

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 24 MAY 2007 COMMENCING AT 6.00PM

PRESENT: His Worship the Mayor P Matheson (Chairperson), Councillors C Aitken, I Barker, G Collingwood (Deputy Mayor), E Davy, I Ford, J Fryer, D Henigan, M Holmes, D Shaw and A Turley

IN ATTENDANCE: Chief Executive (V Altmonts), Divisional Manager Support Services (P Dougherty), Divisional Manager Infrastructure (F Galloway), Divisional Manager Community Services (S Coleman), Divisional Manager Planning and Consents (R Johnson), Chief Financial Officer (C Fitchett) and Administration Adviser (R Palmer)

APOLOGIES: Apologies from Councillors M Cotton and G Thorne were received and accepted.

1.0 OPENING PRAYER

The opening prayer was read by the Chief Executive.

2.0 ANNOUNCEMENTS

His Worship the Mayor advised that item 11.0 being the Notice of Motion from Councillor Barker would be considered as the first item following consideration of the Committee minutes as there were a number of members of the public who had indicated a wish to be present at that time.

3.0 PUBLIC EXCLUDED BUSINESS

3.1 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***

12 April 2007

Reasons:

To protect information where the making available of the information would be likely to unreasonably 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***

24 April 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 Infrastructure Committee, Public Excluded Business***

26 April 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.

(iv) ***Minutes of the Joint Nelson City Council Tasman District Council Regional Land Transport Committee, Public Excluded Business***

13 April 2007

Reason:

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

Barker/Davy

Carried

The meeting went into public excluded session at 6.01pm and resumed in public session at 7.00pm.

3.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Fryer/Davy

Carried

4.0 CONFIRMATION OF MINUTES

4.1 Annual Plan Meeting

29 March 2007

Resolved

THAT the minutes of the extraordinary meeting of the Nelson City Council, held on Thursday 29 and Friday 30 March 2007, be confirmed as a true and correct record.

Davy/Collingwood

Carried

4.2 Ordinary Meeting

12 April 2007

Resolved

***THAT** the minutes of the ordinary meeting of the Nelson City Council, held on Thursday 12 April 2007, be confirmed as a true and correct record.*

His Worship the Mayor/Collingwood

Carried

5.0 MATTERS ARISING FROM THE MINUTES OR INFORMATION SHEETS

5.1 Democracy and Central Administration (Clause 1.11 – 30 March 2007)

The Chief Executive advised that the issue of amalgamation with the Tasman District Council had been discussed with the new Chief Executive of the Tasman District Council at a meeting regarding regional cooperation. However there had been no submission made to the Tasman District Council's Annual Plan on the issue.

5.2 Trafalgar Park Development (Clause 4.1 – 12 April 2007)

The meeting was advised that the new seating was presently in the design stage prior to being put out for tender, and it was hoped that the work would be completed by the end of September 2007.

6.0 REPORTS AND RECOMMENDATIONS FROM COMMITTEES

6.1 Hearings Committee

3 April 2007

Resolved

***THAT** the minutes of the meeting of the Hearings Committee, held on Tuesday 3 April 2007, be received.*

His Worship the Mayor/Davy

Carried

6.2 Applications Committee

21 March 2007

Resolved

***THAT** the minutes of the meeting of the Applications Committee, held on Wednesday 21 March 2007, be received.*

Davy/Henigan

Carried

6.3 Community Services Committee

24 April 2007

Resolved

THAT the minutes of the meeting of the Community Services Committee, held on Tuesday 24 April 2007, excluding Clause 5.0 be received.

Aitken/His Worship the Mayor

Carried

6.3.1. Clause 5.0 – Greenmeadows Development Study

The meeting discussed whether or not the proposal in relation to the Greenmeadows changing facility would be put out for public consultation.

Councillor Aitken advised that the intention had been that the changing facility and toilets would not be consulted on as there was no intention to move the site from that which had been agreed. However any second storey club room addition would be subject to consultation with the community.

It was also noted that once Marsden Recreation Ground Tennis Court had been closed the two new asphalt courts being constructed would be accessible by the public.

Resolved

THAT Clause 5 of the minutes of the Community Services Committee meeting, held on Tuesday 24 April 2007, be received

AND THAT the following recommendation to the Council be adopted.

THAT the Council consider making provision in the 2008/09 Annual Plan for:

- i. \$20,000 to provide limited car parking in lower Isel Park***

AND THAT subject to an agreement being negotiated with the Stoke Tennis Club regarding funding and public access the Council consider making provision in the 2008/09 Annual Plan for:

- i. \$66,000 to provide two additional synthetic surfaced courts constructed over the bowling site***
- ii. \$57,000 to asphalt two existing Club grass tennis courts for public use and to asphalt a third grass Club court to enable the Stoke Tennis Club to install a synthetic surface.***

Aitken/His Worship the Mayor

Carried

6.4 Infrastructure Committee

26 April 2007

Resolved

THAT the minutes of the meeting of the Infrastructure Committee, held on Thursday 26 April 2007, be received.

Shaw/Turley

Carried

6.5 Policy Committee

1 May 2007

Resolved

THAT the minutes of the meeting of the Policy Committee, held on Tuesday 1 May 2007, excluding Clauses 8.0 and 9.0 be received.

Collingwood/Henigan

Carried

6.5.1. Clause 8.0 – Control of Drinking in Public Places Bylaw

Resolved

THAT Clause 8.0 of the minutes of the Policy Committee, held on Tuesday 1 May 2007, be received

AND THAT the following recommendation to the Council be adopted.

THAT the “Control of Drinking in Public Places Bylaw” be amended by revoking Schedule A thereto and replacing it with the following:

- 1. In the following areas the period of prohibition is 24 hours, 7 days a week:***
 - i. Any public place within the area bounded by and including Halifax Street, Collingwood Street, Nile Street, Trafalgar Square and Rutherford Street***
 - ii. Pioneers Park***
 - iii. Anzac Park***
 - iv. The Maitai River walkways and reserves from Queen Elizabeth II Drive to the Nile Street Bridge***
 - v. Queens Gardens***
 - vi. Rutherford Park (excluding the Trafalgar Centre)***
 - vii. The central islands of Haven Road between its intersections with Halifax Street and Queen Elizabeth II Drive***
 - viii. The Lions Playground area Tahunanui Sands Reserve***
- 2. In the following areas the Period of Prohibition is from 9.00pm on any day to 7.00am on the day following during the period of daylight saving***

and from 7.00pm on any day to 7.00am on the day following the rest of the year:

- i. The Maitai Walkway and reserves (including Branford Park) from the Nile Street Bridge to the western boundary of the Waahi Takaaro Golf Course*
- ii. Tahunanui Sands Reserve*
- iii. Miyazu Gardens*
- iv. Fairfield Park*
- v. Trafalgar Park*

AND THAT *the amended bylaw go out for consultation using the special consultative procedure in terms of Section 156 of the Local Government Act 2002.*

Collingwood/Barker

Carried

6.5.2. Clause 9.0 – Consideration of Submissions to Trading in Public Places Bylaw

Resolved

THAT *Clause 9.0 of the minutes of the Policy Committee, held on Tuesday 1 May 2007, be received*

AND THAT *the Trading in Public Places Bylaw as amended by the Committee in response to the submissions received be adopted and the Bylaw come into effect on Tuesday 5 June 2007.*

Collingwood/Fryer

Carried

6.6 Environment Committee

8 May 2007

Resolved

THAT *the minutes of the meeting of the Environment Committee, held on Tuesday 8 May 2007, be received*

AND THAT *the following recommendation to the Council be adopted.*

THAT *the Council approve, in terms of Clause 17(1) of the First Schedule of the Resource Management Act 1991:*

- a) Nelson Resource Management Plan Change 04/01 (Freshwater), and*
- b) Nelson Resource Management Plan Change 05/03 (Stoke Valley Holdings Ltd), and*
- c) Nelson Resource Management Plan Change 05/04 (Solitaire Investments Ltd);*

AND THAT *the Council resolve to make*

- a) Nelson Resource Management Plan Change 04/01 (Freshwater), and*

- b) *Nelson Resource Management Plan Change 05/03 (Stoke Valley Holdings Ltd), and*
- c) *Nelson Resource Management Plan Change 05/04 (Solitaire Investments Ltd);*

Operative on 5 June 2007 under Clause 20(1) of the First Schedule of the Resource Management Act 1991.

Davy/Fryer

Carried

6.7 Joint Nelson City Council Tasman District Council Regional Land Transport Committee

13 April 2007

Resolved

***THAT** the minutes of the meeting of the Joint Nelson City Council Tasman District Council Regional Land Transport Committee, held on Friday 13 April 2007, be received.*

His Worship the Mayor/Aitken

Carried

6.8 Kotahitanga Hui

14 March 2007

Resolved

***THAT** the minutes of the meeting of the Kotahitanga Hui, held on Wednesday 14 March 2007, be received.*

Fryer/Shaw

Carried

It was noted that the reference under Clause 6.1 of the minutes which indicated that the Nelson Heritage Advisory Group would not be influenced by any iwi representative was intended to convey the fact that the Nelson Heritage Advisory Group was an independent body outside of the Council and that therefore Council had no influence in relation to the group.

It was also noted that the next meeting of the Kotahitanga Hui would be held on Friday 20 July 2007.

7.0 MAYOR'S REPORT TO COUNCIL

His Worship the Mayor tabled a written report.

His Worship the Mayor raised with Councillors a policy in relation to Council meeting the costs of Councillors' partners who wish to attend a conference and take advantage of the partners' programme.

Although there was some support for the Council providing financial support for delegates' partners, it was felt that there should be no ad-hoc policy created at this time.

Resolved

THAT the matter of payment or subsidy for conference delegates' partners be looked at as part of the Remuneration Policy.

His Worship the Mayor/Collingwood

Carried

8.0 NOTICE OF MOTION – COUNCILLOR BARKER

Report No 7243, dated 18 May 2007, file ref RTP-01, agenda pages 103 to 107 refer.

Councillor Barker made a presentation on behalf of the residents outlining the situation which presently existed in relation to berms in Covent Drive where gravel landscaping by the residents had been replaced with grass by the Council. He also outlined what he saw as apparent anomalies between the wording of the Council's Engineering Standards and the Live Nelson article on residential berm planting.

He also expressed concern that from the perception of the public when one section of the Council gave consent to a landowner to do something on Council land and another section apparently arbitrarily revoked that consent, the Council appeared to be incapable of consistency.

It was raised that if the Engineering Standards prevented this type of landscaping being established on road berms then perhaps they should be reviewed as these types of opportunities should be encouraged.

The Council discussed whether or not other low maintenance options could be made available to home owners such as use of paving slabs.

A motion was proposed, moved Councillor Barker, seconded Councillor Ford,

THAT no action be taken to remove landscaping on the berm outside No. 13 Covent Drive or outside any other properties

AND THAT the berm landscaping removed by the Council to this point be reinstated.

An amendment was proposed, moved Councillor Shaw, seconded Councillor Holmes,

THAT no action be taken to remove landscaping on the berm outside No. 13 Covent Drive and any other property that may have been served with a similar notice with respect to the berms outside their property, until the forthcoming review of the Engineering Standards is completed.

The amendment was put;

a division was called for:

FOR

Councillor Aitken

Councillor Collingwood

Councillor Fryer

Councillor Henigan

Councillor Holmes

Councillor Shaw

AGAINST

Councillor Barker

Councillor Davy

Councillor Ford

Councillor Turley

His Worship the Mayor

His Worship the Mayor declared the amendment to be carried.

The amendment was put as the substantive motion and **Carried**.

9.0 FINANCE STATEMENT FOR THE NINE MONTHS ENDED 31 MARCH 2007

Report No 07-R6, dated 1 May 2007, file reference FI0101, agenda pages 77-99 refer.

Resolved

THAT the report on the income and expenditure for the nine months ended 31 March 2007 be received and the variations from budget noted.

Turley/Shaw

Carried

In response to a query the Divisional Manager Infrastructure advised that apart from some initial tampering, the new street lights installed within the CBD had suffered no vandalism.

10.0 2007 TRIENNIAL ELECTION PROCEDURAL MATTERS

Report No 7186, dated 23 April 2007, file reference AC0203, agenda pages 100-102 refer.

It was confirmed that in accordance with the legislation a Justice of the Peace will be present whenever voting paper are being processed.

Resolved

THAT in accordance with Section 79 of the Local Elections and Polls Act 2001 the voting documents in respect to the 2007 Nelson City Local Authority Triennial Election and the Nelson Marlborough District Health Board Triennial Election be processed during the voting period.

Aitken/Holmes

Carried

A motion was proposed, moved Councillor Collingwood, seconded Councillor Shaw

THAT the candidates' names on the voting papers for the Nelson City Council Triennial Elections be in pseudo random order.

The motion was put and lost.

Resolved

THAT the candidates' names on the voting papers for the Nelson City Council Tri-Annual Elections be in alphabetical order.

Aitken/Davy

Carried

11.0 AMNESTY INTERNATIONAL – LION DECLARATION

Agenda pagers 108-109 refer.

Resolved

***THAT the Council take no action in relation to the Amnesty International
Lion Declaration.***

Turley/Ford

Carried

The meeting closed at 9.25pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE