

**MINUTES OF A ORDINARY MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 18 DECEMBER 2008 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, M Holmes, A Miccio, P Rainey, R Reese (Deputy Mayor), D Shaw and G Thomas

IN ATTENDANCE: Chief Executive (K Marshall) and Administration Adviser (A Rose)

APOLOGIES: Apologies were received and accepted from Councillors D Henigan and A McAlpine

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**1.0 OPENING PRAYER**

The opening prayer was read by the Chief Executive.

**2.0 CONFIRMATION OF MINUTES**

13 November 2008

Resolved

***THAT the minutes of an Ordinary Meeting of the Nelson City Council, held on Thursday 13 November 2008, be confirmed as a true and correct record.***

Reese/Boswijk

Carried

Resolved

***THAT the minutes of a meeting of an Extraordinary Meeting of the Nelson City Council, held on Thursday 27 November 2008, be confirmed as a true and correct record.***

Holmes/Shaw

Carried

**3.0 COUNCIL STATUS REPORT – DECEMBER 2008**

Agenda pages 11-13 refer.

**3.1 Saxton Field Football Grounds Surround Fence**

In answer to a question from Councillor Reese, Councillor Miccio said that the Nelson Football Association had met with the Suburbs Football Club. The meeting had been run by two mediators and had listed all the points of concern between the two groups. They had reached common ground and as a result, a document was being drawn up covering all the issues and would be available early in the New Year.

Resolved

***THAT the Council Public Status Report – December 2008 be received.***

Holmes/Thomas

Carried

#### 4.0 MAYORS REPORT

##### 4.1 Community Housing Aotearoa Conference

Report from Councillor Collingwood, agenda pages 14-19 refer.

Councillor Collingwood presented a report on the recent Community Housing Aotearoa Conference on the 10-11 November 2008.

##### 4.2 Regional Affairs Committee

Councillor Reese reported verbally on the recent Regional Affairs Committee meeting held in Richmond. Items on the agenda had included:

- Discussion on the new Government and its predicted approach to Local Government.
- Discussion around the roles of Unitary Authorities and Regional Councils.
- Water management.

She said that the meeting had included a tour of Nelson Pine Industries and Nutri-Zeal which had both been very interesting. At the dinner, the new Minister for the Environment and Local MP, the Honourable Dr Nick Smith, had given a full and frank speech about the Resource Management Act.

##### 4.3 Other Issues

His Worship the Mayor reported on a meeting he had had with the Honourable Dr Smith MP and said having such a senior minister as local MP would be very good for Nelson.

He said that there was going to be a meeting of Unitary Authorities planned for 29 January 2008.

He further advised that with regard to Sister Cities there was a tentative visit planned to the Chinese Sister City of Huangshi next May.

##### 4.4 Tribute to Ex-Councillor Roy Connolly

His Worship the Mayor paid tribute to ex Councillor Roy Connolly who died earlier in the week. His Worship the Mayor said Mr Connolly had served on the Council for 15 years from 1986 to 2001 and during that time he was Chairman of the Council's Works and Services Committee from 1992 to 1995.

Resolved

***THAT Council send their sincere condolences to Mr Connolly's family.***

Barker/His Worship the Mayor

Carried

#### 4.5 Retirement of Council Kaumatua Joe Paul

His Worship the Mayor advised that after the meeting there would be a Council farewell for its Kaumatua, Joseph and Priscilla Paul, who are leaving for Hamilton after serving 6 years as the Council Kaumatua.

His Worship said that the new Council Kaumatua would be Archdeacon Andy Joseph.

#### 4.6 Christmas Thank You to the Emergency Services

Resolved

***THAT the Council take the opportunity to thank the Fire, Police and Ambulance Services for their efforts over the past 12 months on behalf of the City.***

Barker/Rainey

Carried

Resolved

***THAT the Mayor's Report be received.***

His Worship the Mayor/Reese

Carried

### 5.0 REPORTS AND RECOMMENDATIONS OF COMMITTEES AND WORKING PARTIES

#### 5.1 Community Services Committee – 20 November 2008

Resolved

***THAT the minutes of the meeting of the Community Services meeting held on 20 November 2008 be received and the following recommendations be adopted:***

***Vehicle on Reserves***

***THAT the Reserves Bylaw 2006 be amended pursuant to the special consultative process under section 83 of the Local Government Act 2002 in the manner as set out in attachment 1 to Document 697797.***

***Tahuna Back Beach Erosion***

***THAT the existing management policy of “managed retreat” for the erosion occurring at the eastern end of Tahunanui Beach be reconfirmed;***

***AND THAT provision be made in the Draft Community Plan 2009-2019 for the continued implementation of the current “managed retreat” policy for the western beach including funding for:***

- *periodic beach profile mapping and photo points*
- *relocation of assets such as carparks/signs/fences etc*
- *further low cost “Coast Care” fencing/planting action in suitable areas*

Rainey/Holmes

Carried

## 5.2 Infrastructure Committee – 27 November 2008

Resolved

***THAT*** the minutes of the meeting of the Infrastructure Committee held on 27 November 2008 be received and the following recommendation adopted:

*Parking and Vehicle Control Bylaw 2004, 207 – Amendments to Schedules*

***THAT*** the following alterations be made to the schedules of Bylaw No 207 Parking and Vehicle Control – 2004 or as per the attached document 699312:

- i. *Schedule 4 – Special Parking Areas;*
- ii. *Schedule 7 – Resident parking Space;*
- iii. *Schedule 8 – Time Limited Parking Spaces;*
- iv. *Schedule 9 – No Stopping.*

Holmes/Cotton

Carried

## 5.3 Environment Committee – 4 December 2008

Resolved

***THAT*** the minutes of the meeting of the Environment Committee held on 4 December 2008 be received and the following recommendation be adopted:

*Harbour Safety – Vessel for the Harbourmaster*

***THAT*** the Chief Executive be authorised to arrange in consultation with the Harbourmaster for the purchase of a suitable vessel for carrying out harbour safety function;

***AND THAT*** the funds held by Port Nelson Ltd on behalf of the Council be applied to that purchase;

***AND THAT*** appropriate operational costs for the harbourmaster's vessel be provided in the 2009-2019 LTCCP.

Reese/Shaw

Carried

## 5.4 Governance Committee – 11 December 2008

Resolved

***THAT*** the minutes of the meeting of the Governance Committee held on 11 December 2008 and the following recommendations be adopted:

*Parking and Vehicle Control Bylaw*

***THAT*** having considered submissions to the proposed amendment to Bylaw 207 Parking and Vehicle Control, that it be amended by adding the following as Clause 29 (iv) thereto:

*“Every person who breaches the provisions of Clause 14 or Clause 15 hereof shall be liable to a fine of \$200.00.”*

***AND THAT*** the amendment take effect as from Monday 29 December 2008.

*Review of Drinking in Public Places Bylaw*

**THAT** the Drinking in Public Places Bylaw 2003 be put out of public submission pursuant to the special consultative provisions of the Local Government Act 2002, with the following amendments:

*Schedule A be amended by adding the following under Clause 1:*

- ix. *“That the area of Stoke Commercial Centre bounded by and including Main Road Stoke, Songer Street, Putaitai Street and Neale Avenue, and Poormans Valley Stream.”*
- x. *Extension of the Nelson Business District westwards to include the area bounded by Kerr Street, Gloucester Street, Pioneers Park, Haven Road, ANZAC Park and Halifax Street.*

*Schedule A be amended by adding the following under Clause 2:*

- vi. *Saxton Field Reserve*
- vii. *Isel Park*
- viii. *Broadgreen*
- ix. *Marsden Reserve*
- x. *The Botanic Reserve*
- xi. *Paddy’s Knob*
- xii. *Green Meadows*
- xiii. *Abel Tasman Statue Carpark*

**AND THAT** as part of the consultation, Council asks the public whether they would wish all reserves and public areas to be subject to this Bylaw.

*Meeting Schedule for 2009*

**THAT** the draft meeting schedule for 2009 be approved.

Thomas/Miccio

Carried

**6.0 KOTA HITANGA HUI**

Minutes of the meeting of the Kotahitanga Hui held on 14 October 2008, agenda pages 30-31 refer.

Resolved

**THAT** the minutes of the meeting of the Kotahitanga Hui held on 14 October 2008 be received.

Thomas/His Worship the Mayor

Carried

**7.0 SUSTAINABILITY ACTION PLAN**

Document No 713712, dated 26 November 2008, agenda pages 32-41 refer.

Resolved

***THAT the Council approves the Sustainability Action Plan, Procurement Policy and Sustainability Checklist to Report 713712 with any necessary changes;***

***AND THAT the sum of \$30,000 be considered for inclusion in the draft 2009-2019 Nelson Community Plan for the 2009/10 year and subsequent years to either establish a Sustainable Business Adviser, or employ external advice, to support the implementation of the Sustainability Policy.***

Reese/Shaw

Carried

Councillor Barker requested his vote against the resolution be recorded.

**8.0 DELEGATION REGISTER**

Document No 717591, dated 10 December 2008, agenda pages 42-43 refer.

Resolved

***THAT delegation G7 is amended to state that the Chief Financial Officer has powers including “negotiating and authorising borrowing and investment facilities and raising funds under the borrowing facility up to the limits set out in the Council’s Annual Plan and Long-term Council Community Plan”;***

***AND THAT the responsibility for the Tasman Bay Heritage Trust (the Museum) and The Suter – Te Aratoi o Whakatu be transferred from the Governance Committee to the Community Services Committee.***

Thomas/Shaw

Carried

**9.0 REGIONAL ARTS STRATEGY PROCESS**

Document No 715035, dated 2 December 2008, agenda pages 44-47 refer.

The Divisional Manager Community Services, Susan Coleman, presented the report. In answer to a question why this report had been brought to Council it was advised that it had been requested at the Community Services meeting.

His Worship said that there needed to be a formal process to request reports and in future there should be a formal resolution requesting reports.

Resolved

***THAT the Arts Strategy Working Party hear any submissions arising from the public consultation, amend the Strategy as necessary and refer it to both Councils for approval;***

***AND THAT the Regional Arts Strategy be open for public submissions from 14 November 2008 to 16 January 2009.***

His Worship the Mayor/Rainey

Carried

Attendance: The meeting adjourned for meeting tea from 10.15am to 10.28am.

## 10.0 BROOK SANCTUARY FENCE

Document No 708025, dated 7 November 2008, agenda pages 48-81 refer.

Councillor Shaw declared an interest and withdrew from the meeting during discussion of this item.

Mr David Butler Chairman and Mr Alistair Waffen, a member of the Brook Sanctuary Trust joined the meeting.

The Manager Parks and Facilities, Paul McArthur, presented the report. In answer to questions the Divisional Manager Planning and Consents, Richard Johnson, who had joined the meeting, advised that all Council was being asked for was landowner approval, and this did not impinge on Council's rights to enter into the Resource Consent process as a submitter, should it wish to do so. As a result of the discussion, it was agreed that the recommendation would be changed to remove the bullet point about the route not being visible from the Dun Mountain Walkway and some other minor wording changes.

Resolved

***THAT the request for the use of Council land from the Brook/Waimarama Sanctuary Trust for the construction of a pest proof fence to be constructed at least 50 metres below the Dun Mountain Walkway, be approved by Council as landowner subject to approval by staff of the exact alignment and construction methodology;***

***AND THAT a copy of a risk analysis and management plan (including weed management, fence damage and biosecurity breaches) for the project be provided to Council;***

***AND THAT the following resolution elements carried forward from the Community Services Committee meeting of 29 April 2008 be confirmed:***

***THAT the Trust is advised that in addition to any approval by the Council as landowner, any necessary consents under the Resource Management Act 1991 and Reserves Act 1977, including any required formal public consultation, must be obtained prior to fence construction commencing;***

***AND THAT prior to any future approved funding being provided to the Trust from the Council for the development of a pest-proof fence, that accurate project cost estimates are provided and the Trust is able to confirm that it has secured all of the necessary funding to complete the project;***

***AND THAT the Council commission an independent review of the business plan to determine that the project is sustainable in the long term.***

Holmes/His Worship the Mayor

Carried

## 11.0 LAND TRANSPORT STRATEGY

Document No 717479, dated 10 December 2008, agenda pages 82-121 refer.

The Transport Engineer, Andrew James, joined the meeting and presented the report. After discussion Council chose to go to option 3; that is to defer the decision until after a Council Workshop on the Strategy.

Resolved

***THAT the Regional Land Transport Strategy be referred to a future Council Workshop.***

Shaw/Cotton

Carried

## 12.0 TOP OF THE SOUTH MARINE BIOSECURITY STRATEGY

It was reported that following the Council's decision to be involved in a joint Top of the South Marine Biosecurity Strategy a Working Party, comprising representatives from the three local authorities, Biosecurity New Zealand, Ministry of Fisheries, Department of Conservation, aquaculture industry, iwi, and other interested parties, has been working on the preparation of a suitable document.

The Council's representatives on this Working Party have been His Worship the Mayor, Councillor Reese and Councillor Shaw.

At the last meeting of the Working Party on Tuesday 11 November 2008 a draft Strategy (a copy of the draft Strategy accompanies the agenda as a separate document) was formally ratified for adoption by all three local authorities.

Marlborough District Council commenced this process on Thursday 27 November 2008.

Its Environment Committee has recommended that the Council adopt the Top of the South Marine Biosecurity Strategic Plan and make annual budget provision in the 2009/10 LTCCP of \$20,000, subject to funding being provided by the other stakeholders.

The Tasman District Council has put \$20,000 in to its draft LTCCP and will consider adopting the Strategy on 16 December 2008.

Biosecurity New Zealand has agreed to meet this funding on a dollar for dollar basis to \$60,000.

This funding is to meet the cost of establishing a Biosecurity advocate for the Top of the South.

Resolved

***THAT the Top of the South Marine Biosecurity Strategic Plan 2009-2020 be adopted and the amount of \$20,000 be provided in the Council's draft LTCCP towards the implementation of the Strategy.***

Reese/Miccio

Carried



**13.0 CITY OF NELSON CIVIC TRUST**

Councillor Rainey declared an interest and took no part in the discussion on this item.

The Chief Executive advised that at the conclusion of the recent AGM of the City of Nelson Civic Trust, held on 12 December 2008, that the two Trustees who were required to step down did so but have indicated that they would like to serve a further three years as Trustees. This was the recommendation from the Trust.

Resolved

***THAT Mr Philip Coote and Mr Richard Rainey be re-appointed as Trustees to the City of Nelson Civic Trust for a further three years.***

Thomas/Boswijk

Carried

**14.0 LATE ITEMS**

His Worship the Mayor said that there were three late items that were to be discussed in the Public Excluded section and in accordance with Section 46A(7) of the Local Government Information and Meetings Act 1987, the reason why the following items were not on the agenda is that they came to hand after the agenda had closed, and the reason that discussion of those items can not be delayed until subsequent meetings was the need for urgency. Accordingly the following procedural motion was passed:

Resolved

***THAT the following items 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:***

- (i) Update on Port Nelson business activities*
- (ii) Update on progress with the Rugby World Cup bid*
- (iii) Update on the Tasman Rugby Union's inclusion in the National Competition.*

Rainey/Miccio

Carried

**15.0 PUBLIC EXCLUDED BUSINESS****15.1 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) ***Minutes of part of the meeting of the Nelson City Council, Public Excluded Business – 13 November 2008***

*Reasons:*

*To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied the information; or*

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

*To protect the privacy of natural persons.*

(ii) ***Council Public Excluded Status Report – December 2008***

*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) ***Minutes of the Community Services Committee, Public Excluded Business – 20 November 2008***

*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) ***Minutes of the Corporate Governance Committee Public Excluded Business – 11 December 2008***

*Reasons:*

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

*To protect the privacy of natural persons.*

(v) ***Appointment of a Local Civil Defence Controller – Murchison***

*Reason:*

*To protect the privacy of natural persons.*

(vi) ***Port Nelson Ltd***

*Reasons:*

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

*To protect the privacy of natural persons.*

**(vii) Update on progress with the Rugby World Cup bid**

*Reason:*

*To enable the Council to carry out, without prejudice or disadvantage, negotiations.*

**(viii) Update on the Tasman Rugby Union's inclusion in the National Competition**

*Reason:*

*To enable the Council to carry out, without prejudice or disadvantage, negotiations.*

Rainey/Miccio

Carried

The meeting went into Public Excluded session at 11.30am and resumed in Public Session at 12.38pm.

**15.2 Re-admittance of the Public**

Resolved

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

His Worship the Mayor/Reese

Carried

**16.0 TASMAN RUGBY UNION**

Resolved

**THAT the following decision be released to the public:**

**THAT the Council agrees to underwrite funding, if required, for the Tasman Rugby Union to a maximum of \$75,000 for the 2009 calendar year, subject to:**

***A Tasman Rugby Union Funding Plan being approved by the Council; and***

***The Marlborough District Council provide a similar underwriting facility; and***

***The underwriting facility be made available if the Chief Executive is satisfied that the Tasman Rugby Union has exhausted all other funding avenues.***

**AND THAT the manner of voting of those Councillors present also be released to the public as follows:**

<i>Councillor Barker</i>	<i>No</i>
<i>Councillor Boswijk</i>	<i>Yes</i>
<i>Councillor Collingwood</i>	<i>No</i>
<i>Councillor Cotton</i>	<i>Yes</i>
<i>Councillor Henigan</i>	<i>Absent</i>
<i>Councillor Holmes</i>	<i>No</i>
<i>Councillor McAlpine</i>	<i>Absent</i>
<i>Councillor Miccio</i>	<i>Yes</i>
<i>Councillor Rainey</i>	<i>Yes</i>
<i>Councillor Reese</i>	<i>Yes</i>
<i>Councillor Shaw</i>	<i>No</i>
<i>Councillor Thomas</i>	<i>Yes</i>
<i>His Worship the Mayor</i>	<i>Yes</i>

There being no further business the meeting closed at 12.28pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

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