

**MINUTES OF AN ORDINARY MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE TRAFALGAR STREET, NELSON ON THURS DAY 28 JANUARY 2010 COMMENCING AT 9.00AM.**

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PRESENT:	His Worship the Mayor K Marshall (Chairperson), Councillors I Barker, 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), Manager Strategy and Planning (M Tregurtha), Divisional Manager Community Services (S Coleman) and Administration Adviser (A Rose)
APOLOGIES:	Apologies were received and accepted for Councillor A Boswijk and, for a temporary absence at the beginning of the meeting, Councillor A McAlpine

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## **1.0 OPENING PRAYER**

The opening prayer was given by Councillor Thomas.

## **2.0 PUBLIC FORUM**

### **2.1 Friends of the Library**

Ms Dixie St Johanser, the Treasurer for Friends of the Library, presented the Council with a cheque for \$6,000.

His Worship the Mayor accepted the cheque on behalf of the Council and the gift was received by the Council with acclamation.

### **2.2 The Bishop Suter Trust**

Craig Potton, Donna Hiser, Ian MacLennan and Julie Catchpole, from the Bishop Suter Trust, joined the meeting to speak to the Council regarding future capital funding for the Suter Art Gallery.

Craig Potton, Chairman of the Trust, gave a powerpoint presentation and Ian MacLennan tabled a copy of the powerpoint presentation together with some financial projections.

The powerpoint presentation set out the proposed redevelopment plan for the Suter which was in seven stages from 2010 to 2017. The costs were set out for each stage.

In answer to a question Mr Potton said that the proposals had been checked by a local Architect and Quantity Surveyor so the estimated costings were robust.

His Worship the Mayor thanked the delegation for the presentation and requested staff to provide the Suter with a timetable of the Council's Annual Plan process.

### 3.0 CONFIRMATION OF MINUTES

10 December 2009 – Document number 862172

Resolved

***THAT the minutes of the ordinary meeting of the Nelson City Council, held on Thursday 10 December 2009, be confirmed as a true and correct record.***

His Worship the Mayor/Miccio

Carried

15 December 2009 – Document number 870458

Resolved

***THAT the minutes of the ordinary meeting of the Nelson City Council, held on Tuesday 15 December 2009, be confirmed as a true and correct record.***

His Worship the Mayor/Barker

Carried

1 and 2 December 2009 – Document number 857078

Resolved

***THAT the minutes of the meeting to hear and consider submissions in respect of the Performing Arts and Conference Centre proposal, held on Tuesday 1 and Wednesday 2 December 2009, be confirmed as a true and correct record.***

Holmes/Reese

Carried

### 4.0 MAYOR'S REPORT

His Worship the Mayor formally welcomed Councillors back after the holiday break, saying that 2010 promised to be a busy year and he urged Councillors to keep their priorities clear. He reminded the Councillors that they were well into the third year of the Council's triennium and he said that he hoped that, as the election drew closer, politicking would not get in the way of important Council business.

He reminded the Councillors that there were some real challenges ahead, the fiscal challenge being the major one.

### 5.0 REPORTS – PERFORMANCE

#### 5.1 Annual Update on the Implementation and Management of Nelson Events Strategy

Report number 867404, agenda pages 23–30A refer.

The Divisional Manager Community Services presented the report which was to provide the Council with an annual update on the management and implementation of the Nelson Events Strategy.

Bill Findlater and Victoria Bruce-Miller, joined the meeting and spoke to the report.

Attendance: Councillor McAlpine joined the meeting at 9.55am.

During the discussion there was a minority view expressed that the Strategy should be extended to allow consideration to be given to events in December, January and February but any consideration of such events be subject to a high season loading.

The majority view of Council supported the recommendation in the report and felt that any change to the Strategy could be addressed at the review next year.

Councillor Henigan proposed and Councillor Shaw seconded the recommendation in the report.

Councillor Rainey proposed and Councillor Collingwood seconded an amendment

*THAT the Council receive the annual update on the Implementation and Management of the Nelson Events Strategy;*

*AND THAT the Council extend the current period of April – October for funding through the Event Management and Development Programme to include March and November;*

*AND THAT the events submitted for consideration in December, January and February should also be considered but the outcome of any consideration be subject to high season loading.*

The amendment was put and **lost** and the original motion became the substantive motion.

Resolved

***THAT the Council receive the annual update on the Implementation and Management of the Nelson Events Strategy;***

***AND THAT the Council extend the current period applied for funding through the Event Management and Development Programme to include March and November.***

Henigan/Shaw

Carried

Note: Councillor Holmes abstained from voting on the matter.

Attendance: The meeting adjourned for morning tea from 10.35am to 10.50am. At the resumption of the meeting His Worship the Mayor relinquished the Chair of the meeting to the Deputy Mayor.

## 6.0 NEW CHIEF FINANCIAL OFFICER

The Deputy Mayor formally introduced the new Chief Financial Officer, Ms Nikki Harrison.

## 7.0 REPORTS – POLICY

### 7.1 Reserves Bylaw – Amendment Number 2

Report number 869108, agenda pages 31-32 refer.

Resolved

***THAT there having been no submissions received, the proposed change to the Reserves Bylaw 2006 to delete the following words from Clause 13.1 thereof:***

***“Rutherford Park (in self contained vehicles only)”***

***be now confirmed.***

Shaw/Thomas

Carried

In answer to a question from Councillor Barker, the Divisional Manager Community Services confirmed that these vehicles could still overnight in the Maitai Club carpark.

### 7.2 Notification of Plan Change 15 - Heritage

Report number 870678, agenda pages 33-51K refer.

The Divisional Manager Planning and Consents joined the meeting and presented the report which was to seek Council’s approval to publicly notify Plan Change 15 – Heritage.

Resolved

***THAT the Council adopt and approve for public notification proposed Plan Change 15 – Heritage to the Nelson Resource Management Plan as shown in Attachment 1, RAD 847391;***

***AND THAT the Council adopt the Section 32 report for proposed Plan Change 15 – Heritage as shown in Attachment 2, RAD 852575;***

***AND THAT the Council confirm that proposed Plan Change 15 – Heritage has been prepared in accordance with the statutory procedures set down in the First Schedule of the Resource Management Act 1991.***

His Worship the Mayor/Shaw

Carried

### 7.3 Totara Street Properties

Report number 849491, agenda pages 52-56 refer.

The Transport Manager, Andrew James, and the Business Asset Adviser, Ian Morrison, joined the meeting and presented the report which discussed the options for the future of properties at number 6 and number 8 Totara Street which the Council owned.

In answer to questions it was confirmed that the Council was proposing to retain these properties until the results of the Arterial Traffic Study which were due in December 2010 were known.

Resolved

***THAT the Council retain ownership of both properties until such time as it makes final decisions in relation to the Arterial Traffic Study;***

***AND THAT in the interim, month to month residential tenancies at market rentals of the properties be continued.***

Cotton/Barker

Carried

### 7.4 Cable Bay Road – Proposed Road Stopping

Report number 862611, agenda pages 57-64 refer.

Resolved

***THAT the Chief Executive be delegated the authority to proceed with the road stopping of about 115m<sup>2</sup> of unformed legal road adjoining 682 Cable Bay road (Lot 9 DP5832), and to sell that land to the adjoining owners as an amalgamated title, subject to the owners paying for:***

- ***The value of the land as assessed by a registered valuer.***
- ***The valuation, legal and survey costs incurred by Council.***
- ***An administration fee of \$400 plus GST.***

Miccio/Holmes

Carried

## 7.5 Will Watch Way – Withdrawal of Notice of Requirement

Report number 860949, agenda pages 65-67 refer.

Resolved

***THAT the Notice of Requirement in respect of the proposed designation of part of the land in Part Lot 1 DP186 CT NL125/190, such designation to be for a public walkway to extend Will Watch Way, be withdrawn.***

Henigan/Rainey

Carried

## 7.6 Meeting Calendar 2010

Document number 720398.

It was explained that the Calendar had been circulated separately from the agenda.

Resolved

***THAT the Meeting Calendar dated 14 January 2010 be adopted.***

His Worship the Mayor/Shaw

Carried

## 8.0 REPORT FROM OTHER COMMITTEES

### 8.1 Joint Shareholders Committee – 20 November 2009

Document number 871483, agenda pages 107-109 refer.

Resolved

***THAT the minutes of the meeting of the Joint Shareholders Committee held on Friday 20 November 2009, be received;***

***AND THAT the following recommendation be adopted:***

#### ***Joint Appointment of Directors***

***THAT the procedure for the Joint Appointment of Directors/Trustees be amended by adding the following Clause 8:***

#### ***8 Variation of Procedure***

***8.1 The procedure outlined in this Policy maybe varied to meet the requirements of the organisations rules, constitution, trust or other guiding document, providing that such variation***

*meets the requirements of the Local Government Act 2002.*

His Worship the Mayor/Thomas

Carried

## **8.2 Plan Change Committee – 11 December 2009**

Document number 863471, agenda pages 110-115 refer.

Resolved

***THAT the minutes of the meeting of the Plan Change Committee held on Friday 11 December 2009, be received.***

Shaw/Reese

Carried

## **8.3 City of Nelson Civic Trust**

It was advised that at the conclusion of the Annual General Meeting of the City of Nelson Civic Trust on 11 December 2009, four Trustees were required to step down but were eligible for re-election. Three of the retiring Trustees indicated that they would like to serve a further three years as Trustees but the other retiring Trustee, Mr Bob Boyd, decided not to re-stand.

In addition Mr Brian Mills, last of the initial Trustees of the Trust who has served continuously since the Trust's inaugural meeting on 12 June 1973 and as its Chairman for 15 years, resigned from the Trust.

Resolved

***THAT Mrs Mary Gavin, Mr Murray Farrant and Mr Roger Nicholson be reappointed as Trustees to the City of Nelson Civic Trust for a further three years;***

***AND THAT Mr Brian Mills QSO and Mr Bob Boyd be thanked for the contribution to the Trust.***

His Worship the Mayor/Miccio

Carried

## **9.0 REPORTS – PRIORITY**

### **9.1 Nightingale Library Memorial – Future Options**

Report number 862116, agenda pages 68-106 refer.

The Manager Libraries, Ian Littleworth, joined the meeting and presented the report which set out options for improving the Library services in Tahunanui and recommended that an approach be made to the High Court requesting that Council be allowed to use the remaining bequest funds for this project.

Councillor Barker gave the background history to the deed between Council and the Trustees for the late Nellie Nightingale. He said that from the report he had understood that the Trustees had not been

approached for their views. He said that both Trustees were still living and he had spoken to one of them, Mr Hamish Reddick who, he said, was of the opinion that the use of the funds to undertake refurbishment of the Library was totally within the spirit and intent of the Will.

Councillor Barker said that, in his view, to spend between \$8,000-\$10,000 seeking a position from the High Court would be a disappointing use of the bequest.

It was agreed that Council's Legal Adviser would have discussions with the two Trustees to see if a way could be found to avoid going to the High Court.

It was agreed, accordingly, that the recommendation would be amended by including the words "should it be required" after High Court to allow this to happen.

Resolved

***THAT the Council approve an application to the High Court should it be required, to remove all restrictions on the Nightingale Library Memorial Deed of Covenant;***

***AND THAT if sufficient funds are generated from the application, to undertake basic refurbishment of the Library (primarily replacement of the roof);***

***AND THAT if sufficient funds are not generated from the application, to undertake service improvements within existing budgets.***

Barker/Henigan

Carried

## **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.***

***i) Nelson City Council, Public Excluded Minutes – 10 December 2009***

***ii) Application to Lease Council Land – Kinzett Terrace***

***iii) Nelson Municipal Band Trust***

- iv) Proposed Extension to the Grampians Reserve*
- v) Joint Shareholders Committee – Public Excluded Minutes – 20 November 2009*
- vi) Rugby World Cup Steering Group – 4 November 2009*
- vii) Rugby World Cup Steering Group – 9 December 2009*

*Reasons:*

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

*or*

*To protect the privacy of natural persons.*

His Worships the Mayor/Miccio

Carried

The meeting went into public excluded session at 11.25am and resumed in public session at 12.35pm.

## **10.2 Re-admittance of the Public**

Resolved

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

Reese/Rainey

Carried

There being no further business the meeting ended at 12.35pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

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