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

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

On Tuesday 14 May 2013, commencing at 9.06am

Present: His Worship the Mayor A Miccio, Councillors I Barker, G Collingwood, R Copeland, E Davy, K Fulton, P Matheson, P Rainey (Co-Portfolio Holder), R Reese, D Shaw, and M Ward

In Attendance: Chief Executive (C Hadley), Acting Executive Manager Community Services (R Ball), Chief Financial Officer (N Harrison), Executive Manager Kaihautū/Community Relations (G Mullen), Executive Manager Network Services (A Louverdis), Executive Manager Regulatory (R Johnson), Executive Manager Strategy and Planning (M Schruer), Manager Community Relations (A Ricker), Manager Administration (P Langley), Administration Adviser (L Laird and E-J Ryan), and Nelson Youth Councillors (C Rumsey and A Doggett)

Apologies: Councillors A Boswijk (Deputy Mayor) and J Rackley (Co-Portfolio Holder)

Opening Prayer

Councillor Davy gave the opening prayer.

1. Apologies

Resolved

THAT apologies be received and accepted from Councillors A Boswijk and J Rackley.

His Worship the Mayor/Collingwood

Carried

2. Interests

2.1 There were no updates to the Interests Register.

2.2 In relation to the agenda, Councillor Matheson declared an interest with the New Zealand Community Trust.

Councillor Collingwood declared an interest with the Youth and Community Facilities Trust and the Kindergarten Association.

Councillor Rainey declared an interest as the Council representative on Youth Nelson and with the Youth and Community Facilities Trust.

3. Confirmation of Order of Business

His Worship the Mayor informed Council that in accordance with Standing Orders 3.3.8 (b) and (c) the meeting would be recorded.

3.1 Public Excluded Late item – Operations and Maintenance Contract Procurement: Nelson Regional Sewerage Business Unit

Resolved

THAT the item regarding Operation and Maintenance Contract Procurement: Nelson Regional Sewerage Business Unit be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the Nelson Regional Sewerage Business Unit to award the Operation and Maintenance Contract.

Copeland/Reese

Carried

His Worship the Mayor informed that there were three additional public forums that would be heard at the meeting.

4. Public Forum

4.1 Youth Nelson

Maree Shalders addressed Council about the services of Youth Nelson and its value to the Nelson community. She said that, if Council cut or limited funding, the organisation would struggle to deliver its services to young people. Ms Shalders reminded Council that there was no other service that offers this support to young people.

Ms Shalders tabled additional information about other projects delivered by the Youth and Community Facilities Trust, including 'The Truck' (1513604).

4.2 Rocks Road Pedestrian Refuge

Anna Hickman and Greg Bate spoke in support of the Days Track Pedestrian Refuge on Rocks Road. Ms Hickman encouraged the Council to continue negotiating with NZTA to find a solution to the 80cm shortfall in the lane width to allow construction of the refuge to continue.

4.3 Activities at Tahunanui Reserve

Peter Clark spoke about concessions for businesses operating at Tahunanui Reserve. He noted concession fees were \$250 a month operated for six months from October.

Mr Clark asked Council to be flexible regarding the duration and fees associated with concessions, as he said that they were currently prohibitive for start-up businesses.

4.4 Issues with Orphanage Creek, Octopus Gardens and Ngawhatu Road during rainfall

David Lacey spoke to Council about infrastructure issues in the Ngawhatu area as a result of the heavy rainfall events. He said that the issues involved sewerage and stormwater escaping into waterways during periods of heavy rain, and that there was a major flood risk to residential properties in the area. He strongly encouraged Council to remedy these issues immediately.

In response to questions, His Worship the Mayor said officers were aware of the issues Mr Lacey highlighted. He added that a report would be presented to Council where there was no budgetary provision to remedy the issues.

4.5 April 2013 Rainfall Event

Christine Hands spoke about the impacts of the April 2013 rainfall event on houses in Bridgewater Lane, and tabled a document with additional information (1513606).

Ms Hands noted that the culvert under Bridgewater Lane was inadequate for the flow of water during heavy rainfall events and that the swale diverted water into houses. She added that stumps of removed willow trees had also diverted water towards houses.

