

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 28 MAY 2009 COMMENCING AT 9.08AM

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

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

APOLOGIES: An apology was received and accepted from Councillor A Miccio

1.0 OPENING PRAYER

Councillor Thomas gave the opening prayer.

2.0 HON DR NICK SMITH MP FOR NELSON

His Worship the Mayor welcomed Dr Smith to the meeting explaining that Dr Smith currently holds three Ministerial roles: Minister for the Environment, Climate Change and ACC. Dr Smith gave a powerpoint presentation entitled Working Together for Nelson which addressed the following:

- Shared ambitions for Nelson
- The global recession and Nelson
- Government response to global recession
- Rugby World Cup
- Nelson Courthouse
- New Zealand cycleway project
- Abbeyfield-Tahunanui
- Clean energy and insulation
- Broadband
- Roothing infrastructure
- Treaty settlements
- RMA reforms
- Aquaculture

In conclusion, Dr Smith said he was very supportive of the strategic direction of Council. He pointed out that there was a close parallel between Nelson City Council and Government plans in particular he said he looked forward to working closely with Council on the Rugby World Cup 2011/Trafalgar Park, State Highway 6, cycleways and public transport, the Resource Management Act and the Building Act improvements.

Dr Smith answered questions from Councillors. He said that Council should get back to Government by the end of June or at the latest early July with an application for the \$1.5 million that Government was prepared to commit to assisting in the Trafalgar Park upgrade.

With regard to the present debate regarding upgrading State Highway 6, Dr Smith said that Rocks Road was a non starter and, while the southern link was not perfect, he believed it to be the only viable option and he was determined that the southern link go through but with the minimum impact on the Victory Square Community.

With regard to the recession, he said that the recession was very real and Nelson, in particular, was very vulnerable because of its export driven economy. He reminded the Council that in the great depression of the 1920s that recession had gained momentum because a lot of countries had opted for protectionism.

Dr Smith said he was happy to investigate the situation regarding the original Nelson Land Records which had been sent to Christchurch by Land Information New Zealand (LINZ) and whether these records could be returned to Nelson.

Dr Smith said he supported Councils strategic decision to continue to invest in infrastructure but he warned Council should be careful to ensure they got the best value for the money it spent.

With regard to any flow-on effect that the Auckland Super City proposal might have for Nelson Tasman regions, Dr Smith said that up until now unitary councils had been the minority model but with the Auckland proposal they were now the majority model. He emphasised that it was very important to find the right formula for the Nelson Tasman Community and suggested that a joint independent group be set up to look at this but he said no great rush was needed.

His Worship the Mayor said that Council would like to help Government with its local government review. He pointed out that the present system is incredibly demanding and expensive for Councils to operate. Dr Smith said that it was all about the balance between representative democracy and consultative democracy. His present view was that the pendulum has swung too far for councils towards consultative democracy. He believed it was more important that Councils spend their money on services and infrastructure rather than consultative procedures.

With regard to another comment that the Local Government Act 2002, with its emphasis on social wellbeing of the community, had seen a huge growth in council expenditure to meet these expectations, Dr Smith said that the review of Local Government needed to ask where Central Government was making the costs of Local Government so expensive.

With regard to local government borrowing levels Dr Smith said that Local Government was asset rich and currently the total borrowing for Local Government is in the range of \$4 billion on \$70 billion worth of assets where Central Governments borrowing was in the region of \$30 billion. The Government had agreed that New Zealand needs an overall infrastructure plan and he said it was important to explore whether Local Government could take advantage of the opportunity for significantly lower interest rates that Central Government has access to.

With regard to Treaty and Claims issues Dr Smith said there was a huge opportunity for the Council to work with Maori with their investments.

His Worship the Mayor thanked Dr Smith for attending the meeting and asked him to assist with getting a cycleway through to Kawateri and some art work on the Courthouse extensions. He also invited Dr Smith to come and talk to the Council on a regular basis in the future and he thanked him for the Governments Rugby World Cup offer of support.

Attendance: The meeting adjourned for morning tea from 10.15am to 10.30am during which time Dr Smith left the meeting.

2.1 Letter of thanks to Dr Smith

Resolved

THAT a letter of thanks be sent to the Hon Dr Nick Smith MP for Nelson for his attendance at the meeting today.

Collingwood/His Worship the Mayor

Carried

It was agreed to circulate a copy of Dr Smiths powerpoint presentation to all Councillors.

3.0 CONFIRMATION OF MINUTES

16 April 2009

Resolved

THAT the minutes of the ordinary meeting of the Nelson City Council, held on Thursday 16 April 2009, be confirmed as a true and correct record.

Collingwood/Shaw

Carried

4.0 STATUS REPORT – MAY 2009

4.2 Council Prayer

Councillor Collingwood requested what was proposed in future regarding the Council Prayer.

4.2 Solar City Targeted Rates Scheme

Councillor Reese said that His Worship had asked her to refer the request for a change to the Building Code to require solar hot water systems on new homes and for operational funding assistance for the Solar City Loan Scheme to the Minister.

Resolved

THAT the Council Status Report for May 2009 be received.

McAlpine/Reese

Carried

5.0 MAYOR'S REPORT

5.1 Informal meeting with Tasman District Council

His Worship the Mayor said that he and the Deputy Mayor would be meeting with the Mayor and the Deputy Mayor of Tasman District Council without CEOs present to have an informal discussion. He asked Councillors to contact him if they would like any particular issues raised during this informal discussion.

6.0 REGIONAL AFFAIRS COMMITTEE – 1ST MAY 2009

The Deputy Mayor gave a verbal report on the recent meeting of the Regional Affairs Committee which had discussed Treaty Settlement and co-management issues, and Regional Councils' responses to the RMA Amendment Bill especially the Environmental Protection Agency proposal.

7.0 ZONE 5 & 5 MEETING 7- 8 May 2009

Councillor Holmes gave a verbal report on his attendance at the recent combined Zone 5 & 6 meeting held in Christchurch.

He said that Councils had expressed their great concern at the audit costs for LTCCPs. In some small Councils this had amounted to almost 3% of rates.

He said that it had been advised that apart from the Auckland Super City proposal Government Caucus were not actively looking for other areas of Local Government amalgamation to pursue but that did not stop communities seeking it for themselves.

He said that the Minister for Local Government had spoken to the meeting on Core Local Government Activities and a proposal to introduce a system where Councils can be compared with each other.

Councillor Henigan said that her experience of living in Auckland had made her aware that the Government was making itself deeply unpopular by not adopting the Royal Commission recommendations regarding the Super City proposal.

7.1 Attendance at Local Government Conference

Resolved

THAT the Mayor and the Deputy Mayor attend the Local Government Conference in Christchurch in July.

AND THAT the Mayor be the Nelson City Council delegate and the Deputy Mayor be the alternate.

Shaw/Boswijk

Carried

7.2 Financial Governance 101 Course - 22 May 2009

Councillors who attended the course expressed their dissatisfaction with it and it was agreed that they would write to Local Government New Zealand expressing their concerns.

Resolved

THAT The Mayor's Report for May 2009 be received.

His Worship the Mayor/Boswijk

Carried

8.0 REPORTS AND RECOMMENDATIONS OF COMMITTEES

8.1 Community Services – 23 April 2009

Resolved

THAT the minutes of the meeting of the Community Services Committee, held on Thursday 23 April 2009, be received;

AND THAT the following recommendation be adopted:

Saxton Stadium Management

THAT part 4 of Council resolution of 17 April 2008 that states:

AND THAT a legal agreement be signed with the Saxton Field Sports Stadium Society Inc. to manage the Saxton Field Indoor Sports Stadium including a requirement to have user agreements including a commitment to use the facility;

be rescinded

AND THAT Council directly tender a management contract for the Saxton Stadium on a 1 + 1 year term and the management of stadium be reviewed during this period;

AND THAT the expected additional operating cost for this contract be funded by rationalising operating budgets and through increased user charges at the Saxton Stadium;

AND THAT the sources of funding and budget be approved by Council during the Nelson Community Plan process;

AND THAT if the Saxton Field Sports Stadium Society is able to identify and secure sponsors or any other operating grants assistance then this revenue may be used to offset the impact of increased user charges on Society member organisations;

AND THAT staff will incorporate into work programmes a review of the process by which joint capital projects with community organisations are planned, funded, designed, developed and managed.

Rainey/Boswijk

Carried

8.2 Infrastructure – 30 April 2009

Resolved

THAT the minutes of the meeting of the Infrastructure Committee, held on Tuesday 30 April 2009, be received.

Holmes/Cotton

Carried

8.3 Environment – 7 May 2009

Resolved

THAT the minutes of the meeting of the Environment Committee, held on Tuesday 7 May 2009, be received.

Reese/Shaw

Carried

8.4 Governance – 14 May 2009

Recommendation

THAT the minutes of the meeting of the Governance Committee, held on Thursday 14 May 2009, be received.

AND THAT the following recommendations be adopted:

Vehicles on Reserves – Bylaw No 211

THAT Bylaw No 211 – Reserves be amended as follows:

i. A new sub-clause 7.2 be inserted in the bylaw to read:

“No person shall drive, ride or park any motor vehicle on any area of any reserve except on those areas developed and/or set aside specifically for such purpose or where indicated by signs or markings that vehicles are permitted or at the direction or with the permission of an authorised officer.”

ii. A new sub-clause 14.2 be inserted in the bylaw, to read:

“Any person, who breaches any restriction or control imposed pursuant to Clause 7 of this bylaw, shall be liable to a fine not exceeding \$300.00.”

AND THAT the amendment take effect as from Tuesday 2 June 2009.

Joint Shareholders Committee

THAT a Joint Committee of the Nelson City and Tasman District Councils be set up under the following parameters:

i. To negotiate and develop recommendations to the two Councils in respect of all statutory requirements and funding proposals pertaining to the jointly owned Council Controlled Organisations and joint ventures other than Emergency Management.

ii. *Delegations*

- a. *Power to review and negotiate amendments to the Statements of Corporate Intent and Business Plans relating to the jointly owned Council Controlled Organisations, and to recommend the adoption by the Council of such documents.*
- b. *Power to add to or remove names from the list of potential directors/trustees for Council Controlled Organisations.*
- c. *Power to recommend persons for appointment to the position of Director/Trustee of jointly owned Council Controlled Organisations.*

iii. *Membership*

- a. *Membership of the Joint Committee shall consist of His Worship the Mayor, the Deputy Mayor, and the Chairman of the Governance Committee, or their alternates.*

iv. *Procedure*

- a. *No matter shall be referred from the Committee to the two Councils unless the vote at the Committee is carried by no less than 2 members from each Council.*
- b. *Any matter referred from the Committee, if not adopted as recommended by the Committee, shall be referred back to the Committee for further consideration.*
- c. *Any matter referred from the Committee, which is adopted by the Council shall carry the rider that it shall be subject to adoption by the Tasman District Council and if not also adopted by that Council, shall be referred back to the Committee.*

NOTE: In order to align the recommendation in relation to delegations to the proposed Joint Shareholders Committee with the existing delegations and the Tasman District Council delegations, the following should also be delegated to the Committee:

- d. *Authority to discuss and make recommendations to the Council on any matter that relates to the Councils Joint Shareholding.*
- e. *Power to represent the Council in all matters relating to shareholder interest in the jointly owned CCO's and joint ventures within policy set by the Council.*

Thomas/Barker

Carried

8.5 Audit Committee – 14 May 2009

Resolved

THAT the minutes of a meeting of the Audit Committee held on 14 May 2009 be received.

Thomas/Reese

Carried

9.0 GENERAL BUSINESS**9.1 Council Workshop – 23 June 2009**

The Chief Executive said the workshop on 23 June 2009 would be discussing the work programme regarding meeting the Chief Executives KPI's as well as governance and reporting issues.

9.2 Copy of Cabinet Paper dated 20 April 2009

The Chief Executive tabled a copy of the Minister of Local Government's paper to Cabinet on Local Government Act amendments. His Worship the Mayor said that the paper would be discussed at the Committee Chairs next meeting and any recommendations necessary brought back to Council regarding process.

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) ***Minutes of part of the meeting of the Nelson City Council, Public Excluded Business – 16 April 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.

- (ii) ***Council Public Excluded Status Report – May 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.

(iii) **Minutes of part of the Community Services Committee, Public Excluded Business – 23 April 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.

(iv) **Minutes of the Governance Committee Public Excluded Business – 14 May 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.

(v) **Rutherford Street**

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 Worship the Mayor/Henigan

Carried

The meeting went into Public Excluded session at 11.25am and resumed in Public session at 11.55am.

10.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Holmes/Shaw

Carried

There being no further business, the meeting ended at 11.55am.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON

_____ DATE