support of reduction in the speed limit from 50kph to 30kph on Locking Street.

Mrs Hannen said she was very concerned about the berms proposed for the street saying that the road was too narrow to accommodate berms on both sides. There should either be no berms at all or berms only on the east side of Locking Street, she said. This would allow cyclists freedom to travel up and down the hill safely, she added.

She also said that the installation of speed humps would be sufficient on their own to control the speed of the traffic.

2.6 Jim McNabb – Locking Street Submission No 18

Mr McNabb spoke against reducing the speed limit in Locking Street from 50kph to 30kph. He maintained that consultation had not been properly addressed, particularly with regard to the design of the road. He maintained that the design would have a negative impact on residents' and their guests' parking on the road and he was very concerned about that.

3.0 CONFIRMATION OF MINUTES

Resolved

THAT the minutes of a meeting of the Nelson City Council, held on Thursday 29 July 2010, be confirmed as a true and correct record subject to the words:

- *'the Local Government Commission process' being substituted for 'an amalgamation' on page 2; and*
- *'recommendation' being substituted for 'motion' on page 4; and*
- *'an alternative' being added to the last paragraph on page 13 to read 'Councillor Miccio moved an alternative resolution'.*

Holmes/Barker

Carried

4.0 MAYORS REPORT

His Worship the Mayor noted that he had received a plaque from HMNZS Canterbury during its recent visit to Nelson.

5.0 PUBLIC FORUM

5.1 Liam Hegarty

Mr Hegarty addressed Council about the Brook Street housing development proposal. He said the area would be improved with a park. He acknowledged that usable and accessible land is in short supply for low cost housing however did not support the development going ahead on the proposed site.

5.2 Glenn Baker

Mr Baker tabled information that showed what websites library computer users were browsing and noted that it was not educational programmes being accessed. Those that featured most regularly were social media sites including 'facebook', he said.

Mr Baker said the free provision of computers with Internet access at the libraries was impacting negatively on Internet cafes and other businesses that provide this service. He urged the Council to reconsider the

partnership agreement with APNK and reconsider how the Council provided Internet to the community.

Attendance: the meeting adjourned for morning tea from 10.25 – 10.45am

6.0 CHIEF EXECUTIVES REPORT

Document number 949331, agenda pages 16 – 64 refer

The Chief Executive presented the report and outlined the leading issues as provided in the report.

6.1 Rugby World Cup 2011 Impact on Council Projects and Services

The Manager Community Projects Andrew Petheram joined the meeting. Mr Petheram clarified that the skate park that was being deferred to provide sufficient staff for delivering the Rugby World Cup was to have been sited in Stoke.

Resolved

THAT the following capital projects be deferred from the 2010/11 financial year to provide sufficient staff resources for delivering Rugby World Cup 2011:

- ***Rutherford Park development - \$70,000***
- ***Skate Park - \$81,761***
- ***Brougham Street upgrade including stormwater and sewer upgrade - \$511,500.***

Cotton/McAlpine

Carried

Councillor Henigan requested her vote against the motion be recorded.

6.2 Proposal for school speed zone Main Road Stoke outside Stoke School

In response to a question, the Chief Executive said Stoke School had been chosen for this initiative as the School had made a specific submission.

Resolved

THAT should Council be successful in winning the HMI Technologies Ltd competition, Council will fund all associated costs of implementing local authority Bylaw requirements and the ongoing maintenance for the new installation at Stoke School.

Holmes/Reese

Carried

6.3 Heart of Nelson Projects Progress Report

The Chief Executive said the report provided an update on all the projects included in the Heart of Nelson Strategy. The project as a whole and its budget would be reviewed next year, he added.

6.3.1. Montgomery Square

The concept plans for Montgomery Square were tabled and discussed. Senior Executive Technical Services Alec Louverdis said the original concept plans and pictures contained in the Heart of Nelson strategy were early drawings. He also highlighted that staff had engaged with stakeholders specifically the contracted market operator and other affected parties in respect of their land.

The Council questioned the impact on retailers in the square, market stallholders and the possible loss of car parking. In response to a specific question Council asked staff to report back via email on the impacts of the proposed changes to car parking as a result of the development of the Square.

There was agreement that this specific project should have been brought back to Council before it was released for public consultation.

6.3.2. Other Heart of Nelson Projects

Council raised questions about the ongoing progress on the Maitai Walkway, Upper Trafalgar Street, Wayfinding and Landscape Improvements projects. The Chief Executive said that all projects were on track but also advised that due to the variations between concept plans and what was practicable there was an intention that all Heart of Nelson projects would be reviewed as part of the annual planning process by Council next year.

6.4 Revegetating the City Hill Backdrop and Valleys and Establishing Corridors

Resolved

THAT a plan for revegetating the city hill backdrop and valleys and establishing corridors be included in the proposed scope and process for preparing the Strategic City Development Plan and that the Biodiversity Forum be advised.

Shaw/Henigan

Carried

6.5 Council Computing Booking System at Elma Turner Library

Library Manager Ian Littleworth joined the meeting and spoke to this item.

Mr Littleworth said it was not only tourists that used the APNK systems but ratepayers as well and tabled information that illustrated this. He added that wireless access at the Tahunanui library is only available during the library opening hours.

Councillor Miccio said that he would support the staff recommendation provided if it was altered to state that the WiFi service be removed, Internet access in the library be limited to those possessing a library card and that Council pursue a change to the agreement with APNK that better suited the community's needs.

Mr Littleworth said the provision of the APNK system is a government initiative and the library acts as a facilitator of this. He added that the implications of removing the APNK service would be the removal of 63% of our PCs thereby reducing Internet access for residents and library users.

It was noted that this issue had been discussed during the annual plan process where the current policy pertaining to Internet provision had been endorsed.

The Chief Executive advised that he would be extending an invite to Penny Carnaby, Chief Executive of the National Library, to come and speak to Council about the APNK initiative.

Resolved

THAT the Envisionware software be purchased and funded from within the current Library capital budget; AND THAT upgrading the specifications and software for the Council funded computers in 2010/11 be considered, at an annual cost of up to \$6,300 to be funded from the contingency fund.

Collingwood/Shaw

Carried

6.6 Nelson Tasman Tourism Uncalled Shares

The Chief Executive said the recommendation will allow the Council to attain additional equity in Nelson Tasman Tourism through uncalled shares.

Resolved

THAT the Nelson City Council agrees and concurs in the issue of fifty thousand (50,000) ordinary shares "new shares" on the terms and conditions in the attached "Entitled Persons' Concurrence for an Issue of Shares" document.

Thomas/MiccioCarried**6.7 Food Bill**

Resolved

THAT a Working Party comprising Councillors Reese and Miccio be established to review the Food Bill and, if considered necessary, to prepare and lodge a submission on behalf of the Council by 2 September 2010;

AND THAT the Working Party reports any submission to Council for confirmation.

Collingwood/BoswijkCarried**6.8 Founders Heritage Park Governance**

It was noted that, while there was a clear recommendation from the Founders Sub Committee for its own disbanding, the governance of the Founders Heritage Park by Council staff was an interim measure until an appropriate governance structure was agreed.

Resolved

THAT the Founders Heritage Park Committee be dis-established, effective as at 9 October 2010;

AND THAT a new governance structure be investigated once the outcome of the Arms Length Review is clear;

AND THAT in the interim, governance of Founders Heritage Park be carried out directly by Council in the same way as any other Council Activity.

Holmes/CollingwoodCarried**6.9 Financial Performance**

The Council enquired about the significant increase in the costs of Certificate of Acceptances associated with building consent fees. Chief Financial Officer Nikki Harrison said this was the most practical way of amending shortcomings that had resulted from the 2.5% GST increase.

It was agreed that the rationale for this significant increase be provided to the public.

Resolved

THAT the increase in fees and charges set out in Table 6.5 (949331), below, be approved due to the

change in the rate of GST, effective from 1 October 2010.

Table 6.5: fees and charges requiring adjustment following GST increase

Fee / Charge	1 July - 30 Sept 2010 (\$) incl 12.5% GST	1 Oct - 30 Jun 2011 (\$) incl 15% GST
Trade waste charges:		
Conveying Charge (litre/minute)	473.06	483.58
Treatment Charge (kg BOD/day)	1,224.50	1,251.71
Combined Charge (per m ³)	1.71	1.74
Landfill, transfer station charges:		
Landfill charge per tonne	92.00	94.00
General waste transfer station (m ³)	29.00	30.00
Green waste per m ³	20.00	20.00
Building consent fees:		
Re-inspection fees	100.00	120.00
Certificate of Acceptances (COA)	0.00	200.00
Exempt building works (schedule 1, Building Act 2004) admin fee	0.00	100.00
Resource consent fees:		
Processing charges, staff time	128.00	131.00
Processing charges, consultants	128.00	131.00
Administration charges, documents for execution	170.00	175.00
Certificate, Overseas Investment Act	375.00	385.00
Confirmation of compliance with NRMP/NZ Building Code for NZQA	375.00	385.00
Resource consent fees continued:		
Private right-of-way, review against existing names and advising all statutory agencies where appropriate	220.00	225.00
Section 357 administration charge	250.00	255.00

Removal of designation	300.00	305.00
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Holmes/Miccio

Carried

Attendance: the meeting adjourned for lunch from 12.30 to 1pm.

6.10 Parking Bylaw Update

Resolved

THAT the following alterations to the Schedules of Bylaw No 207, Parking and Vehicle Control (2004) be approved:

Schedule 4: Special Parking Areas

(Document number 949331 Table 14.6): Proposed alterations to mobility car parks

Location	Number of mobility car parks	Current time restriction	Time limit for other users	Proposed restriction
Elma Turner Library	3	No time limit	P60	P120
Trafalgar Street, (Museum and bank)	No longer proposed to change			
Montgomery Square	4	2XP10 (WINZ) 2XP180	P180	2XP30 2XP180
Buxton Square	No longer proposed to change			
Bridge Street (Queens Gardens & Suter)	3	No time limit	P60	3xP120
Stoke Library	1	No time limit	P30	P60
Stoke Pharmacy	No longer proposed to change			
Stoke New World				
Main Road Stoke (Stoke Cycles)	1	No time limit	P180	P180

Collingwood/Miccio

Carried

6.11 Supplementary Reports

In response to a request for an update, the Council was advised that nothing had changed with regard to item 12 of the status report.

Regarding item 30, the Council was informed that no reply had been received to the invitation to RNZ 2011.

Attendance: Councillor Shaw declared a conflict of interest with the third item in the Schedule of Documents Sealed, page 63 of the agenda refers.

Resolved

THAT the status reports attached to this report (949331) be received;

AND THAT the Schedule of Documents Sealed from 10 May to 9 July 2010 be received.

Rainey/McAlpine

Carried

7.0 REPORTS POLICY

7.1 Brook Street Housing Proposal – Update July 2010

Document No. 942156

Manager Cultural, Social and Recreation Services Kath Inwood and Manager Community Policy and Planning Nicky McDonald joined the meeting and presented the additional information requested at the last Council meeting concerning the Brook Street housing proposal.

Ms McDonald confirmed that the sale and purchase agreement had been amended. She added that clarification about the esplanade reserve had been provided but a final decision would be made at the resource consent hearing. Ms McDonald explained the wider context of the proposal and the need for Council to build effective partnerships with central government and other organisations for the provision of affordable housing.

Resolved

THAT the Council proceed with gifting 3200m² of the former OK Corral site (the Land being legally described as Pt Sec 4 District of Brook Street and Maitai, and Pt Sec 1193 City of Nelson, both in Certificate of Title NL 2B/251; and Sec 45 District of Brook Street and Maitai, in Certificate of Title NL 5A/503) to the Nelson Tasman Housing Trust for the purposes of development as affordable housing;

AND THAT the Sale and Purchase agreement as attached to report 942156 be approved.

Reese/Shaw

Carried

Councillor Barker called for a division.

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

The Chairperson declared the resolution carried, 10 to 3.

7.2 Freedom Camping Season Review and Planning for 2010/11

Document No. 950120, agenda pages 96-109 refer

Parks Operations Coordinator Lindsay Barber joined the meeting and presented the report. He said freedom camping had become an issue in Nelson and the paper presented four options to Council. He added that a brochure will be produced informing campers of the options and restrictions for freedom camping in the city. In response to a question, Mr Barber said Armourguard will be providing enforcement services and anyone breaching the guidelines will be asked to move on.

Resolved

THAT the Sovereign Street Car Park be designated for use by self and non-self contained camper vehicles for a maximum period of two nights;

AND THAT Millers Acre car park be designated for use by fully self contained camper vehicles only for a maximum period of one night.

Collingwood/Shaw

Carried

Councillor Barker requested his vote against the first part of the motion be recorded.

7.3 Adoption of the Rutherford and Trafalgar Parks Reserves Management Plan

Document No. 953996, agenda pages 110-155 refer

Community Policy and Planning Adviser Chris Ward joined the meeting and with Manager Community Policy and Planning Nicky McDonald presented the report. Councillor Rainey provided feedback from the hearings and Charles Owen spoke about the submission from the Nelson Youth Council.

Council discussed whether the Rutherford and Trafalgar Parks Reserves Management Plan (the Plan) would unduly limit commercial development along the fringes of the Parks including the Maitai River.

The Chief Executive confirmed that development at Rutherford Park was a possibility however future development at Trafalgar Park would be restricted to the Trafalgar Street and Hathaway Terrace boundaries. The Council decided that keeping the option open for commercial development on all fringes of Trafalgar Park was important and this needed to be explicitly provided for in the resolution.

It was noted that a development plan would be drafted for Rutherford and Trafalgar Parks after the Plan had been approved. This would be presented to Council at a later date.

The Council identified two minor typographical errors in the Plan and it was noted that staff would amend these.

Resolved

THAT the Rutherford and Trafalgar Parks Reserves Management Plan be adopted subject to provision being made in the Plan to allow for the possibility of commercial development on the fringes of Trafalgar Park.

Boswijk/Henigan

Carried

7.4 Amendments to the Speed Limits Bylaw

Document No. 949586, agenda pages 156-219 refer

Resolved

THAT Schedule E (50km/hr) of the Speed Limits Bylaw be amended to read, under the heading "length" for Main Road Stoke, "from Annesbrook Drive/Waimea Road intersection to 100m southwest of Orphanage Creek, and from Salisbury Road to 100m north of the Salisbury Road/Main Road Stoke intersection";

AND THAT the bylaw include the following addition to Schedule E (50km/hr) "Salisbury Road for the length between Champion Road and Main Road Stoke that is within Nelson City";

AND THAT Schedule C (30km/hr) be amended to include Locking Street for the full length.

Boswijk/Holmes

Carried

7.5 Draft Navigation Safety Bylaws (218)

It was agreed that the Hearings Panel did not need a Commissioner but someone who knew the rules on the ocean would be helpful.

Attendance: Councillor Collingwood left the meeting at 2.20pm and returned during the public excluded part of the meeting.

Resolved

THAT a Hearings Panel comprising Councillors Rainey, Cotton and Boswijk be established to hear submissions and make recommendations to Council on changes to the draft Navigation Safety Bylaws (218).

Henigan/His Worship the Mayor

Carried

8.0 REPORTS FROM COMMITTEES

8.1 Recommendations from the Nelson City Council Tasman District Council Joint Shareholders Committee meeting – 30 July 2010

Resolved

THAT the Nelson Tasman Tourism Ltd revised Statement of Intent for 2010/13 be approved for signing subject to Nelson City Council's contribution to the destination marketing project Nelson Tasman Tourism Ltd is undertaking in association with central government remaining at \$50,000, and subject to a similar resolution by Tasman District Council.

Thomas/McAlpine

Carried

Resolved

THAT the Nelson Airport Ltd draft Statement of Intent for 2010/11 be approved for signing subject to a similar resolution by Tasman District Council.

Thomas/Henigan

Carried

Resolved

THAT subject to receiving a formal resolution from the Board of Tasman Bays Heritage Trust, the draft Memorandum of Understanding as amended by clause 11 'Disputes' becoming clause 2 and re-written and re-titled 'Good Faith', and the word 'email' being inserted after the words 'registered mail' in clause 12, be approved for signing subject to a similar resolution by Tasman District Council.

Thomas/McAlpine

Carried

9.0 PUBLIC EXCLUDED MINUTES

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 – 29 July 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; or

To protect the privacy of natural persons.

iii) Arms Length Review

Reasons:

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

Mayor/Rainey

Carried

The meeting went into public excluded session at 2.40pm and resumed in public session at 3.45pm. During this time a resolution was passed allowing the meeting to continue on passed six hours in accordance with Standing Orders 5.6.

9.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Boswijk/Miccio

Carried

There being no further business the meeting closed at 3.50pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE