

**MINUTES OF A MEETING OF THE NELSON CITY COUNCIL –
COMMUNITY SERVICES AND INFRASTRUCTURE HELD IN THE
COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON
ON THURSDAY 17 MARCH 2011 COMMENCING AT 9.35AM**

PRESENT: His Worship the Mayor A Miccio (Chairperson), Councillors
I Barker, A Boswijk (Deputy Mayor), G Collingwood,
R Copeland, E Davy, K Fulton, P Matheson, J Rackley,
P Rainey, R Reese, D Shaw and M Ward

IN ATTENDANCE: Chief Executive (K Marshall), Executive Manager Community
Services (S Coleman), Executive Manager Network Services
(A Louverdis) Ms Sarah Donald and Ms Petra Higgins (Youth
Councillors) and Administration Adviser (S McLean)

1. Opening Prayer

The opening prayer was given by Councillor Davy.

2. Asian Delegation

The Mayor welcomed the Asian delegation to the Council meeting.

3. Tribute to Japanese Earthquake Victims

His Worship the Mayor gave condolences for the people of Japan and the Council stood for a moment of silence.

4. Public Forum

4.1 Victory Village Forum

Kindra Douglas spoke to Council about this initiative and gave an overview using PowerPoint. She confirmed that up to 280 people are expected for the forum. She requested support from Council in the form of funding.

4.2 Kiwi Flyer Feature Film

Tony Simpson, Director of Torrent Films, provided an overview on the background of this initiative. He spoke about current sponsors, marketing strategy and the benefits to Nelson of this project. In response to a question, Mr Simpson confirmed they hoped to start filming in May 2011.

4.3 Nelson Cycle Trails Trust

Chris Allison from the Nelson Cycle Trails Trust gave a presentation on developments by the Trust and on cycle tourism. He thanked Council for its support to date.

5. Hearings

**5.1 Hearing of Submission: Statement of Proposal to Amend
the Nelson Community Plan 2009-2019 and Water Supply
Bylaw 2008 (Credits for Water Leaks)**

Document No. 1047903, agenda pages 1-22 refer.

In Gaire Thompson's absence, Phil Ruffell, Principal Advisor Utilities, spoke to Mr Thompson's submission and there was discussion on water usage for commercial verses residential clients. The Council discussed the points made by Mr Thompson in his submission.

The Council discussed the recommendation and commented that it did not allow for people that did not realise there was a water leak and that there seemed to be a lengthy process to prove financial hardship circumstances.

Attendance: Councillor Rackley joined the meeting at 10.30am

In response to a question, Mr Ruffell confirmed that the majority of meters are read every six months so water could potentially be leaking for this period of time before being detected. He suggested that residential occupiers be advised to check their water meters on a regular basis.

Council felt that commercial leaks would outweigh residential leaks and consequently have an unfair weighting on rates and therefore should not attract a credit. There was also a suggestion made that there is disconnect in regards to commercial tenants and responsibility for leaks.

A motion was moved by Councillor Davy and seconded by Councillor Ward.

Resolved

THAT Council amends the Nelson Community Plan 2009-2019 and Water Supply Bylaw 2008 as follows:

Council will grant requests for water credits based on the following criteria:

- *Credits for excess water charges arising from the following (i)-(iv) inclusive will always be processed:*
 - (i) Misreading of the meter or faulty meter.*
 - (ii) Errors in data processing.*
 - (iii) The meter was assigned to the wrong account.*
 - (iv) Leak on a Council fitting adversely impacting on the metered usage*
- *Leaks from pipes that are, or should be visible, such as header tanks, overflows from WC's, above ground pipes or fittings and attached to raised flooring or in walls or ceilings. No credit;*
- *Where the leak is a previously unknown underground leak on the main lateral between the water meter and a residential dwelling or under the concrete floor of a residential dwelling. Credit the lost water where the leak has been repaired with due diligence. Only one leak per property, and maximum two consecutive*

water supply invoices covering the leak, per five year rolling timeframe will be credited. Credit will be based on Council's assessment of the property owner's usual usage for the period;

AND THAT define due diligence as within two weeks of the earliest of the following:

- *The date of the first invoice to identify a higher than usual usage or the date of discovery or when it could have reasonably been discovered. Usual being the amount used in the same period as last year, these amounts are shown on every water account;*

AND THAT the leak must be repaired by a Licensed or Certifying plumber with a brief report on the leak by that person to establish where on the line the leak was found, dates and an opinion, if possible, as to how long the leak had been occurring;

AND THAT extraordinary circumstances outside of the above, which could lead to cases of genuine financial hardship for owner / occupier, or where timely detection of a leak could not have reasonably occurred, could be granted at the discretion of the Council's Chief Financial Officer;

AND THAT the Water Supply Bylaw 2008 be duly amended to reflect this resolution.

Councillor Reese moved an amendment, seconded by Councillor Boswijk, to add section 2.3.e (agenda page 6-7) to ensure that no credits be given for commercial, industrial and farm properties.

There was discussion on the inclusion of the word 'reasonably' in the motion ('or where timely detection of a leak could not have reasonably occurred').

The Chief Executive confirmed that the changes proposed to the staff recommendation were not significant enough to require Council to go through another public submission process.

The amendment was put and carried and it became the substantive motion.

Resolved

THAT Council amends the Nelson Community Plan 2009-2019 and Water Supply Bylaw 2008 as follows:

Council will grant requests for water credits based on the following criteria:

- **Credits for excess water charges arising from the following (i)-(iv) inclusive will always be processed:**
 - (i) Misreading of the meter or faulty meter.**
 - (ii) Errors in data processing.**
 - (iii) The meter was assigned to the wrong account.**
 - (iv) Leak on a Council fitting adversely impacting on the metered usage**
- **Leaks from pipes or fittings on farms*, commercial, industrial properties and unoccupied properties (regardless of temporary or long term) or reserves or from irrigation, stock water, swimming pools, ponds, landscaping or similar systems on occupied properties. No credit.**
 - * For the purpose of assessing credits for excess water arising from leaks "farm" is defined as any property that is or can be used for the growing of crops, including trees or rearing of livestock, with a land area greater than 5000 square metres.**
- **Leaks from pipes that are, or should be visible, such as header tanks, overflows from WC's, above ground pipes or fittings and attached to raised flooring or in walls or ceilings. No credit;**
- **Where the leak is a previously unknown underground leak on the main lateral between the water meter and a residential dwelling or under the concrete floor of a residential dwelling. Credit the lost water where the leak has been repaired with due diligence. Only one leak per property, and maximum two consecutive water supply invoices covering the leak, per five year rolling timeframe will be credited. Credit will be based on Council's assessment of the property owner's usual usage for the period;**

AND THAT define due diligence as within two weeks of the earliest of the following:

- **The date of the first invoice to identify a higher than usual usage or the date of discovery or when it could have reasonably been discovered. Usual being the amount used in the same period**

as last year, these amounts are shown on every water account;

AND THAT the leak must be repaired by a Licensed or Certifying plumber with a brief report on the leak by that person to establish where on the line the leak was found, dates and an opinion, if possible, as to how long the leak had been occurring;

AND THAT extraordinary circumstances outside of the above, which could lead to cases of genuine financial hardship for owner / occupier, or where timely detection of a leak could not have reasonably occurred, could be granted at the discretion of the Council's Chief Financial Officer;

AND THAT the Water Supply Bylaw 2008 be duly amended to reflect this resolution.

Reese/Boswijk

Carried

Attendance: The meeting adjourned at 11.02 – 11.25am for morning tea.

6. Confirmation of Minutes

Document No. 1052172, agenda pages 23-37 refer.

Recommendation

THAT the minutes of the meeting of the Nelson City Council – Governance and Policy and Planning, held on Thursday 24 February 2011, be confirmed as a true and correct record.

His Worship the Mayor/Rainey

Carried

7. Mayor's Report

His Worship the Mayor acknowledged the excellent work of the Police in the recent crack down on gangs in Nelson and nationwide.

The Mayor summarised the situation for Christchurch regarding its Rugby World Cup 2011 games. He said that some games were likely to be relocated around the South Island and Nelson.

The Mayor gave a brief report on his recent trip to Italy and said he had engaged in public relations activities and networked with businesses, sponsors and supporters.

He confirmed that sponsors and their clients may be basing themselves in Nelson and also that the Italian Rugby World Cup 2011 team was open to being available as much as possible.

The Mayor invited the Youth Councillors to provide an update on their activities. Sarah Donald reported on Youth Week, the Rockquest Award,

RWC 2011 volunteers and Tomorrows Leaders Today. Petra Higgins reported that they were still working on the youth park surveys and feedback.

COMMUNITY SERVICES ITEMS

8. Public Council Status Report - Community Services

Document No. 1034860, agenda pages 38-39 refer.

Resolved

THAT the Public Council Status Report - Community Services (1034860) be received.

Rainey/Davy

Carried

9. Portfolio Holder's Report

Councillor Rainey confirmed that the Mayor's report adequately summarised current community service items.

10. Chief Executive Report – Community Services

Document No. 1047840, agenda pages 40-46 refer.

10.1 Christchurch Earthquake and Implications

The Chief Executive began by stating that Council should note that the Christchurch earthquake would continue to have an effect across many Council services for some time to come.

10.2 Work Priorities in Relation to Performing Arts and Conference Centre

During the draft Annual Plan discussions the Chief Executive had undertaken to report on the immediate effects in the current financial year of the recent Council decision to progress the performing arts and conference centre project for formal consultation. He advised Council that those items of work affected included the dropping of accessibility work from the Social Wellbeing Policy development, though this could be reintroduced at a much later stage. The Chief Executive also advised that there would be effects in terms of delaying work on funding splits for regional projects with Tasman District Council and would limit the availability of staff for progressing funding for the cricket pavilion.

10.3 Rugby World Cup 2011 Update

There was discussion on the potential costs of having another Rugby World Cup game in Nelson. It was confirmed that this would be discussed only if the offer was made and more information was received.

Resolved

THAT the Chief Executive Report - Community Services (1047840) be received.

Rainey/Boswijk

Carried

10.4 Community Assistance Funding

It was suggested that 7 September be added to the recommendation to allow for the Long Lunch on 6 September.

Resolved

THAT the Council meeting to hear and consider Community Assistance Funding applications for 2011 be held on 5, 6 and 7 September 2011.

Boswijk/Copeland

Carried

10.5 Acknowledgement of Contributions to Christchurch

Councillor Reese proposed that Council formally acknowledge the contribution of Nelson people and organisations to the Christchurch earthquake. She highlighted that members of the community have worked tirelessly and deserve recognition of their efforts, and suggested a means of actioning this were via letter or the Live Nelson publication.

Resolved

THAT the efforts of organisations and communities in Nelson towards the 22 February 2011 Christchurch earthquake be formally acknowledged.

Reese/Shaw

Carried

11. Memorandum of Understanding: Nelson Cycle Trails Trust

Document No. 1048589, agenda pages 47-61 refer.

Resolved

THAT the draft Memorandum of Understanding dated 16 February 2011 between the Nelson City Council and the Nelson Cycle Trails Trust be approved.

Rainey/Ward

Carried

12. Council Submission: Proposed National Policy Statement of Indigenous Biodiversity

Document No. 1052415, agenda pages 62-64 refer.

Resolved

THAT staff prepare a draft submission on the proposed National Policy Statement on Indigenous Biodiversity;

AND THAT Councillors Shaw and Reese be consulted with to determine the content of the draft submission;

AND THAT the draft submission be presented to Council for approval prior to being submitted.

Rainey/Copeland

Carried

REPORTS FROM COMMITTEES

13. Nelson Youth Council Minutes – 15 February 2011 65-69

Document No. 1049262, agenda pages 62-69 refer.

Resolved

THAT the minutes of the meeting of the Nelson Youth Council, held on Tuesday 15 February 2011, be received.

Rainey/Fulton

Carried

13.1 Youth Councillor Update

Resolved

THAT Youth Councillors provide an update to Council when they attend the Community Service and Infrastructure Council meeting.

Rainey/Collingwood

Carried

14. Nelson Tasman Civil Defence Emergency Management Group - 29 November 2010

Document No. 1017870, agenda pages 70-71 refer.

Resolved

THAT the minutes of the meeting of the Nelson Tasman Civil Defence Emergency Management Group, held on Monday 29 November 2010, be received.

Rainey/Boswijk

Carried

INFRASTRUCTURE ITEMS

15. Public Council Status Report - Infrastructure

Document No. 1034781, agenda pages 72-73 refer.

Resolved

THAT the Public Council Status Report - Infrastructure (1034781) be received.

Collingwood/Fulton

Carried

16. Portfolio Holder's Report

Councillor Collingwood provided an overview of recent infrastructure upgrades that the Council has completed.

17. Chief Executive Report - Infrastructure

Document No. 1048423, agenda pages 74-86 refer.

Attendance: His Worship the Mayor left the meeting at 12.10pm. The Deputy Mayor assumed the Chair.

17.1 Urban Art on Riverside Footbridge

It was reported that a temporary urban artwork had been painted on the footbridge near the Riverside Pool by a supposedly renowned urban artist. Mr Louverdis confirmed that no permission had been requested nor granted by Council for this piece of artwork and that Council takes a proactive approach to removing graffiti/artwork on Council infrastructure in order to keep vandalism under control especially when no permission had been requested. He noted that it is his responsibility to keep the City's infrastructure neat and tidy. He also by way of example noted that artwork painted on a retaining wall in Richardson Street several years ago was removed as a result of several public complaints, although this artwork was not in any way offensive. While he acknowledged that there is a difference between graffiti and artwork and that this can be very subjective, the constraints under which his staff need to operate are not grey.

In answer to a question, it was reported that there had been no complaints from the community with respect to this artwork, but Mr Louverdis advised that staff do as a rule not wait for complaints before removing graffiti and/or artwork. Councillors discussed several ways that the artwork could remain before it was washed away due to its temporary nature.

Resolved

THAT the artwork remains for the duration of its life on the footbridge near Riverside Pool.

Collingwood/Matheson

Carried

Resolved

THAT the Chief Executive Report - Infrastructure (1048423) be received.

Collingwood/Matheson

Carried

17.2 Seymour Street Combined Transport and Stormwater

Resolved

THAT \$100,000 from the savings from Orphanage Creek and \$100,000 from the renewals budget be used to fund the \$200,000 shortfall at Seymour Avenue.

Collingwood/Ward

Carried

Attendance: The meeting stopped at 12.49pm for lunch and resumed at 1.17pm.

18. Withdrawal of Caveat, Pascoe Street

Document No. 1051942, agenda pages 87-89 refer.

Resolved

THAT the Council gives its approval to the withdrawal of Caveat 261837.1, which is registered on Lot 13 DP12688.

Matheson/Shaw

Carried

19. Grampians – Application to Underground Fibre Optic Cable

Document No. 1053816, agenda pages 90-95 refer.

Discussion of the recommendation drew support from Council to seek a Vodafone contribution towards the maintenance of biodiversity on the Grampians Reserve and it was agreed to amend the recommendation to take account of this.

Resolved

THAT the Chief Executive be delegated the authority to complete negotiations with Vodafone, to give Vodafone approval to install an underground fibre optic cable from Blick Terrace to the summit of the Grampians, subject to Vodafone:

- i. paying compensation as assessed by a registered valuer;***
- ii. paying all of Councils valuation and legal costs, and an administration fee of \$1000 plus GST;***
- iii. agreeing that a suitable sized ducting is installed such that there is sufficient capacity***

for other telecommunications providers to install their own fibre optic cables of similar;

- iv. completing an easement agreement that will include maintenance conditions, and a 5 year maintenance clause on where the land was disturbed during installation;**
- v. supplying as-built plans on completion;**
- vi. considering a contribution towards the maintenance of biodiversity on the Grampians Reserve.**

Davy/Barker

Carried

CROSS COUNCIL ITEMS

20. Freedom Camping Bylaw

Document No. 1057813, agenda pages 103-115 refer.

A new copy of the draft Bylaw was tabled.

During discussion it was agreed that there needed to be a map included in the draft Bylaw defining the area of Sovereign Street that was to be used for freedom camping.

Resolved

THAT the draft Freedom Camping Bylaw (1052503) and report no 1057813 be adopted as a Statement of Proposal for the purposes of consultation in accordance with Section 83 of the Local Government Act 2002;

AND THAT the draft bylaw include a map delineating the Sovereign Street area;

AND THAT the Council hear and decide submissions on the draft bylaw.

Davy/Rackley

Carried

Attendance: Councillor Boswijk left the meeting at 2.10pm.

Resolved

THAT Councillor Collingwood Chair the remainder of the meeting.

Davy/Matheson

Carried

21. Bylaw 2008 Advertising Commercial Sexual Services

Document no 1057864, agenda pages 116-123 refer.

Councillor Davy seconded by Councillor Barker moved the recommendation in the report.

An amendment proposed by Councillor Reese, seconded by Councillor Fulton, sought to exclude the Hearings Panel having a delegated role to hear matters under this bylaw by deleting the second clause in the recommendation.

The amendment was put and carried. The amendment became the substantive motion and it was resolved;

THAT the amended Bylaw 2008 – Advertising Commercial Sexual Services (1054631) and report (1057864) as amended to exclude the Hearings Panel having a delegated role to hear matters under this bylaw, be adopted as a Statement of Proposal for the purposes of consultation in accordance with Section 83 of the Local Government Act 2002;

AND THAT the Council hear and consider submissions on the draft bylaw.

Reese/Fulton

Carried

22. PUBLIC FORUM DISCUSSION

22.1 Victory Village Forum

Resolved

THAT the Chief Executive be requested to bring a report to a future meeting of Council presenting options for Council support for the Victory Village Forum.

Shaw/Fulton

Carried

1.0 PUBLIC EXCLUDED MINUTES

1.1 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) Public Excluded Minutes - Council Meeting Governance and Policy and Planning 24 February 2011***

Reasons:

To carry out negotiations;
To carry out commercial activities; and
To protect the privacy of natural persons.

ii) Funding Request from Torrent Films

Reasons:

To carry out negotiations; and
To carry out commercial activities.

iii) Public Excluded Council Status Report - Infrastructure

Reasons:

To carry out negotiations; and
To carry out commercial activities.

iv) Chief Executive Public Excluded Report - Infrastructure

Reasons:

To protect the privacy of natural persons;
To protect information that may disclose a trade secrets or the commercial position of a person;
To carry out negotiations; and
To prevent improper gain or advantage.

v) Proposed Purchase of Strategically Located Land

Reasons:

To protect the privacy of natural persons;
To protect information that is subject to an obligation of confidence;
To carry out negotiations; and
To carry out commercial activities.

vi) Public Excluded Minutes Nelson Regional Sewerage Business Unit 15 February 2011

Reasons:

To carry out negotiations; and
To carry out commercial activities.

Matheson/Barker

Carried

The meeting went into public excluded session at 2.25pm and resumed in public session at 3.34pm.

1.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Barker/Davy

Carried

There being no further business the meeting ended at 3.34pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE