

**MINUTES OF AN ORDINARY MEETING OF THE NELSON CITY COUNCIL HELD IN THE STOKE MEMORIAL HALL, MAIN ROAD STOKE, ON THURSDAY 25 MARCH 2010 COMMENCING AT 9.00AM**

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- PRESENT:** Councillor A Boswijk (Chairperson), His Worship The Mayor K Marshall, Councillors I Barker, G Collingwood, M Cotton, D Henigan, A Miccio, P Rainey, R Reese (Deputy Mayor), D Shaw and G Thomas
- IN ATTENDANCE:** Chief Executive (K Marshall), Manager of Strategic Planning and Administration (M Tregurtha), and Administration Advisor (A Rose)
- APOLOGIES:** Apologies were received and accepted from Councillors M Holmes and A McAlpine
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The Chairperson welcomed everyone to the meeting particularly the new 40 or so members of the public.

**OPENING PRAYER**

Councillor Thomas gave the opening prayer.

**1.0 PUBLIC FORUM**

**1.1 Walk Nelson Tasman**

Messers Richard Butler and Peter Kortegast addressed Council on behalf of Walk Nelson Tasman. It was explained that Walk Nelson Tasman is affiliated to Living Streets Aotearoa, New Zealand's walking organisation. Mr Butler said Walk Nelson Tasman wanted to congratulate Council on its new standards that had produced a huge increase in the service level for walkers in the community and he presented Council with a certificate of appreciation from the organisation. The presentation was greeted with acclamation.

**1.2 House 44**

Jane Worthington and a team from House 44 gave an update on the activities of House 44 and tabled their February 2010 news letter. The team from House 44 displayed the new House 44 t-shirt which promoted anti-violence. Some of the new programmes available in House 44 were also described together with recent fundraising activities.

Jane Worthington described the Orchard Reserve Project which sought to provide a community gardens on the Reserve as well as putting a fruit tree in everyone's garden in Kaka and Orchard Streets.

In answer to a question Ms Worthington said the area covered by House 44 was currently Saxton Field to Songer Street and out to Main Road Stoke.

The Councillors congratulated the team from House 44 for the excellent work they were doing. In particular for being awarded funding from the Vodaphone World of Difference Programme.

## 1.2 Stoke School

Mr Pete Michener, the Principal of Stoke School, described to Council some of the current activities at the school. He said that, unusually for Nelson, 27% of his pupils were Maori. He said the school has a Board of Trustees and a Board of Students who together with the parents were working on a vision for the school and identifying a Code of Ethics for pupils and their families to live by.

He also detailed the considerable musical achievements of the school and the musical support that it was getting from parents and other residents of Stoke.

Mr Michener then went on to describe to the Council the school's Breakfast Club. This was part of the Kick Start Programme, he said. About 70 to 80 children come along for breakfast at the school in the morning. This was having a really positive effect and he thanked Council for the initial funding for this programme.

In answer to a question from the Mayor as to how Council could help the school, Mr Michener advised that the dental clinic for school students was to be located at Nayland Primary School but he felt there would be huge problems for some children at Stoke School getting to the Nayland Primary Dental Clinic. It would also create huge problems catching up with children who had missed appointments. He urged Council to support schools in getting parents motivated to see that they made sure to get their children proper health care.

The Chairperson thanked Mr Michener for his presentation.

## 1.3 Annette Cole – Ridgeway Residents

Ms Annette Cole addressed the Committee on behalf of the Ridgeway Action Group which, she said, was against any reduction to the speed limit along on Main Road Stoke. She said that any reduction in the speed limit would make alternative routes, especially The Ridgeway route, very attractive, and the residents of The Ridgeway did not want any increase in the traffic that used that road. She reminded Council of the Commissioner's Ruling with regard to The Ridgeway connection.

The Chairperson thanked Ms Cole for her presentation.

## 2.0 CONFIRMATION OF MINUTES

Resolved

***THAT the minutes of a meeting of the Nelson City Council held on Monday 8 and Tuesday 9 March 2010 be confirmed as a true and correct record.***

Reese/Shaw

Carried

Resolved

***THAT the minutes of an ordinary meeting of the Nelson City Council held on Thursday 11 March 2010 be confirmed as a true and correct record subject to the Notice of Motion put by Councillor Reece being included in full on page 14 and 15 of the minutes.***

Miccio/Reece

Carried

### **3.0 REPORTS PERFORMANCE**

#### **3.1 Nelson Regional Economic Development Agency Statement of Intent 2010/11-2012/13 and half yearly report to December 2009**

Document number 895399 agenda pages 149-185 refer.

The Nelson Regional Economic Development Agency Chairperson Robyn Reid and Chief Executive Bill Findlater joined the meeting and presented the Statement of Intent and Half Yearly Report to December 2009 and answered questions on the activity of the Agency. In particular the meeting discussed why the Agency was projecting a loss in each of the next three years and whether the budgets should be adjusted and savings made to ensure such losses do not occur. It was finally agreed that because of the size of each projected loss it was not necessary for Council to insist that the budgets are adjusted.

Resolved

***THAT the Nelson Regional Economic Development Agency Statement of Intent for 2010/11-2012/13 is approved for signing subject to an additional objective relating to the Rugby World Cup being added;***

***AND THAT the Nelson Regional Economic Development Agency Half Yearly Report to 31 December 2009 be received.***

Miccio/Cotton

Carried

Attendance: The meeting adjourned for morning tea from 10.15am to 10.40am during which time Councillor Collingwood left the meeting.

### **4.0 CHAIRPERSONS REPORT**

#### **4.1 Notice of Motion from Councillor Boswijk – Haulashore Island Sculpture**

Councillor Boswijk spoke to her Notice of Motion dated 18 March 2010, that had also been signed by His Worship the Mayor, and had been made in accordance with Standing Order 12.1. She referred to the briefing given Council at the public workshop held on Tuesday 23 March by the Nelson Sculpture Trust.

The majority of Council was supportive of the Notice of Motion in general but the meeting did express concern that Council should not be liable for any costs associated with building and resource costs, engineering and installation of any sculpture. There was also some discussion about requiring the Nelson Sculpture Trust to give an indication of the range of any ongoing costs that Council is likely to incur from the installation of any sculpture donated to the City.

Resolved

***THAT Council as landowner gives approval in principle for the installation of a sculpture under the auspices of the Nelson Sculpture Trust on Nelson City Council land at Haulashore Island;***

***AND THAT the Trust undertake that the project is in alignment with the Regional Arts Strategy and, when adopted, the Nelson City Council Arts Policy;***

***AND THAT the Trust provides an outline of a transparent and robust procedure that will be used to select the sculpture;***

***AND THAT the Trust is responsible for all costs associated with building and resource consents, engineering and installation;***

***AND THAT a final decision on making a site available at Haulashore Island be subject to Council consideration of the following information to be provided by the Trust;***

- ***Views of key stakeholders including all local Iwi, Port Nelson Limited, Nelson Airport Limited, New Zealand Transport Agency and the Department of Conservation.***
- ***An indication of the range of ongoing costs Council is likely to incur.***

His Worship the Mayor/Boswijk

Carried

Councillor Barker requested his vote against the resolution be recorded.

## 5.0 REPORTS POLICY

### 5.1 Fees and Charges Dog Control and Environmental Health

Report No 885448, agenda pages 22-27 refer.

The Manager Resource Consents Mandy Bishop together with the Manager Environmental Inspections Limited Bob Askew joined the meeting and presented the report. They explained that the fees and charges for activities managed by the Resource Consents Business Unit were reviewed annually to allow for any changes that may be required to meet Council's funding policies and any statutory changes that may have occurred. The report, it was explained, was recommending some

changes to charges and hourly rates for dog control and environmental health activities.

While the Council accepted the proposed changes to the environmental health activities, there was some discussion regarding the proposed changes to dog registration fees and after discussion it was agreed that these fees should remain unchanged. There was however agreement that the recommended changes to dog impounding fees should be adopted.

Proposed: Councillor Shaw, Seconded: Councillor Thomas.

*THAT the Dog Control fees and charges for 2010/2011 be adopted as detailed in Attachment 1 to Report No 885448*

*AND THAT the Environmental Health and other activities fees and charges for 2010/2011 be adopted as detailed in Attachment 2 to Report No 885448*

*AND THAT the charges for the inspection for the good dog owner scheme be deleted upon Council approval to change the associated policy*

*AND THAT the charges for Dog Control and Environmental Health activities, except the inspection for the good dog owner scheme, apply as from 1 June 2010 until such time as they are varied or amended by Council*

*AND THAT the Council write to the Ministry of Justice advocating for an increase in liquor licence fees.*

An amendment was moved by Councillor Barker and seconded by Councillor Miccio to retain the dog registration fees as at the present time.

The amendment was put and carried and became the substantive motion and it was resolved:

***THAT the Dog Control Impounding fees and charges for 2010/2011 be adopted as detailed in Attachment 1 to Report No 885448***

***AND THAT the Dog Control Registration fees and charges remain unchanged***

***AND THAT the Environmental Health and other activities fees and charges for 2010/2011 be adopted as detailed in Attachment 2 to Report No 885448***

***AND THAT the charges for Dog Control and Environmental Health activities apply as from 1 June 2010 until such time as they are varied or amended by Council***

***AND THAT the Council write to the Ministry of Justice advocating for an increase in liquor licence fees.***

Barker/Miccio

Carried

## 5.2 Joint Waste Assessment

Report Number 893575, agenda pages 28-46 refer.

It was noted that a copy of the Joint NCC/TDC Waste Assessment had been circulated separately to the agenda.

The Engineer Waste Minimisation and Waste Water Johan Thiar, together with the Tasman District Council Engineering Manager Peter Thomson, joined the meeting and presented the report which proposed the adoption of a Joint Nelson City Council/Tasman District Council Waste Assessment and the development of a Joint Waste Management and Minimisation Plan.

Resolved

***THAT the Joint Waste Assessment dated March 2010 be received as the basis for the development of a Joint Waste Management and Minimisation Plan;***

***AND THAT staff and the joint waste working party proceed to develop the joint Waste Management and Minimisation Plan, including the investigation of the priority waste streams identified in the report;***

***AND THAT staff of the joint waste working party report back to the Joint Shareholders Committee with preferred options for Governance arrangements for joint solid waste management;***

***AND THAT this resolution be conditional on Tasman District Council passing the same resolution.***

Reese/Shaw

Carried

## 5.3 Building Business Unit: Fees and Charges 2010/11

Report number 887847, agenda pages 47-57 refer.

The Manager Building Tracy Quinton-Boundy joined the meeting and presented the report which reviewed the fees and charges for the activities managed by the Council's Building Unit.

Resolved

***THAT the new or changed fees and charges for activities of the Building Consent Authority and the Council as Territorial Authority under the Building Act 2004 be adopted as detailed in Appendix A to Report No 887847 and take effect from 29 March 2009.***

Shaw/Thomas

Carried

#### 5.4 Main Road Stoke Speed Limit Review

Report number 888940, agenda pages 58-81 refer.

The Transport Manager Andrew James joined the meeting and presented the report which reviewed the 80km/h speed limit along Main Road Stoke between Standish Place and the Champion Road City Boundary. Mr James reminded Council that in October 2009 it had received a petition from adjoining residents to have the existing 80km/h speed limit on Main Road Stoke reduced to 50km/h between Standish Place and Saxton Road.

After discussion Council considered there would be little impact on The Ridgeway from a reduction in the speed limit as proposed. In addition there was support for the proposed 50km/h speed limit to extend to 100 metres southwest of the proposed cycleway underpass.

Resolved

***THAT the special consultative procedure be undertaken to amend the speed limit bylaw such that:-***

- (i) Schedule E (50km/h): Main Road Stoke be amended under the heading "length" to read "from Annesbrook Drive/Waimea Road intersection to 100m southwest of the proposed cycleway underpass".***
- (ii) Schedule E (50km/h): shall have Salisbury Road added for the length between Champion Road and Main Road Stoke which is within Nelson City.***

***AND THAT subject to the consultation procedure outcome, final approval be sought from the NZTA regional director.***

***AND THAT subject to available funding, carry out remedial works along Main Road Stoke to reduce the speed environment.***

Boswijk/Rainey

Carried

Attendance: The meeting adjourned for luncheon from 12.35pm until 1.05pm.

#### 5.5 Proposed Road Stopping – Princes Drive

Report number 890674, agenda pages 89-92 refer.

The Transport Manager Andrew James presented the report which provided information to support the Council decision on the stopping of unformed legal road and the sale of that land to the adjoining owners.

Resolved

***THAT the Chief Executive be delegated the authority to proceed with the road stopping of about 2.0054ha of unformed legal road at the southern end of Princes***

*Drive, where it adjoins Lot 3 DP 328935 and Lots 5 & 6 DP 417 875, and to sell that land to the adjoining owner in two parts (firstly area A; secondly, B C & D), with each part to be amalgamated with an adjoining title, subject to the following:*

- *The owners paying for the value of the land as assessed by a registered valuer*
- *The owners paying for the valuation, legal and survey costs incurred by Council*
- *The owners paying an administration fee of \$400 plus GST*
- *Areas B, C and D not to be sold until an agreement is in place that will secure practical road access to Waimea Road.*

Barker/Marshall

Carried

## 5.6 Gambling Policy

Report number 889243, agenda pages 82-88 refer.

The Manager Community Policy and Planning, Nicky McDonald, joined the meeting and presented the report which sought approval for the release of a Draft Gambling Policy to the public under the Local Government Act 2002 Special Consultative Procedure.

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.***

His Worship the Mayor/Shaw

Carried

## 6.0 REPORTS PRIORITY

### 6.1 Nelson Performing Arts and Conference Centre: The Way Forward

Report number 884196, agenda pages 94-98 refer.

The Chief Executive presented the report pointing out that the recommendation did not commit Council to any more than a review of all the possible sites and report back to Council.

Council asked that the assessment of possible sites include all the sites mentioned in the recent submission process including the Trafalgar Centre.

Resolved

**THAT a clear intention be signalled by Council to examine the establishment of a Performing Arts and Conference Centre for the Nelson region;**

**AND THAT Council has a preference for an integrated facility that is to be a Council owned facility;**

**AND THAT the most crucial matter needing to be resolved is determining a preferred site for any PACC;**

**AND THAT Council directs the Chief Executive to undertake an assessment of possible sites as soon as practicable and report back no later than end of June 2010;**

**AND THAT there will be regular updates to Council;**

**AND THAT Council would like to commence a public consultation over potential site options before the end of this current financial year with a view to determining a preferred site for any PACC;**

**AND THAT an open and transparent process will be run but recognising that site selection and acquisition (if needed) is inherently a commercial process and that therefore there is likely to be a need to have some matters discussed in public excluded sessions;**

**AND THAT conducting a robust process is a crucial expectation throughout;**

**AND THAT accepting the project is of such a magnitude that it will require a formal consultation with the public and that Council's intention is for this matter to be considered for inclusion in the 2011/2012 annual plan.**

Reece/Thomas

Carried

## **7.0 REPORTS PERFORMANCE**

### **7.1 Nelmac Draft Statement of Intent and 6 Month Report 2010/2011**

Report number 895357, agenda pages 134-148 refer.

Attendance: Councillor Cotton declared an interest as a Director of Nelmac and withdrew from the meeting during the discussion of this item.

The Nelmac Chairperson Mr Richard Jenkins and the Chief Executive Mr Malcolm Topliss joined the meeting and presented the unaudited report for period ended 31 December 2009 and the Draft Statement of Intent for the financial year 2010/11 and answered questions.

The Council congratulated Nelmac on their performance, the quality of service and in particular their endeavours in the area of sustainability.

Resolved

**THAT the Nelmac Limited Statement of Intent for 2010/11 be approved for signing**

**AND THAT the Half Yearly Report for the period ending 31 December 2009 be received.**

Thomas/His Worship the Mayor

Carried

## 7.2 Enhanced Stakeholder Engagement

Report number 894987, agenda pages 130-133 refer.

The Manager Strategy and Administration, Mark Tregurtha, presented the report.

Resolved

**THAT this report be received and the proposed approach to reviewing Council's stakeholder engagement processes be approved;**

**AND THAT a further report on the outcomes of the next stage of the Review be presented to Council on 18 November 2010.**

Rainey/Cotton

Carried

## 8.0 REPORTS FROM COMMITTEES

### 8.1 Nelson Youth Council – 5 March 2010

Document number 892634, agenda pages 187-191 refer.

Resolved

**THAT the minutes of the meeting of the Nelson Youth Council held on Monday 5 March 2010 be received.**

Boswijk/Marshall

Carried

His Worship the Mayor thanked staff who made the arrangements for the meeting to be held at the Stoke Hall venue and he thanked all the public who had come to the meeting.

## 9.0 PUBLIC EXCLUDED BUSINESS

### 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 - 9 and 11 March 2010*

*ii. Possible Exchange of Land*

*Reasons:*

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

*To protect the privacy of natural persons.*

Boswijk/His Worship the Mayor

Carried

The meeting went into public excluded session at 1.43pm and resumed in public session at 2.30pm.

## **9.2 Re-admittance of the public**

Resolved

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

Boswijk/His Worship the Mayor

Carried

There being no further business the meeting ended at 2.30pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

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