

MINUTES OF THE ORDINARY MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 29 OCTOBER 2009 COMMENCING AT 9.00AM

- PRESENT:** Councillors G Thomas (Acting Chairman), His Worship the Mayor (K Marshall), Councillors I Barker, A Boswijk, G Collingwood, M Cotton, D Henigan, M Holmes, P Rainey, R Reese (Deputy Mayor) and D Shaw
- IN ATTENDANCE:** Acting Chief Executive (H Kettlewell) and Administration Adviser (R.N. Palmer)
- APOLOGIES:** Apologies on behalf of Councillors A McAlpine and A Miccio, and His Worship the Mayor and Councillor R Reese for lateness, were received and accepted.
-

OPENING PRAYER

The opening prayer was given by Councillor Thomas.

1.0 PUBLIC FORUM

1.1 Moana Avenue Reserve

Miss Helen Reynolds spoke to the Council outlining her concerns regarding the proposal by Council staff to reclaim land between the property occupied by herself and her mother at 172 Moana Avenue and Princes Drive, which had for many years had been occupied by her family as part of their section.

She also explained that contrary to indications given by Mr Grundy to her neighbour Mr Petheridge she had in fact apologised for her non attendance at the July meeting of the Community Services Committee, prior to that meeting taking Place.

Miss Reynolds outlined in some detail her concerns regarding security, noise nuisance, the current traffic on Days Track immediately adjacent to their property, parking, road danger, the demographics of the local residents, maintenance of the reserve, adjacent existing suitable sites, land stability and other matters. In particular she stressed concerns regarding visibility of the area for security purposes should it be fenced as suggested by the staff. She also noted that the water main through the reserve had given some problems over the years.

Mr Petheridge, the owner of 170 Moana Avenue, the owner of the property adjoining the Reynolds' site, which also backed on the reserve and was utilised as part of the garden, explained that although he no longer lived on the property he agreed with the comments made by Miss Reynolds. He also advised that reason why they had moved was the disturbance caused by drunks using the walkway through the area.

Mr Petheridge advised that he would consider paying a reasonable price or taking a lease on the land if it was offered and he would also accept the land being sold for residential development.

Derek Milne the owner and occupier of number 176 Moana Avenue, on the other side the track from the Reynolds', which also had vacant Council land between the rear boundary of the property and Princess Drive, explained that his most pressing concern would be the removal of vegetation from the reserve as this would open up his house to view and allow it to be a possible target of undesirables.

Mr Milne explained that Days Track was used as a night time passage and this had caused noise nuisance for him and his family but was manageable at the present time.

He explained that he was not aware of the Council's plans in respect of the area but would appreciate the opportunity to have some input.

Mr Milne also advised that he might be interested in purchasing the vacant land if it was offered at a reasonable price.

2.0 CONFIRMATION OF MINUTES

15 October 2009

Document Number 840745

Resolved

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

Barker/Collingwood

Carried

3.0 REPORTS - POLICY

3.1 Proposed Road Stopping at 384 Trafalgar Street

Report Number 832967, agenda pages 22-25 refer.

Michael Schruer (Senior Executive Infrastructure) and Ian Morrison (Business Assets Advisor) presented the report.

Query was raised as to whether or not the proposed disposal would prejudice the future upgrading of Trafalgar Street South. Mr Schruer advised that this street was a local road and at the present time was wider than normal, however if it was considered necessary to make it wider there was ample road reserve on the other side of the road to achieve this.

The meeting was also advised that the roading engineer had had discussions on site with the owner of the adjacent land regarding the corner splay and the pump shed which was located on road reserve and he had decided that it would not be appropriate to amend the proposal to incorporate the pump shed into the purchaser's property as he wished to reserve his options in respect of the intersection.

Resolved

THAT the Council authorise the Chief Executive to complete the road stopping of about 240 square metres of unformed legal road adjoining 384 Trafalgar Street (Lot 2DP 5958) and to sell that land to the owners of that adjoining property as amalgamated title, subject to the owners:

- i. purchasing the land at the value as assessed by a registered valuer; and*
- ii. meeting the valuation and surveying costs incurred by the Council; and*
- iii. paying an administration fee of \$400.00 plus GST.*

Holmes/Boswijk

Carried

4.0 PRESENTATION

Members of the Lydia Prayer Fellowship made a presentation of a gift basket to Councillors in acknowledgement of the work which each of them individually and as the Council, did for the Community.

In making the presentation, they advised the meeting that they regularly prayed for each of them by name as a means of offering support for their work.

Councillor Thomas accepted the gift basket on behalf of the Councillors and thanked the group.

5.0 PUBLIC FORUM DISCUSSION – MOANA AVENUE RESERVE

Ian Morrison (Business Assets Advisor) and Lindsay Barber (Parks Operations Co-ordinator) outlined the background of the matter and the steps which had been taken in respect of negotiations with the Reynolds and Mr Petheridge.

Mr Barber advised that the intention was to fence the true boundaries of the reserve, clear some of the vegetation from beside Princes Drive and to make area available as a local reserve being that it was the only flat land within the general area.

He explained that some of the trees that had been planted by the neighbours would be retained on the reserve while others would be relocated to their properties if they wished.

He also explained that although a playground had been discussed as one of the options for the future use of the reserve it was not envisaged as being an immediate priority but rather as it was a good flat area with a lot of potential the intention was to keep it as an open space.

The meeting discussed with Mr Barber the concerns expressed by Miss Reynolds and he explained that in his opinion he didn't envisage that there would be the anti-social activity in the area that the neighbours anticipated, if the reserve was made more accessible to the public.

The Council discussed whether it should not make any decision as to the future of the land during Mrs Reynolds lifetime in acknowledgement of the fact that they had being neighbours to and had made use of the land for some 60 years.

Attendance: Councillor Reese entered the meeting.

Resolved

THAT staff investigate the options in respect of the land concerned and report back to a subsequent meeting of the Council.

Holmes/Cotton

Carried

6.0 REPORTS – POLICY

6.1 York Valley Landfill: Request for Service from Buller District Council

Report Number 837972, agenda pages 26-32 refer.

Michael Schruer (Senior Executive Infrastructure) and Johan Thiart (Engineer Waste Minimisation and Waste Water) presented the report.

Concerns were expressed that continuing to allow the waste from Buller District to be disposed of at the York Valley Landfill would have an impact on the future of that waste disposal facility. However it was acknowledged that at current levels York Valley had the sufficient land to provide suitable waste disposal areas to around 2033, and there were other valleys which if used would add another 50+ years to the overall life of the facility.

Concern was expressed that by accepting the waste from Buller the Council was not adhering to its sustainability policies, nor having regard for the environmental effects of land disposal.

It was stressed that the Buller District Council was working to divert useable waste from its waste stream so as to limit the amount which it needed to transport to Nelson and thus there was direct positive environmental effect associated with the proposal.

The meeting was also advised that presently Council was in the process of developing a joint waste assessment with the Tasman District Council with the aim of developing a joint waste management and minimisation plan for adoption by July 2010, and this plan would include sustainable options.

The plan would also establish the basis on which refuse from outside the district might be dealt with.

It was raised that on this basis a one year extension for the Buller District Council would be more appropriate.

The meeting was advised that notwithstanding the proposed three year period for the extension the Nelson City Council still retained the discretion as to whether or not any of the one year renewals would be granted.

Resolved

THAT the Council agree to extend the existing agreement with the Buller District Council to accept its residual solid waste for a period of up to three years on the basis of one year plus two options of renewal of one year each from 1 July 2010;

AND THAT prior to either of the two one year renewals being granted the Council be satisfied that the Buller District Council is making its best endeavours to establish its own waste disposal facility;

AND THAT the Buller District Council be advised that its request for a permanent arrangement for acceptance of residual waste will be considered following the adoption of the Nelson City Council / Tasman District Council Joint Waste Management and Waste Minimisation Plan which is presently programmed for consideration by the two Councils in July 2010.

Reese/Cotton

Carried

Note: Councillor Henigan recorded her vote against the motion.

7.0 REPORTS – POLITICAL

7.1 Representation and Basis of Election

Report Number 840019, agenda pages 33-50 refer.

A Motion was proposed:

Moved Councillor Reese, seconded Councillor Rainey

THAT after consideration of the submissions lodged the Council, in accordance with section 19N of the Local Electoral Act 2001, confirm its resolution of 20 August 2009:

“THAT the Council shall consist of 11 members including the Mayor.”

Concern was expressed that the small number of submissions received by the Council could not be regarded as a mandate from the Community for a change in the number of elected members, and therefore it would be a backward step to reduce the number to 11.

It was also noted that there seemed to be no clear censuses among the Councillors themselves as to whether the reduction in the number of Councillors would be appropriate.

An amendment was proposed

Moved Councillor Collingwood, seconded Councillor Shaw

THAT after consideration of the submissions received the Council is of the opinion that there is no clear mandate to change the existing situation and therefore in accordance with of Section 19N of the Local Electoral Act 2001, the Council resolve that the Council shall consist of 13 members including the Mayor.

The amendment was put. A division was called for.

YES	NO
Councillor Shaw	Councillor Reese
Councillor Collingwood	Councillor Rainey
Councillor Barker	Councillor Boswijk
Councillor Cotton	Councillor Henigan
Councillor Thomas	Councillor Holmes

The Chairman declared that the vote was tied and that as under standing orders there was no casting vote available to him, the amendment was **lost**.

The original motion was thereby put. A division was called for.

YES	NO
Councillor Reese Councillor Rainey Councillor Boswijk Councillor Henigan Councillor Holmes	Councillor Shaw Councillor Collingwood Councillor Barker Councillor Cotton Councillor Thomas

The Chairman declared that the vote was tied and that as under standing orders there was no casting vote available to him, the motion was **lost** and the status quo remained.

It was noted that this meant that for the 2010 Tri-Annual Local Body Elections, the Council would consist of 13 members including the Mayor.

8.0 REPORTS FROM COMMITTEES AND OTHER GROUPS

8.1 Nelson Youth Council – Constitution

Agenda pages 51-54 refer.

Rachel Large (Community Liaison Advisor Social Wellbeing) drew the Council's attention to the draft constitution which had been adopted by the Youth Council at its meeting on Thursday 24 September 2009, and which required the Council's endorsement.

The Council considered the draft noting that the following corrections and amendments needed to be made:

- i. The date of 2009 should be changed to 2010.
- ii. Reference under the last bullet point relating to membership of the New Hub Youth Trustee should be amended as that position no longer exists.
- iii. Clause 5(e) should be amended to read "The Nelson Youth Council will report to the Nelson City Council".
- iv. Reference to the Community Services Committee under the Youth Council Procedure for Complaints or Concerns about Youth Councillor's Behaviour, should be changed to Nelson City Council.

It was agreed that once these amendments had been made, the document could be re-submitted to the Council for adoption.

9.0 PUBLIC EXCLUDED BUSINESS

9.1 Exclusion of the Public

Recommendation

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.

- *Nelson City Council, Public Excluded Minutes – 15 October 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.

- *Trafalgar Park Upgrade – Government Funding*

Reason:

To enable the Council to carry out negotiation or commercial activities without prejudice or disadvantage.

Thomas/Boswijk

Carried

9.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Holmes/ Reese

Carried

The meeting closed at 1.50pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE