

**MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 18 NOVEMBER 2010 COMMENCING AT 9.03AM**

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PRESENT:	Councillors A Boswijk (Chairperson), I Barker, G Collingwood, R Copeland, E Davy, K Fulton, P Matheson, J Rackley, P Rainey, D Shaw and M Ward
APOLOGIES:	His Worship the Mayor Aldo Miccio (for lateness) and Rachel Reese (for lateness)
IN ATTENDANCE:	Chief Executive (K Marshall), Executive Manager Strategy and Planning (M Schruer), Executive Manager Regulatory (R Johnson), Executive Manager Community Services (Susan Coleman), Executive Manager Network Services (A Louverdis), Executive Manager Support Services (H Kettlewell), Chief Financial Officer (N Harrison) and Administration Adviser (L Laird)

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## **1.0 OPENING PRAYER**

The opening prayer was given by Councillor Davy.

## **2.0 PUBLIC FORUM**

### **2.1 Rating Issue at 21 Arapiki Rd**

Geoff and Kay Gudsell joined the meeting and spoke about rating issues at their property at 21 Arapiki Road where they provide 'Bed and Breakfast' accommodation for up to four people at one time.

Mr Gudsell said they had put in two extra kitchenettes for use by their guests. Because of the provision of these kitchenettes, Mr Gudsell said that his rates had doubled as the property has been reclassified as 'multi-residential'. Mr Gudsell contended this was unfair as the amount of rates now charged bears no relation to the actual use of Council services. He requested Council reverse the reclassification of their house.

Attendance: Councillor Reese entered the meeting 9.25am

### **2.2 The Glen Reserve Skate Park**

Mr Bernard Downey and Ms Trish Nalder joined the meeting and spoke about the proposed skate pad to be built at the Glen Reserve.

Mr Downey, along with other residents from The Glen, said that they opposed the proposed skate pad. He said the proposed site was too close to the wetlands which contradicted the natural wetland restoration theme of the area. He added that the skate pad would generate noise and aspects of it would be unsightly. Mr Downey tabled a petition signed by residents asking Council to give further consideration to the location of the skate pad.

Ms Nalder, a resident of Seafield Terrace, said the consultation process had not been 'heart-felt' or genuine and that there were better suited places for a skate pad than the one proposed.

The Chair thanked Mr Downey and Ms Nalder and said Council would discuss this later in the meeting.

### 3.0 CONFIRMATION OF MINUTES

Resolved

***THAT the minutes of a meeting of the Nelson City Council, held on Thursday 28 October and Thursday 4 November 2010, be confirmed as a true and correct record.***

Davy/Barker

Carried

### 4.0 REPORTS POLICY

#### 4.1 Credits for Excess Water Arising from Leaks

Document number 993846, agenda pages 18-37 refer.

The Principal Adviser Utilities, Phil Ruffell joined the meeting and presented the report. He said the criteria for awarding water credits were outdated and vague. He added that the Water Supply Bylaw and the Long Term Council Community Plan (the LTCCP) both provide charging regimes, adding to the confusion. Because the Bylaw is three years away from a significant review, the recommended solution is to align the Bylaw charging regime by referencing what is in the LTCCP, he said.

The Council discussed what should be taken into account whilst determining a fair credit including timing and other issues relating to the nature of the leak.

It was agreed that the term 'farms' in the first clause of the recommendation was ambiguous and should be further defined. It was decided that a definition was needed before the Special Consultative Procedure was undertaken and that staff would be best to define this term based on the Council's discussion.

It was also noted that the phrase 'extraordinary circumstances' in the fourth clause needed further clarification as a leak occurring whilst the occupants were away, which the Council deemed a valid circumstance for a credit, would be excluded. It was agreed that the phrase 'outside of the above' should be removed from the fourth clause.

Resolved

***THAT following further definition of the term 'farms', Council grant requests for water credits based on the following criteria:***

- ***Leaks from pipes or fittings on farms, commercial, industrial properties and un-occupied properties (regardless of temporary or long term) or reserves***

*or from irrigation, stock water, swimming pools, ponds, landscaping, or similar systems on occupied properties. No credit;*

- *Leaks from pipes that are, or should be visible, such as header tanks, overflows from WC's, above ground pipes or fittings and attached to raised flooring or in walls or ceilings. No credit;*
- *Where the leak is a previously unknown underground leak on the main lateral between the water meter and a residential dwelling or under the concrete floor of a residential dwelling. Credit the lost water where the leak has been repaired with due diligence. Only one leak per property, and maximum two consecutive water supply invoices covering the leak, per five year rolling timeframe will be credited. Credit will be based on Council's assessment of the property owner's usual usage for the period;*

**AND THAT** *define due diligence as within two weeks of the earliest of the following:*

- *The date of the first invoice to identify a higher than usual usage or the date of discovery or when it could have reasonably been discovered. Usual being the amount used in the same period as last year, these amounts are shown on every water account;*

**AND THAT** *the leak must be repaired by a Licensed or Certifying plumber with a brief report on the leak by that person to establish where on the line the leak was found, dates and an opinion, if possible, as to how long the leak had been occurring;*

**AND THAT** *extraordinary circumstances, which could lead to cases of genuine financial hardship for owner/ occupier, could be granted at the discretion of the Council's Chief Financial Officer;*

**AND THAT** *the Statement of Proposal in document 1001578 be approved and advertised using the Special Consultative Procedure (section 83 of the Local Government Act 2002).*

Collingwood/Shaw

Carried

#### **4.2 Dog Control Activity Report 2009-2010**

Document number 984850, agenda pages 38-40 refer.

The Executive Manager Regulatory, Richard Johnson presented the report. A copy of the Dog Control Activity Report was tabled at the meeting.

Resolved

***THAT the Council adopt Appendix 1 (984870) to Report No. 984850 as the Nelson City Council Dog Control Activity Report for the year 2009-2010;***

***AND THAT the Council publicly notify the Report by way of newspaper notices, and send the Report to the Secretary for Local Government, as required under the Dog Control Act 1996, s.10A(3) and (4).***

Reese/Davy

Carried

#### **4.3 Public Forum Discussion**

##### **4.3.1. Rating Issue at 21 Arapiki Rd**

The Executive Manager Regulatory, Richard Johnson confirmed there had been no change to the definition of 'kitchens' in the Nelson Resource Management Plan (NRMP). Rates Officer, Theo Aitken joined the meeting and confirmed that self-contained units with a kitchen are charged separately and in this case the two additional kitchens had implications on the rates charge of this property.

In response to a question, Mr Aitken read out the definition of 'kitchen' and said to change this definition would require a change to the Rating Policy.

The Council discussed general rating review issues and agreed that there was a need to do some work in this area. The Council asked staff to report back with a solution to such classification problems. In the meantime, the Council asked staff to inform the Gudsells that they would need to remove their additional kitchens to reduce their rates charge as a change to the NRMP, if it occurs, is a lengthy process.

Attendance: the meeting adjourned for morning tea at 10.45 – 11.00am

Attendance: His Worship the Mayor entered the meeting and took over the Chair at 11.00am

##### **4.3.2. The Glen Reserve Skate Park**

Principal Adviser Reserves and Community Facilities, Andrew Petheram joined the meeting and updated the Council on the details of the proposed skate pad. He said the skate pad was budgeted at \$14,000 and was a simple design.

Mr Petheram added that the Council had responded to a submission to the Annual Plan in deciding to build the skate pad. He then tabled a plan of the area that was sent to residents that highlighted the options available for the location of the skate pad. He said a letter was sent to residents to find out which of the locations was most desired, 56% were in favour of option C.

Mr Petheram added that the children do not want to skate at Wakapuaka but closer to home. Fitting in with the natural habitat was a priority for

the Council but the area was large enough to cater for many purposes including those of families with young children, Mr Petheram said.

Council talked about options to move the proposed site to better accommodate the concerns of Mr Downey and other Seafield Terrace residences. It was agreed that the Community Services Portfolio Holders, along with Mr Petheram, would talk with stakeholders to progress this project.

## 5.0 REPORTS POLICY (CONTINUED)

### 5.1 Funding Options for Saxton Cricket/Athletics/Football Pavilion

Document number 1000857, agenda pages 91-100 refer.

The Manager Policy and Planning, Nicky McDonald joined the meeting and presented the report. She highlighted that it was likely that the sports codes would not come through with enough funding and, if the Pavilion went ahead, this cost may fall on ratepayers. She said the sports codes were optimistic about finding more funding as they were waiting on two grant applications. Ms McDonald also advised that there was still the possibility of naming rights sponsorship, especially with the assistance of the Council's Fundraising Adviser.

Despite the recommendation in the report, the Council were keen to find a way to progress the construction of the Pavilion. Ms McDonald further advised that if the Council wanted the facility ready for the Rugby World Cup 2011 a decision to go ahead was needed at this meeting.

Councillor Matheson, seconded by Councillor Davy moved the following motion:

*THAT Council proceed immediately with the construction of the Pavilion and the Saxton Field Pavilion Charitable Trust be responsible to contribute all funds available now with an obligation to secure the balance within a programme to be negotiated and confirmed as an obligation by the Trust.*

It was suggested that the Pavilion would ultimately become a facility for use by all residents as a part of the City's entire event infrastructure. Councillor Shaw, seconded by Councillor Matheson, moved an amendment to the above motion, which added the following clause:

*AND THAT there be a review of the Regional funding split between the Councils and the contributing sports codes.*

During discussions, another amendment was foreshadowed to add to the motion:

*AND THAT the Trust pursue naming rights for the Pavilion but if less than \$125,000 the matter come back to Council before it is signed off.*

Ms McDonald said that the Council employed an experienced Fundraising Adviser who could pursue naming rights sponsorship rather than the Trust. It was decided to not progress this matter.

Councillor Shaw's amendment was put and carried and it became the substantive motion and it was resolved.

***THAT Council proceed immediately with the construction of the Pavilion and the Saxton Field Pavilion Charitable Trust be responsible to contribute all funds available now with an obligation to secure the balance within a programme to be negotiated and confirmed as an obligation by the Trust;***

***AND THAT there be a review of the Regional funding split between the Councils and the contributing codes.***

Matheson/Davy

Carried

## 5.2 Chief Executives Report

Document number 1002446, agenda pages 41-90 refer.

The Chief Executive presented the report.

### 5.2.1. Changes to The Bus in response to GST and SuperGold card subsidy changes

It was proposed that the recommendation in the report include provision for the Late Late Bus fee to be changed from \$3.30 to \$4.00.

Resolved

***THAT, in response to the GST rate increase and decreased SuperGold Card subsidy, fares on 'The Bus' and 'The Late Late Bus' be increased from 1 December 2010 as follows:***

***The Bus adult fares increase from \$2.00 to \$2.20***

***The Bus concession fares increase from \$1.50 to \$1.70***

***The Bus child fares increase from \$1.00 to \$1.10***

***The Late Late Bus fares increase from \$3.00 to \$4.00.***

Matheson/Collingwood

Carried

### 5.2.2. Over budget Transport Capital Projects

The Principal Adviser Transport and Roading, Andrew James joined the meeting and spoke to the item.

There was concern over the delay in the construction of the traffic signals at Waimea Road/Motueka Street as this intersection was known to be hazardous. Councillor Davy, seconded by Councillor Rackley, moved to amend the recommendation in the report to remove the paragraph that delayed the construction at this intersection.

The Council was advised that it should hold a decision regarding this intersection as Waimea Road could be implicated in the final decision of the Arterial Traffic Study.

The amendment to the motion was put and was lost.

Resolved

***THAT to enable Locking St, Jenner Rd/ St. Vincent St, Will Watch Way walkway and Seymour Ave projects to progress to tender stage, these projects be delayed as follows:***

***Construction of the traffic signals at Waimea Rd/Motueka St be delayed to 2011/12;***

***Design of Scotia St be delayed to 2011/12;***

***Construction of Scotia St be delayed for reconsideration through the 2012/13 Long Term Plan (LTP) process; and***

***Construction of the Marsden Rd upgrade be delayed for reconsideration through the 2012/13 LTP process.***

Collingwood/Ward

Carried

Councillor Davy requested that his vote against the motion be recorded.

### 5.2.3. Reduction of Speed Limit on QEII Drive

The Principal Adviser Transport and Roding, Andrew James spoke to the item and tabled a map illustrating where it was proposed to reduce the speed limit.

Resolved

***THAT the NZTA be advised Council agrees with its proposal to reduce the speed limit on QEII Drive from 100km/hr to 50km/hr from the intersection with Wildman Ave to a point 200m north of the Trafalgar St roundabout, and a letter be sent authorising this change to NZTA.***

Matheson/Davy

Carried

### 5.2.4. Update on Land Transport Rule: Vehicle Dimensions and Mass Amendment 2010

The Principal Adviser Transport and Roding, Andrew James spoke to the item.

It was noted by Councillor Collingwood that the recommendation should be amended to clarify which parts of Nayland Road it was referring to. It was agreed that the recommendation should stipulate 'between Saxton Road and the ENZA entrance'.

The Council then discussed the impact that 'high productivity vehicles' will have on local roads. There was agreement that Nelson's local roads, including the Port Roads, are not designed to convey loads carried by such vehicles.

Attendance: the meeting adjourned for lunch from 12.45 to 1.00pm

Following lunch, an amended recommendation was presented to the meeting incorporating the previous discussion.

Resolved

***THAT approval be granted for the use of Nayland Road between Saxton Road and the ENZA entrance for 'high productivity vehicles'.***

Barker/Rainey

Carried

#### 5.2.5. Founders Stormwater Project Stage II

Attendance: Councillor Barker left the meeting at 1.35pm

Resolved

***THAT construction of the Founders Stormwater Stage II project proceeds in conjunction with the Iwa Road project and be funded from the following budgets: Founders Stage I savings (\$60,000), piping ditches (\$100,000), freshwater improvements (\$250,000), Orchard Creek savings (\$24,000), and Orphanage Creek savings (an estimated \$180,000).***

Davy/Matheson

Carried

#### 5.2.6. Marina Toilet/Shower Facility

Principal Adviser Reserves and Community Facilities, Andrew Petheram joined the meeting. The Council discussed the need to improve the facilities at the Marina before the Rugby World Cup 2011 focussing on the timing of the project and what was needed to complete the project within this timeframe.

It was suggested the recommendation be amended to enable the project to be completed before the Rugby World Cup 2011.

Resolved

***THAT the planning, design work and construction for the Marina Toilet/ Shower Facility project be undertaken, and staff make the best endeavours to complete this project before RWC 2011 in the current financial year;***

***AND THAT Council accepts that it may not incur all the expenditure this year.***

Shaw/Rainey

Carried

- 5.2.7. The Chief Executive undertook to report back to Council about the costs associated with the 'Democracy and Administration' budget on page 55 of the agenda.



**5.2.8. Resource Consents Unit Performance**

Resolved

***THAT the outstanding performance of the Resource Consents team by attaining a 100% success rate for resource consent processing times be recognised.***

Reese/CollingwoodCarried

5.2.9. The Council discussed the Licensed Premises Opening Hours issue on page 70 of the agenda.

Attendance: Councillor Davy declared an interest and withdrew from the discussion.

5.2.10. Council discussed the Alcohol Reform Bill and the local impacts this may have. His Worship the Mayor commented that the issue was complex and Council needed to wait to see what the Government does before responding with a Local Alcohol Policy.

Attendance: Councillor Matheson left the meeting at 2.10pm and Councillor Rainey left the meeting at 2.15pm.

5.2.11. It was noted that working parties for the Dog Control Policy and the Social Wellbeing Policy were due to be established by late 2010 and that an update on these will be provided to Council.

**5.2.12. Parking and Vehicle Control Bylaw 2004, No. 207 - Amendments to Schedules**

Resolved

***THAT the following alterations (RAD 1002446) to the Schedules of Bylaw No 207, Parking and Vehicle Control (2004) be approved:***

***Schedule 4: Special Parking Areas***

***Schedule 8: Time Limited Parking Areas***

***Schedule 9: No Stopping***

Davy/RackleyCarried**5.2.13. Supplementary Reports**

Resolved

***THAT the status reports attached to this Chief Executive report 1002446 be received;***

***AND THAT the Schedule of Documents Sealed from 26 August to 11 October 2010, document 996546 be received.***

Shaw/BoswijkCarried

## 6.0 MAYORS REPORT

### 6.1 Late item – Mayor’s Report November 2010

Document number 1010138

Resolved

***THAT the Mayors Report November 2010 (1010138) 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.***

Shaw/Boswijk

Carried

It was agreed that because of the timing of receiving this report, only the meetings that are required to be held in the comings weeks will have their appointments confirmed.

During discussion, it was noted that Councillor Shaw’s travel for the EECA conference had not been included as approved travel and should be added.

Attendance: Councillor Shaw left the meeting at 2.45pm

Resolved

***THAT the following list of Council representatives on Committees/ organisations be adopted;***

<b><i>Housing Forum</i></b>	<b><i>Gail Collingwood</i></b>
<b><i>Regional Transport</i></b>	<b><i>Ian Barker, Ruth Copeland, Gail Collingwood, Paul Matheson, Derek Shaw</i></b>
<b><i>Waimea Water Augmentation Committee</i></b>	<b><i>Ali Boswijk</i></b>
<b><i>CDEM</i></b>	<b><i>Ali Boswijk, Aldo Miccio</i></b>
<b><i>Youth Council</i></b>	<b><i>Kate Fulton</i></b>
<b><i>Sustainability Forum</i></b>	<b><i>Rachel Reese</i></b>

***AND THAT the list of Council representatives on Committees/organisations be reviewed and discussed after the Delegations Working Party has reported back to Council.***

## Mayor and Councillors travel arrangements

***THAT Council approves travel and associated costs for the Mayor and Councillor Reese to attend the Regional Affairs Committee of Local Government New Zealand;***

***AND THAT Council approves travel and associated costs for the Mayor to attend the Metro meetings of Local Government New Zealand;***

***AND THAT Council approves travel and associated costs for the Mayor to attend Central Government/ Local Government Economic Development Forum;***

***AND THAT Council approves travel and associated costs for Councillor Reese to attend two training courses;***  
***1. Maori Values in Resource Management***  
***2. Planning Futures for Maori Economic Development;***

***AND THAT Council approves travel and associated costs for Councillor Shaw to attend the EECA Community Awards.***

Davy/Fulton

Carried

## 7.0 PUBLIC EXCLUDED BUSINESS

### 7.1 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 Minutes – 4 November 2010***

*Reasons:*

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

*To protect the privacy of natural persons.*

***ii) Chief Executives Report***

*Reasons:*

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

*To protect the privacy of natural persons.*

**iii) Port Nelson Limited – Exchange of Land**

Reasons:

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

*To protect the privacy of natural persons.*

**iv) Airport and Port Nelson Appointment of Directors**

Reasons:

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

*To protect the privacy of natural persons.*

Davy/Boswijk

Carried

The meeting went into public exclusion session at 2.45am and resumed in public session at 3.28pm.

**7.2 Re-admittance of the public**

Resolved

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

His Worship the Mayor/Boswijk

Carried

There being no further business the meeting closed at 3.30pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

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