Ms Hands encouraged the Council to clean the culvert of gravel and sludge to ensure water could move freely.

5. Mayor's Report

There was no Mayor's Report

COMMUNITY SERVICES ITEMS

6. Confirmation of Minutes

6.1 Council – Community Services – 2 April 2013

Document number 1482851, agenda pages 12-19 refer.

Resolved

THAT the minutes of the meeting of the Nelson City Council – Community Services, held on 2 April 2013, be confirmed as a true and correct record.

His Worship the Mayor/Rainey

Carried

- 6.2 Council – Deliberations on Submissions to the Rutherford and Trafalgar Parks Development Plan – 2 April 2013

Document number 1483273, agenda pages 20-22 refer.

Resolved

THAT the minutes of the meeting of the Nelson City Council – Deliberations of Submissions to the Rutherford and Trafalgar Parks Development Plan, held on 2 April 2013, be confirmed as a true and correct record.

His Worship the Mayor/Rainey

Carried

7. Status Report – Community Services

Document number 1034860 v10, agenda pages 23-24 refer.

Resolved

THAT the Status Report – Community Services (1034860 v10) be received.

Rainey/Collingwood

Carried

It was requested that an update on the Modellers Pond be presented to Council.

8. Portfolio Holder’s Report

There was no Portfolio Holder’s Report.

9. Days Track Pedestrian Refuge

Document number 1497275, agenda pages 74-80 refer.

The Principal Adviser Transport and Roading, Rhys Palmer, joined the meeting and presented the report. He said NZTA had initially approved the construction of the refuge however, the final design revealed that the widths of through lanes was too narrow by 800mm.

Councillors discussed the possibility of negotiating with NZTA regarding trialling a refuge to reveal information about how the road was used.

Mr Palmer outlined the standard design criteria set by NZTA for State Highways, including the required lane widths. In response to a question, he explained that a pedestrian crossing was not an option as that part of road lacked the required volume of people.

Councillors were informed that the construction on the top section of Days Track would be completed by December 2013, however there was no programmed construction for the bottom section as yet.

The Chief Executive advised that this was a state highway and not within Council jurisdiction therefore, Council should take NZTA advice that the widths were not such that would produce a safe crossing point for pedestrians. She added that the recommendation in the staff report allowed for officers to continue working on the project within the ambit of the Rocks Road Shared Path.

The Council discussed other options to allow pedestrians to cross Rocks Road safely. There was general agreement that there was value in gathering information through a trial to inform the feasibility study of the Rocks Road Shared Path.

Attendance: Councillor Davy left the meeting from 10.36am to 10.40am

Resolved

THAT the motion be put.

His Worship the Mayor/Copeland

Carried

Resolved

THAT the construction of a pedestrian refuge on Rocks Road adjacent to Days Track be considered in conjunction with the investigation of the Rocks Road Shared Path project.

Matheson/Davy

Carried

The Council then turned their minds to a subsequent motion.

Resolved

THAT the Council continue to work with NZTA as to whether there is any way of achieving greater pedestrian safety in this area, including the possible trialling of some measures over the coming summer in order to help inform the feasibility study for the Rocks Road Shared Path;

AND THAT the Council refer the safety concerns raised by residents to NZTA for their consideration.

Shaw/Fulton

Carried

Attendance: the meeting adjourned for morning tea from 10.58am to 11.20am and were joined by members of the Nelson Youth Council.

10. New Purpose of Local Government: Project Review

Document number 1470396, agenda pages 25-36 refer.

The Manager Policy and Planning, Nicky McDonald, and the Manager Community Development, Kath Inwood, joined the meeting and presented the report.

Councillors turned their minds to the list of projects that may not fit the new purpose statement of the Local Government Act 2002, as presented in the report. Each Councillor was given the opportunity to list the projects of concern to them.

There was general agreement that all of the programmes listed in the report should continue to receive Council funding. It was agreed that there was still a social responsibility inherent in the service that Council provided and that all of the projects presented in the report were of value to the community.

Resolved

THAT the motion be put.

Davy/Shaw

Carried

Resolved

THAT Council, having considered the new purpose of the Local Government Act 2002, believes that the projects outlined in report 1470396 are still appropriate for Council to consider to continue supporting.

Shaw/His Worship the Mayor

Carried

PUBLIC EXCLUDED BUSINESS

11. Exclusion of the Public

Resolved

THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Donna Hiser remain for the item "Operations and Maintenance Contract Procurement: Nelson Regional Sewerage Business Unit" after the public has been excluded, as she has knowledge that will assist the Council;

AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Donna Hiser possesses relates to the governance and operations of the Nelson Regional Sewerage Business Unit.

His Worship the Mayor/Davy

Carried

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

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	<p>Public Excluded Minutes – Nelson City Council Community Services – 2 April 2013</p> <p>These minutes confirm the public excluded minutes of the Community Services meeting of 19 February 2013, and also contain information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>Cricket World Cup 2015 Contract.</p> <p>Note: The minutes include resolutions to release from public excluded sufficient information to explain and discuss Council’s bid as part of consideration of the draft Annual Plan</p>		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations

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	<p>2013/14, and the Economic Impact Assessment prepared by the Nelson Regional Economic Development Agency for Council's Cricket World Cup 2015 bid.</p>		
	<p>Natureland's Future</p> <p>Note: The minutes include a resolution for the Chief Executive to release information relating to the decision over Natureland's future to the public in due course.</p>		<ul style="list-style-type: none"> • Section 7(2)(b) To protect information that may disclose a trade secret or the commercial position of a person • Section 7(2)(h) To carry out commercial activities
2	<p>Public Excluded Status Report – Community Services – 14 May 2013</p> <p>This report contains information relating to:</p> <p>Natureland Expressions of Interest</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
3	<p>Operation and Maintenance Contract Procurement: Nelson Regional Sewerage Business Unit</p> <p>This report contains information relating to the consideration of tenders and the negotiation of a contract.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
4	<p>Cricket World Cup 2015 Contract Update</p> <p>This report contains information relating to the possible negotiation of a contract.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7(2)(h)

			<p>To carry out commercial activities</p> <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
5	<p>Public Excluded Minutes – Nelson City Council Infrastructure – 4 April 2013</p> <p>These minutes confirm the public excluded minutes of the Infrastructure meeting of 21 February 2013, and also contain information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>Council Owned Earthquake Prone Buildings – Mediterranean Food Warehouse Building</p> <p>Note: The minutes include a resolution authorising the Chief Executive to release the resolution regarding the Mediterranean Food Warehouse building to the public.</p>		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
6	<p>Public Excluded Status Report – Infrastructure – 14 May 2013</p> <p>This report contains information relating to:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>Boulder Bank Culvert Agreement</p>		<ul style="list-style-type: none"> • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7(2)(i) To carry out negotiations
	<p>Council Owned Earthquake Prone Buildings – Mediterranean Food Warehouse Building</p>		<ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations

7	<p>Southern Arterial Corridor Land Purchase</p> <p>This report contains information relating to the potential purchase of a strategic piece of land in order to protect a section of the Southern Arterial Corridor</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations
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Matheson/Copeland

Carried

The meeting went into public excluded session at 11.56am and resumed in public session at 12.34pm.

12. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Reese/His Worship the Mayor

Carried

Attendance: the meeting adjourned for lunch from 12.35pm to 1.11pm. During the lunch break His Worship the Mayor left the meeting.

13. Chairperson

Resolved

THAT, in accordance with Standing Order 2.3.1, Councillor Collingwood be elected chairperson for the remainder of the meeting.

Rainey/Barker

Carried

14. Community Assistance Funding Criteria Review

Document number 1471461, agenda pages 37-53 refer.

Manager Policy and Planning, Nicky McDonald, and Manager Community Development, Kath Inwood, joined the meeting and presented the report. Ms McDonald outlined the proposed changes to the policy, to ensure consistency with the new purpose statement in the Local Government Act 2002.

Councillors discussed the Community Assistance Funding process, and whether it should be delegated to a group of Councillors or community experts to make decisions.

Councillor Shaw, seconded by Councillor Fulton moved the recommendation:

THAT changes to the Community Assistance Policy to align with the new purpose of local government be approved as set out in RAD 1485919, including the following changes to criteria:

- 1. Item 3 be changed to: Applications must demonstrate the contribution the project will make to Council's long term community outcomes and priorities and the vision and goals for Nelson 2060, which may include a Council contribution to community place making projects.*
- 2. Item 5 be changed to: Only initiatives within Nelson and/or benefitting Nelson residents will be funded. Services delivered regionally will have funding eligibility relative to the benefit derived by Nelson residents.*
- 3. A new criterion be added: Applications must be for, and clearly detail, a specific service and/or outcome that will result from the funding.*
- 4. A new criterion be added: All applications must be aligned with the purpose of local government as contained in the Local Government Act 2002 - "to meet the current and future needs of communities for good quality local infrastructure, local public services and the performance of regulatory functions in a way that is most cost-effective for households and businesses".*

Councillors discussed whether it was preferable to indicate priorities for funding for each application round, and a variety of views were expressed. In response to a question, Ms Inwood explained that clause 4.10 of the draft Community Assistance Policy 2013 allowed Council the flexibility to choose to focus grants on particular Council priorities, and Councillors discussed how this fit with the priorities set out in the Long Term Plan. A suggestion was made that the interface between Long Term Plan priorities and any other priority Council chose under clause 4.10 could be more explicitly stated in the draft Policy.

Councillors also discussed Founders Heritage Park, and the fact that leases and licences in this area were specifically excluded from the Policy. Support was indicated for the suggestion to remove the reference to Founders Heritage Park from the draft Policy, and the Chief Executive suggested that officers provide advice at a future meeting regarding this point so that Councillors could make an informed decision.

Attendance: Councillors Copeland and Rainey left the room at 1.42pm, and returned at 1.44pm

Councillors also expressed a variety of views regarding whether the vision and goals for Nelson 2060 should be expressly included within the criteria for Community Assistance Funding, and whether community place making projects were also appropriately included as an example.

There was general agreement that the report and motion should be left to lie on the table, pending further staff advice regarding the issues raised.

Resolved

THAT, in accordance with Standing Order 3.12.1(e), the item of business being discussed be left to lie on the table.

Reese/Rainey

Carried

15. Funding Application for Saxton Oval

Document number 1498685, agenda pages 54-55 refer.

Attendance: Councillor Matheson declared a conflict of interest, and left the room.

Project Management Adviser, Chris Blythe, joined the meeting and presented the report. He explained that the scope of the proposed works had been scaled back, and would be expected to cost less than previously expected.

Councillors discussed the proposed works and emphasised the need for temporary add-ons to be complementary to the design of Saxton Oval, and of appropriate quality.

Resolved

THAT Council makes an application of up to \$30,000 to the New Zealand Community Trust for funding to upgrade Saxton Oval to meet One Day international match accreditation.

Davy/Rainey

Carried

Attendance: Councillor Matheson re-joined the meeting.

REPORTS FROM COMMITTEES

16. Nelson Youth Council Update

Nelson Youth Councillors, Chloe Rumsey and Alex Doggett provided an update on recent Youth Council activities, including The Amazing Race,

and the mural under the Collingwood Street Bridge. They said that Youth Council would be presenting awards at Rockquest and Stage Challenge, and explained Youth Council involvement in the Active Transport Advisory Group, the Creative Funding Panel, and the Youth Volunteer Awards.

In response to a question, Ms Doggett explained the promotion of the Youth Volunteer Awards through schools.

17. Nelson Youth Council – 25 March 2013

Document number 1481736, agenda pages 56-60 refer.

In response to a question, it was clarified that the parks referred to in item 3 of the minutes were car parks.

Resolved

THAT the minutes of the meeting of the Nelson Youth Council, held on 25 March 2013, be received.

Davy/Rainey

Carried

18. INFRASTRUCTURE ITEMS

19. Confirmation of Minutes

Council – Infrastructure – 4 April 2013

Document number 1488233, agenda pages 61-70 refer.

In response to a question regarding item 7, the Executive Manager Network Services advised that the total cost of the seating area was \$7,612, plus approximately \$2000 staff time. The Chief Executive clarified that the model of Councillor Ward had been created by a staff member in their own time, and had been gifted to the project.

Resolved

THAT the minutes of the meeting of the Nelson City Council – Infrastructure, held on 4 April 2013, be confirmed as a true and correct record.

Fulton/Shaw

Carried

20. Status Report – Infrastructure

Document number 1034781 v8, agenda pages 71-73 refer.

Resolved

THAT the Status Report – Infrastructure (1034781 v8) be received.

Collingwood/Davy

Carried

21. Portfolio Holder's Report

Councillor Davy noted the high standard of the completed resurfacing on Main Road Stoke.

22. Proposed Road Stopping – 80 Scotia Street

Document number 1459196, agenda pages 81-84 refer.

Principal Adviser Transport and Roothing, Rhys Palmer, and Policy Adviser, Paul Harrington, joined the meeting and presented the report.

In response to a question, Mr Harrington advised that administration fees for such matters had always been charged to cover expenses and staff time.

Resolved

THAT the Chief Executive be delegated the authority to proceed with the road stopping of 85.87m² of unformed legal road adjoining the eastern boundary 80 Scotia Street (Lot 35 DP 2049), and to sell that land to the adjoining owners as an amalgamated title, subject to the outcome of the public consultation required under the Local Government Act 1974, and the owners paying:

- ***an initial administration fee of \$600 plus GST;***
- ***the value of the land as assessed by a registered valuer;***
- ***all costs associated with the road stopping which may include valuation costs, legal costs, survey costs, Land Information New Zealand costs, public notification costs, hearing costs and/or consultants, Environment Court hearing costs and administration costs in excess of the \$600 deposit referred to above.***

Ward/Copeland

Carried

23. REPORTS FROM COMMITTEES

24. Regional Transport Committee – 8 April 2013

Document number 1489593, agenda pages 85-86 refer.

Resolved

THAT the unconfirmed minutes of the meeting of the Regional Transport Committee, held on 8 April 2013, be received.

Barker/Copeland

Carried

Attendance: Councillor Rainey departed the meeting at 2.11pm.

CROSS COUNCIL ITEMS

25. Amendment to Speed Limits Bylaw 2011 (No.210)

Document number 1490698, agenda pages 100-114 refer.

Principal Adviser Transport and Roading, Rhys Palmer, and Policy Adviser, Paul Harrington presented the report.

Councillors discussed variable speed school zones, and expressed a desire for consistency of the times of operations of variable speed school zones where possible. In response to a question, officers advised that consistency would be sought where feasible, but that the timings did not form part of the Bylaw, and were not being consulted on through the Statement of Proposal.

Councillors also discussed Ross Road, noting that it was a narrow, unsealed road, culminating in a difficult intersection with SH 6. Support was expressed for reviewing the speed limit on Ross Road and considering lowering it to 50 km/h. In response to a question, the Chief Executive suggested that portfolio holders should meet with managers to discuss potential solutions for Ross Road, and that the speed limit for Ross Road could potentially be considered together with Cable Bay Road and Waimea Road through a future Bylaw review.

Resolved

THAT the motion be put.

Copeland/Collingwood

Carried

Resolved

THAT the Statement of Proposal (1493126) including the draft amendment to Schedules A and M of the Speed Limits Bylaw 2011 (No. 210), be approved and advertised for consultation in accordance with Section 83 of the Local Government Act 2002;

AND THAT the consultation period runs from 16 May 2013 to 17 June 2013;

AND THAT Council hear, deliberate and make decisions on all submissions made on the Statement of Proposal;

AND THAT Council amends the scope of the present Bylaw review to remove proposed amendments to the Cable Bay Road and Waimea Road speed limits at this time.

Davy/Reese

Carried

26. Confirmation of Minutes

Deliberations on the draft Morrison Street Pedestrian Mall Declaration - 15 April 2013

Document number 1497173, agenda pages 117-121 refer.

Resolved

THAT the minutes of the meeting of the panel delegated to deliberate on the draft Morrison Street Pedestrian Mall Declaration, held on 15 April 2013, be confirmed as a true and correct record.

Davy/Copeland

Carried

27. Morrison Street Pedestrian Mall Declaration

Document number 1494248, agenda pages 117-121 refer.

Resolved

THAT the amended draft Morrison Street Pedestrian Mall Declaration (1469117) be adopted, to take effect from 18 May 2013.

Davy/Reese

Carried

There being no further business the meeting ended at 2.59pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date