

**MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 23 SEPTEMBER 2010 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, D Henigan, M Holmes, A Miccio, A McAlpine, P Rainey, R Reese (Deputy Mayor), D Shaw and G Thomas.

**IN ATTENDANCE:** Chief Executive (K Marshall), Senior Executive Technical Services (A Louverdis), Divisional Manager Planning and Consents (R Johnson), Senior Executive Infrastructure (M Schruer), Manager Strategic Planning and Administration (M Tregurtha), Divisional Manager Community Services (S Coleman), Divisional Manager Corporate Services (H Kettlewell), Chief Financial Officer (N Harrison), Kaihautū (G Mullen) and Administration Advisers (A Rose and L Laird)

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**1.0 OPENING PRAYER**

Councillor Thomas gave the opening prayer.

**2.0 TRIBUTE TO THE LATE MR JIM BURROWS**

His Worship the Mayor asked the Council to remain standing for a few moments in tribute to the late Mr Jim Burrows who had recently passed away. He said his funeral was to be on the following Monday. The Mayor explained Mr Burrows had served as the Nelson City and Tasman District Councils Manager of Emergency Management for the last ten years and prior to that had been the senior policeman in Motueka for 14 years.

**3.0 PUBLIC FORUM**

**3.1 Presentation from Huangshi Sister City**

Mr Bill Findlater said he had represented the Nelson City Council at the 60<sup>th</sup> Anniversary of the City of Huangshi in China. He presented the Council with a silver medallion commemorating the anniversary from the Mayor of Huangshi. He said he had been extremely impressed with Huangshi and said that the Mayor of Huangshi was kindly disposed to Nelson City and identified an opportunity for Nelson businessmen to do business with Huangshi.

**3.2 Natural Burials**

Mr Bob Straight spoke in support of the Nelson Cemeteries natural burial areas report, item 4.1 on the agenda. He said he was very pleased that the Council had decided to establish a natural burials area within the Wakapuaka Cemetery and thanked the Council and staff for the work they had done on natural burials over the last couple of years.

### 3.3 Montgomery Square

Mr John Fitchett addressed Council on behalf of a number of people regarding the Heart of Nelson proposal for a green park in Montgomery Square. He said that he wanted assurance that the proposal was not a fait accompli as many businesses were concerned at the reduction of car parking that the proposal would create. He asked when the designation in the Resource Management Plan relating to the Square, would be changed?

Mr Neil Hodgson addressed the Council on the same subject and also discussed some other Heart of Nelson concepts. He was concerned that the Council have signed-off and are going ahead on such things as planting trees down the centre line of Halifax Street. He said this was an example that was creating concern that Council had not thought through the project sufficiently.

Mr Gaire Thompson also spoke expressing concern about the Heart of Nelson and the reduction of car parks apparently occurring because of the project. He said car parks should not be removed to create green spaces as the Nelson CBD is well served by parks and similar areas already.

### 3.4 Safety at Queens Gardens Pond

Mrs Gail Collingwood, speaking on behalf of Mrs Lorraine Urwin, expressed Mrs Urwin's concern about safety for children at Queens Gardens. She said the Gardens had the highest use of all Councils parks because of its central location. The recent tragedy where a toddler drowned drew attention to the fact that the pond was dangerous and the many ducks, she said, were a great attraction to children. Mrs Urwin had requested that Council consider fencing the pond similar to that in Wellington. She asked that the request to fence the pond be taken through to the next Council.

## 4.0 CONFIRMATION OF MINUTES

Resolved

***THAT the minutes of a meeting of the Nelson City Council, held on Thursday 9 September 2010, be confirmed as a true and correct record.***

His Worship the Mayor/Barker

Carried

## 5.0 HEART OF NELSON, MONTGOMERY SQUARE PARKING ISSUES

Document number 982003, agenda page 13 refers.

Senior Executive Technical Services, Alec Louverdis presented the report saying that it was to report back to Council the revised Montgomery Square design for information purposes taking into account all the feedback received to date. He added there would be a presentation on the status of inner city parking following the Nelson Parking Study 2008.

Robin Simpson of Isthmus made a presentation that showed a revamped design that took into account the comments made during consultation and showed that the pocket park could now be achieved without any loss to the number of car parks in the Square.

His Worship the Mayor congratulated the consultants on the result they had achieved.

Attendance: The meeting adjourned from 10.20 to 10.30am for morning tea.

Following morning tea Transport Manager Andrew James gave a parking overview presentation that briefed the Council on the number of car parks within and immediately outside the CBD and answered Councillors questions.

Resolved

***THAT the revised Montgomery Square design be received;***

***AND THAT the information provided on the parking study with respect to the Central Business District be received.***

Holmes/Boswijk

Carried

It was agreed that the information provided by the Transport Manager regarding car parking within and without the CBD be circulated to interested parties including candidates for the Council elections.

## 6.0 CHIEF EXECUTIVES REPORT

Document number 983629, agenda pages 14-64 refer.

The Chief Executive presented the report.

### 6.1 Heart of Nelson (HoN) Projects Update

Resolved

***THAT funding of \$19,000 for the Wireless Internet project be re-directed to the Wayfinding project.***

Homes/McAlpine

Carried

### 6.2 Submission on Food Bill

Resolved

***THAT the attached submission on the Food Bill, document 976753, be confirmed.***

McAlpine/Miccio

Carried

### 6.3 Changes to Government Funding of Civil Defence

Resolved

***THAT the consequences of the change towards contestable funding from the Ministry of Civil Defence and Emergency Management be noted for future financial planning from the 2011/12 annual plan round onwards.***

His Worship the Mayor/Boswijk

Carried

The meeting adjourned for lunch at 12.30pm.

- 6.4 Councillor Reese asked that at another time is she could have an explanation of how to interpret the service requests table on page 44 of the agenda. It was noted by Councillor McAlpine that the staff survey results were positive and reflected a high level of satisfaction. She congratulated the Chief Executive.

### 6.5 Key Areas of Focus

The Council discussed the Arterial Traffic Study. Councillor Reese mentioned she was concerned that there was perceived to be a lack of consultation with the Waimea Road and Tahunanui residents.

### 6.6 Parking and Vehicle Control Bylaw 2004, No. 207 – Amendments to Schedules

Resolved

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

***Schedule 4: Special Parking Areas:***

***Manuka Street***

***Milton Street***

***Schedule 9: No Stopping:***

***Milton Street***

Holmes/Thomas

Carried

### 6.7 Supplementary Reports

It was noted by Councillor Cotton that the processing of the swing moorings consents by the Resource Consents team was handled to a high standard and it was pleasing that the multi-party consents had been issued.

Manager Parks and Facilities, Paul McArthur joined the meeting and acknowledged that the timing issue raised in relation to item 25, 'Nelson Cycle Trails Trust', was an error and said the item was complete.

It was also noted that item 35 regarding the Nelson Tasman Tourism Ltd Statement of Intent was also now complete.

Resolved

***THAT the status reports attached to this report 965789 be received;***

***AND THAT the attached Schedule of Documents Sealed 974402 from 30 June to 24 August 2010 be received.***

Thomas/McAlpine

Carried

## 7.0 REPORTS POLICY

### 7.1 Nelson Cemeteries: Natural Burial Areas

Manager Parks and Facilities, Paul McArthur joined the meeting and presented the report. In response to a question, Mr McArthur said the charging regime was unconfirmed however the use of land for natural burials was not as efficient as conventional burials so could be more expensive. Mr MacArthur added that the land proposed to be used for natural burials was currently unutilised due to its gradient so there was no loss in net area available for burials.

It was confirmed that plots will be locatable via GPS coordinates and some access would be provided.

Resolved

***THAT the Chief Executive be authorised to establish a natural burials area within the Wakapuaka Cemetery in accordance with the proposed standards within Attachment 1 of report no 910601;***

***AND THAT subject to the success of this natural burial area, a further natural burial area be established within the Marsden Valley cemetery.***

Boswijk/Reese

Carried

## 8.0 REPORTS PERFORMANCE

### 8.1 Environmental Inspections Limited Annual Report

Document number 979587

Resolved

***THAT the Annual Report of Environmental Inspections Ltd for 2009-2010 be received.***

Reese/Henigan

Carried

## 8.2 Nelson District Licensing Agency Annual Report 2009-2010

Document number 979533

Resolved

***THAT the Council adopt Appendix 1 to Report 979533 as the Nelson District Licensing Agency Annual Report 2009-2010;***

***AND THAT the report be forwarded to the Liquor Licensing Agency.***

Reese/Collingwood

Carried

## 8.3 Delegation of Navigation Safety Responsibilities

Document number 907544

Divisional Manager Planning and Consents, Richard Johnson said this report was not a request to make the delegation but signalled the intention to do so upon completion of a Special Consultative Procedure.

Mr Johnson said that if the delegation proceeded, the onus would be on the Port Company to comply with its responsibilities as the key navigation safety authority with respect to any conflict of interest issues for its employees (schedule 2 to the Instrument of Delegation). The Port Company would have to address its liability and insurance implications arising from the delegation, he added.

It was noted that the Company's Statement of Intent may have to be amended if the delegation proceeded.

Resolved

***THAT the Council agree in principle to***

- 1. delegate to Port Nelson Ltd (a port company under the Port Companies Act, 1988), all its functions, duties and powers (other than a power to make bylaws) under Part 39A of the Local Government Act, 1974, that relates to navigation safety***
- 2. adopt the Instrument of Delegation (Attachment 1 to Report 907544) and its associated Schedules***

***AND THAT a Statement of Proposal based on Report 907544 be advertised using the Special Consultative Procedure (section 88 Local Government Act 2002).***

His Worship the Mayor/Rainey

Carried

## 9.0 REPORTS FROM COMMITTEES

### 9.1 Audit Risk and Finance Committee

Document number 980535

Resolved

***THAT the minutes of the meeting of the Audit Risk and Finance Committee held on 8 September 2010 be received.***

Thomas/Collingwood

Carried

## 10.0 DISCUSSION OF PUBLIC FORUM ITEMS

10.1.1. Divisional Manager Planning and Consents, Richard Johnson confirmed the designation for Montgomery Square from the Nelson Resource Management Plan and read to the meeting the relevant part in relation to the nature of the works authorised (DN 11.3).

10.1.2. Concerning the submission from Mrs Lorraine Urwin, Councillor Collingwood tabled a letter stating that the matter had been referred to the coroner.

## 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 – 9 September 2010***

*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) Memorandum of Understanding (MOU) between Council and Wakatu Incorporation***

*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) Chief Executives 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.*

**iv) Audit Risk and Finance Committee Public Excluded Minutes**

*Reasons:*

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

*To protect the privacy of natural persons; or*

*To maintain Legal Professional Privilege.*

His Worship the Mayor/Holmes

Carried

The meeting went into public excluded session at 1.50pm and resumed in public session at 2.30pm.

**11.2 Re-admittance of the Public**

Resolved

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

His Worship the Mayor/Cotton

Carried

There being no further business, the meeting ended at 2.35pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

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