

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET ON 29 JULY 2010 COMMENCING AT 9.00AM

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

IN ATTENDANCE: Chief Executive (K Marshall), Manager Strategy and Administration (M Tregurtha), Senior Executive Technical Services (A Louverdis), Senior Executive Infrastructure (M Schruer), Manager Community Policy and Planning (N McDonald), Divisional Manager Planning and Consents (R Johnson), Divisional Manager Corporate Services (H Kettlewell), Chief Financial Officer (N Harrison), Administration Adviser (L Laird)

APOLOGIES: Apologies were received and accepted from Councillors A McAlpine and R Reese (for lateness)

1.0 OPENING PRAYER

Councillor Thomas gave the opening prayer.

2.0 PUBLIC FORUM

2.1 Nelson Cycle Trails Trust

Chris Allison thanked the Nelson City Council for its support and said the project offers real economic benefits for communities. Mr Allison said the Memorandum of Understanding would outline the Trust as an agent on behalf of Council and enable the Council to assess the Trust on their performance. Mr Allison thanked Council for the contribution to the feasibility study, which was expected to cost about \$125,000 however the study come in at a lower cost and these funds were not needed.

Mr Allison said the Ministry of Tourism had requested there be only one funding recipient and that, for practical reasons, this should be Tasman District Council (TDC). Mr Allison urged Council to adopt the recommendation that was to be presented in item 3.2 to enable TDC to be the funding recipient.

2.2 Mr Aldo Miccio, Our Choice, Our Petition

Mr Miccio said that the campaign achieved a 10% signature threshold in both Nelson and Tasman regions with a total of 9000 signatures collected at key events in both regions. Mr Miccio highlighted the options available for reorganising the councils through the Local Government Act 2002. He said Schedule 3 was the relevant provision and offered three types of changes, of which the preferred option was a union of the two councils.

The legislation requires councils to choose one whole option, and not attributes of them all.

Attendance: Councillor Reese entered the meeting 9.15am.

The two regions have one community of interest (culturally, geographically and a shared workforce and infrastructure), he said, and this was the main reason for pursuing an amalgamation. Mr Miccio said one council could ease the lives of residents and could also offer costs savings and efficiencies. Mr Miccio stated his support for the Local Government Commission process and urged the Council to publicly recognise this project and its goals and that later in the meeting he would be proposing a motion:

THAT the NCC supports the independent Local Government Commission investigation into council options for the region.

Mr Miccio outlined the next steps which would include choosing an Electors Representative, consulting with the Local Government Commission, drafting a reorganisation scheme which would then be released for public consultation.

When asked if he had consulted with the Minister of Local Government, Mr Miccio responded that he had and said Rodney Hide was supportive of the process. Mr Miccio said that all Councillors had received notice of this project at the start and that a large number of people have been involved since.

Mr Miccio was asked how he would respond to some of the negativity towards this project, and the possibility that a council may not publicly acknowledge the proposal? Mr Miccio said there are Councillors in both regions who have publicly supported the concept and who have spoken publicly about the practicalities to be gained in an amalgamation and that the final decision would come down to the voters.

2.3 Brook Street Residents

Mr Andrew Rose thanked Council for the opportunity to present and welcomed the Brook Valley residents in the public gallery. Mr Rose presented a petition from about 150 neighbours affected by the proposed development.

Mr Rose presented a copy of the Parks and Reserves Activity Management Plan 2009 - 2019 which he said highlighted the need for a neighbourhood park in the Tantragee area. He said that the ex-OK Corral site was the only suitable piece of land for such a park in that part of the Brook Valley and Mr Rose urged Council to designate it a reserve for use by the community.

In proposing to gift the site to the Nelson Tasman Housing Trust, Council was giving away approximately \$500,000 of ratepayers assets and money (including the value of the land, GST and development fees), Mr Rose said. He added that this proposed gift was worth more than the

amount distributed through community grants and contracts and that this proposal had not been subject to Annual Plan or Community Plan processes.

Mr Rose said consultation had been minimal and that initially residents had two weeks to respond and no information was made available in either Live Nelson or on the website. There was no policy framework to guide community housing decisions as the Social Wellbeing Policy was still in draft form. Mr Rose said Council should hold off in making a decision where there is no policy in place to back the decision.

Mr Rose said he felt that the site was not well located, prone to flooding and was cold. There were no shops or amenities close by and town was a 45 minute walk. The fact that no garaging was to be provided for the tenants was of concern to Mr Rose and he said tenants would park their cars on the road.

When asked what his preference for this piece of land would be, Mr Rose said the petitioners would like it to remain as it is and become a designated neighbourhood park.

3.0 CONFIRMATION OF MINUTES

15 July 2010

Resolved

THAT the minutes of the ordinary meeting of the Nelson City Council, held on Thursday 15 July 2010, be confirmed as a true and correct record subject to the words New Zealand being substituted for the words Nelson to read 'New Zealand Community Trust' on pg 5 of the minutes.

Boswijk/Barker

Carried

4.0 REPORTS POLICY

4.1 Brook Street Housing Proposal – Update July 2010

Document No. 942156, agenda pages 8-70 refer

Manager Cultural, Social and Recreation Service, Kath Inwood introduced Keith Preston, Chairman of the Nelson Tasman Housing Trust (the Trust) and Natalia Harrington from Hybrid Homes. Ms Inwood informed Council that Nelson had one of the highest rates of housing un-affordability behind Auckland and Queenstown.

Ms Inwood advised that 120 letters (covering residents in a large area around the proposed site) had been sent out during the consultation and that 43 submissions were received.

Mr Preston informed Council about the Trust, which he said currently owned 15 houses that it rented out for three-quarters of local market rent. Ms Harrington presented a PowerPoint presentation and spoke about the design and construction of the proposed housing scheme, which would include:

- privacy for residents and the community
- access to the river for the community
- recognised sustainable infrastructure (Australasian-sourced)
- building techniques and materials of a higher level than that required by current government standards.

4.1.1. Details of the proposed site and design

The Council and staff discussed the esplanade reserve and Ms Harrington said provision had been made for a corridor of 30m, which is in line with Council's Resource Management Plan. Manager Environmental Policy Martin Workman joined the meeting and clarified that this site was not subject to the Plan's restrictions and that any decision about the reserve corridor would be made at the resource consent hearing. It was also noted that the reserve corridor provided for public access to the river.

Some members were concerned about what the possible impacts of the river might be during times of flood and suggested there was a risk with rising water levels.

Councillors discussed the distance to town, lack of shops and community facilities in the area and noted the comments that the site was cold. In response to a question about garaging, Ms Harrington said there will be 18 designated parking spaces for the residents within the site layout and each unit will have shed for extra storage.

4.1.2. The consultation undertaken

Councillor Collingwood asked why consultation was undertaken at such a late stage? Mr Preston said they wanted to have something to consult on and were waiting for confirmation from Housing NZ that the funds from the Government had been approved.

Attendance: the meeting adjourned for morning tea 11.00 – 11.15am

4.1.3. Sale and Purchase Agreement

It was noted that on page 65 of the agenda, clause 16.2 of the sale and purchase agreement stipulates the vendor is to obtain resource consent at their cost where it should read purchaser.

Councillor Reese said the designers would not stipulate solar power if the site did not have adequate sun. She also added that the impetus for affordable housing from central government was strong. She moved the original recommendation that Councillor Shaw seconded. Following a

straw poll it was decided that staff should report back at the next meeting to answer some of the questions that were raised. Councillor Reese agreed to withdraw the motion with the leave of her seconder in order that the matter could come back to Council. Councillors were asked to supply questions to Mark Tregurtha before the end of the day to allow for answers to be sought.

The majority of Council agreed that they required more information on the issues that had been raised. It was decided that staff would report back at the next meeting to clarify the concerns raised.

Resolved

THAT the report be left to lie on the table until the 12 August 2010 Council meeting to enable staff to report back with additional information on outstanding questions.

Collingwood/Thomas

Carried

4.2 Memorandum of Understanding: Nelson Cycle Trails Trust

Document No. 942523, agenda pages 71-78 refer

Attendance: Councillor Shaw and His Worship the Mayor declared an interest, withdrew from the table and took no part in the proceedings.

Community Liaison Officer Recreation, Chris Blythe joined the meeting and outlined the proposed Memorandum of Understanding and said the recommendations sought Council's approval to move forward with negotiations and to approve Tasman District Council as the primary funding recipient.

Resolved

THAT Development of a Memorandum of Understanding between Council and the Nelson Cycle Trails Trust be approved in principle;

AND THAT a Memorandum of Understanding be negotiated and drafted with the Nelson Cycle Trails Trust for approval in the next Council term;

AND THAT Nelson City Council approve the Tasman District Council being the primary funding recipient for the Dun Mountain and Tasman Loop Cycle trails;

AND THAT any costs incurred by Nelson City Council in the development of extension of the Dun Mountain Cycle trail be recovered through Tasman District Council.

Barker/Boswijk

Carried

4.3 Heavy Traffic on Muritai Street, Tahunanui

957203
29 July 2010

Document No. 937578, agenda pages 79-99 refer

Transport Manager, Andrew James joined the meeting and spoke to the report which he said reviewed the effectiveness of the measures put in place in December 2009 to reduce heavy commercial vehicle use on Muritai Street.

Mr James tabled correspondence from Ms Boersma, a resident of Muritai Street who had previously presented a petition to Council regarding the impact of heavy vehicles. Members questioned the measures taken to respond to these residents and discussed if Council had over reacted to the petition. It was agreed that a letter should be sent to Ms Boersma and information on the Arterial Traffic Study would be attached.

Resolved

THAT the signs installed as part of the November 2009 recommendation remain until Muritai Street is upgraded;

AND THAT once Muritai Street is upgraded the signs installed as part of the November 2009 recommendation be removed;

AND THAT liaison continues with the heavy transport operators and governing organisations, requesting their drivers to avoid using Muritai Street and remain on Tahunanui Drive.

Boswijk/Mayor

Carried

4.4 Asset/Activity Management Policy

Document No. 951594, agenda pages 100-107 refer

Transport Manager, Andrew James and Manager Community Policy and Planning, Nicky McDonald presented the Asset/Activity Management Policy (the Policy).

Councillor Collingwood noted the consultation on asset management plans required would take considerable staff time and costs and this should be made clear to Audit NZ. Staff clarified that the policy would not require general public consultation to be undertaken on individual plans. Rather levels of service would be consulted on through the Community Plan.

Councillor Reese asked whether it was Councillors' responsibility to determine the level of service as described in item 4.0 of the Policy? Mr James confirmed it was. It was agreed that Councillors would determine levels of service and this would be clarified in the text of any policy.

Senior Executive Infrastructure, Michael Schruer said staff will present the options for Councillors to determine levels of service after consulting with appropriate stakeholder groups.

Resolved

THAT the 2010 Asset/Activity Management Policy (RAD 940208) be adopted.

Collingwood/Reese

Carried

4.5 Nelson City Council Land Development Manual 2010

Document No. 936440, agenda pages 108-114 refer

Councillor Barker asked if the Land Development Manual (the Manual) will require mountable kerbs rather than full height kerbs, and if it will allow footpaths to have consistent heights? Senior Engineering Officer Development, Shane Overend replied that full height kerbs, mountable kerbs and flush kerbs will be an option in the Manual and the use of each will be determined by the location and function of the road. The issue of changes to footpath gradients at driveways had been addressed in the Manual by requiring footpaths to be off-set from the kerb to maintain a consistent gradient, he added.

Resolved

THAT the Nelson City Council Land Development Manual 2010 be adopted and replace the Nelson City Council Engineering Standards 2003.

Reese/Boswijk

Carried

5.0 REPORTS PRIORITY

5.1 Saxton Pavilion: Code Contribution

Document No. 953342, supplementary order paper no. 2 refers

Attendance: Councillor Shaw declared a conflict of interest, withdrew from the table and took no part in the proceedings.

The Manager Community Policy and Planning, Nicky McDonald presented the report. She said the codes have a \$50,000 contribution in hand, a potential \$50,000 private donation and have asked if Council would include the money previously contributed to Trafalgar Park. Ms McDonald said the money raised fell well short of the \$760,000 required and recommended that construction not begin immediately as the codes needed more time to fundraise.

As for the naming rights issue, Ms McDonald tabled a submission from the codes to seek naming rights sponsors generically and also tabled documents from the Department of Internal Affairs outlining some legal issues with naming rights involving gaming trusts. Ms McDonald said

Council had two options; to seek naming rights sponsors themselves or to allow codes to identify and report back with naming rights sponsor possibilities.

Ms McDonald said Council needed to make two decisions; whether to start construction immediately and how to respond to the request from codes to pursue naming rights. She circulated a new recommendation giving the Saxton Field Pavilion Charitable Trust an opportunity to seek a naming rights sponsor.

Councillor Rainey said he agreed with the advice from Ms McDonald on both issues and added the codes should be granted additional time as they have numerous funding applications pending that may be successful. Councillor Reese asked about the proportionality of the codes funding contribution given the possibility of attracting funds through a naming rights offer. Ms McDonald said the codes are getting a benefit as any funds raised by the Trust through the naming rights proposal would decrease the overall amount they have to contribute.

Resolved

THAT the existing resolutions of 3 June 2010 be confirmed;

AND THAT the Saxton Field Pavilion Charitable Trust (the Trust) be authorised to seek a naming rights sponsor for the Cricket/Athletics/Football Pavilion on the following basis:

- **that an appropriate level of return be set at a minimum of \$250,000 for a five year contract; and**
- **that all aspects of the contract be consistent with the Naming Rights and Sponsorship Policy; and**
- **that the Trust seek the advice of Council's Senior Legal Adviser on any legal aspects relating to the naming rights contract; and**
- **that funds received from any naming rights contract be acknowledged as a ratepayer contribution and the code contribution be reduced proportionately; and**
- **that the period during which the Trust is able to seek naming rights on behalf of Council expire on 29 October 2010.**

Reese/Miccio

Carried

Attendance: The meeting adjourned for lunch from 12.30 – 1.10

6.0 REPORTS POLICY (CONTINUED)

6.1 Review of Power and Telecommunications Line Undergrounding Policy

Document No. 938643, agenda pages 115-121 refer

Senior Executive Infrastructure, Michael Schruer said staff had difficulty implementing current policy as it is dependent on all the residents paying for their share of the undergrounding (the section from the street to their house) and that power companies will only contribute to the costs within the street if all the residents participate. Mr Schruer said there were four options to consider, which were detailed in the report.

The Council asked how much extra this would cost and Mr Schruer said around \$300,000 annually, however this depends on the projects in the annual plan. Mr Schruer added that utility operators would not underground lines except where trench work of some sort was underway and the opportunity to underground lines was present on that street. Council could only invite the utility operators to undertake undergrounding, they cannot require them to do it, he said.

The Council agreed that utility operators should be encouraged to make a greater contribution to the undergrounding of power and telecommunication lines and that this should be included in the resolution.

Resolved

THAT subject to consultation during the 2011/12 Annual Plan process, the undergrounding of private power and telecommunication lines be funded by Council, subject to commitment and funding from power supply and telecommunication companies for the undergrounding of their on-street power and telecommunication lines;

AND THAT the undergrounding of power and telecommunication lines only be undertaken in conjunction with Council infrastructure upgrades and renewal projects that require open trenching;

AND THAT the Power and Telecommunication Line Undergrounding Policy 2008 (682950) be rescinded;

AND THAT Council continue to advocate to the network utility operators that they make a contribution to the cost of undergrounding the private lines.

Shaw/Collingwood

Carried

6.2 Review of Drainage Ownership Policy

Document No. 947339, agenda pages 122-141 refer

Resolved

THAT the revised drainage ownership policy be adopted;

AND THAT the proposed new category of work be established from the date of this meeting for the

2010/11 financial year and also be incorporated into the 2011/12 Annual Plan, Stormwater Asset Management Plan and Community Plan.

Thomas/His Worship the Mayor

Carried

6.3 Nelson Regional Sewerage Business Unit – Wastewater Reuse for Irrigation

Document No. 937177, agenda pages 142-144 refer

Senior Executive Infrastructure, Michael Schruer said the Nelson Golf Club was enthusiastic about using the water from the new pipeline to Monaco and that they would have to pump it from Bells Island and further treat the effluent. Mr Schruer said he was in discussion with Greenacres Golf Club however they would need to install a pipeline from Bells Island to use the water and he was urging them to commit.

It was noted that if the agreement with the Nelson Golf Club was not forthcoming by 30 November 2010, staff were to report back to Council before delaying the installation of the pipeline.

Resolved

THAT the \$285,000 cost of the 250mm diameter irrigation pipeline from Bells Island to Monaco be funded by Council;

AND THAT the operation and maintenance of the scheme to pump, treat and reticulate treated wastewater to the point of supply be undertaken by the NRSBU;

AND THAT all costs associated with the irrigation scheme, after the installation of the estuary pipeline, be recovered from the users;

AND THAT, if an agreement to proceed with the project is not forthcoming from the Nelson Golf Club by 30 November 2010, the pipe will not be installed.

Boswijk/Collingwood

Carried

6.4 Notification of Proposed Plan Change 18 – Nelson South

Document No. 946357, agenda pages 145-195 refer

Staff informed the Council that this Plan Change was an 'administrative tidy-up'. The Council highlighted the proposed road link between Hill Street and The Ridgeway and asked if this Plan Change would preclude this road link being developed in the future.

Senior Policy Planner, Peter Mr Rawson confirmed that the option for a road link has not been closed off, however to include it would require a higher level of consultation than has been completed with this Plan Change and staff would have to revisit the timeline for its notification. Mr Rawson informed Council that the road link could be developed through compulsory acquisition or negotiation with landowners at a later date.

Divisional Manager Planning and Consents, Richard Johnson said the Plan Change has been well consulted on and there is a significant measure of support from those consulted but this did not include the road link. He advised Council that the road link was a high risk issue and should be dealt with when required as a separate project.

Resolved

1. **THAT Proposed Plan Change 18 – Nelson South to the Nelson Resource Management Plan as shown in Attachment 1 to Report 946357 be adopted and approved for public notification;**
2. **AND THAT the Section 32 report for Proposed Plan Change 18 – Nelson South as shown in Attachment 2 to Report 946357 be adopted and approved for public notification;**
3. **AND THAT the Chair of the Plan Change Committee and the Divisional Manager Planning and Consents be given the authority to approve minor technical wording amendments, or correction of errors, to the proposed Plan Change documents to improve readability and/or consistency prior to public notification**

Holmes/Reese

Carried

6.5 Plan Change 15 - Heritage

Document No. 946511, agenda pages 196-220 refer

Resolved

THAT the minutes of the Hearing Committee to Plan Change 15 – Heritage as shown in Attachment 2 to Report 946511, be received;

AND THAT Plan Change 15 – Heritage to the Nelson Resource Management Plan, as shown in Attachment 1 to Report 946511, be adopted for the reasons outlined in Section 4.6 of this Report;

AND THAT Plan Change 15 – Heritage to the Nelson Resource Management Plan as shown in Attachment 1 to Report 946511 be made operative on 9 August 2010;

AND THAT the decision and operative date for Plan Change 15 - Heritage be publicly notified together and at least five working days prior to the operative date.

Shaw/Boswijk

Carried

6.6 Notification of Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan

Document No. 944880, agenda pages 221-273 refer

Resolved

THAT Proposed Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan- to the Nelson Resource Management Plan as shown in attachment 1 to report 944880 be adopted and approved for public notification;

AND THAT the Section 32 report for Proposed Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan - as shown in attachment 2 to report 944880 be adopted and approved for public notification;

AND THAT the Chair of the Plan Change Committee and the Divisional Manager Planning and Consents be given the authority to approve minor technical wording amendments, or correction of errors, to the proposed Plan Change documents to improve readability and/or consistency prior to public notification.

Cotton/Boswijk

Carried

7.0 REPORTS FROM COMMITTEES

7.1 Founders Heritage Park Sub-Committee

Document No. 935314, agenda pages 274-277 refers

Resolved

THAT the minutes of the meeting of the Founders Heritage Park Sub-Committee, held on Wednesday 9 June 2010, be received.

Holmes/His Worship the Mayor

Carried

7.2 Nelson Youth Council

Document No. 947033, agenda pages 278-282 refers

In response to a question, Manager Strategic Planning and Administration Mark Tregurtha said he had heard from about five organisations that are planning to hold meet the candidate sessions. He said that the Victory Room is available at a discounted rate of \$100, the Council Chamber is

available free of charge and there is a discounted rate available for the Trafalgar Centre of about \$100 an hour (the normal charge is around \$3000 per day with set up charges on top of that).

When asked if these organisations had been encouraged to work together Mr Tregurtha replied that the Council could not be seen to endorse any particular meeting or group however he did mention to all groups enquiring about all the other meetings that were being planned so that they might try to avoid double bookings. However ultimately it was up to those organisations to make their own arrangements.

Resolved

THAT the minutes of the meeting of the Nelson Youth Council, held on Wednesday 30 June 2010, be received.

Boswijk/Reese

Carried

7.3 Audit Risk and Finance Committee

Document No. 952220, agenda pages 283-284 refers

Resolved

THAT the minutes of the meeting of the Audit Risk and Finance Committee, held on Wednesday 14 July 2010, be received.

Thomas/His Worship the Mayor

Carried

8.0 MAYORS REPORT

His Worship the Mayor spoke about the process to amalgamate Nelson City Council and Tasman District Council and said he supported the process to 'test the waters'. His Worship the Mayor sought consensus from the Council as to its position on this topic.

The Chief Executive tabled correspondence from Donald Riezebos about the process for the proposal and said the larger issue would be what submission is approved by Council as its collective opinion.

Councillor Miccio said by approving a recommendation supporting the proposal for a union, the Council was making a public statement that they are actively pursuing the issue and wish to gauge the public's opinion.

Councillor Miccio moved an alternative resolution and it was seconded by Councillor Barker. The motion was put and carried.

THAT the Nelson City Council supports the independent Local Government Commission investigation into council options for the region.

Miccio/Barker

Carried

9.0 PUBLIC EXCLUDED MINUTES

9.1 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 Public Excluded Minutes – 15 July 2010

Reasons:

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

To protect information where the making available of the information would unreasonably prejudice the commercial position of the person who is the subject of the information; or

To protect the privacy of natural persons.

ii) Port Nelson Limited – Proposed Exchange of Land

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) Review of Arms Length Entities

Reason:

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

Holmes/Barker

Carried

The meeting went into public excluded session at 2.40pm and resumed in public session at 3.50pm. During this time a resolution was passed allowing the meeting to continue on passed six hours in accordance with Standing Orders 5.6.

9.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Holmes/Shaw

Carried

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE