

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 29 MAY 2008 COMMENCING AT 9.01AM

PRESENT: His Worship the Mayor K Marshall (Chairperson), Councillors I Barker, A Boswijk, G Collingwood, M Cotton, D Henigan, A McAlpine, A Miccio, P Rainey, R Reese (Deputy Mayor), D Shaw and D Thomas

IN ATTENDANCE: Chief Executive (V Altmments) and Administration Adviser (A Rose)

1.0 OPENING PRAYER

The Opening Prayer was read by the Chief Executive

2.0 CONFIRMATION OF MINUTES

Resolved

THAT the minutes of a meeting of the Nelson City Council, held on Thursday 17 April 2008, be confirmed as a true and correct record.

Thomas/Barker

Carried

Resolved

THAT the minutes of the extraordinary meeting of the Nelson City Council, held on Thursday 15 May 2008, be confirmed as a true and correct record.

His Worship the Mayor/Shaw

Carried

3.0 COUNCIL STATUS REPORT – MAY 2008

Resolved

THAT the Council Status Report for May 2008 be received.

Holmes/Miccio

Carried

4.0 MAYOR'S REPORT

4.1 Local Government New Zealand Zone 5 and 6 Meeting in Dunedin on 8/9 May 2008

Councillors Barker and Boswijk tabled and read written reports from their attendance at the Zone 5 and 6 meeting in Dunedin on 8 and 9 May 2008.

Resolved

THAT the reports of the Zone 5 and 6 meeting in Dunedin on 8/9 May 2008 from Councillors Barker and Boswijk be received.

Boswijk/Barker

Carried

4.2 Regional Affairs Committee Greymouth

The Deputy Mayor gave a verbal report on her attendance at the recent Regional Affairs Committee meeting in Greymouth.

She said it would be appropriate for a representative from the Office of Treaty Settlement to visit the Council, and she recommended that an invitation be extended to them.

She also advised that there had been a discussion on Regional Land Transport Committees and a decision to call a national meeting of the Chairs of those Committees.

She said there was a lot of valuable information disseminated at the Regional Affairs Committee meeting, and she discussed how best to distribute the information to Councillors.

The Chief Executive said that an email agenda with all the papers could be sent through to Councillors.

Resolved

***THAT** Councillor Reese's verbal report of the Regional Affairs Committee meeting, held in Greymouth, be received.*

Reese/His Worship

Carried

4.3 Nelson Marlborough Health Meeting

There was discussion on the recent meeting called by the Nelson Marlborough Health Board, involving Marlborough District, Tasman District and Nelson City Councils.

His Worship the Mayor said that a suggestion should be made to the Nelson Marlborough Health Board that the Councils become more involved in the management of these meetings in future and he would be writing to the Board expressing that view.

4.4 Regional Land Transport Committee

Councillor Shaw gave a brief verbal report on the three meetings of the Regional Land Transport Committee held to date.

The first meeting had been an introduction and a discussion on the recommendations from the Transport Forum.

The second meeting had received a presentation from a travel demand management expert from Auckland.

The third meeting, which had been held a couple of days earlier, had considered a working draft of the Regional Land Transport Strategy. The next meeting, to be held on 13 June, would complete that consideration, he said.

After that it would be 6-8 weeks before there is a completed draft of the Strategy for public consultation.

He also reported on a meeting of the Chairs of Regional Land Transport Committees around the country, which he had attended, together with the Roading Engineer.

The meeting had covered imminent changes resulting from Transit New Zealand and Land Transport New Zealand being merged into the Transport New Zealand Agency, and he said he would be briefing the Council on the changes when they are confirmed.

There was some discussion about the status of the Regional Land Transport Committee, and whether the draft strategy should come to Council before it goes out to public consultation. The view was expressed that it would be prudent to have some Council support for the Draft Strategy before it went out to the public.

The Chief Executive explained the status of a Regional Land Transport Committee under the Transport Act.

It was suggested that Council have a workshop discussion with the three Council representatives on the Regional Land Transport Committee, to get a briefing and to give them a feeling of the Council view as a whole on the Draft Strategy.

His Worship the Mayor said he had received an email from the Mayor of the Tasman District Council regarding a joint approach between Tasman and Nelson regarding Land Transport, and having an observer on each other's Regional Land Transport Committees. He said he would circulate a copy of this email to all Councillors.

His Worship confirmed that the whole matter would be discussed in one of Council's forthcoming workshops.

4.5 Sealords Shellfish Factory Closure

His Worship the Mayor expressed concern that there was no process in place to handle official responses to situations like the recent news of the Sealords shellfish factory closure, and he advised that he was working on a process with the Chief Executive so as to be able to make a timely response to any similar future events.

Resolved

THAT the verbal reports and the various comments be noted.

His Worship the Mayor/Boswijk

Carried

4.6 Attendance at Local Government New Zealand Conference

Resolved

THAT the Mayor and Chief Executive attend the Local Government Conference in Rotorua in July;

AND THAT the Mayor be the Nelson City Council delegate, and the Chief Executive be the alternate.

Barker/McAlpine

Carried

4.7 Nomination for President and Vice President of Local Government New Zealand

Resolved

THAT Nelson City Council nominate/second Kerry Prendergast, Mayor of Wellington, for the positions of President and Vice President of the New Zealand Local Government Association.

His Worship the Mayor/Reese

Carried

5.0 BUILDING ACT ACCREDITATION

The Manager Consents Phil Ruffell joined the meeting.

The Chief Executive announced that the Nelson City Council is the 34th Council in the country to achieve Building Act accreditation. He said he paid tribute to the work done by Mr Ruffell and his team in achieving this result, in particular he said Mr Ruffell had done an outstanding job and Council owes the accreditation in no small part to him.

The Chief Executive then presented the framed certificate of accreditation to Mr Ruffell.

The presentation was greeted by the Council with acclamation.

In reply, Mr Ruffell thanked the Chief Executive and the Council for their support, and paid tribute to his team, in particular Richard Popenhagen and Kelli Isle, who he said had put in an extraordinary amount of work to enable the successful result.

The meeting then adjourned for morning tea from 10.10am to 10.25am.

6.0 REPORTS AND RECOMMENDATIONS OF COMMITTEES**6.1 Applications Committee**

Resolved

THAT the minutes of a meeting of the Applications Committee, held on 30 April 2008, be received.

Barker/Reese

Carried

6.2 Community Services Committee

Resolved

THAT the minutes of a meeting of the Community Services Committee, held on 29 April 2008, be received.

Rainey/BoswijkCarried**6.3 Infrastructure Committee**

Resolved

THAT the minutes of a meeting of the Infrastructure Committee, held on 8 May 2008, be received, and that the following recommendation adopted:

THAT the following alterations be made to the schedules of Bylaw No 207 – Parking and Vehicle Control – 2004 as per the attachments to a document no 655228

i) ***Schedule 9 – No Stopping and No Parking***

Holmes/CottonCarried**6.4 Environment Committee**

Resolved

THAT the minutes of a meeting of the Environment Committee, held on 13 May 2008, be received.

Reese/ShawCarried**6.5 Corporate Governance Committee**

Resolved

THAT the minutes of a meeting of the Corporate Governance Committee, held on 15 May 2008, be received, and the following recommendation be adopted:

THAT Part 6 of the Consolidated Bylaw “Cemeteries and Crematorium” be revoked;

AND THAT the Draft Bylaw “Burials and Cremations”, included as Attachment 2 of Document No 652834, be adopted for public consultation in accordance with the provisions of the Local Government Act 2002;

AND THAT the proposed conditions for the Exclusive Right of Burial, and the Interment Warrant, including the requirements relating to the Erection of Memorials, outlined in Attachment 3 to Document No 653834, be adopted as Council policy.

Thomas/HolmesCarried

7.0 SUBMISSION ON THE PROPOSED NZ COASTAL POLICY STATEMENT 2008

Document No 659168, dated 17 April 2008, agenda pages 97-112 refer.

Councillor Reese explained that because of time constraints at the Environment Committee, this report had been referred to Council.

Although the submission had already been sent to the Department of Conservation, there were some issues raised by Councillor Shaw, and it was felt that as the Board of Enquiry considering the Proposed New Zealand Coastal Policy Statement would not meet for some months, there was an opportunity to discuss Councillor Shaw's concerns at the workshop on 24 June.

8.0 SOLITAIRE INVESTMENTS DEVELOPMENT CONTRIBUTIONS – NGAWHATU AND MARSDEN VALLEYS

Document No 654242, dated 31 March 2008, agenda pages 71-96 refer.

His Worship the Mayor explained that this report was referred to the Council from the Infrastructure Committee meeting of 8 May 2008, and the additional information requested by that Committee had been circulated to the Council under cover of a memo dated 12 May 2008.

In addition, a letter from Duncan Cotterill, lawyers for Solitaire Investments, dated 16 May 2008 had been circulated.

Camilla Owen, Shoshona Goodall and Jackie McNae for Solitaire Investments, joined the meeting and Camilla Owen made a powerpoint presentation.

Resolved

THAT the infrastructure upgrade projects required for growth in Marsden Valley and Ngawhatu Valley, be included in the 2009 LTCCP review and Development Contributions Policy;

AND THAT when Solitaire Investments proceed with its developments in Marsden Valley and Ngawhatu Valley it pays the Development Contributions and all Financial Contributions payable at the time;

AND THAT the Council undertake to refund the difference between the previous contributions made and any revised contributions payable that may arise from the review of the Development Contributions Policy as part of the 2009 LTCCP review, and any other financial contributions payable under the Nelson Resource Management Plan.

Henigan/Cotton

Carried

9.0 GOVERNANCE REVIEW

9.1 Committee Restructure and Memberships

His Worship the Mayor advised that formal resolutions were required, following the discussions that had been held at the workshop on 15 May 2008.

Resolved

THAT all Councillors be members of the Community Services, Infrastructure, Environment, and Corporate Governance Standing Committees.

His Worship the Mayor/Miccio

Carried

9.2 Revised Schedule of Standing Committee and Council Meeting

Resolved

THAT the revised schedule of Standing Committee and Council meetings 1 June 2008 be approved.

Henigan/McAlpine

Carried

10.0 REVOCATION OF BYLAWS AND PROMULGATION OF NEW BYLAW (215 – MISCELLANEOUS MATTERS)

Agenda pages 113-118 refer.

His Worship the Mayor advised that the Special Consultative Procedure in respect of the revocation of the following bylaws:

- i) Consolidated Bylaw 1992
 - a) Part 1: Introduction
 - b) Part 2: Refuse Collection and Disposal
 - c) Part 4: Public Swimming Pools
 - d) Part 5: Miscellaneous Matters
- ii) Fire Prevention Bylaw 1981 (No 170)
- iii) Control of Animals Bylaw (No 185)
- iv) Nelson Public Library Bylaw 2001 (No 201)

and the introduction of a new Bylaw No 215 – Miscellaneous Matters, had opened on 19 April 2008 and closed at 4.00pm on Tuesday 20 May 2008.

He further advised that no submissions had been received in respect of the proposals.

Resolved

THAT the revocation of the following bylaws be confirmed.

- i) ***Consolidated Bylaw 1992***
 - a) ***Part 1: Introduction***
 - b) ***Part 2: Refuse Collection and Disposal***
 - c) ***Part 4: Public Swimming Pools***
 - d) ***Part 5: Miscellaneous Matters***
- ii) ***Fire Prevention Bylaw 1981 (No 170)***
- iii) ***Control of Animals Bylaw (No 185)***
- iv) ***Nelson Public Library Bylaw 2001 (No 201)***

AND THAT Bylaw 215 “Miscellaneous Matters” as circulated, be adopted;

AND THAT Bylaw 215 come into effect, and the revocation of the bylaws mentioned above take affect, as from Monday 9 June 2008.

Boswijk/Thomas

Carried

11.0 IWI PROPOSAL FOR AN ADDITIONAL NAME TO THE NORMANBY BRIDGE

Document No 667938, dated 21 May 2008, supplementary order paper number one, refers.

The Arts and Heritage Team Leader, Debbie Daniell-Smith, joined the meeting and presented the report.

Resolved

THAT the Council notes the consensus recommendation made by all six local iwi that the name “Aratuna” (pathway of the eels) be adopted by Council as an additional name for the Normanby Bridge on Bridge Street.

Shaw/Miccio

Carried

12.0 DELEGATIONS REGISTER

After discussion, it was agreed that there was need to adopt the amended delegations register as an interim measure, but during the next round of Standing Committee meetings, the Chairs would have an informal workshop with their Committees to go through the delegations with the relevant staff.

Resolved

THAT the amended delegation register be adopted as an interim measure.

Shaw/Barker

Carried

13.0 PUBLIC EXCLUDED BUSINESS

13.1 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 ordinary meeting of the Nelson City Council, Public Excluded Business – 17 April 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) Minutes of part of an Extraordinary meeting of the Nelson City Council, Public Excluded Business – 15 May 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) Council Public Excluded Status Report – May 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 Community Services Committee, Public Excluded Business – 29 April 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) ***Minutes of the Corporate Governance Committee Public Excluded Business – 15 May 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

(vi) ***Achilles Avenue***

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) ***NZ United World College Trust***

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

To protect the privacy of natural persons

Rainey/McAlpine

Carried

The meeting went into public excluded session at 11.35pm and resumed in public session at 12.32pm.

13.2 Re-admittance of the Public

Resolved

THAT the public be readmitted to the meeting.

Holmes/Barker

Carried

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

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE