

**MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 9 SEPTEMBER 2010 COMMENCING AT 9.00AM**

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

IN ATTENDANCE: Chief Executive (K Marshall) and Administration Adviser (A Rose).

APOLOGIES: An apology was received and accepted from Councillor A Boswijk.

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### **1.0 OPENING PRAYER**

Councillor Thomas gave the opening prayer.

### **2.0 CHRISTCHURCH EARTHQUAKE**

His Worship the Mayor asked for Councillors' indulgence to consider a late item with regard to the Christchurch earthquake.

Resolved

***THAT Council formally offer a statement of sympathy and support to the people of Canterbury while they wrestle with the effects of the devastating events of the past week.***

His Worship the Mayor/Cotton

Carried

His Worship the Mayor said that he had formally written on Council's behalf to the Mayors of Canterbury, conveying this message.

### **3.0 PUBLIC FORUM**

Councillor Barker rose on a point of order, drawing the meeting's attention to the fact that Mr Andrew Dunlop had asked to speak at the public forum, and that this request had been refused.

Resolved

***THAT Mr Dunlop be allowed to speak at the public forum today.***

Barker/Miccio

Carried

### **3.1 Condition of Banks giving access to 226-242 St Vincent Street**

Mr Nigel McFadden and Mr Brendan Monk, supported by the Reverend Felicity Whitcombe and Duncan McNabb, addressed the meeting regarding the condition of the access way serving 226-242 St Vincent Street.

Mr McFadden said that the entrance way was also the turning head for St Vincent Street. The bank is unstable and collapses from time to time, and these collapses are cleared up by the Council, he said.

He explained that the entranceway was on road reserve and Council does no maintenance to the bank or the turning head. The residents served by this access way have been advised by Council that private access ways are the responsibility of the owners, however, if the access way is brought up to a standard, the Council could take it over.

Residents, he said, had raised \$24,000 and have got a lot of voluntary help promised for the work. They are requesting a working partnership with Council to resolve this issue.

Mr Brendan Monk gave a powerpoint presentation which showed pictures of the area and highlighted the dilemma.

Mr Monk and Mr McFadden then answered Councillors' questions. They confirmed they were open to discussion about a targeted rate being set to finance the work, but indicated that there were a lot of residents served by the entrance way that would have to be brought into any agreement.

They said that there was no legal body or society of the residents currently set up to deal with this problem, and they confirmed that they had not had any formal examination of the bank by a geotechnical engineer.

His Worship the Mayor thanked Mr Monk and Mr McFadden for the presentation.

### **3.2 Nelson Region Gateway Sculpture Project (Haulashore Island)**

Agenda pages 1-16 refer.

Mr Andrew Greenhough presented to the Council a draft scope of the Haulashore Island Project that had been produced by the Nelson Sculpture Trust. He also tabled maps of Haulashore Island, indicating a potential site for the sculpture, and later in the meeting tabled copies of letters of support that had been received from the key stakeholders; including most of the local iwi, Port Nelson Ltd, Nelson Airport Ltd, New Zealand Transport Agency and the Department of Conservation.

The Manager of Strategy and Planning confirmed that Council's Kaihautu, Mr Mullen, had spoken to Ngati Toa and representatives of that iwi have also confirmed that they support the proposal.

In answer to a question, Mr Greenhough said that he had consulted the Tasman District Council on this proposal.

In answer to another question, he said that with regard to a resource consent for the current proposal, no risk assessment as yet had been carried out.

His Worship the Mayor thanked Mr Greenhough for his presentation.

### 3.3 Splash – Festival of Fountains

Mr Mark Holmes addressed the Council regarding the proposal for Splash – the Festival of Fountains, and tabled an information sheet explaining the project and its vision.

In his presentation he was joined by Mr Chris Short, a member of the Steering Group for Splash.

He said Splash was looking for Council support for this initiative in principle. He said the sort of support it was hoped Council would provide would be to accept the gift of a suitable winning fountain each year, providing a site for its permanent location and meeting the ongoing operations and maintenance cost for these fountains.

It would also be requested that the services of the Council's Art Selection Panel be made available to assist with the judging of entries each year. He said that a submission to this effect will be made to next year's Draft Annual Plan, and any Council support will be used as leverage to help secure sponsor funding.

His Worship the Mayor thanked Mr Holmes and Mr Short for the presentation.

### 3.4 Montgomery Square Upgrade

Mr Andrew Dunlop spoke on his concern regarding the proposed Heart of Nelson Montgomery Square Upgrade. He referred to a public consultation meeting held the night before, where objections were raised by local businesses surrounding the Montgomery Square to the loss of 24 car parks, and the costs of this upgrade.

Mr Dunlop read a brief submission on this subject, and tabled it.

His Worship the Mayor thanked Mr Dunlop for his submission.

## 4.0 CONFIRMATION OF MINUTES

Resolved

***THAT the minutes of a meeting of the Nelson City Council, held on Thursday 26 August 2010, be confirmed as a true and correct record.***

McAlpine/Miccio

Carried

Attendance: The meeting adjourned for morning tea from 10.10am until 10.20am.

## 5.0 NOTICE OF MOTION

A Notice of Motion from Councillors Collingwood, Cotton, Miccio and Barker regarding the changes to the layout of the Montgomery Car park and expenditure for such work, Agenda page 25 refers.

The Chief Executive advised that as well as the Notice of Motion, he had received a requisition for an Extraordinary Meeting of Council to discuss the Notice of Motion, but had advised those who had requested the Extraordinary Meeting that it would be better and more efficient to consider the issue at this meeting and this had been agreed to.

The Chief Executive advised Council that the Motion as stated if passed would result in either the whole of Council's Annual Plan deliberations and resulting rating resolution being set aside, or as having no effect at all as there were no specific resolutions regarding Montgomery Square. Furthermore, revoking that Council's resolutions regarding the draft annual plan had no effect as these were in fact overtaken by the adopting of the annual plan proper.

He had further advised Council that the intent of their Notice of Motion was still clear, and that was to stop work on the Montgomery Square Upgrade.

In answer to a question, it was confirmed that under Standing Orders (12.5) a Notice of Motion may be altered by the mover.

Councillor Barker explained that the main driver behind the Notice of Motion was the process as has been followed or not followed with regard to the Montgomery Car park upgrade. In particular, he said, Councillors were concerned at the loss of 24 car parks, the lack of consultation there had been with elected members, and the lack of consultation with the public, particularly the affected property owners and businesses.

Councillor Barker said last night's meeting had shown that there was real concern about the reduction of car parks around the City. He stated that 132 car parks had been lost in Nelson over the last few years due to such things as tree planting, crossings, etc. He said that the majority of those at the consultation public meeting the previous evening had shown they want no more car parks to be lost in Montgomery Square.

He also questioned whether the upgrade was a priority expenditure for Council at this time, and generally explained the intent of the Notice of Motion.

Proposed Councillor Miccio, seconded Councillor Cotton

*THAT all work on Montgomery Square related to the Heart of Nelson project be stopped, and the issue be redebated by the incoming Council.*

Following the moving and seconding of this motion, the meeting then received a presentation from Isthmus, the consultants tasked with designing the upgrade for Montgomery Square.

A powerpoint presentation was made by David Irwin and Robin Simpson.

Following the presentation, the Council discussed the motion and the presentation just received. There was concern expressed that the proposal now set out by Isthmus was significantly different to the sketch that had appeared in the Heart of Nelson Strategy.

It was explained that the sketch was just that – just an indication of what could be done, not necessarily what would be done.

Since work had started on the project, the designers had come up with the present concept, which they felt met all the objectives of the Heart of Nelson Strategy for this area.

In answer to a question from Councillor Holmes, the Consultants said that the new design was better suited to the sunshine patterns for that part of Square.

Councillor Holmes disagreed and produced photographs he had taken showing how a design following the original sketch in the Heart of Nelson Strategy would work better regarding sunshine.

Councillor Cotton said to create green spaces in a car park would result in more cars circulating that car park trying to find a park, and that would increase the air pollution in that car park which would not be conducive to people using the proposed pocket park.

Councillor Collingwood pointed out that she preferred what was proposed in the sketch in the Heart of Nelson Strategy, and that to have an unshaded pocket park in Montgomery Square would not be a very pleasant place to be in high summer. She also questioned the safety of moving the footpath in the Bridge Street entrance to the car park to the other side. She said it would make the situation more dangerous for pedestrians.

In answer to a question, the consultants said that they had worked with the market owner and looked at other markets around the country, and were satisfied that the market would work well with a green pocket park as proposed.

In answer to another question, the consultants said that this was the only part of the Heart of Nelson Strategy that was proposing a new green space.

In answer to a further question, the Senior Executive for Technical Services said as well as the meeting that was held last night, consultation had been had with the Market Manager and Uniquely Nelson, and the consultants would be taking on board all the comments received, including the comments received from Councillors at this meeting today.

In answer to another question, the consultants confirmed that the importance of car parking in Nelson was one of the things they had taken into account when they designed the proposed pocket park.

The Senior Executive Technical Services reminded the meeting that the original concept had allowed for 19 lost car parks.

Councillor McAlpine asked whether any additional car parks would be lost with the Heart of Nelson Strategy as proposed.

In reply, the Senior Executive Technical Services said there were a total of around 103 individual projects in the Heart of Nelson and since no detailed planning on the majority of these had started, that he could not provide an answer to the question. However in reply to a question about the loss of CBD carparks with respect to the landscaping he advised that there will be another three car parks lost within the CBD.

Councillor Reese said that the 24 car parks represented extremely valuable land in the City, and the type of development and what the land was to be used for needed to reflect the value of the land being taken.

The consultants replied that there was enough budget to do what is required (i.e. \$1.2 million).

The Senior Executive Technical Services then gave a brief report on the consultation public meeting held the previous evening (attended by around 35 people), saying that the most raised issue was concern for loss of car parking.

The meeting had also had a presentation by ex-Councillor Seddon Marshall on the land issues, and had concluded with a vote which requested Council not go ahead with the proposal (approximately 6 in favour, 6 unsure and the rest not in favour).

In answer to a question, Mr Louverdis said that if the proposal went ahead, the work would be scheduled for the winter months; end of March, April, May, June period, and it would fit in with the market and businesses to minimise any disruption caused by the work.

In answer to another question, the consultants confirmed that the risk assessment had not been done on the resource consent for the proposed work.

It was also pointed out that the loss of 24 car parks could mean a potential loss in revenue from parking fees of \$30,000 per annum not the \$40,000 being talked about.

The Senior Executive Technical Services also noted that he had no idea where the figure of 132 lost car parks had come from and that this was not true. With respect to the budget the Senior Executive Technical Services confirmed that \$1.2 million has been provided in the Annual Plan for the Montgomery Square upgrade. He noted this was also confirmed to the public at the consultation meeting.

The meeting then returned to consider the motion proposed by Councillor Miccio, seconded by Councillor Cotton

***THAT** all work around the Montgomery Square redevelopment be stopped, and the whole matter redebated by the incoming Council.*

After considerable discussion, the motion was put and lost.

Councillor Barker called for a division.

Barker: Yes

Henigan: No

Cotton: Yes

Holmes: No

Collingwood: Yes

McAlpine: No

Miccio: Yes

Rainey: No

Reese: No

Shaw: No

Thomas: No

McAlpine: No

His Worship the Mayor: No

Boswijk: Absent

His Worship the Mayor declared the motion lost by eight votes to four.

Attendance: The meeting adjourned for lunch from 12.20pm to 1.08pm.

Following the lunch interval, the meeting turned its attention to the way forward for the Montgomery Square project.

The Chief Executive confirmed that since the motion had been lost, the status quo remained, and the project would continue.

There was some discussion about any amendments that would be made to the plan in light of the consultation.

Resolved

***THAT** Isthmus continue with the development of a plan for Montgomery Square, as part of the Heart of Nelson upgrade, taking into account consideration of all the feedback from the various consultation meetings that have been held, and the feedback from Councillors at this meeting, and report the revised design back to Council in two weeks for information only.*

Thomas/McAlpine

Carried

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

## **6.0 DISCUSSION OF PUBLIC FORUM ITEMS**

### **6.1 Condition of Banks Giving Access from 226-242 St Vincent Street – Brendon Monk / Nigel McFadden.**

The Senior Executive Technical Services confirmed that a design had been completed at Council's cost, and the estimate was likely to be more than the \$24,000 offered by the residents for the work. The work would however be included as a separable portion in the tender. He said that any work done would have to be done by professional contractors, which would rule out any voluntary work.

Following a discussion, it was agreed that the work would be tendered and once prices are known an approach would be made with the residents to see how the cost of the work, if greater than \$24,000 could be recovered from the residents, including the use of a targeted rate.

It was confirmed by Council that the full costs of the work, as per Council policy, rests with the residents.

### **6.2 Nelson Region Gateway Sculpture Trust Project (Haulashore Island)**

His Worship the Mayor said that no decision was required from Council at this time, and Mr Greenhough had just been reporting on progress.

### **6.3 Splash – Festival of Fountains**

Attendance: Councillor Holmes declared an interest and took no part in this part of the meeting.

It was agreed to note the information from Splash and await an application to the Draft Annual Plan.

### **6.4 Montgomery Car park**

Mr Dunlop's concerns were noted and would be included as part of the consultation process. The Senior Executive Technical Services however, did confirm the provision of \$1.2 million in the Annual Plan for the Montgomery Square upgrade.

Attendance: His Worship the Mayor left the meeting at 1.49pm, and The Deputy Mayor assumed the chair.

## **7.0 REPORTS FROM COMMITTEES**

## 7.1 Joint Shareholders Committee

Resolved

***THAT the minutes of the meetings of the Joint Shareholders Committee, held on 30 July and 27 August 2010, be received.***

Thomas/Reese

Carried

## 7.2 Plan Change Committee

Resolved

***THAT the minutes of the meeting of the Plan Change Committee, held on 17 August 2010, be received.***

Shaw/Reese

Carried

The meeting then discussed the recommendations made at the Plan Change Committee.

Attendance: Councillor Barker declared an interest and took no part in this part of the meeting.

Resolved

***THAT the proposed Plan Change 22 to the Nelson Resource Management Plan as in Attachment 1 to report 950375 be adopted and approved for public notification;***

***AND THAT the Section 32 report for proposed Plan Change 22 as in Attachment 2 to report 950375 be adopted;***

***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.***

Shaw/Reese

Carried

***THAT proposed Plan Changes 19, 23, 24, 25 and 26 to the Nelson Resource Management Plan as in Attachments 1, 2, 3, 4 and 5 to report 950439, be adopted and recommended to Council for public notification;***

**AND THAT the Section 32 reports for proposed Plan Changes 19, 23, 24, 25 and 26 as in Attachments 6, 7, 8, 9 and 10 to report 950439 be adopted;**

**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.**

Shaw/Reese

Carried

### 7.3 Youth Council

Resolved

**THAT the minutes of a meeting of the Youth Council, held on 23 August 2010, be received.**

Thomas/Rainey

Carried

### 7.4 Founders Heritage Park Committee

Resolved

**THAT the minutes of a meeting of the Founders Heritage Park Committee, held on 14 July 2010, be received.**

Holmes/Thomas

Carried

## 8.0 PUBLIC EXCLUDED BUSINESS

### 8.1 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 – 26 August 2010***

*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) Acquisition of land Brook Valley**

*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) Maitai Club Update**

*Reasons:*

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

*To protect the privacy of natural persons.*

**iv) Proposed Purchase of Land for a Walkway**

*Reasons:*

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

*To protect the privacy of natural persons.*

**v) Directors fees and Rotations 2010**

*Reasons:*

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

*To protect the privacy of natural persons.*

**vi) Joint Shareholders Committee - 30 July and 27 August 2010**

*Reasons:*

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

*To protect the privacy of natural persons.*

Note: The Recommendations in these minutes were adopted at the 9 August 2010 Council Meeting.

**vii) Founders Heritage Park Sub Committee – 14 July 2010**

*Reasons:*

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

*To protect the privacy of natural persons.*

McAlpine/Holmes

Carried

The meeting went into public excluded session at 1.55pm and resumed in public session at 3.25pm.

## **8.2 Re-admittance of the Public**

Resolved

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

His Worship the Mayor/Rainey

Carried

There being no further business, the meeting ended at 3.25pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

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