

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 20 DECEMBER 2007 COMMENCING AT 6.00PM

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

IN ATTENDANCE: Chief Executive (V Altmants), Divisional Manager Community Services (Susan Coleman), Divisional Manager Support Services (P Dougherty), Divisional Manager Infrastructure (F Galloway), Divisional Manager Planning and Consents (R Johnson), Manager Strategy and Planning (M Tregurtha) and Administration Adviser (A Rose)

1.0 OPENING PRAYER

The Opening Prayer was read by the Chief Executive.

2.0 YOUTH COUNCILLOR

The Mayor welcomed Scott Miller, a 2008 Youth Councillor who was attending the Council meeting.

3.0 PETITION

Messrs Addo Mulders, Tim Bailey and Alex Wood, representatives of the Save Nelson Waterfront and Rocks Road Association, presented a copy of the petition with 2906 signatures, calling on Nelson City to confirm Nelson's waterfront as an iconic feature of Nelson's landscape/seascape, and calling on the Council to formally reject any attempts to undermine its attributes through increased traffic volumes or flows, and/or changes to the roading infrastructure of Wakefield Quay and Rocks Road.

His Worship the Mayor received the copy of the petition which had been presented to Parliament.

4.0 PUBLIC EXCLUDED MINUTES

4.1 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 the ordinary meeting of the Nelson City Council, Public Excluded Business – 27 September 2007***

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 the Community Services Committee, Public Excluded Business – 15 November 2007

Reasons:

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

To protect the privacy of natural persons.

Barker/McAlpine

Carried

The meeting went into public excluded session at 6.08pm and resumed in public session at 6.40pm

4.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Reese/Thomas

Carried

The meeting adjourned for supper at 6.40pm and resumed at 7.00pm.

5.0 CONFIRMATION OF MINUTES

27 September 2007

Resolved

THAT the minutes of the ordinary meeting of the Nelson City Council, held on Thursday 27 September 2007, be confirmed as a true and correct record.

Shaw/Holmes

Carried

30 October 2007

Resolved

THAT the minutes of the inaugural meeting of the Nelson City Council, held on Tuesday 30 October 2007, be confirmed as a true and correct record.

His Worship the Mayor/Barker

Carried

6.0 REPORTS AND RECOMMENDATIONS OF COMMITTEES

6.1 Applications Committee

Resolved

THAT the minutes of meetings of the Applications Committee, held on 20 September, 23 and 18 October, and 7 November 2007 be received.

Barker/Shaw

Carried

6.2 Community Services Committee

Resolved

THAT the minutes of meetings of the Community Services Committee, held on 15 November 2007 be received, and the following recommendation to Council be adopted

Councillor Appointments to Outside Organisations

THAT the following nominations to the respective organisations listed be adopted subject to a review being carried out in 2008:

<i>Founders Heritage Park</i>	<i>Councillor Mark Holmes</i>
<i>Arts Council Nelson</i>	<i>Councillor Ali Boswijk</i>
<i>Bishop Suter Trust Board</i>	<i>Chief Executive</i>
<i>Broadgreen Society</i>	<i>Councillor Gail Collingwood</i>
<i>Melrose Society</i>	<i>Staff</i>
<i>Nelson Millennium Centre</i>	<i>No action to be taken until the Trust has reviewed its Trust Deed.</i>
<i>Nelson Safer Community Council</i>	<i>Councillor Graeme Thomas</i>
<i>Nelson 2000 Trust</i>	<i>Councillor Mark Holmes</i>
<i>Top of the South Scenic and Heritage Trails Trust</i>	<i>Councillor Derek Shaw</i>
<i>Youth and Community Facilities Trust (The New Hub)</i>	<i>Councillor Gail Collingwood</i>
<i>Whakatu Marae</i>	<i>No appointment (Mayor to act as liaison)</i>
<i>Nelson Youth Council</i>	<i>Councillor Pete Rainey</i>
<i>Community and Whanau Group</i>	<i>Councillor Denise Henigan</i>
<i>Kahurangi Employment Trust</i>	<i>Councillors Ali Boswijk and Pete Rainey and Jan Fryer (previous Councillor representative)</i>
<i>Talking Heads</i>	<i>Mayor</i>
<i>City of Nelson Civic Trust</i>	<i>Chief Executive</i>
<i>Marina and Development</i>	<i>Councillor Mike Cotton</i>
<i>Nelson City Physical Activity Fund</i>	<i>Councillor Aldo Miccio</i>
<i>Nelson Tasman Connections Steering Group</i>	<i>Mayor</i>
<i>Regional Funding Forum</i>	<i>Councillors Derek Shaw and Pete Rainey</i>
<i>Positive Ageing Forum</i>	<i>Councillor Ian Barker</i>

