

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 5 JULY 2007 COMMENCING AT 6.00PM

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

IN ATTENDANCE: Deputy Chief Executive (P Dougherty), Divisional Manager Infrastructure (F Galloway), Divisional Manager Planning and Consents (R Johnson), Chief Financial Officer (C Fitchett), Manager Parks and Facilities (P McArthur) and Administration Adviser (A Rose)

APOLOGIES: An apology was received from Chief Executive (V Altmments)

1.0 OPENING PRAYER

The opening prayer was read by the Deputy Chief Executive.

2.0 NELSON TO BRIGHTWATER CORRIDOR STUDY

His Worship the Mayor distributed copies of the Nelson to Brightwater Corridor Study consultation document saying that the document was embargoed until Monday 9 July 2007.

3.0 PUBLIC EXCLUDED MINUTES

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 – 24 May 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 – 5 June 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.

(iii) **Minutes of the Infrastructure Committee, Public Excluded Business – 7 June 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 Corporate Governance Committee Public Excluded Business dated 21 June 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.

(v) **Performing Arts Centre Update**

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

To protect the privacy of natural persons.

(vi) **Trafalgar Centre Update**

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

To protect the privacy of natural persons.

Collingwood/Holmes

Carried

The meeting went into public excluded session at 6.03pm and resumed in public session at 7.09pm.

3.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Cotton

Carried

Attendance: The meeting adjourned at 7.09pm for supper and resumed again at 7.30pm.

4.0 CONFIRMATION OF MINUTES

24 May 2007

Resolved

THAT the minutes of the ordinary meeting of the Nelson City Council, held on Thursday 24 May 2007, be confirmed as a true and correct record.

His Worship the Mayor/DavyCarried

25/28 May 2007

Resolved

THAT the minutes of the meeting of the Nelson City Council, held to hear submissions to the draft Annual Plan 2007/08 on Friday 25 and Monday 28 May 2007, be confirmed as a true and correct record.

His Worship the Mayor/CollingwoodCarried**5.0 MAYOR'S REPORT**

Mayor's report, dated 11 June 2007, agenda page 27 refers.

His Worship the Mayor presented his report.

Resolved

THAT the Mayor's Report dated 11 June 2007 be received;

AND THAT a Liaison Committee be established to deal with public interest in the activities for the 2008/09 year as follows:

- *The Sealord Concert for the Summer Festival 10th Anniversary – February 2008.*
- *The 150th signing of the City Charter – September 2008*

AND THAT the Liaison Committee comprise the Deputy Mayor, who will Chair the Committee, and the Chair of Community Services with secretarial support being provided by the Chief Executive's Personal Assistant, Sandra Birdling.

His Worship the Mayor/DavyCarried**6.0 REPORTS AND RECOMMENDATIONS OF COMMITTEES****6.1 Applications Committee**

20 May 2007

Resolved

THAT the minutes of the meeting of the Applications Committee, held on 20 May 2007, be received.

Barker/Davy

Carried

6.2 Community Services Committee

5 June 2007

Resolved

THAT the minutes of the meeting of the Community Services Committee, held on 5 June 2007, be received and the following recommendation adopted:

Brook Education and Training Centre

THAT an area of approximately 3400m² within Lot 2 DP764 within the upper Brook Valley, as shown in Attachment 2 of Report Number 7239, be leased to the Nelson Marlborough Institute of Technology for the purpose of developing a training centre (including a visitor asset training site) subject to the following conditions:

- i That the term be for 10 years with a right of renewal of a further 10 years;***
- ii That the rental be on a commercial basis;***
- iii That any necessary right of way be arranged to provide access to the site.***

AND THAT Council agrees to support the education and training centre by providing opportunities (where appropriate) for trainees to contribute to the management of natural values and recreational facilities within the Council owned reserve land nearby;

AND THAT a further area of approximately 3000m² not be committed by Council for any other purpose in the immediate future in the event that the further development and extension of the education and training centre be required on this site;

AND THAT prior to the expiry of the Brook Camp lease in 2010, further consideration be given to improving road end visitor parking and other facilities, within or adjacent to the lower camp area.

Aitken/Henigan

Carried

6.3 Orchard Street Community Housing Re-development

Councillor Aitken said that the report which had been presented at the Community Services Committee had been work-shopped on 2 July 2007. That Workshop had shown a clear preference for one option and it was appropriate that this preferred option be formally confirmed at this meeting so that staff could apply to Housing NZ for funding assistance.

Mr McArthur reminded Councillors that the option preferred at the Workshop could cost the Council up to \$930,000 more than currently shown in the 2006-16 LTCCP, but more work was required before this could be confirmed.

Resolved

THAT Council confirm its commitment for the re-development of the Orchard Street Flats to improve the existing configuration lay-out, design and functionality of the complex including improving accessibility and replacing bed sits with single units;

AND THAT Option B within the Orchard Flats Re-development Study (May 2007) form the basis for an application to the Local Government Housing Innovation Fund available through Housing NZ Corporation;

AND THAT subject to a positive response from Housing NZ Corporation further detailed designs and a budget for the Orchard Flats Re-development be prepared and presented to the Community Services Committee for further consideration;

AND THAT the detailed designs will include consideration of low impact, environmental options.

Aitken/Ford

Carried

6.4 Infrastructure Committee

7 June 2007

Resolved

THAT the minutes of the meeting of the Infrastructure Committee, held on 7 June 2007, be received and the following recommendations be adopted:

Parking and Vehicle Control Bylaw 2004, No 207 – Amendments to Schedules

THAT the following alterations be made to the schedules of Bylaw No 207 – Parking and Vehicle Control 2004 as per the attachment to Report No 7193

- i) Schedule 7 – Resident Only Park***
- ii) Schedule 9 – No Stopping and No Parking Areas***

Amendment to Stormwater Bylaw

THAT the Stormwater Bylaw 2006 clause 4.1 be amended to read:

- i contain any chemicals, paint, oil, grease, pesticides, fertiliser, tannins, detergent, grass clippings, rubbish, litter, or heavy metals, or***
- ii cause the production of conspicuous oil or grease films, scums or foams, or floatable material, or***
- iii cause a conspicuous change of colour or visual clarity, at that point which is 30 times the receiving water channel's width downstream from the point of the public drain discharge, or***
- iv cause an emission of objectionable odour, or***
- v cause adverse effects on aquatic life, or***

- vi *contain suspended solid concentrations in excess of 100mg/litre at that point which is 30 times the receiving water channel's width downstream from the point of the public drain discharge, or*
- vii *contain any hazardous substances, waste water or trade wastes.*

Total Mobility Committee

THAT *the Total Mobility Committee meet quarterly and the Schedule of Meetings be set a year in advance and be publicly notified at the time that the Schedule is set.*

Shaw/Turley

Carried

6.5 Covent Drive Residents

The recommendation from the Infrastructure Committee regarding Covent Drive was debated separately.

Proposed Councillor Barker seconded Councillor Fryer

THAT *the correspondence from the property owners in Covent Drive be received;*

AND THAT *the residents be permitted to replace their landscape berms at their own expense;*

AND THAT *no further action be taken until the review of the Council's Engineering Standards has been completed.*

The motion was put and **lost**.

Resolved

THAT *the correspondence from the property owners in Covent Drive be received;*

AND THAT *no further action be taken until the review of the Council's Engineering Standards has been completed.*

His Worship the Mayor/Holmes

Carried

6.6 Policy Committee

12 June 2007

Resolved

THAT *the minutes of the meeting of the Policy Committee, held on 12 June 2007, be received.*

Collingwood/Aitken

Carried

6.7 Environment Committee

19 June 2007

Resolved

***THAT** the minutes of the meeting of the Environment Committee, held on 19 June 2007, be received.*

Fryer/BarkerCarried**6.8 Corporate Governance Committee**

21 June 2007

Resolved

***THAT** the minutes of the meeting of the Corporate Governance Committee, held on 21 June 2007, be received and the following recommendation to the Council adopted:*

Nelson Tasman Enterprise Loan Trust

***THAT** subject to the Performance Agreement (Attachment 2 to Report No 7271) being signed, Council's interest free loan of \$25,000 to the Nelson Enterprise Loan Trust be renewed for a further three year term ending September 2010.*

Cotton/HolmesCarried**7.0 DECISIONS ON PLAN CHANGE 05/02**

Report No 7244, dated 18 May 2007, file ref GOV-04-10, agenda pages 60-93 refer.

Mr Johnson explained that proposed Change No 23 required more consideration and should be omitted from the resolution at this time.

Resolved

***THAT** with the exception of Change No 23 the recommended decisions of the Hearing Commissioner on the submissions received to Plan Change 05/02 and the reasons for those decisions, as set out within the report dated 16 May 2007, entitled "Commissioner's Report and Recommendations to Nelson City Council on Plan Change 05/02", be adopted.*

Davy/ShawCarried**8.0 STATE THEATRE VERANDAH SUPPORTS**

Report No 7274, dated 19 June 2007, file ref RTP-06-01-03, agenda pages 94-104 refer.

The Council was in favour of the request to erect load-bearing columns outside the State Theatre in Trafalgar Street.

It was explained that granting this request would not set a precedent because of the reasons set out in Clause 5.2 of the report.

Resolved

THAT for the reasons stated in Clause 5.2 of Report No 7274, an exception to Council's policy as defined in Appendix 18 of the Nelson Resource Management Plan, be approved, and the State Theatre Company Ltd be advised that the use of load-bearing columns within the road reserve to support the verandah outside the State Theatre, Trafalgar Street will be permitted in this case.

His Worship the Mayor/Cotton

Carried

9.0 OPERATIVE PLAN CHANGES

Report No 7277, dated 25 June 2007, file ref RM0100-08, agenda pages 105-107 refer.

Resolved

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 05/05 (Solitaire Investments Ltd No. 2), and
- b) Nelson Resource Management Plan Change 06/02 (44 Trafalgar Street)

AND THAT the Council resolve to make

- a) Nelson Resource Management Plan Change 05/05 (Solitaire Investments Ltd No. 2), and
- b) Nelson Resource Management Plan Change 06/02 (44 Trafalgar Street)

operative on 13 August 2007 under clause 20(1) of the First Schedule of the Resource Management Act 1991.

Henigan/Davy

Carried

There being no further business the meeting ended at 8.39pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE