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## Minutes of a meeting of the Nelson City Council – Infrastructure and Community Services

Held in the Council Chamber, Civic House, Trafalgar Street, Nelson

On Thursday 13 October 2011, commencing at 9.00am

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Present: Councillors I Barker (Chairperson), G Collingwood, E Davy, K Fulton, P Matheson, J Rackley, P Rainey, D Shaw and M Ward

In Attendance: Chief Executive (K Marshall), Executive Manager Support Services (H Kettlewell), Executive Manager Network Services (A Louverdis), Executive Manager Strategy and Planning (M Schruer), Executive Manager Regulatory (R Johnson), Executive Manager Community Services (S Coleman), Chief Financial Officer (N Harrison), Executive Manager Community Relations/Kaihautuu (G Mullen), A Howie (Youth Councillor), C Ward (Youth Councillor) and Administration Advisers (L Laird and E-J Ryan)

Apologies: Apologies were received and accepted from Councillors R Copeland, R Reese, His Worship the Mayor (A Miccio) and A Boswijk (Deputy Mayor)

Councillor Davy gave the opening prayer.

### 1. Conflicts of Interest

1.1 No updates to the Conflict of Interest Register were noted, and no other conflicts of interest with any agenda items were declared.

### 2. Public Forum

2.1 Friends of the Library Inc.

Jill Blechynden and Priscilla Wardell presented a donation to the Council on behalf of the Friends of the Library Inc. Ms Blechynden spoke about how the money had been collected and the success of the book sales.

2.2 Stoke Skate Park

Tony Healey presented a petition (1179502) from Stoke residents against the Greenmeadows site for the Stoke Skatepark. Mr Healey read out the words of the petition and said it had been signed by 1362 residents.

He said the site was dangerous and was close to a high accident area and the Crime Prevention through Environmental Design (CPTED) guidelines did not rank this site as the best option. He added that the consultation process had been flawed and the community and business sector had not been directly consulted.

Mr Healey recommended that Council establish a committee to work with the Stoke community to find a suitable site.

In response to a question, Mr Healey said other sites had been identified in the early phase of the project however he could not recommend any other sites and added this should be debated by a committee of the Council and Stoke community representatives.

### 2.3 Stoke Skate Park

Senior Constable and Stoke Community Constable Keith Jordan, with Inspector Richardson, presented additional information (1176854) and spoke against the proposed Greenmeadows site for the Stoke Skatepark. Mr Jordan said from a Police perspective, that site has always posed serious safety implications.

Inspector Richardson (Road Policing Commander, and presently relieving Area Commander), read out a letter from 31 January 2011 sent to Council staff outlining the Police opinion regarding the Greeneadows site. She re-iterated that the Police do not support a skatepark at that site. Ms Richardson spoke about her safety concerns with that site and mentioned that, while it was in close proximity to the Police station, and the Police may not be seen as 'guardians'.

In response to a question, the presenters confirmed that their main concerns with the site included young people crossing the road in an unsafe manner and driver distraction coming up to the intersection.

### 2.4 Rocks Road Pedestrian Refuge

Ellie Fijn and Peter Butler spoke about the difficulties of crossing Rocks Road at the end of Days Track and highlighted that a pedestrian refuge to assist with pedestrian crossing would be of great benefit.

Ms Fijn spoke about the increasing high usage of the road for pedestrians, cyclists and swimmers and recommended the removal of the car parks to enable people wishing to cross the road to do so more safely.

Ms Fijn encouraged the Council to make this project happen before the busy summer period. In response to a question, she said she had discussed the progress of this project with staff who had informed her that that timeframe could not be achieved.

2.5 AA Nelson

Paul Heyward said the purpose of his presentation was to introduce himself as the Chairman of the Automobile Association (AA) Nelson. He tabled additional information and spoke about the priority work areas for the Automobile Association. He said he would continue to remain engaged with the Council and continue to contribute to any submissions regarding transport.

**3. Confirmation of Minutes**

3.1 22 September 2011

Resolved

***THAT the minutes of a meeting of the Nelson City Council – Governance and Policy and Planning, held on Thursday 22 September 2011, be confirmed as a true and correct record.***

Davy/Shaw

Carried

3.2 Community Assistance Hearings – 5-7 September 2011

Resolved

***THAT the minutes of the meeting of the Nelson City Council to hear and consider applications for Community Assistance Funding, held on Monday 5, Tuesday 6 and Wednesday 7 September 2011, be confirmed as a true and correct record, subject to the conflict of interest declaration by Councillor Ward being substituted to 'Lifelines' on page 1 of the minutes.***

Ward/Collingwood

Carried

3.3 Draft Regional Public Transport Plan Hearings - 25 August 2011

Resolved

***THAT the minutes of the meeting of the Nelson City Council to hear and consider submissions on the Draft Regional Public Transport Plan, held on Monday 25 August 2011, be confirmed as a true and correct record.***

Rackley/Shaw

Carried

#### 4. Public Forum Discussion

##### 4.1 Rocks Road Pedestrian Refuge

The Chief Executive advised that this project was a priority and was always scheduled to be completed by the end of the financial year. He also advised that staff were fully committed to Long Term Plan and Asset/Activity Management Plan production between now and Christmas and therefore completion of the refuge by the end of the year was not possible.

He added that the Council cannot bypass consultation requirements and this would impede completion of the project by the end of 2011. The Executive Manager Strategy and Planning, Michael Schruer, added that on top of consultation, the Council would need to consider the design options. He advised the Council against erecting a temporary solution as to compromise on the design phase would not produce the safest option.

There was discussion about how to achieve the best result for the residents, which was to have the project completed by the end of the calendar year.

The Council was told of the three other projects that sat above the pedestrian refuge in terms of priority. Mr Schruer advised the Council that re-prioritising the project would not ensure that it could be completed by the end of the year, as work on the other projects would not impede its completion.

The Council agreed that it was still important to re-iterate that the completion of this project was a priority for the Council and that all efforts to have it completed by the end of 2011 will be made, noting that it was very unlikely that the project could be completed by then.

Councillor Fulton, seconded by Councillor Davy, moved a motion to this effect and it was passed.

Resolved

***THAT a pedestrian refuge on Rocks Road be treated as an important project and it be made a priority;***

***AND THAT staff do their utmost to complete this project by the end of 2011.***

Fulton/Davy

Carried

##### 4.2 Stoke Skatepark

It was noted that, in light of public scrutiny, the decision to construct a skatepark at the Greenmeadows site was a majority Council decision and that no individual Councillor should be accountable for this decision.

In response to a question by Councillor Matheson, the Chief Executive explained that not all letters received by Council staff are forwarded to Councillors. He added that the opinions of the Police in regard to the skatepark location were summarised in the report presented to the Council when the issue was debated, and these points were raised by Councillors during the Council debate on the matter.

## 5. Notice of Motion regarding the Stoke Skatepark

Document number 1150555

The Chairperson advised the meeting that the decision before the Council was simply whether to pass, or not, the Notice of Motion from Councillor Matheson, as supplied on page 14 of the agenda. In response to a question, the Chief Executive informed the Council that according to Standing Orders (3.11.3) no amendment may be made to the Notice of Motion at the meeting.

The mover of the motion, Councillor Matheson, addressed the Council and said the issue was about location of the skatepark and that the previous Council decision was not consistent with the wishes of the Stoke community. Councillor Davy seconded the motion.

The Council debated the implications of both passing and not passing the motion. It was discussed that if the motion was lost, the current decision stood and staff would move ahead with tendering for design plans for the Greenmeadows site. It was noted that no further Notice of Motion about this issue could be received for the next six months.

The implications of passing this motion were also discussed. The Chief Executive said that in this instance Council could decide either to request a staff report on options, or to direct it through the 2012 Long Term Plan process. He advised that the Long Term Plan process would be the best option for re-considering the issue.

There was an extensive discussion regarding the issues of concern to the Councillors.

The motion was put and it carried. A division was called (1176848).

Councillor Barker	Yes
Councillor Boswijk	Absent
Councillor Collingwood	No
Councillor Copeland	Absent
Councillor Davy	Yes
Councillor Fulton	No
Councillor Matheson	Yes

Councillor Rackley	Yes
Councillor Rainey	No
Councillor Reese	Absent
Councillor Shaw	Yes
Councillor Ward	No
His Worship the Mayor	Absent

Resolved

***THAT the Greenmeadows site on the corner of Main Road Stoke and Songer St be the preferred site for a skate park in Stoke be revoked.***

Matheson/Davy

Carried

Attendance: the meeting adjourned for morning tea from 11.00 to 11.20am.

## INFRASTRUCTURE ITEMS

### 6. Portfolio Holder's Report

The Portfolio Holder, Councillor Collingwood, said she had attended the Contractors' Federation meeting where the difficulties in Christchurch after the February 2011 earthquake were discussed. She added that she would be joining the Mayor on a tour of Christchurch's Red Zone next week, and in the Mayor's absence the Council agreed to the retrospective approval of the funds for this trip.

Councillor Collingwood acknowledged the work of the Network Services Team to get all the tendered work completed by the RWC 2011.

Councillor Collingwood asked for clarification regarding the knitted art work around the City. The Executive Manager Network Services, Alec Louverdis, said no time frame had been put on this agreement and that a Council decision was required as to when to start removing it. It was agreed that all knitted art work would begin to be removed by the middle of November 2011.

The Council briefly discussed the impacts on Nelson City Council contractors of re-development efforts in Christchurch and Mr Louverdis confirmed that currently there are adequate resources in Christchurch for the remainder of 2011 and he was unaware at this stage what would be required after that.

### 7. Chief Executive Report - Infrastructure

Document number 1153910, agenda pages 48-58 refer.

Resolved

**THAT the Chief Executive Report - Infrastructure (1153910) be received.**

Collingwood/Rackley

Carried

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

Resolved

**THAT the following alterations to the Schedules of Bylaw No 207, Parking and Vehicle Control (2004) be approved:**

- **Schedule 4: Special Parking area**
- **Schedule 9: No stopping**
- **Schedule 14: Give Way Signs**

Collingwood/Davy

Carried

7.2 Effect of Rainfall on Council Network Services

Mr Louverdis said the Earthquake Commission was dealing with a number of landslips and any more rain would make the situation even worse.

Resolved

**THAT urgent remedial landslip works in various locations in the Nelson area, as a result of the recent unexpected storm related damage, be funded partly from the Emergency Reserve Fund (Contingency Fund) and the Bridge Street Extension between Rutherford Street and Vanguard Street (Heart of Nelson) capital item;**

**AND THAT it be noted that this cost will likely be in the order of \$100,000.**

Collingwood/Matheson

Carried

8. Civic House – Proposed Lease to 2degrees

Document number 1151186, agenda pages 59-62 refer.

Resolved

***THAT the Chief Executive be delegated the authority to complete negotiations for a new lease to 2degrees for a new mobile network site on the roof of Civic House, including the lease of about 11.16m<sup>2</sup> of level 7 (the plant room) for an equipment room, subject to 2degrees obtaining a publicly notified resource consent.***

Davy/Rainey

Carried

## REPORTS FROM COMMITTEES

### 9. Nelson Regional Sewerage Business Unit – 17 June 2011

Document No. 1111352, agenda pages 63-68 refer.

Resolved

***THAT the minutes of the meeting of the Nelson Regional Sewerage Business Unit held on 17 June 2011 be received.***

Collingwood/Rainey

Carried

## COMMUNITY SERVICES ITEMS

### 10. Chief Executive Report – Community Services

Document number 1159556, agenda pages 69-89 refer.

Resolved

***THAT the Chief Executive Report – Community Services (1159556) be received.***

Davy/Ward

Carried

#### 10.1 Community Assistance One-Off Grant Application

The Executive Manager Community Services, Susan Coleman, said an administrative error meant this application had not been considered during the Community Assistance Hearings in September 2011.



The Council discussed whether this application should receive funding from the Physical Activity Fund as it did not strictly satisfy the criteria of that Fund.

Based on the other amounts awarded at the Community Assistance hearings, the Council discussed how much should be awarded to the Nelson Sea Cadets.

Resolved

***THAT the Council has considered the Community Assistance Funding application from the Nelson Branch of the Sea Cadets Association, and a grant of \$2,000 is to be funded from the Contingency Fund.***

Rackley/Ward

Carried

## REPORTS FROM COMMITTEES

### 11. Youth Council Update

Connor Ward and Alex Howie updated the Council on Youth Council activities. Mr Howie said recruitment was underway for the 2012 Youth Council. He also thanked the Council for the continued support to the Youth Council.

In response to a question, Mr Howie said he would ask the Youth Council what they would do differently and report this back at the next possible Council meeting. He also confirmed that the result of the Youth Council transport survey would be provided to the Council.

Resolved

***THAT the verbal report from the Youth Council representatives be received.***

Rainey/Ward

Carried

### 12. Nelson Youth Council Minutes – 8 and 30 August 2011

Document numbers 1137751 and 1149724, agenda pages 90-97 refer.

Resolved

***THAT the minutes of the meeting of the Nelson Youth Council, held on 8 August and 30 August 2011, be received.***

Matheson/Collingwood

Carried

## CROSS COUNCIL ITEMS

### 13. Adoption of Annual Report 2010/11

Document number 1153607, agenda pages 98-100 refer.

The successful performance over the previous year was noted as a reminder of the great work being undertaken. Additional information was tabled (1176870) and it was explained that this information would update the Auditors Report on page 8 – 10 of the Annual Report.

The Chief Financial Officer, Nikki Harrison, noted the surplus and debt levels on page 99. The Monitoring and Research Adviser, Jacqui Irwin, joined the meeting and said this year's Annual Report used more graphic representation of trends over time as suggested by Audit NZ.

The photographic contributions of the late Jungle Payne were noted and the Council congratulated staff on the successful completion of the Annual Report 2010/11.

Resolved

***THAT the Annual Report for the year ended 30 June 2011 be adopted in accordance with section 98 of the Local Government Act 2002, subject to minor editing changes, including any suggested by Audit New Zealand.***

Barker/Davy

Carried

### 14. Long Term Plan: Assumptions and Priorities

Document number 1165762, agenda pages 101-110 refer.

The Manager Policy and Planning, Nicky McDonald, joined the meeting and presented the report.

It was noted that there had been considerable discussion on this through previous workshops. It was agreed to discuss this item later in the meeting to allow the opportunity to suspend standing orders and thoroughly debate the issues.

### 15. Stormwater Asset Management Plan 2012-2022

Document number 1151481, agenda pages 111-113 refer.

It was noted that attention to Asset Management Plans was important as they contribute to the baseline of Council rates.

Resolved

***THAT the Stormwater Asset Management Plan 2012-2022 (RAD1159147) be adopted as the version that will inform the Long Term Plan 2012-2022.***

Collingwood/Davy

Carried

**16. REPORTS FROM COMMITTEES**

**17. Joint Shareholders Committee Minutes**

Document number 1172135

Resolved

***THAT the minutes of the meeting of the Nelson City Council Tasman District Council Joint Shareholders Committee held on Thursday 15 September 2011 be received.***

Rackley/Collingwood

Carried

**18. Public Forum Discussion (continued)**

It was noted that a letter of thanks be forwarded to the Friends of the Library Inc for the donation.

**19. Late Item – Consideration of Port Nelson Statement of Corporate Intent**

The Chairperson informed the meeting that this item would be dealt with in public excluded.

Resolved

***THAT the item regarding the Consideration of Port Nelson Statement of Corporate Intent be considered at this meeting, pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, because of the need for urgency.***

Collingwood/Ward

Carried

## 20. Exclusion of the Public

Resolved

***THAT the public be excluded from the following parts of the proceedings of this meeting in accordance with section 7 and 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:***

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Nelson City Council Public Excluded Minutes – 22 September 2011	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
2	Public Excluded Status Report – Infrastructure  The report contains information regarding a proposed purchase of land.	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
3	Public Excluded Chief Executive Report – Infrastructure  The report contains	Section 48(1)(a)  The public conduct of this matter would be likely to result in	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out</li> </ul>

	information regarding the operation of the Nelson Wastewater Treatment Plant.	disclosure of information for which good reason exists under section 7	commercial activities <ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
4	Joint Shareholder's Committee Minutes  The report contains information regarding Port Nelson Statement of Corporate Intent, Nelson Regional Sewerage Business Unit Chairs Fee, Rotation of Directors and Directors Fees 2011/12 and a Holding Company Update.	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(a) To protect the privacy of natural persons</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
5	Consideration of Port Nelson Statement of Corporate Intent	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>

Collingwood/Ward

Carried

Attendance: the meeting adjourned for lunch from 12.22pm to 12.55pm.

The meeting went into public excluded session at 12.55pm and resumed in public session at 1.35pm.

## 21. Re-admittance of the Public

Resolved

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

Ward/Rainey

Carried

## 22. Long Term Plan: Assumptions and Priorities (continued)

### 22.1 Suspension of Standing Orders

Resolved

***THAT Standing Orders be temporarily suspended for this item of the meeting.***

Barker/Shaw

Carried

It was noted that the assumptions had been developed during workshops held in July and August 2011. It was clarified that the assumptions directed the parameters within which the various activities covered by the Long Term Plan were to be developed, rather than addressing each activity directly. Councillors agreed that the assumptions provided were correct.

A distinction was drawn between priorities and the Right Debate. It was clarified that the priorities will be captured within the Long Term Plan, but that the Right Debate issues were significant issues that would be framed as questions to engage community feedback. Councillors agreed that the priorities were correctly captured as recorded.

Resolved

***THAT the draft assumptions (RAD 1122133) be approved as the basis for developing the Long Term Plan 2012-2022;***

***AND THAT the seven Council priorities (RAD 1133964) be approved;***

Davy/Fulton

Carried

It was noted that the list of Right Debate issues should potentially include any major capital projects, and any other large issues that would require significant community consultation.

It was agreed that it was appropriate for the Framing our Future Sustainability vision to be included on the list, and that a theme of Partnerships/Working Together was important, regardless of the outcome of the amalgamation process.

With regards to the proposed combined landfill, it was agreed to remove this issue from the list at this stage.

Attendance: Councillor Rackley left the meeting at 1.57pm

With regards to Arts Infrastructure, it was agreed that this should be expanded to include Arts Governance as well. It was noted that Council was expecting to receive a due diligence report regarding the Nelson School of Music, and that Councillors would have the opportunity to work through Arts Infrastructure and Governance issues through the Arts Asset Management Plan workshop, to be held in the coming months.

Councillors expressed a preference that the Suter re-development be included under the general Arts Infrastructure and Governance heading.

Discussion then moved to the proposed inclusion of public transport in the Right Debate list. It was noted that the draft Regional Public Transport Plan had recently been consulted on, and that care would be needed to avoid duplication. It was agreed that the issue should be broadened beyond public transport to consider transport generally.

The Council further discussed potential major capital projects such as the possible development of a velodrome at Saxton Field, as well as development at the Trafalgar Centre and Rutherford Park, and Council discussed its potential consultation obligations around such projects. It was agreed that cycling facilities should be included within the Right Debate list.

Resolved

***AND THAT the following list of Right Debate issues be used to develop the Long Term Plan Summary: Framing our Future, Partnerships/Working Together, Arts Governance and Infrastructure, Transport, Trafalgar Centre and Cycling Facilities.***

Shaw/Fulton

Carried

There being no further business the meeting ended at 2.40pm.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date