<i>Community Assistance Working Party</i>	<i>Not required at present</i>
<i>Nelson Tasman Housing Forum</i>	<i>Councillor Gail Collingwood</i>
<i>Performing Arts Centre Working Party</i>	<i>Councillors Derek Shaw and Pete Rainey</i>
<i>Reserves Consultative Group</i>	<i>Not required</i>
<i>Saxton Field Working Party</i>	<i>Councillors Denise Henigan, Aldo Miccio and Pete Rainey</i>
<i>Regional Arts Strategy</i>	<i>Councillor Ali Boswijk</i>
<i>Natureland</i>	<i>Councillor Ian Barker</i>
<i>Esplanade and Foreshore Reserves Management Plan</i>	<i>Councillor Mike Cotton, Pete Rainey and Aldo Miccio</i>
<i>150th Anniversary Working Party</i>	<i>Councillors Alison McAlpine and Rachel Reese</i>
<i>Tahunanui Beach Holiday Park</i>	<i>Councillor Ian Barker</i>
<i>Youth Nelson</i>	<i>Councillor Alison McAlpine</i>
<i>Trustpower Community Awards</i>	<i>Deputy Mayor</i>
<i>Mayor's Christmas Dinner</i>	<i>Mayor and Deputy Mayor</i>
<i>Tasman Regional Sports Trust</i>	<i>Councillor Aldo Miccio</i>

Rainey/McAlpine

Carried

6.3 Infrastructure Committee

Resolved

THAT the minutes of a meeting of the Infrastructure Committee, held on 21 November 2007, be received and the following recommendations to Council be adopted:

Councillor Appointments to Outside Organisations

THAT the following nominations to the respective organisations listed be adopted:

- ***NRSBU – Councillors M Cotton and D Shaw***
- ***Total Mobility – Councillor D Henigan***
- ***Waimea Water Augmentation Committee – Councillor M Holmes;***

AND THAT representatives from the Automobile Association and New Zealand Police be no longer included as the members of the Infrastructure Committee and those organisations be thanked for their contribution and notified accordingly;

AND THAT His Worship the Mayor discuss with his counterparts in the Tasman District Council and Marlborough District Council the possibility of regular meetings between the Councils and Transit NZ.

THAT no Councillors be appointed to the Transit NZ Liaison Group.

2008/09 Subsidised Roding Programme

THAT the District Roding Programme as set out in Report No 7357 for the 2008/09 financial year be approved subject to Land Transport NZ confirmation and the approval of appropriate budgets through the Annual Plan process.

Parking and Vehicle Control Bylaw 2004 No 207 – Amendment to Schedules

THAT the following alterations be made to the schedules of Bylaw No 207 – Parking and Vehicle Control 2004 as per the attachments to Report No 7323:

- (i) Schedule 7 – Resident Parking Space***
- (ii) Schedule 9 – No Stopping and No Parking Areas***
- (iii) Schedule 13 – Stop Signs***
- (iv) Schedule 14 – Give Way Signs***

Holmes/Cotton

Carried

6.4 Environment Committee

Resolved

THAT the minutes of a meeting of the Environment Committee, held on Tuesday 4 December 2007 be received, and the following recommendations to Council be adopted:

Decisions on Submissions – Variations 07/02 and 07/05 to the proposed Nelson Air Quality Plan

THAT the submissions in respect of Variations 07/02 and 07/05, be received and the recommendations in respect of them and the reasons therefore, as set out below be adopted;

i. Variation 07/02: Definition of ‘lawfully approved’

Accept submission 1/1

Accept in part submission 2/1

- Retain Variation 07/02, and delete in the clause following A2-55 d) the words “for the purposes of rule AQR.25 (replacement burners)”.***

Reasons:

A) Both submissions supported the change to the definition of ‘lawfully approved’. Mr Priest’s submission suggested that the benefits of this change should apply not just to AQR.25 but also to rule AQR.24.

B) The term ‘lawfully installed’ is referred to in rule AQR.24 as well as rule AQR.25. It is inappropriate for the definition to refer to one rule but not the other. The simplest way to give effect to submission 1/1 would be to delete the words “for the purposes of rule AQR.25 (replacement burners)” in the sentence following A2-55 d), so that that part of the definition applied generally.

C) Variation 07/05: Clarification of time available for replacement of domestic burners

Accept submission 1/2

Accept in part submission 2/2

- Retain Variation 07/05, but in AQR.25.1a) before the words “replacement occurs” add the words “building consent application for” and delete the word “occurs” and replace it with “is lodged with the Council”, so that the revised wording reads:
 - a) the solid-fuel burning appliance replaces a solid-fuel burning appliance in the building and on the site that was lawfully approved before the date of notification of this plan, or was otherwise authorised under Rule AQR.24, and where a cessation date is specified in Rule AQR.24.1cc), the building consent application for replacement is lodged with the Council prior to that date, or

Reasons:

- A) The Variation as notified introduced into rule AQR.25.1 a) the words “and where a cessation date is specified in Rule AQR.24.1cc), the replacement occurs prior to that date”. The intention of the Variation was to clarify that if homeowners wish to replace their old burner with a new one authorised under the Nelson Air Quality Plan then that replacement needs to occur before the mandatory phase-out dates specified in the Plan (in rule AQR.24.1).
- B) Both of the submissions received supported the Variation. Mr Priest’s submission however suggested a change in wording to better specify what is meant by ‘replacement’. His suggested wording ties replacement to the date of lodging of a building consent application. This provides a clear point in time, and avoids potential ambiguity and dispute.

AND THAT the Council note:

- i. That Variations 07/02 and 07/05 were prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991; and,
- ii. That in preparing the said Variations due attention has been given to the benefits and costs of the proposed provisions, and appropriate consideration of alternatives pursuant to section 32 of the Resource Management Act 1991; and,
- iii. That it is satisfied that the Variations are the most appropriate way to achieve the purposes of the Resource Management Act 1991; and,
- iv. Having regard to their efficiency and effectiveness the provisions are the most appropriate for achieving the objectives.

Review of Heritage Incentive Fund

THAT the built Heritage Fund criteria as set out in Attachment 1 to Report No 7369, be adopted;

AND THAT when considering the level of funding in respect of the Built Heritage Fund for the 2008/09 and subsequent financial years, the Council give consideration to appropriate incremental increases.

Councillor Appointments to Outside Organisations

THAT the representation in relation to the following organisations be as set out hereunder:

- (i) *Regional Pest Management Committee – no representation until such time as the Committee is required to be re-established.*
- (ii) *Nelson Heritage Advisory Group Inc – no representation but in the meantime staff continue to take the minutes for the Group.*
- (iii) *Biodiversity Forum – The Chairperson of the Environment Committee and in her absence the Deputy Chairperson.*
- (iv) *Nelson Richmond Futures Working Group – His Worship the Mayor and the Chairpersons of the Environment, Infrastructure and Community Services Committees, and in their absence their Deputies.*
- (v) *Heritage Strategy Implementation Group – Council staff continue to attend the meetings.*
- (vi) *Built Heritage Fund Assessment Committee – Council representation on the Committee be restricted to staff.*

Reese/Shaw

Carried

6.5 Corporate Governance Committee

Resolved

THAT the minutes of a meeting of the Corporate Governance Committee, held on Tuesday 11 December 2007, be received and the following recommendation be adopted:

Councillor Appointments on Outside Organisations

THAT organisations with Councillor appointments as shown on Attachment 1 to Report No 7090 be approved subject to the following additions:

- i. Councillor McAlpine joining the Chief Executive as Council Representatives on the Tasman Bays Heritage Trust Appointment Committee***
- ii. Councillor Miccio being appointed Council Representative on the Nelson Tasman Business Trust***
- iii. Councillors Barker and Rainey join the Mayor and Deputy Mayor on the Civic Award Panel Working Party***

Thomas/Henigan

Carried

7.0 MAYORS REPORT

His Worship the Mayor presented his report, dated 20 December 2007.

He also reported verbally on his attendance at a recent Zone Five meeting in Christchurch and at a recent Regional Affairs Committee meeting.

He also tabled a media release from Local Government New Zealand, dated 4 December 2007, announcing the election of Local Government New Zealand's new National Council.

Resolved

THAT the Mayor's report be noted.

His Worship the Mayor/Boswijk

Carried

8.0 SAXTON FIELD RESERVE CLASSIFICATION

Report No 7388, dated 30 November 2007, file ref LRF-05-06, agenda pages 83-86 refer.

The report was presented by the Divisional Manager Community Services.

Resolved

THAT in exercise of the powers conferred on it by Section 14 of the Reserves Act 1977, the Nelson City Council resolves that the pieces of land held by it in fee simple and described in the Schedule, are hereby declared to be a Recreation Reserve, subject to the said Act

Schedule

Nelson Land District - Nelson City

<i>Area</i>	<i>Description</i>
<i>809m²</i>	<i>Lot 1 DP 3926</i>
<i>21.8325 hectares</i>	<i>Pt Lot 2 DP 2553</i>
<i>2.4610 hectares</i>	<i>Pt Lot 1 DP 3173</i>

Barker/Shaw

Carried

9.0 REGIONAL ARTS STRATEGY LEAD AGENCY

Report No 7382, dated 27 November 2007, file ref LRS-01, agenda pages 87-94 refer

The Divisional Manager Community Services presented the report and answered questions explaining that after the original resolution passed in July 2007. (which stated that the work on a Regional Arts Strategy be led by Arts Marketing), because of difficulties that had arisen as set out in the report, it had been decided to seek approval to contract the Nelson Regional Economic Development Agency to take the lead in developing the Regional Arts Strategy.

Resolved

THAT the Nelson Regional Economic Development Agency lead the development of the Regional Arts Strategy with Nelson City and Tasman District Councils' support.

Boswijk/McAlpine

Carried

10.0 NELSON REGIONAL LAND TRANSPORT COMMITTEE

Amended Report No 7365, dated 12 November 2007, File Ref RTP-06-01-01, agenda pages 95-98 refer.

His Worship reminded Councillors that this report had come to the Council from the Infrastructure Committee, and had been amended following comments from the Infrastructure Committee meeting of 21 November 2007.

There followed considerable discussion on the make up of a new Regional Land Transport Committee, the outcome of which was an agreement that the various interest groups be approached, asked to nominate or reappoint representatives.

Resolved

THAT Land Transport New Zealand, Transit New Zealand, the Police, the Automobile Association, the Road Transport Association, the Nelson Marlborough District Health Board, the Total Mobility Committee, the Economic Development Agency, Suburban Bus Lines, Nelson Sustainable Forum, and Bicycle Nelson Bays, be invited to nominate a representative on the Regional Land Transport Committee;

AND THAT they be advised of the requirements of Council for representation, including that the representatives have the time to commit to the project;

AND THAT the Chief Executive be authorised to accept nominations on behalf of the Council.

Henigan/Boswijk

Carried

The meeting then discussed who the three Council representatives on the Committee should be, and the following nominations were received:

Councillor Miccio	Reese/Holmes
Councillor Shaw	Reese/Boswijk
Councillor Holmes	Rainey/Shaw
Councillor Cotton	Barker/Collingwood
Councillor Henigan	Shaw/McAlpine

Because only three Councillors were required, a ballot was held and voting papers distributed.

The Divisional Managers of Support Services and Community Services counted the votes, after which His Worship the Mayor declared that Councillor Henigan, Councillor Miccio and Councillor Shaw had been selected by the ballot.

Resolved

THAT Councillor Henigan, Councillor Miccio and Councillor Shaw be appointed to the Nelson Regional Land Transport Committee.

Collingwood/Reese

Carried

The Chairmanship of the Nelson Regional Land Transport Committee was then discussed.

Resolved

THAT Councillor Shaw be appointed as Chairman of the Nelson Regional Land Transport Committee

Cotton/Boswijk

Carried by Acclamation

Resolved

THAT the ballot papers be destroyed.

His Worship the Mayor/Barker

Carried

10.1 Letter from Chief Executive Tasman District Council dated 26 November 2007

Agenda pages 99-100 refer.

Resolved

THAT the letter from the Chief Executive Tasman District Council, dated 26 November 2007, advising that the Tasman District Council had resolved to resign from the Nelson Tasman Joint Regional Land Transport Committee was received.

His Worship the Mayor/Shaw

Carried

11.0 CITY OF NELSON CIVIC TRUST

It was advised that at the conclusion of the AGM of the City of Nelson Civic Trust, held on 7 December 2007, three Trustees were required to step down, but they are eligible for re-election, and have indicated that they would like to serve a further three years as Trustees.

Resolved

THAT Mr Brian Mills, Mrs Alison Roxburgh and Mr Brian Smythe be reappointed as Trustees to the City of Nelson Civic Trust for a further three years.

Barker/Rainey

Carried

12.0 DELEGATIONS REGISTER

Report No 7392, dated 11 December 2007 file ref AC-06-01, agenda pages 101-102 refer.

The Manager Strategy and Planning joined the meeting and presented the report.

Resolved

THAT the adoption of the Delegation Register be deferred, pending discussions at the forthcoming workshop in the New Year.

Holmes/Cotton

Carried

It was agreed that the Manager of Strategy and Planning would email all Councillors to remind them to send in any changes or alterations that they wished to make in the Delegations Register, so these could be circulated prior to the workshop.

There was some discussion regarding the workshop dates for January and February, and it was agreed that these would be confirmed after the meeting.

13.0 NELSON RESOURCE MANAGEMENT PLAN – PLAN CHANGE 05/02 (GENERAL)

It was advised that Plan Change 05/02 (General) originally comprised 50 individual proposed changes to the Nelson Resource Management Plan, however the changes numbered 23 and 47 were withdrawn by the Council. The remaining changes were generally minor amendments to existing rules and policies, intended to clarify existing provisions in the Plan or to make them more workable. They also contained proposed additions to the heritage listings, minor changes to reflect amendments to the Resource Management Act 1991, plus one new rule about landfills.

Submissions were received in respect of 27 of the remaining 48 changes and a hearing was held by a Commissioner to address those submissions on 17 April 2007. The Council resolved to adopt the Commissioner's recommendations on 5 July 2007, and that decision was publicly advertised on Saturday 27 October 2007 with appeals closing 7 December 2007.

As no appeal has been lodged it is now appropriate for the Council to complete the statutory process by formally approving Plan Change 05/02 and establishing an operative date.

Resolved

THAT Change 05/02 to the Nelson Resource Management Plan be now approved and come into operation on Saturday 26 January 2008.

Shaw/Rainey

Carried

14.0 THANK YOU TO THE EMERGENCY SERVICES

Resolved

THAT the Council write its traditional letter to the Ambulance Service, Fire Service and to the Police, thanking them for their efforts throughout the year.

Barker/Boswijk

Carried

15.0 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.

(i) **Minutes of the Community Services Committee, Public Excluded Business – 15 November 2007**

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) **Minutes of the Infrastructure Committee, Public Excluded Business – 21 November 2007**

Reasons:

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

To protect information which is subject to an obligation of confidence.

(iii) **Minutes of the Corporate Governance Committee Public Excluded Business – 11 December 2007**

Reason:

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

To protect the privacy of natural persons.

(iv) **Chief Executive Recruitment**

Reason:

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

To protect the privacy of natural persons.

Thomas/Boswijk

Carried

The meeting went into public excluded session at 9.15pm and resumed in public session at 9.45pm. For the last item, the Chief Executive and all the other staff, with the exception of the Administration Adviser, left the meeting.

15.1 Re-admittance of the Public

Recommendation

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Holmes

Carried

16.0 CHIEF EXECUTIVE RECRUITMENT

From His Worship the Mayor, a report number 626962, dated 13 December 2007, agenda pages 103-104 refers.

Following discussion in the public excluded part of the meeting, it was resolved

THAT the Remuneration Committee, with the addition of Councillor Cotton, be authorised to conduct a recruitment process for the Chief Executive's position and recommend preferred candidate and employment package to the Council, and conduct a recruitment process including calling for Expressions of Interest from recruitment agencies;

AND THAT the delegations of the Remuneration Committee be amended to include the Chief Executive recruitment process and recommending a preferred candidate and employment package to the Council.

Collingwood/Boswijk

Carried

There being no further business, the meeting ended at 9.48pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE