

**MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET ON 22 APRIL 2010 COMMENCING AT 9AM**

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PRESENT:	Councillor M Holmes (Chairperson), His Worship the Mayor K Marshall, Councillors I Barker, A Boswijk, G Collingwood, M Cotton, D Henigan, A Miccio, A McAlpine, P Rainey and R Reese (Deputy Mayor)
IN ATTENDANCE:	Chief Executive (K Marshall), Manager Strategy and Administration (M Tregurtha), Administration Advisor (A Rose)
APOLOGIES:	Apologies were received and accepted from D Shaw and G Thomas

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## **1.0 PUBLIC FORUM**

### **1.1 Spinebacked Tuatara Trust**

A delegation from the Tuatara Trust addressed Council and explained the purposes and objectives of the Trust which was to educate young people about the Tuatara. The Trust said it had formed a strong alliance with Natureland and some Tuatara had been relocated from Orana Park for inclusion in the programmes. The Trust was already working with schools in Nelson, Tasman and Marlborough.

It was explained that the Trust was currently on a low budget and would be seeking some support from Council and would be applying for a community grant this year.

### **1.2 Marsden Valley Cemetery - Returned Servicemen and Servicewomen Plot - Memorial Dedication Proposal**

Agenda pages 1-10 refer

Mr Mason Robinson presented a proposal to Council to develop a Returned Servicemen Memorial within the Marsden Valley Cemetery near the Returned Servicemen plot. He explained that the proposal, details which had been attached to the agenda, had asked Council for an indication of their support so fundraising could be undertaken. There was general support in principle for the proposal and the Council agreed with the Chief Executive's suggestion that it should be treated as a submission to the Draft Annual Plan.

In the meantime it was agreed that staff would work with Mr Mason regarding permission to use the site for this purpose.

### **1.3 Maitai Club**

Attendance: Councillor Barker declared an interest as a member of the RSA and withdrew from this part of the meeting.

Mr Peter Fisher, President of the Maitai Club, and Fred Te Mahi, Chairperson of Ngati Tama, Manawhenua Ki Te Tau Ihu Trust, joined the

meeting and spoke to a letter from Mr Fisher dated 19 April 2010 which had been circulated to Councillors.

The letter requested that Council agree to grant a new lease as soon as possible to the Ngati Tama Manawhenua Ki Te Tau Ihu so that the Maitai Club could pay its creditors and the facility can be back in operation as a community asset under the control of the Trust. In answer to questions, Mr Fisher said that the Maitai Club will be unable to service the existing debt with Nelson Building Society as of this month and also had creditors within the city totalling \$100,000.

The Council heard from Mr Te Mahi that the club was an ideal site for a cultural centre for the Trust and the Trust was prepared to spend a considerable sum of money bringing the facility up to standard, but not unless the Council granted an extension to the lease which currently expired in 2014. The Chief Executive explained that the Council found itself in difficulty as land owner and while it was happy to reassign the lease it could not extend the lease at this time. Normally discussions regarding a renewal of the lease would be expected to take place in 2013, he said.

The Chairperson thanked Mr Fisher and Mr Te Mahi for their presentation.

## 2.0 CONFIRMATION OF MINUTES

Resolved

***THAT the minutes of the ordinary meeting of the Nelson City Council held on 8 April 2010 be confirmed as a true and correct record.***

Holmes/His Worship the Mayor

Carried

## 3.0 REPORTS PERFORMANCE

### 3.1 Nelson/Tasman Business Trust Strategic Plan and Business Plan 2009/2010

Report No 907327, agenda pages 19-45 refer

Trustee Lynne Harrison and Manager Sarah Holmes from the Nelson Tasman Business Trust joined the meeting and gave a powerpoint presentation on the Trust and answered questions on the Strategic Plan and Business Plan 2009/2010. The Council congratulated the Trust on its work.

Resolved

***THAT the Nelson Tasman Business Trust Strategic Plan and Business plan 2009/2010 be received.***

Reese/Henigan

Carried

#### 4.0 REPORTS POLICY

##### 4.1 Gambling Policy – Appointment of Councillor to Hear Public Submissions and Make Recommendations to Council

The Chairperson explained that in accordance with Section 47A(7) of the Local Government Official Information and Meetings Act 1987 the reason why the item was not on the agenda, and the reason why discussion of this item could not be delayed until a subsequent meeting, was because it came to hand after the agenda had closed and it needs to be considered at this meeting because of the need for urgency. Accordingly a procedural resolution was required before any discussion can take place.

Resolved

***THAT the item regarding Gambling Policy – Appointment of Councillor to Hear Public Submissions and Make Recommendations to Council be considered at this meeting, pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, because of the need for urgency.***

Holmes/Boswijk

Carried

The Chief Executive explained that at the Council meeting held on 25 March 2010 it was resolved: -

Resolved

***THAT the attached draft Gambling Policy be released to the public under the Local Government Act 2002 special consultative procedures;***

***AND THAT Councillor Miccio, and Councillor Barker, and Councillor Boswijk be appointed to hear public submissions and make recommendations to Council on changes to the draft.***

Since the meeting, Councillor Miccio has advised that he is no longer able to perform this duty and consequently there was need to appoint a replacement.

Resolved

***THAT Councillor Collingwood be appointed to replace Councillor Miccio to hear public submissions and make recommendations to Council on changes to the draft Gambling Policy.***

Boswijk/His Worship the Mayor

Carried

Attendance: the meeting adjourned for morning tea from 10.30am to 10.40am.

## 5.0 REPORTS POLITICAL

### 5.1 Electoral System - Triennial Election 2010

Report No 904764, agenda pages 81-84 refer

The electoral officer Mr Warrick Lampp joined the meeting. The Chief Executive presented the report and gave a background to the recommendations it contained. He also recommended that the 12 August be the last meeting of Council for substantive issues as this coincided with the date on which nominations for Council closed.

In answer to a question Mr Lampp explained the number of organisations that his company was responsible for running the elections for. They included 13 territorial authorities and 3 district health boards, he said.

Mr Lampp confirmed that provisional election results would be available on Saturday 9 October 2010 but they would not be the final results as they would not contain the results for the special votes.

There was some discussion regarding the order that candidates names would appear on the ballot paper and in answer to a question Mr Lampp confirmed that current best practise around the country suggested that full random order was the most fair system.

Resolved

***THAT in accordance with Section 79 of the Local Election and Polls Act 2001 the voting documents in respect of the 2010 Nelson City Local Authority triennial election be processed during the voting period;***

***AND THAT the candidates' names on the voting papers for the Nelson City Council elections be in full random order;***

***AND THAT the recommendations of the Office of the Auditor General be adopted regarding communications in the pre-election period.***

Henigan/Boswijk

Carried

The Chairperson thanked Mr Lampp for his attendance.

## 6.0 REPORTS PERFORMANCE

### 6.1 The Bishop Suter Trust Board 2009/10 Statement of Intent and 2009/10 Half Yearly Report

Report No 905654, agenda pages 46-80 refer

The Deputy Chairperson Donna Hiser and the Director Julie Catchpole from the Bishop Suter Trust Board joined the meeting and answered questions on the Strategic Plan and Half Yearly Report.

It was agreed that Council needed to have a discussion at some stage about producing a standard model for its arms length organisations to use when preparing their Statements of Intent. Ms Hiser said that a model document would be very helpful.

Resolved

**THAT the Bishop Suter Trust Board Statement of Intent 2009/10 be approved for signing;**

**AND THAT the half yearly report be received.**

Boswijk/McAlpine

Carried

## 7.0 REPORTS POLICY

### 7.1 Te Tau Ihu Treaty Settlement: River and Freshwater Redress

Report No 907458, agenda pages 85-90 refer

The Divisional Manager Planning and Consents joined the meeting and presented the report which was to enable the Council to receive and consider the river and freshwater redress proposal as part of the Te Tau Ihu Treaty Waitangi settlement as well as to seek Council support for the proposal for a Rivers and Freshwater Advisory Committee and to confirm that support to the Justice Department.

There was concern from a minority of Council that a decision was being sought without Council having the full facts particularly as to cost. In reply the Divisional Manager Planning and Consents referred to the Deed of Settlement outline on pages 89 and 90 of the agenda.

In answer to other questions the Divisional Manager Planning and Consents said that Nelson City Council was the first of the three Top of the South Councils to consider this proposal and, although it was not a requirement for Council to endorse this process, he said that Council should endorse it in good faith and continue to participate.

Resolved

**THAT the Council support the proposal to form a Rivers and Freshwater Advisory Committee for Te Tau Ihu;**

**AND THAT the Justice Department be informed of the Council's support for the proposal.**

Reese/Boswijk

Carried

Councillor Barker called for a division.

Councillor Barker No

Councillor Boswijk Yes

Councillor Collingwood No

Councillor Cotton	Abstain
Councillor Henigan	Abstain
Councillor Holmes	Yes
Councillor Miccio	Yes
Councillor McAlpine	Yes
Councillor Rainey	Yes
Councillor Reese	Yes
Councillor Shaw	Absent
Councillor Thomas	Absent
His Worship the Mayor	Yes

The Chairperson declared that the resolution was carried 7 votes to 2.

## 8.0 REPORTS FROM COMMITTEES

### 8.1 Plan Change Committee – 7 April 2010

Report No 904912, agenda pages 91-93 refer

Resolved

***THAT the minutes of a meeting of the Plan Change Committee held on 7 April 2010 be received.***

Reese/Boswijk

Carried

## 9.0 ITEMS FROM THE PUBLIC FORUM

### 9.1 Marsden Valley Cemetery – Returned Servicemen and Servicewomen Plot – Memorial Dedication Proposal

It was agreed to request staff to have discussions with the proposer and the RSA, these discussions to consider the possible moving of the existing memorial in Marsden Valley. It was also agreed to support the proposal in principle and the papers on the agenda should go as a submission to the Annual Plan.

### 9.2 Maitai Club

Attendance: Councillor Barker declared an interest and took no part in the discussion of this item.

There was a discussion about the possible difficult situation Council could find itself in. The Chief Executive pointed out there was no record in the Council minutes of any promise being made to the Maitai Club regarding the renewal of the lease at the time the lease was entered into because at that time it was illegal to enter into a lease that was longer than 20 years.

There followed a long discussion where various views were expressed but at the end it was agreed that the status quo would remain, that being the resolution passed at the Council meeting on 28 January 2010:

*THAT the Council does not agree to any extension of a lease beyond 2010 but would consider assigning the current lease.*

## 10.0 PUBLIC EXCLUDED BUSINESS

### 10.1 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.***

His Worship the Mayor/Reese

Carried

The meeting went into Public Excluded session at 12.30pm

Resolved

***THAT the minutes of a meeting of the Nelson City Council held with the Public Excluded on 7 April 2010 be confirmed as a true and correct record.***

Holmes/Barker

Carried

The meeting resumed in Public Session at 12.32pm

### 10.2 Re-admittance of the Public

Resolved

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

Barker/Holmes

Carried

There being no further business the meeting ended at 12.32pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

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